

Regular

March 3,

2011

Ontario City Council met in regular session on March 3, 2011, in the City Offices, with Council President Daniel Zeiter presiding. The meeting opened at 7:02 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, Joseph W. Cinadr, Mr. Zeiter, Mayor Larry Collins, Law Director Allan Sowash, 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 February 17, 2011 were presented for approval. Mr. Weidemyre made a motion to approve the minutes and Mr. Lewis seconded the motion. At roll call, six members voted Aye, zero Nay, one Abstain by Mr. Cinadr and the motion to approve the minutes passed.

PUBLIC COMMENTARY

Mr. Zeiter opened the floor for the Public Commentary portion of the meeting.

Tom Briner, 92 S. Home Road, came before Council to say: I just really have one question. Through my attorneys we got a public records request from the City of Crestline. I've called the Law Director with no response, I've e-mailed the Mayor with no response, and called your Auditor, she really didn't even want to get involved in this. I have one question. Was Chief McClaran paid for his unused sick leave?

When Mr. Zeiter asked Mr. Briner to clarify who he asked for public records and who was not responding to him, Mr. Briner said: Through the public records request I received from Crestline, the documents they had in their file. Chief McClaran told the City of Crestline that he was not paid his 2,300 hours of sick leave through Ontario. I've got the settlement agreement that he had with the City when he sued you guys and it says that he was paid. My question is, if he was paid for those, how was he able to transfer them from Ontario to Crestline? The settlement agreement says he was paid for everything, sick leave, holiday time, everything. And no one has been able to answer that question.

Mr. Zeiter said: I would have to have the former Auditor to say for sure but if it is in that agreement, then I would have to say that every one of those items were paid by either us or the insurance company. Mr. Briner responded: That's exactly how I read it. For some reason your Auditor Nancy Morehead wrote this to the City of Crestline:

This is to inform you that your employee, Police Chief Tim McClaran, accumulated 2,275 hours of sick leave while employed by the City of Ontario. These hours will transfer from the City to the Village of Crestline.

Mr. Briner continued: Through my lawsuit with you guys, down here at the bottom where there are carbon copies, it's always carbon copied to the Mayor, the Law Director, and so on down the chain. But on this letter the only person she carbon copied was Chief McClaran. So, I'm wondering if he was paid how did he get this and if he was paid, who screwed up? The date on this is May 11, 2009. This seems criminal to me.

Mr. Sowash asked Mr. Briner if he was making a public records request to the City of Ontario. Mr. Briner said: No, I've got all of the stuff from the City of Ontario, but I'm wanting to clarify. If I was a City official I would want to know if my ex-Chief just screwed me. I mean, 2,000 hours of sick leave that you paid him for, and now Crestline is paying him for it?

Mr. Zeiter said: We had to honor the agreement from the Supreme Court. Once he leaves here it would be no different than leaving any other job and it's not really our responsibility to track or follow that.

Regular

March 3,

2011

Mr. Briner responded: I understand that perfectly. The only thing I want to hear from your Law Director, or from your Mayor, or from your Auditor, is was he paid for that sick leave? Because if he was paid for that sick leave there's going to be some problems.

Mr. Williams said: Which is really not our problem, sir, that's Crestline's problem.

Mr. Briner said: I understand that, but I want to know if he was paid for it. It's your settlement agreement.

Mr. Zeiter recommended making a public records request of the Auditor to go back in history to see whether that check was written, and if so, then you'll have your answer.

Mr. Briner said: it says right here that he was paid \$301,000; \$35,000 from you guys and the insurance company paid him \$162,500, and the rest his attorney got. Mr. Zeiter said, I'm talking about that specific check. I know what the agreement says, but that doesn't mean, I may get a bill in the mail but I may only pay half of it.

Mr. Briner said: I tried to explain this to your Auditor and she said it wasn't her problem. It was the last Auditor's problem. Then I asked her would it be alright if I sent her the settlement agreement and she said absolutely not, she didn't want to see it. So you're telling me if I make a public records request I'm going to get an answer? Mr. Zeiter answered: You certainly should.

