

Regular

March 15

2007

Ontario City Council met in regular session on March 15, 2007 in the City Offices, with Council President Dave Metzger presiding. The meeting opened at 7:05 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; Recreation Director Janet VanCura and Clerk of Council Cathy VanAuker. A number of interested citizens were present in the audience.

The minutes of the regular Council meeting of March 1, 2007 were presented for approval. Mr. Weidemyre made a motion to approve the minutes. Mr. Zeiter seconded the motion. At roll call, seven members voted Aye, zero Nay, and the motion to approve the minutes passed.

### **PUBLIC COMMENTARY**

Mark Arnold, 182 Lexington-Ontario Road, approached Council along with Boy Scout Troop 170 to say: I'm here as an adult leader for Boy Scout Troop 170 of Ontario, Ohio. Our scouts meet weekly at St. Paul's Lutheran Church on Park Avenue West and the sponsor organization is the Ontario United Methodist Church on Park Avenue West. These young men are here as part of a merit badge requirement. As the proud father of an Eagle Scout, I would like to stress the importance of the scouting organizations and the positive impact that it has on the lives of many young men, their communities, their nation and their world.

Boy Scout Troop 170 introduced themselves to Council: Eric Wood, 226 Sloboda Avenue, Life Scout; Greg Wills, 2<sup>nd</sup> Class Scout; Michael Molnar, 1705 S. Home Road, Star Scout; Tyler Brooks, 134 S. Home Road, 1<sup>st</sup> Class Scout; Mathew Bernotas, 3471 W. 4<sup>th</sup> Street, 2<sup>nd</sup> Class Scout.

Mr. Arnold continued: It may be too late this evening but for those who kept up with what's been in the paper, I had not planned on making this comment this evening, but I will. At the Scout Lodge on Route 250 in Ashland at Fin, Feather and Fur, they are making the decision this evening to sell Camp Avery Hand. Again, as I mentioned, as a father of an Eagle Scout who has gone to Camp Avery Hand for many years, I personally am not in favor, and many people in the local community are not in favor of it. If they do not make the decision this evening, it would be greatly appreciated if this Council would also follow the steps of Mansfield just as a voice vote or a resolution indicating the sale of Camp Avery Hand would not be in the best interest of the community or to the boys in the community.

Mervin Shaffner, 580 Dogwood Circle and owner of Shaffner Realty, was next to come before Council to say: I understand Ordinance No. 07-10 came from the law director. (Mrs. Thomas clarified that she prepares legislation requested by others. Mr. Au, along with the Utilities Committee, asked to bring it out on the floor). I looked over this ordinance and I know the City of Ontario is having trouble with the Ohio EPA. In fact, I know Ohio EPA is breathing down your back. There's been some screw-ups in the installation of sewer systems over the years and all of these are suppose to be inspected because when we developed Yeager Drive they put us through the grinder. They made us run a tv scope to make sure we did it right. I'm wondering how many of the John Q. Public know that this is going to be required by the City of Ontario. What is going to be the cost of this thing if you have a plumber come in and do all of this. What happens between the house and the street and down the street? Who's going to have to do what and where to fix it? I realize the situation, I've been to enough meetings but I haven't been to enough because this one slipped by me. We keep tacking on costs and more costs. I don't know how many people here drive Cadillacs but General Motors builds more Chevys than Cadillacs, and Ford Motors builds more Fords than Lincolns. One of the things you have to consider is, with your children and your grandchildren who are going to live in Ontario, which is a beautiful

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place to live, we've got to try and keep these things under control. I don't disagree with this but I would like to see this tabled for the time being to find out what the cost is. I'm not sure how many people in Ontario know when they sell a house they'll have to have it inspected and that's what I'm concerned about. We have to keep things under control. I would like to see this tabled until we group a little bit. I brought this before Mayor Bender some time ago: to build the same double that we're building in Ontario and in Mansfield and in the County. Total permits in Mansfield are \$770.23, \$637 in the County, and \$3,200 in Ontario. All we're doing is adding that on to the price of the condo. Like I said, there's more Chevys and Fords out there than there are Cadillacs and Lincolns. I would like us to have time to review this. To get a plumber in there would cost roughly \$500 and what happens if they find something wrong? I appreciate your time.

Ken Kreiger, 3067 Walker Lake Road, came before Council to say: I would like speak on Ordinance No. 07-10. If the City feels there is an infraction of the surface run off water regulations, I say we do something about it now for each and every homeowner in the district rather than wait for the poor guy who sells his house for whatever reason. If there's a wrong, let's correct it, if there's not, let's not wait until the guy has to sell his property. He has enough taxes to face right now. Thank you.

