

Regular

November 3

2011

Ontario City Council met in regular session on November 3, 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, Charlotte Hellinger, 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. A number of interested employees and citizens were also in the audience.

The minutes of the regular Council meeting of October 20, 2011 were presented for approval. Mr. Weidemyre made a motion to approve the minutes and Mr. Cinadr seconded the motion. At roll call, seven members voted Aye, zero Nay, and the motion to approve the minutes passed.

PUBLIC COMMENTARY

Mary Beth Wright, 2356 Park Avenue West, came forward to ask Council to reconsider the Ontario Substance Abuse Program. Studies indicate there is a \$10 return on every dollar spent on prevention programs. The cost of cleaning up from substance abuse is greater than the cost of investing in prevention. This is a personal concern as her family was directly affected by alcohol abuse and Substance Abuse Coordinator Veronica Cain was instrumental with her involvement and assistance by creating a parent support group. The problem is much larger than many recognize. The students know how much drugs and alcohol affect this area, the adults are ignoring it. Substance abuse costs communities in many ways but saving even one child's life is worth it.

Vicki McCoy, 1137 Lewis Road, was next to come before Council to extend a personal invitation to attend the Parent Awareness Forum Part II, titled Hidden in Plain Site, scheduled for November 17th, 7:00 p.m., in the Middle School Auditorium. A teenager's bedroom will be set up on the stage for parents to walk through followed by discussion on how everyday items can be used for hiding drugs and as drug paraphernalia. One of the featured speakers will be Tony Tambasco from the Mansfield Crime Lab.

COMMITTEE REPORTS

Mr. Weidemyre announced the Harmony House sleep out for the homeless at Wal-Mart is this weekend. Students will be participating by sleeping in boxes and accepting donations of paper products and canned goods.

Mr. Cinadr thanked Mr. Weidemyre for compiling a list of OGA expenditures for the \$5,000 appropriated in last year's budget for economic development. The Finance meeting held prior to Council concluded with formulating the process to use for the 2012 temporary budget.

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

MAYOR'S REPORT

Mayor Collins reported on several items.

October Zoning Report. One residential permit, one commercial permit, and five sign permits total an evaluation of \$3,800.

October Mayor's Court. \$7,200 was collected in past due fines and \$18,027.99 in current collections, for a total of \$25,227.99; 129 tickets were written.

Regular

November 3

2011

The Records Retention Commission meets twice each year to discuss record disposal. The list has been submitted to the State and when approval is received the shredding process will begin.

Buffalo Wild Wings will not be building on Stumbo Road. They have decided to find a vacant building for relocation.

Leaf collection continues through November 21st.

In response to Mr. Williams' question how the traffic signal will be affected on Stumbo Road now that Buffalo Wild Wings is not locating near that intersection, Mayor Collins said it would not change anything. The light at Stumbo Road and Lexington Springmill is on the traffic safety study and scheduled to be reconfigured in the future.

Mr. Lewis presented a document recommending which candidates to vote for in the Ontario Election on November 8th. When he asked Mayor Collins if he was handing out this paper, Mayor Collins responded "why would you suspect that?". Mr. Lewis replied, "because the man who gave it to me said you gave it to him". Mayor Collins asked, "is that a legislative issue?". Mr. Lewis wondered if the ethics involved was the proper way to handle this. Mayor Collins responded, "is my name on it, Barry?", and neither admitted nor denied handing it out.

SERVICE-SAFETY DIRECTOR'S REPORT

Mr. Heston is hoping to receive the decision from ODOT on the safety study grant by next week, as well as the report from URS regarding the Rock Road bridge.

The paving projects are completed for this year. Shangri-La, Beverly Lane, Fairway Crossing and Spring Village Lane were paved and repairs were made to Walker Lake Road, Stumbo Road at W. 4th Street, Ferguson Road, Chambers Road and August Drive. Kokosing Construction has been working weekends and evenings to complete these projects before the plants close for the winter. Their extra efforts are appreciated.

The Time Warner rate increase letter circulated at the last meeting was informational only and did not apply to the business class contract. It will not affect the City's rates.

Clarification was given to the installation of Aldi's water lines. An aging water main runs down the center of Lexington-Springmill Road serving only a couple of businesses. As the area developed a new water line was installed along the east side of the roadway to service the new businesses. Cheddars and Applebees opted to tap into the Ferguson Road line rather than dig up Lexington-Springmill Road. Aldi could have done the same but three lanes of traffic would have been shut down, the pavement opened, excavating to the water main, running a line to the edge of the right-of-way and restoring the street at the City's expense because we are obligated to provide water to the edge of the right-of-way. This process would have been expensive and time consuming. The old line is at the end of its life expectancy and it would have been unwise to allow another tap. Aldi's offered to pay for materials to install a new line from Ferguson Road across Cheddars frontage, and the City agreed to provide the labor. Provisions were made for future growth by requiring the extension of the line to the south edge of Aldi's property. This was less expensive for the City and provided a more reliable water supply.

The selective tree harvest contract has been finalized. The total receipt will be \$56,130; the 20% down payment has been received and the balance will be paid before the first cut is made. Harvesting will begin once the ground dries up.

An acceptable agreement has been achieved with the insurance company concerning the roof repair. The roof will be replaced by a contractor selected by the insurance company and work will follow current code. The insurance company will purchase the materials directly from the contractor and will issue the City a check for labor in the amount of \$22,100 payable to the City and the contractor. The City will only be responsible for the insurance deductible which has been paid and the labor contract will be for the amount of the insurance check. This amount is under the requirement for competitive bidding. Mr. Heston asked for a motion to proceed.

Regular

November 3

2011

When Mr. Weidemyre asked if the City received the scrap value of the old roof, which was how it was handled the last time to pay the deductible, Mr. Heston said the insurance company has the right to claim it as salvage.

