

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

September 14<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, Mergy, Hellman, and Davis were present.

Mergy made a motion to approve the agenda for the September 14<sup>th</sup> meeting. Seconded by Agler; all concurred.

Mergy made a motion to approve the minutes for the August 24<sup>th</sup> meeting. Seconded by Agler; all concurred.

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

Tomlinson ceded the floor to Stacy Adam, the Executive Director of the Van Wert Area Economic Development Corporation.

Adam noted that in December of 2019, the Van Wert Land Bank (Land Bank) acquired the Home Guard building, located at 201 E. Main Street in Van Wert. She also noted that the Land Bank has been working in conjunction with the Van Wert County Foundation, and assessments had been made to look at the possibility of revitalizing that property. Before turning the floor over to Seth Baker, Chief Executive Officer of the Van Wert County Foundation (VWCF), Adam stated that at approximately 2 a.m. on September 13<sup>th</sup>, the northwest section of the fourth floor of the Home Guard building had collapsed, causing bricks and debris to fall into Market Street. The city has closed off this area, street and alleys, with pylons and tape, and the area had been cleaned up around the building. She also mentioned that they performed drone footage of the damage, the Van Wert Fire Department had used their bucket truck to assess the damage, and Alexander & Bebout had given recommendations on further action.

Baker opened by stating that the VWCF had been doing extensive reconnaissance on the building for the past several months, in order to see if the building was safe for abatement work, and also configure cost estimates for any work done. Baker mentioned that, to submit for Historic Tax Credit purposes, the Ohio Historic Preservation Office would have wanted the building (prior to collapse) restored to original character, inside and out, and this would have cost \$15 million to complete. Baker also stated that the building could have been gutted, with the shell saved/kept intact, which would have cost \$12 million, or it could have been torn down, with a comparable building in size (land comparison) built in its place, for around \$7.6 million. At that point, Baker stated that it was determined it would not be wise to use community assets to rehabilitate the building, and the VWCF had moved to demolish the building.

As they planned and assessed the needs of demolition, Baker explained they had explored the option of Brownfield grants, which would have put them on an end of October (2020) deadline for grant submission. The grants, however, would not be awarded until May of 2021, and Baker noted that they still may have to wait until May. However, they had met with a Cincinnati environmental attorney today (9/14/2020) to receive guidance on how to proceed, but the challenge remains funding. Baker expressed hope there could be some state EPA money available, but more obstacles remain. If the building was still standing, there was a possibility they could remove any possible hazardous materials from the site and tear the rest of the building down. As it stands now, with the collapse, the whole building has to be treated as hazardous materials.

The other item to consider, Baker mentioned, is the historic preservation side of the situation. If state or federal funding is used instead of private or local funds, a Section 106 review must be completed, which takes 60 days, at minimum. It is possible, on rare occasions, to pursue a quicker process, with a Memorandum of Agreement for emergency situations with the Ohio Historic Preservation Office, which requires a statement from a local government body of an imminent health or safety threat to the public. It also requires a letter from an engineer concerning the health or safety threat, which they have. The Ohio Historic Preservation Office then has seven days to issue an objection, if any, to this imminent threat declaration.

Baker presented that as the reason he and Adam were before Council, to seek an official declaration of an imminent threat to public health and safety from Council. He noted that buildings to the north and east were still in an imminent threat situation, and have been notified so that no persons would be in those buildings. They also will continue to block off the area around the building so that no one gets close to the building.

Tomlinson clarified that they need Council to officially declare that danger is imminent. He also asked Baker or Adam to clarify if money would come from the state to demolish quickly, or if there were enough local funds to do so.

Adam stated they have been working on all avenues of funding, and they are pursuing three different options for funding. Nothing is finalized, but they are continuing to work on options.

Agler asked what type of grants they would be looking at specifically, and noted the city had tried a grant in the past. Fleming explained that the city didn't meet the qualifications or desired needs at that time. Baker spoke on federal funding, mentioning only a total of 10 awards nationally, but the size and scope of the plan they have for downtown would be very attractive for that award. He expressed that the more likely option would be to acquire state funding.

Agler asked if the city would have to pay someone to write a grant or submit the requests for funding. Baker described the assessments that had already been completed on the building in the past, and that some are still in effect, but an updated "Phase I" assessment would need to be completed. Adam explained that the Land Bank now has ownership, has sovereign immunity, and also has liability coverage on the property.



