

Regular

May 18, 2022

Ontario City Council met in regular session on May 18, 2022, in the Municipal Building, with Council President Eddie Gallo presiding. The meeting opened at 7:00 p.m., with the Pledge of Allegiance.

Present during roll call were Council members Troy Sapp, Dave Rehfeldt, Chad Wilford, Josh Bradley, Sherry Branham, Rose Feagin, Nathan Sunderland, Council President Eddie Gallo, Mayor Randy Hutchinson, Law Director Andrew Medwid, Service-Safety Director Kris Knapp and Clerk of Council Cathy VanAuker.

Mr. Gallo asked for a moment of silence in memory of the ten lives lost in Buffalo this week and to remember our nation for healing during these difficult times.

The minutes of the regular Council meeting of May 4, 2022 were presented for approval. Hearing no corrections, the minutes were approved as presented.

COMMITTEE REPORTS

Mr. Sapp reported that during the Utilities Committee meeting Water Department Head Tom Hickman presented an update on EPA regulations that need considered for the current system. The 2018 EPA inspection noted the 4,447 valves need exercised by 2023. After that date, the city will be fined \$1,000 per day for each program violation. Water rate proposals will be discussed with the Finance Committee prior to going before Council.

Mr. Wilford scheduled a Parks Committee meeting on June 1, 2022 at 6:00 p.m.

Ms. Branham said the Personnel Committee will meet on June 1, 2022 at 5:30 p.m.

Mr. Sunderland reported the Safety Committee met earlier this evening in executive session.

MAYOR'S REPORT

No report.

SERVICE-SAFETY DIRECTOR'S REPORT

No report.

LAW DIRECTOR'S REPORT

No report.

MISCELLANEOUS

Mr. Gallo asked Council members to discuss options for the July schedule at their next meeting.

PUBLIC COMMENTARY

Jerry Holden, 3455 Ridgestone Drive, distributed information to Council pertaining to pool fences and safety pool covers. Since 2007, Richland County has approved a safety cover as a barrier instead of a fence. Ontario Code, Section 1145.10, requires a fence or some type of barrier and doesn't recognize the safety pool cover approved by the County.

Regular

May 18, 2022

- Mayor Hutchinson said Code was changed in 2020 based on the safety aspect. Requiring fences around in-ground swimming pools was discussed during the last Planning Commission meeting and the Commission agreed to keep the current code.
- Mr. Holden said the cover is safer than a fence because the cover is locked and the pool can't be accessed without the appropriate key.
- A TNT Pools representative explained how the key and lock are used to cover a pool.
- Mr. Holden would like Council to review the material, make adjustments to the code, and match the County code.
- Law Director Medwid said he prefers keeping the fence requirement because pool owners may leave their unattended pool uncovered, making it accessible to small children.

Marc Vanerio, 1883 Walker Lake Road, said Zoning Code 1143.03 G, states mini-warehouses shall only be permitted in the General Industrial and Industrial Park Districts. The Menards property is overpriced for any permitted businesses listed in 1137.04 B to afford. The drop in the land is gradual, not steep as Menards indicated. The units would be in plain sight from 11' to 17' high. Mini-warehouses should not be mixed with residential. Voting no will force Menards to adjust their asking price to attract permitted businesses and force them to rethink their options for the land.

Mike Stallings, 1915 Walker Lake Road, said looking from his back porch, Menards would have to dig down 8'-10' to hide the buildings. He is against the mini-warehouses.

Tyler Edwards, Real Estate Representative for Menard Inc., 5101 Menard Drive, Eau Claire, WI said, 20 trees were added to the site plan along the drive and property line for the neighbors to the west. This was done based on a comment made by the neighbor. Menards has reacted to almost every comment they've heard and made changes to accommodate those comments. They have met and exceeded every ordinance requirement of this zoning district in attempts to make it work within the neighborhood. Something will be developed there someday. These buildings are smaller, quieter, have less light, less traffic, less people than anything else that could go there. This has been an opportunity for the neighbors to work with Menards on creating something that works for them.

