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2008

Ontario City Council met in regular session on September 18, 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; and Clerk of Council Cathy VanAuker. A number of interested citizens were present in the audience.

The minutes of the regular Council meeting of September 4, 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

First to come before Council was Anne Hufford of Whitney Avenue to say: The issue that I would like to address is the proposed park unit. The questions that we seem to have just don't seem to get answered or being addressed by anybody. Those questions are: has a feasibility study been done on this project; what are the plans for streets; the speed limit on Ferguson Road is 25 m.p.h. but the people go through there 40-50 m.p.h. and they run the stop sign at Jaqueline Court; we add 170 cars on that road and it's an accident waiting to happen.

I have a boy at Stingel and one in the middle school, there are 31 kids in the class at Stingel, there's no room in these schools for 170 minimum extra kids. It's been said that we don't want low income here – I don't care, I don't care how much money they make, what color they are, or where they come from. This area, that area, is not equipped for that type of volume at this point and time. And where are they coming from? We've got apartment units in this area sitting empty now. I don't know where the developer thinks his tenants are coming from.

As a citizen, all I want are some answers, just yes, we've done this, let's study this, we're going to do that. But, nobody has given us any answers, they're just saying, go away, and I'm real upset about that.

Larry Arnold, 2385 Whitney Avenue, was next to come before Council to say: I wanted to take the opportunity this evening to discuss the proposed build-out of the apartment buildings off of Ferguson Road. I wanted to take the opportunity this evening to discuss it with Council because I was negated from addressing our distinguished Planning Commission last week because they invoked the Ohio Statue of Law which gives them permission to disallow all constituents from speaking and only limit it to speakers to ones that received invitations or invites which I think was four.

I find it ironic that during the course of the Planning Commission meeting the distinguished chairman commented that the Planning Commission only makes decisions that are in the best interest of Ontario citizens. How would he know? Because when you're on Planning Commission and you invoke this statue and you only permit four people, which wound up being two people to speak, how would you know what everybody thinks? I find it hard to believe that the Planning Commission can make a decision on my behalf, and other constituents, by only hearing two people in the community, when in fact they could have allowed everyone to speak.

So today, I guess I have some unanswered questions very similar to Mrs. Hufford. First I realize the property is zoned R-3 for apartments. But, what feasibility studies have actually been done regarding the infrastructure in that area to support that many units, i.e., the water lines, the streets, the lights? And, who's going to pay for all of that? I realize when Menards went in, as well as Wal-Mart, the builders had to pay for that. Who's going to pay for all of the infrastructure needed to support that many units in such a small community? Second, has

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anyone done a feasibility study for the impact to our school district? As Mrs. Hufford said, we're at maximum capacity, and when they come to the citizens of this community and ask for

levies, please keep in mind the individuals living in these apartments aren't paying property tax. So, me and my other constituents in the Third Ward, and all of the community that are paying property taxes, have to bear that burden for apartments that we don't want. Next, what is the increase to the City workers whether it be police force, snow removal or whoever? Has anybody looked at that? And then the traffic study. This is a small rural road that is already stressed to the max during the holiday season. If you've ever sat at the light at Lex-Springmill and Ferguson during the holiday season, it's already backed up behind the apartments that are vacant sitting there now, add the traffic to a hundred plus units on there, at potentially two people per unit, and think about the wait and the stress on that. And, not considering the baseball field that is used by softball players and the OYS, what are you going to do about the speeders that go by there during the baseball season? How is that going to be controlled on basically a two lane road?

I ask each of you as Council members whether you are a Ward representative or an At-Large to seriously consider this and go back to your Wards and actually hear what the people have to say. And truly ask them how they feel this benefits Ontario or is it another story where an isolated few and certain positions in the community benefit and therefore is translated in benefiting the entire community?

Next to approach Council was Robert Stout of Whitney Avenue to say: As my previous neighbors have mentioned, this deals with the proposed complex apartments on Ferguson Road. This is not a personal issue, this about a quiet, peaceful, friendly community. I called and checked with some people this past Monday, it is my understanding that the proposed property, the sale has not been finalized yet. Under the advice of legal counsel I was asked to file an application for an amendment to the zoning ordinance for that piece of property. I'll submit a copy for each and every one of you. It is my understanding that since that property has not been legally sold, that this application requires the City of Ontario to take this under advisement first and to move on it before the property can be sold and developed as R-3. I'm asking each and every one of you to consider what this type of complex going in your Ward, would you like this next to your home? Would you please take this under consideration and think what's best for the people in Ward 3 and for the City of Ontario. Thank you very much.

