

Regular

June 17

2010

Ontario City Council met in regular session on June 17, 2010, in the City Offices, with Council President Pro Tempore Mark Weidemyre presiding. The meeting opened at 7:20 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; Acting Mayor Mr. Zeiter, 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. Weidemyre read ORC 73.07: "When the mayor is absent from the city, or is unable for any cause to perform his duties, the president of the legislative authority shall be the acting mayor. While such president is acting as mayor, he shall not serve as president of the legislative authority".

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

At 7:23 p.m., Mr. Weidemyre opened the second Public Hearing for the Electric Power Aggregation Plan of Operation and Governance. Hearing no one who wished to speak, the Public Hearing was closed at 7:24 p.m.

Mr. Lewis made a motion to change the order of the Agenda and Mr. Cinadr seconded the motion. At roll call, six members voted Aye, zero Nay, and the motion was approved.

PUBLIC COMMENTARY

Fred Kohler, 1482 Lex-Springmill Road, came before Council to address the Home Road Lift Station.

- He expressed concern regarding the perpetual increasing engineering costs related to this project that the taxpayers are expected to pay. It is confusing.
- When Mr. Kohler requested a document or invoice itemizing the costs the taxpayers are paying, Mr. Heston said he would supply this information.

PUBLIC HEARING

At 7:28 p.m., Mr. Weidemyre opened the Public Hearing pertaining to amending Chapter 1145 of the Zoning Code - Prohibition of the use of travel trailers, truck campers, mobile homes or motor homes as dwellings.

First to come before Council was Fred Kohler, 1482 Lex-Springmill Road.

- The discussion during Caucus implied there was nothing in the current legislation about travel trailers.
- In 1980 when he purchased property his understanding was when he retired he could use a motor home as a temporary dwelling. This legislation says a non-resident can use the motor home for sixty days.
- This legislation gives all of the power and decisions to one person and that's not what government is about.

Next to approach Council was Attorney David Dick, speaking for Marci Elliot of 46 Lynn Drive.

- Requested Council not pass this legislation.
- The language is unclear as to what a dwelling house is and is not.
- Mr. Kohler made a very good point of what happens if he is gone for a period of time and then comes back to his property.

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- The motor homes are sitting there anyway. There is no distinction between an unoccupied motor home versus an occupied motor home.
- Define occupied. If children use it as a playhouse, is it occupied? If someone uses it six hours a day but showers in the house, is it occupied?
- Financial times are tight in this area and this may be the only opportunity family members have to visit. These visitors will spend money in the community.
- Passage of this legislation gives power to one individual to grant permits and deny permits.
- Esthetically there is no difference from someone staying in the home versus not staying in the home.
- If you do consider passing the legislation, outline if there is going to be a committee or an individual to approve the permit and consider extending the permit from sixty days to closer to six month to allow out of town people, grandparents, and vacationers to spend more time in our community.

Dan Zeiter, 3129 Hemlock Place, came before Council.

- This is the first time Council has been presented with this legislation and the previous speakers made some good points.
- Residents should know the restrictions in their allotments.
- Mr. Zeiter gave a couple of scenarios.
 1. If this is trying to prevent a camper from running plastic pipe to the sewer that is fine. However, would I rather have the visitors sleep in the motor home and use the facilities in the house or leave the motor home parked in the drive and they sleep in a tent in the back yard for several months, which is permissible.
 2. If a homeowner owns a motor home and it is already parked in the drive, it can be used for additional sleeping accommodations for visitors.
- Again, if this is passed, one person dictates what goes on and who is allowed to do what.

Calling twice, and hearing no one else who wished to speak, Mr. Weidemyre closed the Public Hearing portion of the meeting at 7:37 p.m.

CONSIDERATION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 10-26 – (THIRD 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. Williams read Ordinance No. 10-26 for the third time, by title only.

