

Regular

July 18, 2018

Ontario City Council met in regular session on July 18, 2018, in the Municipal Building, with Council President Jim Hellinger presiding. The meeting opened at 7:01 p.m. with the Pledge of Allegiance.

Present during roll call were Council members Ken Earhart, Larry Arnold, Eddie Gallo, Dan Zeiter, Mark Weidemyre, Michele Webb, Nathan Sunderland, Council President Jim Hellinger, Mayor Randy Hutchinson, Law Director Andrew Medwid, Service-Safety Director Jeff Wilson, Recreation Director Heather Hendrix and Secretary Shawna Dawson.

The minutes of the regular Council meeting of June 20, 2018 were presented for approval. Mr. Sunderland moved to approve the minutes, second by Mr. Weidemyre. Seven members cast their votes Aye, zero Nay, and the motion passed.

COMMITTEE REPORTS

Mr. Earhart reported on the Utilities Committee meeting held earlier this evening where the Service-Safety Director informed them of the savings the city would notice on the new gas and electric contracts.

Mrs. Webb scheduled a Safety Committee meeting on August 1, 2018 at 6:00 p.m. and a Safety Committee meeting of the Whole on August 15, 2018 at 5:30 p.m.

Mr. Sunderland announced a Parks Committee meeting of the Whole on August 15, 2018 at 6:00 p.m.

MAYOR'S REPORT

Mayor Hutchinson had no report.

SERVICE-SAFETY DIRECTOR'S REPORT

Mr. Wilson had no report.

LAW DIRECTOR'S REPORT

Mr. Medwid had no report.

RECREATION DIRECTOR'S REPORT

Mrs. Hendrix presented the following report.

Art Class. Two art classes were offered. Participants of the Cookies and Canvas class took home an 11 x 14 canvas art piece and those attending the String Art class learned string art and also painted an 11 x 14 canvas. The \$25 per person fee was paid directly to Art Space. There was a \$100 fee to the city for the first class but waived for the second class due to the large attendance.

Geocache Event. Approximately 50 people attended the scavenger hunt. Clues and coordinates were provided to create a secret message. Completed messages were turned in for prizes and snacks. Another geocache event will be held this fall.

Lifeguard/CPR Recertification Class. There were 12 participants in the recertification class, this is the maximum allowed. A new lifeguard certification class was offered for 15 people.

Regular

July 18, 2018

The classes are offered first to Ontario students then, if space is available, opened to the surrounding area. The majority of students were from Ontario and they are hired for Summer Rec and open swim.

Summer Recreation Camp. Fifty-nine workers were hired for Summer Rec. Most worked only one of the two weeks in order to be given a chance to see how they liked the program. Approximately 150 students attended each week. Mrs. Hendrix thanked Richland County Foundation for the \$500 grant used for arts/crafts and science fun supplies.

Swim Lessons. The swim lessons offered immediately following Summer Rec filled up quickly so they may be offered again for the younger ages; the instructors would need to be paid.

Spring Clean Up. Six high school students helped Mrs. Hendrix clean up the movie theater area.

Fourth of July Activities. The Festival Committee asked Mrs. Hendrix to provide activities for kids. The free games included ring toss, sack races, Can Jam, jump rope and hula hoop contests. Approximately 15 – 20 kids played the games. It was a very hot day.

Honkin' Haulin' Hands On Trucks. The Touch-a-Truck event is scheduled for September 30th from 1:00 – 3:00 p.m.

Haunted Trail. Thought is being given to creating a haunted trail in October at Marshall Park. She is working with Substance Abuse Coordinator Amy Nagel.

Craft Show. This annual event is December 1st. Vendor registrations are coming in and it should be a very good craft show this year.

PUBLIC COMMENTARY

Craig Hunt, 3680 Park Avenue West, commented on several items.

- The owner of the property next to Stowell Park put in his Planning Commission agreement that a row of trees would be planted along the back of the property facing the concession stand and sidewalks were to be poured.
 - Mayor Hutchinson said those items are not required until the completion of the project.
- People who store tires should be asked to clean them up because it is a good place for mosquitoes to breed.
- Skunks are in his neighborhood so he would like skunks included in tonight's animal ordinance that is adding cats.
 - Mayor Hutchinson said skunks are wildlife.
- The pothole tax. The city didn't gain many extra miles of road so what happened to the money that was normally used to take care of the roads.
 - Mr. Hellinger said this will be placed on the ballot for the voters to decide.
 - Mr. Arnold explained that money is allocated every year, \$650,000 - \$700,000, for the streets. Lex-Springmill will cost over a million dollars. Just the pot holes can't be filled, the road needs graded, a base put down, then the asphalt. Because Lex-Springmill requires more than a year of the paving budget, no other streets will be done.
 - Mayor Hutchinson said everyone who works in Ontario pays income tax.
- Golf carts. Check into the guidelines the state requires.
- Concession stands. Grandfather the BBQ concession stand and any others would be eliminated.