Andy Psimer, chairman of the trustees of The Villas of Ontario, came before Council to say: We were at the Planning Commission the other night. The problem I had has already been mentioned by Mr. Arnold. There were only a couple of us that could say anything, people could not get up and voice their opinions, if they got up they were told to sit down. I thought it was handled very poorly. I personally think there could have been a lot more questions answered that night but we weren't allowed to ask, a lot of them had questions. I think before we can be for or against anything we need to have some answers of what is going to go in over there and what's going to happen over there. I think you need to take that into consideration as far as the apartments are concerned and I would like some answers before it goes through.

Last to come before Council was Matt Dille, 712 N. Rock Road to say: I just returned home the beginning of August, I was out on the west coast with the military. I was reading some of the articles in the newspaper and it was pretty disheartening to see some of the things that have taken place while I was gone in regards to the legal issues with our former/current chief of police. My question, as a taxpayer, and just looking out for the welfare of the rest of the taxpayers within the City, what is going on with this current situation? Do we have any answers almost thirty days after the 15th of August, or from last month's Council meeting, whichever it may be? And, I want to know what is happening because I pay taxes within the City and I think it's very disrespectful that we have paid dollars out because of bad decisions made by a few people up here about things that are going to happen. One way or another, somebody was going to retire, it was going to happen. You don't kick that guy as he's about to walk out the door cause that dog will turn around and that dog will bite, and that's what happened to the tax payers within the City. I would like to know for the taxpayers, not for myself, what is happening with this issue? That's it.

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Mrs. Thomas said she can not make any comments because it is still pending.

Mr. Zeiter commented: Mr. Dille's point is well taken and I have the same question written down to ask later, so I'll just ask it now. Why are we/they responsible for paying an employee that the Ohio Supreme Court said needed to come back work, why are we paying that person to not come to work? Everybody else that's on the City's payroll comes to work every day, clocks in, clocks out, and goes home. Why are we today, tomorrow, and how ever long this carries on, paying someone that is not doing any work to warrant any paycheck?

Mrs. Thomas said: I'm not commenting on it.

Mr. Zeiter continued: I'll just tell you in front of all these people and the media that this is ridiculous and you guys need to get control of this. You've already spent hundreds of thousands of dollars and every day that meter just keeps running and you don't seem to care.

Mr. Weidemyre asked Mrs. Thomas if Council members could know about this situation since it has been six weeks since the Supreme Court decision came down.

Mrs. Thomas said: We've had two executive meetings since then, we've got everything up to date, it's still being worked out. In response to Mr. Weidemyre's question if we are paying both chiefs, Mrs. Thomas said: Not exactly, but I can't tell you what is going on because it is still under negotiations. I can't tell you.

Mrs. Thomas said the application for rezone does not go through Council first because there is a process to go through with the Zoning Code and Planning Commission. She only received the application today and will let Mr. Weidemyre know more on any issues concerning the rezone once she has reviewed the application.

COMMITTEE REPORTS

Mr. Zeiter scheduled a Finance Committee meeting on October 2, 2008, at 5:15 p.m., for the purpose of discussing the line item, 101-7010-52301 Personnel & Arbitration, which was removed from legislation at the previous meeting.

Mr. Blackwell announced a Personnel Committee meeting on October 2, 2008, at 5:30 p.m., to discuss Ordinances 08-23 and 08-34.

Mrs. Hellinger reported on the Parks Committee of the Whole meeting held this evening at 5:00 p.m., to discuss to sell or not to sell Stowell Park. Each Council member was given an opportunity to speak as well as those in the audience. Council unanimously voted not to sell Stowell Park.

