

Regular

May 19,

2011

Ontario City Council met in regular session on May 19, 2011, 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, Larry Arnold, Leon Blackwell, Mark Weidemyre, Barry Lewis, Joseph W. Cinadr, Mr. Zeiter, Mayor Larry Collins, Law Director Allan Sowash, Service-Safety Director Roger Heston, and Clerk of Council Cathy VanAuker. Also in attendance were a number of interested employees and citizens.

Mr. Weidemyre made a motion to excuse Mrs. Hellinger from this evening's meeting. Mr. Arnold seconded the motion. At roll call six members voted Aye, zero Nay, and the motion was approved.

The minutes of the regular Council meeting of May 5, 2011 were presented for approval. Mr. Lewis made a motion to approve the minutes and Mr. Cinadr seconded the motion. At roll call, six 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 stating the News Journal is continuing to throw advertisements on Sunday evenings into his driveway. He was assured this would stop. After Mr. Sowash read from Sections 531.01(a) and 521.08 of the Codified Ordinances on the legal definition of litter, Mr. Meyer asked that citations be issued to the News Journal for each instance they toss unwanted papers in his drive; it is litter and it's illegal.

- Mr. Sowash said he spoke to the Police Department and it is not the News Journal they will cite but the person throwing the litter.
- Mr. Heston contacted News Journal Editor Mr. Brennan and Mr. Brown in Distribution who will contact each route carrier so this does not escalate into citations. If the advertisements are placed in the newspaper receptacles then it is not considered litter. They will research raising the advertiser's rates to pay for receptacles and will contact Mr. Heston once there is a solution from his meetings.
- Mr. Sowash asked Mr. Heston to inform the News Journal they will be in violation should Mr. Meyer receive further distributions.

Next to come before Council was Daryl See, President of the Local APWU, 926 Beal Road, to ask for passage of a resolution opposing moving Mansfield's processing to Cleveland/Columbus. Mr. See distributed packets of information showing how the processing routes will be affected. By dividing the 448 and 449 zip code areas some mail will travel from Mansfield to Columbus to Cleveland then back to Mansfield while some will go to Cleveland and back. Mail could travel 400 miles just to be delivered across the street. No jobs will be eliminated but over 100 positions will transfer out of the area.

Mr. Weidemyre made a motion to prepare legislation for the next Council meeting opposing the consolidation of Mansfield's processing system. Mr. Arnold seconded the motion. Six members voted Aye, zero Nay, and the motion was approved.

Craig Andrew, 3173 Ponderosa Avenue, approached Council asking for information on how the City's money is spent. He would like a ledger of accounts to review.

- Mr. Andrew commended Mr. Blackwell on addressing the lack of controls with the gasoline cards.
- He uses the literature delivered in his driveway by the News Journal as a resource and does not consider it litter.

Mr. Heston responded to concerns with the gas cards. Cards are only used to access the pump, then a vehicle number must be entered. If one person is filling six vehicles then each vehicle number is entered. The report didn't give gallons per vehicle but gallons per card.

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- Mr. Blackwell referred to a recent report he received showing the card number, unit number, quantity and fuel price. Unit #250 has several accesses for diesel fuel and unleaded: 165.37 diesel gallons and 54.87 unleaded gallons; nothing specifies where the gasoline goes.
- Mr. Gleisinger clarified that #250 is off road gasoline for lawn mowers and tractors for lawn service, generators, and miscellaneous gas.
- Mr. Blackwell recommended putting equipment tags on every item to use as a method of tracking. He then asked Mr. Heston for a system to find out what equipment they are fueling because this is taxpayer's money and they have a right to know how it is being used. Surveillance tapes have not been reliable in past requests.
- When Mr. Sowash asked if a log was maintained for each piece of equipment, Mr. Gleisinger said there is a computerized printout indicating who pumped gas, when and how much but it does not identify which piece of equipment within the #250 units.

Fred Kohler, 1482 Lex-Springmill Road, was next to come before Council to speak on the Walker Lake rezone. He asked Council members to do their due diligence for this major 15 acre rezone. Zoning is about land use for building the community. Mr. Kohler pointed out several items to consider:

- Is this rezone from residential to commercial in the best interest of the City?
- Infrastructure, water and sewer, and storm water management. There won't be much control of the usage in a commercial district and some incoming businesses could use a great deal of water and sewer or generate a lot of storm water.
- Consider the increase in traffic needs. The intersection of Walker Lake and Lex-Springmill Road is already challenging.
- Taxpayers should not have to pay for changes the rezone might create.

COMMITTEE REPORTS

Mr. Williams said the Command Vehicle donation drive was a success. He thanked everyone involved and to those who donated toward the \$1,415. Special thanks were extended to Minute Men Printing for discounting the printing of the tickets, to Lowes for selling the gun safe at a reduced price, to Wal-Mart for donating a laptop for the Command Center, and congratulations to Jim Hull, winner of the Centurion Gun Safe.

- Mr. Sowash will prepare legislation for the next meeting to disperse the funds.

Mr. Arnold announced a Shade Tree Commission meeting will be held May 23, 2011 at 4:00 p.m.

Mr. Blackwell reported on the Personnel Committee meeting where they reviewed the employee insurance and potential changes that would be advantageous to both the City and the employees. No decisions were made at that time but follow-up meetings will be held.

Mr. Lewis scheduled a Parks Committee meeting on May 26, 2011, at 6 4:30 p.m. to discuss the information received on harvesting trees and a walking trail.

Mr. Cinadr reported on the Finance Committee of the Whole meeting that was held May 5, 2011. Decisions made during the meeting are in legislative form on tonight's agenda.

Mr. Weidemyre had no report.

MAYOR'S REPORT

Mayor Collins distributed the summer schedule for the Concerts in the Park.

