

## Regular

July 15

2010

Ontario City Council met in regular session on July 15, 2010, in the City Offices, with Council President Daniel Zeiter presiding. The meeting opened at 7:10 p.m. with the Pledge of Allegiance.

The following persons were in attendance when roll was called: Council members Paul Williams, Larry Arnold, 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, Chief Rodney Smith, Auditor Jane Hammond, Director of Engineering Jerrod Swinehart, Recreation Director Janet Van Cura and Clerk of Council Cathy VanAuker. Also in attendance were a number of interested employees and citizens.

The minutes of the regular Council meeting of July 1, 2010 were presented for approval. Mr. Lewis made a motion to approve the minutes, and Mr. Cinadr seconded the motion. At roll call, seven members voted Aye, zero Nay, and the motion to approve the minutes passed.

### **PUBLIC COMMENTARY**

Don Speakman, 104 Bethel Lane, came before Council asking how the money generated from the Safety Tax is being disbursed and if it is going to the safety forces.

- Ms. Hammond responded, the tax raised approximately \$500,000 but it takes \$1.5 million to run the police force.
- Mayor Collins said, 2/3 of the community works elsewhere and have been forgiven the total 1.5% tax but beginning in 2011 everyone will be paying the Safety Tax plus another ½ percent. This is estimated to generate \$500,000.

Next to come before Council was Fred Kohler, 1482 Lex-Springmill Road, to ask if the law suit with the past service-safety director has been filed.

- Law Director Sowash said he can't comment on it but when it is filed it will be public record.

Attorney David Dick, 4894 St. Rt. 13 North, Shiloh, approached Council regarding this evening's third reading of Ordinance No. 10-30, pertaining to mobile homes being used as dwellings. When asked if any modifications have been made to this ordinance since the first reading, he was told there had not been any changes.

- This ordinance allows motor homes to sit in driveways but not used as a dwelling unless there is a permit for sixty days.
- It is unclear who would approve the permit, one person or a committee.
- What defines a dwelling house? A couple of hours each day or spending the night?
- Consideration should be given to the owners who purchased their properties prior to this ordinance and they should be protected by a grandfather clause.
- If this ordinance is passed consider increasing the amount of allotted time from sixty days.
- Council members were encouraged not to pass this ordinance.

### **4<sup>TH</sup> OF JULY COMMITTEE**

Festival Co-Chairs Jim Henry, 1129 Lewis Road, and Dave Rehfeldt, 3479 Ridgestone Drive, came before Council. Mr. Henry read the following letter:

*Dear Ontario City Council and Mayor Collins,*

*The 2010 Ontario Fourth of July Festival continues to be a success with the support of The City of Ontario. We wish to take this opportunity to recognize and thank you for your contribution for the good of our community.*

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*With the continued partnership of The City of Ontario, The Ontario Fourth of July Festival can continue to provide a tradition of "Community" in celebration and gathering for our great Nation's Independence Day.*

*It is our Committee's hope to provide this same, Community and Family celebration for the years to come with your continued support. Please continue to consider The Ontario Fourth of July Festival when you are planning the City's budget.*

*Our Community's Festival is a very worthwhile means to promote the spirit of the City of Ontario. A Community needs a soul, if it is to become a true home for human beings and the people must give it this soul. The Festival Committee and our Community recognizes and thanks YOU, as our 2010 Ontario Fourth of July Festival Partner in helping Ontario continue to foster its soul.*

*Thank-You.*

*Sincerely,  
Dave Rehfeldt and Jim Henry  
Festival Co-Chairs*

Mr. Rehfeldt said this was a transition year with an aggressive plan to raise money, make use of fund raisers, and expand the parade. This is a marquee event for the City and the plan is to keep it going forward. Planning for next year begins in November and everyone is welcome to participate. All input, positive or negative, is appreciated. The budget for this year was \$12,000 and \$18,000 was raised in sponsorship. The goal was to build a cash flow to protect the future.

## **FAIR HOUSING PRESENTATION**

Don Mitchell, Fair Housing/Community Development Officer, informed Council members of the available opportunities offered by the Community Development Department.