Mr. Williams made a motion to adopt Ordinance No. 10-26. Mr. Blackwell seconded the motion. Mr. Zeiter said this will not affect the retired members of Council. The school system is considering a levy, the county is placing a sales tax increase on the ballot, Mansfield is looking for more income tax money, and Congress will probably repeal the current tax-cuts. This will affect tax payments for the entire year of 2010. Mr. Lewis said, this will only affect residents who reside in Ontario but work elsewhere. They enjoy the benefits of living in Ontario. Mr. Williams said, they use our streets, police, and plowed streets which are the same benefits of those who live here and pay 100% of their taxes here. The times that we are in, we need to pass this. With the finances that we're in, nobody wants to do what this Council is doing right now with finances. Nobody is enjoying doing what they are doing, cutting the budget 10%, we have cut it to where there is no place left to cut. What do we do when you don't have services? Mr. Weidemyre said, as Finance Chairman, he has reviewed the budget and spent countless hours on the budget and it is cut to the barest of bones. We don't have money to replace cruisers or trucks. This tax increase will generate \$500,000 for the City. We desperately need that money, we cannot function as a City for another year like we are this year. We still may end up going into our reserves with all of the cuts that we have made. We

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have no choice and it is not fair for people that live in this City and not pay one dime. We are only collecting what is fair. Mr. Blackwell commented, this is not raising taxes, we're stopping the forgiveness, the tax has been there, we just forgave those working outside the City. We can no longer afford to forgive that. We are not changing our tax rate. Six members cast their votes Aye, zero Nay, and Ordinance No. 10-26 was adopted.

RESOLUTION NO. 10-06 - A RESOLUTION DECLARING THE INTENT OF THE CITY OF ONTARIO TO SELL PROPERTY NO LONGER NEEDED FOR MUNICIPAL PURPOSES THROUGH AN INTERNET AUCTION DURING CALENDAR YEAR 2010.

Mr. Williams made a motion to suspend the rules requiring the reading of Resolution No. 10-06 on three separate days. Mr. Cinadr seconded the motion. Six members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mr. Blackwell read Resolution No. 10-06 for the first time, by title only.

Mr. Blackwell made a motion to adopt Resolution No. 10-06. Mr. Cinadr seconded the motion. Hearing no discussion, six members cast their votes Aye, zero Nay, and Resolution No. 10-06 was adopted.

ORDINANCE NO. 10-27 - AN ORDINANCE TO AMEND SECTION 15(A)(1) OF ORDINANCE 08-08 TO REDUCE THE HOURS WORKED FOR DETERMINING NON-COLLECTIVE BARGAINING EMPLOYEES' ELIGIBILITY FOR GROUP HOSPITALIZATION TO THIRTY-TWO (32) HOURS AND DECLARING AN EMERGENCY.

Mr. Lewis made a motion to suspend the rules requiring the reading of Ordinance No. 10-27 on three separate days. Mr. Williams seconded the motion. Six members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mr. Lewis read Ordinance No. 10-27 for the first time, by title only.

Mr. Lewis made a motion to adopt Ordinance No. 10-27. Mr. Williams seconded the motion. Hearing no discussion, six members cast their votes Aye, zero Nay, and Ordinance No. 10-27 was adopted.

ORDINANCE NO. 10-28 – AN ORDINANCE AMENDING ORDINANCE 10-13 KNOWN AS THE PERMANENT APPROPRIATIONS ORDINANCE FOR 2010 BY MAKING ADDITIONAL APPROPRIATIONS TO THE GENERAL FUND, SPECIAL REVENUE FUND, CAPITAL PROJECTS FUND AND ENTERPRISE FUND.

Mr. Cinadr made a motion to suspend the rules requiring the reading of Ordinance No. 10-28 on three separate days. Mr. Williams seconded the motion. Six members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mr. Cinadr read Ordinance No. 10-28 for the first time, by title only.

Mr. Lewis made a motion to restore line item, 101-1010-52391, Safety Town, to \$1,600. Mr. Cinadr seconded the motion. Six members cast their votes Aye, zero Nay, and the motion was approved.

Mr. Lewis made a motion to adopt Ordinance No. 10-28, as amended. Mr. Cinadr seconded the motion. Hearing no discussion, six members cast their votes Aye, zero Nay, and Ordinance No. 10-28 was adopted.

ORDINANCE NO. 10-29 – AN ORDINANCE AMENDING ORDINANCE 10-13 KNOWN AS THE PERMANENT APPROPRIATIONS ORDINANCE FOR 2010 BY MAKING ADDITIONAL APPROPRIATIONS TO THE ENTERPRISE FUND.

