

Regular

August 21

2014

Ontario City Council met in regular session on August 21, 2014, in the City Offices, with Council President Larry Collins presiding. The meeting opened at 7:08 p.m. with the Pledge of Allegiance.

The following persons were in attendance when roll was called: Council members Neil Chitwood, Eddie Gallo, Jim Hairston, Mark Weidemyre, Michele Webb and Pamela Drake, Council President Larry Collins, Mayor Randy Hutchinson, Law Director Andrew Medwid, Service-Safety Director Jeff Wilson, Auditor Mary Ann Hellinger, and Clerk of Council Cathy VanAuker.

Mr. Gallo made a motion to excuse Mr. Arnold from this evening's meeting. Mr. Hairston seconded the motion. Six members cast their votes Aye, zero Nay, and the motion carried.

The minutes of the regular Council meeting of August 7, 2014 were presented for approval. Mr. Weidemyre made a motion to approve the minutes with a second by Mr. Gallo. Five members cast their votes Aye, zero Nay, one Abstain by Mr. Chitwood and the motion passed.

COMMITTEE REPORTS

Mr. Hairston said during Caucus there was discussion on a software upgrade for financials, income tax and water billing. A 25% discount will be applied if the contract is signed before September 30, 2014 but payment won't be made until 2015.

Mr. Hairston made a motion for the Mayor to enter into the software upgrade agreement. Mr. Chitwood seconded the motion. Six members cast their votes Aye, zero Nay, and the motion passed.

Mr. Weidemyre reported on the Economic Development Committee meeting held earlier this evening. Mr. Brown would like to develop his property located north of the Bellstore on Lex-Springmill Road by installing a sanitary sewer line across the right-of-way to his property and tie into the OSU area. The Committee agreed to his request, at no cost to the city, and legislation will be presented at the next Council meeting.

Mrs. Webb reported the Personnel Committee discussed Ordinance No. 14-28, Wage Ordinance, and because there is still some confusion it will not be taken off the table and voted on this evening. Mrs. Webb scheduled a Personnel Committee meeting for August 26, 2014, at 9:00 a.m.

Mr. Chitwood, Mr. Gallo, and Ms. Drake had no report.

MAYOR'S REPORT

Mayor Hutchinson reported the OGC Advisory Committee met with ODOT and are making progress on new signage for St. Rt. 30. The college will design and submit some plans.

SERVICE-SAFETY DIRECTOR'S REPORT

Mr. Wilson reported on the following projects:

- Water Line Project. The pre-construction meeting was postponed until next week.
- Mabee Road Water Tower. This project is scheduled to begin mid-September. MK Printing is planning to complete the entire project this fall, weather permitting.
- Millsboro Loop. Work will continue September 2nd. The project is going well and could be completed with three days of good weather. Crack sealing will be done while this project is on hold.

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- W. 4th Street. Shelly & Sands will do the intermediate layer on the interior lanes from the Rt. 30 overpass to Home Road. On Monday the surface repairs will begin on the outer lanes and the intermediate layer should be finished late next week. The project is on schedule to be completed by the end of September.

LAW DIRECTOR'S REPORT

Mr. Medwid had no report.

MISCELLANEOUS MATTERS

Mrs. Hellinger presented the signed and dated Fiscal Officer's Certificates to Mr. Collins for the Note ordinances that appear on this evening's agenda.

PUBLIC COMMENTARY

Dan Zeiter, 3129 Hemlock Place, came forward to address two items.

1. The first was the length of time it is taking to complete the W. 4th Street paving project which is the same problems the city experienced with this paving company a few years ago. The milling of the road began over a month ago and the access streets to W. 4th Street are cut, leaving a large gap because asphalt was not put down to make it level. Mr. Zeiter presented a bill for \$284.10 for two tire rod ends and an alignment for his son's car. The car broke down at Home Road and he could not steer his car. The bridge area at W. 4th and St. Rt. 309 was very rough. This is why the state has the Ohio Revised Code for lowest and best bid and it shouldn't take this long to pave the streets.
2. The second item is the city owned property on Beer Road adjacent to Mr. Blevin's property. A couple of years ago the city bid on the land for an additional ingress/egress but Mr. Blevins is still interested in obtaining this land to expand his business. There should be enough land for both to do what they want.

In response to Mr. Zeiter's comments:

- Mr. Collins said the city is in the process of discussing an agreement on the land.
- Mr. Chitwood referenced the lowest and best bid which his understanding is lowest is the cost and best means the contractor meets the minimum specifications, not our opinion that one contractor is better. Mr. Zeiter agreed if the contractor is coming in for the first time, but there is a history with this contractor.

