

## Regular

June 2

2011

Ontario City Council met in regular session on June 2, 2011, in the City Offices, with Council President Daniel Zeiter presiding. The meeting opened at 7:17 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, 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 May 19, 2011 were presented for approval. Mr. Weidemyre made a motion to approve the minutes and Mr. Cinadr seconded the motion. At roll call, six members voted Aye, zero Nay, one Abstain by Mrs. Hellinger, and the motion to approve the minutes passed.

### **PUBLIC COMMENTARY**

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

Robert Meisse, representing the Pool and Rec Committee members who were in the audience, said they were showing their support in favor of Ordinance No. 11-29 ,which is on this evening's agenda.

Next to approach Council was Vern Barnhill, 1701 Spring Village Lane, who distributed a packet of information on plans for developing in an R-2 section. His goal is to cooperate with OSU/NCSC and hopefully provide student housing to their rapidly growing enrollment. The schools are not going to build any more housing. The needed projection is an additional 150-200 beds over the next two years. The Public Hearing is scheduled for July 7<sup>th</sup>.

Dave Paone, 317 Allen Drive, informed Council the sewage backup into his home is worse than ever. He has replaced several appliances and spent \$7,000 for services provided by B-Dry. The City knows there is a problem with pressure and is surpassing the back-flow valve. He asked for a solution to prevent the pumping of raw sewage from his basement into the creek.

- Mr. Zeiter explained the reporting process is first to Administration. If the City Engineer can't solve the problem then he will contact the Service/Safety Director and Mayor to involve another engineer and their recommendation will be presented to Council. He should receive a call in the morning from someone in the City.
- Mayor Collins said they have met with Mr. Paone who chose to come before Council to explain his situation. The problem is the Rock Road lift station. Mr. Paone lives in the second lowest elevation house in the City. The Engineer, Service/Safety Director, and Streets Supervisor have met with him.
- When Mr. Zeiter questioned why this problem has not been mentioned to Council or during the multiple Utilities Committee meetings, Mr. Heston said they met with Mr. Paone only a few days ago and he isn't the only person affected by the lift station. They think they have a temporary solution but the ultimate fix will be the lift station. They are going to cap a floor drain that is not connected to the sewer but appears to be causing the problem.

### **COMMITTEE REPORTS**

Mr. Williams expressed his frustration to the numerous complaints he has received regarding unmowed yards. The banks owning the foreclosures are not maintaining the properties.

- The notification procedure is in the Codified Ordinances.
- The Zoning Inspector is working on the process and a police officer has been assigned.
- Anyone noticing a property in violation may notify the Zoning Inspector to ensure it is on his list.

Regular

June 2

2011

Mr. Blackwell scheduled a Personnel Committee of the Whole on June 14, 2011 at 4:00 p.m.

Mr. Blackwell made a motion to change the HSA disbursement from monthly to two six-month payments that will be paid out in January and July. Mr. Weidemyre seconded the motion. Seven members cast their votes Aye, zero Nay, and the motion passed.

Mr. Weidemyre reported that Calisolar is continuing to move forward and they expect to receive approval from the UPCO.

Mr. Weidemyre announced an Economic Development Committee meeting for June 6, 2011 at 4:00 p.m. to discuss the Beer Road Industrial Park which is on the Planning Commission agenda this week.

Mr. Lewis said the Parks Committee discussed the selective harvesting of trees in Marshall Park and north of the City Building. Legislation is on this evening's agenda.

Mr. Cinadr said the \$45,000 moved into the Communication Maintenance Fund during the last meeting was not enough to purchase the new radio equipment. Mr. Cinadr recommended approving Ordinance No. 11-30, transferring \$26,421.25 from the General Fund to the Communication Maintenance line item.

Mr. Cinadr informed the Service/Safety Director the trees on Walker Lake Road are still blocking the view of traffic coming over the hill, before the golf course, in the west bound lane. Mr. Heston said he would take care of it.

Mr. Arnold and Mrs. Hellinger had no report.

### **MAYOR'S REPORT**

Mayor Collins reported on the following items:

- The Zoning Report shows permits for 9 residential, 1 commercial, and 12 signs for a valuation of \$726,600.
- Mayor's Court past due collections were \$8,733, current collections of \$10,143 for a total of \$18,876 with 87 total tickets written.
- Summer concerts in the park begin June 21<sup>st</sup>.