Mr. Sowash said: A public records request we will provide the public records that we have subject to your request. We can't generate something we don't have. Mr. Briner asked: In your best opinion, he was paid what it says in the settlement agreement. Mr. Sowash replied: I can't answer that. Mr. Briner said: Ok, thank you.

COMMITTEE REPORTS

Mr. Williams asked everyone in the City who had flood damage to contact City Engineer Jerrod Swinehart or Street Supervisor Paul Gleisinger. They are compiling a list to submit to FEMA.

Mr. Arnold scheduled a Streets Committee on March 10, 2011 at 4:00 p.m. to obtain a status on the 4th Street and Lex-Springmill project, as well as paving and crack sealing for the spring. The quality of St. Rt. 309 west of Stumbo is inferior. Jody Orewiler said the Engineer spoke to the ODOT inspectors and the final inspection has not been signed. Mr. Arnold wanted to ensure the project was not signed off until the problems were corrected; the City's cost of this project was \$853,000.

- Mr. Arnold said an extensive list was compiled of street light outages and submitted to Ohio Edison.

Mr. Blackwell reported on the Personnel Committee held February 24th which resulted in legislation that is on this evening's agenda.

Mr. Weidemyre listed the items discussed at the February 24th Economic Development meeting where the primary topic was the Industrial Park on Beer Road.

- The Engineer was asked to prepare information on necessary improvements to the site in order to market the land as an industrial park. The Committee approved the \$9,000 estimated for the improvements through platting. A purchase order was accepted at the Board of Control meeting.
- Interested companies are requesting a 138 line for electricity. The cost estimate is \$1 million to run the electric line from the General Motors plant to the industrial park. Grants and other options are being researched.
- The Engineer was asked to look into the possibility of installing rail to the site as this is also a popular request.

Regular

March 3,

2011

- Payment of \$800 was approved for the survey of the property near P.R. Machine Works. The survey was of no benefit to P.R. Machine Works and will be paid from the Economic Development fund.
- Committee members approved the Vision Team's proposal to upgrade the City's website at a cost not to exceed \$6,000.
- Ohio Edison would pay a 60/40 split of the million dollar electric line if there was a tenant but interested businesses want to know what is in existence before they make a commitment. Other grants options will be researched.

Mr. Cinadr referred to the two Finance Committee of the Whole meetings held February 3rd and 17th. Results of those meetings are reflected in this evening's legislation, Ordinance No. 11-08.

Mrs. Hellinger and Mr. Lewis had no report.

MAYOR'S REPORT

Mayor Collins distributed the February Court Report.

- Total revenue to the City was \$25,714, total to the State was \$3,636, and a \$7 fee was collected for a total of \$29,357.
- No Zoning Permits were issued.

Mayor Collins made the following corrections to his State of the City message presented during the last meeting:

- 18 commercial permits were listed under Zoning with fees of \$900,000; the correct amount is \$900.
- 61 sign permits were issued with fees of \$2,924,000; the correct amount is \$2,924.

New business inquiries.

- Aldi Grocery Store is beginning construction on their new store in front of the Flower Factory next to Cheddars.
- P.R. Machine Works is expanding on Nussbaum Parkway. They will be seeking a variance before the Planning Commission.
- Aeropostale and Chuck E. Cheese are expanding in the Richland Mall.
- Fisher Auto Parts will locate at 1634 W. 4th Street.
- Internet Café will go in next to Goodwill on W. 4th Street.
- Aspen Fitness Center will open next to Old Navy.
- Texas Roadhouse will be a new construction on Stumbo Road next to Golden Corral.
- McDonald's will tear down the existing restaurant and rebuild at the same location across from Richland Mall. The traffic design is part of the ODOT study they should receive soon.

The walk-through metal detector will soon be activated during Council meetings. Everyone will be required to walk through the detector. Also, a panic system will be installed in the Court Room/Council Chambers along with a couple of other places in the Administration Building and wired directly to the Dispatcher at the Police Department. The cost for this system is \$765 paid from the Mayor's Court Computer Fund.

At this time Carla Rumas, Director of Therapy Services for Newhope Industries came forward to receive a Proclamation.

