

MINUTES OF THE VAN WERT CITY COUNCIL

November 23rd, 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, Penton, Agler, Mergy, Hellman, and Davis were present.

Agler made a motion to excuse Kallas. Mergy seconded; all concurred.

Mergy made a motion to approve the agenda for the November 23rd meeting. Seconded by Marshall; all concurred.

Mergy made a motion to approve the minutes for the November 9th meeting. Seconded by Hellman; all concurred.

COMMENTS, COMMUNICATIONS, & PETITIONS

Tomlinson opened with acknowledging a letter from Sara Zura, of Alexander & Bebout Inc., dated November 11th, 2020, asking Council to accept the utilities along Elks Drive, which was dedicated to the city of Van Wert. Hatcher noted that this was a resolution that would be discussed later in the meeting, during the Streets and Alleys report. Fleming followed up by reminding Council this has been discussed before, as once the plat (Plat 10) was finished, then a resolution regarding the dedication and utilities would complete the process.

Additionally, Tomlinson mentioned that the Council Clerk received a letter, dated November 12th, 2020, from the Ohio Ethics Commission requesting an updated list of the city's elected officials. He noted that the Clerk will complete that request and send in the information needed.

Tomlinson ended his portion of this report by reminding Council that Chromebooks have been purchased in order to save paper, streamline the communication process, and prepare for possible remote meetings. He explained to Council that he has contacted CNT, out of Van Wert, to set up a connected administration system for the Chromebooks. In regards to that process, he is simply waiting on a date for CNT to meet with him and work through that process. Tomlinson stated that he hoped this process could be completed in December.

Mitch Price, Executive Director of Main Street Van Wert, next provided an update for Council, with the highlights of 2020 for the organization. He began by noting that there weren't many events this year, in light of the COVID-19 situation. Price described the new 14-speaker wireless system that was installed downtown, and the improvement that system has made to the area. He mentioned 30 new hanging flower baskets put up, maintained through employment by OhioMeansJobs, as well as the use and aesthetic of Eugene Bagley Alley.

Price acknowledged the new American flags that were donated by Martha Balyeat and her family. He also highlighted a new local business, The Well Nutrition, which he noted has been very busy. He mentioned this business as a great addition to the city. Price then also recognized the new sign in Fountain Park, donated by the Van Wert Rotary Club and the Van Wert County Foundation.

As for 2020 events, Price noted that many events had been canceled. They did hold a Chocolate Walk in February, which saw 298 walkers, and that set a tone financially for the year. He also spoke to the fact that, after a near five-year process, the downtown area of Van Wert became a historic district.

Price also described the "Third Fridays" events they've held in September, October, and November, in an attempt to get foot traffic to local businesses affected by COVID-19. He mentioned that they had people singing through the speaker system during the first event, and artists such as Valerie Barnhart, Ryan Holliday, and Spencer Paquette performing over the various dates. He also thanked the Mayor and Safety Service Director for allowing them to shut down Main Street for their Halloween event, which he noted drew about 900 walkers and received many compliments.

Price continued his update by noting their number of social media followers, the success they've had in the light of COVID-19, and the great financial support they've received from the area. He noted they are working to get events going for 2021, make them as safe as possible, and hopefully avoid having to cancel many. He also described some future projects they may pursue, including more speakers, bike racks downtown, more downtown seating, and pop-up shops in some of the unused buildings. He again thanked the city for their partnership, highlighted the celebration that they were able to have downtown with the Van Wert Cougars' state football championship, and the hopes he has for the next few years for downtown.

Price closed his update by describing the Hometown Hero banners that will be put up around the American Legion and on Washington St. They plan on putting up 20 banners in those areas to honor military members and their families. He noted those will be displayed, and then given to families to keep.

Jon Booher, of 835 State Street, shared his frustration regarding ongoing tax issues he has had with the city. He provided background information on back tax concerns that he believed had been paid and taken care of, but then received a subpoena that he was being sued for back taxes, as well as additional court fees. He asked for clarification on the issue, and stated he believed the city owed him his money back. It was noted that Hatcher would review the issue, contact the tax director, and follow up with Booher.

ADMINISTRATIVE REPORTS

MAYOR: The Mayor mentioned that leaf pick-up has begun and continues. Monday, December 7th, 2020, is the last day to put out leaves. He reiterated that no plastic bags should be used, and that this is not a brush pick-up.

Markward shared an update from Stacy Adam, of the Van Wert Area Economic Development Corporation, that the demolition of the Home Guard building had started. The opening stages of the demolition has to be done slowly and carefully, due to the instability of the Home Guard building and the effort to not destroy or damage the east adjacent building, but the process should be noticeable by mid/late December.

