

MINUTES OF THE VAN WERT CITY COUNCIL

July 13th, 2020

President Jon Tomlinson 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.

Agler made a motion to excuse Hellman. Davis seconded; all concurred.

Mergy made a motion to approve the amended agenda for the July 13th meeting. Seconded by Agler; all concurred.

The amended agenda added an executive session, with no action afterward, to discuss pending litigation with Haven of Hope, pending litigation with opioid lawsuit, and economic development related to 121.11G8.

Mergy made a motion to approve the corrected minutes for the June 22nd meeting. Seconded by Agler; all concurred.

The corrections included edits for typographical errors in Administrative Reports → Law Director paragraph, final sentence.

COMMENTS, COMMUNICATIONS, & PETITIONS

Formal introduction of Drew Bittner as new Clerk of Council.

Notification of a fishing tournament scheduled for July 18th, at Van Wert Reservoir No. 2. Pre-registration by July 16th by contacting the Van Wert Parks Department. Cost is \$50 per boat and \$25 per bank fisherman. Penton noted that registrations will be accepted the morning of at the tournament.

Prior to the Council meeting, there was a Council of the Whole Meeting for discussion on the Haven of Hope situation and operations regarding two ordinances, 20-04-024 and 20-06-034. Law Director John Hatcher shared that he had corresponded with each council member on what they heard from their constituents, and what constituents felt was reasonable for Haven of Hope operations. Information was shared with Haven of Hope attorney, Joshua Nolan, which resulted in the stay in briefing schedule. Details to be discussed in the executive session.

Auditor Martha Balyeat to discuss the June tax budget during Administrative Reports.

Mayor Ken Markward to discuss charter details during Administrative Reports.

President Tomlinson shared that Resolution 20-07-040 would be discussed later in the meeting, regarding a waiver of city fees for a housing project.

Mayor Markward shared information he received about a goody bag drive-thru for seniors - 60 and older - on Wednesday, July 15th, at the Van Wert Council on Aging, from 10:30 a.m. - 12:30 p.m.

Mr. Agler asked the Mayor about the back locked door of the Police Department entrance. The Mayor and Fleming noted that it was an attempt to limit exposure between the police and public entering the building for government, not police, business in light of COVID-19 pandemic. It was also noted that it was also in part to limit interactions between public and possible dangerous situations with prisoners/detainees directly inside the police department. For police business, the public can buzz in at the back/north entrance for entry and/or assistance. For all other government business, the front/south entrance is the public entrance, and is unlocked.

ADMINISTRATIVE REPORTS

MAYOR: The Mayor wanted to remind the public that Wednesday is July 15th, this year's tax due date. The Mayor also noted that if the Council approves the charter issue during this July 13th meeting, then the Mayor will contact the known interested parties and arrange for these parties to sign the petition. Once all parties have signed, the Mayor will bring the names to the next meeting for approval in advance of the August 5th deadline.

SAFETY SERVICE DIRECTOR: Fleming noted that the north water tower painting is on schedule. Street painting begins on July 14th. Street paving is complete until ODOT does Washington Street paving in future, but there is no current date known on that. The Jefferson Street bridge slab has been poured, and that work is on schedule for August completion.

AUDITOR: Balyeat shared the tax budget with the City of Van Wert Bank Reconciliation for June 30th, Statement of Cash Position with MTD Totals, General Fund, Income Tax, and other budget-related documents with Council. She noted Van Wert is down roughly \$328,000 from last year, which is tracking in line with her projected March revisions. It was also shared that Income Tax receipts were also down roughly \$438,000, that Income Tax receipts for 2019 would be affected by larger unemployment dollars this year, and the uncertainty about those withholding numbers in the future due to unknown unemployment dollars. President Tomlinson clarified that currently, one-third of the .22 tax is projected to be used, but the option is there to use another one-third, if necessary, and Balyeat confirmed. She noted that the projections are that by 2021, two-thirds of the .22 tax will be used. Balyeat reiterated that numbers were still in line with 2020 revised projections, not worse than anticipated.

Balyeat also brought up the issue of supplemental appropriation to the funds of General Fund, Street Painting and Repair, Local CARES Grant, Street Construction, Water, and Sewer. Agler to motion to prepare during the Finance Report.

LAW DIRECTOR: Hatcher noted a couple jury trials are scheduled, which would be the first since COVID-19 has affected life.

COMMITTEE REPORTS

HEALTH, SERVICE, and SAFETY: Marshall noted that violations that result in mowing yards is a constant occurrence. He would like to see nuisance violation fines doubled for mowing grass. It was noted that these situations are billed, often the bill is not paid, and the fine is then applied to taxes. And, many times, those taxes are not collected. Council then proceeded to discuss possible solutions to this issue. Balyeat stated she will look into the numbers of how many residents are billed, how many pay their bills, how many are applied to taxes, and how many are never paid. Once numbers are compiled, further discussion can be held on the issue.

