

## Regular

October 19, 2016

Ontario City Council met in regular session on October 19, 2016, in the City Offices, with Council President Larry Collins presiding. The meeting opened at 7:02 p.m. with the Pledge of Allegiance.

The following persons were in attendance when roll was called: Council members Ken Earhart, Eddie Gallo, Daniel 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.

Mr. Zeiter moved to excuse Larry Arnold from this evening's meeting. Mr. Weidemyre seconded the motion. Six members cast their votes Aye, zero Nay, and the motion passed.

The minutes of the regular Council meeting of October 5, 2016 were presented for approval. Mr. Zeiter moved to approve the minutes with a second by Mr. Weidemyre. Five members cast their votes Aye, zero Nay, one Abstain by Mr. Hess, and the motion passed.

Mayor Hutchinson said the Daughters of American Revolution Jared Mansfield Chapter asked if they could updated the sign at the Ontario Cemetery honoring the American Revolutionary War heroes. Mayor Hutchinson read a letter submitted by DAR that accompanied the new sign.

#### **COMMITTEE REPORTS**

Mr. Earhart reported on the Parks Committee held earlier this evening where they discussed improvements for the basketball courts at Marshall Park and Doris Carr Park. Committee members also want the city to be involved with the Recreation Board as they go through the process of appointing a new Recreation Director.

Mr. Zeiter said the Finance Committee reviewed the 2017 temporary appropriations. After a few adjustments are made then legislation would be prepared and presented to Council in November to pass by the end of the year. Updated copies of the sewer rate increases were distributed. The new chart does not affect water rates and indicates the numbers will be positive by 2018. These numbers were based on current expenses and anticipated rate increases from Mansfield.

Mr. Weidemyre said the Campus District meetings are concluding and funding for the study is almost completed. They have a draft presentation prepared of the design for the district and will soon have the zoning overlays.

- Mayor Hutchinson said he has sample copies of the corridor that still need reviewed.
- The Campus District moratorium expires in January.
- An application will be submitted to the Richland Foundation for the signage that will identify the campus.

Mr. Weidemyre scheduled an Economic Development Committee meeting for November 2, 2016 at 5:30 p.m. to discuss the marketing video and a proposed condominium site.

Mr. Gallo, Mrs. Webb and Mr. Hess had no report.

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

Mayor Hutchinson had no report.

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

Mr. Wilson had no report.

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## **LAW DIRECTOR'S REPORT**

Mr. Medwid had no report.

## **MISCELLANEOUS**

Mr. Collins read the Notice of Public Hearing to be held at the regular Council meeting on Wednesday, December 7, 2016, at 555 Stumbo Road, for the proposed changes submitted by the Zoning District Review Committee to rezone certain parcels within the city limits.

## **PUBLIC COMMENTARY**

Mike Stallings, 1915 Walker Lake Road, came before Council to say he received a letter from Tyler Edwards of Menards. Mr. Stallings contacted Mr. Edwards about his concerns that he didn't want lights shinning in his back yard or into his house, there are loud noises at night around the dumpsters and he was not in favor of the Menards expansion.

Bob Stoffer, 1883 Walker Lake Road, was next to approach Council to say he has been looking at the zoning map and nowhere can he find Business behind Residential. If this rezone goes through it will be setting a precedence.

- Mr. Weidemyre said the area he is referring to is Office Service not Residential.
- Mr. Stoffer recommended Menards rezone the entire area which would help both Menards and the residents. Rezoning to Business would help the residents sell their property in the future.

Charles Gilbert, 1980 Walker Lake Road, came forward to say this rezone would hurt Mr. Liu because he has a 15' wall on the west side of his house so he can't see out. This new building would be on the south side of his house with a 10' pile of dirt and a wall on top, so he won't be able to see out the south side of his house. This is unfair and no one would want to live there.

- Mr. Collins explained this legislation was to rezone the parcel, it was not approval to build.
- Mrs. Webb asked what Menards intent was when they purchased the property from Mr. Gilbert because Menards probably purchased that property with the intent to expand or resell for business purposes.
- Mr. Gallo said Menards has no intention of using the easement between the homes. However, Menards could sell that property to an office complex that fits into the existing zoning and they could use that easement for their driveway. A lot of the issues between Mr. Liu and Menards are beyond what the city can do and are civil matters that Menards needs to address.