The Mayor stated that he was recently able to swear in Ethan Fraker as a firefighter/EMT after he completed his one-year probation period.

Markward closed by congratulating the Van Wert Cougars football team for their state title championship. Marshall asked if a proclamation is in order, or if a sign can be put up for the accomplishment. Fleming noted that this may be done by other parties, and Markward confirmed that was likely one way or another.

Agler clarified that leaf pick-up isn't for designated days by ward. Fleming noted the last time they went through, it only took two days. It was reminded to make sure bags were set out by that last day.

Davis shared the desire from those on his street for another brush pickup. Fleming stated they were going to do another round, but didn't have a date yet.

SAFETY SERVICE DIRECTOR: Fleming shared that the Franklin Street pump station project is complete, so they have two new pump stations in the city. He also noted that he was unable to make the last meeting with the Ridge Township trustees, so he will reschedule that to Wednesday morning to discuss the speed limit on Mendon Rd. He will report at the next Council meeting on that discussion.

Fleming also informed Council that the Moose organization had purchased land to the south of their building for a new parking. He explained that, by ordinance, it is required that parking lots be constructed of a hard, dust-free surface. He stated that he believed that due to the location - off of the street and behind their building - this was a burden of cost that was not necessary. Fleming thought the record should indicate that Council had discussed this, and asked if a motion was necessary to have this condition waived for this situation.

Penton made a motion to waive the condition requiring this parking lot to be constructed of a hard, dust-free surface. Hellman seconded; Marshall, Mergy, and Davis concurred. Agler abstained.

It was also noted that the ceiling tiles in Council Chambers had been put back in place, and heat from the new units was functional in the room. Fleming also noted that contact-free water controls are being installed in all of the Municipal Building restrooms.

AUDITOR: Balyeat began her report with a Then and Now for two invoices that would need to be approved. The first invoice was from Fire Safety Services for air mask flow tests for \$3,527.00, and the second invoice from Shelly Company for \$10,000.00 for the street patch on Walnut Street by Central Insurance Agency.

Balyeat also detailed pieces of legislation for the evening. The first piece of legislation was a transfer of funds for the Hotel Motel Tax, with a transfer of \$49,801.37 from the General Fund to the Economic Development Fund.

In addition to discussion on the Hotel Motel Tax and the considered first reading of the annual appropriations, Balyeat informed Council that there was a 27 percent deduction from the prior year in what was collected in Hotel Motel Tax. She explained that they distributed just under \$19,000 more than what was collected, which wasn't a problem due to a cushion of around \$100,000. She posed the question on whether Main Street and the Airport, which are funded with the Hotel Motel Tax, will be funded at their requested amounts. She noted that the Convention and Visitors Bureau (CVB), also funded by the Hotel Motel Tax, received a 27 percent deduction in their funding, as they receive a percentage of the monies by the revised code. She stated that the Airport and Main Street are funded by request, and Economic Development receives \$80,000 a year, per a longstanding agreement. Balyeat explained that she does not expect Hotel Motel Tax collection to return to prior levels in 2021, so she asked if those fundings need to be discussed for the future.

Tomlinson clarified that he was under the impression that the funding was adequate for 2021, due to a carryover, but 2022 would be the year where there would not be money available to fund at previous levels. Balyeat said she anticipated that there would be a carryover cushion of around \$100,000, so they could distribute around \$20,000 more than collected for multiple years. She explained that she wasn't sure it was fair to give full requested funding to Main Street and the Airport, while the CVB, the only entity required to receive a percentage, received the 27 percentage deduction. Tomlinson noted that those agreements didn't prevent Council from making up the difference for the CVB out of the carryover.

Davis questioned what baseline would be used for making up the difference for the CVB, and if it would be better to move the other entities to a percentage fund. Tomlinson noted that he was not opposed to that, but he felt that should be a discussion a year from now, so they have time to budget for that. Markward asked if they could keep the other entities the same, and allow the CVB to get back with Council on what additional funds they may need. He noted they have been budgeting for this situation, and may have a good idea of what they actually may need. Tomlinson acknowledged that was a good idea.

Additional discussion took place, but Tomlinson suggested that those funds remain as what is in place currently, allow CVB to come back to Council with a need for additional funds, and notify other entities that these agreements could change for 2022.

Balyeat also made mention of a possible upcoming worker's compensation rebate. She mentioned an anticipation of additional \$231,000 back. She noted that \$115,000 had been received in April, with another \$133,000 received in November. In total, she believed the overall sum received will come in just under \$480,000. She explained around 50 percent of that total will return to the General Fund, and that with the CARES Act dollars that will be used for police and fire salaries/fringe benefits, the losses in income tax will be made up. She believes that the General Fund will end up near the projected total from prior to COVID-19.

