

# **MINUTES OF THE VAN WERT CITY COUNCIL**

September 28<sup>th</sup>, 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, Hellman, and Davis were present.

Agler made a motion to approve Mergy's absence. Hellman seconded; all concurred.

Davis made a motion to approve the agenda for the September 28<sup>th</sup> meeting. Seconded by Kallas; all concurred.

Davis made a motion to approve the minutes for the September 14<sup>th</sup> meeting. Seconded by Kallas; all concurred.

## **COMMENTS, COMMUNICATIONS, & PETITIONS**

Tomlinson yielded the floor to Stacy Adam, Executive Director of the Van Wert Area Economic Development Corporation (VWAEDC) office. Adam opened by stating that there have been many questions directly to the VWAEDC, as well as many comments made on social media, regarding the Home Guard building. She came before Council today to give the public an update, and make sure accurate information was put forth.

Adam stated that the Home Guard building had been privately owned for 25 years, had been deteriorating over that time, and that there was known contamination on the property. Due to this, and the unknown costs of taking down the building or remediating the situation, there was hesitancy for others to take possession of the property. The Van Wert County Land Reutilization Corporation (Land Bank) and the Van Wert County Foundation (VWCF) worked together to find a solution for the building and property. The Land Bank acquired the property through the foreclosure process in December of 2019. The VWCF completed many assessments on the building during the first several months of 2020. This resulted in an estimate to renovate the building of around \$15 million.

After determining this restoration wasn't feasible, the Land Bank and VWCF began to work on a EPA Brownfield Multipurpose (MP) Grant that would have funded the demolition of the building. On September 13, 2020, there was a partial collapse of the building, and the remainder of the building continued to be unstable. This posed an immediate threat to public safety. On September 14, 2020, the Van Wert City Council passed a resolution declaring the property an imminent threat to residents. On September 16, 2020, the Van Wert City Fire Chief issued an order to stabilize or demolish the building within 60 days.

Following the collapse, the Van Wert Street Department closed the street, fencing was ordered to keep the public away from the building (not to prevent additional collapse), and every adjoining business and property owner were contacted. All adjoining owners are out of their buildings, and will remain out of their buildings where there is risk until the building comes down.

The downside of the EPA Brownfield MP Grant, that the Land Bank and VWCF had begun working on, is that the grant deadline was at the end of October 2020. The award wouldn't be announced until May of 2021, and the funds wouldn't be available until near October 2021. The estimated cost to demolish the building is \$402,000. Adam stated that questions have been raised about why the Land Bank is moving so slowly, or why they don't simply take the building down. She stated the Land Bank doesn't just have \$402,000 to demolish the building. They have been looking at every conceivable option to fund the demolition. They have discussed this situation with Representative Riedel, they have called Senator McColley, and they have called Congressman Latta. Latta's office called Washington D.C. to connect with the Congressional Research Department and look for funding opportunities.

Ultimately, they identified a Target of Opportunity Grant through Ohio Development Services to cover 50% of the demolition costs. A resolution was passed by the Van Wert County Commissioners that allowed the Land Bank and VWCF to apply for the grant, a pre-application was submitted within 24 hours, and a full, formal application was submitted within 48 hours. They also identified five (5) qualified contractors. They submitted to the Ohio State Historic Preservation Office for approval to take the building down. That process usually takes 60 days, but an emergency was asked for, and the Office stated they would give a determination within seven (7) days. They also contacted the EPA, who typically has a 14 day waiting period for approval. The Land Bank and VWCF asked the EPA to expedite the process, and they agreed to a 1-day waiting period. Ohio Development Services has expedited their process, and submitted the application this morning (September 28) for agency review. That expedited review was the reason why the Land Bank and VWCF went through the county instead of the city for filing purposes. Tomlinson clarified to Council that this was the reason why a preliminary document that would have been prepared tonight was no longer necessary. Adam continued that they are trying to be as flexible as possible, but are working to remove the building as quickly as possible.

Adam stated that further stabilization of the building was explored, but it was determined that the best course of action was to get the building down as soon as possible. If awarded the Target of Opportunity grant, that would award up to \$200,000 dollars, as it cannot exceed 50% of the estimated cost. The Revolving Loan Fund board approved \$100,000 from the Revolving Loan Fund, as a grant for community safety issues, towards the demolition. The VWCF has also approved a grant, on an emergency basis, of \$102,000 to cover the remaining estimated cost.

Adam stated that they hope to receive approval by the end of the week, and a release of funds is then required. An environmental review needs to be submitted, and this has been worked on in advance. This will be submitted, and then bids can hopefully be published by October 10, 2020. This must be published in the newspaper, with a wait period of 7 days following publishing. This



must then be published again in the newspaper a second time, with another 7 day waiting period required after that. So, even with expediting the process, demolition wouldn't begin for another four weeks. Market Street will continue to be closed, the barrier fence will continue to remain in place, and they ask the public to continue to stay clear of the building and stay safe.

