

Regular

April 19

2012

Ontario City Council met in regular session on April 19, 2012, in the City Offices, with Council President Daniel Zeiter presiding. The meeting opened at 7:10 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, Recreation Director Janet VanCura, 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 April 5, 2012 were presented for approval. Mr. Weidemyre made a motion to approve the minutes with a second by Ms. Drake. At roll call, seven members voted Aye, zero Nay, and the motion to approve the minutes passed.

## **PUBLIC COMMENTARY**

Hearing no one who wished to speak, Mr. Zeiter closed the Public Commentary portion of the meeting.

## **RECREATION DIRECTOR'S REPORT**

Mrs. VanCura provided the following report:

Zumba. Approximately 50 to 60 people attend Zumba Classes at the Stingel Primary gym on Tuesday and Thursday evenings from 6:00 p.m. to 7:00 p.m.

Swim Stroke Clinic. A two week stroke clinic was held for 30 participants. The swim stroke clinic received raving reviews.

Easter Egg Hunt. The annual Easter Egg Hunt took place on March 31<sup>st</sup> at Marshall Park for 300 children who hunted 3,500 eggs.

CPR-Lifeguarding Review. Twelve people attended this class.

Lifeguard Certification. The Recreation Department offers this class free to students in exchange for paid life guarding during the year for Family Swim and Summer Recreation. Nine students are currently registered for this class that begins the last week of May.

Summer Recreation. Registration forms will be sent home with students in a couple of weeks for the Summer Rec program being held June 11 – 14 and June 18 – 21 at the OMS from 9:00 a.m. until noon.

Make It Ontario. The first public meeting was held to discuss the possibility of building a community aquatic facility and indoor turf facility in Marshall Park. The feasibility study is in process. The next public meeting will be on June 4<sup>th</sup> at 7 p.m. at the Ontario Middle School Commons.

## **COMMITTEE REPORTS**

Mr. Arnold reported on the recent Streets Committee meeting.

- The response to the street paving bids was very favorable. The Engineer's estimate was in the high \$600,000 but bids were in the mid \$400,000. This allowed for an expansion of the paving project and another street was added. Kokosing was awarded the contract.
- The Railroad has not provided a final determination for the Rock Road bridge. Mr. Arnold expressed his desire for the City to not incur any expenses for repairing the bridge or widening the road if the bridge is torn down.

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Mr. Arnold said the Personnel Committee met on April 18<sup>th</sup> to discuss Ordinance 12-12, which is on this evening's agenda. A continuation of that meeting will take place on April 23, 2012 at 3:00 p.m., which will be held in executive session.

Mr. Arnold scheduled a Safety Committee of the Whole meeting on May 3<sup>rd</sup> at 5:30 p.m. for the purpose of discussing the inspection fees proposed by the Fire Department.

Mrs. Hellinger reminded everyone of the Utilities Committee meeting scheduled tomorrow, April 20, 2012, at 3:30 p.m. The Findings and Orders from the EPA will be discussed.

Mr. Weidemyre reported on the Economic Development Committee meeting held earlier this evening where they discussed the purchase of property at the Industrial Park. Street improvements will be necessary to move forward with this project.

Mr. Weidemyre scheduled a Finance Committee of the Whole meeting on May 1, 2012, at 3:00 p.m. to discuss Ordinance 12-13, which appears on this evening's agenda. Also, the Treasurer and Auditor will have their month end reports available which will include the total amount of income tax revenue.

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

#### **MAYOR'S REPORT**

Mayor Collins said Rooster's Restaurant will occupy the Ruby Tuesday's building with plans to open in late June/early July.

A street sweeper was borrowed from Mansfield and sweeping will begin on Monday.

Mayor Collins distributed information pertaining to his meal expenditures from his sundry account that were intended to be for the City of Ontario. He was instructed not to put the receipts with the purchase order but to only list the reimbursements. Receipts are with the second purchase order because the payroll clerk asked for them but no other receipts were requested.

The Mayor responded to Mr. Weidemyre's question by saying Charley's Subs is currently taking applications but they have not returned his call.

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

Mr. Heston referenced the purchase order circulated by the Auditor as an exception. The purchase order came late because he had difficulty getting the amount from the CPR instructor. In the future he will write the purchase order for more than needed in order to submit it on time. Mr. Heston apologized for his outbursts during this discussion but because the Auditor has made many false accusations against him, he said if it's a lie, he will tell you it is a lie.

Mr. Heston deferred to Mr. Swinehart for comments.

Mr. Swinehart reported the following:

- Kokosing will begin paving Shelby-Ontario Road once school is recessed for the summer and have it completed by the 4<sup>th</sup> of July. The remainder of the paving schedule will be received soon. Carmon Drive and possibly part of Hazel (off August Drive) will be added to the project.
- The Findings and Orders from the EPA is part of the SSO plan that was approved by the Utilities Committee. The size of the EQ basin is included in the Findings and Orders but the recommended date change was not included.

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- Do not use the right-of-way acquisition to hold up responding to the Findings and Orders. The purchase of the house can be debated later; if the field by the park location is selected then the right-of-way is already completed. There is no dollar amount included at this time and asking for another extension is not a good idea. This will be included with the final construction plan phase. All that is needed at this time is to agree with the Findings and Orders with the exception the original SSO plan had whichever right-of-way needs acquired should take place in 2012. Richland Engineering informed us that USDA will not allow the purchase price of the house to be applied to our share of the grant unless it is in the same year as the construction.