Next to come before Council was Jim Blevins, 159 Alexander Drive East, President of All American Transportation Services, a non-emergency transportation company, located at 575 Beer Road. In May 2012 he attended the Richland County Sheriff sale to purchase the property to the north of his property. The addition of that lot would allow more access to the rear of the office building to put up storage for the vehicles. Mr. Collins and Mr. Weidemyre attended the auction; only Mr. Weidemyre and Mr. Belvins bid on the property and he was outbid by the city. That day Mr. Blevins told them that could jeopardize any future growth of his company because he only has 30' between the building and that property line which is a very small area to maneuver vehicles to access the back of the property where he intends to build warehousing. They did suggest the city wouldn't need the entire lot, just access for the future industrial park and there could be a possibility of purchasing part of the lot. He was told several times to be patient that the city would work with him. Mr. Blevins asked Council for serious consideration to sell him whatever is possible so he can have more access to the rear of his property. He owns 1 ½ acres off Urwin Parkway but he has plans for another business model planned for that site.

- Mr. Weidemyre mentioned the Engineer has some concerns about selling the property because the city would need an easement so they would need to discuss this with her. When Mayor Hutchinson asked if he would agree to an easement for the city's sign, Mr. Blevins said he does not want to expand his driveway on Beer Road, he wants to do that

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near and behind the office building. He does not have an issue with an easement, only with the 30' between his building and the property line for two lane traffic. He has received bids on blacktop, and warehousing for the vehicles. All auto mechanical work is done by Goodyear.

- Mr. Blevins said there is 62' on the north side between his lot and the new access road and he would like as much of that as possible. He is adding four new vehicles next month. Mr. Collins said the city appreciates his business and they would work with him somehow. Mayor Hutchinson said he has given Mr. Blevins a price for the back lot and when a price is set for the front lot they can move very quickly.

PUBLIC HEARING

At 7:35 p.m., Mr. Collins opened the Public Hearing amending Section 1146.02 Definitions and Section 1146.03(e) Signs by number, size and location of the codified ordinances of this city adding Joint Identification signs as a type of sign allowed to be displayed by businesses and industries in the city.

No signatures were on the sign-in sheet, calling twice and hearing no one who wished to speak the Public Hearing was closed at 7:36 p.m.

Mr. Hairston asked Mr. Wilson for an update on the W. 4th Street project.

- Tomorrow the interior lanes will be paved with the intermediate layer then service repairs will begin on the exterior lanes. This should be completed at the end of next week then the intermediate layer will be done on the outside lanes. The next step will be the paving of the entire project area. The reason the road is rough and seems to be taking longer is due to the quality of the road being much worse than expected and more repair work was needed.
- Mr. Weidemyre asked if in the future the specs could include paving must be done within a specified amount of time after the milling. Mr. Wilson said they could include that next time but this project is ODOT specs.
- Mrs. Webb concurred that it does appear to be taking a long time but they have replaced a large amount of concrete in the area in front of the Wellness Center.
- Mr. Wilson said because it is an ODOT project the city is required to take the lowest and best bid. There are inspectors on this project. K.E. McCartney normally has two inspectors as well as the city's Project Manager are on site. Progress meetings are held every Thursday. A gas line was hit last week that delayed productivity a couple of days. The gas line was not noted on the specs and Columbia Gas wasn't aware of its location.

CONSIDERATION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 14-29

AN ORDINANCE ALLOWING WATER AND SANITARY SEWER RATES FOR RESIDENTIAL AND PUBLIC SCHOOL CUSTOMERS TO BE READ IN BOTH GALLONS AND CUBIC FEET AND REPEALING ORDINANCE NO. 11-33.

Mr. Chitwood read Ordinance No. 14-29 for the third time, by title only.

Mr. Hairston made a motion to adopt Ordinance No. 14-29. Ms. Drake seconded the motion. Hearing no discussion, six members cast their votes Aye, zero Nay, and Ordinance No. 14-29 was adopted.

ORDINANCE NO. 14-30

AN ORDINANCE RENEWING AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THIS CITY AND ONTARIO GROWTH CORPORATION, INC. ON THE

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SAME TERMS AS THE ORIGINAL AGREEMENT, DIRECTING THE MAYOR TO EXECUTE IT ON BEHALF OF THIS CITY, AND DECLARING AN EMERGENCY.

Mr. Gallo read Ordinance No. 14-30 for the third time, by title only.

