

MINUTES OF THE VAN WERT CITY COUNCIL

February 8th, 2021

President Jon Tomlinson called the meeting to order at 6:31 p.m.

Tomlinson 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 February 8th Council meeting. Agler seconded; all concurred.

Mergy made a motion to approve the minutes for the January 25th Council meeting. Agler seconded; all concurred.

It was noted that there was a typographical error on the February 8th Agenda and January 25th Council Minutes with regards to the date reading January 25th, 2020 instead of January 25th, 2021. This was corrected.

COMMENTS, COMMUNICATIONS, & PETITIONS

Tomlinson opened by stating he received the 2020 Annual Report from the Van Wert Municipal Court, and that all members of Council should also have received that document. He explained that Judge Worthington generally will attend a meeting to answer questions, but he has not heard details on that at this time.

Tomlinson also discussed an email he received from Hall Block on February 5th, which he forward to Council, that contained updates to the Van Wert Downtown Redevelopment Master Plan. These updates corrected errors in the introduction statements on pages 3 and 4 of the plan.

Tomlinson also acknowledged an email he received from the Van Wert Area Convention and Visitors Bureau (CVB). This document was a formal request from the CVB for additional funding. Tomlinson revisited a conversation from a 2020 Council meeting, explaining that the CVB receives 25% of the Economic Development funds brought in by the Hotel Motel Tax each year - by statute, and so were negatively impacted by COVID-19 with the reduced funds. The other agencies supported by the Economic Development Fund were not negatively impacted, as they receive a set amount of funding each year. Tomlinson also noted that Council had reached out to the CVB, and put forth the option for the CVB to ask Council for consideration of additional funding to "make them whole" for the year. He stated that the CVB, in this document, was requesting \$11,368.03. This amount equaled the difference between their average funding received in 2017, 2018, and 2019, and the amount received for 2020. Tomlinson gave this document to Agler, for consideration from the Finance Committee.

Additionally, Tomlinson shared a letter received from Steven and Erika Racster requesting a land transfer from the City of Van Wert to Pleasant Township. It was discussed that the Racsters recently purchased two parcels of land on John Brown Road, north of the soccer fields. These parcels are contiguous to the land their home is on, which is not within the city limits. They are requesting that these parcels be detached, or “de-annexed” from the City of Van Wert. Hatcher described this process, noting that the City will need to pass an ordinance allowing the detachment, and then the Racsters will still need to go to the County Commissioners and the Pleasant Township trustees, and all parties must be in agreement for the property to be detached to Pleasant Township. This letter was given to Mergy under the umbrella of Judiciary and Annexation.

Davis mentioned that a constituent sent a letter thanking the city for plowing side streets.

Stacy Adam, Executive Director of Van Wert Area Economic Development Corporation, shared that Van Wert County will be applying for a Community Housing Impact and Preservation Grant (CHIP Grant), which is used for the rehabilitation of single family homes for low to moderate income residents. The application fee for the grant is \$10,000, which is outsourced to Poggemeyer. In the past, there has been an agreement between Van Wert City and Van Wert County to share the cost of the application, if the grant is not approved. If the grant is approved, the application fee is reimbursed as part of the administrative costs allowed by the grant. On behalf of Van Wert County, Adam was presenting the request for the City to enter into an agreement to share the cost of the application if the grant is not approved. The last award Van Wert received was for \$700,000, which was used by approximately 23 homeowners.

Agler made a motion to enter into an agreement to share the cost of the CHIP Grant application with Van Wert County if the grant is not approved. Kallas seconded; all concurred.

Adam then moved to her next topic. She explained that Van Wert City currently owns approximately 65 acres in Vision Industrial Park. She then mentioned that preliminary flood maps have been shared with her office, and all of the city’s land in Vision Industrial Park will be negatively impacted with the revised flood maps. She stated that Fleming had contacted Choice One Engineering for an estimate on the mitigation to resolve that issue. The estimate is \$250,000. Adam then shifted to a related topic, the Ohio Site Inventory Program from JobsOhio, a combination of grant and loan funding. She explained that the city currently has a Jobs for Land credit. According to Adam, if the city has an end user come into Vision Industrial Park and purchase city-owned land, then that end user has a reduction of the cost of the purchase/acquisition, to the point where the land could be free, depending on the number of jobs created. Adam stated she had worked with a developer that put up a 100,000 square foot building on Kear Road, and they are prepared to submit an application to construct another 100,000 square foot building on Vision Industrial Park land. She would ask that the city transfer 20 acres to the Community Improvement Corporation (CIC), which would then be transferred to the developer, in exchange for completing the mitigation work that needs to be completed in Vision Industrial Park.

