

Regular

November 15

2012

Ontario City Council met in regular session on November 15, 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, Assistant Law Director Harry Welsh, Service-Safety Director Roger Heston, 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 November 1, 2012 were presented for approval. Mr. Weidemyre made a motion to approve the minutes with a second by Mr. Hairston. At roll call, seven members voted Aye, zero Nay, and the motion passed.

PUBLIC COMMENTARY

Ray Dixon, 3261 Moffett Road, Lucas, Chairman of Richland County Transit, came forward to share information on the ridership within Ontario and to request funding. For the first time service will be offered during the first four Saturdays in December at no charge, transporting passengers throughout Ontario with hopes of alleviating some of the traffic congestion and to assist with exposure of their service. Currently all of the routes originate downtown at the Transit Station but this Circulator Special will provide service from the north end of Lex-Springmill Road at Meijer to the south end at Wal-Mart from 10:00 a.m. until 4:00 p.m. A connector bus will come in from Shelby to drop riders at the north end of Lex-Springmill and then returning to Shelby.

- Many of the riders are workers in the area.
- The main complaint from workers is they would like the buses to run later so they have a way home.
- Riders are picked-up daily in the housing near Applebee's through the Dial-A-Ride program. Many who use this service are handicapped.
- Tuesdays and Thursdays are designated as a shopping service to allow riders to do grocery shopping.
- Over 20,000 people are transported into this community each year.
- Mr. Dixon said he would appreciate feedback from the Police Department on matters such as, if it is interfering, what could be modified, etc.

Kris Ross, Sales Representative for Southeastern Equipment Company, 3875 W. Fourth Street, was next to approach Council. Earlier in the day, Mr. Ross sent an email to Council members pertaining to the purchase of a new wheel loader and came this evening to answer any questions. Southeastern Equipment has served the city since 1995 when the branch location was opened. The \$4,000 difference between the Case and the Caterpillar wheel loader will be very small in the long run.

- Mr. Ross responded to Mr. Weidemyre's question of Caterpillar having 30% more fuel efficiency than Case, saying the fuel efficiency on the tier 4 engines was a new technology for the entire industry legislated by the EPA. Consumption is subjective based on how it was operated and the conditions in which it was operated. The tier 4 engine runs cooler and efficiency would be considerable regardless of the model. The state bid price was reduced because the original price included a radial tire and air conditioning options that weren't requested but Case agreed to cover the cost of the air conditioner.

RECREATION DIRECTOR'S REPORT

Mrs. Van Cura provided the following report:

Honkin Haulin Hands On Trucks. Approximately 100 children attended this popular activity at Marshall Park on October 14th. They had the opportunity to have hands on experience with the

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various service trucks from the city as well as a fire truck, police vehicles, school bus and a large red truck. Each child received a driver's license as well as a key chain and keys.

Family Swim. This free activity is held on Monday evenings at the Ontario Middle School pool from 7:00 – 8:15 p.m. Three lifeguards are on duty per session.

Zumba. Classes are held each Tuesday and Thursday evening at the Stingel Primary gym from 6:00 – 7:00 p.m. The cost is \$4 per class; approximately thirty people are in attendance.

36th Ontario Community Craft Show. This event will be held on Saturday, December 1st at the Richland County Fairgrounds from 8:30 a.m. – 4:00 p.m. The Ontario Lions Club will be collecting toys and donations for TOY Time of Richland County. The Ontario High School students from the Industrial Arts Department, as well as the Art students will be selling their art work again this year.

At 7:15 p.m., Mr. Williams made a motion to enter into executive session, per O.R.C. 121.22 (G)(3), conference with an attorney for the public body concerning imminent litigation. Mrs. Hellinger seconded the motion. At roll call, seven members voted Aye, zero Nay, and the motion passed.

At 7:47 p.m., Mr. Williams made a motion to reconvene into regular session. Mr. Hairston seconded the motion. At roll call, seven members voted Aye, zero Nay, and the motion passed.

Mrs. Webb made a motion to accept the settlement agreement as discussed in executive session. Ms. Drake seconded the motion. Hearing no discussion, three members voted Aye, four Nays by Mr. Williams, Mr. Arnold, Mrs. Hellinger, and Mr. Hairston, and the motion failed.

COMMITTEE REPORTS

Mr. Arnold scheduled a Streets Committee meeting on November 27, 2012, at 9:00 a.m.

Mr. Weidemyre reported on the Economic Development Committee meeting held earlier this evening where they discussed the TIF for Spitzer that appears on tonight's Agenda.