- This program works with families looking for housing, tenants, landlords, and communities.
- Richland County had 934 foreclosure filings but there has been a decrease in foreclosures this year.
- Ohio recently received \$172 million for foreclosure prevention assistance for the hardest hit areas; Richland County is part of that list.
- Agencies are available at no charge to assist families with financial counseling.

## **COMMITTEE REPORTS**

Mr. Williams directed Council's attention to the information received from Chief Smith describing how the budget reductions would affect his department.

Mr. Arnold scheduled a Parks Committee meeting for July 22, 2010, at 4:30 p.m. Mr. Arnold, Mayor Collins, Mr. Heston and Mrs. Van Cura visited the Aquatic Center at Avon Lake. The purpose of the committee meeting will be to discuss this visit and explore the possibility of a swimming pool. There is interest from outside investors.

Mr. Weidemyre asked for an update on the engineering firm selection.

- The engineers were interviewed over a two day period.
- The preliminary report was submitted to the EPA. The final plan must be submitted by August 15.
- The EPA is allowing three years to finalize the project rather than the requested five years.

Mrs. Hellinger set the Utilities Committee of the Whole meeting for July 26, 2010, at 4:00 p.m.

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Mr. Blackwell announced a Personnel Committee of the Whole meeting on August 5, 2010, at 5:00 p.m.

Mr. Weidemyre said, based on the questions they asked the Treasurer at the last meeting, he requested her to be present tonight but she chose not to attend. A memo from Mrs. Stoodt, dated July 15, 2010, was distributed to Council members.

- The money was moved from the 408 account to the 101 account.
- The MTD Fund report shows a minus \$90,000 in the General Fund, up-to-date receipts and the Capital Improvement Account show a deposit of \$148,843.
- Mrs. Stoodt is still working with Tara from Julian & Grube at no cost to the City.
- Mr. Weidemyre asked to speak directly with Tara but Mrs. Stoodt has not yet set up this meeting. Mr. Weidemyre will provide an update after he speaks with the accounting firm.

Mr. Weidemyre asked for an audit of the books, stating the practices that are in place are horrific. There will be costs to the City for an external audit but the City cannot keep doing business this way, the numbers don't make sense. His understanding was the Auditor must call for the outside audit.

Mr. Sowash clarified, the Auditor is responsible for auditing once every fiscal year or at the request of Council. Per ORC, Council may make a formal request to the Auditor for an audit. By doing so, funding must be made available as necessary.

Ms. Hammond estimated the external audit cost at \$5,000 - \$7,000. There is money available in Contingencies so additional funds would not need allocated.

Mr. Weidemyre made a motion to hire an outside firm to do a complete audit of the books. Mr. Cinadr seconded the motion. Seven members cast their votes Aye, zero Nay, and the motion passed.

Mr. Cinadr reported on the Ward 1 Neighborhood Watch meeting that was very well attended. He thanked all who participated and provided excellent information. He also thanked the citizens for their excellent questions.

Mr. Lewis had no report this evening.

## **MAYOR'S REPORT**

Mayor Collins provided the following report to Council.

- He reiterated the success of the Neighborhood Watch meeting. Two more meetings are being scheduled.
- There have been two inquires from businesses wanting to locate in Ontario.
- The Carpetland building has been sold.
- There is some interest in the GM plant. The shop foreman is present this evening for anyone interested in speaking to him after the meeting.
- The Vision Team is scheduling a Concert in the Park on August 17, 2010, at 7:00 p.m. The Rib Ticklers will be providing the musical entertainment at this free concert. The exact location in Marshall Park has not yet been determined. Bring your own chairs and blankets.
- The Zoning Inspector is responsible for a variety of items such as controlling signs, uninhabitable buildings, unmowed properties, and permits.

Mayor Collins said that after Council reduced the salary line items he asked Chief Smith and Street Superintendent Paul Gleisinger to prepare a study of the impact to their departments. Copies of these reports were distributed to Council members.

