

Regular

December 6

2013

Ontario City Council met in regular session on December 6, 2013, 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, Eddie Gallo, Jim Hairston, Mark Weidemyre, Michele Webb, and Pamela Drake, Council President Daniel Zeiter, Mayor Larry Collins, Assistant Law Director Harry Welsh, Deputy Auditor Mary Ann Hellinger 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 21, 2013 were presented for approval as amended. Ms. Drake made a motion to approve the minutes with a second by Mr. Hairston. At roll call, six members voted Aye, zero Nay, one Abstain by Mr. Arnold and the motion passed.

PUBLIC COMMENTARY

Carla Stricker, 2778 Park Avenue West, was first to approach Council. She said she doesn't have a problem paying the income tax but it would be nice to pay less once the city gets more industry. She is paying Columbus and Ontario. The next item she wanted to bring before Council was when the city purchased her grandparents property for the Industrial Park the family was told they could name the Industrial Park. The family would like it named the Beer Industrial Park instead of the Beer Road Industrial Park. In naming the road, they would like to honor their grandfather who farmed on that property his entire life and call the road Robert Road or something similar. Some of the family still lives on the property that didn't sell. If there is a second road they would like it named after their grandmother Katherine. The family is opposed to using the Urwin name because he had nothing to do with the property, he was more involved in Lexington-Springmill.

Mark Arnold, 182 Lexington-Ontario Road, was next to approach Council to thank Council for their discussion during the Finance Committee meeting and Mr. Hairston's additional efforts in researching the proposed income tax. Every Administration and Council has tried to plan for the future with the monies allotted. An example is the situation with the Mabee Road Water Tower, the initial proposal seems to be to tear it down and build new. Mr. Zeiter offered the right idea to first contact the company that built this water tank and hold them accountable before using public money. Mr. Arnold challenged them to come up with something because the safety tax originally was ¼% but in one meeting was changed to ½% which went to the voters. They could look at giving back a piece of it. Mr. Arnold said if the safety tax came to them after the switch of the 1% forgiveness tax it probably would have had a different outcome. Mr. Arnold said he appreciates what they do and looks forward to a new proposal.

Next to come forward was Dave Rehfeldt, 3479 Ridgestone Drive, and asked what the surplus amount was on the budget. Mr. Hairston responded it was \$10.5 million going into this year and was budgeted about \$9 million at the end of 2013. Mr. Rehfeldt said when you vote for a tax don't expect it to go away. He would like to see the tax reduced but also feels the safety tax should be paid by all residents. A standard should be set before the tax can be reduced but there has to be a growth of 1,200 jobs to equate to the \$900,000. Eliminating the full 1% is too high to begin with. During the Finance Committee meeting he heard the budget at one time was \$16 million and now is \$8 million, most residents don't think anything was ever cut from the budget. Not only are residents not asking, city officials are not telling residents what is going on. All residents see is the revenue growth but all the city says is they've been cutting the budget, and he doubted that anyone believes that. All the people know is they are getting double taxed and they don't like it. Ontario has the highest tax rate compared to other cities around for residents who work outside the municipality in which they live.

Scott McGee, 2370 Woodland Park Drive, came before Council asking for the amount collected from the additional 1% and how many people pay the tax. Mr. Hairston responded the system does not break it down but 2,162 tax returns made up the \$900,000. He is going to work

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on getting those numbers. Mr. McGee said an unintended consequence of the tax affected him attempting to sell his house and on two occasions he lost the sale of the house. People had options, worked outside of Ontario, and chose to live elsewhere. If he does move in the future he would have to sell the house at a lower price to accommodate the income tax which influences the property tax and the areas where it goes.

Next to come forward was Bob Stout, 2393 Whitney Avenue, to say he began paying taxes to Ontario in 1977 as a GM employee, then became a resident in February 1996. When the plant closed he was assigned to the Parma plant and pays them 2 ½%. Every city around Parma forgives 100% of their city income tax to those who work outside their city. Ontario should forgive the whole 1 ½% and make it retroactive to January 1, 2013. The city can take the reduction if they make cuts, freeze wage, suspensions, and give backs should have been started a long time ago. Employees at GM did not have a raise since 2001 which he is sure is not the case in Ontario.

COMMITTEE REPORTS

Mr. Zeiter questioned the \$27,000 bill and the painting of the Walker Lake/Lex-Springmill intersection. Council members agreed the paint was not holding up but the thermo-plastic paint was to last longer. They were disappointed in the quality of the work. Mr. Zeiter will contact the Service-Safety Director for more information.