DEVELOPMENTAL DISABILITIES AWARENESS MONTH MARCH 2011

Whereas, the more than 1,800 individuals served by Richland Newhope, their families, friends, neighbors and co-workers encourage everyone to focus on the abilities of all people; and

Whereas, the most effective way to increase this awareness is through everyone's active participation in community activities and the openness to learn and acknowledge each individual's contribution; and

Regular

March 3,

2011

Whereas, policies must be developed, attitudes must be shaped, and buildings and organizations must be designed to ensure that everyone has a chance to live as independently and productively as possible in our community; and

Whereas, we encourage all citizens to support opportunities for individuals with developmental disabilities that include full access to education, housing, employment, and recreational activities; and

Now therefore, I, Larry C. Collins, Mayor of the City of Ontario, do hereby proclaim March, 2011, as Developmental Disabilities Awareness Month and recognize that “together” we can accomplish more and everyone wins. Take the time to get to know someone with a disability and what he or she has to offer.

In Witness Whereof, I have hereunto set my hand and caused the seal of the City of Ontario to be affixed this 3rd day of March in the year of our Lord Two Thousand Eleven.

Larry C. Collins, Mayor

LAW DIRECTOR’S REPORT

Mr. Sowash had no report.

MISCELLANEOUS MATTERS

Mr. Zeiter referenced the recent swimming accident of a high school swim team member. He asked everyone to keep the high school student and family in their prayers. This took place during a Recreation Department activity.

Mr. Cinadr made a motion at the request of the City Auditor, to amend Ordinance No. 11-08 by adding \$20,000 to line item 101-9010-51921, Transfer from the General Fund to Recreation Department, by adding \$126,000 to line item 101-9010-51922 Transfer from the General Fund to Police Pension and by adding \$20,000 to line item 101-9010-51926 Transfer from the General Fund to Police Pension. Mr. Blackwell seconded the motion. Seven members cast their votes Aye, zero Nay, and the motion passed.

CONSIDERATION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 11- 08

(SECOND READING) AN ORDINANCE ESTABLISHING PERMANENT APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF ONTARIO, OHIO FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2011 AND EXPIRING DECEMBER 31, 2011.

Hearing no motion to suspend the three readings of Ordinance No. 11-08, Mr. Williams read Ordinance No. 11-08 for the second time, by title only.

ORDINANCE NO. 11-09

AN ORDINANCE AWARDDING A CONTRACT TO MEDICAL MUTUAL OF OHIO THROUGH THOMPSON BENEFIT SOLUTIONS FOR HOSPITALIZATION, MEDICAL, PRESCRIPTION DRUG, AND LIFE INSURANCE POLICY FOR CITY EMPLOYEES FOR THE PERIOD MARCH 1, 2011 THROUGH DECEMBER 31, 2011, AND DECLARING AN EMERGENCY.

Regular

March 3,

2011

Mr. Williams made a motion to suspend the rules requiring the reading of Ordinance No. 11-09 on three separate days. Mr. Lewis seconded the motion. Seven members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mr. Arnold read Ordinance No. 11-09 for the first time, by title only.

Mr. Arnold made a motion to adopt Ordinance No. 11-09. Mr. Williams seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 11-09 was adopted.

ORDINANCE NO. 11-10

AN ORDINANCE ESTABLISHING TERMS AND CONDITIONS OF EMPLOYMENT FOR NON-COLLECTIVE BARGAINING UNIT CITY EMPLOYEES, REPEALING ORDINANCES 08-08, 10-27 AND 10-42, AND DECLARING AN EMERGENCY.

Mr. Williams made a motion to suspend the rules requiring the reading of Ordinance No. 11-10 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. Mrs. Hellinger read Ordinance No. 11-10 for the first time, by title only.

Mrs. Hellinger made a motion to adopt Ordinance No. 11-10. Mr. Arnold seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 11-10 was adopted.

Mr. Cinadr congratulated Mr. Zeiter as his son, Derek, was selected Player of the Year for his basketball league.

At 7:40 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 Mr. Williams. At roll call, seven members voted Aye, zero Nay, and the motion to adjourn passed.

President of Council

Clerk of Council