

Regular

October 6

2011

Ontario City Council met in regular session on October 6, 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, 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, Director of Engineering Jerrod Swinehart, Water Distribution Manager Evan Hellinger, and Clerk of Council Cathy VanAuker. A number of interested employees and citizens were also in the audience.

The minutes of the regular Council meeting of September 15, 2011 were presented for approval. Mr. Cinadr made a motion to approve the minutes and Mr. Williams seconded the motion. At roll call, seven members voted Aye, zero Nay, and the motion to approve the minutes passed.

Mayor Collins invited Frank and Betty Stumbo to come forward and then presented them with following proclamation.

Frank and Betty Stumbo Proclamation

Frank and Betty Stumbo, life long area residents, settled in Ontario in 1954, and he was working at the Lumbermen's Insurance Company, and

WHEREAS, Frank felt a need to get involved in the Village of Ontario local government and was Ontario's first Mayor from 1958 to 1963, and

WHEREAS, Frank and Betty felt a need for Ontario to have it's own newspaper and after gathering the equipment necessary for the publishing of a newspaper, they began on October 12, 1961 at the Mitchell Farm here in Ontario, where they rented space in an out building that had no restroom facilities, and

WHEREAS, Frank and Betty had no experience in the publishing of a newspaper, and

WHEREAS, after beginning publishing the news for Ontario, they have been able to add the news for Lexington and Madison, and

WHEREAS, The *Tribune-Courier* newspaper has been one that was intent on publishing the good news about our children, youth, adults, veterans and worthy programs in the community. It has been a focal point for our community.

WHEREAS, Frank Stumbo is a clear voice in our community in clarifying issues that confront the city, the county, the state and even the nation, through his excellent editorials.

WHEREAS, no one knows the history of Ontario better than Frank Stumbo, and

WHEREAS, the newspaper would not have been able to become all it has been without the loyal support of advertisers, subscribers and contributors, and

WHEREAS, Frank and Betty Stumbo, founders, continuous owners and publishers of the last family owned weekly newspaper in Richland County and possibly the State of Ohio are approaching 50 years of successfully publishing the *Tribune-Courier*,

NOW THEREFORE, I, Larry C. Collins, Mayor of the City of Ontario, do hereby proclaim October 12, 2011, as Frank and Betty Stumbo Day in the City of Ontario.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Ontario to be affixed this 6th day of October in the Year of Our Lord Two Thousand Eleven.

Larry C. Collins, Mayor

Regular

October 6

2011

Mayor Collins presented the Stumbos with an enlarged copy of the Tribune's first page dated October 12, 1961.

Mr. Stumbo thanked the Administration and Council and expressed they had a lot of help over the years with the newspaper - they did their best.

PUBLIC COMMENTARY

Craig Hunt, 3680 Park Avenue West, distributed pictures of the Fisher's Deli sign located next to his driveway which he feels creates a safety concern. A letter written to him by the Zoning Inspector was included with his information.

- Mr. Hunt felt the sign was installed illegally in 1976.
- Mr. Hunt's father discussed this same issue approximately 20 years ago with Zoning Inspector Bob Wolfe who also felt the sign was not put up correctly. The sign has been discussed several times but no legal action was taken. Mr. Boyce was the Zoning Inspector at the time the sign was erected.
- Mr. Hunt paid \$30 to appeal to the Planning Commission on October 12th.
- Mr. Hunt thanked Council for listening to him and he appreciated everything they have done for him.

Next to come before Council was Kenn Spencer, 3654 Shangri-La Avenue, who began by saying he loves Ontario, the school district, and everything about it. I received the letter when I came in tonight and trust the road will be fixed but questioned the process of how it got to that point. His neighbor had the opportunity to drive with administration to look at the roads in Lexington but no one else was given that privilege. Mr. Spencer first contacted Councilman Blackwell who did not know the roads would look the way they do and said he felt he was being ignored by Administration. Mr. Spencer emphasized that Council members are the voice of the residents and that was why he was attending tonight. Council members should have received the opportunity to go to Lexington to inspect the roads.

