

Regular

February 21

2013

Ontario City Council met in regular session on February 21, 2013, 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, Jim Hairston, Mark Weidemyre, Michele Webb, and Pamela Drake, Council President Daniel Zeiter, Mayor Larry Collins, Assistant Law Director Harry Welsh, Recreation Director Janet VanCura, 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 February 7, 2013 were presented for approval. Mr. Weidemyre made a motion to approve the minutes with a second by Mr. Arnold. At roll call, six members voted Aye, one Abstain by Mrs. Hellinger, zero Nay, and the motion passed.

### **PUBLIC COMMENTARY**

Calling twice and hearing no one who wished to speak, the Public Commentary portion of the meeting was closed.

### **RECREATION DIRECTOR'S REPORT**

Mrs. VanCura provided the following report to Council.

Family Swim. The last family swim for this year is March 11<sup>th</sup>. Average attendance is 20.

Zumba Class. The cost is \$4 per class which is held on Tuesday and Thursday evenings from 6:00 – 7:00 p.m. in the Stingel Primary gym. Average attendance is 35.

Swim Stroke Clinic. High School swim team members will be assisting these classes on February 25<sup>th</sup> – 28<sup>th</sup> and March 4<sup>th</sup> – 7<sup>th</sup>. Two lifeguards will be hired for the 20 elementary students attending each session.

Easter Egg Hunt. The annual egg hunt will take place at noon on March 23<sup>rd</sup> at Marshall Park. Girl Scout Troops are filling the eggs. The Easter Bunny and Miss Ontario will make appearances.

CPR-Lifeguarding Review Class. Because the Red Cross Lifeguard standards were maintained, Ontario does not need to do a review this year.

Lifeguard Certification Class. This class is free to students in exchange for paid life guarding during the year for Family Swim and Summer Recreation. Pre-registration is required and daily attendance is mandatory June 3<sup>rd</sup> – 7<sup>th</sup>.

Summer Recreation. This program is scheduled Monday through Thursday, June 10<sup>th</sup> – 13<sup>th</sup> and June 17<sup>th</sup> – 20<sup>th</sup> at the OMS from 9:00 a.m. – 12:00 p.m. Employment applications will be available beginning March 11<sup>th</sup> with a return date of March 25<sup>th</sup>. Mandatory interviews are April 10<sup>th</sup> and 11<sup>th</sup>.

Swim Lessons. A four day class will be offered immediately following Summer Recreation. A maximum of 25 children will be accepted in each of the two sessions.

### **COMMITTEE REPORTS**

Mr. Williams referred to the discussion held earlier during Caucus pertaining to the band shell project at Marshall Park. Based on that conversation, Mr. Williams made a motion authorizing the Engineer to test the soil for the band shell project. Mr. Weidemyre seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and the motion passed.

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Mr. Hairston recapped the Finance Committee meeting. The permanent budget is being presented this evening for the first reading. The Rock Road EQ basin will be financed and put into the budget at an estimated cost of \$1.7 million which includes a \$500,000 interest free loan, the remainder will be paid from reserves. Appropriations were included to reinstate the positions for a police officer and a street worker as well as equipment purchases. The budget being presented is balanced.

- Mr. Williams thanked Mr. Hairston and the Finance Committee for their efforts and hard work in preparing a balanced budget.

Mr. Weidemyre reported the Utilities Committee met with a representative of The Poggemeyer Group for an update on the EQ Basin project. The project is on schedule to meet the timeline mandated by the EPA. Rain in December 2012 caused concern when it exceeded the highest overflow total to date. City Engineer Linda Timmer recommended rerouting one of the lines feeding into the Rock Road lift station to alleviate the overflow which was included in the Engineer's thirty year plan.

- Water lines are aging and breaks are increasing. The Engineer will prepare a chronological list of the worst water lines and a replacement program.
- Mr. Weidemyre commended Linda Timmer for the wonderful job she is doing as City Engineer.
- Mr. Williams mentioned the Tappan Road lift station will help with the Rock Road EQ basin project and prevent the need for adding another ring to the basin.
- All grants were applied for but the city was only eligible for a zero percent loan. Although EDA offered to loan funds for 20 years at 3¼ % interest, it may be better to obtain bonds.
- Ontario was one of very few cities that was not fined by the EPA. If another ring is added to the basin it could delay the project deadline and risk a potential fine.

