

Regular

October 21,

2010

Ontario City Council met in regular session on October 21, 2010, in the City Offices, with Council President Daniel Zeiter presiding. The meeting opened at 7:08 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, 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 October 7, 2010 were presented for approval. Mr. Blackwell 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.

The minutes of the special Council meeting of October 14, 2010 were presented for approval. Mr. Lewis made a motion to approve the minutes, and Mr. Weidemyre seconded the motion. At roll call, seven members voted Aye, zero Nay, and the motion to approve the minutes passed.

PUBLIC COMMENTARY

Lori Hager, representative of the Dawson Company, was first to approach Council. Ms. Hager said she came at the request of the Service-Safety Director to provide information concerning the health care reform. One topic she wanted to address was the grandfathering provisions. If any type of a plan change is made the grandfather status could be lost and the City would then be subject to the provisions of the health care reform. This could cause the City's rating to change in 2014 which may greatly increase costs and force the City into an exchange which would make the City apply to those exchanges and pay those rates. Any type of raise in deductibles, raise in co-insurance, or changing insurance carriers could cause the loss of grandfather status.

- Ms. Hager received conflicting answers when inquiring what would happen if the grandfather status was lost and the amount of HSA contribution changed.
- If the grandfather status was lost there would be more preventive services that would need covered which could increase costs.
- It is uncertain if the grandfather status would be lost if any changes were made between now and 2014 or if the rates would change.
- Ms. Hager wanted Council members to be aware what could happen if the grandfather status was lost.
- Ms. Hager didn't know if it would increase the rates but in 2014 if the grandfather status was lost it could force people to do away with health plans because it could be too expensive, they would pay the tax, and go into the exchange. For now it is unknown and it could all go away and nothing happen. You would have to pick up more preventatives and next year it could increase the costs.
- Ms. Hager concluded that she wasn't sure what was going to happen but she wanted to make Council aware. Any increase in deductible or change in carrier would probably be cause to lose the grandfather status but it is unknown if that would have a huge impact.
- The rate increase last year was 8%.

Next to come before Council was Rhonda Higgins, 100 Maple Lane, who was concerned about the upcoming change to monthly water billing. There are many people who have adapted to the quarterly billing and a change would place a financial burden on many people. The economy has been bad with General Motors leaving but this would punish everyone who lives in Ontario.

Mike Dallas, 3153 Ponderosa Avenue, was next to approach Council asking about the status of paying the income tax if you work in a different city and asked for clarification if the tax is retroactive.

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- Residents working outside of Ontario will continue to pay tax where they work but will now also pay 1% Ontario income tax.
- Ontario is one of the few cities that still had an entire forgiveness on their tax.
- Mr. Sowash said this was not a new tax, it was a reciprocity, or an exemption, Council had passed to forgive tax that was paid somewhere else. The Ohio Revised Code allows Council to go up to 1% of the tax, anything above that, a new tax, has to go to the people, which they did for the ½% safety tax. In actual terminology, the forgiveness was not a new tax, it was 1.5% they were totally forgiving, but they withdrew that forgiveness on 1% of the tax that already existed.
- Mr. Dallas didn't feel it was fair that the citizens did not have a vote or say on this change.
- When Mr. Dallas asked for a copy of the budget as well as the meeting minutes showing budget cuts, Mr. Zeiter said a packet of information would be prepared and mailed to him that would include the meeting minutes when the income tax ordinance was passed, along with a copy of the budget, and the budget minutes.

RECREATION DIRECTOR'S REPORT

Mrs. Van Cura reported on several upcoming events.

- Honkin Haulin Hands on Trucks. This is the second year trucks will be on exhibit at Marshall Park, Sunday from 1:00 p.m. – 3:00 p.m. The Fire Engine, Ambulance, Dump Truck, Snow Plow, Front End Loader, and School Bus are some of the trucks that will be on display for the children to investigate. There is no admission charge and children will receive a special driver's licenses.
- Family Swim. This program will begin November 1st at the Ontario Middle School pool, from 7:00 p.m. – 8:15 p.m. on Monday evenings. Three lifeguards will be hired per session but non-swimmers must have an adult in the pool and students 4th grade and younger must have an adult in the pool area. Family Swim is offered to all Ontario residents at no charge.
- Aerobic Classes. Sessions will be held on Monday and Thursday evenings starting November 1st from 6:30 – 7:30 p.m., at the Ontario Senior Center. The cost is \$2.00 per person per class.
- Zumba Classes. Beginning November 2nd from 6:30 – 7:30 p.m. classes will be held at Stingel Primary School in the Multi-Purpose Room every Tuesday. The cost is \$2.00 per session.
- 34th Annual Ontario Community Craft Show. The Ontario Lions Club will collect toys and money for TOY TIME as the admission fee to the Craft Show on December 5th from 8:30 a.m. – 4 p.m. at the Richland County Fairgrounds.

