

## Regular

January 6,

2011

Ontario City Council met in regular session on January 6, 2011, in the City Offices, with Council President Daniel Zeiter presiding. The meeting opened at 7:06 p.m. with the Pledge of Allegiance.

The following persons were in attendance when roll was called: Council members Paul Williams, Charlotte Hellinger, Larry Arnold, 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 special Council meeting of December 14, 2010 were presented for approval, as amended. 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.

The minutes of the regular Council meeting of December 16, 2010 were presented for approval. Mr. Blackwell made a motion to approve the minutes, and Mr. Lewis seconded the motion. At roll call, seven members voted Aye, zero Nay, and the motion to approve the minutes passed.

Mr. Zeiter presented the City of Ontario Rules of Council for approval, as amended. Mr. Lewis made a motion to approve the Rules and Mr. Cinadr seconded the motion. At roll call, seven members voted Aye, zero Nay, and the motion passed.

**PUBLIC COMMENTARY**

Hearing no one who wished to speak, the Public Commentary portion of the meeting was closed.

**COMMITTEE REPORTS**

Mr. Williams reported the use of the new command vehicle during the recent hostage situation. The truck is still being equipped, decals were recently added.

Mr. Arnold said, as the new Streets Committee Chair, he will work with Mr. Heston creating a top ten list of streets needing resurfacing. He asked everyone for their input on streets that need attention.

Mrs. Hellinger scheduled a Utilities Committee of the Whole meeting on January 10, 2011, at 4:00 p.m. Mr. Zeiter requested Mr. Poland and Mr. Titler, who are in attendance this evening, be permitted to attend the Utilities meeting because they came this evening to speak to the Engineer who is absent from tonight's meeting.

Mr. Blackwell announced a Personnel Committee meeting on January 19, 2011, at 4:00 p.m. to discuss changes to the Working Ordinance.

Mr. Weidemyre scheduled an Economic Development meeting on January 19, 2011, at 3:00 p.m. to discuss the Industrial Park layout.

**MAYOR'S REPORT**

Mayor Collins distributed a report showing the Mayor's Court revenue for 2010 as well as a breakdown of past due revenue collected from previous years, dating back to 1994. Past due income tax collection has also been implemented and some back taxes have been collected.

The annual Zoning Report was reviewed, showing a total of 43 residential permits with fees of \$1,340 and a property valuation of \$1,032,525; 18 commercial permits with fees of \$900 and a

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valuation of \$2,124,800; 61 sign permits at \$2,924.75 for a total of 122 permits, \$5,164.75 in fees and a valuation of \$3,157,325; six new constructions, 11 new businesses and 10 closed businesses.

In the history of Ontario three tax abatements were approved: General Motors and Crane Plumbing are no longer in business, leaving PR Machine Works, owned by Slick Properties, which has fulfilled their annual obligation of payments to the Ontario Local Schools in the amount of \$7,625 and to Pioneer Technology Center for \$769.

Mayor Collins read a Proclamation on behalf of Raising Richland and community gardens:

### **Raising Richland Proclamation**

WHEREAS, hunger, food insecurity, and poor nutrition are pressing health issues, and access to safe and nutritious food is essential to healthy people and communities; and

WHEREAS, developing food and agriculture related businesses has the potential to build health, wealth and resiliency in our communities, and cultivating local farm and food businesses results in stronger community economies through job creation and re-circulating financial capital in the community, and

WHEREAS, community gardens and locally grown produce provide access to adequate, affordable and nutritious foods that may be otherwise unavailable; and

WHEREAS, community gardens also provide opportunities to learn about food production, resource conservation, and neighborhood beautification; and

WHEREAS, community gardens provide space for community interaction, decision making, problem solving, creativity and celebration and build community by crossing cultural and socio-economic divides by providing a common space for neighbors to meet and work together; and

WHEREAS, community gardens empower residents to become more active in their communities, reduce stress and increase physical activity, and help create healthy communities one neighborhood, one project, one initiative at a time; and

WHEREAS, the strength of our community comes from the interest and talents of its residents and their collective actions.

