

## Regular

June 20, 2018

Ontario City Council met in regular session on June 20, 2018, in the Municipal Building, with Council President Jim Hellinger presiding. The meeting opened at 7:03 p.m. with the Pledge of Allegiance.

Present during roll call were Council members Ken Earhart, Larry Arnold, Eddie Gallo, Mark Weidemyre, Dan Zeiter Michele Webb, Nathan Sunderland, Council President Jim Hellinger, Mayor Randy Hutchinson, Law Director Andrew Medwid, Service-Safety Director Jeff Wilson and Clerk of Council Cathy VanAuker.

The minutes of the regular Council meeting of June 6, 2018 were presented for approval. Mr. Sunderland moved to approve the minutes, second by Mr. Arnold. Six members cast their votes Aye, one Abstain by Mr. Zeiter, zero Nay, and the motion passed.

### **COMMITTEE REPORTS**

Mr. Earhart scheduled a Utilities Committee meeting on July 18, 2018 at 6:00 p.m.

Mr. Zeiter reported the financial information that was provided through May looks good.

Mr. Weidemyre said the Economic Development Committee held this evening was in executive session.

### **MAYOR'S REPORT**

Mayor Hutchinson provided the following information.

- The first Concerts in the Park was held Monday evening. The next concert is Tuesday from 6:00 – 8:00 p.m., featuring Just Jazz.
- Elected officials should contact him by tomorrow if they want to be in the 4<sup>th</sup> of July Parade.
- Residents are concerned about the shorter length of time to pay their water/sewer bill but going to monthly billing reduces the timeframe. He will check to see if there is a way to make any changes
- The Miss Ontario Pageant is Saturday at the high school.

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

Mr. Wilson had no report.

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

Mr. Medwid had no report.

### **MISCELLANEOUS MATTERS**

The Ohio Division of Liquor Control submitted a request by Cinemark for a D5I liquor permit. Cinemark must still meet the necessary requirements and receive approval by the Division of Liquor Control.

Mr. Zeiter moved to approve the request by Cinemark, second by Mr. Arnold. Six members cast their votes Aye, one Nay by Mr. Gallo, and the motion passed.

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**PUBLIC COMMENTARY**

Craig Hunt, 3680 Park Avenue West, said if the legislation pertaining to under-speed vehicles doesn't pass tonight then golf carts would be illegal on city streets.

Jim Henry, 1129 Lewis Road, came forward to thank Council for what they do and to invite everyone to the 4<sup>th</sup> of July Festival on June 30<sup>th</sup>. He is a proud member of the Ontario Lions Club and everything they do, the money they raise, goes back into the community. They are a not for profit agency. They do a lot for diabetes with an emphasis on hearing, several sight programs, Safety Town, and many other programs. All of the dollars they raise through a variety of methods, such as their concession stand and Pancake Days, is given back to the community. The concession stand is scheduled 22 days, no more than 3 or 4 days at one location. Mr. Henry requested an exemption from the concession stand legislation because they have a not for profit status.

Dave Rehfeldt, 3479 Ridgestone Drive, said he has driven a golf cart for eight years, sat next to law enforcement officers and had conversations with them and never has he been questioned on the legality of his golf cart. At least 80% of his time on the golf cart involves non-profit activities for the city, OYS, and the Booster Club. If this legislation passes he doesn't know if he would be allowed to drive the golf cart from the baseball fields to the soccer fields or during the setup for the July 4<sup>th</sup> parade. There are many inconsistencies.

- Mr. Medwid said the ORC does not allow golf carts on city streets unless provisions are in place, which is what this ordinance does.

Craig Hunt returned to the podium to say he has a 4-wheeler and was trying to do good deeds with his snowplow just like they are with the golf carts. He felt they could come to some agreement.

Doug Leech, 294 Westlawn Dr., approached Council to express his concern about the condition of the property located at the corner of Maple Street and Park Avenue. It has been deteriorating consistently for the past 40 years.

- Mr. Medwid said there is a process that must be followed. The County Health Board can inspect houses, make a determination, and send notice to the property owner of what needs done. The property owner then has a specified amount of time to request a hearing with the Planning Commission to have it changed or continued. Once the allotted time expires the decision can be made how to move forward with the property. The process needs followed, it takes time because it becomes a government seizure of private property.

**PUBLIC HEARINGS**

At 7:29 p.m., the public hearing opened for the 2019 Tax Budget. This was in reference to Resolution No. 18-07. Calling three times and hearing no one, the public hearing closed at 7:29.

At 7:29 p.m. the public hearing opened to amend Section 1145, General Provisions, by adding Section 1145.38 Concession Stands. This was in reference to Ordinance No. 18-27.

Wayne McDowell, 117 Rowland Avenue, Mansfield, came forward on behalf of the King of Ribs BBQ. He frequents this business, it sells a quality product and he would like to see it remain open in Ontario.

Next to approach Council was Edward Corley, 675 Dixon Parkway, Mansfield, on behalf of the King of Ribs BBQ owner Ron Moton, who has had his business in the Lowe's parking lot for approximately five years. The passage of the ordinance in the current form would essentially terminate the business, therefore, he requested a grandfather clause be included to protect the King of Ribs, which has an outstanding business record. Mr. Corley read a letter from Kenneth

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Allen of Lowe's supporting the King of Ribs which verified he has never received any customer or employee complaints or any issues of his cleanliness with the business or in the area around him. The store manager considered Mr. Moton's contribution to their business a success. Petitions have been signed by more than 500 people supporting the King of Ribs and these are people who also spend money in the area businesses. If Lowe's had a problem with the King of Ribs, it would not be there.