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Mr. Blackwell made a motion to suspend the rules requiring the reading of Ordinance No. 10-29 on three separate days. Mr. Cinadr seconded the motion. Three members cast their votes Aye, three Nay by Mrs. Hellinger, Mr. Weidemyre, and Mr. Lewis, and the motion to suspend the rules failed. Mr. Blackwell read Ordinance No. 10-29 for the first time, by title only.

ORDINANCE NO. 10-30 – AN ORDINANCE AMENDING CHAPTER 1145 GENERAL PROVISION OF THE PLANNING AND ZONING CODE OF THIS CITY BY ENACTING A PROHIBITION OF THE USE OF TRAVEL TRAILERS, TRUCK CAMPERS, MOBILE HOMES OR MOTOR HOMES AS DWELLINGS WITHIN THIS CITY.

Hearing no motion to suspend the rules requiring the reading of Ordinance No.10-30 on three separate days, Mr. Williams read Ordinance No. 10-30, for the first time, by title only.

ORDINANCE NO. 10-31 - AN ORDINANCE ADOPTING THE PLAN OF OPERATION AND GOVERNANCE FOR THE ELECTRICITY AGGREGATION PROGRAM FOR THE CITY OF ONTARIO WITH FIRSTENERGY SOLUTIONS, AND DECLARING AN EMERGENCY.

Mr. Lewis made a motion to suspend the rules requiring the reading of Ordinance No. 10-31 on three separate days. Mr. Cinadr seconded the motion. Six members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mr. Lewis read Ordinance No. 10-31 for the first time, by title only.

Mr. Lewis made a motion to adopt Ordinance No. 10-31. Mr. Cinadr seconded the motion. Hearing no discussion, six members cast their votes Aye, zero Nay, and Ordinance No. 10-30 was adopted.

At 7:55 p.m., Mr. Lewis made a motion to excuse Mrs. Hellinger from the remainder of the Council meeting. Mr. Cinadr seconded the meeting. At roll call, five members voted Aye, zero Nay, and the motion passed.

At 7:56 p.m., Mr. Lewis made a motion per Ohio Revised Code, Title 1, Chapter 121.22, Section G, Number 3, to enter into executive session regarding a dispute involving a public body subject to pending or eminent court action. Mr. Williams seconded the motion. At roll call, five members voted Aye, zero Nay, and the motion passed.

AT 8:17 p.m., Mr. Cinadr made a motion to reconvene into regular session. Mr. Lewis seconded the motion. At roll call five members voted Aye, zero Nay, and the motion passed.

COMMITTEE REPORTS

Mr. Weidemyre reported on the Finance Committee meeting held June 10, 2010. The Auditor and Treasurer reported the \$500,000 projected income for past due court fines that was included in the budget was not being collected. This would leave a deficit of \$400,000 at year end. Council acted to prepare legislation to cut the budget by 10%. This will affect all employees. Everything has been cut that can be cut. At previous meetings the Mayor and Auditor presented possible cuts. All adjustments total \$351,837. The budget will be reviewed quarterly but if the revenue increases the adjustments will be restored. The reserve has dropped \$4 million in the last four years. The budget is based on the reserves and if it continues to decrease the budget is decreased.

Mr. Weidemyre displayed the award received by the Shade Tree Commission from the Arbor Day Foundation for being a Tree City for five years.

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

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MAYOR'S REPORT

Mr. Zeiter reported that he appreciated the daily contact he had with Mr. Heston during the Mayor's absence.

SERVICE-SAFETY DIRECTOR'S REPORT

Mr. Heston reported on the following:

Five super loads have left General Motors. The heaviest was 600,000 pounds. GM assures no oversized loads will leave the facility without the proper permits and there will be no moonlight hauling.

Engineering Department

The Sanitary Sewer Overflow Management Plan that is due to the EPA by July 31st is completed.

Street Department

Signal actuators have been adjusted for motorcycles. Riders are advised to pull up to the front of the box for better detection.

Traffic signals have been re-timed in construction areas to facilitate better traffic flow.

