

Regular

August 14

2008

Ontario City Council met in regular session on August 14, 2008 in the City Offices, with Council President Dave Metzger presiding. The meeting opened at 7:14 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, and Joseph W. Cinadr; Mr. Metzger; Mayor Kenneth Bender; Law Director Rebecca Thomas; Service/Safety Director Charles Au; and Clerk of Council Cathy VanAuker. A number of interested citizens were present in the audience.

Mr. Cinadr made a motion to excuse Mrs. Hellinger from this evening's meeting. Mr. Weidemyre seconded the motion. At roll call, six members voted Aye, zero Nay, and the motion passed.

The minutes of the regular Council meeting of July 24, 2008 were presented for approval. Mr. Cinadr made a motion to approve the minutes and Mr. Weidemyre seconded the motion. At roll call, five members voted Aye, zero Nay, one Abstain by Mr. Zeiter, 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 Committee meeting held earlier this evening. The first half of the year was reviewed to determine if any changes were necessary to the appropriations. The updates will be reflected in the ordinance presented at the September Council meeting.

Mr. Blackwell commented on the Personnel Committee meeting held August 4, 2008, when they reviewed the employee bonding requirements. Mayor Bender requested this ordinance remain in Committee. During this meeting the Committee also discussed the inclusion of Council members in the health insurance program. An updated ordinance reflecting this change is on the Agenda this evening.

Mr. Williams referred to Ordinance No. 08-08 that was discussed during the Utilities Committee meeting on July 24, 2008. This ordinance was presented to Council and passed at the last meeting. A second Utilities meeting was held on August 5, 2008, to discuss Ontario obtaining a grant to upgrade the Home Road Lift Station which is on this evening's Agenda.

Mr. Cinadr stated the Economic Development Committee met earlier this evening. Minutes from the meeting will be available to Council prior to the next meeting.

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

MAYOR'S REPORT

Mayor Bender announced next week is the 50th Anniversary Celebration of the City of Ontario's incorporation. A formal dedication and memorial service will be held Thursday, August 21, 2008, at 1:00 p.m., at the clock tower, followed by a reception in the Community Room. This will include the presentation of the signature quilt in honor of the 50th Anniversary. On August 22nd, beginning at 6:15 p.m., there will be a dinner recognizing our founders and past mayors. Tickets for the sit-down dinner are available at City Hall for \$15. August 23rd will be the parade at Marshall Park at 10:30 a.m. with a review stand on Dunlap Drive. Ontario Growth Association will host a picnic in the park with vendors and activities for

the children. The fireworks display will begin at 8:45 p.m. Mayor Bender encouraged everyone to attend this spectacular event.

Mayor Bender said the road repairs will begin soon and cautioned everyone to be careful near the construction areas.

SERVICE/SAFETY DIRECTOR'S REPORT

Mr. Au reported on several items.

- Walker Lake Road is in the final stages of completion and ahead of schedule. They are working at night and hopefully this road will be opened around Labor Day.
- The work in the Willowood/Rosewood area has begun and is progressing well. This project should be completed by October 15th.
- The Park Avenue underpass is closed for three weeks. The concrete will be poured tomorrow and requires up to fourteen days to set before the rest of the work is completed.
- School begins in a week and everyone is reminded to be cautious.

Mr. Cinadr asked if the construction company could improve filling in the cuts across Walker Lake Road because some are very deep. Mr. Au said he went across them today and they were filled in; they are to do the fill-ins every day.

When Mr. Metzger commented on the raised areas in the road on St. Rt. 309, Mr. Au said they have been repaired.

Mr. Williams said he is receiving complaints concerning the drive on the south side of the Wal-Mart Plaza. Mr. Au responded that a Kansas City firm owns the property and they are difficult to get the work done but he will check into it.

LAW DIRECTOR'S REPORT

Mrs. Thomas had no report.

Mr. Zeiter asked Mrs. Thomas to make a statement that Council members were instructed not to discuss the McClaran case. Mrs. Thomas then stated that Council was advised not to make any comments because there is ongoing litigation because of a pending Federal case. It is not appropriate to comment at this time.

MISCELLANEOUS MATTERS

Mr. Cinadr shared a request from the Richland Racing Hospitality Committee asking for a \$1,000 sponsorship and recommended using money from the Economic Development fund. Mr. Cinadr made a motion to support the RRHC. Mr. Williams seconded the motion. Six members cast their votes Aye, zero Nay, and the motion was approved.

