

Regular

May 5,

2011

Ontario City Council met in regular session on May 5, 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, Auditor Jane Hammond, Treasurer Linda Stoodt, Service-Safety Director Roger Heston, 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 April 21, 2011 were presented for approval. Mr. Blackwell 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

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

Mike Meyer, 141 Bethel Lane, came before Council to express his frustration with the News Journal delivery drivers because they weekly throw the Home Town Advertiser into driveways. He left five messages with no response and was finally able to contact someone in circulation who said if residents call they are removed from the delivery list. Mr. Meyer felt tossing the advertisements onto private property without permission is littering. As a means to stop the littering he suggested citing them for each occurrence as they would a driver throwing paper from their car windows.

- Mr. Lewis concurred that this is creating a problem.
- Mr. Heston will contact the News Journal.
- Mr. Sowash will research if there is an existing ordinance.

Mr. Meyer then commented on Ordinance 11-18 on this evening's agenda. The ordinance implies any ¾ ton pickup, therefore, an F-250 or dually pickup truck would qualify.

- Council members agreed to amend the ordinance to reflect in excess of one ton.

Next to come before Council was Ralph Thauvette, 4357 Wagner Road, Shelby, asking for consideration in naming the Marshall Park tennis courts after Ontario teacher Gary Kula for his 32 years of teaching 5th and 6th grades and his dedication to the tennis program. Mr. Thauvette presented an informational handout to Council and suggested the name: Gary Kula Courts. The signage would be of no cost to the City and approved by Council. Superintendent Daryl Hall is supportive of this request.

- Mr. Thauvette's request will be discussed at the next Parks Committee meeting.

COMMITTEE REPORTS

Mr. Arnold reported on the Streets Committee meeting where they discussed a paving program presented by the Engineer. Several ordinances on this evening's agenda resulted from discussions held during this meeting.

- Ordinance No. 11-17 pertains to the paving program.
- Resolution No. 11-4 authorizes seeking an 80/20 grant for paving W. 4th Street.
- Ordinance No. 11-18 refers to parking trucks in excess of one ton on public streets.

Mrs. Hellinger scheduled a Utilities Committee meeting for Monday, April 9, 2011 at 7:00 p.m. Mr. Swinehart asked to have the meeting at the Service Building so he can show maps if needed.

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Mr. Blackwell explained Ordinance No. 11-19 changes the language of the Working Ordinance to match the FOP Agreement as it pertains to health insurance.

Mr. Blackwell scheduled a Personnel Committee meeting on Tuesday, May 17, 2011 at 4:00 p.m.

Mr. Lewis read an email authored by a Lexington resident informing their soccer teams that when the Ontario soccer fields are closed they are to play their games at the top of the hill near the baseball fields. Mr. Lewis asked where this originated.

- Mr. Zeiter responded by saying the Law Director will do the appropriate research and this will be added to the agenda at the next Parks Committee.
- Mr. Cinadr said he attended soccer games this week near the baseball fields and the games should not have been played because the fields were underwater.
- Mrs. Stoodt said she has not been contacted by anyone but OYS to play on the soccer fields. She does have a couple of contracts for the softball fields.
- Mr. Sowash stated we do have the right to protect City property from destruction.
- Mr. Heston will look into this concern.

Mr. Cinadr reported the Finance Committee of the Whole met earlier this evening where funds were appropriated for paving and purchasing a truck and radios.

Mr. Williams and Mr. Weidemyre and had no report.

MAYOR'S REPORT

Mayor Collins gave the following announcements.

- The monthly Zoning Report showed four residential, two commercial, one storm water, and one sign permit issued for a total of 18 permits with fees of \$1,190 and a valuation of \$92,160.
- Mayor's Court received \$9,175 in past due fines and \$10,429 in current fines for a total of \$19,604. In the past fourteen months \$170,540.80 has been collected in past due fines. Eighty-eight tickets were written in April.

Mayor Collins asked the news media to help encourage residents and businesses to use their Ontario, Ohio address with their appropriate zip code of 44903, 44906, or 44862. Mr. Cinadr was instrumental in achieving the privilege for Ontario to have its own identity.

