

Regular

May 2

2013

Ontario City Council met in regular session on May 2, 2013, in the City Offices, with Council President Daniel Zeiter presiding. The meeting opened at 7:04 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, 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 April 18, 2013 were presented for approval. Mr. Weidemyre 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 Mrs. Webb and the motion passed.

PUBLIC COMMENTARY

Craig Hunt, 3680 Park Avenue West, was first to approach Council to thank them for opening Rock Road and acknowledged Mr. Arnold for being instrumental in the process.

Dan DeVille, First Energy Area Manager, 1717 Ashland Road, came before Council to provide informational updates on how to respond to storm damage and power outages. A new feature is the Ohio Edison mobile app for smart phones that offers many items and the web site at ohioenergykit.com made available through the 2008 Energy Efficient Senate Bill 221.

Walter Sloboda, 255 Sloboda Avenue, responded to a variance letter he received for the upcoming Planning Commission meeting. Mr. Sloboda was concerned about the request for a mortgage office in the residential neighborhood on Clare Road and asked that it is denied.

- Mr. Zeiter explained the request goes before the next Planning Commission meeting and Council does not have any authority.

Next to approach Council was Regis Pacek, 244 Sloboda Avenue, referring to the Planning Commission letter stating the Commission would not be asking for public commentary on this request. Mr. Pacek did not feel this was appropriate.

- Mr. Zeiter said the Planning Commission was independent from Council and its members are the Mayor, Service-Safety Director, and three residents.
- Zoning Inspector Fred Kohler said in the past the meetings have been closed to public commentary which he didn't agree with. He spoke to the Chairman and they will allow the public to speak. They will work with the Assistant Law Director to discuss changing the policy.

Craig Hunt, 3680 Park Avenue West, said the only way to speak to the Planning Commission is to appeal a decision that has been made. He would like to see that changed also.

Rob Milner, 240 Clare Road, was next to come before Council to say he lives directly across from the resident making the request and he did not receive a letter. He was not in favor of a business office going into his neighborhood.

Mr. Zeiter stated the Economic Development Committee held at meeting this evening at 5:30 p.m. with the new owners of the GM property. Mr. Adler and Mr. Perez have been in town for two days and offered to meet with each Council member to answer their questions and concerns. Mr. Zeiter invited members of the audience to ask any questions they may have before Council votes on the amended Agreement. A motion was approved during the committee meeting authorizing Council to vote on the amended request.

Mike Stallings, 1915 Walker Lake Road, came forward to express his concerns regarding the existing asbestos in the building that wasn't always marked, as well as the oil leakage from the transfer presses that soaked the pit and concrete. He questioned how they could clean up the oil in order to be safe for new construction and recommended getting EPA approval.

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David Mardigian, owner of MCM Management Corporation and demolition contractor on this site, came forward to explain how the process was being accomplished. Mr. Mardigian has experience with GM plants and was aware of the oil leakage. This plant has a water treatment plant so most of the material was treated and cleaned, however, when MCM took over the plant all of the pits were filthy. Mr. Mardigian offered to show pictures and invited anyone who was interested to visit the plant to see the clean walls. State and federal law requires a complete asbestos survey; GM offered a survey but they are notoriously incomplete. They have located all the asbestos they could find. The EPA has commended them for their dust control. MCM is spending millions of dollars on asbestos and environmental cleaning. Every light bulb is removed because of the fluorescent gas and every thermostat because of the mercury; they are packaged according to DOT and sent out for recycling or disposal.

- Sewers are running into the water treatment plant which is still intact and all asbestos will be removed during the demolition process, not at the very end. Their job is not only to demolish the building but to make it safe to demolish.
- Concrete is being crushed to a 4" size, no rubbish is permitted with it and the stone is put into the pit and compacted as structural fill.
- They have an open and transparent site if anyone is interested in looking.
- They are a union company and have worked beside UAW for many years. 65% of their laborers are mainly local to the area but they brought in some of their specialists.
- The 54" concrete floor is being pressure washed with 10,000 psi blasters which will take out what is in the top couple of inches but anything deeper than that is probably imbedded.
- When Mr. Milner asked if there was a fall back plan or consequences if they don't build, he was assured there was.

At this time Mayor Collins invited Joe Trolian, Executive Director for Richland County Mental Health and Recovery Services Board, forward to receive the following Proclamation.