At 7:35 p.m., hearing no one else who wished to speak, the public hearing was closed.

**CONSIDERATION OF ORDINANCES AND RESOLUTIONS**

## ORDINANCE NO. 18-22

(THIRD READING) AN ORDINANCE AMENDING CHAPTER 375, SNOWMOBILES, OFF-HIGHWAY MOTORCYCLES, AND ALL-PURPOSE VEHICLES, AND DECLARING AN EMERGENCY.

Mr. Sunderland read Ordinance No. 18-22 for the third time, by title only.

Hearing no one, Ordinance No. 18-22 died, due to the lack of a motion.

## ORDINANCE NO. 18-25

(SECOND READING) AN ORDINANCE AMENDING CHAPTER 505, ANIMALS AND FOWL, SECTION 505.01, DOGS AND OTHER ANIMALS RUNNING AT LARGE OF THE CODIFIED ORDINANCES OF THIS CITY, AND DECLARING AN EMERGENCY.

Mr. Zeiter moved to suspend the reading of Ordinance No. 18-25 on three separate days, second by Mr. Arnold. Five members cast their votes Aye, two Nays by Mr. Weidemyre and Mrs. Webb, and the motion failed. Mrs. Webb read Ordinance No. 18-25 for the second time, by title only.

## ORDINANCE NO. 18-26

(SECOND READING) AN ORDINANCE AMENDING THE CITY'S RECEIPT OF REAL ESTATE SETTLEMENT MONIES FROM THE COUNTY ON A SEMI-ANNUAL BASIS BY ALLOCATING THOSE FUNDS INTO THE GENERAL FUND INSTEAD OF THE BOND RETIREMENT FUND.

Mr. Zeiter moved to suspend the reading of Ordinance No. 18-26 on three separate days, second by Mr. Gallo. Six members cast their votes Aye, one Nay by Mr. Weidemyre, and the motion passed. Mr. Weidemyre read Ordinance No. 18-26 for the second time, by title only.

Mr. Zeiter moved to adopt Ordinance No. 18-26, second by Mrs. Webb. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 18-26 was adopted.

## RESOLUTION NO. 18-07

A RESOLUTION ADOPTING THE TAX BUDGET FOR THE CITY OF ONTARIO FOR THE FISCAL YEAR 2019 AND DECLARING AN EMERGENCY.

Mr. Zeiter moved to suspend the reading of Resolution No. 18-07 on three separate days, second by Mrs. Webb. Seven members cast their votes Aye, zero Nay, and the motion passed. Mr. Zeiter read Resolution No. 18-07 for the first time, by title only.

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Mr. Zeiter moved to adopt Resolution No. 18-07, second by Mrs. Webb. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Resolution No. 18-07 was adopted.

## ORDINANCE NO. 18-27

AN ORDINANCE AMENDING CHAPTER 1145, GENERAL PROVISIONS, BY ADDING SECTION 1145.38-CONCESSION STANDS, AND DECLARING AN EMERGENCY.

Hearing no motion to suspend the reading of Ordinance No. 18-27 on three separate days, Mr. Gallo read Ordinance No. 18-27 for the first time, by title only.

## ORDINANCE NO. 18-28

AN ORDINANCE ACCEPTING THE CITY'S REFUND OF PAYMENTS FROM THE OHIO DEPARTMENT OF TRANSPORTATION OF UNUSED FUNDS FROM THE STATE ROUTE 314 REPAVING PROJECT AND PLACING THOSE FUNDS INTO THE STREET PAVING FUND.

Mr. Arnold moved to suspend the reading of Ordinance No. 18-28 on three separate days, second by Mr. Zeiter. Seven members cast their votes Aye, zero Nay, and the motion passed. Mr. Arnold read Ordinance No. 18-28 for the first time, by title only.

Mr. Arnold moved to adopt Ordinance No. 18-28, second by Mr. Zeiter. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 18-28 was adopted.

## ORDINANCE NO. 18-29

AN ORDINANCE PROVIDING FOR SUBMITTING THE QUESTION "SHALL THE ORDINANCE PROVIDING FOR A QUARTER PERCENT LEVY ON INCOME FOR THE REPAIR OF POTHOLES IN THE CITY STREETS BE PASSED?"

Hearing no motion to suspend the reading of Ordinance No. 18-29 on three separate days, Mr. Earhart read Ordinance No. 18-29 for the first time, by title only.

## ORDINANCE NO. 18-30

AN ORDINANCE TO INCREASE THE MUNICIPAL INCOME TAX BY ONE-QUARTER PERCENT PER ANNUM FOR THE REPAIR OF POTHOLES IN THE CITY STREETS.

Hearing no motion to suspend the reading of Ordinance No. 18-30 on three separate days, Mr. Sunderland read Ordinance No. 18-30 for the first time, by title only.

Mr. Hellinger reminded everyone the first Council meeting of July was cancelled because it was the 4<sup>th</sup> of July. The next Council meeting would be July 18<sup>th</sup>, Caucus begins at 6:30 p.m.

At 7:43 p.m., there being no further business to come before the meeting, the same was adjourned upon a motion by Mr. Arnold, second by Mr. Weidemyre and the motion passed unanimously.

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James A. Hellinger, President of Council

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Cathy VanAuker, Clerk of Council