

Regular

December 6

2007

Ontario City Council met in regular session on December 6, 2007 in the City Offices, with Council President Dave Metzger presiding. The meeting opened at 7:10 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 November 15, 2007 were presented for approval. Mr. Williams made a motion to approve the minutes. Mr. Shook seconded the motion. At roll call, seven members voted Aye, zero Nay, and the motion to approve the minutes passed.

PUBLIC COMMENTARY

Calling twice and hearing no one who wished to speak, Mr. Metzger closed the Public Commentary portion of the meeting.

COMMITTEE REPORTS

Mr. Weidemyre reported on the Finance meeting held November 27, 2007 to discuss the temporary appropriations for the 2008 budget. Each line item was reviewed and the Committee made a few reductions. The updated budget is on this evening's agenda.

Mrs. Konczak commented on the Personnel meeting of November 28, 2007 where discussion was held regarding awarding a contract for health insurance for City employees and it is on this evening's agenda as Resolution 07-28. Also discussed during this meeting was the compensation for the Council President and Council Ward members which is also on the agenda as Ordinance No. 07-38.

Mrs. Shrader provided information from the Parks meeting held November 28, 2007, when committee members discussed applying for grants to contribute toward a skate board park and lighting for the baseball fields. If awarded, Nature Works will contribute up to 75% of the costs for these additions to the park.

Mr. Shook, Mrs. Hellinger, Mr. Williams and Mr. Zeiter had no report this evening.

MAYOR'S REPORT

Mayor Bender reported on several items.

- The leaf pick-up program for this year is completed.
- Mayor Bender reminded everyone to be cautious when driving during the snowy weather conditions.
- Notification has been received for the approval of a 90% grant toward the funding for the Lex-Springmill corridor engineering study to analyze the intersections. Regional Planning surveyed the county for the intersections with the most accidents. Ontario has three of the top five worst intersections with W. 4th Street and Lex-Springmill topping the list. The next step is to detail the incidents to determine the traffic flow for possible solutions.

Mr. Zeiter asked Mayor Bender to clarify the ordinance pertaining to the deer hunting regulations and the Mayor's authority to approve who may hunt within the City limits. Mr. Zeiter

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expressed concern regarding the over-population of deer that destroys crops and the abundance of deer could eventually lead to disease that may require hiring snipers to control the deer population. Over two weeks ago, Mr. Zeiter requested from the Mayor and the Law Director a written opinion from the State authorizing that authority but he has yet to receive a reply. Mayor Bender said the deer accidents are down this year from the previous year and the ordinance requires a City permit, listing properties from a registered list held by the Chief of Police; there are currently only two properties on that list. At the time of the request, the deer hunters wanted to hunt on property across the street from picketing UAW workers. Public safety for all citizens and safety on the roadway must take precedence over deer hunting. Mr. Zeiter commented, the packets submitted by the deer hunters included permission from the landowners to hunt on several properties. He also questioned why there wasn't discussion with the deer hunters to let them know if they could hunt on just some of the requested properties. Mayor Bender stated that he spoke to all of the deer hunters requesting deer hunting but not all of the properties Mr. Zeiter mentioned were on their request. In response to Mr. Zeiter's question asking the Mayor what he will do if the deer hunters request to hunt along Lewis Road, Mayor Bender said he would discuss the possibility of safe conduct with the Police Chief and the Safety Director, then make a decision.

SERVICE/SAFETY DIRECTOR'S REPORT

Mr. Au had no report.

LAW DIRECTOR'S REPORT

Mrs. Thomas had no report.

MISCELLANEOUS MATTERS

Mr. Shook announced the following Notice of Public Hearing.

NOTICE OF PUBLIC HEARING

A public hearing on a rezone request will be held before the Ontario City Council at a regular meeting at 7 p.m. on Thursday, January 3, 2008, at the Charles K. Hellinger Ontario Municipal Building, 555 North Stumbo Road, Ontario, Ohio, upon a proposal to amend the City Zoning Ordinance as follows:

Request Ontario Planning Commission to rezone the following property located on the south side of Park Avenue West from B Business District to GI General Industrial District:

Permanent Parcel #038-60-232-12-000 owned by The Contractor Yard.

Permanent Parcel #038-60-211-07-000 & 038-60-211-06-000 owned by Jon and Gladys Gottfried.

Permanent Parcel #038-60-203-15-000; 038-60-211-05-000; 038-60-211-04-000 & 038-60-161-15-000 owned by Garland & Brenda Hunt.

Permanent Parcel #038-60-166-02-000 owned by Angel Refuge of the City of Mansfield.

Permanent Parcel #038-60-161-15-001 owned by Thomas Nicastro.

Permanent Parcel #038-60-297-08-000 owned by The State of Ohio.

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The City Planning Commission has unanimously recommended in favor of this rezone.

All persons interested in this issue are invited to attend and express their views.

Mr. Williams extended a welcome to incoming Council members, Barry Lewis, Joe Cinadr, and Leon Blackwell.

CONSIDERATION OF ORDINANCES AND RESOLUTIONS

RESOLUTION NO. 07-23

(THIRD READING) A RESOLUTION DIRECTING THAT THE ORDER FOR DEMOLITION OF PROPERTY AT 3437 WEST FOURTH STREET UNDER A CONTRACT FOR LABOR, MATERIALS AND EQUIPMENT AWARDED BY THE CITY FOR SUCH PURPOSE AND DECLARING AN EMERGENCY.

