

Regular

September 6

2012

Ontario City Council met in regular session on September 6, 2012, in the City Offices, with Council President Daniel Zeiter presiding. The meeting opened at 7:24 p.m. with the Pledge of Allegiance.

The following persons were in attendance when roll was called: Council members Paul Williams, Larry Arnold, Jim Hairston, Mark Weidemyre, Michele Webb, Pamela Drake, Mayor Larry Collins, Law Director Allan Sowash, Auditor Jane Hammond, 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 Charlotte Hellinger from this evening's meeting. Ms. Drake seconded the motion. At roll call, six members voted Aye, zero Nay, and the motion passed.

The minutes of the regular Council meeting of August 16, 2012 were presented for approval. Mrs. Webb made a motion to amend the wording on page two, Miscellaneous Matters, to read as follows: Ms. Hammond said she received over 100 resumes for the Accounts Payable position which she would like to complete the process by early September. When Mrs. Webb asked if thought was given to making this a part-time position, Ms. Hammond responded that she is considering changing this to a part time position but there are items within the Working Ordinance that need discussed first with the Personnel Committee, such as 32 hours for benefits. Mr. Hairston seconded the motion. At roll call, six members voted Aye, zero Nay, and the motion passed.

The minutes of the special Council meeting of August 15, 2012 were presented for approval. Mr. Weidemyre made a motion to approve the minutes with a second by Ms. Drake. At roll call, six members voted Aye, zero Nay, and the motion to approve the minutes passed.

PUBLIC COMMENTARY

Walter Sloboda, 255 Sloboda Avenue, came before Council to express his appreciation to the city for repairing the storm water run-off area and dam, and restoring the grass in his lawn.

Mike Stallings, 170 S. Rock Road, approached Council asking for an update on the Rock Road bridge. Mr. Arnold said discussion remains ongoing regarding who is responsible for paying for the widening of the road. If they receive an answer within the next 30 days he is hopeful something could be done this year.

- Mr. Stallings felt the road in front of the schools didn't need paved; that money should have been saved for Rock Road. Mr. Arnold said at the time they were planning the street repair they didn't have information on what the insurance company was going to offer the city in terms of repair. The paving was based on a professional recommendation; the two projects are not related.
- Mr. Stallings asked, if the water park is approved who will pay for widening the street? A three lane road or traffic light will need installed so will the taxpayers have to pay for it? Mr. Zeiter said there are three entrances into the park and the feasibility study did not indicate the need for adding those items but the parking lot was included in the study.
- Although the lazy river is not part of the initial plan, Mr. Stallings asked who will be responsible for paying for it in a few years when they want it added. He didn't feel the pool should have been placed on the ballot with the current economy since it was turned down a few years ago. Ms. Drake said when the community grows with more jobs then items could be added to the pool area but they would go before the voters.
- Mayor Collins said the city's budget was reduced by \$3.8 million.

Next to come before Council was Treasurer Linda Stoodt, 708 Villa Drive, asking for clarification on Ordinance No. 12-13 which requires three signatures on all purchase requisitions and was passed by Council on May 3, 2012. Section 1 (3) deals with purchase orders of a routine continuing service such as utilities, health insurance, and day to day

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operations. If a new blanket purchase order is entered after May 3rd does it require three signatures? A requisition was entered for Willis, Osmond & Beilstein for a change in payroll services for \$4,500 with only one signature. Mr. Zeiter suggested this question be directed to the Law Director because this does not apply to Council, they do not enforce legislation. When Mr. Williams asked why the expense occurred, Mr. Zeiter said if there was money in the line item and a purchase requisition was written then Council isn't involved, if it wasn't handled properly it goes to the Law Director. Mr. Sowash will look into the procedure and what is being questioned.

COMMITTEE REPORTS

Mr. Arnold reported the Streets Committee discussed additional road striping which would be paid for from the left over street paving funds. The Committee recommended specific areas with safety concerns that would benefit from the striping included Walker Lake Road/Lex-Springmill intersection, all of Lex-Springmill Road, a small portion on Walker Lake Road near Menards, and an area on Stumbo Road.

- Mr. Heston distributed a memo from the Streets Supervisor listing cost estimates for the projects.
- Mr. Sowash said if they have a contract that was bid out then the remaining money could be used.