MENTAL HEALTH MONTH
MAY 2013

Whereas, mental health is fundamental to the overall health of all youngsters and adults in Richland County as it results in productive activities, fulfilling relationships with others, and the ability to adapt to change and cope with adversity; and

WHEREAS, the recommendations included in the Surgeon General's Reports on Adult as well as Children's Mental Health emphasize the importance of promoting mental health and the early identification of mental illness; and

WHEREAS, severe mental illness such as schizophrenia, bipolar disorder, major depression, obsessive-compulsive disorder, and severe anxiety disorders affect one in every four families annually; and

WHEREAS, severe mental illnesses are more common than cancer, diabetes and heart disease; and

WHEREAS, scientific research is producing tremendous breakthroughs in the understanding of these brain disorders, resulting in more effective treatments that allow people to reclaim full and productive lives; and

WHEREAS, brain disorders continue to remain shrouded in stigma and discrimination from societal prejudice causing those who are affected by severe mental illness either to not seek care or to be cast as second-class citizens who unfairly receive far less employment opportunities than others suffering from equally debilitating physical disabilities; and

WHEREAS, the City of Ontario takes pride in its history of upholding the dignity and rights of all of its citizens, including those with disabilities such as psychiatric illness, now

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THEREFORE, I, Larry Collins, Mayor, do hereby proclaim May 2013 as Mental Health Month in the City of Ontario. As the Mayor, I also call upon the citizens, government agencies, public and private institutions, businesses and schools in Ontario to work to increase public awareness of the importance of mental health and the impact of severe mental illness, to promote greater understanding and hope for those who suffer from these disorders, and to pay tribute to all who devote their skill and expertise to the cause of better health for our citizens.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Ontario to be affixed this 2nd day of May in the year of our Lord Two Thousand Thirteen.

Larry C. Collins, Mayor

Mr. Trolan thanked Ontario for immeasurably supporting their consumers. Many of these people are working, paying taxes and supporting the same system that got them there due to the citizens reaching out and helping them. Thank you very much.

COMMITTEE REPORTS

Mr. Weidemyre said the band shell project will need an additional \$500 for concrete to fill the 23 post holes. Mr. Heston said more brackets were also needed.

- When Mr. Arnold asked if the expenditures needed approval through the Parks Committee or if it could go through the Board of Control, Mr. Heston said he did not want to go through the Board of Control without Council's approval because it was a separate project. Mr. Arnold didn't want to delay building the band shell if another item came up since Council only meets twice a month.
- Council members approved additional expenditures up to \$1,000 from the Parks line item through the Board of Control.

Mr. Weidemyre said he spoke to a resident who had a view of the Rock Road bridge but now has a view of the lift station and would like the city to plant a green belt of trees. Mr. Zeiter recommended discussing this during a committee meeting because the city cannot plant trees on private property.

- Mr. Arnold scheduled a Streets Committee meeting on May 8, 2013 at 4:00 p.m.

Mr. Arnold said Rock Road was opened with only the preliminary paving and the full paving would be completed in June.

Mrs. Hellinger announced a Utilities Committee meeting on May 9, 2013 at 10:00 a.m.

Mr. Hairston said legislation on this evening's agenda reflects the reallocation of longevity within the various departments and a \$50,000 increase of appropriations for the extra ring on the EQ basin. Previously a notice was received from the Auditor stating over appropriations in the 209 account. Only \$250,000 in revenue was certified; currently \$478,000 has been received and last year at this time there was \$1.1 million. The Treasurer will submit a letter to amend the certification indicating an anticipated \$1.1 million in revenue. YTD there is \$326,000 to the good. The 5-year plan will be reviewed and how the budget will be affected with the additional expenses.

Mr. Weidemyre reported on the Economic Development Committee meeting held earlier this evening where they discussed the proposed amendment to the Development Agreement. The proposed site plan for the new Ontario Business Park was displayed. Mr. Weidemyre thanked those who came and spoke to the Committee and answered all questions about the demolition that is being done appropriately.

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Mr. Weidemyre made a motion authorizing the Mayor to sign the Second Amendment to the Development Agreement with the Ontario Business Park LLC on behalf of the City of Ontario. Mr. Williams seconded the motion and then said he spent forty years at GM and this is very personal and emotional to see the building go but they can't stand in the way of progress, they need to move on. He is very much in favor of getting the building down, the new structure up, and the new tenants in. Hearing no one else who wished to comment, seven members cast their votes Aye, zero Nay, and the motion passed.

Mr. Weidemyre scheduled an Economic Development Committee of the Whole meeting on May 8, 2013, at 3:00 p.m.

Mrs. Webb called a Personnel Committee meeting on May 9, 2013, at 9:00 a.m.

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

MAYOR'S REPORT

Mayor Collins gave the Mayor's Court Report for the month of April.

- Past due collections were \$7,974.95, current collections were \$16,393.25, for a total of \$24,368.20; 135 tickets were written.

The Richland County Transit has again requested monetary support for their buses coming to Ontario. Mayor Collins asked Council to discuss and vote on this soon so they would have a definitive answer.

Mayor Collins read the following statement:

"I have spent my entire life being honest, being a person of integrity and serving people, first through the church and second here in the City of Ontario as Mayor.

It is a shame that a project that will benefit the city and brought to us through a combined effort of Hilco Real Estate and the Adler Group has turned into how materials were delivered to council through my office. Why would anyone raise such a question?

I have always told the truth and I am telling the truth now. I cannot account for the media for how they report the news, but I know in my heart that I have done what was right.