- ❖ June 21 – 7:00 p.m. The Rib Ticklers Band (Swing, Dixieland, 50's and 60's)
- ❖ July 12 – 7:00 p.m. The Big Band (Glen Miller style 18 piece band).

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- ❖ August 16 – Family Fest with bounce houses for kids, food court and art display.
 - 5:00 p.m. The Getaway Band
 - 6:00 p.m. Copus Hill Bluegrass Band
 - 7:00 p.m. Ohio Express
- ❖ September 13 – 7:00 p.m. The Colonial City Quartet (Southern Gospel)

SERVICE-SAFETY DIRECTOR'S REPORT

Mr. Heston had no report.

LAW DIRECTOR'S REPORT

Mr. Sowash had no report.

MISCELLANEOUS MATTERS

Mr. Zeiter read the following Notice of Public Hearing.

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, July 7, 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:

AMENDING SECTION 1137 (c), CONDITIONALLY PERMITTED
USES IN THE R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT OF
THE CITY ZONING ORDINANCE TO ALLOW STUDENT HOUSING
AS A CONDITIONALLY PERMITTED USE.

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

CONSIDERATION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 11-20

AN ORDINANCE REZONING A CERTAIN 15.058 ACRE PARCEL OF LAND
LOCATED AT 1980 WALKER LAKE ROAD FROM R-1 LOW DENSITY
RESIDENTIAL DISTRICT TO B BUSINESS DISTRICT UPON THE
APPLICATION OF CHARLES GILBERT.

Mr. Blackwell made a motion to suspend the rules requiring the reading of Ordinance No. 11-20 on three separate days. Mr. Cinadr seconded the motion. Three members cast their votes Aye, three Nays by Mr. Williams, Mr. Arnold, and Mr. Weidemyre, and the motion to suspend the rules failed. Mr. Williams read Ordinance No. 11-20 for the first time, by title only.

ORDINANCE NO. 11-21

AN ORDINANCE APPROVING THE EDITION AND INCLUSION OF
CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT
CODES OF THE CODIFIED ORDINANCES OF ONTARIO, OHIO.

Mr. Weidemyre made a motion to suspend the rules requiring the reading of Ordinance No. 11-21 on three separate days. Mr. Arnold seconded the motion. Six members cast their

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votes Aye, zero Nay, and the motion to suspend the rules passed. Mr. Arnold read Ordinance No. 11-21 for the first time, by title only.

Mr. Arnold made a motion to adopt Ordinance No. 11-21. Mr. Williams seconded the motion. Hearing no discussion, six members cast their votes Aye, zero Nay, and Ordinance No. 11-21 was adopted.

ORDINANCE NO. 11-22

AN ORDINANCE AWARDING A CONTRACT TO RICHLAND ENGINEERING LIMITED FOR THE PRELIMINARY ENGINEERING ON THE ROCK ROAD LIFT STATION SANITARY SEWER OVERFLOW IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY.

Mr. Arnold made a motion to suspend the rules requiring the reading of Ordinance No. 11-22 on three separate days. Mr. Cinadr seconded the motion. Three members cast their votes Aye, three Nay by Mr. Blackwell, Mr. Weidemyre, and Mr. Lewis, and the motion to suspend the rules failed. Mr. Blackwell read Ordinance No. 11-22 for the first time, by title only.

ORDINANCE NO. 11-23

ORDINANCE NO. 11-23 - AN ORDINANCE AMENDING ORDINANCE 11-08 KNOWN AS THE PERMANENT APPROPRIATIONS ORDINANCE FOR 2011 BY MAKING ADDITIONAL APPROPRIATIONS TO THE GENERAL FUND, SPECIAL REVENUE FUND, AND ENTERPRISE FUND.

Mr. Cinadr made a motion to amend Section 1. The Finance Committee agreed to spend \$45,000 on new police radios; however, legislation reflects moving \$71,421.25 into the Communications Maintenance account. The "TO" amount should read \$65,000. Mr. Arnold seconded the motion. Six members cast their votes Aye, zero Nay, and the motion passed.

Mr. Cinadr made a motion to suspend the rules requiring the reading of Ordinance No. 11-23 on three separate days. Mr. Williams seconded the motion. Six members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mr. Weidemyre read Ordinance No. 11-23 for the first time, by title only.

Mr. Weidemyre made a motion to adopt Ordinance No. 11-23, as amended. Mr. Williams seconded the motion. Hearing no discussion, six members cast their votes Aye, zero Nay, and Ordinance No. 11-23 was adopted.

ORDINANCE NO. 11-24

AN ORDINANCE AWARDING CONTRACTS TO B & C COMMUNICATIONS AND MOTOROLA, INC. FOR THE PURCHASE OF NEW RADIO EQUIPMENT FOR THE CITY POLICE DEPARTMENT FOR THE SUM OF \$71,421.25 THROUGH THE STATE OF OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES COOPERATIVE PURCHASING PROGRAM, AND DECLARING AN EMERGENCY.

Mr. Lewis made a motion to suspend the rules requiring the reading of Ordinance No. 11-24 on three separate days. Mr. Blackwell seconded the motion. Two members cast their votes Aye, four Nay by Mr. Williams, Mr. Arnold, Mr. Weidemyre, and Mr. Cinadr and the motion to suspend the rules failed. Mr. Arnold read Ordinance No. 11-24 for the first time, by title only.

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Mr. Cinadr asked those who received the packets of information pertaining to moving the mail processing to review the letters from Congressman Jim Jordan and Senator Sherrod Brown to learn what has happened in the past when these types of changes are made.

At 8:02 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, six members voted Aye, zero Nay, and the motion to adjourn passed.

President of Council

Clerk of Council