

Regular

August 21, 2019

Ontario City Council met in regular session on August 21, 2019, 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, Dan Zeiter, Mark Weidemyre, Michele Webb, Nathan Sunderland, Council President Jim Hellinger, Mayor Randy Hutchinson, Law Director Andrew Medwid, and Clerk of Council Cathy VanAuker.

The minutes of the regular Council meeting of August 7, 2019 were presented for approval. Mr. Zeiter moved to approve the minutes, second by Mr. Arnold. Seven members cast their votes Aye, zero Nay, and the motion passed.

COMMITTEE REPORTS

In response to Mr. Arnold's question, Mayor Hutchinson said the employee hired for the Water Department returned to his previous employer and a Personnel Committee meeting would be needed soon.

Mr. Gallo commented on the amount of positive community support received about the Lex-Springmill paving project.

- Mayor Hutchinson said additional work will be done to the east/west bound loop at St. Rt. 309/Lex-Springmill due to the complaints that the light won't change and to the sensitivity to the loop at Park Avenue for eastbound traffic turning north onto Lex-Springmill.

MAYOR'S REPORT

Mayor Hutchinson reported:

- An anonymous letter was received requesting the resurfacing of Park Avenue West, west of Home Road, it is a very poor way to welcome people in Ontario.
- Planning Commission discussed several topics, one item was residential fences. When Council previously tabled the fence section it was to go back to committee or give Planning Commission guidance as to what Council wanted. The consensus of the Commission was not to make any changes to the fence ordinance.
 - Mrs. Webb said this has been talked about for four years and she was not in favor of making any changes. Let neighbors put their fence on the property line if they want to. If someone has a small yard they will lose 9 feet of their yard.
 - Currently there are no restrictions to the placement of a fence.
 - Mr. Zeiter preferred the 3' separation and the good side of the fence facing out.
 - Mr. Arnold said one of his neighbors has a fence on the property line and one neighbor has their fence 3' off the property line and neither one mows on the outside of their fence. There are people who will maintain their fence and there are people who won't.
- Vacation rentals were mentioned but not many communities are doing anything about them.
- The substation at OCP will be auctioned soon. The building is cleaned out but the growth near the building is very thick and should be cleaned up in a few weeks.

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- The concession stand should be completed and is very nice.
- All ADA requirements are completed. Per ODOT standards some work was done to the sidewalk by Shelby-Ontario Road and an ADA pad was installed by PAW at Briggs Drive. A concrete pad and sidewalk was poured at the band shell and a new driveway and parking lot by the tennis courts.
- Prices are being researched for pickleball nets to use at the tennis court farthest to the west. This would only encroach one line that would be a different color across the tennis court creating two pickleball courts with removable nets on wheels.

Mr. Arnold said the Target Cup is this weekend. The first year 30 soccer teams attended, 60 teams last year, over 100 teams signed up this year and approximately 15 – 20 teams were turned down.

LAW DIRECTOR'S REPORT

Mr. Medwid had no report.

PUBLIC COMMENTARY

Brenda Fraley, 81 Frazier Road, came before Council with a petition signed by several residents for the improvement work on the creek running north under Vivian Drive flowing toward Lexington-Springmill Road and Park Avenue. Ms. Fraley said the creek has grown up with weeds so it needs cleaned out, there isn't much room for the water to run through and it backs up into homes. The creek needs to be made wider and rocks put down so the water runs faster. There are misquotes from the stagnant water.

- Mayor Hutchinson said he spoke with the Law Director and did some research with the Army Corps of Engineers. The city is restricted on what they can do. He will talk more with the Law Director because residents along Touby's Run would also like some work done. Based on the Army Corps of Engineers code there are guidelines regarding a natural waterway, the city isn't allowed to dig it out, but more research will be done to see what they can do.

Craig Hunt, 3680 Park Avenue West, referenced fences. He would like consideration for those living in a Business district because if his neighbor puts a fence on the lot line his car door would probably hit the fence. There should be amendments for non-conforming lots. His neighbor may not have 3' from his building to the property line for a fence. Instead of requiring a survey for the property line perhaps have neighbors sign an agreement for the fence location. He asked Council to look closely at the banner code they will be receiving.

- Mayor Hutchinson said some of the items being discussed are because Mr. Hunt brought them up.

Carol Iiams, 524 State Route 314 N, said several of the restaurants (Cheddars, Outback, Texas Roadhouse, Denney's) have a horrible sewer smell. Denney's had to close the right side of their dining area for 3 ½ weeks because they had sewer water coming up under their floor tiles. What is this smell and what's causing it? Is it because the city didn't keep up with the sewer department as the city grew to service these restaurants? A lot of the restaurants are losing business with this problem. At one point they blamed it on the rain. Why would the Health Department say everything is fine?

- The News Journal prints the Health Department reports and they never say everything is fine.
- This is a Health Department concern. Mayor Hutchinson will contact the Health Department.

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CONSIDERATION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 19-22

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A REAL ESTATE SALES AGREEMENT FOR APPROXIMATELY 69.546 ACRES BETWEEN MANSFIELD HOLDINGS, LLC AND THE CITY OF ONTARIO, AND DECLARING AN EMERGENCY.

Mr. Sunderland moved to suspend the reading of Ordinance No. 19-22 on three separate days, second by Mr. Arnold. Seven members cast their votes Aye, zero Nay, and the motion passed. Mr. Earhart read Ordinance No. 19-22 for the first time, by title only.

Mr. Earhart moved to adopt Ordinance No. 19-22, second by Mr. Sunderland. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 19-22 was adopted.

ORDINANCE NO. 19-23

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR, OR HIS DESIGNEE (THE CHIEF OF POLICE), TO ACCEPT NUMEROUS DONATIONS, AND DECLARING AN EMERGENCY.

Mrs. Webb moved to suspend the reading of Ordinance No. 19-23 on three separate days, second by Mr. Weidemyre. Seven members cast their votes Aye, zero Nay, and the motion passed. Mrs. Webb read Ordinance No. 19-23 for the first time, by title only.

Mrs. Webb moved to adopt Ordinance No. 19-23, second by Mr. Weidemyre. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 19-23 was adopted.

ORDINANCE NO. 19-24

AN ORDINANCE APPROVING THE EDITION AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF ONTARIO, OHIO, AND DECLARING AN EMERGENCY.

Mrs. Webb moved to suspend the reading of Ordinance No. 19-24 on three separate days, second by Mr. Weidemyre. Seven members cast their votes Aye, zero Nay, and the motion passed. Mr. Arnold read Ordinance No. 19-24 for the first time, by title only.

Mr. Arnold moved to adopt Ordinance No. 19-24, second by Mrs. Webb. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 19-24 was adopted.

At 7:30 p.m., there being no further business to come before the meeting, the same was adjourned upon a motion by Mr. Earhart, second by Mrs. Webb and the motion passed unanimously.

James A. Hellinger, President of Council

Cathy VanAuker, Clerk of Council