

Regular

August 5

2011

Ontario City Council met in regular session on August 5, 2011, in the City Offices, with Council President Daniel Zeiter presiding. The meeting opened at 7:00 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, Mr. Zeiter, Mayor Larry Collins, Law Director Allan Sowash, Service-Safety Director Roger Heston, Recreation Director Janet Van Cura and Clerk of Council Cathy VanAuker. Also in attendance were Director of Engineering Jerrod Swinehart, Zoning Inspector Dallas Strickler, and a number of interested employees and citizens.

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

Mr. Williams made a motion to excuse Joseph Cinadr from this evening's meeting. Mr. Blackwell seconded the motion. At roll call, four members voted Aye, one Nay by Mr. Lewis, and the motion passed.

The minutes of the regular Council meeting of July 14, 2011 were presented for approval. Mr. Lewis made a motion to approve the minutes and Mr. Arnold seconded the motion. At roll call, five 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.

Craig Hunt, 3680 Park Avenue West, distributed a handout to Council showing the sign on the Fisher's Deli and Pizza property that blocks his view when pulling out of his driveway onto Park Avenue West. The sign was originally erected in 1976 and has been grandfathered in as a non-conforming sign. The sign does not meet the current zoning code and is 3' from his property line. Mr. Hunt would like the sign removed because it is a safety concern.

- The sign is 17' 4" from the outer edge of the sign to the white line of the road.
- It is dangerous for his visitors to back out onto Park Avenue because they can't see past the sign unless they are already in the roadway.
- June 13, 2011 the business closed. The Zoning Inspector was contacted regarding Codified Ordinance 1146.07, Unsafe and Abandoned Signs, which states if a business ceases to operate all signs must be removed within 30 days or the signs are considered abandoned. The 30 days ended July 12th. When the Zoning Inspector was contacted the following day he said he would notify the owners by letter, informing them they had 10 days to appeal. The owners then changed the sign to Fisher's Party Room and put tape over the sign on the roof to display the new business name. The owners informed the Zoning Inspector they changed the name of the business.
- Mr. Hunt felt the appeal needs presented not just to the Zoning Inspector but before the Planning Commission since they were past the 30 day sign abandonment and the 10 day appeal. He would like the sign taken down.
- Mr. Blackwell agreed the sign needs removed because it creates a safety hazard. The sign blocks Mr. Hunt's driveway. Tape should not be permitted on signs in the City and if it is permissible then Council needs to look at legislation to make a change.
- Mr. Sowash said the sign was established in 1976 and fell under Codified Ordinance 1146.11, Non-conforming Signs. Under the current circumstances, Codified Ordinance 1146.07, Unsafe and Abandoned Signs (b), is applicable. They can appeal to the Zoning Inspector but item (c) "In the event of a clear and present danger that the sign will fall or otherwise injure a pedestrian or motorist, the Inspector may cause the sign to be immediately removed, followed by notice, which may be appealed within 10 days. City removal may be at owner's expense. Notices may be appealed within the applicable 10 day period to the Planning Commission." The next step would be to go before Planning Commission requesting a Change of Use for the property because it is now a party room.

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- Mr. Strickler agreed that Planning Commission approval is necessary for a Change of Use, going from a deli to this new activity.
- Mr. Hunt presented a copy of the 1976 sign application requesting two signs: one was for a 16 sf sign on the roof, the other a 12 sf sign at the front of the building. The 12 sf sign has since become 63 sf which includes the framework of the sign even though the actual sign is 32 sf. No record could be located requesting the yellow sign.
- Mr. Zeiter verified with Mr. Strickler that the sign would not come down because it is grandfathered. The letter sent to the business owners indicated all signs should come down.
- Mr. Sowash referred to Codified Ordinances 1146.11 (c), Non-Conforming Signs, which states “a determination that a non-compliant sign must be removed or made to conform to this chapter by the Zoning Inspector may be appealed to the Planning Commission within 10 days of the notice of determination by the Zoning Inspector.” This indicates as long as the sign doesn’t change in size it is grandfathered.
- Mr. Blackwell’s concern pertained to 1146.07, Unsafe and Abandoned Signs, sections (b) and (c). The sign does interfere with the line of sight coming out of the driveway forcing some vehicles into the street to see past the sign.
- Mr. Zeiter asked if Council or Planning Commission could reverse the grandfather clause and require the removal of the sign based on safety concerns not only for this driveway but also Pearl Street. Mr. Sowash said 1146.11 (c) would be one of the steps toward making the change.