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Police Department

- The decrease in appropriations would require layoffs of three officers and two dispatchers.
- The department is currently down four employees.
- Maintaining safety at this reduced level would be devastating.
- 60% of the salaries are paid in unemployment.
- To maintain current levels the Police Department would need \$35,000 and the Dispatchers \$27,000.
- Chief Smith asked Council to reconsider the reductions, especially now that the numbers are in question.

Street Department

- Wages needed through the rest of the year is \$146,156.40. The account is short approximately \$45,000 (40%) which is only enough to pay 320 hours worth of pay per employee for the rest of the year.
- In order to meet the reductions, and pay unemployment, the entire Street Department would need laid off beginning August 1<sup>st</sup> for 20 weeks.

Sewer Department

- The Sewer Department has a surplus after calculating the cuts.
- The Supervisor's pay is 50% Sewer and 50% Streets.

Mr. Arnold said the intent was not for layoffs but reduced work hours. During the first quarter Administration was asked to make budget cuts. Following this, shortfalls were anticipated and other recommendations were made but not enacted. Council is not cutting positions. The budget reduction is to prevent the City from a several hundred thousand dollar deficit by the end of the year.

- Mayor Collins said cuts were made several times. It is difficult to say the City will be several hundred thousand dollars short when there are no firm figures.

Mr. Gleisinger felt the Street Department was underfunded when employees were brought back from the Sewer Department. The line item was \$173,000 and should have been \$290,000 to fund the full department. An additional \$36,511 is needed to fund the department. The supervisor's salary could be paid strictly from the Sewer Department instead of 50% Street and 50% Sewer.

Mr. Williams was concerned that eventually there may have to be layoffs if things don't change but this is really drastic. The City got off to a very bad start financially with our figures at the first of the year.

Chief Smith made some additional comments.

- In 2009 Council decided to take 100% of the income tax and funnel it into the General Fund to see how much money was coming in and going out. The full effect of the Safety Tax has not yet been noticed and the forgiveness tax will change next year. Since there is a reprieve after the beginning of the year this could be a consideration for funding the remainder of this year.
- Accident reports take a considerable amount of time and some states are charging insurance companies for the reports. This may be something to look into as a means of generating revenue.
- Chief Smith is working with the Law Director on legislation pertaining to increasing traffic fines which should be presented soon. False alarm fees are also being reviewed.

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## **SERVICE-SAFETY DIRECTOR'S REPORT**

Mr. Heston's began by thanking Mr. Rehfeldt, Mr. Henry and the 4<sup>th</sup> of July Festival Committee for their endless hard work, and then presented the following report.

- There were many car break-ins in the past month, both in Ontario and the County.
- Police stats are as follows: 11 crashes, 17 alarms, 7-911 calls, 8 shoplifters, 21 other thefts, 69 suspicious circumstances, 97 traffic stops, 3 domestics, and other calls totaling 409.
- Crack sealing has been successfully completed.
- The public is advised that the Fire Department will be flushing hydrants through August. The discoloration that may result is harmless sediment and does not affect the safety of the water. It can be easily removed by flushing your home system. This would also be a good time to flush the water heater.
- Two weeks ago, a 70 hp pump failed at the Rock Rd lift station. While that pump was being rebuilt it was temporarily replaced with a used 56 hp pump, which was on the shelf. That pump also failed. We operated at 50% capacity until the rebuilt pump was installed today and the system was restored to its previous capacity.
- The flow meter for the SSO pipe at the Rock Rd lift station has been ordered and installation of the system is targeted to begin this month.

Mr. Heston urged Council to pass Ordinance 10-32. It is imperative to meet the contract commitment and not lose the grant.

## **LAW DIRECTOR'S REPORT**

Mr. Sowash had no report.

Mr. Weidemyre asked Mr. Sowash to check on dates and what steps would be necessary to revisit the Charter. He felt a Charter is the only way to fix some of the issues in the City.