Mr. Arnold said he made a couple of calls to the railroad regarding the landscaping on Rock Road at the site of the covered bridge but he has not received any responses.

Mr. Hairston reported on the Finance Committee meeting held prior to Council where they discussed the \$900,000 income tax revenue. He spent time with the Treasurer, the Income Tax Administrator and made calls to the computer software company and they are not able to capture certain pieces of information, such as the the number of residents working outside of the city or the number of people working in the city but not living in the city. He is going to try and find a way for them to collect that data. The \$900,000 is an accurate figure and verified the system's accuracy by tracking his own tax information. The State Auditor recommended an audit for 2013 due to the turn-over in the Auditor's office this year, then they will return to the two year audit. The Finance Committee also is requesting legislation requiring owners of rental property to provide names of their renters so the city can verify they are filing income tax returns.

Mr. Weidemyre said the Economic Development Committee met with Attorney Stephen Grassbaugh to explain the TIF procedure, to ensure they are in compliance with all agreements and that the school is getting their payment. They also discussed a couple of upcoming TIF's and the amendment that was agreed upon at the last Council meeting.

Ms. Drake said legislation on civil emergency will be on the Agenda at the next meeting. Copies of the draft legislation were distributed this evening for review.

Mr. William, and Mrs. Webb had no report.

MAYOR'S REPORT

Mayor Collins reported on the November Mayor's Court Report. Past due collections were \$1,332, with current collections of \$20,683.55, for a total of \$22,015.55; 140 tickets were written. The total number of tickets written this year was 1,714, past due collections since 2010 was \$409,870.57. The Clerk of Courts has worked very diligently collecting the past due fines.

The November Zoning Report has one residential, five commercial, and six sign permits for a total valuation of \$4,195,000, with fees of \$1,250. Buffalo Wild Wings is relocating to the Odd Lots shopping area.

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The Jilly Junction sign has been taken down in response to a complaint it was blocking driver's visibility and creating a safety concern.

Mayor Collins met with the Adlers' and was very encouraged they came to Ontario to confirm they are still on task with the Ontario Business Park at the former GM site,

Mr. Zeiter asked for an update pertaining to connecting water to the campus apartments and the information he supplied on Mansfield's agreement with the developers to provide them sewer. He asked for legislation to be prepared authorizing the project to comply with city standards because in the end the city will probably own the water line. The November 22, 2013 Board of Control minutes indicated a \$14,000 purchase for an 8" water meter and flange for Buckeye Village but noted there was no protection for the city to oversee the project. Mayor Collins will check on the status. Mr. Arnold added that he does not want to pay another engineering firm to oversee the project but is hopeful that would be handled in-house or as part of the agreement.

LAW DIRECTOR'S REPORT

Mr. Welsh requested an executive session at the conclusion of this meeting.

MISCELLANEOUS MATTERS

At 7:47 p.m., Mr. Zeiter opened the Public Hearing for amending the non-residential minimum driveway widths from 20' to 24'. The Fire Department made the recommendation based on the construction of the new student apartment complex for safer maneuverability.

At 7:48 p.m., calling three times and hearing no one who wished to speak, Mr. Zeiter closed the Public Hearing.

CONSIDERATION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 13-42

(THIRD READING) AN ORDINANCE AMENDING ORDINANCE NO. 10-40 BY ADDING A LATE PAYMENT FEE OF FIFTY DOLLARS (\$50.00) TO EACH FALSE ALARM RESPONSE INVOICE NOT PAID WITHIN SIXTY (60) DAYS OF THE DATE OF THE INVOICE.

Ms. Drake read Ordinance No. 13-42 for the third time, by title only.

Ms. Drake made a motion to adopt Ordinance No. 13-42. Mr. Williams seconded the motion. This ordinance now reads the \$50 late fee is per invoice instead of per month. Five members cast their votes Aye, two Nays by Mr. Hairston and Mr. Weidemyre, and Ordinance No. 13-42 was adopted.

ORDINANCE NO. 13-43

(THIRD READING) AN ORDINANCE ESTABLISHING TEMPORARY APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES TO THE CITY OF ONTARIO, OHIO FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2014 AND EXPIRING DECEMBER 31, 2014.

Mr. Williams read Ordinance No. 13-43 for the third time, by title only.

Mr. Williams made a motion to adopt Ordinance No. 13-43. Ms. Drake seconded the motion. Seven members cast their votes Aye, zero Nay, and Ordinance No. 13-43 was adopted.

