

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

October 12<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 October 12<sup>th</sup> meeting. Seconded by Kallas; all concurred.

Mergy made a motion to approve the minutes for the September 28<sup>th</sup> meeting. Seconded by Agler; all concurred.

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

Tomlinson mentioned that on Tuesday, October 20<sup>th</sup>, there will be an informational meeting for all individuals whose names are on the ballot for the charter commission, and all have been invited. The Mayor noted that this will be a Zoom meeting, and Garry Hunter will be present. This can be attended at home or in Council Chambers, and is meant to be an opportunity to inform and educate nominees on charter commission basics.

Tomlinson noted that the Council Clerk was typing on a new Council Chromebook, which had been ordered for all Council members. Once all Chromebooks are in, the goal would be to set up generic Google accounts for all members so that the accounts travel with the position (ex: vanwertpresident, vanwertward1) instead of the individual. A Google administrative account would be set up to manage all accounts.

Kallas mentioned residents have sent him complaints about speeding on Ervin from the intersection of Ervin and Walnut to the Early Childhood Center. They asked for a trailer sign to be put up to help with this problem. Tomlinson asked Fleming if this could be done, and he noted they could move it into that area.

The Mayor mentioned he received a message from the Heartland Patriots, and they will be meeting at 7 p.m. on Tuesday, October 13<sup>th</sup>, at Wesley United Methodist. They will be discussing everything on the ballot. Rick Turner, Vantage Superintendent, will be speaking on the levy. Todd Wolfrum will speak about the county government and State Representative Craig Riedel will speak about the Ohio General Assembly. They are also welcoming any comments or questions on the charter government issue. Tomlinson asked if anyone from council is available to go. Mayor plans to attend if he can and his earlier meetings are finished. Tomlinson asked any council members to attend, if possible.

Marshall noted that Haven of Hope had their official opening on Sunday, October 11<sup>th</sup>, and had their first occupant last night.

## **ADMINISTRATIVE REPORTS**

**MAYOR:** The Mayor checked through last Friday (October 9<sup>th</sup>) and noted that approximately 750 citizens in the city that had already voted, with another 900 that had their ballots mailed to them. He suggested this would indicate a similar turnout for voting as the last presidential election.

He reminded all that his office will continue to have their informational meetings on charter governments. He indicated that most questions have not been new, but one question was asked last meeting on whether a city would give up its sovereign immunity by becoming a charter city. Markward mentioned that he asked Lima, who has a charter government, this question, and they answered that cities do not give up their immunity by moving to a charter. Hatcher confirmed this as well.

One issue that came up from the last meeting was that the official city website does not show up at the front of search engine results, regardless of the search entered. Fleming spoke with the website host company, and they are awaiting details on what can be done to correct that. For the public, it was noted that the city's website is [vanwert.org](http://vanwert.org).

**SAFETY SERVICE DIRECTOR:** Fleming informed the Council that the waste water project that involved rebuilding two pump stations at the Industrial Drive station at the Industrial Park is complete. They have moved to Franklin Street for another project for the next couple weeks.

The north water tower painting project is complete and that is back in service now.

Fleming thanked the public for their patience on the Washington Street & Main Street paving project, and noted that it was now complete.

Tomlinson asked if there were any residual issues from the power outage on Saturday, October 10<sup>th</sup>. Fleming noted there were no lingering issues. Tomlinson asked how some stop lights kept working. Fleming mentioned that the newer stop lights do have battery backup.

Davis asked about the status of missing parking spots on Main Street. Fleming stated that it has been painted, there are three stripes missing, and those will be completed at a later time.

**AUDITOR:** Balyeat went over Bank Reconciliation documents from September 30<sup>th</sup>. She noted there was \$13 million on the books, and \$13 million in various bank accounts and investments. In the general fund revenues, the projection was that the city would be 10% behind compared to our original estimate of a 4% increase in income tax. Right now, the city is behind around 5% on the income tax, so with the estimated 4% increase to 5% mark behind, the 10% projection appears to be true. The comparison from last year to this year shows almost every area in the red, which was anticipated. The city has spent \$188,000 more than it has taken in for the general fund, which was also anticipated.