- Mr. Sowash said, the election of the Charter Commission is governed by the Ohio Constitution, Section 18.08. There are two methods: (1) by a 2/3 vote of Council, Council may place the question of electing a Charter Commission on the ballot (2) a petition signed by 10% of the electorate by the City filed with the Board of Elections, they certify the petition to Council, then Council must, by ordinance, place the issue on the ballot. The Ohio Legislature recently passed changing the required time from 75 to 90 days before the election. The time limit prescribed by the Ohio Constitution to submit to the electors at the next regular municipal election is not less than 60 days and not more than 120 days after the adoption of the ordinance. Municipal elections are held on odd years, this is an even year and would require a special election.

Mr. Henry addressed Council and suggested modifying the unpopular items in the existing document and bringing it before the voters during a regular election to avoid additional costs.

## **RECREATION DIRECTOR'S REPORT**

Mrs. Van Cura provided the following report.

Lifeguard Certification Class. Six Ontario students successfully completed the class. Those students were offered the class free in exchange for paid lifeguarding during the year for Family Swim and Summer Recreation.

Summer Recreation. This program went very well with approximately 230 children attending each week. The Recreation Board hired 76 teens and six adults to supervise the activities.

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Swim Lessons. Twenty-five children attended each of the two sessions. There was a \$40 charge for this class. Seven swim team members assisted with the lessons.

Mrs. Van Cura is in the process of scheduling the fall activities, which will include family swim, and also working on the December Craft Show.

## **CONSIDERATION OF ORDINANCES AND RESOLUTIONS**

### **RESOLUTION NO. 10-08**

#### **A RESOLUTION ADOPTING THE TAX BUDGET FOR THE CITY OF ONTARIO FOR THE FISCAL YEAR 2011, AND DECLARING AN EMERGENCY.**

Mrs. Hellinger made a motion to suspend the rules requiring the reading of Resolution No. 10-08, on three separate days. Mr. Williams seconded the motion. Seven members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mr. Williams read Resolution No. 10-08 for the first time, by title only.

Mr. Williams made a motion to adopt Resolution No. 10-08. Mr. Blackwell seconded the motion. Hearing no discussion, six members cast their votes Aye, one Nay by Mr. Weidemyre, and Resolution No. 10-08 was adopted.

### **ORDINANCE NO. 10-30**

#### **(THIRD READING) 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.**

Mr. Williams explained to the audience that he wanted to send this ordinance back to Planning Commission for amendment but was advised the ordinance must be voted on. If the ordinance fails then Planning Commission can make further recommendations.

Mr. Arnold read Ordinance No. 10-30 for the third time, by title only. Hearing no further discussion, Mr. Lewis cast an Aye vote, six Nays, and the motion to adopt Ordinance No. 10-30 failed.

### **ORDINANCE NO. 10-32**

#### **(SECOND READING) AN ORDINANCE AMENDING ORDINANCE 10-13 KNOWN AS THE PERMANENT APPROPRIATIONS ORDINANCE FOR 2010 BY MAKING ADDITIONAL APPROPRIATIONS TO THE CAPITAL PROJECTS FUND.**

Mrs. Hellinger made a motion to suspend the rules requiring the reading of Ordinance No. 10-32, on three separate days. Mr. Williams seconded the motion. Seven members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mrs. Hellinger read Ordinance No. 10-32 for the second time, by title only.

Mrs. Hellinger made a motion to adopt Ordinance No. 10-32. Mr. Arnold seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 10-32 was adopted.

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At 8:38 p.m. Mr. Cinadr made a motion to enter into executive session, per Ohio Revised Code, Title 1, Chapter 121.22, Section G, Numbers 1 and 3, to conference with the Law Director concerning the dispute involving the City that is the subject of pending or imminent court action, and to discuss public employee compensation. Mr. Williams seconded the motion. At roll call, seven members voted Aye, zero Nay, and the motion passed.

At 9:48 p.m., Mr. Williams made a motion to reconvene into regular session. Mr. Cinadr seconded the motion. At roll call, seven members voted Aye, zero Nay, and the motion passed.

At 9:49 p.m., there being no further business to come before the meeting, the same was adjourned upon a motion by Mr. Cinadr and a second by Mr. Williams. At roll call, seven members voted Aye, zero Nay, and the motion to adjourn passed.

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President of Council

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Clerk of Council