

## Regular

August 5,

2010

Ontario City Council met in regular session on August 5, 2010, in the City Offices, with Council President Daniel Zeiter presiding. The meeting opened at 7:03 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, Auditor Jane Hammond, 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 15, 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, asked Council for clarification on the distribution of the Safety Tax. His understanding was the tax would be added to the budget to avoid personnel cuts. But, what happened was an amount equal to the new tax money (\$500,000) was taken out of the police budget and used for general purposes. When Chief Smith asked for \$27,000 to replace a Dispatcher he was told the City couldn't afford the replacement, but Council did approve \$31,000 for the Mayor to hire an Administrative Assistant.

Mayor Collins responded to Mr. Speakman.

- The Administrative Assistant position was left vacant by the previous Administration. The job description outlines her responsibilities which include assisting the Clerk of Court, help the Service-Safety Director and the Mayor, work the front window, take water payments, answer phones, and distribute mail.
- All of the \$500,000 collected from the Safety Tax goes to the Police Department. This tax funds only half of the Police Department. Citizens who work outside the City have not been paying this tax.
- No Policemen have been laid off. Only through attrition have positions not been filled. Mayor Collins didn't know if a request was made to fill the \$27,000 position.

Mr. Weidemyre said, money was not taken out of the police budget and spent other places. The Police Department costs \$1.8 million per year to operate and the Safety Tax replaced lost revenue.

### **COMMITTEE REPORTS**

Mr. Williams scheduled a Safety Committee meeting of the Whole on August 19, 2010, at 4:30 p.m.

Mrs. Hellinger referenced the four Utilities Committee meetings held for the engineering interviews relevant to the Rock Road sanitary sewer overflow project. Five Committee members attended the July 26, 2010 meeting where they voted on the four engineering firms: four votes for Poggemyer Design Group and one vote for K.E. McCartney.

Mr. Blackwell reported on the Personnel Committee meeting held prior to this evening's Council meeting. Following the executive session a motion was made to prepare legislation concerning personnel matters that will be addressed at the next meeting. A topic for discussion at the next meeting will be to establish rules for flex time and comp time which aren't addressed in the Working Ordinance.

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- Mr. Blackwell announced a Personnel Committee Meeting of the Whole on August 19, 2010, at 5:00 p.m. to address flex time and comp time as well as other personnel matters.

Mr. Weidemyre said he recently met with the Auditor, Mayor, and Service-Safety Director; the Treasurer was invited but did not attend. The purpose was to discuss the financial condition after the revenue was posted through the end of July. The consensus was there is approximately \$400,000 to the good, this includes the quarterly water and sewer revenue, and the City should finish the year flat. Mr. Weidemyre spoke with the auditor from Julian & Grube. The negative 408 account discussed several weeks ago has been corrected and the finance reports are accurate. New reports have been distributed. Mr. Weidemyre felt they now have good numbers and recommended to restore line items and not reduce personnel this year.

- Mr. Weidemyre scheduled a Finance Committee of the Whole meeting on August 26, 2010, to discuss this further.
- Mr. Williams reminded everyone there still isn't money to purchase vehicles such as police cars, trucks and snow plows. Everything has been cut out of the budget and they will need purchased next year.

Mr. Cinadr reported permits issued for the month of July had a total value of over \$256,000. Six permits were for pools.

Mr. Arnold and Mr. Lewis had no report this evening.

## **MAYOR'S REPORT**

Mayor Collins provided the following report to Council.

- Mayor's Court collected \$27,501.15. Total fines \$22,404.75 went to the City, \$3,626 went to the State and \$1,470 to the Mayor's Computer Fund. Old fines collected in July totaled \$12,482.15 for a five month total of \$76,598.15.
- The Concert in the Park will be August 17, 2010 in Marshall Park. This is free to the public, bring a lawn chair, and, if you like, a picnic. He is hoping for a second concert this summer geared toward the younger crowd.

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

Mr. Heston provided the following report.

### Police Department

- The Ontario Police Department was awarded a grant in the amount of \$16,820 to fund the School Resource Officer for 2011. This is the second consecutive year this grant has been received.
- The total calls for service was 409.
- A car struck a grocery cart in the pedestrian crossing. The cart contained two children who suffered minor injuries when they were ejected. The driver was cited. The Chief of Police requested that motorists drive slowly in parking lots and crosswalks.
- A suspect was arrested and charged two days after an aggravated burglary of an Ontario residence and a felony use of stolen credit cards. He has confessed and is presently incarcerated. Stolen items were recovered.
- The Command Truck was requested by Richland County Emergency Management to provide radio capabilities in the hilly terrain of the Mohican Forest while a search for a missing female was conducted. They responded but were cancelled because the person was located.

### Sewer Department

- Work at the Home Road Lift Station began on July 27<sup>th</sup> with site preparations. Delivery of the lift station casting is delayed by United Precast until September 7<sup>th</sup>. The

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construction schedule has been adjusted and will begin Aug 23<sup>rd</sup>.

