

Regular

February 15

2007

Ontario City Council met in regular session on February 15, 2007 in the City Offices, with Council President 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 Bobby Shook, Charlotte Hellinger, Paul Williams, Mark Weidemyre, Debbie Konczak, Dan Zeiter and Carol Shrader; 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 February 1, 2007 were presented for approval. Mr. Williams made a motion to approve the minutes. Mr. Shook seconded the motion. At roll call, five members voted Aye, zero Nay, two Abstain votes by Mrs. Hellinger and Mrs. Shrader, and the motion to approve the minutes passed.

The minutes of the special Council meeting of February 7, 2007 were presented for approval. Mr. Weidemyre made a motion to approve the minutes. Mrs. Konczak seconded the motion. At roll call, seven members voted Aye, zero Nay and the motion to approve the minutes passed.

PUBLIC COMMENTARY

Tom Briner of 1142 St. Rt. 314 North came before Council to say: First, let me start off by thanking Mrs. Thomas for her statement a few weeks ago, saying that an officer was following police procedure in regards to taking a police statement. My attorney loves it every time that you open your mouth. Apparently, it's okay for a police department to write on an official statement in an investigation that it was taken at 6:25 p.m. when it was not. And, I guess it's okay to write that a statement was taken at the Ontario Police Department when it was not. And, last but not least, you want the public to believe that it is correct police procedure to write that a statement was sworn in the presence of an officer and signed by that officer swearing that he took that statement when it was not. But, everything I just stated is exactly what Tommy Hill did. In fact, the truth of the matter is, Dave Paone Jr. took his own son's statement and even signed his name as the witness. Please tell me, Mrs. Thomas, is it proper police procedure that one suspect in a theft investigation can take the other suspect's statement and give it to the police? And, is it also okay, that a blatantly false statement is then used against an individual in a court case, charging her with falsification? Fact is, Tommy Hill wrote on the statement himself, in his handwriting, that he took Larry Paone's statement at 6:25 p.m., January 25, 2005, and swore it was taken in his presence at the Ontario Police Department. At my wife's trial, Tommy Hill admitted under oath that none of this was true. The trial, Mrs. Thomas, the one you were never present for, and yet you still feel you have the ability to state what Tommy Hill testified too. I have the transcribed court testimony, do you? Mrs. Thomas, Law Director Thomas, do you still want to say it is proper police procedure, are you saying it's okay for a police officer to lie on a police statement? The truth is, Tommy Hill handed Dave Paone a blank police statement and had Dave Paone have his son fill it out. Tommy Hill swore he took the statement. He never signed anything saying he accepted a statement, like you said. Please tell me in your infinite wisdom how this is not falsification and tampering with records and evidence. Isn't it true Tommy Hill has had problems with police procedure and paperwork in the past? Don't try to deny this because I have Tommy Hill's personnel file. Maybe this Council would also like to know that Larry Paone is a client of yours and you have defended him in the past for his failure to pay child support. Another allegation that Chief McClaran told people we caused. It is a known fact that Larry Paone was served with contempt papers for failure to pay child support and ordered into court on January of 2005, prior to F&W ever receiving an order to withhold child support for him. (Mr. Metzger notified Mr. Briner that his allotted time was up).

Melanie Briner of 1142 St. Rt. 314 North was next to address Council: Larry Paone was being investigated long before he ever came to work for us. The Richland County Child Support gave me a certified statement to that effect. But, as you well know Mrs. Thomas, Larry was in court consistently for failure to pay his child support. Tell me, do all your clients get a free pass to

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commit crimes in Ontario? Mrs. Thomas, the fact of the matter is, the reason the City is being sued is because you and this City's Administration did not have the ethical integrity to stand up to a corrupt Police Chief and do the right thing. You blatantly denied to investigate our allegations when proof was given to you for the past two years. Was it worth it? Was the former Chief worth it? Is it going to be worth many of you getting drug through depositions and a court trial? We are in no hurry, our damages grow each day. And, to you Mayor Bender, remember when you sat in my living room with my three children sitting there and all I asked for was an apology?

Calling two more times for anyone else who wished to speak and hearing none, Mr. Metzger closed this portion of the meeting.

COMMITTEE REPORTS

Mr. Williams announced an Economic Development meeting will be held on Monday, February 26, at 6:00 p.m.; several items will be on the agenda. Mr. William's then expressed his appreciation to the Ontario Street Department for their excellent job during the recent storm.

Mr. Weidemyre shared information from the February 7th Finance Committee meeting where Ordinance No. 07-11 was discussed regarding appropriations for the 50th Anniversary Celebration for next year, the Central Purchasing program, and the Record Retention scanning project at the Service Building.

Mr. Zeiter commented on the February 7th Streets Committee meeting. The consensus was the streets in the Willowood area were in need of major repairs. Therefore, Resolution No. 07-05 is on this evening's agenda to address this concern.

Mr. Shook, Mrs. Hellinger, Mrs. Konczak and Mrs. Shrader had no report this evening.

MAYOR'S REPORT

Mayor Bender referenced the January Mayor's Court Report which generated \$21,457.

The Ontario School Staff Recognition Ceremony to honor their professional and heroic response in the hostage situation is rescheduled for February 21st in the Community Room at 5:00 p.m. The public is invited to attend.

Mayor Bender praised the Street crews for their outstanding work during the storm. He itemized what it took to get the job done and the cost to the City was over \$15,000.

