

MINUTES OF THE VAN WERT CITY COUNCIL

December 14th, 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: Kallas, Penton, Mergy, Hellman, and Davis were present.

Mergy made a motion to excuse Marshall and Agler. Hellman seconded; all concurred.

Mergy made a motion to approve the amended agenda for the December 14th meeting. Seconded by Davis; all concurred.

The amended agenda added an approval of Council of the Whole minutes from November 23rd.

Mergy made a motion to approve the minutes for the Council of the Whole meeting that took place on November 23rd. Davis seconded; all concurred.

Mergy made a motion to approve the minutes for the November 23rd Council meeting. Seconded by Davis; all concurred.

COMMENTS, COMMUNICATIONS, & PETITIONS

Markward presented an official proclamation to Keith Recker, head coach of the Van Wert Cougars - attending on behalf of the team, congratulating the Van Wert High School Cougars football team on their state championship title. The proclamation detailed the Cougars' record, their playoff victories, and their record-tying comeback in the championship game to claim the title.

Tomlinson stated that he received a CD from the Public Utilities Commission of Ohio. He explained that he received it today, and does not know what it contains. He will view it and then provide Council with any updates of importance at the next meeting.

Tomlinson noted that he received a letter from Main Street Van Wert containing their annual request for financial support. He also noted he would give this letter to Agler, chair of the Finance Committee, for consideration in the budget.

Tomlinson also received a letter, addressed to Mergy, from The Brumback Library, requesting the reappointment of Mrs. Joan Stripe and Mr. Gary Taylor as City Appointees to the Board. The letter stated Mrs. Stripe as the Vice-President of the Board, as well as a member of the Finance, Legal, and Personnel Committees. Mr. Taylor is specified as the Chairman of the Grounds Committee, and a member of the House Committee.

Mergy made a motion to reappoint Mrs. Stripe and Mr. Taylor as City Appointees to the board. Hellman seconded; all concurred.

Additionally, Tomlinson also relayed a letter he received from the local Jehovah's Witness Kingdom Hall, which included a copy of their Watchtower newsletter.

Penton mentioned that is the City Council's representative for the Trustees of the Woodland Cemetery, and that they held a meeting today. He noted more information will be forthcoming, but explained that income is up due to additional burials. He also noted that the Cemetery is solvent.

John Booher, 835 State Street, shared that he had spoken with the Mayor earlier in the morning concerning his tax payments. Booher mentioned that he had paid his last quarterly payment last Wednesday, then received a letter that Friday stating he should have paid a different amount on his quarterly payments. He stated that he spoke with the tax administrator over the phone, and the Mayor suggested going to the tax office in person, but that he did not have the time in his schedule to go to the office in person. He asked for the problem to be resolved. Tomlinson explained that Booher needs to schedule a meeting with the Income Tax Administrator in person, as that office can answer his questions. Booher expressed his frustration with the situation, which has been ongoing since last year. Tomlinson also suggested that the party that handles Booher's taxes check with the Income Tax Administrator again.

ADMINISTRATIVE REPORTS

MAYOR: No report at this time.

SAFETY SERVICE DIRECTOR: The first item that Fleming addressed was amended language to the proposed salary ordinances (**20-11-064 and 20-11-065**). In the salary ordinances, one piece of amended language stated that if Christmas falls on a Saturday or Sunday, then Christmas Eve shall not be observed. Additionally, Fleming noted that every department in the city currently has a Construction Maintenance Worker I, II, or III, except the Parks Department. The amended language to the service salaries ordinance would add a Construction Maintenance II position to the Parks Department, allowing a current employee to be promoted to that position. Also in the service salaries ordinance, Fleming requested that all non-unionized or non-bargaining employees received a 3% increase in salaries, raising it from 2.5% originally in the ordinance, to match the 3% increase that union/bargaining members would receive.

Tomlinson asked if Council was on board with raising the Council Clerk's salary to \$5500 per year. Council did not share objections, and Fleming confirmed that as part of the proposed amendments to **20-11-064**.

Fleming and Tomlinson stated that amendments would also be added to the ordinance signifying the Safety-Service Director as a member of the District 13 Public Works Commission (**20-11-072**). This amended language would make this appointment a three-year term, and state the Mayor as the alternate.