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

MAYOR'S REPORT

Mayor Collins provided the following information:

- In the month of October, Mayor's Court collected \$5,239.36 in past due accounts with \$14,643 in current collections for a total of \$19,882.36; 113 tickets were written.
- The new city website is up and running. Updates will be completed in-house. Mayor Collins, Kim Miers, and Mark Weidemyre worked on putting the new design in place.
- Mayor Collins signed the release with the insurance company and the Railroad on the Rock Road bridge. Asphalt companies have closed for the winter prohibiting the road from being fixed until spring. Either the bridge could be taken down now and risk possible erosion around the site or wait until spring so it could be coordinated with the road repair. Waiting to tear down the bridge will allow time to determine the best use of the stones. The Railroad hired Jason Motley of Abundant Services, Inc., Cleveland, to tear down the bridge and they are aware the city wants to retain ownership of the stones. Mayor Collins will ask Railroad representatives to wait until spring before tearing down the bridge.

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Mayor Collins referred to the requested RTA ridership information they received and asked Council if they choose to offer funding to vote during their next meeting.

- Mrs. Webb said her understanding from the report was that most municipalities use city block grant money, CDBG. If so, then Shelby was the only city supporting the transit system from their general fund in the amount of \$6,500.

SERVICE/SAFETY DIRECTOR'S REPORT

Mr. Heston will check with the Engineer to see if concrete would be a viable option to fix the road once the bridge is torn down.

The materials to replace the roof on the Senior Center should be received by November 19. This is expected to be a two day job.

The striping on Lex-Springmill should be completed in the next couple of days with the priority being the turn lanes at the Lex-Springmill/Walker Lake Road intersection.

LAW DIRECTOR'S REPORT

Mr. Welsh had no report

CONSIDERATION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 12-33

(SECOND READING) AN ORDINANCE ESTABLISHING TEMPORARY APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF ONTARIO, OHIO FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2013 AND EXPIRING DECEMBER 31, 2013.

Hearing no motion to suspend the rules requiring the reading of Ordinance No. 12-33 on three separate days, Mr. Hairston read Ordinance No. 12-33, for the second time, by title only.

RESOLUTION NO. 12-15

A RESOLUTION OF APPRECIATION TO ALLAN D. SOWASH FOR HIS TWENTY-SIX YEARS OF SERVICE TO THE CITY OF ONTARIO, OHIO.

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

Mr. Weidemyre made a motion to adopt Resolution No. 12-15. Mr. Hairston seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Resolution No. 12-15 was adopted.

ORDINANCE NO. 12-34

AN ORDINANCE APPROVING AND AUTHORIZING THE MAYOR TO SIGN AND DELIVER AN ENGAGEMENT LETTER WITH BENESCH, FRIEDLANDER, COPLAN & ARONOFF LLP, AND DECLARING AN EMERGENCY.

Mr. Weidemyre made a motion to suspend the rules requiring the reading of Ordinance

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No. 12-34 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. Mrs. Webb read Ordinance No. 12-34 for the first time, by title only.

Mrs. Webb made a motion to adopt Ordinance No. 12-34. Ms. Drake seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 12-34 was adopted.

ORDINANCE NO. 12-35

AN ORDINANCE APPROVING AND AUTHORIZING THE MAYOR TO SIGN AND DELIVER A GENERAL CONSULTING SERVICES AGREEMENT BETWEEN THIS CITY AND ROBERT W. BAIRD & CO., INCORPORATED, AND DECLARING AN EMERGENCY.

Mr. Arnold made a motion to suspend the rules requiring the reading of Ordinance No. 12-35 on three separate days. Mr. Williams seconded the motion. Seven members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Ms. Drake read Ordinance No. 12-35 for the first time, by title only.

Ms. Drake made a motion to adopt Ordinance No. 12-35. Mr. Weidemyre seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 12-35 was adopted.

ORDINANCE NO. 12-36

AN ORDINANCE APPROVING A NONDISCRIMINATORY HIRING POLICY FOR RECIPIENTS OF GRANTS OF EXEMPTIONS FROM REAL PROPERTY TAXES, AND DECLARING AN EMERGENCY.

Mr. Williams made a motion to suspend the rules requiring the reading of Ordinance No. 12-36 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. Williams read Ordinance No. 12-36 for the first time, by title only.

Mr. Williams made a motion to adopt Ordinance No. 12-36. Ms. Drake seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 12-36 was adopted.

ORDINANCE NO. 12-37

AN ORDINANCE AUTHORIZING A DEVELOPMENT AGREEMENT WITH SPITZER A-TEAM L.P. AND CERTAIN ACTIONS CONTEMPLATED BY THE DEVELOPMENT AGREEMENT, AND DECLARING AN EMERGENCY.

Ms. Drake made a motion to suspend the rules requiring the reading of Ordinance No. 12-37 on three separate days. Mrs. Webb seconded the motion. Seven members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mr. Arnold read Ordinance No. 12-37 for the first time, by title only.

Mr. Arnold made a motion to adopt Ordinance No. 12-37. Ms. Drake seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 12-37 was adopted.