Mr. Weidemyre made a motion that it is the recommendation of the Streets Committee to repaint the street markings on all of Lexington Springmill Road, Walker Lake Road (Menards to the Cinema), all of Stumbo Road, all of Village Mall Drive and to repair the asphalt on the 400 block of Home Road. Mrs. Webb seconded the motion. When Mr. Zeiter cautioned them to verify there is enough money in the account to cover this expense, Mr. Heston said there was \$68,000 remaining from the paving project. Six members cast their votes Aye, zero Nay, and the motion passed.

Mr. Arnold continued his report on the high volume traffic at Shelby-Ontario and PAW. Altering the traffic signal in an attempt to reduce the backup would cost \$22,000. Because this estimate was much higher than anticipated, Mr. Arnold recommended tabling this option.

- Mayor Collins said he received the cost for paving a two lane road under the Rock Road bridge.

Mr. Arnold said he would like to receive the cost to repair the turn on Creston where the rock washes out as soon as possible.

The Personnel Committee met with Brian Thompson of Thompson Benefit Solutions to discuss the potential savings in changing the health care plan. The perception gives the appearance of spending more money but that is not the case and Mr. Thompson was asked to meet with Council to explain the process. The ultimate goal is to save the city money on insurance premiums and move forward with bids.

Mr. Weidemyre said he has received complaints because drivers can no longer turn right on red at the W. 4th Street/Lex-Springmill Road. Mr. Heston said the sign was put back up for safety concerns when a restaurant opened in the building on that corner. The sign was taken down after Taco Bell closed and drivers were no longer turning into the entrance closest to the intersection.

Mr. Arnold scheduled a Personnel Committee meeting on September 11, 2012 at 9:30 a.m.

In response to Mr. Weidemyre's question, Mr. Hairston said he has not obtained pricing for soccer bleachers but he is in the process of talking with Ontario Youth Sports.

Mr. Weidemyre reported on the Utilities Committee of the Whole meeting held earlier this evening where they discussed the qualifications of design engineering firms for the Rock Road EQ Basin project. The Committee selected Poggemeyer followed by Richland Engineering and K.E. McCartney, as reflected in Resolution 12-10 which will be added to this evening's agenda. A design must be submitted to the EPA by December 31, 2012.

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Mr. Weidemyre asked Parks Committee Chairman Paul Williams to schedule a meeting to discuss constructing a band shell in Marshall Park. Mayor Collins asked him to look into this for the concerts held in the park as well as other events. The Richland County Development Group has funds available for this type of project. The Mayor authorized Mr. Weidemyre to submit an application to the beautification sector and a grant was approved for part of the project; Richland County Development Group would like the city to match funds. Pioneer Joint Vocational School is willing to design and build a prefab band shell in their carpentry department and assemble it in the park next spring.

Ms. Drake thanked Mr. Heston and Officer Bartolucci for their work in her neighborhood regarding speeding motorists endangering the children playing outside and for placing the speed indicator sign as a means of awareness.

Mr. Williams and Mrs. Webb had no report.

MAYOR'S REPORT

Mayor Collins urged anyone interested to observe the efficiency of the court system on Thursdays and the work being done by the Magistrate, Law Director, and Clerk of Courts. As of August past due collections totaled \$5,275, current collections of \$21,089.90, for a total of \$26,364.90; 146 tickets were written in August.

Zoning Inspector Fred Kohler has been on the job for a few weeks and is getting up to speed. Three residential permits were written with fees of \$80 and a valuation of \$7,600. Six sign permits were written.

Mr. Sowash asked the Mayor for a copy of the updated costs he received pertaining to paving two lanes on Rock Road under the bridge.

Mayor Collins reported on the following:

- The budget is prepared and shows both the requested amounts and the adjusted amounts. He will meet with Finance Committee Chair Mark Weidemyre to review and then submit the budget to the Finance Committee.
- The website has been paid for, not just the \$6,000, and should be going live within the next week or so. They were waiting on data from the Ontario Growth Association regarding local businesses.
- The last contact with the church on PAW was May 10, 2012; there have been six letters sent and one meeting; there was no response to the last letter. Mayor Collins asked for resolution and offered to pursue an available grant to purchase the property so the city could take ownership and turn it into a facility that would benefit the community.

SERVICE SAFETY DIRECTOR'S REPORT

Mr. Heston informed Council members that a firefly failed to work at a local business so they received minimum billing. The company notified the water clerk because their bill typically is \$4,000 to \$8,000 per quarter. The meter was read, the firefly replaced, and the company was billed the balance but the computer automatically charged a late fee of \$718.64. Mr. Heston asked Council permission to waive the late fee because he can only adjust up to \$300.