Adam continued that a \$750,000 grant would be included in the application to extend the Vision Industrial Park drive for access to the proposed speculative building site and provide better access to the 59 acres of the business developing corporation. Adam further explained that they have completed the authentication process, which means all of the due diligence - annexation, zoning, utilities - on this project has been done. The mitigation issue would then be completed without outlay of cash by the city, and another 100,000 square foot building would be ready to be occupied (which should be completed a year from the start date).

Adam stated that Hatcher had drafted legislation for this issue, and if Council would approve, she would ask that the Mayor be granted authority to execute the agreement, in light of additional steps needed. Tomlinson explained that they have been working with this developer for nearly a year and a half to get to this point.

Joe Jared asked if this land was near the site of a past flooding issue. Fleming confirmed it was an adjacent area. Jared then asked if the city was essentially trading one-third of that land in Vision Park for remediation of the remaining two-thirds. Adam added that this would be done without paying any money to do so. Tomlinson further explained that with the new flood maps, that land is essentially worthless, so the city is trading useless land for remediation, a spec building, and a future business to use that building. And, once the building is in use, that adds additional jobs, additional income tax, and other positive aspects for the city.

Davis asked about the revised flood maps, and if those maps were coming in as expected. Fleming noted that the Maddox Creek issue wasn't a controversy. That was an expected problem. He continued to explain that they are still working on receiving information on the other aspects of the revised flood maps, and who is affected. The city hopes to put out information on the upcoming March virtual meeting with FEMA to discuss the properties affected, but FEMA has not provided any additional information on that meeting at this time. The city will get information out to the public when they receive clarification and updates from FEMA.

Next, Hall Block, Property Manager for the Van Wert County Foundation, took the floor on behalf of Van Wert Forward. Block stated he and Seth Baker were in attendance tonight to answer questions from Council and make sure the city is comfortable with the proposed redevelopment master plan that was presented at the last Council meeting on January 25th, 2021. Balyeat asked about the increased green space and plantings in the master plan, and who would be tasked with maintaining that space. Block noted that Kyle Klinker, the Van Wert Parks Department Director had approached them with a similar question. Block explained that this plan was very conceptual in nature right now, and is a work in progress. Balyeat then explained the difficulty for the city's Parks Department to add the staff to maintain that additional space. Baker then acknowledged that it is a legitimate concern, and they would work to avoid developing a plan and moving forward with any sort of construction that couldn't be maintained. Balyeat further stated that the Van Wert County Foundation already maintains Franklin Park due to the city's inability to maintain it on their budget, and she worries that the city might soon be in the same situation with the Garden of the Senses and the Children's Garden. Baker again acknowledged

those are very fair questions. Jared also shared his concerns in regards to the city's struggles uptown.

Davis asked if US-127 and its industrial traffic was a deterrent to the plan. Baker stated that they know that truck traffic will and does negatively impact rent values in that area. He stated that they had to be very careful with how they interact with those spaces, and the types of businesses that could occupy those spaces. Baker noted that they don't have those answers at this time, as the dilemma is that truck traffic is undesirable, but they continue to need through traffic as well.

Tomlinson stated that Van Wert Forward has asked for formal acceptance of the plan by resolution. He stated they can continue to discuss and address at the next meeting. Davis asked what the city is bound to if they would formally accept the plan. Tomlinson clarified that it would be a document that Van Wert Forward could use in various grant applications and other processes to show that the city is on board with the plan and is a partner in the process. Baker described an interaction with JobsOhio where they asked if there was a master plan, if the city had approved the plan, etc. It was also explained that the city would not be tied to any financial obligations by formally approving the plan.

Davis motioned to ask the Law Director to prepare a resolution for Council to formally approve the redevelopment plan from Van Wert Forward. Agler seconded; all concurred.

Mitch Price thanked Fleming and Klinker for their help in clearing the sidewalks for the Chocolate Walk. He also stated they had 298 walkers for the event.

ADMINISTRATIVE REPORTS

MAYOR: Markward referred to a recent press conference where Governor Mike DeWine mentioned a settlement in the Opioid Lawsuit. Markward reminded the Council that Van Wert is part of the OneOhio Plan. He clarified that this settlement was with one distributor of opioids, McKinsey and Co., and that the overall lawsuit was still ongoing. As of this time, they know no additional information other than what the Governor stated, in that it was a \$24.7 million settlement.

SAFETY SERVICE DIRECTOR: Fleming noted two preliminary pieces of legislation that Davis will ask to be prepared during the meeting. The first piece of legislation involves the annual sale of items on GovDeals. The second piece of legislation involves the sale of various city equipment that Fleming went on to specify: 2012 Dodge Charger (Police Department); 2015 Ford Explorer (Police Department); two 2007 Ford Crown Victorias (Police Department); 1997 pickup (Street Department); 1995 pickup (Street Department); 1995 International Dump Truck (Street Department); Meyer Snow Plow and Bobcat Skid Steer (Wastewater Treatment).

