

Regular

June 3

2010

Ontario City Council met in regular session on June 3, 2010, in the City Offices, with Council President Daniel Zeiter presiding. The meeting opened at 7:07 p.m. with the Pledge of Allegiance.

The following persons were in attendance when roll was called: Council members Paul Williams, Charlotte Hellinger, Leon Blackwell, Mark Weidemyre, Barry Lewis and Joseph W. Cinadr; Mr. Zeiter, Mayor Larry Collins, Law Director Allan Sowash, Service-Safety Director Roger Heston, Auditor Jane Hammond and Clerk of Council Cathy VanAuker. Also in attendance were a number of interested employees and citizens.

Mr. Williams made a motion to excuse Mr. Arnold from this evening's meeting. Mr. Weidemyre seconded the motion. At roll call, five members voted Aye, one Nay by Mr. Lewis, and the motion was approved.

The minutes of the regular Council meeting of May 20, 2010 were presented for approval as amended. Mr. Cinadr made a motion to approve the minutes, and Mr. Cinadr seconded the motion. At roll call, six members voted Aye, zero Nay, and the motion to approve the minutes passed.

PUBLIC COMMENTARY

First to approach Council was Robert Danals, 2145 Bedford Blvd., to comment on the upcoming income tax forgiveness legislation.

- The passage of the safety tax already increased taxes and this will too.
- He wouldn't have to pay these taxes if he moved to the township but would still have the benefit of the clean streets and all of the nice things that are here.
- A full percent is a big jump; he would be in agreement with .5%.
- All agencies are asking for more money and many people have taken pay cuts.

Next to come before Council was Janine Caico, 75 Bethel Lane, concerning the Park Avenue street paving project.

- What will be done with the unfinished Grace Brethren Church that has been an eyesore for many years? The streets are going to be resurfaced which will make the City look nice but nothing is being done about the church.
- Ms. Caico offered to organize a committee if needed.
- She drives by the church every day and it bothers her every day.
- She asked if anything was being done or will it sit there for another twenty years?

The following are responses to Ms. Caico's questions:

- Mr. Lewis responded, the Health Board and the County Codes and Permit inspectors looked for health issues and hazards which have been taken care of. The City can only enforce mowing the grass. As the result of a lawsuit, the church retained ownership of the building and the grounds. The builder's equipment has been removed.
- Mr. Sowash said this is private property and it would take a lot of money for the City to take action.
- Mayor Collins has communicated with the pastor of the church but nothing has been resolved.
- Mr. Strickler said the building can't be classified as a dangerous building now that all of the safety and health issues have been taken care of. He didn't know of anything at this time that could be done.

Robert Danals returned to the podium to ask about the industrial park and suggested developing the improvements and constructing buildings with grants.

- Mayor Collins said the Vision Team, consisting of 18 – 20 business people, is looking at the industrial park and the possibility of obtaining grants within the next year. Sewer is already there but it needs plotted and developed.

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COMMITTEE REPORTS

Mrs. Hellinger reported on the three Utilities Committee meetings held last week. Her understanding from attending the EPA meeting at Bowling Green was the urgency to correct the overflow problem at Rock Road. \$1 million is still owed on the last overflow project. An EQ basin is required at an expense of \$2 million. The Engineer wants to reroute the Tappan Park Lift Station to avoid the Rock Road Lift Station and go directly into Mansfield. A surcharge could be added to the utility bills to assist paying this expense.

- Poggemeyer Design Group was invited to attend one of the meetings to discuss grants. A list of customer references was provided and Mrs. Hellinger contacted each one. All customers spoke favorably of the company and the process which assisted them in receiving project money and setting their sewer rates.
- This information was presented to everyone on Council but they did not want to pursue this option. If they had agreed the City would already be in the process of requesting grants and monitoring the overflow.
- It costs money to keep the City running but it costs more if you don't keep it going in the right direction.

Mr. Blackwell reported the Personnel Committee meeting held prior to Council this evening was conducted in executive session.

Mr. Weidemyre said the purpose of the Finance Committee meeting held prior to this evening's meeting was to review the budget cuts initiated by the department heads. However, the Auditor pointed out additional expenses that needed included in the budget. The original cuts amounted to \$328,000 but with the additional appropriations the budget was reduced \$116,377. The original projections are not materializing causing revenue to be less than anticipated. Adjustments will be made as necessary. The estimated year-end deficit is \$700,000.