CONSIDERATION OF ORDINANCES AND RESOLUTIONS

RESOLUTION NO. 08-12

A RESOLUTION AUTHORIZING LT. RANDY E. HUTCHINSON TO APPLY FOR AND IF AWARDED, ENTER INTO AN AGREEMENT WITH THE ATTORNEY GENERAL, STATE OF OHIO, FOR A D.A.R.E. GRANT IN THE SUM OF \$1,961.52 AND DECLARING AN EMERGENCY.

Mr. Williams made a motion to suspend the rules requiring the reading of Resolution

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No. 08-12 on three separate days. Mr. Cinadr seconded the motion. Six members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mr. Zeiter read Resolution No. 08-12 for the first time, by title only.

Mr. Zeiter made a motion to adopt Resolution No. 08-12. Mr. Blackwell seconded the motion. Hearing no discussion, six members cast their votes Aye, zero Nay, and Resolution No. 08-12 was adopted.

RESOLUTION NO. 08-13

A RESOLUTION AUTHORIZING THE MAYOR TO APPLY AND ACCEPT GRANTS FROM THE OHIO PUBLIC WORKS INFRASTRUCTURE FUNDING PROGRAM THROUGH THE OHIO PUBLIC WORKS COMMISSION.

Mr. Zeiter made a motion to suspend the rules requiring the reading of Resolution No. 08-13 on three separate days. Mr. Williams seconded the motion. Six members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mr. Weidemyre read Resolution No. 08-13 for the first time, by title only.

Mr. Weidemyre made a motion to adopt Resolution No. 08-13. Mr. Cinadr seconded the motion. Six members cast their votes Aye, zero Nay, and the motion passed.

ORDINANCE NO. 08-33

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

Mr. Blackwell made a motion to suspend the rules requiring the reading of Ordinance No. 08-33 on three separate days. Mr. Williams seconded the motion. Six members cast their votes Aye, zero Nay, and the motion to suspend the rules passed. Mr. Blackwell read Ordinance No. 08-33 for the first time, by title only.

Mr. Blackwell made a motion to adopt Ordinance No. 08-33. Mr. Cinadr seconded the motion. Hearing no discussion, six members cast their votes Aye, zero Nay, and Ordinance No. 08-33 was adopted.

ORDINANCE NO. 08-34

AN ORDINANCE AMENDING ORDINANCE 08-08 KNOWN AS THE 2008 WORKING ORDINANCE, FOR THE CITY OF ONTARIO.

Mr. Williams made a motion to send Ordinance No. 08-34 back to Committee. Mr. Cinadr seconded the motion. Hearing no discussion, four members cast their votes Aye, two Nay votes by Mr. Zeiter and Mr. Weidemyre, and Ordinance No. 08-34 was returned to Committee.

ORDINANCE NO. 08-35

AN ORDINANCE AMENDING SECTIONS 1146.03(c)(4), 1146.03(c)(14), 1146.03(d)(6) AND 1146.04(d) OF THE CODIFIED ORDINANCES OF THE CITY OF ONTARIO, OHIO.

Mr. Weidemyre made a motion to send Ordinance No. 08-35 to a Committee of the Whole. Mr. Williams seconded the motion. Hearing no discussion, six members cast their votes Aye, zero

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Nay, and Ordinance No. 08-35 was referred to a Committee of the Whole to be chaired by Mr. Weidemyre on August 26, 2008 at 5:00 p.m.

ORDINANCE NO. 08-36

AN ORDINANCE REPEALING CHAPTER 721 PEDDLERS AND SOLICITORS OF THE CODIFIED ORDINANCES OF THE CITY OF ONTARIO.

Mr. Cinadr made a motion to suspend the rules requiring the reading of Ordinance No. 08-36 on three separate days. Mr. Williams seconded the motion. Five members cast their votes Aye, one Nay by Mr. Zeiter, and the motion to suspend the rules failed. Mr. Cinadr read Ordinance No. 08-36 for the first time, by title only.

At 7:34 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. Weidemyre. At roll call, six members voted Aye, zero Nay, and the motion to adjourn passed.

President of Council

Clerk of Council