In an attempt to make the Lex-Springmill traffic flow better and safer, a number of actions are being considered. The Engineer and Mr. Heston met with two firms who engineered the study and a very comprehensive plan was submitted to ODOT for grant consideration. We believe the City may receive 90% funding and possibly 100% for this extensive improvement project. A determination should be reached in approximately 60 days.

Crack sealing is being done with a rented machine. Parked cars on the street are a problem. A press release announcing the schedule will be issued.

Sewer Department

A Rock Road Lift Station pump has a failing bearing and will need to be rebuilt at an estimated \$20,000 to \$30,000. Gorman Rupp's pump exchange program is being considered. Another consideration, if possible, is upgrading the two in stock 56 hp pumps to 70 hp.

Overflows have been measured with flow meters. This will assist in calculating if it is more feasible to re-route the Tappan Park main, or build a bigger EQ basin to handle the extra flow.

The precast concrete shop drawings for the Home Road Lift Station are expected next week. Actual construction is still expected to begin in late July or early August.

Water Department

The water main break at the Mall affected only one third of the stores and water to the businesses was only off for a few minutes.

A water break to the aging W. 4th St. main was a difficult repair, costing about 38 hours of overtime and 200,000 gallons of water.

Meter readings have been completed, 122 accounts have zero readings and will need to be investigated. 13 accounts need repaired.

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Police Department

The Police Department handled 11 crashes, issued 75 traffic citations and affected 34 arrests. Increased patrol is being given to secondary streets due to construction detours.

A shoplifting suspect struck and damaged a cruiser. Over \$1,300 has been received for repairs from the vehicle owner's insurance provider. Criminal charges are being filed.

Over the past weekend there were several thefts from vehicles. Stolen credit cards were used at local stores but store tapes have been reviewed and property is being recovered. Numerous cases have been cleared so far, and the investigation continues.

Last Friday night, Best Buy lost 17 laptops during a burglary targeting their chain and a couple of other chains. The company truck was used to crash the service door and escape. OPD did not receive timely notice of the alarm activation but did recover the truck a short time later. A Columbus area task force has now made three arrests. This may involve charges under the federal Racketeering Act.

Fireworks Committee

Raffle tickets are still on sale through local businesses and committee members. There is a large list of prizes listed on www.ontario4thofjuly.com.

Recreation Department

The second week of Summer Rec is about to begin with 225 participants .

Zoning Inspector

There have been many mowing violations which consume a substantial amount of time.

Permits are required for both in-ground and above-ground pools.

Planning Commission

Two wind turbine towers will be installed for use by Ontario Schools. Construction should begin in mid to late July and take about a month to complete.

Mr. Williams asked if the pipe with a flow meter would alleviate the overtime for pumping. Mr. Heston said there would still be an overflow but it would not be pumped or manned which would save overtime.

Mr. Heston said the turn lane in front of the old Taco Bell is not part of the current study.

LAW DIRECTOR'S REPORT

Mr. Sowash had no report.

MISCELLANEOUS MATTERS

The minutes of the regular Council meeting of June 3, 2010 were presented for approval. Mr. Lewis made a motion to approve the minutes, and Mr. Cinadr seconded the motion. At roll call, five members voted Aye, zero Nay, and the motion to approve the minutes passed.

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Mr. Weidemyre read a Public Hearing Notice to be held on August 5, 2010, at 7:00 p.m., before the Council of the City of Ontario, Ohio, at the Ontario Municipal Building, 555 N. Stumbo Road:

1. Amending Section 1133.02, Definitions, to be consistent with the Ohio Revised Code statutory definitions referenced in Ordinance 10-14 and 10-15.
2. Amend Sections 1137.05, 1137.06 and 1137.07 making Sexually Oriented Businesses a Conditionally permitted use.
3. Amending Section 1145.37, Conditions, to include language pertaining to the application for sexually oriented businesses.

The City of Ontario Planning Commission has recommended in favor of these changes. All persons interested in these issues are invited to attend and express their views.

At 8:43 p.m., there being no further business to come before the meeting, the same was adjourned upon a motion by Mr. Blackwell and a second by Mr. Lewis. At roll call, five members voted Aye, zero Nay, and the motion to adjourn passed.

President of Council

Clerk of Council