

Regular

June 7

2012

Ontario City Council met in regular session on June 7, 2012, in the City Offices, with Council President Pro Tem Mark Weidemyre presiding. The meeting opened at 7:17 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, Acting Mayor Daniel Zeiter, 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 in the audience.

Mr. Williams made a motion to excuse Mrs. Drake from this evening's meeting. Mrs. Webb seconded the motion. At roll call, six members voted Aye, zero Nay, and the motion passed.

Mr. Hairston made a motion to excuse Mayor Collins from this evening's meeting. Mr. Williams seconded the motion. At roll call, six members voted Aye, zero Nay, and the motion passed.

The minutes of the regular Council meeting of May 17, 2012 were presented for approval. Mrs. Hellinger made a motion to approve the minutes with a second by Mrs. Webb. At roll call, six members voted Aye, zero Nay, and the motion to approve the minutes passed.

PUBLIC COMMENTARY

Robert Meise, Chairman of the Make It Ontario Committee came be Council to provide an update on the feasibility study for the recreational enhancements of Marshall Park. The last public meeting was held and a complete presentation will be delivered to each Council member for review. The original design was reduced to make it realistic and the complete business plan will be ready next week. The bond for the levy proposal for the ballot will be presented to Council for a vote. Feedback has been very good. Mr. Meise said he or someone from the committee will speak to each Council member to address any questions or concerns prior to their voting. The presentation will show not only how to build it but how it can stand on its own.

- The information must be at the Board of Election by August 4th or 5th.
- The County Auditor should determine the mileage rate and the city would need to work with their bond counsel for funding and rates.
- Once the information is received a Parks Committee meeting will be scheduled for the presentation.

COMMITTEE REPORTS

When Mr. Williams asked if it was necessary to excuse the Mayor, Mr. Sowash said the Mayor is a guest at the Council meetings and does not need excused.

Mr. Williams referenced the month end reports and asked Mrs. Stoodt to explain the negative numbers. Mrs. Stoodt read the note written on the report by the Auditor: "Linda, we do not have record of where our money is since your bank reports are not correct." Mrs. Stoodt said the report was established in January 2007 when going live with CMI. At that time CMI was given balances to enter into the computer system to work with going forward. They did not feel comfortable with the balances supplied at that time. This report has never been right and has passed three audits. The city's bank balances are balanced every month. This is not the first time the Auditor has brought this up and felt it was a jab toward her. If they city is willing to pay CMI to make the adjustments it can be corrected but when it was discussed before the determination was made to leave it this way.

- When a CD is moved from one bank to another, it is done on this report; it is the checking account and the Richland Bank payroll account. The payroll account being overdrawn has nothing to do with this.

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- Mr. Williams questioned the time on the report, and asked if that was normal. Mr. Arnold said elected officials can't be told when to work. Mr. Williams said he has a lot of questions that he was concerned with and asked that the Auditor attend the next meeting.

Mr. Arnold said the employees did a great job building the new pavilion and park improvements but cars are parking on the new grass rather than in the parking lot.

- Mr. Heston said they will put up yellow tape to temporarily keep the cars off the grass until it can get established for the 4th of July Festival, after that it shouldn't be a problem. He was not in favor of putting up barriers.
- Mr. Zeiter said drivers are not acknowledging the stop signs at each end of the parking area near the ballfields.

Mr. Heston gave the check to the County today for approval of the electrical work so they can proceed; it will be ready for the 4th of July Festival.

Mr. Arnold reported on the Personnel Committee's discussion pertaining to the open engineering position. Harry Winfrey of Richland Engineering attended the meeting and provided information on what services he provides to other municipalities when contracted.

- A contractual amount could be paid for the year and used as needed or he could be on-site one day a week to take care of related items.
- Mr. Arnold scheduled a Personnel Committee of the Whole on June 14, 2012, at 4:00 p.m. to continue discussing the engineering position.
- Mr. Arnold thanked Personnel Committee members Ms. Drake and Mrs. Webb for taking the time involved to compare the draft Personnel Policy Manual created by Clemans-Nelson for the City of Ontario several years ago and the Policy and Procedure Manual for the City of Mansfield. The next Personnel Committee meeting to continue working on the manual is June 12th at 10:00 a.m.