Fleming then shifted to an explanation of barrels downtown, which he stated are there to protect the new water meters from freezing during this extended cold spell.

As of today, Fleming noted that they have finished installation of all hand dryers in all city park facilities and in the Municipal Building.

Jared asked if residents should be concerned with their water meters freezing as well. Fleming stated that typically no, as the snow will provide a form of insulation. He said there would be more concern with freezing pipes. He noted that running a “trickle” of water to avoid this wouldn’t hurt.

Jared asked if the intersection of Fox and Washington could be patrolled for safety purposes, so that trucks are constantly running red lights or going higher speeds in the early morning hours. Fleming said he could ask for an increased patrol there.

Jared also asked about the policy for salting secondary or side streets in the city. Fleming explained that they salt about 20 miles of primary streets, but there’s not enough money to salt an additional 40 miles of secondary streets. He also mentioned that the weather recently, with snow, rain, snow, and then plummeting temperatures makes it very difficult to clear all the streets before it freezes to the point where they are unable to be cleared. Agler mentioned that grit used to be a remedy on the side streets when it was too cold for salt to work on the streets. Fleming explained that grit would then cause issues with the storm sewer systems.

AUDITOR: Balyeat shared details on the January 2021, informing Council that the city had just over \$14 million in funds in various bank accounts and investments, with the same amount on the city’s books. She noted that all accounts had a positive balance at the end of January. In the General Fund, she stated the city brought in \$581,000 and only spent \$552,000. Balyeat relayed that the Income Tax Administrator was pleasantly surprised with the positive income tax collections for the month of January.

Balyeat also detailed five invoices from Haviland Energy, which performs the sludge removal at the Wastewater Treatment Plant, that would need to be paid on a Then and Now during tonight’s meeting. She explained that Haviland Energy discovered at the end of 2020 that they had missed these invoices. These five invoices are for \$595.75, \$1,527.50, \$2,235.50, \$1752.75, and \$1,704.75. She asked Agler to motion for those to be approved.

LAW DIRECTOR: Hatcher opened with an update on two Community Reinvestment Area (CRA) Agreements. The first one is for First Federal Savings and Loan, and the second one is for Trucent Renewable Chemicals LLC. He noted those need to be asked for preparation tonight.

Hatcher also mentioned an email that Davis sent regarding how monies are transferred between funds or budgets. Hatcher noted he responded to the email, but wanted to share that information publicly again to clear up any confusion. He explained there are three taxes - the 1% Tax (used to fund the General Fund), the 0.5% “Street Tax”, and the 0.22% Police and Fire Capital Fund Tax - that make up the 1.72% that citizens are taxed. The Ohio Revised Code allows every municipality to approve, by ordinance, up to 1% in income tax. This tax is the only part of the income tax that can be changed without going to the voters. The other two taxes, the 0.5% tax and the 0.22% tax, must be taken to the voters for any changes. The 1% tax money

can be moved or transferred between funds as needed, but the 0.5% tax and the 0.22% tax can only be allocated on items as voters have approved.

Jared asked about the email itself. Hatcher clarified that the email simply asked about the different taxes and how funds could be allocated.

COMMITTEE REPORTS

HEALTH, SERVICE, and SAFETY: Marshall stated that on January 11th, he brought it to Council's attention that he would be looking into the current fencing ordinance. He noted that he worked with the Law Director and Bill Lawson to draft a new ordinance to clarify and specify this ordinance for any new fence that would be constructed.

Marshall asked if Council had any questions on this draft that was shared. Tomlinson noted that in the preliminary prepared ordinance, there was a section that had "grandfather language" to address current fencing that was already constructed.

A lengthy discussion ensued on how to define, specify, and improve the section regarding current fencing, that would be fair and appropriate for citizens. Tomlinson also would like to get input from the public on this issue before moving forward as well.

Jared argued that the Constitution protected citizens by prohibiting ex post facto laws. It was explained that this would not be an ex post facto law, as it would not punish anyone with already constructed fences, nor require anyone to tear down a fence. It would only apply to repairs or the new construction of fences. Jared argued that there are differences in wards and financial situations to consider with regard to fencing ordinances. It was acknowledged that was a valid concern. Tomlinson said that is why he would like to hear input from the public before moving forward. It was noted that Marshall will motion for this ordinance to be tabled at this time.

Health, Service, and Safety had no additional report for the evening.

ECONOMIC DEVELOPMENT: Kallas made a motion to ask the Law Director to prepare a CRA Agreement with Trucent Renewable Chemicals, on an emergency. Agler seconded; all concurred.

Kallas made a motion to ask the Law Director to prepare a CRA Agreement with First Federal Savings and Loan, on an emergency. Agler seconded; all concurred.

