

**MINUTES OF THE
VAN WERT CITY COUNCIL**

March 9th, 2020

The President called the meeting to order at 6:30 p.m.

Pastor Keith Stoller gave the invocation.

On call of the roll: Marshall, Kallas, Penton, Agler, Mergy and Davis were present. Davis made a motion to excuse Hellman. Seconded by Marshall; all concurred.

Mergy made a motion to approve the amended agenda for the February 24th meeting. Seconded by Davis; all concurred.

The agenda was amended to add an executive session regarding employee salaries.

Mergy made a motion to approve the 2/24/20 minutes. Seconded by Agler. All concurred.

COMMENTS, COMMUNICATIONS & PETITIONS

The President shared that the Fire Department had shared the annual report via email. An invitation was sent to City Council for the DARE graduation program on March 27th at 1pm at the Performing Arts Center. Two pieces of communication were received from Joshua Nolan, the lawyer representing Haven of Hope. The first one was photo copied and put in everyone's mailbox regarding a notice of appeal to the Common Pleas Court of Van Wert County. The second communication was a praecipe (attached) for the transmission of the complete administrative transcripts and record. The President stated that all meeting minutes dated from November 25th, 2019, to the current date is required to be certified and sent to Mr. Nolan, as well as the Common Pleas Court.

Mr. McMahon of Haven of Hope was present to request an update regarding the zoning issue for the land use of Haven of Hope.

The City Law Director stated that he did not feel it was appropriate to answer at the present time due to pending litigation in the Common Pleas Court.

Councilman Davis stated he felt that if there is no agreeable definition for the land use, it is Council's duty to create a definition to assist Haven of Hope to move forward.

Hatcher agreed that the zoning codes were in need to be updated to prevent future issues.

ADMINISTRATIVE REPORTS

MAYOR: The Mayor explained legislation regarding appropriations that would be approved later in the meeting, regarding a piece of property on the corner of Market Street and Crawford Street, which is also involved in the Market Street bridge project

legislation. The Mayor explained that the Honeywell legislation would need to be passed tonight so that Honeywell could get started on the project. He also requested residents to report semi-trailer rigs in residential areas to review issues. The Mayor also reported that the Safety-Service Director was currently on his way to a construction expo.

SAFETY SERVICE DIRECTOR: No report was given

AUDITOR: Balyeat reported on the February bank reconciliation report (attached). The month ended with \$12.4 million is on the books, and \$12.4 million in various bank accounts and investments. The second page shows YTD that we have collected \$988k and have spent \$1.3 million. Balyeat stated a factor in that number is because there were 3 pay periods in January and a number of annual expenses that are paid in January and February and hopes that it will reverse itself in the next couple of months. The cash position report is the next page, the column you want to look at is unexpended balance, that's the cash balance in each fund and all have positive balances, as required. The last two pages are the general fund revenues to date, compared to last year. She stated it was too early in the year to predict if we were running ahead or behind. Balyeat reported that she had a couple of invoices on a Then and Now that needed approved. The first one was for Path Master Engineering, in the amount of \$3225 for a controller. The second two were invoices from AEP for the two new pump stations being installed, one in the amount of \$2754.36 and the other was for \$1,621.49. Martha clarified that an ordinance was going to be requested to establish a new fund to sell and buy back bonds. The selling of bonds is to have money to put in the new HVAC and lighting system. The revised code requires a separate fund for any debt, thus the reasoning for the new fund. The Fund will be called Fund 405 (Municipal Building HVAC & Lighting Improvement Bonds.) She stated this legislation would be introduced this evening. Balyeat also requested for **Ordinance Number 20-02-010 & Ordinance Number 20-02-011** to be passed on their second and final readings so that Honeywell could begin work. She also reminded council members that financial disclosures needed to be filed with the ethics commission.

LAW DIRECTOR: Hatcher explained legislation being introduced in the finance report regarding appropriation for property on Market Street and Crawford Street and acquiring it before the bridge work begins. He needs the authority to proceed with negotiations.

COMMITTEE REPORTS

HEALTH, SERVICE AND SAFETY: Marshall reported 12 code violations with 5 currently open, and that are brand new cases.

ECONOMIC DEVELOPMENT: No report was given.

PARKS AND RECREATION: Penton stated that mowing volunteers were needed for median areas in the community. Prospect Avenue does have a volunteer. Market Street and other neighborhoods with medians were still in need of volunteers. Contact Joel Penton or the Park's department for the necessary waiver.

FINANCE: Agler motioned to approve three bills on a Then and Now for Path Master Engineering, invoice Number 114950, in the amount of \$3,225, AEP Ohio, invoice number 485388, in the amount of \$2,754.36, Power Upgrade for the pump stations, invoice number 485404, in the amount of \$1,621.49. Mergy seconded; with all concurring.

Agler made a motion for an ordinance to be prepared on an emergency basis to set up a fund for HVAC and lighting improvement bonds. Seconded by Mergy; with all concurring.

JUDICIARY AND ANNEXATION: Mergy scheduled a Council of the Whole meeting on April 6th at 6:30 pm to discuss improving the zoning laws.