- When Law Director Medwid asked if Menards has been approached by anyone interested in purchasing the property if the land is rezoned Business, Mr. Edwards responded, they could put a condition on the property, this is their only intent, they would never be deceitful.

Mr. Stallings returned to the podium to say, the Menards website shows the exterior of warehouses at other sites that are patched, faded, the concrete is cracked, and they will decrease their property value.

- Mr. Edwards responded, they are old buildings. This building will be constructed with the same steel put on roofs, a 40-year treated steel.

CONSIDERATION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 22-27

(THIRD READING) AN ORDINANCE REZONING PARCEL # 038-60-152-12-006 ON WALKER LAKE ROAD FROM OS-OFFICE SERVICE DISTRICT TO B - BUSINESS DISTRICT, AND DECLARING AN EMERGENCY.

Mr. Sunderland read Ordinance No. 22-27 for the third time, by title only. Mr. Sunderland moved to call for a vote on Ordinance No. 22-27. Five members cast their votes Aye, two Nays by Ms. Feagin and Mr. Sunderland, and Ordinance No. 22-27 passed.

Regular

May 18, 2022

ORDINANCE NO. 22-28

(SECOND READING) AN ORDINANCE AMENDING CHAPTER 1143, CONDITIONALLY PERMITTED USE STANDARDS 1143.03 DESIGN STANDARDS, SUBPARAGRAPH (G) MINI-WAREHOUSES, AND DECLARING AN EMERGENCY.

Mr. Bradley moved to suspend the reading of Ordinance No. 22-28 on three separate days, second by Mr. Sapp. Seven members cast their votes Aye, zero Nay, and the motion passed. Ms. Feagin read Ordinance No. 22-28 for the second time, by title only.

Ms. Feagin moved to call for a vote on Ordinance No. 22-28. Five members cast their votes Aye, two Nays by Ms. Feagin and Mr. Sunderland, and Ordinance No. 22-28 passed.

ORDINANCE NO. 22-29

AN ORDINANCE ALLOWING THE CITY OF ONTARIO, AS LANDLORD, TO ENTER INTO A LEASE AGREEMENT WITH MYR ENERGY SERVICES, INC., AS TENANT, AND DIRECTING THE MAYOR TO EXECUTE IT ON BEHALF OF THIS CITY, AND DECLARING AN EMERGENCY.

Ms. Branham moved to suspend the reading of Ordinance No. 22-29 on three separate days, second by Mr. Wilford. Seven members cast their votes Aye, zero Nay, and the motion passed. Ms. Branham read Ordinance No. 22-29 for the first time, by title only.

Ms. Branham moved to call for a vote on Ordinance No. 22-29. Seven members cast their votes Aye, zero Nay, and Ordinance No. 22-29 passed.

ORDINANCE NO. 22-30

AN ORDINANCE ALLOWING THE CITY OF ONTARIO TO ENTER INTO A CONTRACT WITH K.E. McCARTNEY FOR THE SHELBY-ONTARIO ROAD SIDEWALK PROJECT, DIRECTING THE MAYOR TO EXECUTE IT ON BEHALF OF THIS CITY, AND DECLARING AN EMERGENCY.

Mr. Wilford moved to suspend the reading of Ordinance No. 22-30 on three separate days, second by Mr. Sapp. Seven members cast their votes Aye, zero Nay, and the motion passed. Mr. Bradley read Ordinance No. 22-30 for the first time, by title only.

Mr. Bradley moved to adopt Ordinance No. 22-30, second by Ms. Branham. Seven members cast their votes Aye, zero Nay, and Ordinance No. 22-30 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 Ms. Feagin, second by Mr. Wilford.

Edward J. Gallo, President of Council

Cathy VanAuker, Clerk of Council