

## Regular

February 16

2012

Ontario City Council met in regular session on February 16, 2012, 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, Jim Hairston, Mark Weidemyre, Michele Webb, Pamela Drake, Mr. Zeiter, Mayor Larry Collins, Law Director Allan Sowash, and Service-Safety Director Roger Heston, Director of Engineering Jerrod Swinehart, and Clerk of Council Cathy VanAuker. A number of interested employees and citizens were in the audience.

The minutes of the regular Council meeting of February 2, 2012 were presented for approval. Mr. Arnold made a motion to approve the minutes with a second by Mr. Williams. At roll call, six members voted Aye, zero Nay, one Abstain by Mrs. Hellinger, and the motion to approve the minutes passed.

### **PUBLIC COMMENTARY**

Craig Hunt, 3680 Park Avenue West, came before Council with several concerns.

- 1) There is a safety issue with the stacking of the railroad ties behind Steve's Dakota Steakhouse, the car wash, and the stone cutting business. These stacks are approximately 15' high, the length of a football field, and are no longer neat and solid. A good time to bring this to the attention of Norfolk Southern may be at the same time they are having discussions about the bridge. Mr. Heston said there are about 30,000 ties and the EPA may have concerns due to the creosote on the ties.
- 2) Mr. Hunt recommended Council members attend the next Township meeting asking them to reconsider implementing building inspection fees in order to be more business friendly. Mr. Arnold said a resolution opposing the fees is on this evening's agenda and a copy will be given to the Trustees.
- 3) Mr. Hunt said he did not appreciate Council endorsing the school levy because it does not reflect everyone's opinion.
- 4) The last concern was the proclamation given to the new school superintendent. In the past when a proclamation is given it is for support and dedication to the City but the superintendent has only been in the community for six months. He felt this was demeaning the honor of the proclamation. Mayor Collins said the proclamation was not for the superintendent but for the Ontario Local Schools.

Kevin Titler, 3371 Elmstone Court, came before Council to say that most homeowners in the county received a 10% reduction in their home values due to the economy, therefore, their taxes were reduced. However, not all taxes went down and the tax bill shows a rate increase of 1.4% to the county and schools. Those getting reductions in their appraisals received a 10% reduction but those who did not receive an appraisal reduction are paying more. All entities on the tax bill are receiving more money except the City of Ontario.

Mr. Hunt returned to the podium to reference tonight's resolution pertaining to maintaining retention ponds. The creek 150 yards from Rock Road is full of trees making the water difficult to go under the railroad tracks which could eventually back up and flood at Paone's car lot. Mr. Hunt asked if this could be checked in order to see what may need done to remove the trees for better water flow.

- When Mr. Zeiter asked if anyone would look into Mr. Hunt's request, there was no response from the Mayor, Service-Safety Director, or the Engineer.

Robert Meisse, representative of the Make-It Ontario Committee, encouraged everyone to support the feasibility study for the parks which is on this evening's agenda. The selective harvesting project was successfully completed to fund this study. A copy of the contract was circulated.

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## COMMITTEE REPORTS

Mr. Williams reported on the Parks Committee of the Whole meeting where the motion was approved to ask for legislation to be prepared raising the rental fee of the Community Room from \$35 to \$50 to cover expenses. The Committee also decided to appropriate funds from the tree harvest to build a new pavilion near the Marshall Park baseball fields, a volleyball court and horseshoe pit.

Mr. Arnold informed Council of the Personnel Committee meeting held with employees representing each department to discuss the health insurance expenses and ideas to reduce the premium. Agent of Record Brian Thompson of Thompson Benefits Solution was also present at the meeting.

Mr. Arnold reported on the Streets Committee meeting where they discussed the streets in each Ward in need of repair. The Engineer will categorize which streets need crack sealing, patching, or paving.

- If Resolution No. 12-02, opposing inspection fees, is passed this evening they will meet with the Springfield Township Trustees and provide them with a copy of the legislation.
- The Mayor and the Service-Safety Director had a conference call with Norfolk Southern representative Solomon Jackson. Mr. Jackson was the only one to show up in Pittsburg at a meeting scheduled about the bridge. Answers are still needed as to the amount of the insurance check, the cost of the repair options, the cost to tear down the bridge and widen the road. Decisions can't be made until they receive answers.

Mrs. Hellinger will contact the Service-Safety Director and the Engineer before scheduling the next Utilities Committee meeting.

Mr. Weidemyre asked if there was a time limit the railroad is allowed to impede the flow of traffic. Mr. Sowash said he didn't know what was in the bridge easement contract. He believes there is either an easement or license; there is an easement for the sewer line and the City has the right to fix anything that happens to the sewer line. Mr. Sowash will check if there is anything filed at the courthouse.

The next Streets Committee meeting will be held March 1, 2012 at 5:30 p.m.

When Mr. Zeiter asked if the refund for the St. Rt. 309 paving project has been received, Mr. Swinehart said he would contact the district office for an update.

Mr. Weidemyre said at the last Finance Committee meeting the 2012 permanent budget was completed at just over \$8 million which will not exceed projected revenues. The permanent budget appears on this evening's agenda. Purchasing a dump truck and/or front-end loader may be reviewed in approximately six months once the revenue is better established. Mayor Collins asked that funding for the Substance Abuse Coordinator's position is also reconsidered at that time.