STREETS AND ALLEYS: Marshall motioned for an ordinance to be prepared on an emergency basis to grant the Mayor and Law Director to commence proceedings in a court filing for eminent domain appropriation. Agler seconded; with all concurring. Marshall motioned to introduce **Ordinance Number 20-03-015**. Agler seconded; with all concurring. Marshall motioned to suspend statutory rules to **Ordinance Number 20-03-015**. Agler seconded; with all concurring. Marshall motioned to pass **Ordinance Number 20-03-015: AN ORDINANCE FOR THE CITY OF VAN WERT TO APPROPRIATE PROPERTY OWNED BY VWCP REAL ESTATE HOLDINGS, LLC FOR THE VAN-MARKET STREET BRIDGE PROJECT, TO GRANT THE MAYOR AND THE CITY LAW DIRECTOR AUTHORIZATION TO COMMENCE IN PROCEEDINGS IN A PROPER COURT BY FILING A COMPLAINT FOR APPROPRIATION OF THE FOREGOING PARCELS IN THE FURTHERANCE OF SAID PROJECT AND DECLARING AN EMERGENCY** on its first and final reading. Agler seconded; with all concurring. Marshall motioned for an ordinance to be prepared on an emergency basis to approve preliminary legislation for bridge replacement work. Agler seconded; with all concurring. Marshall made a motion to introduce **Ordinance Number 20-03-016**. Agler seconded; with all concurring. Marshall made a motion to suspend statutory rules to **Ordinance Number 20-03-016**. Agler seconded; with all concurring. Marshall made a motion to pass **Ordinance Number 20-03-016: AN ORDINANCE FOR THE CITY OF VAN WERT TO APPROVE PRELIMINARY LEGISLATION FOR THE BRIDGE REPLACEMENT WORK TO BE COMPLETED ON THE MARKET STREET BRIDGE TO GRANT THE MAYOR THE AUTHORITY TO ENTER INTO ANY AGREEMENTS WITH THE DEPARTMENT OF TRANSPORTATION IN THE FURTHERANCE OF SAID PROJECT AND DECLARING AN EMERGENCY** on its first and final reading. Agler seconded; with all concurring.

PROPERTIES AND EQUIPMENT: No report was given.

UNFINISHED BUSINESS

Code Enforcement

Charter Government - The President stated that he and the city law director had emailed council members to put a list together of potential people to serve on the charter.

15 people are required, it is open to the public as well. Please forward to the charter commission.

NEW BUSINESS

CONSENT AGENDA

ORDINANCES AND RESOLUTIONS

Davis made a motion to suspend statutory rules to **Ordinance Number 20-02-010**. Agler seconded; with all concurring.

Davis made a motion to pass

**Ordinance Number: 20-02-010 Committee: PROPERTIES AND EQUIPMENT
A RESOLUTION BY THE VAN WERT CITY COUNCIL AUTHORIZING THE
SAFETY-SERVICE DIRECTOR TO NEGOTIATE AN ENERGY EFFICIENCY
& INFRASTRUCTURE IMPROVEMENT CONTRACT WITH HONEYWELL
INTERNATIONAL, INC., WITH A GOAL TO RETROFIT THE MUNICIPAL
BUILDING, AND DECLARING AN EMERGENCY**

on its second and final reading. Agler seconded; with all concurring.

Agler made a motion to suspend statutory rules to **Ordinance Number: 20-02-011**.

Kallas seconded; with all concurring.

Agler made a motion to pass

**Ordinance Number: 20-02-011 Committee: Finance
AN ORDINANCE PROVIDING THE ISSUANCE AND SALE OF BONDS IN THE
AGGREGATE PRINCIPAL AMOUNT OF \$968,710 FOR THE PURPOSE OF
PAYING COSTS OF IMPROVING HVAC AND LIGHTING FACILITIES AT
THE MUNICIPAL BUILDING, AND DECLARING AN EMERGENCY.**

on its second and final reading. Kallas seconded; with all concurring.

Agler made a motion to introduce **Ordinance number 20-03-017**. Kallas seconded; with all concurring. Agler made a motion to suspend statutory rules to **Ordinance**

Number 20-03-017. Penton seconded; with all concurring.

Agler made a motion to pass

Ordinance Number: 20-03-017 Committee: Finance

AN ORDINANCE TO ESTABLISH A NEW FUND HEREAFTER KNOWN AS FUND 405 (MUNICIPAL BUILDING HVAC & LIGHTING IMPROVEMENT BONDS) FOR THE PURPOSE OF ALLOCATING MONIES TO PURCHASE THE BONDS TO FINANCE THE INDEBTEDNESS OF BONDS ISSUED FOR PURCHASE OF HVAC AND LIGHTING EQUIPMENT AND DECLARING AN EMERGENCY

on its first and final reading. Penton seconded; with all concurring.

2nd Reading Advisory:

ORDINANCE Number: 20-02-012

Committee: Finance

AN ORDINANCE TO MAKE PERMANENT APPROPRIATIONS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF VAN WERT, OHIO, FROM JANUARY 1, 2020 TO DECEMBER 31, 2020, AND DECLARING AN EMERGENCY.

Marshall, Kallas, Penton, Agler, Mergy, and Davis voted yes.

At 7:33, Agler made a motion to enter executive session regarding employee salaries.

Seconded by Davis; all concurred.

At 7:50, Kallas motioned to exit executive session. Penton seconded; all concurred.

Agler made a motion to adjourn at 7:51 p.m.; seconded by Davis; all concurred.

CLERK

PRESIDENT

DATE