Ms. Drake made a motion to waive the late fee. Mr. Williams seconded the motion.

- A zero read report is generated which normally is reviewed as the check and balance system to prevent this from happening.
- The penalty is 10% of the bill.

Six members cast their votes Aye, zero Nay, and the motion passed.

Mr. Heston continued his report:

- Bridge inspections are due December 31, 2012.

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- The city received a complaint from the Ohio EPA and the US EPA regarding the unfinished storm water development project behind the Bell Store. They have not responded to previous notifications but they are now proceeding with completing the drainage pipe that was never installed for the retention pond and maintaining the ditch that has eroded.
- The part-time engineer interviews were held and references will be checked on the remaining candidates.

The following are responses to Mr. Zeiter's requests for updates:

- 4th Street Paving (OPWC Funding). The 4th Street paving is being handled by Richland Engineering. ODOT is reviewing the project and will assign a PID number before it can move forward to Regional Planning. The paving project is planned between July 2013 and June 2014. Richland Engineering recommended waiting until early next year to bid because there could be a chance of getting better pricing on the paving from Home Road to St. Rt. 314. In conjunction with a grant the most the city should pay is \$600,000. Patching will need done on W. 4th Street to maintain the road until the paving can begin.
- Lex-Springmill Corridor Study (OPWC funding). One expectation of the corridor study was to have ODOT look at the traffic signals to determine if they could be revamped or replaced. ODOT determined with the updated LED lights and updated signal bars they could do a retiming project to improve traffic flow which was \$3.5 million of the \$5 million project the state is willing to pay. This does not include the ingress/egress and center lane delineators which are still under consideration.
- Oak Tree Culvert Repair/Replacement. Indiana Reline will look at this again before compiling bid specifications that will exceed \$25,000. Funds are available to complete the project this year. This project will be part of the responsibilities of the new engineer.
- 5-year Water Valve Replacement Plan. A couple of valves have been replaced but Mr. Heston has not had time to discuss this with Water Distribution Manger Evan Hellinger to know if there is an existing 5 year plan; Mr. Heston has asked him to develop one.
- Mabee Road Water Tower Painting. This may not be scheduled for next year but he will contact the Water Department for more information.
- Emergency Disaster Plan (\$10,000 allocated). This is the Disaster Recovery Plan which has been placed on hold. Two new servers were installed to replace the proxy servers.
- Roof at Senior Center. Temporary repairs were made yesterday at no charge. Various companies will provide estimates for roofing options; last year an estimate was received for \$25,000.
- Flowerama Van. Mr. Sowash will check on how long the van must sit before the city can claim the title and take any action of disposal.
- Condition of Brown Chevrolet Impala. The oil pump may need replaced and until there are funds for repair he is hesitant to drive the car. Past oil changes were paid out of the Service Building's Maintenance Fund.
- Condition of the Chevrolet S-10 pickup. Nothing is wrong with the truck; it is parked at the Service Building because it is not in use at this time. Due to the high mileage it may be better to use as an extra Parks vehicle instead of trying to sell.
- Park Avenue West/ St. Rt. 309 Poor Paving Rebate/Refund from ODOT (\$30,000 to \$70,000). Several emails were sent but with no response. Phone calls were made and he was referred to the Finance Department because this was still in audit but no responses have been received; the last attempt to contact ODOT was August 22nd.

Mr. Zeiter asked if the Senior Center roof repair was high would it be turned in as an insurance claim. Mr. Heston wasn't certain this was a claim, the leaks were around the vents and the maintenance hasn't been kept up on the roof.

Mr. Zeiter questioned if the bridge inspections should be done in-house because there is a great deal of liability involved and he felt that responsibility should be handled by an outside firm.

LAW DIRECTOR'S REPORT

Mr. Sowash had no report.

