

Regular

June 16,

2016

Ontario City Council met in regular session on June 16, 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, Eddie Gallo, Larry Arnold, Dan Zeiter, Mark Weidemyre, 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.

The minutes of the regular Council meeting of June 2, 2016 were presented for approval. Mr. Gallo moved to approve the minutes with a second by Mr. Weidemyre. Six members cast their votes Aye, zero Nay, one Abstain by Mr. Arnold and the motion passed.

### **COMMITTEE REPORTS**

Mr. Arnold reported on the Personnel Committee meeting where the Mayor and Service-Safety Director presented changes they would like to implement in the Personnel Handbook. Their presentation and discussion will continue at the next Personnel Committee meeting on July 7<sup>th</sup> at 5:15 p.m.

Mr. Gallo announced a Streets Committee meeting on June 30, 2016 at 5:30 p.m.

Mr. Zeiter commented:

- Financial Advisor Brian Cooper will be at City Hall on July 1<sup>st</sup> at 9:00 a.m. to discuss options pertaining to the Notes.
- OYS publishes a weekly column in the Tribune describing the activities they are able to promote since receiving the city's monetary contribution.
- A motion is needed to approve posting the on-line checkbook.

Mr. Zeiter moved to authorize the Auditor to go live with the on-line checkbook. Mr. Arnold seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and the motion passed.

Mr. Weidemyre said there will be a meeting tomorrow morning at the campus for the consultants, hired from the grant money the college received, to explain in detail the Campus District and Town Center.

Mr. Hess scheduled a Utilities Committee meeting on June 30, 2016 at 5:00 p.m.

Mr. Earhart and Mrs. Webb had no report.

### **MAYOR'S REPORT**

Mayor Hutchinson had no report.

### **SERVICE-SAFETY DIRECTOR'S REPORT**

Mr. Wilson provided the following update.

Park Avenue West Underpass. Work is underway and expected to be completed on June 24<sup>th</sup>. The change in the detour has caused less traffic issues.

Signs for Hotel. The Guest Court and Ferguson Road East signs have been delivered to the project contractor. Once installed the city will begin the inspection process to accept the street.

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Meeting with KoKosing/EPA. Last Monday representatives from Poggemeyer and the city met with the EPA in Bowling Green to discuss the possibility of building a wastewater treatment plant. The city identified Touby's Run as an intended source of disposal so the EPA will conduct a study to determine if this is a feasible tributary. The results of this study should be available within a couple of weeks.

Mr. Wilson thanked Mr. Earhart for coordinating a meeting with Dennis Tinkler of Kokosing Industrial to discuss the various types of wastewater treatment plants as they pertain to the city's needs.

Grouting Project. The grouting project on the sewer line through Marshall Park began this week and should be completed by Monday. Results of this project won't be able to be monitored until the fall due to the dry summer season and lower ground pressure.

#### **LAW DIRECTOR'S REPORT**

Mr. Medwid had no report.

#### **MISCELLANEOUS MATTERS**

Mr. Collins read the Notice of Public Hearing for July 21, 2016 at 7:00 p.m. as it pertains to a request submitted by Menards to rezone less than an acre from Office Service to Business for the purpose of constructing a warehouse next to their existing building on Walker Lake Road. Planning Commission has recommended in favor of this rezone.

Ontario Hospitality on Ferguson Road submitted a request for a new liquor license. Hearing no objections, the application will be returned to the Ohio Division of Liquor Control for approval.

#### **PUBLIC COMMENTARY**

Robert Stoffer, 1883 Walker Lake Road, came before Council to express his concerns against the rezone proposed by Menards. He has been a resident for 65 years and the warehouse is going to be built behind his house and four others. He objects to the one acre rezone to Business which is a disservice to the homeowners and would prefer they rezone the entire area to Business.

Craig Hunt, 3680 Park Avenue West, said Ordinance 16-16 changes Council meetings to the same nights as the Springfield Township meetings. He wasn't in favor of the change but asked they consider putting the Council meetings on altering nights.

James Argo, 3326 Mabee Road, was next to approach Council regarding the neighboring hog farm and what it will do to the value of his property. He purchased a one acre lot nearby as an investment but now is doubtful anyone would purchase it with a hog farm close by. The city limits is not a place for a hog farm. There are usually between 15 – 20 sows on the property.