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

MAYOR'S REPORT

Mayor Bender referenced the press release regarding the tornado sirens that are now in place and on line with Richland County 911 Dispatching Center operated by EMA. One siren is located near the ballfields at Marshall Park and one at the water tower behind Denny's Restaurant on Lex-Springmill Road. The sirens are designed to encompass a one mile radius from each siren. The sirens are tied into one system with Richland County. Two other sirens are located at St. Rt. 314 and N. Lex-Springmill Road near the campus. When alerted, the sirens will sound for three minutes and the All Clear sound is for thirty seconds. The sirens will be tested by the Richland County 911 Dispatch by using the All Clear siren on the last Wednesday of each month.

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The copper roof on the Community Room was destroyed by the high winds on Sunday evening. The roof has been secured and a claim turned in to the insurance company. All of the damages in Ohio resulting from the storm may be covered by a FEMA grant. Senators Brown and Voinovich have requested President Bush declare the State of Ohio a disaster area. The

Richland County Commissioners have declared Richland County a disaster area. Preliminary paperwork has been submitted to the Ohio EMA to determine what costs were sustained in Ontario. Surrounding communities will do the same to help calculate the overall damages.

Trick or Treat is scheduled for Thursday, October 30, 2008, 5:30 – 7:00 p.m.

In response to Mr. Weidemyre's question regarding the purchase of a generator, Mayor Bender said they are still receiving estimates. Research is being prepared on the cost benefits of diesel gas versus natural gas generators as well as working around the existing underground fixtures near the building.

SERVICE/SAFETY DIRECTOR'S REPORT

Mr. Au informed Council members that the limbs and branches from the wind storm will be picked up beginning Wednesday, September 24, 2008, beginning on the east side of town working west, making one pass on each street. The exception is the Willowood area which will begin debris pick up beginning September 19th due to the blacktop schedule for the streets which is to begin next Tuesday. Once the paving is done the project will be completed with the exception of seeding behind the curb. This project is expected to be completed by the end of the month.

Kokosing's project, which was Contract 2, is completed at this time.

The Walker Lake Road project is progressing well and scheduled for paving next week. The contractor will work nights so as not to interfere with traffic. This should take three nights and then the project should be completed.

Mr. Weidemyre commented that residents have asked many questions about the proposed apartment complex. He would like to see as many of their questions answered as possible even though preliminary plans were presented at Planning Commission. Mr. Au said he would prefer to review the questions and put answers in writing. A traffic study is currently being done and includes the Ferguson Road traffic light. Mayor Bender added, the proposed development included variances that were turned down by the Planning Commission and they don't know what the plans are at this time. The water has been reviewed and the traffic is being studied.

LAW DIRECTOR'S REPORT

Mrs. Thomas asked Mr. Zeiter where he obtained the document that he was questioning her about at the last Council meeting. Mr. Zeiter said he received it from the City Auditor. Mrs. Thomas said, the Auditor did not receive it from her office. The original was locked in her office and one copy in her middle desk drawer that was unlocked.

CONSIDERATION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 08-36

(THIRD READING) AN ORDINANCE REPEALING CHAPTER 721 PEDDLERS AND SOLICITORS OF THE CODIFIED ORDINANCES OF THE CITY OF ONTARIO.

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Mr. Zeiter read Ordinance No. 08-36 for the third time, by title only.

Mr. Williams made a motion to adopt Ordinance No. 08-36. Mr. Cinadr seconded the motion. Three members cast their votes Aye, four Nay votes by Mr. Zeiter, Mr. Weidemyre, Mr. Lewis and Mrs. Hellinger, and the motion to adopt Ordinance No. 08-36 failed.

ORDINANCE NO. 08-37

(SECOND READING) AN ORDINANCE REPEALING CHAPTER 909 DRIVEWAYS OF THE CODIFIED ORDINANCES OF THE CITY OF ONTARIO AND AMENDING 1119.03(e) STREET AND UTILITY IMPROVEMENTS AND 1145.07 DRIVEWAYS.

Mr. Weidemyre made a motion to suspend the rules requiring the reading of Ordinance No. 08-37 on three separate days. Mr. Williams seconded the motion. Five members cast their votes Aye, two Nay votes by Mr. Blackwell and Mr. Lewis, and the motion to suspend the rules failed. Mr. Weidemyre read Ordinance No. 08-37 for the second time, by title only.

At 7:32 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