Hatcher asked Adam and Baker if the VWCF and the Land Bank needed a resolution or a majority vote from Council to declare the imminent threat. Adam responded that the resolution would be best, and Tomlinson asked if they had language needed to write up the resolution.

Marshall asked if any proactive measures can be taken to secure the area until the building can be demolished. Baker explained they had inquired on estimates for construction fencing around the building, and barricades will continue to be placed on the streets around the area. There is personal property near the building, and that person has been notified of the imminent danger. Economic Development offered to create a space for him if he would like to relocate. CenturyLink and AEP have also been notified.

Penton asked if the state EPA would be involved in this process. Baker and Adam confirmed. Penton asked if the EPA needed to allow this process to continue. It was acknowledged that Council could pass this resolution, and this would then allow the rest of the process to move forward, and the EPA would be part of those next steps of the demolition process.

Agler motioned for a resolution to be prepared to declare the Home Guard building, located at 201 E. Main Street, to be an imminent threat to public health and safety, and demanding the building's removal as soon as possible, on an emergency. Marshall seconded; all concurred. Agler motioned to introduce **Resolution Number 20-09-050**. Marshall seconded; all concurred. Agler motioned to suspend statutory rules for **Resolution Number 20-09-050**. Marshall seconded; all concurred. Agler motioned to pass **Resolution Number 20-09-050: A RESOLUTION DECLARING THE HOME GUARD BUILDING LOCATED AT 201 E. MAIN STREET, VAN WERT, OHIO, AN IMMINENT THREAT TO PUBLIC HEALTH AND SAFETY AND DEMANDING THE BUILDING'S REMOVAL AS SOON AS POSSIBLE AND DECLARING AN EMERGENCY** on its first and final reading. Marshall seconded; all concurred.

Tomlinson remarked that the Land Bank and VWCF would receive a copy of this resolution tonight so they could move forward as soon as possible.

## **ADMINISTRATIVE REPORTS**

**MAYOR:** The Mayor noted that the Heartland Patriots have invited someone from the city or Council to be present at their Freedom Fest on Saturday, September 19th, at Fountain Park, to answer questions about the city charter ballot issue. Marshall agreed to be there, the Mayor will also be there for a time, and other members are invited.

The Mayor also provided information on charter government materials that are now posted on the city's website, labeled Charter City Source Guide. This includes links to Informational Meetings, Cities and Villages in Ohio with a Charter, City Charter Guide from the Ohio Municipal League, a City Charter FAQs page, and a Sample Ballot. When the Van Wert ballots are released, this will be updated with a sample of the actual Van Wert ballot.

Markward also went over the schedule of informational meetings he has put together to help inform the public and answer their questions. The schedule of the informational meetings will be



included in a document that will be sent out in the upcoming water bills, which should be received by October 1st, and possible earlier. It was also suggested that a handout be included for those who attend the informational meetings.

Markward then turned the floor over to Davis to discuss another avenue of providing information to the public. Davis brought up the idea of holding interactive informational meetings on Facebook so that people could ask questions, receive information, and provide another way to reach the public.

Tomlinson asked whether Davis was considering synchronous or asynchronous question and answer sessions, citing some of the challenges to synchronous sessions. Davis envisions the presence of council members or the mayor, with questions sent in and presented on the screen, and those questions are then addressed. Tomlinson remarked it was a good idea.

The conversation then shifted to what Facebook page to host these types of meetings. It was determined to set up a new page, and post references to this new page on many of the local established pages.

Davis also asked if those who had put their names up for the charter commission would be provided with "educational pre-steps" so that they could have a better idea of their roles if the charter issue would pass. Tomlinson noted that Garry Hunter and the Ohio Municipal League have been contracted to guide this two-year process. Balyeat suggested that maybe Hunter provided these charter commission nominees with more information, as they will begin to field more questions once their names are visible on ballots. Tomlinson asked the Mayor to contact Hunter and ask for Zoom sessions to be held for the charter commission nominees, and also notify the nominees of the informational meetings with the Mayor to receive information directly. He also urged the Council members to talk to these nominees as well. Balyeat also suggested that nominees without reliable internet could come to Council chambers for those Zoom meetings.

Marshall asked if the commission needs to be 15 members, or if it can be any number, especially if members would back out. It was confirmed that the commission would be set at 15, and legislation had already been passed for the replacement process.