- The Rock Road Lift Station SSO pipe is scheduled to be shipped on Aug 10<sup>th</sup>. We are also still waiting on the flow meter. Due to these delays, installation is expected to begin late August or early September.
- Water was found to be entering the sanitary sewer system at Rock Road through the sewer pipe which runs under the creek. The joints were grouted but a crack was discovered in the top of the pipe. Costs are being checked to either line or replace the pipe.

#### Streets

- St. Rt. 309 should be paved this week from PAW to Lex-Springmill. Traffic loops will be worked on during the fair. Paving will resume after the eastbound lane is opened.
- The intersection of W. 4<sup>th</sup> St. and St. Rt. 314 is being improved by ODOT at no cost to the City. This project will improve traffic flow at that location.
- Numerous catch basins are being rebuilt and pavement patching is being done, as well as mowing in parks and along the streets, highways and easements.
- Water and sewer delinquent notices were mailed on July 29<sup>th</sup>.

#### Other

- The Fireworks Committee has met for the final time this year and discussed changes and improvements for next year's plans.

Mr. Heston responded to several questions.

- The percentage of false alarms is high and uses time and manpower.
- City workers will install the SSO pipe after the concrete is poured by contactors.
- The crack sealing equipment has been returned but the material went further than anticipated and a few extra streets were done. A different type of machine is used for patch work and he is looking into renting or purchasing one.
- The results of the safety study pertaining to the right-turn lanes on W. 4<sup>th</sup> Street and Lex-Springmill Road have not been received.
- Mr. Lewis commented on the exposed manholes on Park Avenue and at the intersection of Lex-Springmill as a hazard to motorists. Mr. Heston said, only the base coat has been put down. Although the street has been like this for several weeks, ODOT is on schedule for this project; the top coat should be finished by this weekend. Mr. Zeiter said the City is at risk and he would like Mr. Heston to pass on their concerns. The City has a million dollars invested in this project. Mr. Heston said he would give Mr. Zeiter contact information.
- When Mr. Lewis asked for clarification that Richland Engineering was selected, against Council's recommendation, for the project at Rock Road, Mr. Heston said, yes. There are three local governmental entities that have experienced problems with Poggemyer, which he was not aware of until after the vote.
- Mr. Weidemyre asked that attention to crack sealing be given to Ferguson Road, from Stumbo Road to Lex-Springmill, and Maple Lane, which has a very wide crack down the middle.

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

Mr. Sowash had no report.

#### **AUDITOR'S REPORT**

Ms. Hammond came before Council to say: I, with an independent accountant, have done some auditing in the City, which is currently under review. We hope to have the report at the August 19<sup>th</sup> Council meeting.

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The Police Chief submitted copies of checks for \$15,000 that he raised for the Command Truck. This amount needs added to the line item so it is available for him to expense when the truck is available.

The Magistrate's line item will be used up this month and an additional \$4,000 is needed to complete the year. The Mayor's Court Fund cannot fund this account.

### **PUBLIC HEARING**

At 7:45 p.m., Mr. Zeiter opened the Public Hearing portion of the meeting pertaining to sexually oriented businesses. No one signed in to speak, and calling twice and hearing no one who wished to speak, the public hearing was closed at 7:46 p.m.

### **CONSIDERATION OF ORDINANCES AND RESOLUTIONS**

#### **ORDINANCE NO. 10-34**

AN ORDINANCE AMENDING SECTIONS 1133.02 DEFINITIONS, 1137.05 B BUSINESS DISTRICT, 1137.06 IP INDUSTRIAL PARK DISTRICT, 1137.07 GENERAL INDUSTRIAL DISTRICT, AND 1145.37 SEXUALLY ORIENTED BUSINESSES OF THE CODIFIED ORDINANCES OF THIS CITY IN ORDER TO CONFORM THE CITY ZONING ORDINANCE TO RECENTLY ADOPTED ORDINANCES REGULATING SEXUALLY ORIENTED BUSINESSES AND PROHIBITING CRIMINAL CONDUCT IN SEXUALLY ORIENTED BUSINESSES.

Mr. Weidemyre made a motion to suspend the rules requiring the reading of Ordinance No. 10-34, 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 Ordinance No. 10-34 for the first time, by title only.

Mr. Williams made a motion to adopt Ordinance No. 10-34. Mr. Cinadr seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 10-34 was adopted.

At 7:48 p.m., Mr. Williams made a motion to enter into executive session, pursuant to Ohio Revised Code, Section 121.22, Section G, Number 3, to conference with the Law Director concerning disputes involving the Council and the City of Ontario that are subject of pending or imminent court action which was previously authorized by the passage of Resolution 10-07. Mr. Lewis seconded the motion. At roll call, seven members voted Aye, zero Nay, and the motion passed.

At 8:10 p.m., Mr. Weidemyre made a motion to reconvene into regular session. Mr. Arnold seconded the motion. At roll call, seven members voted Aye, zero Nay, and the motion passed.

At 8:11 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. Lewis. 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