Mr. Arnold reported on behalf of the Streets Committee. The meeting scheduled for June 14th with Norfolk Southern Railroad Representative Solomon Jackson was changed to June 21st. The widening of the roadway under the Rock Road bridge was presented to the insurance company without any initial obstacles.

- The streets approved for paving have been completed with the exception of the striping and they look very good.
- When Mrs. Hellinger asked if striping was going to be done to the existing streets because the lines can't be seen in many places, Mr. Arnold asked her to provide a list of areas and they would meet to discuss them.

Mr. Zeiter asked Utilities Chair Mrs. Hellinger if she has seen a list of water line repairs that were to be done with the surcharge revenue; Mrs. Hellinger has not been provided with a list.

When Mr. Williams asked if any of the deteriorated water shut off valves have been replaced, Mr. Heston said he didn't think that program was ever initiated.

Mrs. Hellinger, Mr. Hairston, and Mrs. Webb had no report.

MAYOR'S REPORT

Acting Mayor Zeiter had no report.

SERVICE-SAFETY DIRECTOR'S REPORT

Mr. Heston expressed appreciation to the Ontario Youth Sports Organization for the extensive renovations they performed at Stowell Park. They provided considerable funding, lots of volunteer labor, and a substantial amount of material for this project. They created a paved parkway to the new parking lot, new concrete footers with permanent backstops, new dugouts, and replaced old fencing with new. This work was performed with the help of OYS Board

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members Jason Kearns and Chad Leach. With the cooperative efforts of OYS, the Parks Committee, and city personnel, Stowell Park has evolved into a beautiful ball park that will bring joy to the community for many years. Mr. Heston encouraged everyone to visit the park.

Paving was completed on Shelby-Ontario Road, Carmen Drive, Fulwell Drive, August Drive, Hazel Drive, Valley Court, Valley Road, and Woodbound Place; the manholes, storm basins and painting still need done as well as some patching.

The sand volleyball courts, horseshoe pits and new pavilion at Marshall Park are completed with the exception of the installation of the electricity.

The 4th of July Festival will be held over two days this year. Many activities are scheduled at Marshall Park.

Longview Avenue between Home Road and Tanglewood will be closed Monday, June 18th until Friday, June 22nd for a culvert replacement. Home Road to Red Maple Lane will remain opened.

In order to comply with the EPA Findings and Order Agreement a decision on the Rock Road EQ basin will need made soon. Final design needs completed and submitted by the end of the year to the EPA. Once a system is selected it will take three to four months to complete the design. Mr. Heston invited Council members to accompany him to visit one of Richland County's facilities similar to what the engineering study recommended.

- A Utilities Committee of the Whole meeting was scheduled on June 12, 2012 at noon.

Mr. Zeiter asked what they were going to do with the Flowerama van now that it is being stored on city property. Mr. Sowash said they would wait the required amount of time then declare it an abandoned vehicle before they can do any more.

LAW DIRECTOR'S REPORT

Mr. Sowash had no report.

MISCELLANEOUS MATTERS

Mr. Arnold made a motion authorizing the Police Chief to renew the current agreement with METRICH. Mrs. Hellinger seconded the motion. Mr. Sowash said this was a renewal for what was authorized in 2007. Six members cast their votes Aye, zero Nay, and the motion passed.

Mr. Arnold made a motion authorizing the Police Chief to accept a grant from the Department of Homeland Security in the sum of \$24,000. Mr. Williams seconded the motion. Mr. Arnold did not know how the grant was used but he and Mr. Williams agreed it was not a matching grant. Mrs. Hellinger suggested they receive more information. Five members cast their votes Aye, one Nay by Mrs. Hellinger, and the motion passed.

Mr. Sowash said a member of Council or the Mayor may have to travel for potentially attracting new business to Ontario. Ordinance 02-52 accounts for meals and travel expenses. Mr. Sowash suggested a motion approving members of Council or the Mayor to travel seeking job opportunities for the city.

- Mr. Williams said he needed more guidelines, such as how long they were going to be gone. Mr. Sowash said they would not be gone any longer than necessary.
- Mr. Weidemyre said the General Motors Trust asked them to visit the perspective tenants because one of the criteria of the Trust is to produce jobs that satisfy the community. There will be no costs to the city for the Florida meeting next week because he and the Mayor are both there on vacation. Mr. Weidemyre was asked to travel west and would like prior approval.

