

Regular

January 5

2012

Ontario City Council met in regular session on January 5, 2012, 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, Jim Hairston, Mark Weidemyre, Michele Webb, Pamela Drake, Mr. Zeiter, Mayor Larry Collins, Law Director Allan Sowash, Treasurer Linda Stoodt, Service-Safety Director Roger Heston, and Clerk of Council Cathy VanAuker. A number of interested employees and citizens were also in the audience.

Mr. Zeiter presented the City of Ontario Rules of Council for approval. Mr. Williams made a motion to approve the Rules of Council and Mrs. Hellinger seconded the motion. Seven members cast their votes Aye, zero Nay, and the motion passed.

Mrs. Hellinger made a motion to nominate Mr. Weidemyre as Council President Pro Tempore. Calling twice and hearing no other nominations, Mr. Zeiter closed the nominations for Council President Pro Tempore. Six members cast their votes Aye, zero Nay, one Abstain by Mr. Weidemyre, and the motion to approve Mr. Weidemyre as Council President Pro Tempore for the next two years was approved. Mr. Weidemyre accepted the nomination and thanked everyone for their support.

Mr. Weidemyre made a motion to reappoint Cathy VanAuker as Clerk of Council for the next two years. Mr. Arnold seconded the motion. Seven members cast their votes Aye, zero Nay, and the motion was approved.

The minutes of the regular Council meeting of December 15, 2011 were presented for approval. Mrs. Hellinger made a motion to approve the minutes and Mr. Weidemyre seconded the motion. At roll call, five members voted Aye, zero Nay, two Abstain by Mr. Hairston and Mrs. Webb, and the motion to approve the minutes passed.

PUBLIC COMMENTARY

Fred Kohler, 1482 Lex-Springmill Road, came before Council to express his concerns regarding fracking waste wells and requested preparation of a strategy to disallow this development in our area. This is a bad permitted use of land in this area and has many negatives with the main one being that it can affect the water system. The Continental Divide goes through this area causing water to go either north or south; Ontario has the highest point. Mr. Kohler requested passing a motion asking Planning Commission to implement code preventing fracking waste wells.

- The Mayors in the area are meeting tomorrow to discuss this matter. Council members are invited to attend.

Mr. Weidemyre made a motion asking the Planning Commission look into setting up regulations to prevent fracking. Mr. Williams seconded the motion. Seven members cast their votes Aye, zero Nay, and the motion passed.

- Fracking has caused water tables to become contaminated.
- A public meeting will be held at Malabar School on January 19th.

COMMITTEE REPORTS

Mr. Arnold scheduled a Safety Committee meeting for January 9, 2012, at 1:00 p.m.

- All Council members were asked to prepare a list of any streets in their areas that need attention. A few streets from last year that did not get repaired will carry over to this year, then a top ten list will be created when they have the first Streets Committee meeting.

Regular

January 5

2012

Mr. Arnold made a motion pursuant to O.R.C. 721.15(c) authorizing the Chief and/or the Service-Safety Director to dispose of cages that fit in the back of the 2003 Impala cruisers that are no longer in service and donate them to Muskingham Water Shed. Mr. Williams seconded the motion. Seven members cast their votes Aye, zero Nay, and the motion passed.

Mr. Weidemyre scheduled a Finance Committee meeting, for the purpose of reviewing the permanent budget, at 3:00 p.m. on January 10, 2012.

Mr. Williams, Mrs. Hellinger, Mr. Hairston, Mr. Weidemyre, and Mrs. Webb and Ms. Drake had no report.

MAYOR'S REPORT

Mayor Collins provided the following information:

- The annual Zoning Report shows 44 residential permits issued for a valuation of \$647,040, 16 commercial permits for a valuation of \$1,940,000, and 93 sign permits for a total of 161 permits with a total valuation of \$2,587,040. Fees were \$10,554.50.
- Mayors Court received \$5,569.24 in December for past due collections; current collections of \$16,922 for a total of \$22,491.24. The total received in Mayor's Court for 2011 was \$276,915.88.
- Ticket comparisons for the past three years in the month of December was highest in 2011 with 176 tickets, 145 tickets in 2010, and 150 tickets in 2009.
- The State of the City report will be presented at the next Council meeting.

SERVICE-SAFETY DIRECTOR'S REPORT

Mr. Heston reported on the following items.

- There have been several lift station overflows - especially the Rock Road lift station.
- New computer servers and processors were installed at the Municipal Building. Installation will take place at the Service Building tomorrow.
- Christmas Tree pick-up will end January 13th; all trees must be placed at the street curb.
- Fire Chief Henry would like new Fire Code adopted that would allow them to levy fines for non-compliance which in turn would pay for having a Fire Inspector. Chief Henry will be invited to attend the Safety Committee meeting next week where they can discuss this in detail.
- When the next Utilities Committee is held, Mr. Heston would like time allotted to discuss the EQ basin and the EPA I/I update.
- A letter and the passed resolution were submitted to the railroad company requesting a meeting regarding the Rock Road bride. Solomon Jackson, Norfolk Southern Railroad representative, indicated they may not receive a response until mid to late January.