As a reminder, Adam clarified again that the Land Bank, nor the VWCF, did not cause the deterioration of the building. She appreciated the efforts of the Land Bank and the VWCF, and thanked the financial commitment from the VWCF, as she noted without it, they would still be far from a solution financially. She also thanked the Van Wert City Council, the Van Wert County Commissioners, the Fire Department, the Street Department, the Revolving Loan Fund board, and the VWCF board, for working expeditiously toward the solution.

Seth Baker, Chief Executive Officer for the VWCF, also noted the work that Adam and Krista Somerton, Program Manager for the VWAEDC, had done on this process. He wanted to make sure they were publicly recognized for their time and work.

Marshall asked if the abatement process is different than the demolition process. Adam noted that they cannot perform a traditional abatement process in this situation. Due to the inability to enter the building, the entire building must be considered "hot", or contaminated. The demolition will be a "wet demolition", so it will be sprayed with water during demolition to keep the spread of dust and debris to a minimum. All of the debris from the building will be taken to a site that will accept asbestos and other contaminated material.

Tomlinson asked how far down the demolition will need to go to remove all parts of the building, specifically if it will need to go below the basement line. Adam said they will take the basement, should not have to go below the basement, and explained there is also PERC contamination (perchloroethylene) on the property. The remediation for that contamination has not been determined yet, as it depends on the end use for the property. It could involve filling with stone and allowing air access. If a building is ever put on site, a vapor barrier will need to be installed. That will all be part of the bid process.

Adam mentioned the bid packets will be prepared and will need to be ready in about eight business days.

Agler asked if the EPA Brownfield MP Grant is out of the picture, or if it could still be applied for, awarded, and the money used to repay some of these costs. Adam said it wasn't completely out of the picture. She explained that if they did not receive the Target of Opportunity Grant, they would use the money from the Revolving Loan Fund and the VWCF to take the building down, and they continue to work on the EPA Brownfield MP Grant to cover the difference. Baker said they believe they will still pursue the Brownfield MP Grant as a backup, and possibly for other uses, just in case. He reiterated that only 10 awards are given nationally, so it's a longshot.

Davis asked if the bid process could be expedited if time becomes an issue. Adam explained that they will likely include an end date in the bid process. She will abide by the Fire Department's 60-day window, and so she will include that as a requirement in the bid process.

Joe Jared asked if larger signs could be placed on the barrier fence. Adam noted that the Fire Department has posted information, but that other signage could be considered. Fleming agreed.

Tomlinson pointed out that social media has been churning out misinformation about this situation, and noted that social media likely was not the best source of news for what was happening in Van Wert. He acknowledged the actual media sources and reporters in attendance who would be better sources, as well as directly contacting the organizations and persons involved.

Tomlinson informed the Council, and those in attendance, that the Van Wert Regional Planning Commission held a public hearing on Monday, September 28th, 2020, at 4:00 p.m. to review the final plot for the Elks Drive extension requested by Alexander & Bebout. The commission voted unanimously to approve the final plot as presented. Tomlinson clarified that the final plot would give access to the airport terminal. Fleming added that once Council approves that, it will be approval of the street and the dedication of the right of way. That will be recorded at the courthouse, and then in turn, the city will take over the utilities. This would be prepared for the next Council meeting.

Jared asked if the social media comment made by Tomlinson earlier was addressing the Home Guard building. Tomlinson answered that issue was part of it, but also that nearly every time an issue of import comes up, there is always a significant amount of misinformation put up, presented, and believed by those on social media. He said that people should go straight to the source of the information, ask questions of those directly involved, and get accurate information from legitimate sources.

## **ADMINISTRATIVE REPORTS**

**MAYOR:** The Mayor noted that the water bills were sent out earlier than what is typical, so that the informational flyers on the charter government issue could be included, and that residents could have that information before earlier voting began. Markward noted that care was given to make sure this was an informational flyer only, and not a piece of campaign literature. This flyer did not suggest how to vote or even to vote. It informed residents that there is an election, that the charter government is one of the issues, and there was a schedule of informational meetings. He mentioned that four residents had come to this office today after becoming aware of this issue because of the flyer in the water bill. He explained that there was no additional postage required since this was put with the water bill, and putting this flyer in the water bill only added an additional \$0.075 to the cost of printing each bill.

Markward also noted that Trick or Trick will be held on Saturday, October 31, 2020, from 4 p.m. to 6 p.m. As people choose whether or not to participate, they ask residents to continue the process as in past



years. If residents choose to participate, turn your porch light on. If residents choose not to participate, leave porch lights off.

Jared asked if the Mayor's explanation on the flyer was the reason there wasn't a "paid for by" disclaimer on the charter government information. Markward explained it was no disclaimer because it didn't require a disclaimer, as it was only an informational flyer and not campaign literature. As a list of straight facts, it did not provide an opinion on the topic or steer anyone on how to vote.