Also in her report, Balyeat noted that she received the annexation packet from Alliance Automation last week, which will need to sit for 60 days (until January 17th, 2021). Tomlinson asked whether a public meeting on the annexation process will need to be held during the 60 day hold period, or following the holding period at the next ensuing Council meeting. Balyeat and Hatcher both made a note to check on that information.

To conclude her report, Balyeat mentioned a Municipal Court salary ordinance that she asked Agler to ask the Law Director to prepare during his report.

LAW DIRECTOR: Hatcher indicated that they continue to work through all situations that come through the Municipal Court - traffic, criminal, code violations, or anything else civil that comes through the court relating to the city. He noted that he attempts to work with citizens as much as possible, as he pointed out that not every situation requires prosecution when other solutions are available. He reminded the public that his office will work with anyone, but that they also need to work with his office to come to solutions.

Davis asked about an opinion on the Sunshine Laws situation from a previous meeting. Hatcher explained that the person who shared that concern at the meeting never contacted him to complete that process, so it had not moved forward.

Joe Jared asked Hatcher about relief for property owners if renters/tenants are causing issues with property, and the owners are attempting to evict or work through the eviction process. He stated that he did not believe that property owners should continue to incur fines or penalties for these situations, that he felt it was "bad faith" on the part of the city, and that this type of relief should be coded into ordinance. Hatcher acknowledged that is part of the process - discretion on whether that fine or penalty process continues in those situations - but also stated he wasn't sure if it needed to be codified.

COMMITTEE REPORTS

HEALTH, SERVICE, and SAFETY: Marshall deferred to the Hatcher's presentation of code violations issues he presented at the Council of the Whole meeting. He noted there are still several outstanding issues before him that continue to be worked out.

ECONOMIC DEVELOPMENT: No report at this time.

PARKS AND RECREATION: No report at this time.

Agler asked if there had been a resolution to the Franklin Park incident. Fleming stated he knew that people had been brought in, but was not sure if they had been to court yet. He noted that he would ask the Police Chief and report back at the next meeting.

FINANCE: Agler made a motion to approve the **Then and Now** regarding the Fire Safety Services and Shelly Corporation invoices. Mergy seconded; all concurred.

Agler motioned to ask the Law Director to prepare an ordinance transferring funds from Fund 101 to Fund 215, and declaring an emergency. Mergy seconded; all concurred.

Agler made a motion to introduce **ORDINANCE Number: 20-11-069**. Mergy seconded; all concurred.

Agler made a motion to suspend statutory rules for **ORDINANCE Number: 20-11-069**. Mergy seconded; all concurred.

Agler made a motion to pass **ORDINANCE Number: 20-11-069: AN ORDINANCE TO TRANSFER FUNDS FROM FUND 101 TO FUND 215 AND DECLARING AN EMERGENCY.**, on first and final reading. Mergy seconded; all concurred.

Agler motioned to ask the Law Director to prepare an ordinance providing for salaries and compensation for employees in the Municipal Court system, and declaring an emergency. Mergy seconded; all concurred.

Agler made a motion to introduce **ORDINANCE Number 20-11-070**. Mergy seconded; all concurred.

Agler motioned to ask the Law Director to prepare an ordinance to establish water and sewer fees for calendar year 2021, and declaring an emergency. Mergy seconded; all concurred.

Fleming clarified that this would specify a \$1 increase on both the water and sewer portions in the body of the ordinance, which, if passed, would show up on the February water bill. Hatcher noted it would likely say effective January 2021. Tomlinson also clarified that residents could be charged less, but could not be charged more than what the law says. Hatcher asked if water tables should be included in the body of the ordinance, and Fleming confirmed.

Tomlinson shared with Council and the public that he is not seeking reelection. He then noted that several years ago, research was conducted on the average salaries for the Mayor, Law Director, and Auditor, based on similar pay rates in similar-sized cities in Ohio. Pay rates were then adjusted for these positions accordingly. Tomlinson explained that when Pete Weir was Council President, the Council President made \$4900 per year pre-tax, and Council members made \$4500 per year pre-tax. Currently, the Council President makes \$5500 per year pre-tax, Council members make \$4900 per year pre-tax, Council Clerk makes \$4900 pre-tax, and Treasurer makes \$2000 per year pre-tax. He stated that he was bringing this up due to the upcoming primary election, with interested parties submitting their signatures by the beginning of February, that if there are any proposed changes to salary for elected positions, it be addressed prior to the primary. He clarified that it had been at least six years since the salaries of the Council President, the Council, and the Treasurer had been discussed. He proposed that Council consider looking at the salaries of these positions, comparing them to the average

salaries of these positions in other Ohio cities of similar size to Van Wert. He continued to explain that he felt that more candidates may be interested in Council if the pay were more commensurate with similar-size cities in Ohio, as this may be a roadblock currently for some interested residents. He noted that he was not running for reelection, so this proposal would not benefit him in any way. He mentioned that Davis had acquired a report from the Auditor that contained the salaries of these positions in the cities of Ohio.