NOW THEREFORE, be it resolved, that the City of Ontario recognizes and applauds the individuals, organizations and businesses that participate in community gardening and agricultural initiatives and pledge our support for the January 13, 2011 "Raising Richland: A Community Gardening Summit" and all initiatives that create a healthier and more sustainable community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Ontario to be affixed this 6<sup>th</sup> day of January in the year of our Lord Two Thousand Eleven.

Larry C. Collins, Mayor

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

Mr. Heston provided the following report.

- At the request of Council, consideration is being given to the replacement of the water main in front of the Mansfield Memorial Park due to the frequency of repairs at that location. The cost is estimated at \$16,000 and the cost to patch the driveway without replacing the pipe at \$4,300. The closest open asphalt plant is in Columbus, cold patching the driveway until spring is estimated at \$900 to \$1,000. The cemetery manager stated he would be agreeable to this temporary measure if we decide to replace the main.
- The new Tactical Command Vehicle is here and is still being set up. It is operational and was deployed when four members of the Police Department and the ASORT team responded to a reported hostage situation early New Year's morning.

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- The Water Department repaired two 6" water main breaks on New Year's Eve and one 8" break on Dec 30th. Water billings have been mailed and complaints of high usage are being investigated.
- There was an overflow at the Home Road Lift Station on New Year's Eve due to the rain and melting snow. The flow meter indicated 73,250 gallons which would have been greater without the recently installed overflow outlet.
- Crews handled three burials this week in the Ontario Cemetery, patching of roads, and recording and reporting of non-functional street lights.
- Christmas trees are being recycled and will continue to be picked up through Friday, January 14<sup>th</sup>; trees must be placed at the curb.
- The truck fleet is being evaluated for available parts from the failing trucks.
- The Service Departments prepared and assisted a State Auditor with an expendable inventory audit.
- Contracts were finalized for fuel, limestone, gravel, softener salt, and tree and shrub maintenance.
- If legislation passes tonight, beginning January 10th, four cruisers and miscellaneous surplus equipment will be sold on GovDeals.com.
- K.E. McCartney advised today that ODOT promised the return of the safety study for the Lexington-Springmill corridor by mid-January. Hopefully it will be approved.
- The Home Road Lift Station project was completed approximately \$50,000 under budget. This represents a savings to the City of approximately \$25,000, primarily through the reduction of consultant fees due to the Engineering and Service Departments.
- I would like to request a motion to accept a Mobile License Plate Reader Unit, model MPH-900-X2, including a processor, four cameras (2 color and 2 infrared), cables and software from the Ohio Homeland Security Region 5, for the purpose of mobile data information collection and sharing. This unit will allow us to read up to 3,600 license plates per minute and instantly compare them with millions of Hot List records for vehicles of interest in all 50 states. It is a great investigative tool and reduces risk and guesswork. Homeland Security is paying for the equipment and maintenance for two years. The City will be responsible for the maintenance costs if the equipment is kept beyond two years, there is no obligation to keep the equipment. The computer is stored in the trunk, the camera is mounted in the cruisers, and it records up to four lanes of traffic day and night.

Mr. Weidemyre made a motion to accept the Mobile License Plate Reader Unit offered by Homeland Security. Mr. Williams seconded the motion. When Mrs. Hellinger asked what the City would be responsible for after the initial two years, Mr. Heston said the equipment would include four cameras and a computer processor, if the cost is too expensive they don't have to keep the equipment. Not only is the license plate recorded but also the back of the car and some of the surroundings to assist in knowing where the car was. Each recorded license plate will have a date and time stamp with GPS coordinates. There shouldn't be installation costs. Hearing no further discussion, seven members cast their votes Aye, zero Nay, and the motion passed.

Mr. Lewis asked if anything was known about the removal of the flowering crab apple and dogwood ornamental trees at Marshall Park and why they were taken out. Up to two dozen trees were removed from mulched areas.

- Mr. Heston said he didn't know anything about it but would check. Mayor Collins said he wasn't aware of any tree removal.
- Mr. Zeiter asked, with a Parks Committee and Shade Tree Commission how do trees get uprooted in the middle of winter and Administration doesn't know anything about it? Mr. Zeiter said he was disappointed that it happened without anyone knowing.
- The trees were donated.

Mr. Blackwell asked for the status on the insurance bids.

- Mr. Heston is waiting for employees to complete the survey.