COMMITTEE REPORTS

Mrs. Hellinger said, as the result of the discussion during Caucus, an amendment will be made to Ordinance 10-45.

Mr. Weidemyre reported on the Finance Committee meeting held October 14, which generated Ordinance No. 10-48. This ordinance resulted from researching several cities in the state that are enacting a job creation tax rebate to spur development. Any new company that will create a minimum of 25 jobs and pay 150% of minimum wage, which is approximately \$11 per hour, will receive a tax rebate up to the amount of 50%. Toledo and Maumee have implemented this procedure. Mr. Weidemyre said he would like Ordinance No. 10-48 placed on the evening's agenda.

- In response to Mr. Arnold's questions as to when Council will receive the 2011 temporary budget, Mayor Collins said the budget will be available at the next Council meeting.

Mr. Lewis reported on the Streets Committee meeting held this evening prior to Council.

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- ODOT is working on the Lex-Springmill corridor, from Vivian and north, so the turn lanes at Ferguson Road will not be in place before the shopping season begins. Spending money on the Ferguson Road turn lanes could jeopardize receiving grants for Lex-Springmill.
- Mr. Swinehart presented a list of paving and patching suggestions for 2011. Mr. Lewis asked Council members to submit their 2011 recommendations to either himself or to Mr. Swinehart.
- Mr. Williams commented on the poor quality of paving on the recent State project on St. Rt. 309; some parts look like the first coat instead of the second. Mr. Lewis said the contractor was Shelley and Sands.
- Mr. Zeiter recommended that Council members submit any inferior areas to the Service-Safety Director so he can report them. The City paid \$800,000 toward this project.
- Mr. Heston said the project's punch out list is currently being repaired.

Mr. Cinadr scheduled an Economic Development meeting on November 4, 2010, at 5:30 p.m., for the purpose of accepting the survey at the site of the PR Machine expansion and to agree on a price for the land needed for the expansion.

Mr. Williams, Mr. Arnold, Mr. Blackwell had no report this evening.

MAYOR'S REPORT

Mayor Collins reported on the following items:

- A Neighborhood Watch meeting was held on Tuesday. Many residents attended and asked several questions.
- The government has provided \$3 million for environmental issues at the General Motors Plant. The Ontario plant is a clean site but if anything is found hopefully this amount will cover it.
- Trick or Treat is Thursday, October 28, 2010, 5:30 – 7:00 p.m.
- The Board of Control will meet tomorrow at 10:00 a.m.
- On October 20, he attended a public auction with the Auditor at the Richland County Auditor's Office. Pursuant to authorization by Council he successfully purchased the land they were seeking for \$17,000.

SERVICE-SAFETY DIRECTOR'S REPORT

Mr. Heston said the information provided by Ms. Hager was not designed to cause anyone to make any decisions but could possibly be used at a later time. The health care reform act is difficult to understand and that is why he invited Ms. Hager.

Mr. Heston continued with his report.

- Vehicles no longer needed are being prepared for sale on GovDeals.
- Yesterday there was a water break along Park Avenue, near Rock Road. The repair was completed in a very short time. Earlier in the week there was a water break on S. Ireland.
- There are approximately 80 – 100 water breaks each year and they are mainly due to the aging system.
- ODOT has requested a revision of the Lex-Springmill Traffic Study which will be completed by the engineering firm that conducted the study.
- General Motors donated street salt to the City that was left in the plant. There was an estimated 42 tons of salt valued at \$2,500.
- The Police Department responded to 398 calls.
- Two OPD officers assisted the ASORT-SWAT team with the federal, state and local drug sweep. There were several connections to Ontario in the distribution of illegal drugs.
- The Hostage Negotiation Team will speak at a Lexington elementary school on Friday, Saturday officers will participate in Safety Day at Sears, and Sunday officers will assist with the Honkin, Haulin, Hands-on Trucks at Marshall Park.

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LAW DIRECTOR'S REPORT

Mr. Sowash referenced the internet café that is coming to Ontario. The Zoning Inspector informed him there are no regulations specific to this type of business establishing in Ontario. Because there are no regulations pertaining to these new businesses, Mr. Sowash recommended referring this to the Planning Commission to establish rules unless Council preferred creating a committee for this reason.