Mr. Williams, Mr. Lewis, and Mr. Cinadr had no report this evening.

MAYOR'S REPORT

Mayor Collins reported on several items.

- The \$100,000 check from First Energy has been received.
- Mayor's Court Report for May shows \$22,882.77 deposited to the City and \$3,510.50 deposited to the State. After three months, \$48,760.20 has been collected in past due fines.
- Officer John Bartolucci is the new Police Resource Officer for the upcoming school year.
- On June 9th, students at North Central State College will present their final marketing project promoting the City of Ontario.
- The Vision Team will complete their work on December 7th and will make a presentation to Council.
- The July 4, 2010 celebration schedule is available. The Festival Committee is aware this is probably the last year the City will donate funds for the fireworks. All City officials are invited to participate in the parade.

SERVICE-SAFETY DIRECTOR'S REPORT

Mr. Heston began his report by saying the City pursues every grant possible and they work with three engineering firms who inform him of available grants. The medium income of Ontario is high which restricts many grants. The City's responsibility of paving State Route 309, Park Avenue West and the Home Road Lift Station are largely paid by grants.

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Mr. Heston thanked the following citizens:

1. Mr. Huy Doan, Doan's Upholstery at 2953 Park Avenue West, for donating the use of his equipment and skills by resizing one of the windscreens purchased for Stowell Park.
2. The volunteers who painted the chain link fences at Stowell Park. Kimberly Singleton led a group of ten Century Link engineers from various states to assist with this project.
3. G&M Auto Body and Paint, 1689 W. 4th Street, for repairing one of the park slides.

Mr. Heston continued his report:

Street Department

- According to ODOT, westbound St. Rt. 309 will be closed from Lex-Springmill to Park Avenue West beginning the week of June 7th and will reopen for the 4th of July weekend.
- The State's contractor damaged a 24" storm drain at the underpass on Park West Avenue. They have made preparations in case there is a storm while they replace the section.
- The City is using Mansfield's Street Sweeper this week. This plan has worked out well for the City.
- Sewer right-of-way mowing will begin after June 15th. Storm ditch and catch basin maintenance is also being done.

Zoning Department

- Three permits were issued totaling \$36,000.
- Two of the three vacant buildings inspected have been ordered to be demolished due to unsafe and structurally defective conditions.

Water Department

- Meter reading was delayed due to two water main breaks; one 12" on Longview and one 6" on Clare Road.
- Thirty-two customers were scheduled for shut-off last week. Six accounts were paid with insufficient funds checks, therefore, checks will no longer be accepted as a form of payment on shut-off day.
- The Water Treatment Plant experienced a power outage on May 30th due to the failure of a high service pump. The emergency generator averted a potentially large problem, the pump was taken out of service and normal plant operation was restored within a few hours.

Recreation Department

- The first session of Summer Rec begins June 14th and the second session begins on June 21st.

Fireworks Committee

- Four Ontario officers were hired by the Fireworks Committee for traffic and crowd control for the festivities. The City is donating the use of four cruisers and on-duty officers will assist when available.
- Volunteers are still needed for the festival.
- Committee members are selling \$1 tickets for prize drawings to help fund the celebration.
- More information is available at www.ontario4thofjulyfestival.com.

Engineering Department

- Three oversized loads have hauled press beds from GM. Contractors provided a \$5million insurance policy. Loads have maxed at 430,000 pounds. The heaviest load is expected to weigh 600,000 pounds. There could be over 100 loads involved but only 45 are reported as exceeding the legal limits. The Chief will contact P.U.C.O. for possible monitoring of violations by other carriers.

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- To employees attended a free training seminar to qualify for bridge inspections. Two more employees will attend later this year.
- The Richland County Planning Commission is studying the intersection of Lex-Springmill and Walker Lake Road for the purpose of determining if one of the two westbound left-turn lanes could serve as a second straight lane. The study will conclude in two months.
- Mr. Heston requested the allocation of \$25,000 to the Sewer Maintenance Fund, line item 502-5030-52351, for the purpose of installing a sanitary sewer overflow outlet with a flow monitor at the Rock Road Lift Station. This will determine the size specification of the required EQ basin. It will eliminate the need to man and run a pump during wet weather events because it is gravity operated.

