

Ontario City Council met in regular session on October 16, 2008 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 Dan Zeiter, Mark Weidemyre, Leon Blackwell, Barry Lewis, Paul Williams, Charlotte Hellinger and Joseph W. Cinadr; Mr. Metzger; Mayor Kenneth Bender; Law Director Rebecca Thomas; Service/Safety Director Charles 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 October 2, 2008 were presented for approval. Mr. Blackwell made a motion to approve the minutes and Mr. Cinadr seconded the motion. At roll call, seven members voted Aye, zero Nay, and the motion to approve the minutes passed.

PUBLIC COMMENTARY

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

COMMITTEE REPORTS

Mr. Zeiter reported on the Finance meeting held prior to Council. The Law Director requested \$20,000 be added to Personnel and Arbitration, 101-7010-52301, but no action was taken. A Finance meeting was scheduled for October 29, 2008 at 4:30 p.m. for the purpose of discussing the 2009 Budget. Mr. Zeiter requested Committee members review the supplemental information that was previously distributed. When Mr. Williams asked what happens if the Committee does not resolve the appropriation request, Mr. Zeiter responded that he did not know.

Mr. Weidemyre scheduled a Streets Committee meeting on November 6th at 5:45 p.m., to discuss potential recommendations for street improvements in the 2009 budget.

Mr. Blackwell commented on the Personnel Committee meeting held earlier today. Items on the agenda included bonding requirements, health insurance for Council members, and a request to change the job title from Payroll Clerk to Deputy Auditor. All items were placed on hold because additional information was necessary in order to proceed. Once the information is received another meeting will be scheduled.

Mrs. Hellinger said she is still gathering information for the Parks Committee but has nothing new to report at this time.

Mr. Cinadr encouraged businesses to consider Ontario as the logical place to relocate.

In response to Mr. Weidemyre's question if any progress has been made regarding wind generation, Mr. Metzger said that he and the Mayor have been attending meetings with Richland County. Morrow County is ready to undertake a large project they have been studying for several years. Mayor Bender added, Richland County Regional Planning is preparing a comprehensive state-wide study that includes zoning and ordinances.

Mr. Weidemyre, Mr. Lewis, Mr. Williams and Mr. Cinadr had no report this evening.

MAYOR'S REPORT

Mayor Bender reported on several items.

- The 2008 Street Paving Program has been completed, only some street sweeping remains.

- The traffic light at Lex-Springmill and Walker Lake Road will be in a period of adjustment throughout the holiday season and with the opening of Menards in February.
- The traffic light at the Menards entrance on Walker Lake Road is operational. There are warning signs to alert motorists.
- Phase I of the I&I is near completion. Contractors are in the process of picking up bids for Phase II; bids will be opened on November 7th.
- The Street Department will begin leaf pick-up on Wednesday, October 29, 2008. Residents were reminded not to place leaves in the street, cover storm drains, include sticks or yard waste, or place leaves near mailboxes and vehicles. Tentatively, the last pick-up day is November 14th.
- The Health Department's 2008 Community Flu Immunization Clinic in the Community Room will be held October 30, 2008 from 1:00 – 4:00 p.m. Medicaid and Medicare forms will be submitted by the Health Department. The cost is \$22 for adults and \$10 for children 6 months to 18 years.
- The bridge on Lewis Road is now open to traffic.
- Trick or Treat is October 30th from 5:30 – 7:00 p.m. Participating residents should turn on their porch lights and drivers are cautioned to be watchful of children walking along the roadway.

Mr. Williams asked if all of the streets on the paving agenda were completed. Mayor Bender concurred and listed the streets: Hemlock, strip paving on 4th Street heading west, Willowood/Rosewood, parts of the Ferguson and Fulwell corner, and the railroad underpass.

Mr. Weidemyre asked if the westbound left-turn signals on Walker Lake Road will be adjusted to align with the corresponding lane to avoid confusion. Mayor Bender responded, the contractors are responsible for making the changes.

Mr. Cinadr pointed out that the lane markings are barely visible west of Lex-Springmill on Walker Lake, in front of Target, and asked if restriping was planned. Mr. Au said that would be part of next year's striping program.

Mr. Lewis raised a question on the progress of the generator for City Hall, Resolution 08-09. Mr. Au responded the natural gas power source is causing the delay. Natural gas enters the building from the north end but the Gas Company informed them today that gas line is not large enough. They are now in the process of researching hooking onto the gas line on the south side. It will be approximately three weeks before they get an answer and he anticipates the cost to increase.

When Mr. Weidemyre asked why Kentucky Fried Chicken is not going to open, WMAN reporter Dave Pennell responded. A study was performed and determined that sales at the existing stores would decrease if a new establishment opened in this area. A protest was filed by a local franchise owner that resulted in eliminating the Kentucky Fried Chicken portion of the proposed Taco Bell/KFC restaurant.