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MISCELLANEOUS MATTERS

Ms. Hammond provided the following report:

- When Ms. Hammond asked if there were questions pertaining to the monthly reports that were distributed, Ms. Webb asked for the Contingency Report to be included with the monthly reports.
- \$16,000 was taken from Contingencies to pay property tax on a parcel that normally wasn't that high but this time was being charged for a cell tower; \$13,485 was returned to the General Fund once proof was provided there was not a cell tower on the property.
- Going into the last quarter of the year, Ms. Hammond asked Mr. Heston to follow up on open purchase orders, such as the paving bill, in order to know what was needed. Mr. Heston said there were no outstanding bills on paving.
- The Financial Report was filed with the State and can be viewed online at ohioauditor.com or request a copy from the Clerk of Council. Ms. Hammond is currently working on the CAFR report for the TIF.
- The Farm Bureau has requested the city review the cost for leasing farmland. Currently the 116 acres are \$42 per acre while the national average is \$147.50 per acre. Ontario is still using 1989 pricing and the increase would show an additional \$12,682. The lease expires in January 2012. Most communities take this to bid and three have received \$185 per acre which at that price would give Ontario \$17,000 compared to the current \$4,000.

Mr. Williams asked why payment is being made to Willis, Osborn, & Beilstein for payroll. Ms. Hammond stated in her ordinance she is responsible for the payroll clerk and the accounts payable clerk, WOB is the payroll clerk. A previous employee used to do both jobs but it is not required that one person do both jobs. Making this change has saved the city \$31,000 because WOB is paid \$300 a month to transmit the payroll while an employee doing this would require being paid benefits, insurance, vacation, and personal time.

- ADP would charge high penalties if the city terminates the contract early which was set by the previous auditor.
- ADP handles the W-2 forms and issues checks while WOB does the transmission of the payroll. They don't do the same job and have nothing to do with accounts payable.
- Mr. Zeiter asked for a new comparison between the outsourcing costs, paying an employee, and when the ADP contract ends.
- Payroll falls under the Ordinance 12-13.

Mr. Zeiter said the liquor permit request for O'Charley's Restaurant discussed during Caucus was for a name change only. No hearing was requested.

CONSIDERATION OF ORDINANCES AND RESOLUTIONSORDINANCE NO. 12-24

AN ORDINANCE APPROVING THE EDITION AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF ONTARIO, OHIO, AND DECLARING AN EMERGENCY.

Mr. Williams made a motion to suspend the rules requiring the reading of Ordinance No. 12-24 on three separate days. Mr. Weidemyre seconded the motion. Six members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mr. Weidemyre read Ordinance No. 12-24 for the first time, by title only.

Mr. Weidemyre made a motion to adopt Ordinance No. 12-24. Mr. Williams seconded the motion. Hearing no discussion, six members cast their votes Aye, zero Nay, and Ordinance No. 12-24 was adopted.

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ORDINANCE NO. 12-25

AN ORDINANCE AMENDING ORDINANCE NO. 12-07 KNOWN AS THE PERMANENT APPROPRIATIONS ORDINANCE FOR 2012 BY MAKING ADDITIONAL APPROPRIATIONS TO THE GENERAL FUND.

Mr. Williams made a motion to suspend the rules requiring the reading of Ordinance No. 12-25 on three separate days. Ms. Drake seconded the motion. Six members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mrs. Webb read Ordinance No. 12-25 for the first time, by title only.

Mrs. Webb made a motion to adopt Ordinance No. 12-25. Mr. Weidemyre seconded the motion. Hearing no discussion, six members cast their votes Aye, zero Nay, and Ordinance No. 12-25 was adopted.

RESOLUTION NO. 12 – 10

A RESOLUTION RANKING PROFESSIONAL DESIGN SERVICES FIRMS FOR THE PURPOSE OF PREPARING THE PERMIT TO INSTALL AND DETAILED PLANS FOR THE EQ BASIN FOR THE ROCK ROAD SANITARY SEWER OVERFLOW IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY.

Mr. Weidemyre made a motion to waive the 24-hour rule for Resolution No. 12-10. Mr. Williams seconded the motion. Six members cast their votes Aye, zero Nay, and the motion passed.

Ms. Drake made a motion to suspend the rules requiring the reading of Resolution No. 12-10 on three separate days. Mr. Weidemyre seconded the motion. Six members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Ms. Drake read Resolution No. 12-10 for the first time, by title only.

Ms. Drake made a motion to adopt Resolution No. 12-10. Mr. Weidemyre seconded the motion. Hearing no discussion, six members cast their votes Aye, zero Nay, and Resolution No. 12-10 was adopted.

At 8:47 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, six members voted Aye, zero Nay, and the motion to adjourn passed.

Daniel J. Zeiter, President of Council

Cathy VanAuker, Clerk of Council