Mr. Gallo made a motion to adopt Ordinance No. 14-30. Mr. Chitwood seconded the motion. Mrs. Webb said she is not opposed to this ordinance and they do a great job but she would like to see a quarterly financial report showing where the money is being spent. Ms. Drake would also like to receive a more detailed financial statement. When Mr. Chitwood suggested the ordinance include submitting a quarterly financial statement, Mr. Collins said it was in there. Five members cast their votes Aye, zero Nay, one Abstain, and Ordinance No. 14-30 was adopted.

ORDINANCE NO. 14-33

AN ORDINANCE AMENDING SECTION 191.12, ALLOCATION OF FUNDS, OF THE CODIFIED ORDINANCES OF THIS CITY TO REVISE THE ALLOCATION OF INCOME TAX REVENUE AMONG FUNDS AND TO DEPOSIT MONEY DIRECTLY INTO THE FUND FROM WHICH IT SHALL BE EXPENDED, AND DECLARING AN EMERGENCY.

Mr. Hairston read Ordinance No. 14-33 for the third time, by title only.

Mr. Hairston made a motion to adopt Ordinance No. 14-33. Mrs. Webb seconded the motion. Hearing no discussion, six members cast their votes Aye, zero Nay, and Ordinance No. 14-33 was adopted.

ORDINANCE NO. 14-36

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. Gallo made a motion to suspend the rules requiring the reading of Ordinance No. 14-36 on three separate days. Mr. Hairston seconded the motion. Six members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mr. Weidemyre read Ordinance No. 14-36 for the first time, by title only.

Mr. Weidemyre made a motion to adopt Ordinance No. 14-36. Mr. Gallo seconded the motion. Hearing no discussion, six members cast their votes Aye, zero Nay, and Ordinance No. 14-36 was adopted.

ORDINANCE NO. 14-37

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE AGGREGATE PRINCIPAL AMOUNT OF \$381,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF IMPROVING THE CITY'S WATER SYSTEM BY RENOVATING, REHABILITATING AND IMPROVING THE MABEE ROAD WATER TOWER, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

Ms. Drake made a motion to suspend the rules requiring the reading of Ordinance No. 14-37 on three separate days. Mrs. Webb seconded the motion. Six members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mrs. Webb read Ordinance No. 14-37 for the first time, by title only.

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Mrs. Webb made a motion to adopt Ordinance No. 14-37. Ms. Drake seconded the motion. Hearing no discussion, five members cast their votes Aye, one Nay by Mr. Weidemyre, and Ordinance No. 14-37 was adopted.

ORDINANCE NO. 14-38

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE AGGREGATE PRINCIPAL AMOUNT OF \$530,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF EXTENDING FERGUSON ROAD, INCLUDING CURBING, STORM WATER DRAINAGE, SANITARY SEWER AND WATER LINES AND TRAFFIC SIGNS AND SIGNALS, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

Mr. Weidemyre made a motion to suspend the rules requiring the reading of Ordinance No. 14-38 on three separate days. Mr. Hairston seconded the motion. Six members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Ms. Drake read Ordinance No. 14-38 for the first time, by title only.

Ms. Drake made a motion to adopt Ordinance No. 14-38. Mr. Weidemyre seconded the motion. Hearing no discussion, six members cast their votes Aye, zero Nay, and Ordinance No. 14-38 was adopted.

ORDINANCE NO. 14-39

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE AGGREGATE PRINCIPAL AMOUNT OF \$716,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF IMPROVING THE CITY'S WATER SYSTEM BY REPLACING, RELOCATING AND/OR REPAIRING WATER LINES ALONG FRIDAY LANE, CRESTON ROAD AND WOODBINE DRIVE, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

Ms. Drake made a motion to suspend the rules requiring the reading of Ordinance No. 14-39 on three separate days. Mr. Hairston seconded the motion. Six members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mr. Chitwood read Ordinance No. 14-39 for the first time, by title only.

Mr. Chitwood made a motion to adopt Ordinance No. 14-39. Mr. Gallo seconded the motion. Hearing no discussion, six members cast their votes Aye, zero Nay, and Ordinance No. 14-39 was adopted.

ORDINANCE NO. 14-40

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE AGGREGATE PRINCIPAL AMOUNT OF \$865,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF IMPROVING THE CITY'S SANITARY SEWER SYSTEM BY RENOVATING, REHABILITATING AND IMPROVING THE TAPPAN ROAD LIFT STATION, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

Mr. Hairston made a motion to suspend the rules requiring the reading of Ordinance No. 14-40 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. Mr. Gallo read Ordinance No. 14-40 for the first time, by title only.

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Mr. Gallo made a motion to adopt Ordinance No. 14-40. Ms. Drake seconded the motion. Hearing no discussion, five members cast their votes Aye, one Nay by Mr. Weidemyre, and Ordinance No. 14-40 was adopted.