- Shangri-La is one of the top neighborhoods in Ontario but the new road is lowering the property values. Mr. Spencer contacted a real estate agent who wrote a letter to that effect; the letter was circulated among Council members.
- The roads need fixed the correct way, not a patch that will need fixed again in a short amount of time.
- In the past few months Mr. Zeiter has been hung out to dry over the bus incident at the school. I missed my opportunity several months ago to stand up for him because he was protecting my son. I would expect each one of you to do the same thing to protect my son and I appreciate that.
- Mr. Blackwell responded that Administration is adamant that Council is legislative and they are administrative and they don't want Council to have a say in anything they do except for legislation. At the last Council meeting, three weeks ago, Mr. Blackwell asked Mr. Heston to see what the roads look like before they go forward with the process. He was ignored by Mr. Heston, the Mayor and the Engineer and didn't know the roads were being done until he visited a resident in Shangri-La and saw the gravel on the road. Mr. Blackwell was told to look at Beverly Lane because it was done. Beverly Lane needs fixed and a road like that should not be put in this City.
- Mr. Spencer said when he votes for a Council member that person becomes the voice of the residents and if they are being ignored, that's not okay.

Next to approach Council was Ashley Finley, 3718 Shangri-La, to say she made a couple of phone calls because not one person in the neighborhood knew this was about to happen. She was told the Engineer was to hang fliers on the doors to let them know but she didn't know until she drove down her road while it was being tarred and chipped. We have nice vehicles and want to keep them nice, we have kids in our neighborhood who can no longer roller blade or skateboard. She moved out of the country into a lovely neighborhood but is now back to tar and chip. We are all tax payers. Mr. Heston said the road was never built to spec, explain to me how that passed a City code? That is not our fault and you are now going to fix our road. It was

Regular

October 6

2011

sad that four neighborhoods were tarred and chipped. We love this town and we want it to be right. Are you going to make the road right or is it just a patch for the next year or two?

Jeff Wilson, 90 Sloboda Avenue, asked Council to reconsider the zoning laws pertaining to corner lots in the City limits. Most of the lots in his neighborhood are 120' wide and there would be less than half of the lot left if a fence or structure was put up.

- Mayor Collins said there is legislation on this evening's Agenda to address his concern and then it will go back to Planning Commission.

Rick Dailey, 3679 Shangri-La, was next to come before Council to ask what is going to be done with the road because he has not heard any commitment to actually fix the road, and, secondly who made the decision to hire a contractor and take the money to pay to do this to our roads?

- Mr. Arnold said the repair of the streets was discussed at a Streets Committee meeting. This approach was a substitute for paving but was to be high quality and not a tar and chip. The Committee was told that streets in Lexington were done this way and it was a fine product. The money was allocated, the decision was made as to which streets would be taken care of, and it is the Administration who makes the contracts with the road departments.
- The Engineer looked at the streets in Lexington and made the recommendation.
- Council requested to look at the process but never got the opportunity.
- Mr. Blackwell said he didn't know they were going to begin the process in Shangri-La which is directly behind his house. Council was excluded from the decision and being able to see the finished product on the Lexington streets. The Engineer, the Service-Safety Director, and the Mayor made the decision.
- Mr. Weidemyre said, as a member of the Streets Committee, they are committed to making sure the roads will be fixed. They are unacceptable and will be made right.

Next to approach Council was Doris Farina, 133 Alexander Drive East, to address the chip and tar roads. From her house to Rudy Road is very bumpy but Rudy Road is much smoother. She picked a rock out of the asphalt on Rudy Road and compared it to the rock from her road; the rocks used on her road are much larger. The street sweeper blew rocks 3' to 4' into the yards. Mrs. Farina asked who will be liable when her mower throws a rock and it hits a passing vehicle. Mrs. Farina lives on a corner lot and urged Council to consider adjusting the setbacks because the current requirements restrict the amount of space she has in her back yard.

Ontario High School government students Kelly Nguyen, Alexa Cortelletti, and Hayley Poland addressed Council with several questions.

1. When the recent water/sewer rate increases are in full effect, how much annual incremental funding will be collected from the residents?

This is difficult to answer without the legislation for verification but there is a \$10 hook-up charge per quarter per resident and an 8% rate adjustment.