Fleming explained that they had researched the Middle Street situation, between Moberly and Cable, in regards to parking, and difficulty with trash pickup on that street. Fleming noted that the Fire Department and EMS have had issues getting down that street as well, so they are asking Council to consider an ordinance for no parking on the west side of that street. Fleming did not believe that the ordinance would need to be on an emergency, but signs could be posted, with a warning period until the ordinance was in effect, if passed.

Fleming also updated the Franklin Park vandalism case, informing those in attendance that three juveniles had been charged with criminal mischief, and that process was working its way through the court.

Penton asked if restitution is part of their sentencing or probation. Fleming deferred to Hatcher, who stated that he is not prosecuting that case as it is not part of his jurisdiction. In general terms, Hatcher explained that restitution can be ordered in any delinquency matter, but is up to discretion of the judge. Community service is almost always an outcome, along with letters of apology, and probation is typical. The length of probation can be affected by past history of the juveniles. Courts have other discretion in terms of what the sentences contain. The past history will determine much of what the judge will do.

Fleming also mentioned that CARES Act money will be used to install touchless hand dryers in all of the parks' restrooms next year, so that paper towels can't be used to play a part in incidents like this in the future.

AUDITOR: Balyeat began her report with the Bank Reconciliation for the month of November, indicating \$12.7 million in the bank, and in various bank accounts and investments. The cash position report demonstrated a positive balance in all funds, as required.

Income tax collections for November were better than they had been. Balyeat mentioned that Jennifer Adams, the Income Tax Administrator, relayed that they had sent out many letters, and several collections came as a result of those letters. Overall, income tax collections are down around 3.5% from last year, and coupled with the original 4% increase projection, income tax collections for the year are down around 8% from the initial projection for the year.

In terms of the General Fund, Balyeat stated they are a little above 3% down. Again, coupled with the original projection of a 4% increase in the general fund, the overall state of the General Fund is between 7-8% below the initial projection. However, Balyeat also said that with CARES Act monies, and the stipulations that have been removed on how that money can be used, several hundred thousand dollars will be able to be used to lessen the expense of Police and Fire Department salaries. She stated the exact amount isn't known yet, and they have spent around \$126,000 more than received, but that CARES Act money will improve the outlook of the General Fund for this year.

She also noted that adjustments will need to be made to the permanent appropriations for 2021. She explained that their new budgeting software has had glitches, and several items have not calculated correctly. She noted that corrections have been made, and she will adjust for the 2.5% to 3% increase in the salary ordinances. Once this has been updated, she will record it on the Google Sheet files, and send it out to everyone.

She mentioned a **Then and Now** for the amount of \$5,581.00 to Lexipol for Fire Policy Manuals that would need to be approved.

She also explained two pieces of legislation that would need to be asked to be prepared. The first was for a transfer from the Retirement Reserve Fund 550 to the Street Fund 201 for just over \$3,068.48 for a retirement payout. The second was for year-end supplemental appropriations, which will be calculated for the next meeting.

Davis asked Balyeat if the city is deficit spending. Balyeat replied they are not. Davis then asked if the city is in a "good position" with regards to finances. Balyeat responded that they are "robbing Peter to pay Paul", and have been for 20 years. Davis shared that he felt their hands are tied in order to do things for the city that need done, and without CARES Act money next year, the situation could be much worse. Tomlinson noted it was an indefinite situation right now - unless significant positive changes happen, it is only going to get worse. Balyeat continued by saying that the city's hands are tied doing the things that need done - adding to the General Fund, adding code enforcement positions, adding positions to the Parks Department to aid in upkeep of the city's parks - due to the current position. Davis stated that he believed that was an important idea for the public to understand at this time, and that he feels the public has a false sense of security right now, as nothing "negative" happens, due to the city constantly reallocating funds to get by. Tomlinson expressed that while it's true that the finances are down, they can't operate in a state of fear all the time. Tomlinson noted the budget hasn't been increased, aside from inflation, for around 5 years. He explained that the only reason the city isn't in worse shape is due to the employees and the city's ability to move funds as needed to make due.

Tomlinson stated that he hoped that a conversation could be made around a "floating budget" to even out the "hills and valleys". It was noted from Hatcher and Balyeat that those issues would need to be on the ballot.

