

Held

Regular

Meeting
Form 6101

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

2006

August 3, 2006

Ontario City Council met in regular session on August 3, 2006, in the City Offices, with Council President, Mr. Dave Metzger presiding. The meeting opened at 7:00 p.m. with the Pledge of Allegiance.

The following persons were in attendance when roll was called: Council members Matt Finfgeld, Dan Zeiter, Carol Shrader, Bobby Shook, Debbie Konczak, Mark Weidemyre and Charlotte Hellinger; Council President Mr. Metzger; Mayor Kenneth Bender; Law Director Rebecca Thomas; Service/Safety Director Chuck Au; and Clerk of Council Cathy VanAuker. A number of interested citizens were present in the audience.

The minutes of the regular Council meeting of July 20, 2006, were presented for approval. Mr. Finfgeld made a motion to approve the minutes. Mr. Zeiter seconded the motion. At roll call, five members voted Aye, zero Nay, two Abstain votes by Mr. Shook and Mrs. Hellinger and the motion to approve the minutes passed.

PUBLIC COMMENTARY

Mr. Metzger opened the floor for the Public Commentary portion of the meeting. Hearing no one who wished to speak this portion of the meeting was closed.

COMMITTEE REPORTS

Mrs. Hellinger scheduled a Utilities Committee meeting for Monday, August 14, 2006 at 6:30 p.m.

Mr. Finfgeld, Mr. Zeiter, Mrs. Shrader, Mr. Shook, Mrs. Konczak and Mr. Weidemyre had no report this evening.

MAYOR'S REPORT

Mayor Bender reported the monthly Zoning Report showed no new residential or commercial permits. Miscellaneous items totaled \$1,694.75.

The Mayor's Court Report for the month of July totaled \$20,576.86 in costs, fees and fines.

Mayor Bender thanked the Ontario Police Department for their quick response to the abandoned unmarked box along Lex-Springmill Road which posed to be a potential Homeland Security incident. He also thanked the Ashland County Sheriff's Department Bomb Squad who reacted very quickly and took care of the situation that turned out to be an empty suitcase.

Mayor Bender read a letter he received from the manager of First Federal Bank of Ohio:

I would like to thank the Ontario Police Department, Lieutenant Rod Smith and Detective Riley Snavelly for taking time to speak with First Federal employees about security in our business. The meeting was very informative and helpful to all of us. We appreciate having our questions and concerns answered forthright and with sincerity. The officers assured us that their number one priority is our safety, now and in the future. They made it clear their intentions were dedicated to stopping crimes and apprehending offenders. We are thankful for this great service they give us.

Yours truly, Lisa Anderson, Ontario Branch Manager

Mayor Bender continued by saying the police department is in contact with our businesses and are willing to help when they have deposits and special requests. He appreciates the police force and all that they are doing.

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SERVICE/SAFETY DIRECTOR'S REPORT

Mr. Au reported on the following projects:

Paving Project. Four bids were received on July 23, 2006. Kokosing Construction was the lowest bid at \$214,559.72. This amount was considerably below the estimate and will be awarded this week.

Lindaire Area Sewer Project. Bids will be received on August **11,2006** with anticipation of six bidders responding.

Bike Trail. The surface is in place. Work that remains is the clean-up along the berming, grading, seeding and some of the barricades will be put back up.

Road Patching. This project will begin soon and is expected to be completed during the month of August.

Road Sealing and Road Striping. There is a limited amount of this work planned which is expected to be completed in late August or early September.

Sewer Laterals. Plans for the test section along Park Avenue West for the I & I work will begin next week. Hopefully they will be completed quickly so bidding may begin in the near future.

Grouting Projects. Crews are working on the main line in the park and could possibly finish tomorrow with weather permitting. Five or six leaks from broken pipes were discovered which will be fixed within the next thirty days.

When Mr. Weidemyre asked how well the Marshall Park retention ponds withstood the recent heavy rains, Mr. Au responded they are the two best retention ponds we own and they worked exactly as they were designed by filling up and emptying easily.

LAW DIRECTOR'S REPORT

Mrs. Thomas had no report.

PUBLIC HEARING

At 7:12 p.m. Mr. Metzger opened the Public Hearing portion of the meeting.