Contrary to today's newspaper report that the material was overnighted to me, that is not correct. I received it in the manila envelope, hand delivered to me on Monday, April 15, 2013. I was not in the office and I do not know who brought it nor what time it was delivered. The Assistant Law Director received the same material in the same hand delivered way. There are two pieces to the request from The Adler's: one is the amended development agreement and the second is the Master Site Plan.

After reviewing the material, the Assistant Law Director, asked me to get with the Zoning Inspector and give him the material relating to the Master Site Plan and put it on the May 8, 2013 agenda for Planning Commission. I did that the very next day.

The amended development agreement was sent by e-mail to me from David Adler at 5:34 p.m. on Thursday, April 18, 2013, the night of council. I did not see it till the next morning. I gave that amendment, along with a copy of the original development agreement to the Economic Development Committee of the whole on Tuesday, April 23, 2013.

The letter from Michael Adler was e-mailed to council on Thursday, April 25, 2013, one week before tonight's council meeting.

I am embarrassed for our community, for myself and for this council that we again are in the news about personal issues and not about the growth and development of Ontario.

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I do go on record wholeheartedly supporting the Amended Development Agreement with Hilco and the Adler Group. I have full confidence that this team will produce what they say they will do and we will have a modern and attractive business park.”

Mrs. Webb referenced the RTA request and stated the discussion already took place. It was determined the majority of neighboring cities use block grant money to support RTA and Ontario should look into block grant money rather than take money from the General Fund. When Mrs. Webb asked if any effort was made to look for block grant money, Mayor Collins said he thought Richland County Regional Planning Commission was contacted but they have not solidified anything. Mrs. Webb didn't feel they should take money from the General Fund when they don't know if they qualify for block grant money. Mayor Collins said he would try to bring that information to the next meeting.

SERVICE-SAFETY DIRECTOR'S REPORT

Mr. Heston had no report.

Mr. Zeiter asked why the Board of Control approved \$40,000 to Richland Engineering for miscellaneous engineering on April 5, 2013. Mr. Heston responded it was for the Frazier Road project that is being rerouted.

LAW DIRECTOR'S REPORT

Mr. Welsh said he received emails indicating the money for the Ontario Business Park was on deposit at both banks and it was a two signature account. He forwarded the information to Mayor Collins and Mr. Weidemyre on behalf of the Economic Development Committee.

Mr. Weidemyre was told by the Police Department they cannot do anything about the five boats on unlicensed trailers in a yard on Maple Lane. He will forward the address to Mr. Welsh.

CONSIDERATION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 13-12

(THIRD READING) AN ORDINANCE ADOPTING THE CITY OF ONTARIO'S PERSONNEL POLICY AND PROCEDURE MANUAL AND DECLARING AN EMERGENCY.

Mrs. Webb made a motion to adopt Ordinance No. 13-12. Ms. Drake seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 13-12 was adopted.

ORDINANCE NO. 13 – 14

(SECOND READING) AN ORDINANCE APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THIS CITY AND ONTARIO GROWTH CORPORATION, INC., AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE IT ON BEHALF OF THIS CITY, AND DECLARING AN EMERGENCY.

Hearing no motion to suspend the rules requiring the reading of Ordinance No. 13-14 on three separate days, Mr. Hairston read Ordinance No. 13-14 for the second time, by title only.

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RESOLUTION NO. 13-03

A RESOLUTION AUTHORIZES A LICENSE TO GORDON AND BARBARA CASTLE FOR ACCESS ACROSS THE UNIMPROVED RIGHT OF WAY OF SANDELWOOD DRIVE EAST.

Mr. Williams made a motion to suspend the rules requiring the reading of Resolution No. 13-03 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 Resolution No. 13-03 for the first time, by title only.

Ms. Drake made a motion to adopt Resolution No. 13-03. Mr. Arnold seconded the motion. Hearing no discussion, six members cast their votes Aye, zero Nay, one Abstain by Mrs. Hellinger and Resolution No. 13-03 was adopted.

ORDINANCE NO. 13-16

AN ORDINANCE AMENDING ORDINANCE NO. 13-08 KNOWN AS THE PERMANENT APPROPRIATION ORDINANCE FOR 2013 BY MAKING ADDITIONAL APPROPRIATIONS AND ADJUSTMENTS IN EXISTING APPROPRIATIONS IN THE GENERAL, 35% STREET CONSTRUCTION AND MAINTENANCE, SPECIAL REVENUE, CAPITAL PROJECTS, WATERWORKS, AND SEWER FUNDS.

Mr. Williams made a motion to suspend the rules requiring the reading of Ordinance No. 13-16 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. Williams read Ordinance No. 13-16 for the first time, by title only.

Mr. Williams made a motion to adopt Ordinance No. 13-16. Mr. Arnold seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 13-16 was adopted.

At 8:09 p.m., there being no further business to come before the meeting, the same was adjourned upon a motion by Mr. Arnold and a second by Mr. Williams . 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