Doug Leach, 294 Westlawn Drive, addressed Council about the demolition of the property at the corner of PAW/Maple. The current owners are past the required number of days they need to be notified and they have not responded. The owners have done nothing to maintain the

Regular

July 18, 2018

property for years. Mr. Leach asked if this ordinance could be passed in one reading instead of three readings so something could get done this year.

- Mr. Hellinger said if they go the full three readings it would give the owners a chance to comply or come in to voice their opinion.

Edward Corley, 675 Dixon Parkway, Mansfield, was next to come forward to say he was here last month on behalf of the King of Ribs. Ron Moton is no stranger to the area. In 1992 he was awarded the International Best Ribs and Sauce winner in London, Ontario, Canada. People who eat at his rib business also shop at other stores in the area. He understands needing an ordinance for this particular matter but after reviewing the rules and regulations of the proposed ordinance it would essentially put the King of Ribs out of business from the standpoint that he would have to move his business every 30 days. What business could stay in business that way? A simple solution is to amend the proposed ordinance to increase the 30 day relocation period to 180 days. The King of Ribs could stay in business and the other area business would continue to profit. The signatures on the petition has increased from 500 to 964 signatures with positive comments about the food. Mr. Corley read the letter dated March 28, 2018 from Kenneth Allen of Lowes that he presented a month ago.

Attorney Roberta Wade, 649 Brookside Drive, Galion, came forward to say she was as a customer of the King of Ribs. There are food trucks/carts/concessions all over the state and in Columbus there are year round vendors in the same place, two vendors are year round in front of the Court House. What is Ontario's issue that he is restricted to a certain number of days? In Cleveland, there is a vendor in front of the State Office Tower all the time. She comes to Ontario to shop and pick up dinner. She asked Council to look at what Cleveland and Columbus are doing because it's a great opportunity to keep a good business going.

- Mr. Zeiter commented that food vendors in the large cities pay for their space.
- Mr. Medwid said, without the legislation concession stands aren't allowed in the city. If the legislation fails then Mr. Moton would have to close.
- Mr. Gallo said this isn't about one individual. Any concession is not lawfully able to operate within the city, this resolution is our attempt to make sure they can operate. If they listen to the petitioners to fail the legislation then he won't be able to remain open.

Kevin Early, 3339 Oakstone Drive, supports Mr. Moton and anyone who runs a concession stand in Ontario. This is an overreach by government into the intrusion of ordinary citizens. If I support the ordinance then concessions have to move every 30 days, if I don't support the ordinance then no concession stands are allowed in the city. I would like to see things made right. I've passed that stand many times over the years and I don't understand why now it has become such an issue. Why not make it a win-win situation and find a way to allow concession stands to operate or change the planning code to make it possible for them to continue to support the citizens in the city.

- Mr. Medwid said city code 1145.08 was put in place 17 years ago which is why he can't be grandfathered in because the code was in place prior to him being there.
- Mr. Arnold felt Council was in a difficult situation because their decision will have an unpopular outcome no matter what they do.

Mr. Hellinger asked the audience how many more wanted to speak in support of Mr. Moton. Council has heard many different points and asked if anyone had anything different to say.

Keith Laughbaum, 70 S. Ireland, came forward to say Council is eliminating one man's livelihood because he asked for something. It was mentioned the Health Department has a 40 day limit but he's been there many years with the support from Lowe's. The law was there seventeen years ago but he's been here for years, it was working perfectly.

Mr. Hellinger reiterated to those in the audience who came to support Mr. Moton but did not have any new comments to add, that they have been acknowledged and their support would be noted on the record.

Regular

July 18, 2018

John Bercaw, 2458 Ferguson Road, had three items to present.