Mr. Williams said the 14" of rain this year is above the record and requested the amount of overflow that has been recorded since the installation of the flow meter. Street/Sewer Supervisor Paul Gleisinger will compile the information.

- The size of the EQ basin could be decreased based on the information received.

Mr. Weidemyre recommended consideration is given to water line replacement. Mr. Heston also suggested a valve replacement program. Sometimes during a water break the valves won't shut off requiring the valves to be fixed under pressure. Without our experienced employees this may not have been accomplished.

- A five year replacement program will be discussed.
- Water Distribution Manager Evan Hellinger will provide an estimate of the amount needed for valve replacement so it can be included in the budget.

Regular

January 5

2012

TREASURER'S REPORT

Mrs. Stoodt said revenue for 2011 compared to 2010 was up \$34,638, expenditures for the same time period was up \$1,091,043, and income tax was \$981,917 over 2011.

- Business Income Tax was up \$5,480, while residential accounts were up \$824,662.
- Business withholding accounts (businesses deducting from employees) was up \$151,774 over last year.
- The two pavilions were rented 74 times last year for \$3,330.
- The Community Room was rented 32 times last year for \$1,120.
- \$300 was collected from 2010 ballfield rentals. Five groups used the ballfields in 2011 for \$1,625.
- The total of all rentals in 2011 was \$6,375.
- Pavilions are in high demand and another pavilion could be used near the playscape. Mr. Williams will schedule a Parks Committee meeting to discuss the possibility of constructing a new pavilion.

Mr. Weidemyre said the income tax disbursement may need changed from the 70% General Fund, 20% Street Fund, 10% Capital Improvement. The 209 Street Fund was largely reduced last year due to projects and now there won't be enough to cover expenses this year.

LAW DIRECTOR'S REPORT

Mr. Sowash gave his annual report to Council.

- Last year 82 pieces of legislation were prepared; 62 Ordinances and 20 Resolutions.
- Negotiations and research projects were completed.
- All Council and Planning Commission meetings were attended as well as requested Committee meetings.
- 1,329 cases were prosecuted in Mayor's Court; 282 cases in Mansfield Municipal Court.
- The operating costs for the Law Director's office was 20% less and with the elimination of the unemployment payment next year will reduce further to 32.5% compared to 2009 when there was full time secretary.
- Ohio House Bill 86 went into effect in September which raised the felony limits from \$500 to \$1,000. Felonies immediately go to the prosecutor's office in Richland County. Now, anything up to \$1,000 will be handled by Mayor's Court and the Law Director's office which will increase the work load.

Council members thanked Mr. Sowash for his dedicated service.

MISCELLANEOUS

Mr. Zeiter referenced a letter he received from Ohio Edison that he forwarded to the Law Director pertaining to work that will be done on the substation at W. 4th Street and Stumbo Road.

- Ohio Edison is responsible for everything but the fixtures and underground wires.

CONSIDERATION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 11-59

(THIRD READING) AN ORDINANCE ESTABLISHING THE COMPENSATION FOR THE OFFICE OF CITY AUDITOR EFFECTIVE JANUARY 1, 2014.

Mr. Weidemyre made a motion to table Ordinance No. 11-59. Mr. Williams seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and the motion to table Ordinance No. 11-59 passed.

Regular

January 5

2012

ORDINANCE NO. 11-61

(SECOND READING) AN ORDINANCE AMENDING ORDINANCE 11-56 KNOWN AS THE TEMPORARY APPROPRIATIONS ORDINANCE FOR 2012 BY MAKING ADJUSTMENTS TO APPROPRIATIONS IN THE SPECIAL REVENUE FUND.

Mr. Weidemyre made a motion to table Ordinance No. 11-61. Mr. Williams seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and the motion to table Ordinance No. 11-61 passed.

RESOLUTION NO. 12-01

A RESOLUTION DECLARING THE INTENT OF THE CITY OF ONTARIO TO SELL PROPERTY NO LONGER NEEDED FOR MUNICIPAL PURPOSES THROUGH AN INTERNET AUCTION DURING CALENDAR YEAR 2012.

Mr. Williams made a motion to suspend the rules requiring the reading of Resolution No. 12-01 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. Mrs. Hellinger read Resolution No. 12-01 for the first time, by title only.

Mrs. Hellinger made a motion to adopt Resolution No. 12-01. Mr. Weidemyre seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Resolution No. 12-01 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. Weidemyre and a second by Mr. Arnold. 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