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

Mr. Heston had no report.

Mr. Weidemyre asked for a follow-up to the newspapers being thrown into resident's driveways. Mr. Heston said delivery has been stopped on Bethel Lane and Mr. Brown at the News Journal will look at any other complaints brought to their attention. Mr. Lewis asked that delivery is also stopped on Creston.

Mr. Blackwell said he received a call from a resident on Pearl Street who has water flowing into her home from all angles; the Engineer and Street Supervisors have been to the home. Mr. Blackwell requested follow-up so the resident gets an answer.

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

Mr. Sowash had no report.

Regular

June 2

2011

**CONSIDERATION OF ORDINANCES AND RESOLUTIONS**

ORDINANCE NO. 11-20 – (SECOND READING) 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. Five members cast their votes Aye, two Nays by Mr. Weidemyre and Mr. Lewis, and the motion to suspend the rules failed. Mr. Williams read Ordinance No. 11-20 for the second time, by title only.

ORDINANCE NO. 11-22 – (SECOND READING) 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. Williams made a motion to suspend the rules requiring the reading of Ordinance No. 11-22 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. 11-22 for the second time, by title only.

Mr. Arnold made a motion to adopt Ordinance No. 11-22. Mr. Williams seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 11-22 was adopted.

ORDINANCE NO. 11-24 – (SECOND READING) 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. Williams made a motion to suspend the rules requiring the reading of Ordinance No. 11-24 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. 11-24 for the second time, by title only.

Mrs. Hellinger made a motion to adopt Ordinance No. 11-24. Mr. Williams seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 11-24 was adopted.

RESOLUTION NO. 11-05 - A RESOLUTION ACCEPTING A DONATION OF ONE THOUSAND FOUR HUNDRED FIFTEEN (\$1,415.00) DOLLARS TO THE COMMAND TRUCK DONATION FUND.

Mr. Blackwell made a motion to suspend the rules requiring the reading of Resolution No. 11-05 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. Blackwell read Resolution No. 11-05 for the first time, by title only.

Mr. Blackwell made a motion to adopt Resolution No. 11-05. Mr. Williams seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Resolution No. 11-05 was adopted.

Regular

June 2

2011

RESOLUTION NO. 11-06 - A RESOLUTION REQUESTING CONGRESSIONAL INTERVENTION ON THE PROPOSAL BY THE UNITED STATES POSTAL SERVICE TO CONSOLIDATE THE ORIGINAL MAILS FOR THE 448 AND 449 ZIP CODES INTO THE CLEVELAND AND COLUMBUS PROCESSING AND DISTRIBUTION CENTERS AND DECLARING AN EMERGENCY.

Mr. Williams made a motion to suspend the rules requiring the reading of Resolution No. 11-06 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. Weidemyre read Resolution No. 11-06 for the first time, by title only.

Mr. Weidemyre made a motion to adopt Resolution No. 11-06. Mr. Cinadr seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Resolution No. 11-06 was adopted.

ORDINANCE NO. 11-25 - AN ORDINANCE PROHIBITING THE USE, POSSESSION OR SALE OF SYNTHETIC CANNABINOIDS AND OTHER SYNTHETIC DRUGS, AND DECLARING AN EMERGENCY.

Mr. Williams made a motion to suspend the rules requiring the reading of Ordinance No. 11-25 on three separate days. Mr. Weidemyre seconded the motion. Seven members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mr. Lewis read Ordinance No. 11-25 for the first time, by title only.

Mr. Lewis made a motion to adopt Ordinance No. 11-25. Mr. Williams seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 11-25 was adopted.

ORDINANCE NO. 11-26 - AN ORDINANCE AWARDED A CONTRACT TO MIAMI VALLEY INTERNATIONAL TRUCKS, INC. OF CINCINNATI, OHIO, FOR THE PURCHASE OF A 2012 INTERNATIONAL 7400 CAB AND CHASSIS THROUGH THE OHIO DEPARTMENT OF TRANSPORTATION COOPERATIVE PURCHASING PROGRAM, AND DECLARING AN EMERGENCY.

