

Regular

February 18,

2016

Ontario City Council met in regular session on February 18, 2016, in the City Offices, with Council President Larry Collins 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 Ken Earhart, Larry Arnold, Eddie Gallo, Dan Zeiter, Michele Webb, Leo Hess, Mayor Randy Hutchinson, Law Director Andrew Medwid, Service-Safety Director Jeff Wilson, Auditor Mary Ann Hellinger and Clerk of Council Cathy VanAuker.

Mr. Arnold moved to excuse Mark Weidemyre from this evening's meeting. Mr. Earhart seconded the motion, and the motion passed six Aye, zero Nay,

The minutes of the regular Council meeting of February 4, 2016 were presented for approval. Mr. Gallo moved to approve the minutes with a second by Mr. Zeiter. Six members cast their votes Aye, zero Nay, and the motion passed.

#### **COMMITTEE REPORTS**

Mr. Earhart scheduled a Parks Committee of the Whole meeting on March 3, 2016 at 5:00 p.m.

Mr. Gallo announced a Streets Committee of the Whole meeting on March 3, 2016 at 5:30 p.m.

Mr. Hess reported on the Utilities Committee meeting held earlier this evening when they discussed the water and sewer funds.

Mr. Hess scheduled a Utilities Committee of the Whole meeting on March 3, 2016 at 5:45 p.m.

Mr. Arnold, Mr. Zeiter and Mrs. Webb had no report.

#### **MAYOR'S REPORT**

Mayor Hutchinson had no report.

#### **SERVICE-SAFETY DIRECTOR**

Mr. Wilson reported on the following items.

- Feedback received from the engineer supports paving with asphalt to the curb. This is common practice among several cities, including Ontario in the past. Necessary steps are taken to ensure proper levels are maintained to the storm drains. A former Ontario councilman confirmed when this process was done in 2013 there were no issues. Freezing and thawing have not created any problems with deterioration. A cost comparison will be done to verify the potential savings.
- Maps of the recent CCTV study on the sewer line from Home Road north of PAW to the former GM property were distributed. The map will be discussed during the next Utilities Committee meeting.

Mr. Gallo moved to authorize the Mayor to enter into an agreement for the bid process with Ohio Edison for street lights on Lex-Springmill Road.

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**LAW DIRECTOR'S REPORT**

Mr. Medwid reported his findings on the research requested by Council.

(1) Zoning Moratorium during the planning stages to update the city.

This is acceptable as long as the moratorium is on a temporary basis, anything permanent is a government taking and compensation would be required to those being affected. Mr. Medwid recommended making the moratorium as short as possible.

(2) Ad Hoc Planning Committee

This is up to the Planning Commission. ORC 713.01 states the legislative body has the authority to set up a Planning Commission. ORC 713.02 enumerates the power of the municipality Planning Commission which can make changes to such plans or maps when it deems advisable. ORC gives Planning Codified Ordinance 1151.02 references that it is up to Planning Commission to make changes as it sees fit. Because there is no guidance in ORC as how to set up the committee, Mr. Medwid said it was his opinion it is up to the Planning Commission to make the changes, to appoint the members of that committee, and to give them guidance as to how they want to have it done. Should Council feel they would like Planning Commission to look into an amendment, per Codified Ordinances 1151.05(a)(2), they may request that Planning Commission look into an amendment to the Zoning Code and adopt it when it comes into the amendment process. If the Planning Commission wanted to have an Ad Hoc Committee it would be up to the Planning Commission to decide how to actually go about doing that.

Mr. Gallo moved that the Law Director prepare legislation for a temporary moratorium on development within the Campus District until the zoning overlay is completed or for a period not to exceed nine months. Mr. Earhart seconded the motion. Hearing no discussion, six members voted Aye, zero Nay, and the motion was approved.

**PUBLIC COMMENTARY**

Bob Stout, 2393 Whitney Avenue, came before Council to ask for an update on the former GM property and the status of the money the city was to receive if the property owner did not meet the deadline of bringing in a specified number of jobs.

- Mayor Hutchinson said there should be a response soon from the paperwork that was filed for the EPA to receive the Covenant Not to Sue that would allow Adlers to proceed.
- Adlers have estimates for tearing up the slab, filling the pits and cleaning up the site. There have been a couple of offers made for property but it is up to the Adler Group if they accept. It would produce less than fifty jobs total.
- Adler has less than two years, August 21017, to produce 500 jobs and at that time the million dollars is turned over to the city. However, Adlers have the option of paying or putting up a second million dollars for a five year extension.

**CONSIDERATION OF ORDINANCES AND RESOLUTIONS****ORDINANCE NO. 16-05**

(SECOND READING) AN ORDINANCE ESTABLISHING TERMS AND CONDITIONS OF EMPLOYMENT FOR NON-COLLECTIVE BARGAINING UNIT CITY EMPLOYEES, REPEALING ORDINANCE 16-03, AND DECLARING AN EMERGENCY.

Hearing no motion to suspend the rules requiring the reading of Ordinance No. 16-05 on three separate days, Mr. Arnold read Ordinance No. 16-05 for the second time, by title only.

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## ORDINANCE NO. 16-07

AN ORDINANCE ESTABLISHING PERMANENT APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF ONTARIO, OHIO FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2016 AND EXPIRING DECEMBER 31, 2016.

Mrs. Webb moved to suspend the rules requiring the reading of Ordinance No. 16-07 on three separate days. Mr. Arnold seconded the motion. Six members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mr. Zeiter read Ordinance No. 16-07 for the first time, by title only.

Mr. Zeiter moved to adopt Ordinance No. 16-07. Mr. Gallo seconded the motion. Hearing no discussion, six members cast their votes Aye, zero Nay, and Ordinance No. 16-07 was adopted.

Mr. Collins explained to the audience that legislation normally has three readings but Council agreed there is a need for the appropriations that can't be fulfilled until this budget is approved.

## ORDINANCE NO. 16 – 08

AN ORDINANCE ESTABLISHING A PATROL CAR USE FEE OF TEN DOLLARS (\$10.00) PER HOUR FOR SPECIAL/EXTRA DUTY REQUESTS WHEN A PATROL CAR IS NEEDED FOR CONTROLLING TRAFFIC OR CRIME PREVENTION PURPOSES, DECLARING AN EMERGENCY.

Mr. Zeiter moved to suspend the rules requiring the reading of Ordinance No. 16-08 on three separate days. Mr. Arnold seconded the motion. Six members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mrs. Webb read Ordinance No. 16-08 for the first time, by title only.

Mrs. Webb moved to adopt Ordinance No. 16-08. Mr. Gallo seconded the motion. Hearing no discussion, six members cast their votes Aye, zero Nay, and Ordinance No. 16-08 was adopted.

At 7:33 p.m., there being no further business to come before the meeting, the same was adjourned upon a motion by Mr. Arnold with a second by Mr. Gallo and the motion passed unanimously.

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Larry C. Collins, President of Council

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Cathy VanAuker, Clerk of Council