ORDINANCE NO. 14-41

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE AGGREGATE PRINCIPAL AMOUNT OF \$980,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF IMPROVING THE CITY'S WATER SYSTEM BY ACQUIRING, CONSTRUCTING AND INSTALLING A FIXED NETWORK METER SYSTEM, INCLUDING NEW METERS AND A NETWORK TOWER, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

Mrs. Webb made a motion to suspend the rules requiring the reading of Ordinance No. 14-41 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. Mr. Hairston read Ordinance No. 14-41 for the first time, by title only.

Mr. Hairston made a motion to adopt Ordinance No. 14-41. Ms. Drake seconded the motion. Hearing no discussion, five members cast their votes Aye, one Nay by Mr. Weidemyre, and Ordinance No. 14-41 was adopted.

ORDINANCE NO. 14-42

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE AGGREGATE PRINCIPAL AMOUNT OF \$917,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF CONSTRUCTING URWIN PARKWAY ROAD, INCLUDING CURBING, STORM WATER DRAINAGE AND TRAFFIC SIGNALS, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

Mr. Gallo made a motion to suspend the rules requiring the reading of Ordinance No. 14-42 on three separate days. Mrs. Webb seconded the motion. Six members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mr. Weidemyre read Ordinance No. 14-42 for the first time, by title only.

Mr. Weidemyre made a motion to adopt Ordinance No. 14-42. Mr. Gallo seconded the motion. Hearing no discussion, six members cast their votes Aye, zero Nay, and Ordinance No. 14-42 was adopted.

ORDINANCE NO. 14-43

AN ORDINANCE AMENDING ORDINANCE 14-11 KNOWN AS THE PERMANENT APPROPRIATIONS ORDINANCE FOR 2014 BY CREATING NEW APPROPRIATIONS IN THE SPECIAL REVENUE FUND, THE CAPITAL IMPROVEMENTS FUND, AND THE ENTERPRISE FUND.

Mrs. Webb made a motion to suspend the rules requiring the reading of Ordinance No. 14-43 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. 14-43 for the first time, by title only.

Mrs. Webb made a motion to adopt Ordinance No. 14-43, as amended. Mr. Gallo seconded the motion. Hearing no discussion, six members cast their votes Aye, zero Nay, and Ordinance No. 14-43 was adopted.

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ORDINANCE NO. 14-44

AN ORDINANCE AMENDING ORDINANCE 14-11 KNOWN AS THE PERMANENT APPROPRIATIONS ORDINANCE FOR 2014 BY MAKING ADDITIONAL APPROPRIATIONS IN THE SPECIAL REVENUE FUND, THE CAPITAL IMPROVEMENT FUND, AND THE ENTERPRISE FUND.

Ms. Drake made a motion to suspend the rules requiring the reading of Ordinance No. 14-44 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. Hairston read Ordinance No. 14-44 for the first time, by title only.

Ms. Drake made a motion to adopt Ordinance No. 14-44, as amended. Mr. Gallo seconded the motion. Hearing no discussion, six members cast their votes Aye, zero Nay, and Ordinance No. 14-44 was adopted.

ORDINANCE NO. 14-45

AN ORDINANCE AMENDING ORDINANCE 14-11 KNOWN AS THE PERMANENT APPROPRIATIONS ORDINANCE FOR 2014 BY MAKING ADDITIONAL APPROPRIATIONS IN THE CAPITAL IMPROVEMENT FUND.

Mr. Chitwood made a motion to suspend the rules requiring the reading of Ordinance No. 14-45 on three separate days. Mr. Gallo seconded the motion. Six members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mr. Chitwood read Ordinance No. 14-45 for the first time, by title only.

Mr. Chitwood made a motion to adopt Ordinance No. 14-45. Mr. Hairston seconded the motion. Hearing no discussion, six members cast their votes Aye, zero Nay, and Ordinance No. 14-45 was adopted.

ORDINANCE NO. 14-46

AN ORDINANCE AMENDING CHAPTER 192 TRANSIENT OCCUPANCY TAX OF THE CODIFIED ORDINANCES OF THE CITY OF ONTARIO, OHIO.

Hearing no motion to suspend the rules for three separate readings, Mr. Gallo read Ordinance No. 14-46 for the first time, by title only.

At 7:57 p.m., there being no further business to come before the meeting, the same was adjourned upon a motion by Mr. Weidemyre, a second by Mrs. Webb, and the motion passed unanimously.

Larry C. Collins, President of Council

Cathy VanAuker, Clerk of Council