Next to come forward was Lisa Hall, 1805 Spring Village Lane, to say she has been an Ontario resident since 1993 and wanted to address the policy requiring a \$150 deposit for water and sewer services. She learned of this policy in June when she moved across the street from where she lived for the past five years, where she had water and sewer in her name, paid her bill, and never had a shut-off. The policy is punitive to a resident who has established themselves with good water/sewer credit with the City. Ms. Hall requested a waiver to the policy for residents who have established a good payment history with the City.

- If this policy was in place when she moved into her previous address the City would have held her \$150 deposit for 5 1/2 years, collecting interest.
- Mr. Zeiter explained this was discussed during the Caucus meeting. The deposit is used against the final bill when someone moves and the remainder is returned to the resident.
- Mr. Arnold said the Utilities Committee will meet to consider the possibility of modifying the policy. He will inform Ms. Hall when the meeting is scheduled.

COMMITTEE REPORTS

Mr. Arnold asked the Engineer to report at the next regular Council meeting on the street repairs that are needed due to the substandard road paving. Ontario was required to pay their portion prior to the beginning of the road paving project.

- Mr. Swinehart said the State is asking Mr. Heston to submit a letter.
- A Streets Committee of the Whole meeting was scheduled for August 11, 2011, at 5:30 p.m., to discuss this in more detail.

Mr. Blackwell announced a Personnel Committee of the Whole meeting on August 11, 2011, at 6:00 p.m., to discuss the possibility of an Economic Development Director position, as well as information he received from the City’s health insurance agent.

Mr. Weidemyre reported on the Economic Development Committee meeting held earlier this evening where they authorized the Mayor and Service-Safety Director to look into the possibility of purchasing additional land and an infrastructure grant for the Industrial Park.

Mr. Williams and Mr. Lewis had no report.

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MAYOR'S REPORT

Mayor Collins reported on the following items.

- The monthly Zoning Report showed a total of 13 permits with an evaluation of \$13,530.
- Mayor's Court collected \$7,227.50 in past due fines and \$14,454 in current fines for a total of \$21,681.50 with 93 tickets written in July.
- The Safety Town coordinator sent a note of appreciation for the \$1,600 donation to the program.
- Mayor Collins distributed the requested information pertaining to renting the Ontario Senior Center which has a capacity of 150; the Community Room holds 72. His recommendation was to raise the Community Room rental fee from \$35 to \$45 which matches the park pavilions fee but offers much more.
 - Council members agreed the rental fee was too low to pay for setting up the tables and chairs, water, electric and paper products.
 - Mr. Heston commented on how well those in charge of the Senior Center take care of the building. Some who rent the Community Room overflow the toilets by filling them with paper towels causing additional expenses for clean-up. Not all of the rules are followed. He was not in favor of renting the Senior Center as it offers a service to the senior citizens.
- Promotions at the Police Department were Rob Griefenstine to Lieutenant and Brian Williams to Sergeant.

SERVICE-SAFETY DIRECTOR'S REPORT

Discussion focused on the Rock Road bridge.

- Mr. Heston said the Norfolk Southern Railroad owns the bridge and he has not heard from them nor has he received any calls from residents concerning the bridge.
- Safety is the primary concern but it isn't fair to the community not to do something about the bridge.
- Mr. Swinehart sent an email and spoke to the inspectors who are forwarding their report to their engineers; he has not heard back from anyone.
- Mr. Heston said there is approximately 15' of dirt and gravel on top of the bridge and the pressure is what holds the bridge together. The keystone was knocked out and more debris has been knocked out since it was hit. To repair the bridge it would have to be torn down and completely rebuilt because it is not secure. Estimated cost could be in excess of \$3 million.
- The bridge is not on the historical landmark list but if it is placed there then the owner is responsible to maintain the bridge.
- The owner of the company who hit the bridge is willing to tear the bridge down if the railroad grants permission.
- The bridge is the only unique landmark in the City and dates back to the Civil War.
- The last time the bridge was in need of repair the City absorbed the expenses because the railroad didn't want involved.
- The closed bridge not only affects the safety of the residents but the City's ability to function.
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- Mr. Sowash will research the City's options.

Mr. Zeiter reference the concrete slab that was poured on Pearl Street to assist with the rain run-off in front of a resident's home and was concerned about the stones collecting and getting into the drain. Mr. Swinehart said the stones will be swept off regularly. Residents in that area say when the retention pond behind the Fire Department fills up the excess water runs off and affects their properties.

