

## Regular

November 18,

2010

Ontario City Council met in regular session on November 18, 2010, in the City Offices, with Council President Daniel Zeiter presiding. The meeting opened at 7:05 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 (arrived 7:25), 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. Williams made a motion to excuse Mr. Cinadr from this evening's meeting. Mr. Blackwell seconded the motion. At roll call six members voted Aye, one Nay by Mr. Lewis and the motion passed.

At 7:06 p.m., Mr. Weidemyre made a motion to enter into executive session pursuant to Ohio Revised Code, Section 121.22, G3, conferences with an attorney for the public body concerning disputes involving the public body that are subject of pending or eminent court action. Mr. Arnold seconded the motion. At roll call, six members voted Aye, zero Nay, and the motion passed.

At 7:25 p.m., Mr. Williams made a motion to reconvene into regular session with a second by Mr. Weidemyre. At roll call, six members voted Aye, zero Nay, and the motion passed.

The minutes of the regular Council meeting of November 4, 2010 were presented for approval. Mr. Blackwell made a motion to approve the minutes, and Mr. Cinadr seconded the motion. At roll call, six members voted Aye, zero Nay, one Abstain by Mr. Arnold, and the motion to approve the minutes passed.

## **PUBLIC COMMENTARY**

Don Speakman, 104 Bethel Lane, came before Council to comment on the proposed water and sewer rates that were voted down at the last meeting. His recommendation was to permit the public to have input on rate increases by mailing information to the residents and a response card indicating if they approve an increase. Mr. Speakman said he was not surveyed prior to the failed vote but he was in favor of the increase. Columbus recently raised their taxes to 7.5% because they are also under an EPA mandate which cannot be ignored. Council needs to get feedback from the community rather than from just a few who might come to object.

Amy Skropits, Magistrate for the City of Ontario, came forward to explain the need for the additional appropriation of funds to the Magistrate line item. Approximately \$2,500 of the expenditures from this line item was paid to the previous Magistrate. Court is saving in every area possibly and constantly looking at ways to be productive and efficient. Money is being saved in public defender fees, jail fees, and training fees. Research is being done to implement programs the City of Mansfield offers to avoid transferring cases. All are welcome to observe the professionalism in the courtroom. Law requires her to address every defendant to ensure they understand what rights they are giving up when entering pleas. Time is taken to review every record for consideration before sentencing. More time is spent than in the past because of these extra steps which is the reason for the request to increase appropriations.

## **COMMITTEE REPORTS**

Mr. Weidemyre scheduled a Finance Committee of the Whole meeting on December 1, 2010, at 3:00 p.m. to review the Mayor's updated budget.

- The Christmas Tree Lighting will be held November 30<sup>th</sup>, at City Hall, at 6:00 p.m., with Santa and a magician. The Kiwanis are partnering this year and offering an essay and coloring contest.

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Mr. Cinadr announced an Economic Development Committee of the Whole meeting on December 1, 2010, at 2:30 p.m.

- Vision Committee meetings have been postponed until January.

Mr. Williams, Mr. Arnold, Mrs. Hellinger, Mr. Blackwell and Mr. Lewis had no report this evening.

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

Mr. Heston provided the following report to Council.

- On Wednesday, November 10th, the Home Rd Lift Station was put into service. All usable parts have been salvaged from the old lift station and it has been converted to a manhole. The generator has been installed and the lot has been graded. There is still some finish work to be done which may take a couple of weeks.
- On that same day there were three water main breaks. This delayed water shutoffs, which were also scheduled; shutoffs totaled 55. There was also a fourth water main break following shutoffs. The Water Department is also making preliminary preparations for the new ALDI store.
- Due to manpower issues and late citizen requests, the final leaf pickup date has been extended to Tuesday, November 23<sup>rd</sup>.
- The starter on one of the pumps at the Rock Rd lift station has recently been failing to activate the pump. The cost to replace the starter is estimated at \$2,000. Failure to replace it could result in very costly damage to the pump. The starter was ordered today.
- ODOT has indicated that, sometime between June and August of 2011, they will close Lewis Road and part of US30 for bridge repairs caused when the bridge was struck from underneath this past August. ODOT is requesting a detour of US30 traffic onto the city streets. If we grant a detour, Lewis Rd and both westbound US30 lanes will be closed for only 10 days. If we do not grant a detour, Lewis Rd and one of the westbound US30 lanes will be closed for 60 days. We will consider the pros and cons of granting, or not granting, such a detour.
- During the last session, there was some discussion about the “ripples” in the pavement of eastbound SR309 at Stumbo Rd and also at Lex-Springmill. These are not ripples in the pavement as was previously thought, but rather they are residual deposits of tar which came off the truck tires during construction of the roadway. These deposits are only on the surface and most will be removed by snow plows this winter. I have not received any other specific complaints about the new pavement which have not been addressed.
- Police activities included 30 crashes (3 hit-skip, 2 injury), 25 alarm drops, 56 suspicious circumstances, 6 calls to 911, 26 assists to citizens, 19 lockouts, 63 traffic stops, and 30 arrests, for a total of 397 calls.
- Tuesday night, RCSO responded to a hostage situation which ended up in Ontario and involved the OPD. When officers converged on the car, the hostage jumped out of the passenger side and the suspect was taken into custody, as was his weapon. The incident was handled without injury, although one RCSO cruiser was damaged in a related crash.
- Yesterday our hostage negotiation team assisted the ASORT SWAT team with the service of a high-risk search warrant investigated by the METRICH Enforcement Unit. It was well executed without incident.