2. How much annual incremental funding will be collected from the businesses of Ontario?

Businesses have the same hook-up fee as residential but the rate did not go up for businesses.

3. Is it true the City of Ontario paid to install the water and sewer utilities for the Aldi store?

Aldi's paid for all materials and the Administration directed City employees to do the work.

Regular

October 6

2011

4. Why is the City of Ontario paying for a full time engineer while the same time paying outside engineering firms approximately \$50,000 to perform sewer system engineer evaluations? Shouldn't we only be paying for one or the other instead of paying twice for the same service?

There are certain jobs the City Engineer does and other jobs that are outside of his scope that require seeking outside engineering consultation. Council has asked the same questions but it depends upon the job size as it relates to engineering requirements.

5. Has the City of Ontario received Director's Findings and Final Orders from the Ohio EPA with regard to the sewer system?

The City received findings on the Rock Road lift station.

Then why did you pass the new water and sewer rates?

The findings and orders, and the rate increases, were not correlated. The City has not received final findings and the EPA has agreed to work with the City to avoid final orders and penalties. The City operates the utility departments in the red so the intent was to raise the rates to pay for the services and begin setting back money for future repairs on the lines before there is a catastrophic event. Raising the rates will help in obtaining grant money to complete projects.

Next to approach Council was Marc Caldwell, 149 Alexander Drive East, asking what he should do about the tar on his car, in his driveway, and on his carpet. He also pointed out one side of the street is higher than the curb side. There are a lot of rocks in the driveway that have left lighter marks from being crushed when driving over them.

- Mayor Collins said they would take care of getting his car cleaned. The driveway will be addressed but at this time he is uncertain what will be done.

Cletus Kast, 3646 Shangri-La, came before Council to express his disappointment on the road surface. He received a letter tonight signed by the Mayor, Service-Safety Director, and Engineer stating they were not able to do it correctly because of the insufficient base under the pavement. When the development was put in it should have been inspected by the City and if it doesn't meet specifications what is the City going to do to bring it into specifications? If a sealant is going to be put on to preserve it for ten years will there be premature failure like Park Avenue West? The street should look like a city street.

- Mr. Kast continued by saying Mr. Zeiter was thrown under the party bus because of the actions he took. Mr. Kast's son was also on the bus. He wasn't going to go to the prom but when he showed Mr. Kast the bus information online he thought it was a good idea and would get 10 couples off the road and have one chauffeur, what could be safer than that? There was a big wrong doing during the prom and I would like to take this opportunity to thank Mr. Zeiter.
- Mr. Kast also thanked Mr. Blackwell for everything he has done for them.

Mayor Collins addressed the residents in the audience by saying the buck stops at his desk. He accepted full responsibility for what has happened in the neighborhoods, the inconvenience, the frustration, the mess, and the tar on the cars, that was not the intent. They made a mistake but did not intend to. Mayor Collins took a resident to Lexington to see the streets after the Engineer took him and the Service-Safety Director to Lexington to meet with their Administrator and Streets Superintendent. There is a way to fix the roads, it won't be a covering, it will be pavement. Kokosing will begin on October 17th; they were scheduled for patch work but will be redirected to your neighborhoods first to begin paving. Mayor Collins said he was very, very sorry and he would not have wanted it in his neighborhood. It was a mistake and they will do their best to correct it.

Regular

October 6

2011

Mr. Zeiter encouraged residents to stay for the Streets Committee meeting being held immediately following Council to hear the discussion as it pertains to correcting the street surfaces.

The order of the Agenda was changed so Mrs. Hellinger could participate in voting on legislation.

CONSIDERATION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 11-45

(SECOND READING) AN ORDINANCE DESIGNATING CITIZENS BANK OF SANDUSKY, 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 AUGUST 30, 2011 AND ENDING AUGUST 30, 2016 AND DECLARING AN EMERGENCY.

Mr. Williams made a motion to suspend the rules requiring the reading of Ordinance No. 11-45 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. Williams read Ordinance No. 11-45 for the second time, by title only.

Mr. Williams made a motion to adopt Ordinance No. 11-45. Mr. Cinadr seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 11-45 was adopted.