Mrs. Webb said the Personnel Committee recently met three times. The Committee approved the hiring of a police officer but not a dispatcher which will continue to be covered with overtime funds.

- Ordinance 13-04 was tabled during the last meeting but after many discussions with Administration and employees it will be brought back tonight.
- Ordinance 12-32 has been revised and is on tonight's Agenda as Ordinance 13-09. Based on the current economy the starting wages for some positions were lowered; this will not affect any current employees. Starting pay was amended so Administration can move forward in replacing an employee who retired in January.
- Ordinance 10-18 will be amended to reflect the current number of employees in each department.
- The employee health insurance training still has not taken place. Mayor Collins was not aware if Mr. Heston has contacted Brian Thompson to handle this training. Mr. Thompson contacted Mrs. Webb today with information that Medical Mutual may have a better way to implement the deductible reimbursement which could take effect March 1, 2013.
- Mr. Welsh recommended a few modifications to the Policy and Procedure Manual and then it will be close to completion. Compiling the forms file will slow down the implementation process, therefore, the manual will refer employees to the appropriate office to obtain forms.
- Mr. Hairston said there was a cost of 4% of the premium for Medial Mutual to administer the employee deductible reimbursement.
- Mr. Arnold said under the current plan the employee would submit their EOB to Brian Thompson of Thompson Benefit Solutions who would evaluate the expenditure and authorize the Auditor's office to reimburse the employee. This service is free of charge.
- Mr. Williams thanked Mrs. Webb and the Personnel Committee for all of the extra hours of time they've spent working on this, they have done an excellent job.

Mrs. Webb scheduled a Personnel Committee meeting on February 25, 2013, at 3:00 p.m.

Mr. Arnold, Mrs. Hellinger and Ms. Drake had no report.

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**MAYOR'S REPORT**

Mayor Collins had no report.

Mr. Zeiter asked if the Shade Tree Commission was going to apply for Tree City status. Mayor Collins responded the city does not qualify because the required amount of money was not spent. Mr. Zeiter asked if something was needed from Council to purchase trees in order to qualify or if the clean-up and man-hours used during the tree harvesting would be enough to comply.

- Mr. Zeiter felt Council should provide whatever is needed to maintain the Tree City status which is \$2 per capita. All of the surrounding cities maintain their designation.
- Mayor Collins said the city is currently not meeting the required expenditure and it is the Service-Safety Director's decision.
- Mr. Weidemyre said those reviewing the status are very liberal in what they allow for qualification. Any money or labor used in the park system also counts toward the designation. More trees were planted in the past and he would like to continue with the original plan of lining the drive into Marshall Park with flowering pear trees. If the tree planting isn't continued the existing trees will become too large for a uniform appearance.
- Mrs. Webb said the Utilities Committee discussed planting trees around the new Rock Road EQ basin. Ms. Drake felt the beautification projects should be enough to qualify and the basin has to be installed and operational by year end.
- Mr. Weidemyre said Urban Forester Lisa Bowers would be more than willing to discuss the Tree City requirements and offer assistance.
- Mr. Zeiter asked Mr. Arnold, Streets Committee Chairman, to contact Mr. Heston to find out what is needed and then inform Council at the next meeting so they can determine if they should move forward. He also asked they estimate the cost of what will be placed around the EQ basin and look into the possibility of receiving donations.

**LAW DIRECTOR'S REPORT**

Mr. Welsh said City Engineer Linda Timmer developed a standard form contract for the preparation of Resolution No. 13-02, compiling the list of miscellaneous professional services for the next two years.

Mr. Welsh spoke with Attorney Rick Rivet, originally of the Brownfield Community Development which is now the Ontario Business Park, and learned the Brownfield Community Development, LLC has assigned the agreement to the Ontario Business Park, LLC which was done under paragraph 17 of the Development Agreement, which permits the change as long as Michael or David Adler retain control; Michael will be the manager.

- Under Section 3 of the Development Agreement a conceptual plan must be submitted of the entire development. They discussed the plan should contain the existing buildings, the buildings they know will go in, and perhaps where the storm water retention is anticipated. A zoning permit would not be granted based on this development plan which is expected in April.

Mr. Welsh said a salvage title has been obtained for the Flowerama van and the Chief will complete what is necessary for the removal of the van.