Davis stated again that he wants the public to know that they are getting by, due to the language that allows the city to take from one fund to help another fund, but while they are getting by, they aren't able to add a Parks Department employee, they aren't able to add a code enforcement employee, and so forth. Davis lobbied that the next year be used to come up with some sort of creative plan to help the situation.

Further discussion ensued, with the public participating. Joe Jared shared his ideas on how money can be saved with the insourcing of street improvements, rather than outsourcing. Markward noted they were doing very well prior to the COVID situation, and wondered if 2021

will see a bounceback. He reiterated that unemployment is in a better position, if that can be maintained. He stated that if the city can get anywhere close to where it was at the beginning of 2020, the situation wouldn't be quite as dire.

LAW DIRECTOR: Hatcher informed Council that his assistant law director has been incapacitated for a significant amount of time. He mentioned that he has secured someone to step in as acting assistant law director for the time being. That individual is Shawn Putman, who has already been helping Hatcher out. Hatcher gave his thanks to Putman for stepping in to help out during this time.

Tomlinson asked Hatcher to meet with Jennifer Adams to go over Mr. Booher's situation. He would like answers for Booher by the next meeting, and would like to make sure the city is doing what needs to be done for him.

Jared asked about a property on South Vine street. Hatcher stated that he met with that person today, that there is an ongoing civil suit with that person, and the nuisance case is on hold until the civil suit is concluded. Hatcher stated that he is hopeful that the civil matter goes a long way in resolving the nuisance matter. Jared asked if the invoice for garbage removal from the City of Van Wert could be covered with CARES Money. Balyeat stated that she did not believe that CARES money could be used to benefit individual citizens, according to CARES Act stipulations. Hatcher stated he will look into those issues and see what is available to help the person in question, and noted it would be improper to promise anything at this time. Tomlinson stated that the conversation should be put on hold until further answers are provided upon the outcome of the civil case.

COMMITTEE REPORTS

HEALTH, SERVICE, and SAFETY: Marshall was not present. Hellman, the vice chair, stated that there was no report at this time.

ECONOMIC DEVELOPMENT: Kallas opened by stating that Van Wert had 50 businesses with 25 or fewer employees that have applied for the Small Business Relief Grant from the Ohio Development Services Agency. This will use the allotment for the county of \$500,000 in grant funding to local small businesses. Any additional applicants may be eligible if funding went unused by other Ohio counties.

The Economic Development office notified all on-premise liquor permit holders in Van Wert County of the Bar and Restaurant Assistance Fund. They've followed up on submissions, and made a second notification to those few businesses who had not yet applied as of one week ago.

Kallas shared an update from Stacy Adam on the Home Guard building demolition. The canopy was removed, and is being stored for possible future restoration. The building is down with the exception of some hand work that will take place on the facade of the building. It is expected that all debris will be removed from the site by the January 16th target date.

Kallas also shared that the contract for the Neighborhood Initiative Program that facilitated the removal of blighted houses across the county will end in May of 2021. The Land Reutilization Corporation (Land Bank) expects that nearly 80 properties will have been acquired and razed by the contract end date. At this time, there are 9 parcels that have been reutilized with planned, in-progress, or completed construction of single family homes on Land Bank properties.

Jared asked about the Home Guard process, and if they have addressed the issue of carbon tetrachloride. Tomlinson believed that in a previous update from Adam, the demolition would be taken down to a certain level, a barrier would be put in place, and then it would be filled with stone. As a result, certain buildings or construction would be allowed or prohibited unless other action was taken.

PARKS AND RECREATION: Penton shared that the lights are up in Fountain Park, and the public appears to be enjoying it.

FINANCE: Agler was not present. Mergy, the vice chair, made a motion to approve the **Then and Now**, as explained by Balyeat, for Lexipol. Kallas seconded; all concurred.

Mergy made a motion to ask the Law Director to prepare legislation to transfer funds, from Fund 550 to Fund 201, on an emergency. Kallas seconded; all concurred.

Mergy made a motion to ask the Law Director to prepare legislation for supplemental appropriations on an declare an emergency. Tomlinson noted the numbers would be finalized by the next meeting. Kallas seconded; all concurred.