RESOLUTION NO. 11-15

A RESOLUTION AUTHORIZING THE SERVICE-SAVETY DIRECTOR TO EXECUTE AN AGREEEMNT ON BEHALF OF THIS CITY WITH THE STATE OF OHIO DEPARTMENT OF TRANSPORTATION FOR SNOW AND ICE CONTROL ON US 30 WITHIN THE CITY OF ONTARIO, RAMPS TO AND FROM US 30 AND LEXINGTON SPRINGMILL ROAD AND STATE ROUTE 314 WITHIN THE CITY OF ONTARIO.

Mr. Weidemyre made a motion to suspend the rules requiring the reading of Resolution No. 11-15 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. Arnold read Resolution No. 11-15 for the first time, by title only.

Mr. Arnold made a motion to adopt Resolution No. 11-15. Mr. Williams seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Resolution No. 11-15 was adopted.

ORDINANCE NO. 11-46

AN ORDINANCE GRANTING A LICENSE TO JEFFREY P. WILSON AND DENISE B. WILSON TO MAINTAIN A PRIVACY FENCE WHICH ENCROACHES SEVEN FEET UPON THE RIGHT-OF WAY OF HILLTOP ROAD.

Mr. Williams made a motion to suspend the rules requiring the reading of Ordinance No. 11-46 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. 11-46 for the first time, by title only.

Regular

October 6

2011

Mr. Williams made a motion to adopt Ordinance No. 11-46. Mr. Weidemyre seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 11-46 was adopted.

ORDINANCE NO. 11-47

AN ORDINANCE AMENDING ORDINANCE NO. 11-08 KNOWN AS THE PERMANENT APPROPRIATION ORDINANCE FOR 2011 BY MAKING ADDITIONAL APPROPRIATIONS TO THE GENERAL FUND, SPECIAL REVENUE FUND AND ENTERPRISE FUND AND TRANSFERRING THE SUM OF \$8,100.00 WITHIN THE GENERAL FUND.

Mr. Blackwell made a motion to suspend the rules requiring the reading of Ordinance No. 11-47 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. Blackwell read Ordinance No. 11-47 for the first time, by title only.

Mr. Blackwell made a motion to adopt Ordinance No. 11-47. Mr. Cinadr seconded the motion. Hearing no discussion, six members cast their votes Aye, one Nay by Mr. Weidemyre, and Ordinance No. 11-47 was adopted.

ORDINANCE NO. 11-48

AN ORDINANCE AMENDING SECTION 505.11 HUNTING PROHIBITED OF THE CODIFIED ORDINANCES OF THIS CITY BY AMENDING THE DISTANCE FROM A RESIDENTIAL DWELLING UNIT WHERE HUNTING FOR WHITE-TAILED DEER AND WILD TURKEYS MAY OCCUR ON AN APPROVED REGISTERED HUNTING SITE.

Mr. Weidemyre made a motion to amend Ordinance No. 11-48, Section 1, to read: 500 feet from any residential dwelling unit. Mr. Cinadr seconded the motion. Hearing no discussion, 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. 11-48 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. Weidemyre read Ordinance No. 11-48 for the first time, by title only.

Mr. Weidemyre made a motion to adopt Ordinance No. 11-48. Mr. Williams seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 11-48 was adopted.

ORDINANCE NO. 11-49

AN ORDINANCE APPROVING A REVISED VACATION PLAT OF PART OF THE BERNHARD WOLF ALLOTMENT INCLUDING CERTAIN UNDEVELOPED LOTS, THE PARK LAND, A 10' WALKWAY AND STREET RIGHTS-OF-WAY WITHIN THE UNDEVELOPED AREA, AND DIRECTING THE CLERK OF COUNCIL TO RECORD THIS ORDINANCE WITH THE RICHLAND COUNTY RECORDER.

Mr. Blackwell made a motion to suspend the rules requiring the reading of Ordinance No. 11-49 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. Lewis read Ordinance No. 11-49 for the first time, by title only.

Regular

October 6

2011

Mr. Lewis made a motion to adopt Ordinance No. 11-49. Mr. Cinadr seconded the motion. Hearing no discussion, six members cast their votes Aye, one Nay by Mr. Weidemyre, and Ordinance No. 11-49 was adopted.