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Mr. Arnold made a motion approving travel expenditures for the purpose of seeking business opportunities for the city. Mr. Hairston seconded the motion. Hearing no further discussion, five members voted Aye, zero Nay, one Abstain by Mr. Weidemyre, and the motion passed.

Mr. Arnold addressed Council members regarding the change to the Service-Safety Director's vacation schedule after being placed under the Working Ordinance; four weeks of vacation was reduced to two weeks. The Personnel Committee discussed this during their last meeting and Mr. Arnold didn't feel the position could remain under the Working Ordinance if the amount of vacation was increased because it would affect all other employees who follow the Working Ordinance.

- Mr. Sowash said in order to make the change to four weeks of vacation Mr. Heston would need returned to the way he was, with an ordinance adjusted to reflect all other benefits were under the Working Ordinance.
- Mrs. Webb said she understood he was originally told he would receive four weeks of vacation and then was placed under the Working Ordinance. She questioned how many people begin a job with four weeks of vacation when constituents must work 16 years to receive that amount of vacation. Even though he may only be in the position for four years, Mrs. Webb felt he should receive two weeks like all other employees.
- Mr. Arnold said he read the meeting minutes surrounding this discussion where Mr. Heston agreed to go from four weeks to two weeks when placed under the Working Ordinance. The Personnel Committee did not make a recommendation but agreed to bring this before Council.
- When Mr. Hairston asked if there was an offer sheet or letter confirming the vacation, he was told no. Mr. Hairston felt since Mr. Heston agreed to the reduced vacation time he needs to honor his decision.
- Mr. Heston said when he started working at the city he was entitled, by ordinance, to four weeks of vacation each year. A total of 16 weeks of vacation was changed to six weeks once placed under the Working Ordinance because there is no vacation during the first year. He said he was not forewarned they wanted to place him under the Working Ordinance and he didn't know he would be losing vacation until they were ready to vote. Mr. Heston said all other employees receive comp time for extra hours but being salaried he doesn't receive it. He lost ten weeks of vacation over the 4 years with no way of getting it back. There are family matters that may require him taking some time off which is why he is asking for the time back. Mr. Heston said if they are concerned about a payout when he leaves for accumulated vacation time then put a clause in the ordinance stating he must use vacation by the anniversary date. Mr. Heston was not asking for lost time, just four weeks this year and four weeks next year. Mr. Heston said he will accept whatever they decide but he is asking for their consideration.
- Mr. Sowash said his understanding was the ordinance in effect at that time was written so it expired. Therefore, either a new ordinance needed written or he had to be placed under the Working Ordinance which cleared up a lot of ambiguity.
- Mr. Williams said he was not prepared to vote this evening because there was an absent Council member.

CONSIDERATION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 12-15

AN ORDINANCE AMENDING THE CITY ZONING ORDINANCE BY
REPEALING SECTION 1139.01 CORRIDOR DEVELOPMENT OVERLAY
DISTRICT OF THE CODIFIED ORDINANCES OF THE CITY OF ONTARIO.

Mr. Williams made a motion to suspend the rules requiring the reading of Ordinance No. 12-15, on three separate days. Mrs. Webb seconded the motion. Six members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mr. Williams read Ordinance No. 12-15 for the first time, by title only.

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Mr. Williams made a motion to adopt Ordinance No. 12-15. Mrs. Webb seconded the motion. Hearing no discussion, six members cast their votes Aye, zero Nay, and Ordinance No. 12-15 was adopted.

ORDINANCE NO. 12-16

AN ORDINANCE AMENDING ORDINANCE 12-12 BY ASSIGNING THE POSITION OF INCOME TAX ADMINISTRATOR TO WORK UNDER THE SUPERVISION OF THE TREASURER AND DECLARING AN EMERGENCY.

Mr. Williams made a motion to suspend the rules requiring the reading of Ordinance No. 12-16, on three separate days. Mr. Arnold seconded the motion. Six members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mr. Arnold read Ordinance No. 12-16 for the first time, by title only.

Mr. Arnold made a motion to adopt Ordinance No. 12-16. Mr. Williams seconded the motion. Hearing no discussion, six members cast their votes Aye, zero Nay, and Ordinance No. 12-16 was adopted.

At 8:37 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 Mrs. Webb. 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