On the positive side, Balyeat mentioned that another chunk of CARES Act money came in. A check was received last week for \$384,778.00, and the total received for the year is now \$569,637.49. The city has purchased personal protective equipment for the Police and Fire Departments, and sanitation items for all workers. Most bathrooms are being upgraded to become no-touch. Chromebooks have been purchased for Council for remote meetings and paperless contact, as needed. The rules for disbursement have been changed, and now CARES Act dollars can now be used to reimburse salaries for safety and health workers. Originally, any unspent dollars had to be sent back. She stated that now they will be able to use all of that money one way or another, with several thousand dollars going back to the general fund to reimburse those salaries. She noted that now, they could end the year in the general fund in a favorable position.

Hatcher asked if spending had decreased at all this year. Balyeat said that most expenses are fixed, so there's really not much room to cut or expand. She doesn't usually do a monthly comparison of expenses, but mostly tracks revenues. She has a monthly comparison of the totals, but she can take a look at that. She stated that they are in line with expenses at this time.

Balyeat mentioned that two larger chromebooks have been ordered for Fleming and the Council Clerk. A charging station has also been received. Chromebooks for the rest of council, and a laptop for Mr. Hatcher, are en route, and should arrive before the end of the year.

**LAW DIRECTOR:** Hatcher mentioned that a meeting took place last week with Mr. Marshall, Mr. Lawson, Mr. Fleming, the Mayor, the County Prosecutor, the Health Department, and someone from Adult Protective Services concerning actions to take with some distressed properties. Hatcher explained that a number of times, the owners of these properties are elderly, and cannot care for their property based on physical or mental health. Discussions took place on how to more efficiently handle those problems. All of these parties had been working independently, but met to discuss these problems in which there is overlap. Some properties have seen benefits from that meeting already. Moving forward, that cooperation will be very beneficial for these properties.

## **COMMITTEE REPORTS**

**HEALTH, SERVICE, and SAFETY:** Marshall stated that there were not many new violations since the last meeting. He did note three couches on the street lately, and reminded the public to avoid putting old furniture in the street. He reiterated good news on properties from the meeting that Hatcher mentioned earlier.

He also explained that a couple properties have been hard to serve, and there were continued issues getting them served. No one answers the door to receive the service letters. They are working on alternate methods to serve these residents. Hatcher stated that once he knows they have avoided service, there are other means that he has to notify/service these properties. He will begin to take this step.

Agler stated that he has lived in the 300 block of Vine Street his whole life, and two of the properties they are discussing are on that street. He explained that those residents have mowed their yards, but they have continued to leave weeds and grass grow around obstacles in the yard. Instead of using a weed eater or other methods to trim these areas, they let it grow. He believes the ordinances are not working for these residents. He doesn't believe the fines they have currently are strong enough. He stated that he believes Council needs to pass something once and for all to correct this problem.

**ECONOMIC DEVELOPMENT:** Kallas turned the floor over to Stacy Adam, Executive Director of the Van Wert Area Economic Development Corporation (VWAEDC). Adam announced that Alliance Automation is planning an expansion in Van Wert. Alliance Automation is looking at constructing an 80,000 square foot building that will likely generate 40 new jobs for Van Wert. The average pay for these jobs will be significantly higher than the average for Van Wert County. Alliance Automation is working through the annexation now, and they are looking to expand water/sewer services out to that site, which would become part of the city of Van Wert. They will receive funds from the state of Ohio for that betterment. Adam and VWAEDC asked the city of Van Wert to enter into an agreement with Alliance Automation, where Alliance Automation would send \$100,000 of those funds to the city to pay for material cost of a pump and water/sewer services to their new site.

Tomlinson reminded those in attendance that this was discussed two weeks ago, but at that time, they were not allowed to mention the name of the business or the location. Everything is in place at this time, so that is why it can be announced now.