Application to rezone the following properties located on the south side of Park Avenue West :from OS Office Service District to B Business District:

Permanent Parcel #038-60-214-13-000,038-60-214-12-000,038-60-214-11-000 located at 2071 Park Avenue West/Creston and owned by CPLP Inc.

Permanent Parcel #038-60-219-11-000 located at 2059 Park Avenue West and owned by Dorothy Arlene Hogue and Beverly Shultz.

Permanent Parcel #038-60-221-14-000 located at 2051 Park Avenue West and owned by James and Jan Bivens.

Permanent Parcel #038-60-215-18-012 located at 2031 Park Avenue West and owned by Rusty V. Whiteamire, Trustee.

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First to approach Council was Gary Knight of 28 Creston Road. Mr. Knight began by stating: I live adjacent from lots 347, 348 and 404 and across from 2051 PAW and 2059 PAW. I would like to speak about our concerns with the rezoning of these lots from OS to Business. The rezoning and development of these lots will result in the increase traffic flow through our residential neighborhood. Creston Road has already become a favorite shortcut for motorists who want to bypass the busy intersection of Park Avenue West and Lexington-Springmill Road. This increase traffic flow puts our neighborhood children at risk as cars, not from our neighborhood, speed up and down our street. I can't count the times that our neighbors and we have yelled at motorists telling them to slow down as they cut through our neighborhood. The rezoning and development of these lots will result in decrease property values for my neighbors and myself. You buy a house as an investment to appreciate in value as you make improvements to it and to your neighborhood. My property is now worth 10% - 20% less than if it were located two blocks down Creston Road. In other words, it has cost me \$10,000 - \$20,000 for the pleasure of seeing sprawling Ontario shopping district from Mechanics Bank to Wal-Mart, to General Motors, to the mall, up to Outback Steakhouse and back to Home Depot, as well as everything in between, right from the comfort of my living room and kitchen windows. It is yet unclear what Mechanics Bank has planned for the three lots next to my property. Mechanics Bank may use these lots for further development or they may decide to sell them to some developer for who knows what. No one has a clue what the future holds for 2051 Park Avenue West and 2059 Park Avenue West if they are rezoned to Business. These two lots combined are the same size as the out-lot in front of Wal-Mart where White Castle is currently building. While Mechanics Bank has been a good neighbor, and I would hope they would continue to be a good neighbor as they develop these three lots next to my property, there are no guarantees for what the future holds. While the bank can be a good neighbor there are things that are out of their control. Such as the noise from loud car stereos at 2 a.m. while people use the ATM machine; this goes on all hours of the day, seven days a week. Just three weeks ago I stepped onto my back deck to find three police cars in the bank parking lot with police officers with guns drawn ordering people out of cars. This is right next to my yard. While this could happen on any street in any neighborhood when you have business intruding into residential neighborhoods the likelihood of this, and more, escalates. What if my grandchildren had been playing in the yard next to the bank? What if there had been gun shots? There are a lot of what ifs here. Any rezoning of these lots will bring with it potential increase in crime, noise and traffic to our neighborhood as well as a host of other unwanted negative impact to our residential community. The last thing I want to happen is to be able to sit on my back deck and enjoy the aroma of rotting garbage from a dumpster behind a restaurant that might be built there. The last thing I want to happen is to have the bright lights of a gas station that might be built there to shine in my living room with a greater intensity than the reading lamp on my end table. The last thing that I want to happen is to have the vivid view from my windows of flashing neon lights of a bar or adult book store that could be built on these lots. We've already seen the development of lots behind our houses and while some of these businesses are good neighbors today, what will they be like tomorrow? Dallas Strickler is well aware of the problems we had with intrusive lighting from some of these businesses shining into the neighborhood houses at night time. One of these businesses, Honey Puff Cafe, is already gone out of business and who knows what the future holds for that empty building. At least when you have homes in a residential area, you know what tomorrow will be. If these lots are rezoned for business, no one knows what tomorrow will be. But, a fifteen foot green belt that is meant to separate the businesses from our homes is less than adequate. Fifteen feet, that is the distance from me to you right now and that's the only separation required from these businesses to my residence. It appears that City Council is more interested in lining our major roads with businesses and has little concern for the residential neighborhoods that are adjacent to these business and the problems associated with forcing our residents to live in business areas instead of the residential neighborhood they originally purchased their homes in. It is time that City Council makes a long term plan for the future as to where our business areas will be and where our residential areas will be and quit commingling the two of them. It was my choice to live in a residential neighborhood. It is your choice to force me to live in a business neighborhood. In closing I would again like to state that I am against the rezoning of these lots from OS to Business and I would like to thank Ontario Council for allowing me to express my opinions. Thank you.