The remaining roof will be inspected once money is found to pay for that service. A ventilation problem caused the sheeting to rot. The water and ice guard will be removed as well as all of the plywood; the plywood sheeting is 1/2" and should be at least 5/8" to 3/4". Timing will depend upon when funds are available.

Mr. Cinadr made a motion for the Service-Safety Director to proceed with the roofing contract for the amount of money paid by the insurance company. Mrs. Hellinger seconded the motion. Seven members cast their votes Aye, zero Nay, and the motion passed. Mr. Sowash said he is writing the contract for the City and will do his best to ensure everything is covered to protect the City.

Mr. Blackwell said he thought the engineering report for the Rock Road bridge was already due but Mr. Heston said he has not received the report but hopefully would next week.

- Mr. Heston said until he receives the report he won't know if a temporary fix will be safe and until then he won't speak to the person who submitted the proposal for the temporary fix.
- Mr. Sowash said the bridge is the property of the railroad and they must make the determination of what will be done.
- Mr. Blackwell wants to save the bridge and open the road.
- Only three engineering companies in the U.S. are qualified to compose an evaluation on the bridge. Mr. Heston will ask the City Engineer to call and get the status on the report.

Mr. Cinadr said the curb lane on Lexington Springmill southbound from Walker Lake to Bedford Road is deteriorating and would like it inspected. Also, the light on Walker Lake Road turns red for a very long time for east/west traffic when a car is exiting the shopping plaza and only wants to make a right turn. Mr. Heston will have this checked.

Mr. Lewis has received numerous complaints about the house at 335 Westlawn. The house has been empty for a long time and a notice on the door states there is antifreeze in the toilets and water lines. Mr. Heston will look into the condition of the house.

Mr. Weidemyre said some of the website emails have not been working properly and will be checked. He then asked Mr. Cinadr to look into finding available funding for a new microphone system in the Council Chambers.

Mr. Heston said the manhole on Walker Lake Road was repaired.

LAW DIRECTOR'S REPORT

Mr. Sowash had no report.

Mr. Weidemyre asked if the Code for banners could be addressed at the next Planning Commission meeting in order to be more business friendly. Mr. Sowash said he would bring it before the Planning Commission that it is Council's desire to have the regulations reviewed.

Mr. Weidemyre made a motion to revisit the guidelines for banners for new businesses in the City and allow them for a minimum of thirty days. Mr. Arnold seconded the motion. Currently banners must be attached to a structure; the 27 sf size is adequate. The placement of the banner must take safety into consideration. At roll call, seven members voted Aye, zero Nay, and the motion passed.

Regular

November 3

2011

CONSIDERATION OF ORDINANCES AND RESOLUTIONS

RESOLUTION NO. 11-16

A RESOLUTION FINDING THAT THE CITY POLICE DEPARTMENT HAS RADIO EQUIPMENT THAT IS OBSOLETE AND AUTHORIZING THE CHIEF OF POLICE TO REMOVE IT FROM INVENTORY AND TO DISCARD IT.

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

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

ORDINANCE NO. 11-52

AN ORDINANCE AMENDING CHAPTER 921 – WATER OF THE CODIFIED ORDINANCES OF THIS CITY BY ENACTING REGULATIONS GOVERNING WATER LINE TAPPERS.

Mr. Weidemyre made a motion to suspend the rules requiring the reading of Ordinance No. 11-52 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. Arnold read Ordinance No. 11-52 for the first time, by title only.

Mr. Arnold made a motion to adopt Ordinance No. 11-52. Mr. Cinadr seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 11-52 was adopted.

ORDINANCE NO. 11-53

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ADVERTISE FOR BIDS AND AWARD CONTRACTS FOR VARIOUS MATERIALS AND SERVICES NEEDED DURING THE YEAR 2012 AND DECLARING AN EMERGENCY.

Mrs. Hellinger made a motion to suspend the rules requiring the reading of Ordinance No. 11-53 on three separate days. Mr. Blackwell seconded the motion. Seven members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mrs. Hellinger read Ordinance No. 11-53 for the first time, by title only.

Mrs. Hellinger made a motion to adopt Ordinance No. 11-53. Mr. Arnold seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 11-53 was adopted.

ORDINANCE NO. 11-54

AN ORDINANCE AMENDING ORDINANCE NO. 11-08 KNOWN AS THE PERMANENT APPROPRIATIONS ORDINANCE FOR 2011 BY TRANSFERRING THE SUM OF \$5,000.00 WITHIN THE GENERAL FUND AND TRANSFERRING THE SUM OF \$9,001.41 WITHIN THE SPECIAL REVENUE FUND.

Regular

November 3

2011

Mr. Blackwell made a motion to suspend the rules requiring the reading of Ordinance No. 11-54 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 Ordinance No. 11-54 for the first time, by title only.

Mr. Blackwell made a motion to adopt Ordinance No. 11-54. Mr. Williams seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 11-54 was adopted.

ORDINANCE NO. 11-55

AN ORDINANCE ADJUSTING WARD BOUNDARIES BASED UPON THE 2010 FEDERAL DECENNIAL CENSUS, REPEALING ORDINANCE 01-15, AND DECLARING AN EMERGENCY.

Mr. Williams made a motion to suspend the rules requiring the reading of Ordinance No. 11-55 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. 11-55 for the first time, by title only.

Mr. Weidemyre made a motion to adopt Ordinance No. 11-55. Mr. Cinadr seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 11-55 was adopted.

At 7:50 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. Cinadr. At roll call, seven members voted Aye, zero Nay, and the motion to adjourn passed.

Daniel J. Zeiter, President of Council

Cathy VanAuker, Clerk of Council