The Vision Team is planning four free concerts in the park this summer.

1. June 21 – Rib Ticklers
2. July 26 – Big Band music
3. August 16 – Family Fest with music, food, and art displays
 - ❖ 5:00 – Band for the youth
 - ❖ 6:00 – Blue Grass band
 - ❖ 7:00 – Ohio Express
4. September 13 – Colonial City Quartet, gospel quartet

The Vision Team has been working for several months on the City of Ontario Economic and Community Development Plan. Committee members have received the draft form and once finalized will present it to Council for adoption.

The Arbor Day Celebration was held last Friday with the six second grade classes from Stingel Elementary.

Mr. Weidemyre offered assistance from the Ontario Growth Association to help with the concerts in the park.

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SERVICE-SAFETY DIRECTOR'S REPORT

Mr. Heston reported the manager of Mansfield Memorial Park asked to commend Evan Hellinger, Jody Orewiler, Ron Eyerly and any others who assisted in the installation of the water main under the front drive. The weather was extreme and the installation was difficult after running into a very large underground concrete basin, and the walls of the holes kept trying to cave in. The project was completed ahead of schedule in spite of the bad weather. Mr. Heston added his thanks and said this is typical of the type of employees working for the City.

Mr. Cinadr said he also has received positive comments on the work performed by the water, sewer and street employees on this project and the Aldi project.

Mr. Blackwell questioned the discrepancies in the gasoline usage report that some employees with gasoline cards are using triple the fuel of others. Mr. Heston responded that he didn't understand the report, didn't know what it was about or why he received it.

- All employees with gasoline cards work for Mr. Heston.
- In April the majority used in the range of 50 – 70 gallons; the highest user was 196 gallons, second highest was 105 gallons and the third highest was 104 gallons.
- Mr. Williams felt there should be some check and balance system.
- Mr. Heston said he will look into this.
- Captain Smith thought some of the high usage could be due to officers traveling to training and a couple of the cars having two officers assigned. The vehicle with the plate reader is used a lot.
- Fuel usage is tracked by the card holder, not by the vehicle.
- Captain Smith will review this with the Chief and let Council know their findings.

LAW DIRECTOR'S REPORT

Mr. Sowash had no report.

MISCELLANEOUS MATTERS

Mr. Blackwell made a motion authorizing the Service/Safety Director to sign the settlement on the grievance that was filed with the FOP. Mr. Cinadr seconded the motion. Seven members cast their votes Aye, zero Nay, and the motion passed.

PUBLIC HEARING

At 7:50 p.m., Mr. Zeiter opened the Public Hearing portion of the meeting on rezoning acreage located at 1980 Walker Lake Road from Residential to Business.

Charles Gilbert, 1980 Walker Lake Road, came before Council to say the reason he is requesting the rezone is because there is business on three sides of his property and the university is on the other side.

- Mr. Zeiter explained the legislation will appear on the next Council agenda. Council will either waive the three readings and vote that night or read it at three successive meetings before voting.
- Mr. Gilbert said he was contacted by a restaurant chain interested in the property. He would like to have the business zoning in place when he is ready to sell.

Ms. Hammond and Mrs. Stoodt asked to be excused from the meeting at this time.

At 7:52 p.m., hearing no one else to come before the Council, Mr. Zeiter closed the Public Hearing portion of the meeting.

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CONSIDERATION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 11-12 (THIRD READING)

AN ORDINANCE AMENDING SECTION 505.11, HUNTING PROHIBITED, OF THE CODIFIED ORDINANCES OF THIS CITY TO ADD CANADA GEESE AND WILD TURKEYS TO THOSE ANIMALS WHICH MAY BE HUNTED IN THE CITY UNDER THE STATE OF OHIO NUISANCE WILD ANIMAL REGULATIONS.

Mr. Blackwell read Ordinance No. 11-12 for the third time, by title only.

Mr. Blackwell made a motion to adopt Ordinance No. 11-12. Mr. Weidemyre seconded the motion. Hearing no discussion, six members cast their votes Aye, one Nay by Mr. Lewis, and Ordinance No. 11-12 was adopted.