Marshall asked about the operational date. Adam said it would likely be a spring 2021 start for construction, and an operational date about 12 months after that. It was noted that the location is north of the cement plant on John Brown Rd.

A question was asked on what Alliance Automation manufactures. Adam stated that Alliance Automation makes industrial robotics. She explained this is a plus for Van Wert, as they have just gone through an acquisition themselves with a company in Toledo, and this is a field that appears very likely to grow in the future.

Davis asked what the plans would be for the current property that Alliance resides in. Adam stated that this is a leased property right now, but there is high confidence that this area will be used. She explained that there is not much warehouse space in Van Wert, so they are very confident this area will be utilized.

Kallas motioned to introduce **Resolution Number 20-09-051.** Penton seconded, all concurred. Kallas motioned to suspend statutory rules to **Resolution Number 20-09-051.** Penton seconded; all concurred. Kallas motioned to pass **Resolution Number 20-09-051: A RESOLUTION AUTHORIZING THE SAFETY SERVICE DIRECTOR TO SIGN A MEMORANDUM OF UNDERSTANDING WITH ALLIANCE PROPERTY GROUP, LLC AND DECLARING AN EMERGENCY.**, on its first and final reading. Penton seconded; all concurred.



Adam also updated the Council on the Home Guard building. She said that the application for the Target of Opportunity grant has been submitted. The Ohio Department of Development had reviewed the application request on September 28<sup>th</sup>. Currently, they are awaiting the Development Director's review, approval, and signature on the grant application. They have received communication from the department, but have not received approval yet. Once approval is finalized, they need to wait a day and then publish the bid in the paper. After publishing, they need to wait seven days, and then publish again. After the second publishing, they have to wait another seven days. Due to this process, the earliest they can open any bids is October 28<sup>th</sup>. Every day that there is a delay in receiving the approval, that's another day they have to wait, as the publishing process cannot be abbreviated.

Fire Chief Jones amended his order on the building, and asked for demolition to be started by the original 60-day deadline of November 15<sup>th</sup>, with 60 days following that date for demolition to be completed. She acknowledged the risk that a short bid period might cause the cost of the demolition to rise, but also explained that they have some leeway built in looking forward. If they cannot begin demolition by that date, they will need to revisit that order with Chief Jones.

Tomlinson verified that there have been no additional incidents with that building since the initial collapse. Adam confirmed, but also followed up by saying there is a window where risk is becoming higher. She again noted that the alley is blocked off, the street is blocked off, and the property is fenced. She said they will continue to move as quickly as they are able.

Adam also wanted to inform the public of a program that Rick McCoy, of the Van Wert County Emergency Management Agency, will oversee. This program will distribute CARES Act money to small businesses. To qualify, businesses must have 30 or fewer employees, must have \$1 million in revenue or less, and must be for profit. This money cannot be used for payroll expenses or other eligible expenses if that business received Paycheck Protection Program money formally. There is \$1 million worth of aid for small businesses in this program. Those interested should contact Rick McCoy's office or email his office at [emamccoy@vanwertema.com](mailto:emamccoy@vanwertema.com). The VWAEDC office can also be contacted, and they can forward on to McCoy.

Davis mentioned to Adam that the VWAEDC website also does not show up early in search results, and that it was important to him for her office to show up as one of the top results in search engines. He asked that she speak with Fleming and Markward to try and get that figured out.

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

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

**JUDICIARY AND ANNEXATION:** Mergy motioned for the law director to prepare an ordinance to accept the final plat for the Elks Drive extension and declaring an emergency. Agler seconded; all concurred. Mergy motioned to introduce **Ordinance Number 20-10-054**. Agler

seconded, all concurred. Mergy motioned to suspend statutory rules to **Ordinance Number 20-10-054**. Agler seconded; all concurred. Mergy motioned to pass **Ordinance Number 20-10-054: A RESOLUTION ACCEPTING THE FINAL PLAT FOR THE ELKS DRIVE EXTENSION IN THE CITY OF VAN WERT AND DECLARING AN EMERGENCY**, on its first and final reading. Agler seconded; all concurred.