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ORDINANCE NO. 13-38

(SECOND) AN ORDINANCE AMENDING SECTION 191.11 TAX CREDIT OF THE CODIFIED ORDINANCES OF THIS CITY BY INCREASING THE CREDIT TOWARDS THE ONTARIO INCOME TAX FOR INCOME TAX PAID TO ANOTHER MUNICIPALITY UP TO A MAXIMUM OF ONE AND ONE-HALF PERCENT (1 ½%) EFFECTIVE JANUARY 1, 2014.

Mr. Weidemyre made a motion to amend Ordinance No. 13-38 to reflect 1% forgiveness instead of 1 ½%, collecting a ½% credit. Mr. Weidemyre said this legislation states the entire income tax would be forgiven. The citizens voted on the safety tax but the city can't afford to give back the entire \$900,000 but he felt they could roll back part of the tax. Attorney Welsh recommended voting on the motion and with passage rewrite the Ordinance reflecting the change, then place it on the next meeting Agenda. Mr. Hairston seconded the motion. Three members voted Aye, three Nays by Mr. Williams, Mr. Arnold, Mrs. Webb, and one Abstain by Ms. Drake. Mr. Zeiter broke the tie vote with an Aye, and the motion passed.

Mr. Arnold read Ordinance No. 13-38 for the second time, by title only.

ORDINANCE NO. 13 – 46

AN ORDINANCE AMENDING SECTION 1145.07 DRIVEWAYS AND SECTION 1145.19 OFF-STREET PARKING SPACE LAYOUT, CONSTRUCTION AND MAINTENANCE STANDARDS OF THE CODIFIED ORDINANCES OF THIS CITY TO INCREASE THE MINIMUM WIDTH OF DRIVEWAYS IN THE OFFICE SERVICE, BUSINESS, INDUSTRIAL PARK, AND GENERAL INDUSTRIAL DISTRICTS FROM TWENTY (20) FEET TO TWENTY-FOUR (24) FEET IN WIDTH.

Mr. Weidemyre made a motion to suspend the rules requiring the reading of Ordinance No. 13-46 on three separate days. Mr. Gallo seconded the motion. Seven members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mr. Gallo read Ordinance No. 13-46 for the first time, by title only.

Mr. Gallo made a motion to adopt Ordinance No. 13-46. Mr. Arnold seconded the motion. Hearing no further discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 13-46 was adopted.

ORDINANCE NO. 13 – 47

AN ORDINANCE NAMING THE NEW STREET WHICH IS TO BE CONSTRUCTED IN THE ONTARIO INDUSTRIAL PARK WEST, FORMERLY KNOWN AS THE BEER ROAD INDUSTRIAL PARK “URWIN PARKWAY”.

Mr. Weidemyre made a motion to suspend the rules requiring the reading of Ordinance No. 13-47 on three separate days. Ms. Drake seconded the motion. Five members cast their votes Aye, two Nay by Mrs. Webb and Ms. Drake, and the motion to suspend the rules failed. Mr. Hairston read Ordinance No. 13-47 for the first time, by title only.

ORDINANCE NO. 13 – 48

AN ORDINANCE AMENDING ORDINANCE NO. 11-10 WHICH ESTABLISHES TERMS AND CONDITIONS OF EMPLOYMENT FOR NON-COLLECTIVE BARGAINING UNIT CITY EMPLOYEES BY DETERMINING THAT THE PAYMENTS INTO EMPLOYEES HEALTH SAVINGS ACCOUNTS (HSA) SHALL OCCUR ON A QUARTERLY BASIS, AND DECLARING AN EMERGENCY.

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Mrs. Webb made a motion to suspend the rules requiring the reading of Ordinance No. 13-48 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. Weidemyre read Ordinance No. 13-48 for the first time, by title only.

Mr. Weidemyre made a motion to adopt Ordinance No. 13-48. Mr. Hairston seconded the motion. Hearing no further discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 13-48 was adopted.

At 8:03 p.m., Ms. Drake made a motion to enter into executive session per O.R.C. 121.22 (G) (4), preparing for, conducting, or reviewing negotiations or bargaining sessions. Mr. Gallo seconded the motion. At roll call, seven members voted Aye, zero Nay, and the motion passed.

At 8:25 p.m., Mrs. Webb made a motion to reconvene into regular session. Ms. Drake seconded the motion. At roll call, seven members voted Aye, zero Nay, and the motion passed.

Mrs. Webb made a motion to extend the FOP Agreement as discussed in executive session. Ms. Drake seconded the motion. Seven members cast their votes Aye, zero Nay, and the motion passed.

At 8:14 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, seven members voted Aye, zero Nay, and the motion to adjourn passed.

Daniel J. Zeiter, President of Council

Cathy VanAuker, Clerk of Council