SERVICE/SAFETY DIRECTOR'S REPORT

Mr. Au had no report.

Mr. Lewis addressed Mr. Au.

- Mr. Lewis and Mr. Weidemyre spoke to Mr. Romanchuck at P&R Manufacturing regarding the greenbelt. He would like to purchase 70' of the property from the current markers, going west for the length of the property including the gravel service road; he is aware of the right-of-way. This would allow him room to build an addition without any obstruction and then he is willing to plant the trees at his expense.

Mayor Bender pointed out there is a City industrial lot behind his property and if that piece was sold the six-acre lot would then be land locked. The Mayor added, he would be willing to discuss with Mr. Romanchuck the possibility of purchasing the six acres.

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- During the Streets Committee meeting held on January 31st, Mr. Au stated he would take care of the 8" - 10" drop-off at the intersection of Princeton and Creston. Mr. Au said he goes past this street weekly and he does not see the drop-off. Mr. Lewis said this change occurred after the City put in the underground culverts. Mr. Au said he would look at this area tomorrow with Mr. Gleisinger.

LAW DIRECTOR'S REPORT

Mrs. Thomas had no report but stated there needed to be an executive meeting tonight.

Mr. Lewis asked Mrs. Thomas if there was any progress on the collection of outstanding water bills that has been mentioned for several months. Mrs. Thomas said she received a letter this week regarding the changes with collections. She will be working on this because federal law states that safe guards and other procedure related issues must be in place by November 1st.

Mr. Zeiter asked about the upcoming demolition to a property on W. 4th Street and the \$7,300 approval from the Board of Control for the destruction. In the past any properties torn down had legislation approved by Council. What has changed that Council does not have to be part of that process? Mrs. Thomas said that she doesn't know because she has not seen any paperwork; she assumed she would be getting something on it but she has not received anything. Mr. Zeiter referred to page three of the Council Caucus minutes of October 2, 2008:

Mr. Zeiter asked why Council did not have to approve this process when in the past Council voted on the demolitions. Mr. Au said his understanding of the ordinance does not require Council to do anything and the authority is with the Service Director.

Mr. Zeiter also referenced the Board of Control minutes of October 3, 2008, when the purchase requisition was discussed and approved:

Mr. Au stated he had a requisition from Kermit Caldwell's Hauling, Demolition & Excavating, Inc. for the demolition of an unfit dwelling and disposal of debris at 3750 W. Fourth St. in Ontario, Ohio. The purchase requisition is in the amount of \$7300.00 and to be paid from account 408-4011-52350.....Mr. Au made a motion to accept this requisition. Mayor Bender seconded the motion and the motion passed unanimously.

Mr. Zeiter continued by saying, he hoped they didn't tear something down that hasn't been through the proper procedures.

Mr. Weidemyre referenced the executive session to update Council, and said he would like to make as much as possible public concerning the case especially when there are several interested people in attendance. Mrs. Thomas said, nothing can be shared with the public.

MISCELLANEOUS

Tim Harliss, Program Director for Richland County Children Services, addressed Council regarding the levy campaign on the November 4th ballot. They are mandated by state law to investigate child abuse reports. Last year they received 6,000 phone calls in the county with over 2,000 developing into investigations; they worked with 800 families and 1,000 children in this community. Passage of the renewal levy would cost the average homeowner 5 ½ cents per day, which would contribute \$88,000 to the budget.

Mr. Williams made a motion to support the Richland County Children Services and Mr. Cinadr seconded the motion. At roll call, seven members voted Aye, zero Nay, and the motion passed unanimously.

Mr. Metzger then presented a liquor transfer request between the owners of Five Guys Restaurant Development Inc. Hearing no concerns on this transfer, the request will be returned to the Ohio Division of Liquor Control.

RECREATION DIRECTOR'S REPORT

Mrs. Van Cura reported on upcoming events.

Family Swim. The Family Swim program will begin November 3rd at the Ontario Middle School pool from 7:00 p.m. – 8:20 p.m. A waiver form must be completed. Three life guards have been hired for the fourteen sessions.

Aerobics. Classes begin November 18th on Tuesdays and Thursdays from 7:00 p.m. – 8:00 p.m. in the multi-purpose room of Stingel Intermediate with Julie Keyes instructing.

Ontario Community Craft Show. The 32nd annual show will be on December 6th at the Richland County Fairgrounds from 8:30 a.m. – 4:00 p.m. The Lions Club will be collecting toys and money for Richland County Toy Time.

CONSIDERATION OF ORDINANCES AND RESOLUTIONS

RESOLUTION NO. 08-19

AN ORDINANCE AUTHORIZING THE SERVICE/SAFETY DIRECTOR TO ADVERTISE FOR AND AWARD CONTRACTS FOR VARIOUS MATERIALS AND SERVICES NEEDED DURING THE YEAR 2009 AND DECLARING AN EMERGENCY.