- Fence permits. A fence can go on a property line but if you don't want the neighbor on your property to maintain the fence then the police can be called. If a fence has a 6' clearance from the property line there is room to maintain the fence. Every other city in the county has 3' from the fence. When putting it on the property line you are asking for problems.
- Water issue. A few months ago there was too much salt in the water which concerns him because everyone drinks it. The water facility should be managed 24 hours a day or have an alarm system when no one is there. It shouldn't take citizens or businesses calling the Police Department, it should go to an individual. There should be a message on the Water Department phone for people calling in to get information.
- Rules and regulations. Mr. Bercaw was very disappointed in the decision to approve the liquor license for Cinemark. This will not provide any revenue for the city, alcohol does not belong in the movie theater.
 - Mr. Weidemyre said Council did not approve the alcohol permit, they just didn't ask for a hearing. The Ohio Division of Liquor Control will approve the permit.
 - Mr. Zeiter explained if the city refused the request there could be a lawsuit from the theater asking why they can't sell alcohol when they pay for a permit like other businesses. The city would need a legitimate reason to not allow the initial permit request. Each year the city has the opportunity to review the liquor permits and request a hearing not to renew a license if there have been problems at a business.

CONSIDERATION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 18-25

(THIRD 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. Earhart read Ordinance No. 18-25 for the third time, by title only.

Mr. Earhart moved to adopt Ordinance No. 18-25, second by Mrs. Webb. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 18-25 was adopted.

ORDINANCE NO. 18-27

(SECOND READING) 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. Arnold read Ordinance No. 18-27 for the second time, by title only.

ORDINANCE NO. 18-29

(SECOND READING) AN ORDINANCE TO INCREASE THE MUNICIPAL INCOME TAX BY ONE-QUARTER PERCENT PER ANNUM FOR THE REPAIR OF POTHOLES IN THE CITY STREETS, AS AMENDED.

Mr. Weidemyre moved to suspend the reading of Ordinance No. 18-29 on three separate days, second by Mr. Arnold. Five members cast their votes Aye, two Nays by Mr. Zeiter and Mr. Sunderland, and the motion failed. Mr. Gallo read Ordinance No. 18-29 for the second time, by title only.

Regular

July 18, 2018

RESOLUTION NO. 18-08

(SECOND READING) -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?", AS AMENDED.

Hearing no motion to suspend the reading of Resolution No. 18-08 on three separate days, Mr. Zeiter read Resolution No. 18-08 for the second time, by title only.

RESOLUTION NO. 18-09

A RESOLUTION DIRECTING THE ORDER FOR CLEAN UP OF PROPERTY AT 78 SOUTH HOME ROAD UNDER A CONTRACT FOR LABOR, MATERIALS, AND EQUIPMENT AWARDED BY THE CITY FOR SUCH PURPOSE, AND DECLARING AN EMERGENCY.

Mrs. Webb moved to suspend the reading of Resolution No. 18-09 on three separate days, second by Mr. Arnold. Seven members cast their votes Aye, zero Nay, and the motion passed. Mr. Weidemyre read Resolution No. 18-09 for the first time, by title only.

Mr. Arnold moved to adopt Resolution No. 18-09, second by Mrs. Webb. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Resolution No. 18-09 was adopted.

RESOLUTION NO. 18-10

A RESOLUTION DIRECTING THE ORDER FOR DEMOLITION OF PROPERTY AT 1592 PARK AVENUE WEST AND 1731 PARK AVENUE WEST UNDER A CONTRACT FOR LABOR, MATERIALS, AND EQUIPMENT AWARDED BY THE CITY FOR SUCH PURPOSE, AND DECLARING AN EMERGENCY.

Mr. Arnold moved to suspend the reading of Resolution No. 18-10 on three separate days, second by Mr. Gallo. Five members cast their votes Aye, two Nays by Mr. Zeiter and Mr. Weidemyre, and the motion failed. Mrs. Webb read Resolution No. 18-10 for the first time, by title only.

At 7:55 p.m., Mr. Gallo moved to enter into executive session per ORC 121.22 (G)(3), conferences with an attorney for the public body concerning disputes involving the public body that are the subject of imminent court action. At roll call, seven members voted Aye, zero Nay, and the motion passed.

At 8:24 p.m., the meeting reconvened into regular session with a motion by Mr. Gallo, second by Mr. Weidemyre, and the motion passed unanimously.

At 8:25 p.m., there being no further business to come before the meeting, the same was adjourned upon a motion by Mr. Gallo, second by Mr. Weidemyre and the motion passed unanimously.

James A. Hellinger, President of Council

Cathy VanAuker, Clerk of Council