Mr. Cinadr asked if an animal warning sign could be placed on Walker Lake Road near Old Oak Trail. Two deer were killed at this spot last year along with numerous other animals.

Mr. Heston will look into this request.

Mr. Weidemyre asked if the Engineer has submitted a preferred paving list with an estimate for next year to incorporate into the budget. Mr. Heston said recommendations have been made but it depends upon the amount appropriated as to how much paving they can do.

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Mr. Zeiter asked for the procedure on reporting burned out street lights and who is responsible because there are fifteen burned out lights on W. 4<sup>th</sup> Street.

- The City pays for street lights if they are burned out or working.
- Ron Eyerly will get the pole number and contact Ohio Edison.
- The winter night shift begins working soon and they report burned out lights.

#### **LAW DIRECTOR'S REPORT**

Mr. Sowash researched the land bank statute as it relates to House Bill 602 and Senate Bill 353 which were signed into law in 2009 by Governor Strickland. Cuyahoga County was used as the pilot county. The legislation only named several large counties permitted to participate which does not include Richland County. Mansfield has a land bank passed by legislation; sample legislation will be provided for Council. During the recent land purchase Mr. Sowash contacted the land owners and the County Prosecutor's office asking if the land could be donated to the City of Ontario since it hadn't been sold, he was told 'no' because it was considered valuable property and it was forfeited to the Auditor who issued it for sale.

#### **MISCELLANEOUS MATTERS**

Council members received a copy of the Rules of Council to review and should propose any requests for changes during their next meeting.

Mr. Arnold made a motion to accept settlement of claims against Charles H. Au and authorize the Mayor and Law Director to sign a Mutual Release acknowledging this settlement agreement. Mr. Blackwell seconded the motion. Five members cast their votes Aye, one Nay by Mr. Weidemyre, one Abstain by Mrs. Hellinger, and the motion passed.

#### **PUBLIC HEARINGS**

Notice is hereby given that a public hearing will be held before the Council of the City of Ontario, Ohio, at a Regular Meeting at 7:00 p.m. on Thursday, January 6, 2011, at the Charles K. Hellinger Ontario Municipal Building, 555 North Stumbo Road, Ontario, Ohio, upon a proposal to amend the City Zoning Ordinance as follows:

1. AN ORDINANCE AMENDING THE CITY ZONING ORDINANCE TO ALLOW WIND TURBINE / ELECTRICAL GENERATION TOWERS AS CONDITIONALLY PERMITTED USES, AND ROOFTOP SOLAR POWER COLLECTION SYSTEMS AND ROOFTOP WIND TURBINES INTENDED TO REDUCE CONSUMPTION OF ELECTRICAL UTILITY POWER AS ACCESSORY USES IN ALL STANDARD ZONING DISTRICTS.
2. AN ORDINANCE ADOPTING FLOODPLAIN MANAGEMENT REGULATIONS FOR THE CITY OF ONTARIO AND REPEALING CHAPTER 1345 FLOOD HAZARD AREAS OF THE CODIFIED ORDINANCES OF THIS CITY.

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

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**CONSIDERATION OF ORDINANCES AND RESOLUTIONS****RESOLUTION NO. 10-14**

A RESOLUTION AUTHORIZING THE SERVICE/SAFETY DIRECTOR TO ENTER INTO CONTRACT WITH FRIENDS BUSINESS SOURCE FOR COUNTY GOVERNMENT CENTRAL PURCHASING.

Mr. Williams made a motion to suspend the rules requiring the reading of Resolution No. 10-14 on three separate days. Mr. Blackwell seconded the motion. Seven members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mr. Williams read Resolution No. 10-14 for the first time, by title only.

Mr. Williams made a motion to adopt Resolution No. 10-14. Mr. Arnold seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Resolution No. 10-14 was adopted.

**ORDINANCE NO. 10-49**

AN ORDINANCE AMENDING ORDINANCE 10-13 KNOWN AS THE PERMANENT APPROPRIATIONS ORDINANCE FOR 2010 BY MAKING ADDITIONAL APPROPRIATIONS TO THE GENERAL FUND.

Mr. Arnold made a motion to suspend the rules requiring the reading of Ordinance No. 10-49 on three separate days. Mr. Williams seconded the motion. Six members cast their votes Aye, one Nay by Mr. Lewis, and the motion to suspend the rules passed. Mr. Arnold read Ordinance No. 10-49 for the first time, by title only.

Mr. Arnold made a motion to adopt Ordinance No. 10-49. Mr. Williams seconded the motion. Hearing no discussion, six members cast their votes Aye, one Nay by Mr. Lewis, and Ordinance No. 10-49 was adopted.

Mrs. Hellinger made a motion to table Ordinance No. 10-50. Mr. Williams seconded the motion. Seven members cast their votes Aye, zero Nay, and Ordinance No. 10-50 was tabled.

**ORDINANCE NO. 10-50**

AN ORDINANCE DETERMINING THAT CERTAIN LANDS OWNED BY THIS CITY ARE NO LONGER REQUIRED FOR PUBLIC PURPOSES AND THAT THEIR SALE WILL PROMOTE THE WELFARE OF THE PEOPLE OF THIS CITY, STABILIZE THE ECONOMY, PROVIDE EMPLOYMENT, AND PROMOTE COMMERCIAL ACTIVITIES FOR THE BENEFIT OF THE RESIDENTS OF THIS CITY; AUTHORIZING THE RICHLAND COUNTY GROWTH CORPORATION TO SELL SAID LANDS TO SLICK PROPERTIES, LLC; AND DECLARING AN EMERGENCY.

At 7:50 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.

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 President of Council

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 Clerk of Council