- Mr. Weidemyre said he verified the revenue at the County office.

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

## MAYOR'S REPORT

Mayor Collins said the Ontario Local Schools Superintendent asked him to appoint two people to the Ontario Substance Advisory Board. The appointees are Mr. Arnold and Mrs. Webb.

Appreciation was extended to Mr. Hairston who has agreed to assist with developing a plan to implement human resource needs.

Roosters Restaurant is planning to open at the Ruby Tuesday's location.

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Spitzer's met with the Engineering and Zoning departments this week. A link from the sewer line to their property still needs to be worked out.

The new microphone system purchased for the Council Chambers has one less microphone than before. Four additional microphones would need purchased in order to provide one at each seat, at a cost of \$3,800 which would include the mixer. The microphones are not omnidirectional as previously thought.

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

Mr. Heston had no report.

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

Mr. Sowash provided an update to Council on the abandoned van at the Flowerama property. A follow up letter was sent to the trustees stating it is considered in violation and should be moved by February 29<sup>th</sup>.

### **CONSIDERATION OF ORDINANCES AND RESOLUTIONS**

#### **ORDINANCE NO. 12-02**

(SECOND READING) AN ORDINANCE AMENDING ORDINANCE 11-56 KNOWN AS THE TEMPORARY APPROPRIATION ORDINANCE FOR 2012 BY TRANSFERRING AND APPROPRIATING MONEY TO PAY FOR POLICE PENSIONS.

Hearing no motion to suspend the reading of Ordinance No. 12-02 on three separate days, Mr. Williams read Ordinance No. 12-02 for the second time, by title only.

#### **RESOLUTION NO. 12-02**

A RESOLUTION REQUESTING THE ASSISTANCE OF THE SPRINGFIELD TOWNSHIP TRUSTEES TO HELP CREATE AND MAINTAIN A BUSINESS FRIENDLY ENVIRONMENT IN OUR COMMUNITY BY NOT IMPOSING ANY ADDITIONAL CHARGES OR FEES FOR FIRE INSPECTIONS ON LOCAL BUSINESS.

Mr. Weidemyre made a motion to suspend the rules requiring the reading of Resolution No. 12-02 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 Resolution No. 12-02 for the first time, by title only.

Mr. Arnold made a motion to adopt Resolution No. 12-02. Mr. Williams seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Resolution No. 12-02 was adopted.

#### **RESOLUTION NO. 12-03**

A RESOLUTION APPROVING AND ADOPTING THE RICHLAND COUNTY HAZARD MITIGATION PLAN AS UPDATED AND REVISED IN 2011.

Mr. Weidemyre made a motion to suspend the rules requiring the reading of Resolution No. 12-03 on three separate days. Mr. Hairston seconded the motion. Seven members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mrs. Hellinger read Resolution No. 12-03 for the first time, by title only.

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Mrs. Hellinger made a motion to adopt Resolution No. 12-03. Mr. Williams seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Resolution No. 12-03 was adopted.

ORDINANCE NO. 12-05

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH BRANDSTETTER CARROLL, INC. FOR PROFESSIONAL SERVICES TO PROVIDE THE CITY WITH AN ONTARIO AQUATIC CENTER FEASIBILITY STUDY.

Mr. Weidemyre made a motion to suspend the rules requiring the reading of Ordinance No. 12-05 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. Hairston read Ordinance No. 12-05 for the first time, by title only.

Mr. Hairston made a motion to adopt Ordinance No. 12-05. Mr. Weidemyre seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 12-05 was adopted.

ORDINANCE NO. 12-06

AN ORDINANCE AUTHORIZING THE SERVICE- SAFETY DIRECTOR TO ADVERTISE FOR COMPETITIVE BIDS AND AWARD A CONTRACT FOR THE 2012 CITY OF ONTARIO PAVING PROGRAM AND DECLARING AN EMERGENCY.

Hearing no motion to suspend the reading of Ordinance No. 12-06 on three separate days, Mr. Weidemyre read Ordinance No. 12-06 for the first time, by title only.

ORDINANCE NO. 12-07

AN ORDINANCE ESTABLISHING PERMANENT APPROPRIATIONS FOR CURRENT THE FISCAL YEAR BEGINNING JANUARY 1, 2012 AND EXPIRING DECEMBER 31, 2012.

Hearing no motion to suspend the reading of Ordinance No. 12-07 on three separate days, Mrs. Webb read Ordinance No. 12-07 for the first time, by title only.

At 8:02 p.m., Mr. Williams made a motion to enter into executive session per Ohio Revised Code 121.22 (G)(2) to consider the purchase of property for public use and (G)(4) for reviewing negotiations. Mr. Arnold seconded the motion. At roll call, seven members voted Aye, zero Nay, and the motion passed.

At 9:14 p.m., Mr. Weidemyre made a motion to reconvene into regular session. Mr. Williams seconded the motion. At roll call, seven members voted Aye, zero Nay, and the motion passed.

At 9:15 p.m., there being no further business to come before the meeting, the same was adjourned upon a motion by Mr. Williams and a second by Mr. Arnold. At roll call, seven members voted Aye, zero Nay, and the motion to adjourn passed.

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Daniel J. Zeiter, President of Council

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Cathy VanAuker, Clerk of Council