Deanna Kreiger, 3067 Walker Lake Road, was next to approach Council and stated: I'm here also to speak on Ordinance No. 07-10. I have been in real estate for thirty-two years, I've been selling and dealing with home owners and home buyers for a long time. I really feel that we have a wonderful City here and area to live in. I know that over the years when homes were built they were built under codes and permits; they had to have plumbing permits and all of the permits required to become habitable. If something has happened in the years since these homes were built I don't know why it's gotten out of hand, especially with the storm sewers. For years and years the little concrete things that used to sit at the corner of houses were sufficient to take the run off water and put it out into the yards. Then all of a sudden the ordinance came along and wanted us to bury these downspouts and run them out into the storm sewers, and, if you didn't have that done, a lot of time in certain areas you were in default. I really feel our home sellers are suffering enough with all of the costs. We have a lot of home sellers in this area that are loosing their homes and there's not extra money to pay to have all of this stuff done. They go through a lot of inspections. I feel the way the ordinance reads if you want inspections, and you feel there is something wrong, usually the home buyer wants to inspect the house and they check a lot of things to do with it. Years ago the Health Department would come out and inspect your systems to make sure everything was run off. I feel that those are very sufficient. I do think there should be some more thought on this because it's almost like your penalizing the home seller. You're saying that you want this inspection, you want the inspector approved by Ontario, make sure they're certified plumbing people, and then you want to be there and watch the guy do the inspections. So, they're either your plumbers plus you want to keep an eye on them to make sure they're doing it correctly. It just doesn't make sense to me. It makes me feel like the way this is written you're not going to trust anybody to do the job that you've picked the inspector to have them inspect. Thank you for listening to me.

Next to come before Council was Roger Heston, 2419 Ferguson Road, who stated: I would just like to reiterate that last time at Council I asked this be tabled and I'm going to ask again that you table it for more consideration. I know that we need to do something about this, there's no question about it. We're mandated by the EPA to do it. I have no problem with that. I just think what we have before us here in 07-10 is kind of a blanket punishment. We are punishing those people who are not in violation in order to get to those people who are in violation. I think we need to look at a better way to target those problem areas. I'm sorry that I can't offer a solution for it but to just put a blanket law out there for everybody, I think is wrong. It's just more government control that we don't need and more expenses that we don't need. I think if we could target those people, or find a way to target those problem areas that's what we need to do. So, I again, also will ask you to table this for one more hearing and see if we can find a better solution for it. Thank you.

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Betsy Morgan, 532 Biscayne Drive stood before Council to say: I live in Mifflin Township and I've been a realtor in the county for over twenty-five years. Real Estate is a good investment but right now the sales have been slow. It takes a lot out of the sellers pocket to market their property. They help pay closing costs, incentives, everything from a trip to Hawaii to a plasma tv, in order to market their property. Now is not the time to put this on; if you can table it awhile until things get better. I think you're penalizing the property owners and I don't think it's a good idea right now. Thank you.

Approaching Council next was Michael Seveingy, 3686 Carmen Drive, to say: Ordinance No. 07-10 really hit me by surprise. I had no idea until I was informed personally by someone about this. I'll reiterate what Mervin said, I have a builder that started a new home in Ontario and he couldn't believe after he started the costs of the permits. It seems like Ontario is getting very expensive. I sell a lot of real estate in Ontario. I like to pride myself on selling Ontario but it's getting harder and harder. This extra cost which potentially could be \$500 for an inspection and if they find a problem, tear it up for \$2,000-\$3,000 plus torn up yards. I'd like to see us table this and get more information about it and actually get some more input on it. Thank you.

Hearing no one else who wished to speak, Mr. Metzger closed the Public Commentary portion of the meeting.

#### **COMMITTEE REPORTS**

Mrs. Hellinger announced a Utilities meeting will follow the Economic Development meeting on Tuesday, March 27, 2007.

Mr. Williams scheduled an Economic Development meeting at 4:30 p.m. on Tuesday, March 27, 2007.

Mrs. Konczak planned a Personnel meeting after the Parks meeting on March 20, 2007.

Mr. Zeiter acknowledged the Mayor's memo stating Dr. Burwell resigned his position as Ontario's representative on the Richland County/Ontario/Mansfield Health Board. Mr. Zeiter made a motion to appoint Roger Ronk to this position. Mrs. Hellinger seconded the motion. At roll call, seven members voted Aye, zero Nay, and the motion passed unanimously.

Mrs. Shrader called a Parks meeting for Tuesday, March 20, 2007 at 5:00 p.m.

Mr. Shook and Mr. Weidemyre had no report this evening.

#### **MAYOR'S REPORT**

Mayor Bender thanked Council for appointing Roger Ronk to the Health Board. He explained for general information that the Law Director does not start ordinances or introduce legislation but writes it upon request.

#### **SERVICE/SAFETY DIRECTOR'S REPORT**

Mr. Au had no report.

#### **LAW DIRECTOR'S REPORT**

Mrs. Thomas had no report.

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## **OTHER REPORTS**

Recreation Director Janet VanCura reported on several topics:

Family Swim ended this week after twelve sessions. The average attendance was 35 people on Monday evenings.