Mrs. Hellinger made a motion to refer the research of internet cafés and establishing rules and regulations to Planning Commission. Mr. Blackwell seconded the motion. Seven members cast their votes Aye, zero Nay, and the motion passed unanimously.

CONSIDERATION OF ORDINANCES AND RESOLUTIONS

Mrs. Hellinger made a motion to amend the percentage of increase each year to 7% and limit the time period to two years for Ordinance 10-45. Mr. Williams seconded the motion. Six members cast their votes Aye, one Nay by Mr. Lewis, and the motion passed.

ORDINANCE NO. 10-45

(SECOND READING) AN ORDINANCE INCREASING WATER AND SANITARY SEWER RATES FOR RESIDENTIAL AND PUBLIC SCHOOL CUSTOMERS, AMENDING THE SURCHARGE FOR CAPITAL IMPROVEMENTS IN THE WATER FUND, AND ENACTING A SURCHARGE FOR CAPITAL IMPROVEMENTS IN THE SANITARY SEWER FUND.

Mr. Williams made a motion to suspend the rules requiring the reading of Ordinance No. 10-45 on three separate days. Mr. Cinadr seconded the motion. Five members cast their votes Aye, two Nays by Mr. Weidemyre and Mr. Lewis, and the motion to suspend the rules failed. Mr. Weidemyre read Ordinance No. 10-45 for the second time, by title only.

ORDINANCE NO. 10-46

(SECOND READING) AN ORDINANCE AUTHORIZING THE CITY TREASURER TO ENTER INTO AN ELECTRONIC TRANSACTION PROCESSING AGREEMENT WITH OFFICIAL PAYMENTS CORPORATION.

Mr. Arnold made a motion to suspend the rules requiring the reading of Ordinance No. 10-46 on three separate days. Mr. Cinadr seconded the motion. Seven members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mr. Lewis read Ordinance No. 10-46 for the second time, by title only.

Mr. Lewis made a motion to adopt Ordinance No. 10-46. Mr. Arnold seconded the motion. Seven members cast their votes Aye, zero Nay, and Ordinance No. 10-46 was adopted.

RESOLUTION NO. 10-13

A RESOLUTION AUTHORIZING THE SERVICE/SAFETY DIRECTOR TO ENTER INTO CONTRACT WITH EXPRESS PUBLISHING AND PRINTING FOR COUNTY GOVERNMENT CENTRAL PURCHASING AND DECLARING AN EMERGENCY.

Mr. Cinadr made a motion to suspend the rules requiring the reading of Resolution No. 10-13 on three separate days. Mrs. Hellinger seconded the motion. Seven members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mr. Cinadr read Resolution No. 10-13 for the first time, by title only.

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Mr. Cinadr made a motion to adopt Resolution No. 10-13. Mr. Blackwell seconded the motion. Seven members cast their votes Aye, zero Nay, and Resolution No. 10-13 was adopted.

ORDINANCE NO. 10-48

AN ORDINANCE CREATING A CITY OF ONTARIO JOB CREATION TAX CREDIT TO COMPANIES WHICH RECEIVE AN OHIO JOB CREATION TAX CREDIT AND DECLARING AN EMERGENCY.

Mr. Weidemyre made a motion to amend Ordinance No. 10-48 by striking line (i) in Section 1. Mr. Cinadr seconded the motion. Seven members cast their votes Aye, zero Nay, and the motion passed.

Mr. Weidemyre made a motion to suspend the rules requiring the reading of Ordinance No. 10-48 on three separate days. Mrs. Hellinger seconded the motion. Six members cast their votes Aye, one Nay by Mr. Williams, and the motion to suspend the rules passed. Mr. Williams read Ordinance No. 10-48 for the first time, by title only.

Mr. Weidemyre made a motion to adopt Ordinance No. 10-48. Mrs. Hellinger seconded the motion. Seven members cast their votes Aye, zero Nay, and Ordinance No. 10-48 was adopted.

At 7:55 p.m., Mr. Weidemyre made a motion pursuant to Ohio Revised Code 121.22, Section G, Numbers 3 and 4, for conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action; preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment. Mr. Cinadr seconded the motion. At roll call, seven members voted Aye, zero Nay, and the motion passed.

At 8:56 p.m., Mr. Arnold made a motion to reconvene into regular session. Mrs. Hellinger seconded the motion. At roll call, seven members voted Aye, zero Nay, and the motion passed.

At 8:57 p.m., there being no further business to come before the meeting, the same was adjourned upon a motion by Mr. Arnold and a second by Mrs. Hellinger. At roll call, six members voted Aye, zero Nay, and the motion to adjourn passed.

President of Council

Clerk of Council