Mr. Lewis asked if progress has been made on the Ferguson Road right-turn lane and the right-turn lane on W. 4th Street in front of the old Taco Bell. Mr. Heston said there has not been any progress but he needs to discuss these improvements with the law director.

Mr. Strickler responded to Mr. Weidemyre's question pertaining to the clean-up of the Schluter property by saying, they are still following up and should be able to make progress now that it is drying up.

The structures to be demolished are.

1. The green building west of 3675 W. 4th Street.
2. 1621 N. Lex-Springmill Road.

Park Avenue West will be paved following the resurfacing of St. Rt. 309. The roadways will be reopened during the 4th of July weekend.

LAW DIRECTOR'S REPORT

Mr. Sowash had no report.

MISCELLANEOUS MATTERS

Mr. Zeiter read two Public Hearing Notices to be held before the Council of the City of Ontario, Ohio, at the Ontario Municipal Building, 555 N. Stumbo Road:

1. City of Ontario Electric Power Aggregation Plan of Operation and Governance on June 17, 2010, at 6:00 p.m. and 7:00 p.m.
2. Amending Sections 1133.02, Definitions; Sections 1137.05, 1137.06 and 1137.07, making Sexually Oriented Businesses a Conditionally permitted use; and Section 1145.37, Conditions, to include language pertaining to the application for sexually oriented businesses, on July 8, 2010, at 7:00 p.m.

Mr. Williams made a motion to prepare legislation for an allocation of \$25,000 to the Sewer Maintenance Fund, line item 502-5030-52351, for the purpose of installing the sanitary sewer overflow outlet with a flow monitor at the Rock Road Lift Station. Mr. Cinadr seconded the motion. Six members cast their votes Aye, zero Nay, and the motion passed.

CONSIDERATION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 10-23 – (THIRD READING) AN ORDINANCE TO AMEND SECTION 1146.09 OF THE ZONING ORDINANCE OF THE CITY OF ONTARIO, OHIO BY THE

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ADDITION OF PARAGRAPH (d) THAT PROVIDES FOR THE DOUBLING OF PERMIT FEES FOR SIGNS ACTUALLY ERECTED WITHOUT A PERMIT.

Mr. Williams read Ordinance No. 10-23 for the third time, by title only.

Mr. Blackwell made a motion to adopt Ordinance No. 10-23. Mrs. Hellinger seconded the motion. Hearing no discussion, three members cast their votes Aye, three Nay by Mr. Williams, Mr. Weidemyre and Mr. Lewis. Mr. Zeiter cast the tie-breaking vote as Nay and Ordinance No. 10-23 failed.

ORDINANCE NO. 10-24 – (THIRD READING) AN ORDINANCE TO AMEND SECTION 1146.02 OF THE ZONING ORDINANCE OF THE CITY OF ONTARIO, OHIO BY THE ADDITION OF DEFINITIONS FOR FREE-STANDING SIGN; MONUMENT SIGN; POST AND PANEL SIGN; AND TO AMEND THE EXISTING DEFINITIONS FOR GROUND SIGN AND POLE SIGN.

Mrs. Hellinger read Ordinance No. 10-24 for the third time, by title only.

Mrs. Hellinger made a motion to adopt Ordinance No. 10-24. Mr. Blackwell seconded the motion. Hearing no discussion, four members cast their votes Aye, two Nay by Mr. Williams and Mr. Weidemyre, and Ordinance No. 10-24 was adopted.

ORDINANCE NO. 10-26 – (SECOND READING) AN ORDINANCE AMENDING SECTION 191.11 TAX CREDIT OF THE CODIFIED ORDINANCES OF THIS CITY TO LIMIT THE CREDIT FOR AN INCOME TAX PAID TO ANOTHER MUNICIPALITY TO ONE-HALF OF ONE PERCENT.

Mr. Blackwell made a motion to suspend the rules requiring the reading of Ordinance No. 10-26 on three separate days. Mr. Williams seconded the motion. Four members cast their votes Aye, two Nay by Mr. Weidemyre and Mr. Lewis, and the motion to suspend the rules failed. Mr. Blackwell read Ordinance No. 10-26 for the second time, by title only.

At 7:56 p.m., there being no further business to come before the meeting, the same was adjourned upon a motion by Mr. Weidemyre and a second by Mr. Cinadr. At roll call, six members voted Aye, zero Nay, and the motion to adjourn passed.

President of Council

Clerk of Council