Based on this report, and comparing cities with similar populations to Van Wert, Davis shared that the window of average salaries for Council was \$5500 - \$7500. Tomlinson stated that he felt that Van Wert should come closer to this range - not at the high end - but within that window. Tomlinson expressed his desire to see Council take a look at this issue, before the end of the year, prior to current members decide to run for reelection, and before those in the community decide to run for a position.

Further conversation on the issue ensued, with Tomlinson sharing that he believed that Council should consider the lower end of that average range as the discussion point. During this conversation, Penton shared that he would also not be running for reelection, and that it was his personal opinion that Council should not raise their own pay at this time. Davis shared that he felt that in order to attract more candidates, the pay needed to be worth the time spent. Tomlinson again stated that he was bringing the issue up now because he was not running again, had no stake in the decision, and wanted the conversation to be had prior to the primary election.

JUDICIARY AND ANNEXATION: Mergy motioned to ask the Law Director to prepare an ordinance to accept the proposed zoning for the property owned by Alliance Property Group, pending annexation, and declaring an emergency. Agler seconded; all concurred.

Mergy made a motion to introduce **ORDINANCE Number: 20-11-067**. Agler seconded; all concurred.

Mergy made a motion to suspend statutory rules for **ORDINANCE Number: 20-11-067**. Agler seconded; all concurred.

Mergy made a motion to pass **ORDINANCE Number: 20-11-067: AN ORDINANCE TO ACCEPT THE PROPOSED ZONING FOR THE PROPERTY OWNED BY ALLIANCE PROPERTY GROUP, LLC PENDING ANNEXATION AND DECLARING AN EMERGENCY**, on first and final reading. Agler seconded; all concurred.

Mergy made a motion to introduce **RESOLUTION Number: 20-11-072**. Agler seconded; all concurred. Fleming clarified that his name and the Mayor's name needed to be specified in the body of the resolution.

STREETS AND ALLEYS: Hellman motioned to ask the Law Director to prepare a resolution accepting the dedication of the Elks Drive and accepting the utilities, and declaring an emergency. Agler seconded; all concurred.

Hellman made a motion to introduce **RESOLUTION Number: 20-11-068**. Agler seconded; all concurred.

Hellman made a motion to suspend statutory rules for **RESOLUTION Number: 20-11-068**. Agler seconded; all concurred.

Hellman made a motion to pass **RESOLUTION Number: 20-11-068: A RESOLUTION ACCEPTING THE DEDICATION OF ELKS DRIVE AND ACCEPTING THE UTILITIES THEREUNDER AND DECLARING AN EMERGENCY.**, on first and final reading. Agler seconded; all concurred.

PROPERTY AND EQUIPMENT: No report at this time.

UNFINISHED BUSINESS

Tomlinson noted the Council of the Whole meeting on code enforcement that took place prior to the regular Council meeting. He mentioned he would prepare those notes and have them ready for the next meeting.

NEW BUSINESS

Fleming shared an email from Mayor Lynn Webb of Kenton, congratulating the Van Wert Cougars on their state championship in football.

Tomlinson made note that Davis asked him to reach out to Garry Hunter, and ask him of the dates/deadlines if Council would decide to place the charter government issue on the ballot in 2021. Tomlinson stated he had sent that request to Hunter, who had yet to provide those dates at this time.

Agler asked if a Council of the Whole meeting needed to be held on the discussion of Council President, Council, Council Clerk, and Treasurer. He recommended a meeting prior to the next Council meeting. Tomlinson scheduled this meeting for 6:00 p.m. on December 14th, 2020.

CONSENT AGENDA

RESOLUTIONS & ORDINANCES

First reading advisory for **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; first reading passes.

First reading advisory for **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; first reading passes.

First 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; first reading passes.


First 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; first reading passes.

First reading advisory for **RESOLUTION Number: 20-11-072: A RESOLUTION TO REAPPOINT THE SAFETY SERVICE DIRECTOR TO THE DISTRICT 13 PUBLIC WORKS COMMISSION INTEGRATING COMMITTEE.** All concurred; first reading passes.

ADJOURN

Agler made a motion to adjourn at 7:58 p.m. Mergy seconded; all concurred.


Clerk


President

12/14/2020

Date