Mr. Swinehart recommended letting the construction on December 31, 2013 and building Phase 1 in 2014 and Phase II in 2016; 99% of this plan has already been agreed to.

- When Mr. Zeiter questioned if the Findings and Orders are signed then the City is bound to the way it is presented, Mr. Swinehart agreed and said the property acquisition is not specific in the Findings and Orders. It refers to whichever right-of-way is decided will be done in 2012 and if there isn't a right-of-way acquisition necessary then it can be considered completed. If it is not placed at the location of the house the 5' of hydraulic grade difference between that house and the next lowest house equals about 250,000 gallons at \$2/gallon equating to a half million dollars.

Mr. Swinehart made the following statement:

"I've heard your comments on the legislation tonight about moving the girls under Jane and I would like, whenever you pass it, I would like your consideration, and I hope you would reconsider voting for that tonight. The basis for my asking to do this, the professionalism of what I've witnessed in the office of the Auditor, I should say there is a total lack thereof. The hostility and harassment shown to her employees is apparent, not only shown by also previous Council members in conjunction with the Auditor, and it has been outrageous. If this was my sister, my daughter, my mother, I cannot believe we have not been sued. It's just astounding. I have a copy of the BCI report that makes me sick. This is horrible and it's available through the Attorney General. I'm not giving it out but it is just appalling."

When Mr. Zeiter interrupted Mr. Swinehart to say, "You already have essentially said it on the record," Mr. Swinehart continued: "Yes, so it's not slander, it is in writing." Mr. Zeiter said, "I don't know that your personal words are in that report and they are on the record now. Before you continue, you realize you are on record. Mr. Swinehart responded, "No, my personal words are not in the report. It can all be backed up through documents. Also, I would like to announce that I am resigning as City Engineer."

When Mr. Swinehart was asked for the effective date of his resignation and why he was leaving, Mr. Swinehart responded, "Next Wednesday. Some of the nonsense from one public official, some previous Council members, just horrendous, no professionalism whatsoever. The way my fellow coworkers are treated, I can't stand it.

When Mr. Zeiter asked what the remedy was for not having a valid permit for the SSO discharge pipe, Mr. Swinehart said the City has an agreement with the EPA that once the EQ basin is installed that will be removed. They do not permit a separate storm sewer system to direct discharge but they allowed us to meter it to get exact numbers for the EQ basin.

Mr. Heston said Mr. Swinehart saved the City a lot of money on several occasions but many did not value his opinion and he was second guessed. He was deeply appalled when there was an attempt to defund him so he began looking for other options. Highly schooled engineers are in great demand around here and we will have a hard time replacing him.

## **LAW DIRECTOR'S REPORT**

When Mr. Sowash asked if he should still pursue an extension with the EPA, some Council members felt it was necessary based on the size of the project.

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**MISCELLANEOUS MATTERS**

Mr. Arnold made a motion authorizing the Law Director to prepare a letter for the Mayor's signature defining the Beer Road Industrial Park boundaries. Mr. Weidemyre seconded the motion. Seven members cast their votes Aye, zero Nay, and the motion passed.

Mr. Arnold made a motion authorizing the Mayor and the Auditor to attend the Sheriff's sale to attempt to purchase land for a reasonable price. Mr. Weidemyre seconded the motion. Seven members cast their votes Aye, zero Nay, and the motion passed.

Mr. Arnold made a motion authorizing the Chief of Police to accept a \$1,000 donation for the purpose of Safety Town. Mr. Weidemyre seconded the motion. Seven members cast their votes Aye, zero Nay, and the motion passed.

**CONSIDERATION OF ORDINANCES AND RESOLUTIONS****ORDINANCE NO. 12-11**

AN ORDINANCE FINDING AND DETERMINING THAT THE PURCHASE OF MEALS AND RELATED EXPENSES FOR PERSONS PROPOSING TO EXPAND OR BRING NEW BUSINESSES TO ONTARIO FROM THE MAYOR'S AND COUNCIL'S SUNDRY ACCOUNTS CONSTITUTES A PUBLIC PURPOSE.

Hearing no motion to suspend the rules requiring the reading of Ordinance No. 12-11 on three separate days, Mr. Williams read Ordinance No. 12-11 for the first time, by title only.

**ORDINANCE NO. 12-12**

AN ORDINANCE SEPARATING THE DUTIES OF THE CLERK OF THE WATERWORKS FROM THE OFFICE OF THE CITY AUDITOR, PLACING THAT POSITION UNDER THE SUPERVISION AND DIRECTION OF THE SERVICE-SAFETY DIRECTOR, PLACING THE INCOME TAX ADMINISTRATOR UNDER THE SUPERVISION AND DIRECTION OF THE CITY TREASURER, REPEALING ORDINANCE 10-39, AND DECLARING AN EMERGENCY.

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

**ORDINANCE NO. 12-13**

AN ORDINANCE PROVIDING FOR A SYSTEM OF PURCHASE ORDERS FOR THE CITY OF ONTARIO, AND DECLARING AN EMERGENCY.

Mr. Weidemyre made a motion to table Ordinance No. 12-13 and return it to the Finance Committee for further review. Mr. Hairston seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and the motion passed.

At 7:53 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. Weidemyre. 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