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Next to come before Council was Bertram Martin of 161 Creston Road. He stated: I've lived there since the first of January in 1985. I was at the Council meeting when Hawkins went in and the neighbors and I were opposed to that. We were told then the Village was going to make a zoning plan and stick to it; there would be no more spot zoning. It's been spot zoning ever since. The traffic on Park Avenue and Lex-Springmill Road is a mess. At certain times it is almost impossible to make a left turn onto Park Avenue; this rezoning is going to make it worse. If the two lots on Creston Road are rezoned, that's going into the residential area and I'm opposed to that. Thank you.

John McMillen of 141 Creston Road was next to approach Council to say: I'm opposed to this also for the simple reason you got a mess of traffic anyhow. We can't get out at the end of Creston Road half the time; anybody thinks they can, good luck. We get passed on the wrong side coming from the west. People come out of the bank, they'll pass you on the wrong side trying to go into Creston Road. If you're going to add more people when we come around the curve and somebody is coming out off of Creston Road or if they put a parking lot there, we're going to have another mess, you're going to have one accident after another. In fact, I almost got hit twice this week with people passing on the right side. Some come through the intersection passing everybody, that isn't a passing lane, it's a turning lane that's being ignored by everybody. Unfortunately I live up there and I have to get there. Ever since I've live there, Hawkins was one that was suppose to be a spot zone; we've been spot zoning all over the place. Someday, somebody is going to demand past precedence and spot zone something in the middle of a neighborhood, a fairly well to do neighborhood and it might be one of yours. If you keep on this practice, they'll take you on and probably win. Thank you.

Next to come forward was Aurel Ouellette of 157 Creston Road to address Council: I have lived there for twenty-six years and the main reason I live there is because it is a nice residential area. It's quiet. But, in the last few years we've seen a lot of traffic growth as far as LexingtonSpringmill and Park Avenue West. It's probably the busiest intersection in Richland County and now we're talking about rezoning to business. Who knows what's going to go in there? So, I'm opposed to it from the standpoint of trying to go home, trying to get out of Creston Road onto Park Avenue West. Trying to make a left-hand turn off of Creston Road onto Park Avenue West during most hours of the day is almost impossible unless you are willing to sit there and wait five or ten minutes for traffic to flow through. I'm opposed to it. I would appreciate it if members of Council would also protect the homeowner. The homeowner pays taxes and you are the representative of us on City Council. I want to thank you for listening. Thank you.

Barry Lewis of 2070 Princeton Street approached Council to share his concerns: I guess I'm opposed to the rezone but maybe for different reasons. I'm not foolish enough to believe we're going to stop the growth on Park Avenue West, it's probably one of the next areas that's going to go. My problem is, I think we've got the cart before the horse on rezone because the area on Park A venue where all the traffic problems are is just that, a problem. If that whole area, I don't care how far down you go, Home Road would be nice, if they redid the whole thing and did some major planning and get it done right: the pavement, sidewalks, curbs and wide enough to accommodate the traffic that is there already. I think then the traffic in our neighborhood would not be near as bad as it is now. I've made complaints about the traffic coming down Princeton to cut the light is a continuous thing all day long, half of them are in my front yard as they turn the corner. We've tried to fix that problem, I've put stakes out there, reflectors, they just knock them down, they don't care, and go right on. I think if we redo Park Avenue from Lex-Springmill all the way to Home Road, its eventually going to be business anyway. We have to start from scratch and redo the whole section then rezone the property to business and let them put the stuff in. It would help the neighborhoods out a lot. Thank you.

Hearing no one else who wished to speak, this portion of the meeting was closed at 7:26 p.m.

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The items of legislation on Council's Agenda were then considered.

ORDINANCE NO. 06-28 - (SECOND READING) INCREASING THE PETTY CASH FUND FOR THE WATER AND SEWER BILLING DEPARTMENT FROM TWO HUNDREDFIFTY DOLLARS TO THREE HUNDRED-FIFTY DOLLARS REPEALING ORDINANCE 06-10 AND DECLARING AN EMERGENCY.