**STREETS AND ALLEYS:** In a discussion of an upcoming ODOT funded project of the Market Street Bridge, Agler asked if Market Street would be paved from the bridge to the railroad track. Fleming noted that this project would only cover the ODOT funded areas, but it was his goal to pave more of Market Street going north when the contractor is paving the ODOT portion. However, any additional work on Market Street cannot be tied to the ODOT project. It has to be a separate contract. It was noted that there might be a better deal tied to this separate project if the contractor is already there as part of the ODOT project.

Hellman motioned for the law director to prepare a resolution for the replacement of the Market Street Bridge, demolition of the building located at 231 S. Market Street, and declaring an emergency. Marshall seconded; all concurred. Hellman motioned to introduce **Ordinance Number 20-10-053**. Marshall seconded, all concurred. Hellman motioned to suspend statutory rules to **Ordinance Number 20-10-053**. Marshall seconded; all concurred. Hellman motioned to pass **Ordinance Number 20-10-053: FINAL RESOLUTION FOR THE CITY OF VAN WERT TO APPROVE THE REPLACEMENT OF THE MARKET STREET BRIDGE, INCLUDING APPROACH RECONSTRUCTION, RESURFACING PORTIONS OF MARKET STREET BETWEEN CRAWFORD STREET AND CENTRAL AVENUE, DEMOLITION OF THE BUILDING LOCATED AT 231. S. MARKET STREET, 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. Marshall seconded; all concurred.

Tomlinson asked if everything was finalized with the property at 231 S. Market Street. Hatcher and Fleming confirmed they have possession of the building, and that there is nothing legally that could stop demolition.

**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.

He again mentioned the Zoom meeting for charter commission nominees on October 20<sup>th</sup>. He also reminded the public of the Facebook Live sessions, every Thursday at 7 p.m. through the end of the month, to discuss and ask questions regarding a charter government.

Davis asked if charter commission meetings, should the ballot issue pass, would be open to the public. Tomlinson stated he was not sure if those meetings were subject to Sunshine Laws, and



that they would check into this with Garry Hunter. Davis mentioned the public is concerned about this. Discussion ensued on this topic. It was stated definitively that Council, as a whole, would not be involved in those commission meetings. At the end of this discussion, Tomlinson and Markward both confirmed they would ask Garry Hunter and find out the answer to this question.

## **NEW BUSINESS**

## **CONSENT AGENDA**

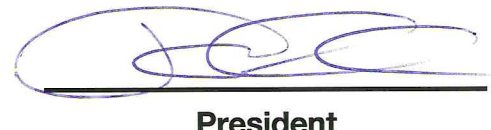
## **RESOLUTIONS & ORDINANCES**

Hatcher mentioned that **Ordinance Number 20-09-046** needed further changes to its verbiage. These changes would involve changing “**A NO PARKING**” to “**NO PARKING ZONES**” in the title of the ordinance, as well as changing “a no parking zone” to “no parking zones” in the body (Whereas) of the ordinance. It would also change language in Section 1 from “from each cross walk” to “from each corner”.

Hellman made a motion to amend the language of **Ordinance Number 20-09-046** to reflect the changes to the title, Whereas, and Section 1 as previously discussed. The amended language would read **Amended Ordinance Number 20-09-046: AN ORDINANCE TO ENACT NO PARKING ZONES AT THE INTERSECTION OF SYCAMORE STREET AND NORTH MARKET STREET.** Agler seconded; all concurred.

Hellman made a motion to pass **Amended Ordinance Number 20-09-046: AN ORDINANCE TO ENACT A NO PARKING AT THE INTERSECTION OF SYCAMORE STREET AND NORTH MARKET STREET,** as amended, on third and final reading. All concurred. Ordinance passes.

Agler made a motion to adjourn at 7:28 p.m. Davis seconded; all concurred.

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

10/26/20

  
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Date