**SAFETY SERVICE DIRECTOR:** Fleming reported that the HVAC project in the Municipal Building is moving along, and they hope to have heat by November. They are finishing up the first floor before moving back to the second floor. Right now, there is no air conditioning or heat in the building, but again, hope to have it wrapped up by the end of October.

He also noted that the paving project on Washington Street should be wrapped up by the end of the week.

**AUDITOR:** No report at this time.

**LAW DIRECTOR:** No report at this time.

As the Law Director was not in attendance tonight, Tomlinson asked that any questions for the law director be sent to him or other members of administration.

## **COMMITTEE REPORTS**

**HEALTH, SERVICE, and SAFETY:** Marshall mentioned that only six new violations had been reported since his last report. They are working on several of the open ones from previous weeks. He mentioned that one of the code violations recently had been for feeding cats. He reminded the public residents should feed their own cats, but avoid feeding the public's cats.

Agler asked if action would be taken against a house on Vine Street, where a resident would not answer his door. He asked if a different process would be taken to resolve that situation. Marshall stated he and the Law Director have a meeting scheduled for this Friday for several issues, and that was one of the topics.

**ECONOMIC DEVELOPMENT:** Kallas made a motion to ask the Law Director to prepare a resolution authorizing the Service Director to sign a Memorandum of Understanding with a local business, on an emergency basis. Agler seconded; all concurred. Tomlinson noted this was directly related to the Economic Development committee meeting that was held prior to the Council meeting today. He explained that all the paperwork should be ready at the next meeting, and then the name of the business and the physical location would be given and approved at that time.

**PARKS AND RECREATION:** No report at this time.

**FINANCE:** No report at this time.

**JUDICIARY AND ANNEXATION:** No report at this time.

**STREETS AND ALLEYS:** No report at this time.

Agler asked if any part of Mendon Road is within city limits, as he would like to discuss if a speed limit could be imposed on a section of that road. Fleming said he would have to look into it, and that there are many factors that go into speed limits. Fleming stated he will talk to the county engineer, as he would require a joint agreement with the county.

**PROPERTY AND EQUIPMENT:** No report at this time.

On a charter government note, Davis wanted to make the public aware that they have started the charter government Facebook page, and the first meeting will be held Thursday, October 1, 2020, at 7:00 p.m. They are taking questions now, and those can be submitted through the Facebook page. The Council members or other administration members present will answer questions that have been submitted. This helps to make sure that all information is factual and sound. He has a sign up for Council members who would like to participate in those meetings. Van Wert Charter Information is the title of the Facebook page. This has been posted on other heavily followed Van Wert pages, and has been shared many times. Questions can be submitted through the page, or can be sent to any Council members. The goal is to answer any questions from the public.

No additional information to report.

## **UNFINISHED BUSINESS**

Tomlinson indicated that both code enforcement and charter government were discussed during the meeting, and will remain on the agenda.

## **NEW BUSINESS**

## **CONSENT AGENDA**

## **RESOLUTIONS & ORDINANCES**

Hellman made a motion to amend the language of Ordinance Number 20-09-046 to clarify that a crosswalk will not actually be painted on the street. The amended language would read **Amended Ordinance Number 20-09-046: AN ORDINANCE TO ENACT A NO PARKING AT THE INTERSECTION OF SYCAMORE STREET AND NORTH MARKET STREET.** Agler seconded; all concurred.

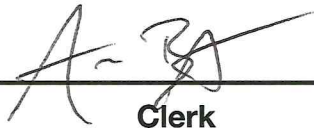
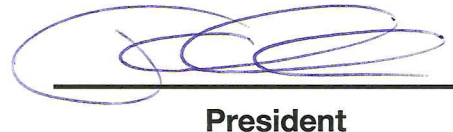
Second advisory reading for **Amended Ordinance Number 20-09-046: AN ORDINANCE TO ENACT A NO PARKING AT THE INTERSECTION OF SYCAMORE STREET AND NORTH MARKET STREET**. All concurred. Second reading passes.

Tomlinson mentioned that he would clarify the language of the amended ordinance prior to the next meeting, so the verbiage is accurate by the time it is passed and signed.

Davis asked the Mayor about the process with Garry Hunter and the nominees for the charter government. Markward explained that he had sent information to the 16 nominees, and he was waiting to hear back from Garry Hunter.

Judy Bowers, of 642 Center Street, explained that many people do not know how to drive or turn on to or off of Market Street. She noted that many people nearly take off the front or back of her vehicle when they turn. She asked if arrows could be painted on Market St., or if that had been explored, to correct this issue. Discussion ensued, with Tomlinson stating that there is signage currently, but this is not a topic they are considering at this time.

Agler made a motion to adjourn at 7:18 p.m. Kallas seconded; all concurred.

  
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Clerk  
\_\_\_\_\_  
President

10/12/20

  
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Date