Mr. Finfgeld made a motion to suspend the rules requiring the reading of Ordinance No. 06 -28 on three different days. Mr. Zeiter seconded the motion. At roll call, seven members voted Aye, zero Nay, and the motion passed. Mrs. Shrader read Ordinance 06-28, by title only.

Mrs. Shrader made a motion to adopt Ordinance No. 06-28. Mr. Shook seconded the motion. Seven members cast their votes Aye; zero Nay and Ordinance No. 06-28 was adopted.

ORDINANCE NO. 06-29 - (SECOND READING) AUTHORIZING THE SERVICE/SAFETY DIRECTOR TO ADVERTISE FOR COMPETITIVE BIDS AND THE AWARDDING OF A CONTRACT FOR THE PURCHASE OF THREE MID-SIZE SPORT UTILITY VEHICLES AND DECLARING AN EMERGENCY.

Mr. Finfgeld made a motion to suspend the rules requiring the reading of Ordinance No. 06 -29 on three different days. Mr. Weidemyre seconded the motion. At roll call, seven members voted Aye, zero Nay, and the motion passed. Mr. Finfgeld read Ordinance 06 -29, by title only.

Mr. Finfgeld made a motion to adopt Ordinance No. 06-29. Mr. Weidemyre seconded the motion. Five members cast their votes Aye; two Nay votes by Mrs. Konczak and Mrs. Hellinger and Ordinance No. 06-29 was adopted.

ORDINANCE NO. 06-31 - ADDING TO SECTION 1133.02, AND 1149.03 OF THE CODIFIED ORDINANCES OF THE CITY OF ONTARIO, OHIO.

Mr. Finfgeld made a motion to suspend the rules requiring the reading of Ordinance No. 06 -31 on three different days. Mr. Weidemyre seconded the motion. At roll call, seven members voted Aye, zero Nay, and the motion passed. Mrs. Hellinger read Ordinance 06-31, by title only.

Mrs. Hellinger made a motion to adopt Ordinance 06 -31. Mr. Zeiter seconded the motion. Seven members cast their votes Aye, zero Nay, and Ordinance 06-31 was adopted.

ORDINANCE NO. 06-32 - REPEALING SECTION 333.01 AND ENACTING 333.01 TO THE CODIFIED ORDINANCES OF THE CITY OF ONTARIO, OHIO.

Mr. Weidemyre made a motion to suspend the rules requiring the reading of Ordinance No. 06 -32 on three different days. Mrs. Konczak seconded the motion. At roll call, seven members voted Aye, zero Nay, and the motion passed. Mr. Zeiter read Ordinance 06-32, by title only.

Mr. Zeiter made a motion to adopt Ordinance 06-32. Mr. Shook seconded the motion. Seven members cast their votes Aye, zero Nay, and Ordinance 06-32 was adopted.

ORDINANCE NO. 06-33 - CREATING THE POSITION OF ONTARIO COMMUNITY SUBSTANCE ABUSE PROGRAM COORDINATOR IN COOPERATION WITH THE ONTARIO LOCAL SCHOOL DISTRICT REPEALING ORDINANCE 03 -61 AND DECLARING AN EMERGENCY.

Mr. Weidemyre made a motion to suspend the twenty-four hour rule for Ordinance No. 06-33. Mr. Finfgeld seconded the motion. At roll call, seven members voted Aye, zero Nay and the motion to suspend the twenty-four hour rule pas-ed.

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Mrs. Konczak made a motion to suspend the rules requiring the reading of Ordinance No. 06-33 on three different days. Mr. Finfgeld seconded the motion. At roll call, seven members voted Aye, zero Nay, and the motion passed. Mr. Weidemyre read Ordinance 06-33, by title only.

Mr. Weidemyre made a motion to adopt Ordinance No. 06-33. Mr. Finfgeld seconded the motion. Six members cast their votes Aye, one Nay vote by Mrs. Hellinger, and Ordinance No. 06-33 was adopted.

At 7:42 p.m., there being no further business to come before the meeting, the same was adjourned upon a motion by Mr. Shook, and a second by Mr. Finfgeld. At roll call, seven members voted Aye, zero Nay, and the motion to adjourn passed.

President of Council

Clerk of Council