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ORDINANCE NO. 12-38

AN ORDINANCE AMENDING ORDINANCE NO. 12-07 KNOWN AS THE PERMANENT APPROPRIATION ORDINANCE FOR 2012 BY TRANSFERRING MONEY FROM UNAPPROPRIATED RESERVES IN THE GENERAL FUND AND APPROPRIATING IT FOR EQUIPMENT IN THE STREET CONSTRUCTION AND MAINTENANCE FUND.

Mr. Weidemyre made a motion to suspend the rules requiring the reading of Ordinance No. 12-38 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. Mrs. Hellinger read Ordinance No. 12-38 for the first time, by title only.

Mrs. Hellinger made a motion to adopt Ordinance No. 12-38. Mr. Weidemyre seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 12-38 was adopted.

ORDINANCE NO. 12-39

AN ORDINANCE AWARDED A CONTRACT TO MIAMI VALLEY INTERNATIONAL TRUCKS, INC. OF CINCINNATI, OHIO, FOR THE PURCHASE OF A 2013 INTERNATIONAL 7400 CAB AND CHASSIS THROUGH THE OHIO DEPARTMENT OF TRANSPORTATION COOPERATIVE PURCHASING PROGRAM, AND DECLARING AN EMERGENCY.

Mr. Hairston made a motion to suspend the rules requiring the reading of Ordinance No. 12-39 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. 12-39 for the first time, by title only.

Mr. Hairston made a motion to adopt Ordinance No. 12-39. Mr. Williams seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 12-39 was adopted.

ORDINANCE NO. 12-40

AN ORDINANCE AWARDED A CONTRACT TO GLEDHILL ROAD MACHINERY COMPANY OF GALION, OHIO FOR THE PURCHASE OF A DUMP BODY, CENTRAL HYDRAULIC SYSTEM, SNOWPLOW HITCH, WHELEN LIGHT SYSTEM, SALT SPREADER, AND REAR TOWING HITCH FOR THE SUM OF \$38,368.05 THROUGH THE STATE OF OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES COOPERATIVE PURCHASING PROGRAM, AND DECLARING AN EMERGENCY.

Mr. Weidemyre made a motion to suspend the rules requiring the reading of Ordinance No. 12-40 on three separate days. Mr. Williams seconded the motion. Seven members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mr. Weidemyre read Ordinance No. 12-40 for the first time, by title only.

Mr. Weidemyre made a motion to adopt Ordinance No. 12-40. Mr. Williams seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 12-40 was adopted.

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ORDINANCE NO. 12-41

AN ORDINANCE AWARDDING A CONTRACT TO CATERPILLAR, INC. OF BROADVIEW HEIGHTS, OHIO FOR THE PURCHASE OF A NEW CATERPILLAR MODEL 924K WHEEL LOADER FOR THE SUM OF \$92,573.00 THROUGH THE STATE OF OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES COOPERATIVE PURCHASING PROGRAM, AND DECLARING AN EMERGENCY.

Ms. Drake made a motion to suspend the rules requiring the reading of Ordinance No. 12-41 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. Mrs. Webb read Ordinance No. 12-41 for the first time, by title only.

Mrs. Webb made a motion to adopt Ordinance No. 12-41. Ms. Drake seconded the motion. When Mr. Hairston asked for clarification he was informed this equipment would be serviced by a mobile mechanic out of Galion who comes on sight, warranty work would be covered, and parts are delivered on Stumbo Road. Five members cast their votes Aye, two Nays by Mr. Hairston and Mr. Weidemyre, and Ordinance No. 12-41 was adopted.

ORDINANCE NO. 12-42

AN ORDINANCE AWARDDING A CONTRACT TO CAPITOL TUNNELING, INC. OF 2166 REFUGEE RD, COLUMBUS, OHIO, FOR THE CONSTRUCTION OF THE OLD OAK TRAIL CULVERT RELINING PROJECT, AND DECLARING AN EMERGENCY.

Mr. Arnold made a motion to waive the 24-hour rule on Ordinance No. 12-42. Mr. Hairston seconded the motion. Seven members cast their votes Aye, zero Nay, and the motion to waive the 24 hour rule passed.

Mr. Hairston made a motion to suspend the rules requiring the reading of Ordinance No. 12-42 on three separate days. Ms. Drake seconded the motion. Seven members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Ms. Drake read Ordinance No. 12-42 for the first time, by title only.

Ms. Drake made a motion to adopt Ordinance No. 12-42. Mrs. Webb seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 12-42 was adopted.

Mr. Zeiter thanked all those involved in getting this amount of legislation prepared and delivered in a timely manner for this evening's meeting.

At 8:22 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.

Daniel J. Zeiter, President of Council

Cathy VanAuker, Clerk of Council