RESOLUTION NO. 11-04

A RESOLUTION AUTHORIZING THE CITY ENGINEER TO APPLY FOR AN OHIO DEPARTMENT OF TRANSPORTATION/RICHLAND COUNTY REGIONAL PLANNING COMMISSION TRANSPORTATION IMPROVEMENT PLAN GRANT FOR THE RECONSTRUCTION AND REPAVING OF PART OF WEST FOURTH STREET.

Mr. Williams made a motion to suspend the rules requiring the reading of Resolution No. 11-04 on three separate days. Mr. Arnold seconded the motion. Seven members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mr. Weidemyre read Resolution No. 11-04 for the first time, by title only.

Mr. Weidemyre made a motion to adopt Resolution No. 11-04. Mr. Cinadr seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Resolution No. 11-04 was adopted.

ORDINANCE NO. 11-16

AN ORDINANCE AMENDING ORDINANCE NO. 11-08 KNOWN AS THE PERMANENT APPROPRIATIONS ORDINANCE FOR 2011 BY MAKING ADDITIONAL APPROPRIATIONS TO THE ENTERPRISE FUND.

Mr. Blackwell made a motion to suspend the rules requiring the reading of Ordinance No. 11-16 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. 11-16 for the first time, by title only.

Mr. Lewis made a motion to adopt Ordinance No. 11-16. Mr. Williams seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 11-16 was adopted.

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ORDINANCE NO. 11-17

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ADVERTISE FOR COMPETITIVE BIDS FOR THE 2011 CITY OF ONTARIO PAVING PROGRAM AND DECLARING AN EMERGENCY.

Mr. Cinadr made a motion to suspend the rules requiring the reading of Ordinance No. 11-17 on three separate days. Mr. Arnold seconded the motion. Seven members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mr. Cinadr read Ordinance No. 11-17 for the first time, by title only.

Mr. Cinadr made a motion to adopt Ordinance No. 11-17. Mr. Williams seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 11-17 was adopted.

ORDINANCE NO. 11-18

AN ORDINANCE PROHIBITING THE PARKING OF TRUCKS IN EXCESS OF ~~THREE-QUARTER~~ ONE TON CAPACITY ON A PUBLIC STREET IN FRONT OF OR ALONG SIDE OF ANY PROPERTY USED FOR RESIDENTIAL PURPOSES.

Mr. Weidemyre made a motion to amend Ordinance No. 11-18 by changing the wording from “three-quarter” to “one”. Mr. Cinadr seconded the motion. Seven members cast their votes Aye, zero Nay, and the motion was approved.

Mr. Williams made a motion to suspend the rules requiring the reading of Ordinance No. 11-18 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 Ordinance No. 11-18 for the first time, by title only.

Mr. Williams made a motion to adopt Ordinance No. 11-18. Mr. Weidemyre seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 11-18 was adopted.

ORDINANCE NO. 11-19

AN ORDINANCE AMENDING ORDINANCE NO. 11-10 WHICH ESTABLISHES TERMS AND CONDITIONS OF EMPLOYMENT FOR NON-COLLECTIVE BARGAINING UNIT EMPLOYEES BY REVISING THE DEDUCTIBLE PROVISION OF THE HOSPITALIZATION INSURANCE BENEFITS, AND DECLARING AN EMERGENCY.

Mr. Arnold made a motion to waive the 24-hour rule on Ordinance No. 11-19. Mr. Weidemyre seconded the motion. Seven members cast their votes Aye, zero Nay, and the motion was approved.

Mr. Blackwell made a motion to suspend the rules requiring the reading of Ordinance No. 11-19 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. Arnold read Ordinance No. 11-19 for the first time, by title only.

Mr. Arnold made a motion to adopt Ordinance No. 11-19. Mr. Williams seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 11-19 was adopted.

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Mr. Blackwell requested that all amendments to the Working Ordinance, including the passage of tonight's Ordinance No. 11-19, are combined into an updated Working Ordinance and distributed to all employees.

Mr. Cinadr announced the Ontario Independence Day Parade will take place on July 2nd. Everyone is invited to participate in the parade.

At 8:00 p.m., there being no further business to come before the meeting, the same was adjourned upon a motion by Mr. Blackwell 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