Fleming made note that on the prepared ordinance **20-11-071**, water and sewer fees for 2021, the ordinance read a \$1 increase for water fees and a \$1 increase for sewer fees. Fleming also noted that the date in the ordinance listed as January 1 would be changed to February 1. Tomlinson clarified on the billing cycle, and Fleming shared that the billing cycles would continue to be 90 days until everyone had a new meter.

JUDICIARY AND ANNEXATION: No report at this time.

Tomlinson noted that prepared ordinance **20-11-072** would be read “as amended” due to the adding the three-year term and the mayor as the alternate, as outlined earlier in the meeting during Fleming’s report.

Davis noted that Garry Hunter responded to the question about dates and information, if putting the charter on the ballot again in 2021 was pursued. Tomlinson stated that the ordinance to establish a commission would need to be adopted by January 25th, 2021.

Tomlinson explained that he does not have a positive feeling about putting the charter on the ballot for May, after speaking with the public. He also reminded Council that the next Council, which will be voted on next year, may not hold similar views on a charter government as the

present Council. Davis argued that if Council felt it was the right step to take, then they shouldn't "sit out" the final year of their term. Kallas asked if waiting until November would be a better idea, if that was the direction that the Council wanted to go. Davis shared that as he was out getting signatures for the next election, and as he talked to the public, several voters he spoke with voted "no" as a result of not knowing the details of a charter government. He felt that more footwork needs to be done to inform the public on the issue.

Tomlinson shared that any member of Council can ask for the Law Director to prepare that ordinance by January 25th. Tomlinson also suggested that Council take time to talk to their constituents and collect information, and then, if an official motion is to be made, then it be made at the next meeting.

STREETS AND ALLEYS: Hellman made a motion to prepare a resolution authorizing the Safety Service Director to apply to the Ohio Department of Transportation for Transportation Alternatives Funding on an emergency. Fleming explained that this application could save the city money, receiving 95% of funding instead of 80%, but that this resolution needed to be included in the application process. Mergy seconded; all concurred.

Hellman made a motion to introduce **RESOLUTION Number: 20-12-073**. Mergy seconded; all concurred.

Hellman made a motion to suspend statutory rules for **RESOLUTION Number: 20-12-073**. Mergy seconded; all concurred.

Hellman made a motion to pass **RESOLUTION Number: 20-12-073: A RESOLUTION AUTHORIZING AND DIRECTING THE SAFETY-SERVICE DIRECTOR TO APPLY TO THE OHIO DEPARTMENT OF TRANSPORTATION FOR TRANSPORTATION ALTERNATIVES PROGRAM (TAP) FUNDING AND DECLARING AN EMERGENCY.**, on first and final reading. Mergy seconded; all concurred.

Hellman made a motion to ask the Law Director to prepare an ordinance for no-parking on the west side of Middle Street, from Moberly to Cable. Mergy seconded; all concurred.

PROPERTY AND EQUIPMENT: No report at this time.

Davis stated that he would like all trash collection vehicles to have a sign or indicator of their company name. If there was a company name on the vehicle, Davis stated that he felt it would be a way to identify and know which company to call in the event of an incident. It was noted that discussion would come through Health, Service, and Safety.

Jared asked if a license plate can be taken to figure out who they represent, and then make contact via that route.

UNFINISHED BUSINESS

It was pointed out that code enforcement was not discussed in the meeting due to Marshall's absence.

NEW BUSINESS

No new business brought before Council.

CONSENT AGENDA

No items on the consent agenda.

RESOLUTIONS & ORDINANCES

Mergy made a motion to amend **ORDINANCE Number: 20-11-064**, as explained by Fleming during his report earlier in the meeting, with regards to Christmas leave, Clerk of Council salary, Construction Maintenance Worker II in the Parks Department, and salary increase from 2.5% to 3.0%. Seconded by Penton; all concurred.