Mr. Blackwell made a motion to suspend the rules requiring the reading of Resolution No. 08-19 on three separate days. Mr. Williams seconded the motion. Seven members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mr. Zeiter read Resolution No. 08-19 for the first time, by title only.

Mr. Zeiter made a motion to adopt Resolution No. 08-19. Mr. Williams seconded the motion. When Mr. Weidemyre asked why this was an emergency measure, Mr. Au responded that he must advertise in order to have contracts in place by year end or he won't be able to get fuel. Seven members cast their votes Aye, zero Nay, and Resolution No. 08-19 was adopted.

ORDINANCE NO. 08-41

AN ORDINANCE AUTHORIZING THE EXECUTION OF A COUNSEL FEE AGREEMENT BETWEEN THIS CITY AND THE RICHLAND COUNTY BOARD OF COMMISSIONERS FOR THE YEAR 2009.

Mr. Zeiter made a motion to suspend the rules requiring the reading of Ordinance No. 08-41 on three separate days. Mr. Weidemyre seconded the motion. Seven members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mr. Weidemyre read Ordinance No. 08-41 for the first time, by title only.

Mr. Weidemyre made a motion to adopt Ordinance No. 08-41. Mr. Blackwell seconded the motion. Seven members cast their votes Aye, zero Nay, and Ordinance No. 08-41 was adopted.

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ORDINANCE NO. 08-42

AN ORDINANCE AMENDING ORDINANCE 08-11 KNOWN AS THE PERMANENT APPROPRIATION ORDINANCE, FOR 2008 BY MAKING ADDITIONAL APPROPRIATIONS TO THE SPECIAL REVENUE FUND AND GENERAL FUND.

Mr. Zeiter made a motion to suspend the rules requiring the reading of Ordinance No. 08-42 on three separate days. Mr. Cinadr seconded the motion. Seven members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mr. Blackwell read Ordinance No. 08-42 for the first time, by title only.

Mr. Blackwell made a motion to adopt Ordinance No. 08-42. Mr. Blackwell seconded the motion. Seven members cast their votes Aye, zero Nay, and Ordinance No. 08-42 was adopted.

ORDINANCE NO. 08-43

AN ORDINANCE AMENDING ORDINANCE 08-08 FOR DECEMBER 24/26, 2008.

Mr. Cinadr made a motion to suspend the rules requiring the reading of Ordinance No. 08-43 on three separate days. Mr. Lewis seconded the motion. Seven members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mr. Lewis read Ordinance No. 08-43 for the first time, by title only.

Mr. Lewis made a motion to adopt Ordinance No. 08-43. Mr. Blackwell seconded the motion. Seven members cast their votes Aye, zero Nay, and Ordinance No. 08-43 was adopted.

ORDINANCE NO. 08-44

AN ORDINANCE ESTABLISHING TEMPORARY APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF ONTARIO, OHIO FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2009 AND EXPIRING DECEMBER 31, 2009.

Mr. Zeiter made a motion to return Ordinance No. 08-44 to the Finance Committee for further review during the meeting of October 29, 2008. Mr. Weidemyre seconded the motion. Six members cast their votes Aye, one Nay vote by Mr. Williams, and the motion to return Ordinance No. 08-44 to the Finance Committee passed.

At 7:49 p.m., Mr. Williams made a motion to enter into executive session to discuss pending litigation. Mr. Cinadr seconded the motion. Mr. Zeiter asked if this is concerning the McClaran lawsuit. In the past, Council was told this case was between the insurance company, Mr. McClaran and his attorney. Mr. Zeiter was questioning why Council is now being brought into that conversation. Mrs. Thomas said, there is information this Council has to be aware of and they have to act upon and she can only give it to them in executive session. Mr. Weidemyre said he objected because it needs to be brought out since they are spending the public's money and they have a right to know. He added that he doesn't understand everything being done behind closed doors, it is fairly common knowledge throughout the City what is going on so why do we have to do this? Mrs. Thomas said it can only be done in executive session. When Mr. Lewis asked, you can't even answer why? Mrs. Thomas said, no. There was information she needed to give them and it can only be done in executive session. If they want the information it will be in executive session, otherwise they would not get it. Some of it will jeopardize the insurance coverage. Mr. Zeiter asked, then the previous statement that Council didn't need to be involved in this lawsuit is not true? Mrs. Thomas said, she did not think she said that, they have been kept up to date, and there are certain things they need to know.

Four members cast their votes Aye, three Nay votes by Mr. Zeiter, Mr. Weidemyre and Mr. Lewis, and the motion passed.

Regular

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At 8:38, Mr. Cinadr made a motion to reconvene into regular session. Mr. Williams seconded the motion and the motion passed unanimously.

At 8:39 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. Cinadr. At roll call, seven members voted Aye, zero Nay, and the motion to adjourn passed.

President of Council

Clerk of Council