Marshall also noted that the blighted homes in Van Wert are still an issue being worked on. He is working with the Law Director, the Mayor, and the Code Enforcement Officer to devise a strategy for these problems. They are working on a program with several homes to abate the nuisance problems, and more information will come in future meetings.

ECONOMIC DEVELOPMENT: Kallas turns his report over to Stacy Adam. Adam reported that Van Wert unemployment in May was at 11.1%, down from 16.2% in April. The Federal \$600 supplement for unemployment is set to expire at the end of July.

Adam also shared that the Paycheck Protection Program, intended for businesses (less than 500) negatively impacted by COVID-19 (primarily used for payroll, utilities, rent, mortgage payments) had expired on June 28th, but has now been extended to August 8th. The Economic Impact Protection Loan portal, which had closed down earlier, has reopened for disaster loans. Businesses can qualify for an immediate advance of up to \$10,000 that would not be repaid. Businesses can contact her, or her office, for information or assistance on these programs.

PARKS AND RECREATION: Penton reminded the Council of the fishing tournament this weekend, and noted that it was sponsored by the Parks Department. If any money is made, it will go back to the city of Van Wert. The annual Don Bachman Baseball Tournament took place this past weekend and saw 39 teams participate. Penton also thanked the Lions Club for their donation of a batting cage and concrete pad at Jubilee Park.

FINANCE: Agler made a motion to approve the tax budget presented earlier in the meeting. Seconded by Kallas; all concurred.

Agler motioned for an ordinance to be prepared to make supplemental appropriations on an emergency. Mergy seconded; all concurred. Agler motioned to introduce **Ordinance Number 20-07-039**. Mergy seconded, all concurred. Agler motioned to suspend statutory rules to **Ordinance Number 20-07-039**. Mergy seconded; all concurred. Agler motioned to pass **Ordinance Number 20-07-039: AN ORDINANCE TO MAKE SUPPLEMENTAL APPROPRIATION TO FUNDS 101, 201, 229, 301, 601, 602, AND DECLARING AN EMERGENCY** on its first and final reading. Mergy seconded; all concurred.

JUDICIARY AND ANNEXATION: Mergy motioned for a resolution to be prepared to waive all city fees for a housing project at 148 Keplar Street, which is a joint venture between the Land Bank and Vantage Vocational School, for the senior class to construct a single-family home on the vacant lot. Agler seconded; all concurred. Mergy motioned to introduce **Resolution Number 20-07-040**. Agler seconded, all concurred. Mergy motioned to suspend statutory rules to **Resolution Number 20-07-040**. Agler seconded; all concurred. Mergy motioned to pass **Resolution Number 20-07-040: A RESOLUTION WAIVING CITY FEES FOR THE HOME CONSTRUCTION PROJECT LOCATED AT 148 KEPLAR STREET, VAN WERT, OHIO, AND DECLARING AN EMERGENCY** on its first and final reading. Agler seconded; all concurred.

STREETS AND ALLEYS: No report was given.

PROPERTY AND EQUIPMENT: No report was given.

UNFINISHED BUSINESS

It was noted that Code Enforcement and Charter Government items were already discussed.

NEW BUSINESS

CONSENT AGENDA

RESOLUTIONS & ORDINANCES

Mergy motioned to table **Ordinance 20-04-024** third and final reading until July 27th meeting following public hearing. Agler seconded; all concurred.

Mergy motioned to amend **Ordinance 20-06-034**. Amendment added permitted use in I (Industrial) locations for I1 and I2. Agler seconded; all concurred.

Mergy motioned to table **Ordinance 20-06-034** third and final reading until July 27th meeting following public hearing. Kallas seconded; all concurred.

Mergy motioned to pass **Ordinance Number 20-06-035: AN ORDINANCE SUBMITTING THE QUESTION OF SELECTING A COMMISSION TO FRAME A CHARTER TO A VOTE OF THE QUALIFIED ELECTORS OF THE CITY OF VAN WERT AND DECLARING AN EMERGENCY** on its third and final reading. Agler seconded; all concurred.

At 7:31 p.m., Kallas motioned to enter into executive session for discussion of Haven of Hope pending litigation and economic development. Marshall seconded; all concurred.

At 8:03 p.m., Agler motioned to exit executive session. Mergy seconded; all concurred.

Agler made a motion to adjourn at 8:03 p.m. Kallas seconded; all concurred.