Davis asked what Hunter's role will be moving forward. Tomlinson explained that Hunter has been contracted, and he will provide whatever consultation is needed or necessary for this process. Markward noted that they don't need Hunter to be doing a significant amount yet, as the issue could be defeated in the election, and then there would be no need. After the election, if needed, he would be there to guide the process.

The conversation shifted to what type of information that Council could put out for the public to aid in the informational process, but it was noted that Council's individual ideas could be different, and the commission itself could hold views different from Council as well.

Tomlinson recommended that Council refer people to the information that's put out by the city, which can be viewed on the Charter City Source Guide at <https://vanwert.org/news/>. He also pointed out that the first mention of the charter government possibility was mentioned in the VW Independent on October 30, 2018, and that people have had two years to be educated on the issue.

Davis also asked about the ability for people to view City Council meetings live. It was explained that meetings are shown live on Spectrum cable (channel 1034). Equipment capabilities prevent the meetings from being streamed live via internet sources, but all meetings are available that night or the next day on the city's website.

Kallas asked whether a document around "What Can a Charter Government Do & What Can't a Charter Government Do?" could be placed on the city's website with the Charter City Source Guide materials. Tomlinson asked Markward to check with Hunter to see if that kind of document is already in the works.

**SAFETY SERVICE DIRECTOR:** Fleming noted that crews are working on upgrading ADA ramps on North Washington Street that have become non-compliant since they were originally constructed. Beginning Wednesday morning (9/16/20), milling will occur on Main Street from the bridge to Washington Street, and this will conclude Friday morning (9/18/20). After crews are finished with sidewalk repairs on Washington Street, milling will begin on that street, focusing on the stretch from Route 30 to US 127/US 224 intersection.

The Industrial Drive lift station is complete and going online Thursday. Peterson Construction will begin work on the Franklin Street pump station next week. This is part of the ongoing project to upgrade pump stations around the city.

**AUDITOR:** Balyeat opened by reviewing the Bank Reconciliation document for August. This document showed \$13 million on the books in various banks and investments. The tax positions report shows a positive balance in all funds, as required. The comparison of general fund revenues from last year to this year shows a drop of about 2% from last year. The projection was an increase of 4% originally. When the COVID-19 situation hit, the projection shifted to a 10% reduction from original estimate. Balyeat felt that the final line might come in under that 10% mark, but it would be close. She also noted that general fund spending has been around \$164,000 more than what has been received, but that was expected. Overall, the position isn't worse than expected, which is a plus. Tomlinson noted that the \$164,000 in spending could be much worse, and that number is well within the carryover. He acknowledged the work of department heads to keep expenses down.

Balyeat also had an invoice that needed to be approved on a Then and Now for Ward Construction Company, for work on the Jefferson Street Bridge project. This invoice was for \$13,332.74. She asked Agler to motion for that to be approved tonight.



Balyeat also mentioned multiple legislation pieces she was bringing to Council. The first piece of legislation involved the supplemental appropriation to specific city funds. She detailed the money amounts and information regarding appropriations to the funds of General, Street Painting and Repair, Local CARES Grant, Street Construction, Towne Center TIF, Water, Sewer, EFID, Police Pension, Fire Pension, and Woodland Cemetery.

The second piece of legislation involved the tax budget, and authorizing the tax levies and the estimated millage from the Van Wert County Budget Commission for the General Fund, the Policeman Pension Fund, the Fireman Pension Fund, and the Cemetery Fund. She asked Agler to motion for approval of these two legislation pieces.

Balyeat also mentioned the possibility of purchasing Chromebooks for Council members, using CARES dollars, for remote meeting needs, but also to allow the Council to go paperless. She asked members to look at a possible model after the meeting.

**LAW DIRECTOR:** Hatcher reported that there are currently 7 to 10 nuisance cases pending. Two of those cases have been resolved due to parties selling their property to a third party. One of those sales has resulted in the property being demolished, and in the other case, the new owner will have time, after the transaction takes place, to resolve the issue. Hatcher noted that people are becoming motivated to improve properties, and more and more people are bringing properties to their attention. It is appreciated that these are being brought to the attention of code enforcement, as the staff is small and doesn't always know about every property. He thanked all those involved in these processes for the work that's being done.