- Law Director Medwid said they are reviewing the noxious odor regulation. They can't take away someone's economic use of the land, however, they must take into consideration the general health, welfare and comfort of the rest of the citizens. Research is being conducted as to what they can put into place.

Mr. Argo said he has lived there for 28 years and when the farm was purchased 5 years ago he was told by the current owner he was going to put horses on the farm but there has never been a horse. Four or five pigs for 4-H wouldn't have been a problem either. The owner lives on 5 acres on Rock Road and could move his hogs there. The smell isn't all the time but is worse for his neighbors at the bottom of the hill.

- Discussion will continue at the next Planning Commission meeting on July 13, 2016.

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**CONSIDERATION OF ORDINANCES AND RESOLUTIONS**

## ORDINANCE NO. 16-16

(THIRD READING) AN ORDINANCE ADOPTING RULES OF COUNCIL FOR THE CITY OF ONTARIO, AND DECLARING AN EMERGENCY.

Mr. Earhart read Ordinance No. 16-16 for the third time, by title only.

Mr. Earhart moved to adopt Ordinance No. 16-16. Mr. Gallo seconded the motion, then suggested they continue looking at the areas of conflict and make adjustments as needed if there were significant issues being discussed at a conflicting meeting. They could go ahead with this and evaluate as needed. Mr. Weidemyre asked if they wanted to study this further or table the legislation. When Mr. Arnold asked the Mayor if he attends the Township meetings, because there was a point to the conflict, Mayor Hutchinson said he attends one Township meeting per year. Mr. Earhart said Council could change to the 2<sup>nd</sup> and 4<sup>th</sup> Mondays. Mr. Hess pointed out if the Township holds meetings every other Monday then Council meetings would only conflict part of the time. Zero members cast their votes Aye, seven Nay, and Ordinance No. 16-16 failed.

## ORDINANCE NO. 16-15

(SECOND READING) AN ORDINANCE AMENDING CHAPTER 1145 GENERAL PROVISIONS, SECTION 1145.28 SITE PLAN REVIEW AND CHAPTER 1151, PLANNING COMMISSION, SECTION 1151.04 DUTIES, OF THE CODIFIED ORDINANCES OF THIS CITY, AND DECLARING AN EMERGENCY.

Mr. Arnold moved to suspend the rules requiring the reading of Ordinance No. 16-15 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. Arnold read Ordinance No. 16-15 for the second time, by title only.

Mr. Arnold moved to adopt Ordinance No. 16-15. Mr. Weidemyre seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 16-15 was adopted.

## ORDINANCE NO. 16-22

AN ORDINANCE AMENDING ORDINANCE NO. 16-07 KNOWN AS THE PERMANENT APPROPRIATIONS ORDINANCE FOR 2016 BY MAKING ADDITIONAL APPROPRIATIONS TO THE GENERAL FUND.

Mrs. Webb moved to suspend the rules requiring the reading of Ordinance No. 16-22 on three separate days. Mr. Zeiter seconded the motion. Seven members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mr. Gallo read Ordinance No. 16-22 for the first time, by title only.

Mr. Gallo moved to adopt Ordinance No. 16-22. Mr. Arnold seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 16-22 was adopted.

## ORDINANCE NO. 16-23

AN ORDINANCE DESIGNATING SUTTON BANK OF ATTICA, OHIO, AS A PUBLIC DEPOSITORY OF THE INACTIVE AND/OR INTERIM AND/OR ACTIVE FUNDS OF THIS CITY FOR A PERIOD OF FIVE YEARS COMMENCING JULY 1, 2016 AND ENDING JUNE 30, 2021 AND DECLARING AN EMERGENCY.

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Mr. Zeiter moved to suspend the rules requiring the reading of Ordinance No. 16-23 on three separate days. Mr. Earhart seconded the motion. Seven members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mr. Zeiter read Ordinance No. 16-23 for the first time, by title only.

Mr. Zeiter moved to adopt Ordinance No. 16-23. Mr. Weidemyre seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 16-23 was adopted.

At 7:35 p.m., there being no further business to come before the meeting, the same was adjourned upon a motion by Mr. Gallo with a second by Mr. Arnold and the motion passed unanimously.

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Larry C. Collins, President of Council

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Cathy VanAuker, Clerk of Council