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- There appears to be a complication with the Form Fire on-line application and an unauthorized signature.
- Mr. Heston hopes to go out for bids mid-February. Advertising takes two weeks.

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

Mr. Sowash presented the following annual report.

- Cost saving measures stemmed from abolishing the Law Director's secretarial position and, with the use of the Assistant Law Director's, nearly all of the legal services were accomplished in-house, avoiding hiring outside law firms.
- The 2010 Mayor's Court cases handled by this office totaled 1,460. Total charges were 2,018 of which 71 were OVI; 100 pending cases with 24 represented by attorneys; 240 cases are pending with the Mansfield Municipal Court.
- The law office is working diligently with the Clerk of Court to keep more cases in-house and reduce transfers to Mansfield.

Council members commended Mr. Sowash on a job well done and for his timely responses which has been a great improvement over past years.

### **AUDITOR'S REPORT**

Ms. Hammond said Council agreed to disperse 1/12 of the employee HSA contribution because the insurance has not been completed. She asked Council to reconsider because members of the Police Department told her that goes against their contract. Mr. Sowash said there is nothing to that affect in their contract.

- Due to some employees having expenses exceeding the 1/12 amount, Ms. Hammond suggested depositing six months of the HSA contributions.
- Council said to maintain the monthly 1/12 funding but said additional funds could be made for employees verifying expenses above the initial deposit.

Effective January 1, 2011, Federal Taxes increased approximately \$15 to comply with the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010. The amount of tax taken out of each paycheck is based on a wage bracket.

Ms. Hammond thanked Clerk of Court Janet Yeager-Swain for assisting in the collection of back income taxes. She is very good at collection and a letter from the court is very beneficial.

The new water and sewer bills went out. The new bills allow for one line of information/notices to be printed. The new sealer machine saved the City close to \$15,000 last year.

### **MISCELLANEOUS MATTERS**

Mr. Weidemyre made a motion to direct the Service-Safety Director to enter into a contract with Grant Research Associates for the purpose of preparing an application for a grant to be used for economic development purposes. The amount of said contract shall be \$3,300.00 and shall be paid out of the Economic Development Fund. Mr. Cinadr seconded the motion. Hearing no discussion, seven members voted Aye, zero Nay, and the motion passed.

Once Mr. Arnold confirmed the MTD and YTD financial numbers were the final numbers, he said that tough decisions were made by everyone in order to end the year with a positive number and that everyone will need to continue conservative spending.

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**PUBLIC HEARINGS**

At 7:52 p.m., Mr. Zeiter opened the Public Hearing portion of the meeting on adopting Floodplain Management Regulations and repealing Chapter 1345 Flood Hazard areas. No signatures were on the sign in sheet, calling twice and hearing no one who wished to speak, the public hearing was closed at 7:53 p.m.

At 7:54 p.m., Mr. Zeiter opened the Public Hearing portion of the meeting on amending the Zoning ordinance as it pertains to wind turbine/electrical generation towers, rooftop solar power collection systems, and rooftop wind turbines. No signatures were on the sign in sheet, calling twice and hearing no one who wished to speak, the public hearing was closed at 7:55 p.m.

**CONSIDERATION OF ORDINANCES AND RESOLUTIONS****RESOLUTION NO. 11-01**

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 2011.

Mr. Williams made a motion to suspend the rules requiring the reading of Resolution No. 11-01 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. Williams read Resolution No. 11-01 for the first time, by title only.

Mr. Williams made a motion to adopt Resolution No. 11-01. Mr. Cinadr seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Resolution No. 11-01 was adopted.

**ORDINANCE NO. 11-01**

AN ORDINANCE AMENDING CHAPTER 191, INCOME TAX, SECTION 191.07, RETURNS, OF THE CODIFIED ORDINANCES OF THIS CITY BY REQUIRING EMPLOYERS TO FILE WITH THE INCOME TAX ADMINISTRATOR A WITHHOLDING TAX RECONCILIATION FORM (W-3).

Mr. Williams made a motion to suspend the rules requiring the reading of Ordinance No. 11-01 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. Arnold read Ordinance No. 11-01 for the first time, by title only.

Mr. Arnold made a motion to adopt Ordinance No. 11-01. Mrs. Hellinger seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 11-01 was adopted.

At 7:59 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. Arnold. 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