Mr. Cinadr made a motion to suspend the rules requiring the reading of Ordinance No. 11-26 on three separate days. Mr. Weidemyre seconded the motion. Seven members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mr. Cinadr read Ordinance No. 11-26 for the first time, by title only.

Mr. Cinadr made a motion to adopt Ordinance No. 11-26. Mr. Weidemyre seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 11-26 was adopted.

ORDINANCE NO. 11-27 - AN ORDINANCE DELETING SECTION 153.01, CUSTODIAN AND MAINTENANCE SUPERVISOR, AND AMENDING SECTION 153.02, BUILDINGS AND GROUNDS CUSTODIAN, OF THE CITY OF ONTARIO CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.

Mr. Blackwell made a motion to amend Ordinance No. 11-27 by changing the effective dates from June 30, 2011 to July 11, 2011. Mr. Williams seconded the motion. Seven members cast their votes Aye, zero Nay, and the motion passed.

Mr. Blackwell made a motion to suspend the rules requiring the reading of Ordinance No. 11-27 on three separate days. Mr. Williams seconded the motion. Seven members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mr. Williams read Ordinance No. 11-27 for the first time, by title only.

## Regular

June 2

2011

Mr. Williams made a motion to adopt Ordinance No. 11-27, as amended. Mr. Blackwell seconded the motion. Mr. Weidemyre asked for clarification if this was renaming or creating a position based on the verbiage under Section 2, 153.01(a) There is hereby created the position of Buildings and Grounds Custodian. Mr. Sowash verified this is not creating a new position. Seven members cast their votes Aye, zero Nay, and Ordinance No. 11-27 was adopted.

**ORDINANCE NO. 11-28 - AN ORDINANCE CONTINUING THE POSITION OF SCHOOL RESOURCE OFFICER IN COOPERATION WITH THE ONTARIO LOCAL SCHOOL DISTRICT, AND DECLARING AN EMERGENCY.**

Mr. Williams made a motion to suspend the rules requiring the reading of Ordinance No. 11-28 on three separate days. Mr. Cinadr seconded the motion. Five members cast their votes Aye, two Nay by Mrs. Hellinger and Mr. Lewis, and the motion to suspend the rules failed. Mr. Arnold read Ordinance No. 11-28 for the first time, by title only.

**ORDINANCE NO. 11-29 - AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ADVERTISE FOR COMPETITIVE BIDS FOR THE SELECTIVE HARVEST OF TREES IN MARSHALL PARK AND ON THE CITY PROPERTY NORTH OF THE ONTARIO MUNICIPAL BUILDING BASED UPON THE RECOMMENDATION OF THE SHADE TREE COMMISSION, AND DECLARING AN EMERGENCY.**

Mr. Arnold made a motion to suspend the rules requiring the reading of Ordinance No. 11-29 on three separate days. Mr. Lewis seconded the motion. Six members cast their votes Aye, one Nay by Mrs. Hellinger, and the motion to suspend the rules passed. Mr. Blackwell read Ordinance No. 11-29 for the first time, by title only.

Mr. Blackwell made a motion to adopt Ordinance No. 11-29. Mr. Cinadr seconded the motion. Hearing no discussion, six members cast their votes Aye, one Nay by Mrs. Hellinger, and Ordinance No. 11-29 was adopted.

**ORDINANCE NO. 11-30**

**AN ORDINANCE AMENDING ORDINANCE 11-08 KNOWN AS THE PERMANENT APPROPRIATIONS ORDINANCE FOR 2011 BY MAKING ADDITIONAL APPROPRIATIONS TO THE GENERAL FUND.**

Mr. Cinadr made a motion to waive the 24-hour rule. Mr. Williams seconded the motion. Seven members cast their votes Aye, zero Nay, and the motion passed.

Mr. Arnold made a motion to suspend the rules requiring the reading of Ordinance No. 11-30 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. Weidemyre read Ordinance No. 11-30 for the first time, by title only.

Mr. Weidemyre made a motion to adopt Ordinance No. 11-30. Mr. Blackwell seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 11-30 was adopted.

At 8:02 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. Lewis. At roll call, seven members voted Aye, zero Nay, and the motion to adjourn passed.

---

 President of Council

---

 Clerk of Council