Hatcher asked if an executive session had been added to the agenda, but Balyeat suggested that the executive session can be asked for at any point in a meeting. Tomlinson noted that Council will enter into executive session after ordinances, but no action will be taken after executive session.

## **COMMITTEE REPORTS**

**HEALTH, SERVICE, and SAFETY:** Marshall reported he had looked back at violations over the year, and noted that code violations, to this point, are down 25% from last year. He explained that citizens are becoming more cognizant of codes, and what should and shouldn't be done. He has had 12 cases open since the last meeting, and six close. In looking at older violations, those have been reduced to a handful, although some are egregious. Those violations have their full attention.

**ECONOMIC DEVELOPMENT:** No report at this time.

*Kallas did request a Committee Meeting prior to the next Council meeting on September 28, at 6:15 p.m., regarding infrastructure agreement.*

**PARKS AND RECREATION:** Penton reported that things have been going well for the Parks Department. There are no major projects planned the rest of the year. They are keeping up with

mowing. Van Wert currently has five flag football teams playing, and teams from Convoy and Delphos have been coming over to play as well.

**FINANCE:** Agler motioned to approve the Then and Now regarding Ward Construction Company for \$13,332.74. Seconded by Mergy; all concurred.

Agler motioned for a resolution to be prepared to accept the amounts and rates determined by the Budget Commission, authorizing the necessary tax levies, and certifying them to the county auditor on an emergency. Mergy seconded; all concurred. Agler motioned to introduce **Resolution Number 20-09-048**. Mergy seconded; all concurred. Agler motioned to suspend statutory rules for **Resolution Number 20-09-048**. Mergy seconded; all concurred. Agler motioned to pass **Resolution Number 20-09-048: A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR AND DECLARING AN EMERGENCY** on its first and final reading. Mergy seconded; all concurred.

Agler motioned for an ordinance to be prepared to make supplemental appropriations to certain city funds as outlined by Balyeat earlier in the meeting, and on an emergency. Mergy seconded; all concurred. Agler motioned to introduce **Ordinance Number 20-09-047**. Mergy seconded; all concurred. Agler motioned to suspend statutory rules for **Ordinance Number 20-09-047**. Mergy seconded; all concurred. Agler motioned to pass **Ordinance Number 20-09-047: AN ORDINANCE TO MAKE SUPPLEMENTAL APPROPRIATION TO FUNDS 101, 201, 229, 301, 502, 601, 602, 801, 850, 851, 875, AND DECLARING AN EMERGENCY** on its first and final reading. Mergy seconded; all concurred.

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

**STREETS AND ALLEYS:** Hellman mentioned that he, Fleming, and Markward had inspected the area in question at the intersection of Sycamore and Market, and agreed that action should be taken.

Hellman motioned for an ordinance to be prepared to enact a no-parking zone due to the implementation and installation of a crosswalk at the intersection of Sycamore and N. Market Streets. Agler seconded; all concurred. Hellman motioned to introduce **Ordinance Number 20-09-046**. Agler seconded; all concurred.

Hatcher clarified that in Exhibit A of the ordinance, there are only three calls for no parking signs to be installed. The reason there isn't a fourth is because there is already a no parking sign at the southwest corner of the intersection.

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



## 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

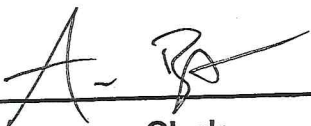
Marshall motioned to pass Ordinance Number 20-08-042: AN ORDINANCE TO AMEND THE VAN WERT CITY ORDINANCE 98.04 on third and final reading. Kallas seconded. Marshall, Kallas, Penton, Mergy, and Hellman approved. Agler and Davis dissented. The ordinance passes on third and final reading.

First advisory reading for Ordinance Number 20-08-046: AN ORDINANCE TO ENACT A NO PARKING ZONE DUE TO THE IMPLEMENTATION AND INSTALLATION OF A CROSSWALK AT THE INTERSECTION OF SYCAMORE STREET AND NORTH MARKET STREET. All concurred. First reading passes.

At 8:00 p.m., Agler motioned to enter executive session for pending litigation. Kallas seconded; all concurred.

At 8:06 p.m., Agler motioned to exit executive session. Davis seconded; all concurred.

Mergy made a motion to adjourn at 8:07 p.m. Agler seconded; all concurred.

  
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Clerk

  
\_\_\_\_\_  
President

9 / 28 / 20  
Date