Mrs. Konczak read Resolution No. 07-23 for the third time, by title only.

Hearing no discussion, three members cast their votes Aye, four Nay votes by Mrs. Hellinger, Mr. Weidemyre, Mrs. Konczak and Mr. Zeiter, and Resolution No. 07-23 failed.

ORDINANCE NO. 07-37

AN ORDINANCE ESTABLISHING TEMPORARY APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF ONTARIO, OHIO FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2008 AND EXPIRING DECEMBER 31, 2008.

Mr. Williams made a motion to suspend the rules requiring the reading of Ordinance No. 07-37 on three separate days. Mrs. Hellinger seconded the motion. At roll call, six members voted Aye, one Nay by Mr. Zeiter, and the motion to suspend the rules passed. Mr. Shook read Ordinance No. 07-37 for the first time, by title only.

Mr. Shook made a motion to adopt Ordinance No. 07-37. Mr. Williams seconded the motion. Hearing no discussion, five members cast their votes Aye, two Nay votes by Mr. Weidemyre and Mr. Zeiter, and Ordinance No. 07-37 was adopted.

RESOLUTION NO. 07-26

A RESOLUTION DIRECTING THAT THE ORDER FOR DEMOLITION OF PROPERTY AT 3641 PARK AVENUE WEST UNDER A CONTRACT FOR LABOR, MATERIALS AND EQUIPMENT AWARDED BY THE CITY FOR SUCH PURPOSE AND DECLARING AN EMERGENCY.

Mr. Williams made a motion to suspend the rules requiring the reading of Resolution No. 07-26 on three separate days. Mr. Williams seconded the motion. At roll call, six members voted Aye, one Nay by Mr. Zeiter, and the motion to suspend the rules passed. Mrs. Shrader read Resolution No. 07-26 for the first time, by title only.

Mrs. Shrader made a motion to adopt Resolution No. 07-26. Mr. Williams seconded the motion. Hearing no discussion, five members cast their votes Aye, two Nay votes by Mr. Weidemyre and Mr. Zeiter, and Resolution No. 07-26 was adopted.

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RESOLUTION NO. 07-27

A RESOLUTION DIRECTING THAT THE ORDER FOR DEMOLITION OF PROPERTY AT 3651 PARK AVENUE WEST UNDER A CONTRACT FOR LABOR, MATERIALS AND EQUIPMENT AWARDED BY THE CITY FOR SUCH PURPOSE AND DECLARING AN EMERGENCY.

Mr. Williams made a motion to suspend the rules requiring the reading of Resolution No. 07-27 on three separate days. Mr. Shook 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. Mrs. Hellinger read Resolution No. 07-27 for the first time, by title only.

RESOLUTION NO. 07-28

A RESOLUTION AUTHORIZING THE SERVICE/SAFETY DIRECTOR TO AWARD A CONTRACT FOR HEALTH, HOSPITALIZATION, AND PRESCRIPTION DRUG INSURANCE, FOR CITY EMPLOYEES AND DECLARING AN EMERGENCY.

Mr. Williams made a motion to suspend the rules requiring the reading of Resolution No. 07-28 on three separate days. Mrs. Hellinger seconded the motion. At roll call, seven members voted Aye, zero Nay, and the motion to suspend the rules passed. Mr. Weidemyre read Resolution No. 07-28 for the first time, by title only.

Mr. Weidemyre made a motion to adopt Resolution No. 07-28. Mrs. Hellinger seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Resolution No. 07-28 was adopted.

ORDINANCE NO. 07-38

AN ORDINANCE ESTABLISHING THE COMPENSATION OF THE PRESIDENT OF COUNCIL AND COUNCIL MEMBERS FROM WARDS.

Mrs. Hellinger made a motion to suspend the rules requiring the reading of Ordinance No. 07-38 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. Zeiter read Ordinance No. 07-38 for the first time, by title only.

Mr. Zeiter made a motion to adopt Ordinance No. 07-38. Mr. Weidemyre seconded the motion. Hearing no discussion, six members cast their votes Aye, zero Nay, and one Abstain by Mr. Weidemyre, and Ordinance No. 07-38 was adopted.

ORDINANCE NO. 07-40

AN ORDINANCE RELEASING THE COVENANT OF REPURCHASE IN FAVOR OF THIS CITY IN THE WARRANTY DEED OF BENJAMIN A. GOLDMAN AND DECLARING AN EMERGENCY.

Mr. Williams made a motion to suspend the rules requiring the reading of Ordinance No. 07-40 on three separate days. Mrs. Hellinger 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. 07-40 for the first time, by title only.

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Mr. Williams made a motion to adopt Ordinance No. 07-40. Mr. Shook seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 07-40 was adopted.

ORDINANCE NO. 07-41

AN ORDINANCE VACATING A 12' WIDE PUBLIC ALLEY.

Mr. Shook made a motion to suspend the rules requiring the reading of Ordinance No. 07-41 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. Mrs. Konczak read Ordinance No. 07-41 for the first time, by title only.

Mrs. Konczak made a motion to adopt Ordinance No. 07-41. Mr. Williams seconded the motion. Hearing no discussion, seven members cast their votes Aye, zero Nay, and Ordinance No. 07-41 was adopted.

At 7:36 p.m., there being no further business to come before the meeting, the same was adjourned upon a motion by Mr. Williams and a second by Mr. Shook. At roll call, seven members voted Aye, zero Nay, and the motion to adjourn passed.

President of Council

Clerk of Council