**CONSIDERATION OF ORDINANCES AND RESOLUTIONS****RESOLUTION NO. 13-02**

A RESOLUTION AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO EXECUTE AGREEMENTS FOR MISCELLANEOUS ENGINEERING,

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SURVEYING AND DRAFTING SERVICES FOR THE YEARS 2013 AND 2014,  
AND DECLARING AN EMERGENCY.

Mr. Weidemyre made a motion to suspend the rules requiring the reading of Resolution No. 13-02 on three separate days. Mr. Hairston seconded the motion. Seven members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mr. Weidemyre read Resolution No. 13-02 for the first time, by title only.

Mr. Weidemyre made a motion to adopt Resolution No. 13-05. Mr. Williams seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Resolution No. 13-05 was adopted.

ORDINANCE NO. 13-04

AN ORDINANCE PROVIDING FOR THE ORGANIZATIONAL STRUCTURE OF  
THE SERVICE DEPARTMENT OF THE CITY OF ONTARIO AND ALLOCATING  
THE RESPONSIBILITIES AMONG THE DEPARTMENT'S SUPERVISORS.

Mrs. Webb made a motion to take Ordinance No. 13-04 from the table. Ms. Drake seconded the motion. Seven members cast their votes Aye, zero Nay, and Ordinance No. 13-04 was removed from the table.

Mr. Williams made a motion to suspend the rules requiring the reading of Ordinance No. 13-04 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. Mrs. Webb read Ordinance No. 13-04 for the first time, by title only.

Mrs. Webb made a motion to adopt Ordinance No. 13-04. Mr. Williams seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 13-04 was adopted.

ORDINANCE NO. 13-07

AN ORDINANCE ESTABLISHING A PROCEDURE FOR THE APPROVAL BY  
CITY COUNCIL OF THE APPLICATIONS FOR GRANTS AND ACCEPTANCE OF  
GIFTS TO THE CITY.

Mr. Hairston made a motion to suspend the rules requiring the reading of Ordinance No. 13-07 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. 13-07 for the first time, by title only.

Ms. Drake made a motion to adopt Ordinance No. 13-07. Mrs. Webb seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 13-07 was adopted.

ORDINANCE NO. 13-08

AN ORDINANCE ESTABLISHING PERMANENT 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.

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Mr. Williams made a motion to waive the 24 hour rule on Ordinance No. 13-08. Mr. Weidemyre seconded the motion. Seven members cast their votes Aye, zero Nay, and the motion passed.

Ms. Drake made a motion to suspend the rules requiring the reading of Ordinance No. 13-08 on three separate days. Motion failed due to lack of a second. Mr. Hairston read Ordinance No. 13-08 for the first time, by title only.

#### ORDINANCE NO. 13-09

#### AN ORDINANCE ESTABLISHING WAGES AND SALARIES FOR NON-COLLECTIVE BARGAINING UNIT CITY EMPLOYEES, REPEALING ORDINANCE NO. 12-32, AND DECLARING AN EMERGENCY.

Mr. Williams made a motion to waive the 24 hour rule on Ordinance No. 13-09. Mr. Arnold seconded the motion. Seven members cast their votes Aye, zero Nay, and the motion passed.

Mr. Williams made a motion to suspend the rules requiring the reading of Ordinance No. 13-09 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. Williams read Ordinance No. 13-09 for the first time, by title only.

Mr. Welsh suggested amending Section 9 of Ordinance No. 13-09 to read: *That Ordinance No. 12-32 is hereby repealed for all employees hired on or after effective date of this ordinance.*

Ms. Drake made a motion to amend Ordinance No. 13-09. Mrs. Webb seconded the motion. Seven members cast their votes Aye, zero Nay, and Ordinance No. 13-09 was adopted.

Mr. Williams made a motion to adopt Ordinance No. 13-09, as amended. Mrs. Webb seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 13-09 was adopted.

At 7:45 p.m., Mr. Williams made a motion to enter into executive session per Ohio Revised Code 121.22, (G)(1) and (G)(4), to discuss compensation of public employees and negotiations. Mr. Hairston seconded the motion. At roll call, seven members voted Aye, zero Nay, and the motion passed.

At 8:27 p.m., Mr. Arnold made a motion to reconvene into regular session. Mr. Weidemyre seconded the motion. At roll call, seven members voted Aye, zero Nay, and the motion passed.

At 8:28 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. Williams. At roll call, seven members voted Aye, zero Nay, and the motion to adjourn passed.

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Daniel J. Zeiter, President of Council

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Cathy VanAuker, Clerk of Council