

Special

August 15

2012

Ontario City Council met in special session on August 15, 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, Mark Weidemyre, Michele Webb, Pamela Drake, Mayor Larry Collins, Law Director Allan Sowash, Auditor Jane Hammond, 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 Jim Hairston from this evening's meeting. Mr. Weidemyre seconded the motion. At roll call, six members voted Aye, zero Nay, and the motion passed.

CONSIDERATION OF ORDINANCES AND RESOLUTIONS

RESOLUTION NO. 12-09

A RESOLUTION APPROVING THE DEVELOPMENT AGREEMENT WITH BROWNFIELD COMMUNITIES DEVELOPMENT COMPANY, LLC, AUTHORIZING THE MAYOR TO SIGN THE AGREEMENT ON BEHALF OF THE CITY AND DECLARING AN EMERGENCY.

Mr. Williams made a motion to suspend the rules requiring the reading of Resolution No. 12-09, on three separate days. Mr. Arnold seconded the motion. Five members cast their votes Aye, one Nay by Mrs. Hellinger, and the motion to suspend the rules failed. Mr. Weidemyre read Resolution No. 12-09 for the first time, by title only.

Mr. Sowash explained the company can indicate their consent to proceed by signing the Agreement tomorrow. The five affirmative votes show intent to enact the legislation which can be approved by Council at their regular meeting tomorrow evening. Mayor Collins informed Council that Racer Trust was holding a meeting tomorrow at the GM plant, 1:00 p.m., when the announcement will be made about the buyer. Invitations were being sent out today, all Council members were invited to attend.

Mr. Arnold said Council received the Agreement yesterday, are asked to vote on it today, but there has been no discussion. He felt they owed it to the community to have discussion and address any concerns.

Mr. Sowash said this happened very quickly, he received the Agreement August 3, 2012 and reviewed the document. He met with Acting Mayor Mr. Zeiter and Economic Development Committee Chairman Mr. Weidemyre and they prepared a letter addressing issues on August 7th and sent it to the Brownfield attorneys. They received some of the requested changes which were implemented into the agreement to develop the property. Brownfield is reserving the right to develop the entire property, they won't commit to how much of the existing building will remain but some of it will be left. Concerns included:

- No knowing how much of the existing building will remain but that is their decision.
- Consent to assign rights and obligations but the compromise in the Agreement show the entity would be controlled by the Adlers.

Mr. Williams expressed concern about the number of trucks with oversized loads that will be leaving the site during demolition.

- Mr. Heston said an oversized load permit must be purchased for \$10. Before awarding the permit it must be reviewed by an engineer, the Police Chief and himself. Bonding was also required to protect the roadway.
- Damage to the roadways can't be determined because it generally occurs to the base and isn't noticed for a couple of years. Previous loads weighed as much as 600,000 pounds.
- Council has the authority to raise the permit fee; most cities charge \$100.

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- Ms. Drake said when General Motors was in operation there were numerous large truck loads and constant traffic in and out of the plant so there should already be safeguards in place. She asked if there were any infrastructure concerns. Mr. Heston said that was addressed when Calisolar was considering this location. The Elizabeth Road lift station is coming up for reconditioning but has nothing to do with this project. The lift station is running well.
- Mr. Zeiter recommended Council members contact the Law Director with any questions they have as they review the Agreement before tomorrow evening's meeting.

Mr. Weidemyre asked about the decision on the living wage which was discussed in preparing the Agreement. Mr. Sowash responded the living wage has an involved definition but was left as presented in the proposal letter because this is a development agreement and they don't control the wages.

- Mr. Weidemyre said his understanding of the living wage was \$12-\$15 per hour. He felt the company is very reputable and would do what they proposed but his concern is to look out for the city. He asked if a safeguard against \$8 per hour jobs could be included. Mr. Sowash said this is for the development for the clientele and they don't have control over the wages. Mrs. Webb pointed out the document included definitions of full time and the full time equivalent.
- Discussion took place over who retained title of the property if the terms of the Agreement are not met. In earlier discussions the city was going to receive ownership but that is no longer the case. In similar circumstances involving GM properties cities have paid out large sums of money to be EPA compliant, however, in this case, the EPA will submit a No Further Action letter once the property is transferred.

At 7:35 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 Ms. Drake. 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