- 702 gallons of diesel fuel used for snow removal \$ 1,333
- 280 tons of salt at \$39/ton \$11,000
- Over 100 hours of overtime \$ 3,000
- 135 lanes of roads equaling 59 miles were plowed
- Crews worked around the clock
- Seven large plows ran at all times
- One pick-up truck was utilized for clean-up around the City

SERVICE/SAFETY DIRECTOR'S REPORT

Mr. Au had no report.

LAW DIRECTOR'S REPORT

Mrs. Thomas had no report.

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PUBLIC HEARING

Mr. Metzger opened the Public Hearing portion of the meeting at 7:18 p.m. on Amending Section 1137 of the Zoning Code of the City of Ontario, Ohio Regulating Standard Districts.

Greg Konya of 71 Frazier Road stood before Council to say: Two years ago I was here before this legislative body as you were talking about rezoning some residential land for a Super Wal-Mart. And you were also, as many of you recall, proclaiming the benefits of a Super Wal-Mart that jobs would be created and everything would be wonderful for the community. At that time I tried to convince you, to no avail, because I remember it went down 7-0 as far as voting against the rezone, I tried to remind you that for every job created by Super Wal-Mart in the community another local job is lost. At that time, I said that I would be back when Hawkins closed down to remind you that I made that statement based on the facts that I read in the book that I tried to get you to read before you voted on Wal-Mart. It's coming to fruition that good people who worked in this community for about twenty years or around that time, have not only lost their jobs, their fringe benefits, their seniority, all because of your decision to allow Super Wal-Mart to come in here and undercut our local businesses. Again, I promised I would be here to remind you of the fact that you don't always get the truth from these big businesses when they come in, they sing their praises, but they never tell you that they do create some havoc for the local businesses. Thank you for letting me speak.

Hearing no one else who wished to speak, Mr. Metzger closed the Public Hearing at 7:21 p.m.

Consideration of Ordinances and Resolutions:

RESOLUTION NO. 07-04

AUTHORIZING THE SERVICE/SAFETY DIRECTOR TO BID AND AWARD A CONTRACT FOR THE I&I PROGRAM FOR WESTERN ONTARIO ROCK ROAD TO ST. RT. 314.

Mr. Williams made a motion to suspend the rules requiring the reading of Resolution No. 07-04 on three separate days. Mr. Shook seconded the motion. At roll call, seven members voted Aye, zero Nay, and the motion to suspend the rules passed. Mrs. Shrader read Resolution No. 07-04 for the first time, by title only.

Mrs. Shrader made a motion to adopt Resolution No. 07-04. Mr. Shook seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Resolution No. 07-04 was adopted.

RESOLUTION NO. 07-05

AUTHORIZING THE SERVICE/SAFETY DIRECTOR TO BID AND AWARD A CONTRACT FOR THE WILLOWOOD AREA PAVING PROJECT.

Mrs. Hellinger made a motion to suspend the rules requiring the reading of Resolution No. 07-05 on three separate days. Mr. Williams seconded the motion. At roll call, seven members voted Aye, zero Nay, and the motion to suspend the rules passed. Mr. Shook read Resolution No. 07-05 for the first time, by title only.

Mr. Shook made a motion to adopt Resolution No. 07-05. Mr. Zeiter seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Resolution No. 07-05 was adopted.

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ORDINANCE NO. 07-04

AMENDING SECTION 1137 OF THE ZONING CODE OF THE CITY OF ONTARIO,
OHIO REGULATING STANDARD ZONING DISTRICTS.

Mrs. Hellinger made a motion to suspend the rules requiring the reading of Ordinance No. 07-04 on three separate days. Mr. Williams seconded the motion. At roll call, seven members voted Aye, zero Nay, and the motion to suspend the rules passed. Mr. Williams read Ordinance No. 07-04 for the first time, by title only.

Mrs. Hellinger made a motion to adopt Ordinance No. 07-04. Mr. Shook seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 07-04 was adopted.

ORDINANCE NO. 07-10

AN ORDINANCE IN THE CITY OF ONTARIO, RICHLAND COUNTY, OHIO,
ENACTING CHAPTER 939 THAT ESTABLISHES A REQUIREMENT FOR
CERTIFICATION OF SANITARY SEWER STATUS PRIOR TO THE SALE OF
REAL STATE WITHIN THE CITY OF ONTARIO, AND AS A CONDITION FOR
THE ISSUANCE OF MUNICIPAL LIEN LETTERS AND PROPERTY TAX
VERIFICATION LETTERS.

Hearing no motion to suspend the rules requiring the reading of Ordinance No. 07-10 on three separate days, Mrs. Konczak read Ordinance No. 07-10 for the first time, by title only.

ORDINANCE NO. 07-11

AMENDING ORDINANCE 06-54 KNOWN AS THE TEMPORARY
APPROPRIATION ORDINANCE FOR 2007 BY MAKING AN ADDITIONAL
APPROPRIATION TO THE GENERAL FUND CAPITAL IMPROVEMENT FUND
SPECIAL REVENUE FUND AND ENTERPRISE FUND.

Mrs. Hellinger made a motion to suspend the rules requiring the reading of Ordinance No. 07-11 on three separate days. Mr. Weidemyre seconded the motion. At roll call, seven members voted Aye, zero Nay, and the motion to suspend the rules passed. Mrs. Hellinger read Ordinance No. 07-11 for the first time, by title only.

Mrs. Hellinger made a motion to adopt Ordinance No. 07-11. Mr. Weidemyre seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 07-11 was adopted.

At 7:17 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. Weidemyre. At roll call, seven members voted Aye, zero Nay, and the motion to adjourn passed.

 President of Council

 Clerk of Council