Second reading advisory for **Amended ORDINANCE Number: 20-11-064: AN ORDINANCE AMENDING ORDINANCE 20-04-025 PROVIDING FOR THE SALARIES AND COMPENSATION OF EMPLOYEES IN THE SERVICE DEPARTMENT, AUDITOR'S OFFICE, INCOME TAX AND ADMINISTRATION OF THE CITY OF VAN WERT, ESTABLISHING JOB CLASSIFICATIONS, SALARY RANGES AND LIMITATIONS, AUTHORIZING SPECIFIC NUMBER OF EMPLOYEES, PROVIDING FOR SICK LEAVE, VACATION SCHEDULE, ALLOWANCES, IMMUNIZATION AGAINST COMMUNICABLE DISEASES, AND OTHER BENEFITS AND DECLARING AN EMERGENCY.** All concurred; second reading passes.

Mergy made a motion to amend **ORDINANCE Number: 20-11-065**, with regards to Christmas leave and salary increase from 2.5% to 3.0%. Seconded by Penton; all concurred.

Second reading advisory for **Amended ORDINANCE Number: 20-11-065: AN ORDINANCE AMENDING ORDINANCE 20-04-020 AMENDING THE SALARY ORDINANCE SAFETY DEPARTMENT EMPLOYEES PROVIDING FOR THE SALARIES AND COMPENSATION OF EMPLOYEES IN THE POLICE DEPARTMENT AND FIRE DEPARTMENT, NON-BARGAINING UNIT MEMBERS OF THE CITY OF VAN WERT, ESTABLISHING JOB CLASSIFICATIONS, SALARY RANGES AND LIMITATIONS, AUTHORIZING SPECIFIC NUMBER OF EMPLOYEES, PROVIDING FOR SICK LEAVE, VACATION SCHEDULE, ALLOWANCES, IMMUNIZATION AGAINST COMMUNICABLE DISEASES, AND OTHER BENEFITS AND DECLARING AN EMERGENCY.** All concurred; second reading passes.

Second reading advisory for **ORDINANCE Number: 20-11-066: AN ORDINANCE TO MAKE PERMANENT APPROPRIATIONS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF VAN WERT, OHIO, FROM JANUARY 1, 2021 TO DECEMBER 31, 2021, AND DECLARING AN EMERGENCY.** All concurred; second reading passes.

Second reading advisory for **ORDINANCE Number: 20-11-070: AN ORDINANCE PROVIDING FOR THE SALARIES AND COMPENSATION OF EMPLOYEES IN THE MUNICIPAL COURT SYSTEM FOR THE VAN WERT MUNICIPAL COURT, ESTABLISHING JOB CLASSIFICATIONS, SALARY RANGES AND LIMITATIONS, AUTHORIZING SPECIFIC NUMBER OF EMPLOYEES, PROVIDING FOR SICK LEAVE, VACATION SCHEDULE, ALLOWANCES, IMMUNIZATION AGAINST COMMUNICABLE DISEASES, AND OTHER BENEFITS AND DECLARING AN EMERGENCY.** All concurred; second reading passes.

Mergy made a motion to amend **RESOLUTION Number: 20-11-072**, with a three-year term specification and naming the Mayor as the alternate. Davis seconded; all concurred.

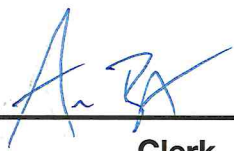
Seconded reading advisory for **Amended RESOLUTION Number: 20-11-072: A RESOLUTION TO APPOINT THE SAFETY SERVICE DIRECTOR TO THE DISTRICT 13 PUBLIC WORKS COMMISSION INTEGRATING COMMITTEE FOR THE YEARS 2021, 2022, and 2023, APPOINT THE MAYOR AS THE SAFETY SERVICE DIRECTOR'S ALTERNATE AND DECLARING AN EMERGENCY.** All concurred; second reading passes.

Mergy made a motion to introduce **ORDINANCE Number: 20-11-071**. Kallas seconded; all concurred.

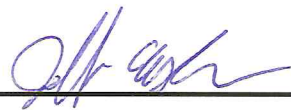
First reading advisory for **ORDINANCE Number: 20-11-071: AN ORDINANCE TO ESTABLISH WATER AND SEWER RATES AND FEES IN THE YEAR OF 2021 FOR THE CITY OF VAN WERT, AND DECLARING AN EMERGENCY.** All concurred; first reading passes.

ADJOURN

Mergy made a motion to adjourn at 7:50 p.m. Hellman seconded; all concurred.



Clerk



President Pro Tempore

12/28/2020

Date