Aerobics has been extended through the end of April for a \$2 per session fee.

Yoga has also been extended through April for a \$3 per session fee.

Swim Stroke Clinic is now completed. Nine middle school students attended along with forty elementary students. Brandon Weber was the instructor who was assisted by eleven volunteer swim team members.

Easter Egg Hunt is scheduled for March 31<sup>st</sup> at noon, rain or shine. The Easter Bunny and Miss Ontario will be present. Three Brownie and Girl Scout groups helped fill 3,000 eggs with candy. Last year's attendance was approximately 300.

Professional CPR Review class will be held April 15 at 1:00 p.m. Debbie Henry will instruct the program.

Summer Recreation will be held the week of June 11 and June 18. Applications are being accepted from students in grades 8 through high school. Interviews will be held soon. There will be a \$5 registration fee whether the student attends one week or two weeks to defray the costs of supplies.

Life Guard Certification Class is scheduled when school dismisses in June. Debbie Henry will be the instructor. Ontario residents may complete this program for free and in exchange must provide paid life guarding during the year at Family Swim and Summer Recreation.

Competitive Swim Team begins April 23 for a period of five weeks and is free to Ontario residents. Those living outside the district will be asked to pay \$50 to Lexington's swim coach Melissa Stone.

Mr. Weidemyre invited Mrs. VanCura to attend the Parks meeting on March 20<sup>th</sup> when the new development for Marshall Park will be discussed.

## **MISCELLANEOUS MATTERS**

Mr. Metzger presented a request from the Ohio Division of Liquor Control for Logan's Roadhouse. Council members did not require a hearing, therefore, the application will be approved and returned.

Consideration of Ordinances and Resolutions:

ORDINANCE NO. 07-10

(THIRD READING) 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 ESTATE WITHIN THE CITY OF ONTARIO, AND AS A CONDITION FOR THE ISSUANCE OF MUNICIPAL LIEN LETTERS AND PROPERTY TAX VERIFICATION LETTERS.

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Mr. Shook made a motion to send Ordinance No. 07-10 back to the committee. Mr. Weidemyre seconded the motion. At roll call, six members voted Aye, one Nay vote by Mrs. Shrader, and the motion to send Ordinance No. 07-10 back to the committee passed.

## ORDINANCE NO. 07-13

AN ORDINANCE AUTHORIZING THE CHIEF OF POLICE RODNEY SMITH TO DONATE TO THE PIONEER VOCATIONAL SCHOOL LAW ENFORCEMENT TRAINING PROGRAM AND NORTH CENTRAL STATE COLLEGE CRIMINAL JUSTICE PROGRAM CERTAIN RADAR UNITS AND A VEHICLE NO LONGER NEEDED BY THIS CITY.

Mr. Zeiter made a motion to suspend the rules requiring the reading of Ordinance No. 07-13 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. 07-13 for the first time, by title only.

Mr. Zeiter made a motion to adopt Ordinance No. 07-13. Mr. Weidemyre seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 07-13 was adopted.

## ORDINANCE NO. 07-14

AN ORDINANCE VACATING A PLAT OF BERNHARD WOLF ALLOTMENT.

Mr. Shook made a motion to suspend the rules requiring the reading of Ordinance No. 07-14 on three separate days. Mrs. Hellinger seconded the motion. At roll call, five members voted Aye, two Nay votes by Mr. Weidemyre and Mr. Zeiter, and the motion to suspend the rules failed. Mr. Zeiter read Ordinance No. 07-14 for the first time, by title only.

## ORDINANCE NO. 07-15

AN ORDINANCE TO INCREASE THE MUNICIPAL INCOME TAX BY ONE-QUARTER PERCENT PER ANNUM FOR FIVE YEARS FOR PARKS IMPROVEMENTS AND MAINTENANCE IN THE CITY OF ONTARIO, OHIO.

Mr. Shook made a motion to suspend the rules requiring the reading of Ordinance No. 07-15 on three separate days. Mr. Weidemyre seconded the motion. At roll call, six members voted Aye, one Nay vote by Mr. Zeiter, and the motion to suspend the rules passed. Mr. Shook read Ordinance No. 07-15 for the first time, by title only.

Mr. Shook made a motion to adopt Ordinance No. 07-15. Mr. Williams seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 07-15 was adopted.

## ORDINANCE NO. 07-16

AN ORDINANCE ACCEPTING THE PLAT FOR WALKER LAKE POINT ONTARIO, OHIO, TO THE CITY OF ONTARIO, OHIO.

Hearing no motion to suspend the rules requiring the reading of Ordinance No. 07-16 on three separate days, Mr. Weidemyre read Ordinance No. 07-16 for the first time, by title only.

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At 7:40 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. Zeiter. At roll call, seven members voted Aye, zero Nay, and the motion to adjourn passed.

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President of Council

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Clerk of Council