Elizabeth Chung, 1933 Walker Lake Road, came before Council to speak on behalf of her mother who owns the property. Her mother and neighbors are very concerned. They enjoy living there, they do not want extra noise, but if they do approve this they would prefer rezoning all of their properties to commercial.

Mayor Hutchinson said the recommendation from the Zoning District Review Committee and Planning Commission was to rezone that area from Office Service to Business. The public hearing for the rezone will be during the Council meeting on December 7, 2016.

John Liu, 1947 Walker Lake Road, came forward to say the rezone was directly related to his property. He received the letter from Menards, his property is closest to Menards and they need to find the best solution.

Mr. Stallings returned to the lectern to comment on the former General Motors property that was sold and to ask if the site was going to be cleaned up. Mayor Hutchinson said the owners of the property sold equipment that was obsolete and they are still in the process of filing

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paperwork to begin filling in the pits. Some of the equipment belongs to the company that is coming back and some of the equipment belonged to other contractors. They want to begin the clean-up but they are waiting on the results of the EPA study. Their plan is to clean-up the entire site.

## **CONSIDERATION OF ORDINANCES AND RESOLUTIONS**

### **ORDINANCE NO. 16-32**

(THIRD READING) AN ORDINANCE REZONING A CERTAIN .956 ACRE PARCEL OF LAND LOCATED DIRECTLY EAST OF 1999 WALKER LAKE ROAD FROM OS-OFFICE SERVICE DISTRICT TO B BUSINESS DISTRICT UPON THE APPLICATION OF MENARDS.

Mr. Earhart read Ordinance No. 16-32 for the third time, by title only.

Mr. Earhart moved to adopt Ordinance No. 16-32. Mrs. Webb seconded the motion. Hearing no discussion, five members cast their votes Aye, one Nay by Mr. Hess, and Ordinance No. 16-32 was adopted.

### **ORDINANCE NO. 16-33**

(THIRD READING) AN ORDINANCE AMENDING CHAPTER 521, HEALTH, SAFETY, AND SANITATION, SECTION 521.09, NOXIOUS OR OFFENSIVE ODORS, AND DECLARING AN EMERGENCY.

Mr. Gallo moved to amend Ordinance No. 16-33 Section 1(b) (1) to read: "must be remediated within ~~seven (7)~~ fifteen (15) days after service of the notice."

Five members cast their votes Aye, one Nay by Mr. Hess, and the motion passed.

Mrs. Webb read Ordinance No. 16-33 for the third time, by title only.

Mrs. Webb moved to adopt Ordinance No. 16-33, as amended. Mr. Weidemyre seconded the motion. Hearing no discussion, five members cast their votes Aye, one Nay by Mr. Hess, and Ordinance No. 16-33 was adopted.

### **RESOLUTION NO. 16-08**

(SECOND READING) A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.

Mr. Zeiter moved to suspend the rules requiring the reading of Resolution No. 16-08 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. Gallo read Resolution No. 16-08 for the second time, by title only.

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

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ORDINANCE NO. 16-35

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

Mr. Zeiter moved to suspend the rules requiring the reading of Ordinance No. 16-35 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. Zeiter read Ordinance No. 16-35 for the first time, by title only.

Mr. Zeiter moved to adopt Ordinance No. 16-35. Mr. Gallo seconded the motion. Hearing no discussion, six members cast their votes Aye, zero Nay, and Ordinance No. 16-35 was adopted.

ORDINANCE NO. 16-36

AN ORDINANCE AMENDING SECTIONS 139.01 AND 139.07 OF THE CODIFIED ORDINANCES OF THIS CITY, REPEALING ORDINANCES 96-23, 00-46, 07-33, AND 13-05, AND DECLARING AN EMERGENCY.

Mr. Gallo moved to suspend the rules requiring the reading of Ordinance No. 16-36 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. Weidemyre read Ordinance No. 16-36 for the first time, by title only.

Mr. Weidemyre moved to adopt Ordinance No. 16-36. Mr. Earhart seconded the motion. Mr. Medwid said a section of the current code is contrary to the Ohio Revised Code so this ordinance aligns the existing code with the ORC. Six members cast their votes Aye, zero Nay, and Ordinance No. 16-36 was adopted.

At 7:37 p.m., there being no further business to come before the meeting, the same was adjourned upon a motion by Mr. Weidemyre, seconded 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