Mr. Weidemyre made a motion to excuse Mrs. Hellinger from the remainder of the meeting. Mr. Cinadr seconded the motion. At roll call, seven members voted Aye, zero Nay, and the motion passed.

COMMITTEE REPORTS

Mr. Arnold reported on the Utilities Committee meeting held earlier this evening. The Committee determined contractors working on City water must have the same requirements as contractors working on sewer. The Law Director will prepare legislation to present before Council. Also, a Streets Committee meeting will be held immediately following Council.

Mr. Weidemyre welcomed the Ontario High School government students to this evening's meeting.

- October 21st and 22nd is the Make a Difference Food Drive. Contributions of canned food items can be dropped off at Graham Auto Mall or any Kroger store.

Mr. Cinadr said the budget will be ready for the Council meeting on October 20th. A Finance Committee of the Whole meeting was scheduled for October 20th at 5:00 p.m. The budget will be distributed to Council members by October 13th.

Mr. Williams, Mrs. Hellinger, Mr. Blackwell, and Mr. Lewis had no report.

MAYOR'S REPORT

In the essence of time, Mayor Collins said he would defer his report until the next meeting.

SERVICE-SAFETY DIRECTOR'S REPORT

Mr. Heston apologized to the residents because the paving project was not what they hoped for and they will do what is needed in order to get it corrected.

Mr. Heston apologized to Mr. Blackwell, stating it was not his intention to ignore him. It was a misunderstanding and the last thing Administration wants is an adversary relationship with Council.

Mr. Heston addressed Mr. Blackwell's earlier question pertaining to gasoline usage and why it is so disproportionate. All equipment has been tagged and a monthly report is produced that tracks usage. The card machine tracks the gasoline by unit.

As the result of the recent census the four City Wards need redrawn because there can't be more than a 10% discrepancy in the number of residents in each Ward. Council has 90 days after October 1st to resolve the differences but the Richland County Board of Elections needs changes completed by December 7th in order to be ready for the next election. Richland County Regional Planning has provided a geographical draft with a 4.07% discrepancy. This will be made available for all to review. Mr. Sowash said legislation will need prepared that defines the changes.

Mr. Zeiter asked the status of the municipal building's roof that blew off in the spring. Mr. Heston said three quotes were received on the state bid and one quote that was not a state bid which was the lowest and the one they want to pay. The insurance company hired an engineer to inspect the roof and determine if the low bidder can comply with code. The inspector also

Regular

October 6

2011

noticed a condensation problem between the Council Chambers ceiling and the roof which is likely a ventilation problem. The recommendation was to remove all sheeting and replace it with a heavier sheeting of 5/8" to 3/4". This cost could be absorbed by the insurance company. The plan is to repair the roof with the money from the insurance company and not the amount from the state bidding.

Norfolk Southern Railroad gave permission on Monday to collect core samples on the Rock Road Bridge. Compression tests will be done in Columbus with the results going to the engineering company.

Mr. Swinehart said the Park Avenue West paving project has not been closed out, therefore, the rebate has not been disbursed to the City.

Mr. Zeiter spoke to the Zoning Inspector in late June with concerns regarding a garage located near Rock Road and W. 4th Street. Pictures of the garage were distributed to Council members. He would either like improvements made to the structure or have it torn down which follows what the City has done in the past.

- Mayor Collins said the City has no authority.
- Mr. Sowash said there is no violation of law requiring the garage to be torn down. The garage currently stores equipment. Ontario's codified ordinances do not include an external property maintenance provision.

Mr. Zeiter made a public records request to see the file and all information pertaining to what was sent to the people who had to tear down their building a year ago when it was in better shape than the one on Rock Road.

LAW DIRECTOR'S REPORT

Mr. Sowash had no report.

MISCELLANEOUS MATTERS

New liquor permits for Chipotle and Target were discussed during Caucus. Hearing no objections, the applications will be returned to the Ohio Division of Liquor Control.

The Richland County Transit Board request will be discussed once the budget is received from the Mayor.

At 8:40 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. Weidemyre. At roll call, six members voted Aye, zero Nay, and the motion to adjourn passed.

Daniel J. Zeiter, President of Council

Cathy VanAuker, Clerk of Council