LAW DIRECTOR'S REPORT

Mr. Sowash had no report.

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RECREATION DIRECTOR'S REPORT

Mrs. Van Cura reported on the following events:

Lifeguard Certification Class. Eleven students participated in this class.

Summer Recreation. Over 200 children participated each of the two weeks in June. The chemical imbalance in the swimming pool caused it to be shut down a couple of days.

Learn to Swim Lesson. Lessons were held following Summer Rec with 25 students each week.

Zumba Class. This is held in the Senior Center on Tuesday and Thursday evenings from 6 – 7 p.m. until Stingel Elementary reopens in the fall. The dollar collected from each participant is paid to the City for utilities.

Aerobic Class. Due to the lack of interest aerobics will not be offered in the fall.

Family Swim. Dates are not determined but will begin in November.

Ontario Community Craft Show. The date this year is December 3rd.

4th of July Parade. The Recreation Department entered a float this year. A special thanks to the Kohlers for offering their time and financial assistance to make the float a success.

Mr. Zeiter asked Mrs. Van Cura if she received any calls or complaints from the student workers about not getting paid for a month after Summer Rec was over. Mrs. Van Cura said all of the paperwork was ready but the Payroll Clerk told her it wouldn't happen for awhile because there were too many. This has never happened in past years; the workers had to wait until the July 21st pay.

CONSIDERATION OF ORDINANCES AND RESOLUTIONS

Mr. Zeiter explained to the audience with five Council members present they do not have enough to suspend the rules of reading three times so they will only be able to have the first reading this evening.

RESOLUTION NO. 11-11

AN RESOLUTION AGREEING TO COOPERATE WITH THE DIRECTOR OF TRANSPORTATION ON THE US ROUTE 30 PAVEMENT REPAIRS PROJECT WITHIN THE CITY OF ONTARIO AND DECLARING AN EMERGENCY.

Mr. Williams read Resolution No. 11-11 for the first time, by title only.

ORDINANCE NO. 11-39

AN ORDINANCE AMENDING ORDINANCE NO. 11-08 KNOWN AS THE PERMANENT APPROPRIATIONS ORDINANCE FOR 2011 BY MAKING ADDITIONAL APPROPRIATIONS TO THE GENERAL FUND AND SPECIAL ASSESSMENT FUNDS.

Mr. Williams made a motion to amend Ordinance No. 11-39, Section 1, from \$33,000 to \$85,000. Mr. Blackwell seconded the motion. Five members cast their votes Aye, zero Nay, and the motion was approved.

Mr. Arnold read Ordinance No. 11-39 for the first time, by title only.

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ORDINANCE NO. 11-40

AN ORDINANCE DESIGNATING SUTTON BANK OF ATTICA, OHIO, AS A PUBLIC DEPOSITORY OF THE INACTIVE AND/OR INTERIM AND/OR ACTIVE FUNDS OF THIS CITY FOR A PERIOD OF FIVE YEARS COMMENCING JULY 1, 2011 AND ENDING JUNE 30, 2016 AND DECLARING AN EMERGENCY.

Mr. Blackwell read Ordinance No. 11-40 for the first time, by title only.

ORDINANCE NO. 11-41

AN ORDINANCE APPROVING A REVISED VACATION PLAT OF THE BERNHARD WOLF ALLOTMENT INCLUDING CERTAIN UNDEVELOPED LOTS, THE PARK LAND, A 10' WALKWAY AND STREET RIGHT OF WAYS WITHIN THE UNDEVELOPED AREA AND DIRECTING THE CLERK OF COUNCIL TO RECORD THIS ORDINANCE WITH THE APPROPRIATE COUNTY OFFICE.

Mr. Weidemyre read Ordinance No. 11-41 for the first time, by title only.

Mr. Williams made a motion to prepare legislation to authorize the Service-Safety Director to award a contract to Graybar Electric Company, Inc. for the purchase of materials to replace bulbs, ballast, and fixtures in the City of Ontario's various Municipal Buildings with ones of a higher efficiency through the State of Ohio Department of Administrative Services Cooperative Purchasing Program. Mr. Arnold seconded the motion and the motion passed five Aye, zero Nay.

At 8:28 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. Blackwell. At roll call, five members voted Aye, zero Nay, and the motion to adjourn passed.

 President of Council

 Clerk of Council