Economic Development had no additional report for the evening.

PARKS AND RECREATION: Parks and Recreation had no report for the evening.

FINANCE: Agler made a motion to pay the Then and Now regarding the Haviland Energy invoices. Mergy seconded; all concurred.

Agler made a motion for a supplemental appropriation for the Van Wert CVB to receive \$11,368.03 as requested. Mergy seconded; all concurred.

Balyeat explained that she could send the CVB the money, and then include those monies as part of a supplemental ordinance after April 1.

Agler made a motion to ask the Law Director to prepare an ordinance amending Ordinance 20-11-064, on an emergency. It was explained that Ordinance 20-11-064 was passed, but needed to be amended because the Clerk of Council's salary was not stated accurately. Penton seconded; all concurred.

Agler made a motion to introduce Ordinance Number 21-02-008. Penton seconded; all concurred.

Agler made a motion to suspend statutory rules for Ordinance Number 21-02-008. Penton seconded; all concurred.

Agler made a motion to pass Ordinance Number 21-02-008: AN ORDINANCE AMENDING ORDINANCE 20-11-064 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., on its first and final reading. Penton seconded; all concurred.

Agler made a motion to ask the Law Director to prepare an ordinance establishing the salaries for City Treasurer, City Council members, and City Council President for the term beginning January 1, 2022, on an emergency. Penton seconded; all concurred.

Agler made a motion to introduce Ordinance Number 21-02-007. Penton seconded; all concurred.

Agler made a motion to suspend statutory rules for Ordinance Number 21-02-007. Penton seconded; all concurred.

Agler made a motion to pass Ordinance Number 21-02-007: AN ORDINANCE TO ESTABLISH THE SALARY FOR THE POSITIONS OF CITY TREASURER, CITY COUNCIL MEMBERS AND CITY COUNCIL PRESIDENT FOR THE TERM BEGINNING JANUARY 1, 2022 AND THEREAFTER AND DECLARING AN EMERGENCY., on its first and final reading. Penton seconded; all concurred.

Agler met with the Van Wert County Treasurer to ask why the city didn't have a "seat at the table" regarding blighted properties that are given tax breaks. As a result of this meeting, Agler reported that the parties agreed it would make sense to have a city representative present for those meetings. It was discussed that if there was a mechanism for allowing the city to know

when those meetings take place, or when applications are made for this process, then a representative could be present. It was determined that Markward would look into this matter further.

Finance had no additional report for the evening.

JUDICIARY AND ANNEXATION: Mergy made a motion to ask the Law Director to prepare an ordinance to authorize the detachment of two parcels on land on John Brown Road, on an emergency. Agler asked about the purpose of this detachment. Fleming explained that the Racsters can't get utilities to those parcels of land. **Kallas seconded; all concurred.**

Judiciary and Annexation had no additional report for the evening.

STREETS AND ALLEYS: Hellman made a motion to introduce Ordinance Number 21-02-005. Agler seconded; all concurred.

Streets and Alleys had no additional report for the evening.

PROPERTY AND EQUIPMENT: Davis made a motion to ask the Law Director to prepare an ordinance allowing the sale of municipally-owned property that is no longer needed for public use on GovDeals, on an emergency. Mergy seconded; all concurred.

Davis made a motion to ask the Law Director to prepare an ordinance allowing for the sale of equipment on GovDeals, on an emergency. Fleming detailed these items earlier in the meeting. **Mergy seconded; all concurred.**

Davis made a motion to ask the Law Director to prepare an ordinance authorizing the Mayor to sign a deed transferring 20 acres in Vision Industrial Park to the CIC, on an emergency. Agler seconded; all concurred.

Davis made a motion to introduce Ordinance Number 21-02-006. Agler seconded; all concurred.

Davis made a motion to suspend statutory rules for Ordinance Number 21-02-006. Agler seconded; all concurred.

Davis made a motion to pass Ordinance Number 21-02-006: AN ORDINANCE TO AUTHORIZE THE MAYOR TO SIGN A DEED TRANSFERRING APPROXIMATELY 20 ACRES IN VISION PARK TO THE COMMUNITY IMPROVEMENT CORPORATION OF THE CITY OF VAN WERT AND VAN WERT COUNTY, OHIO (CIC) AND DECLARING AN EMERGENCY., on its first and final reading. Agler seconded; all concurred.

UNFINISHED BUSINESS

Tomlinson noted that Marshall had discussed code enforcement, and it would stay in unfinished business.

NEW BUSINESS

No new business was brought before Council.

CONSENT AGENDA

No items on the consent agenda.

RESOLUTIONS & ORDINANCES

First reading advisory for Ordinance Number 21-02-005: AN ORDINANCE MODIFYING THE SPEED LIMIT ON MENDON ROAD. All concurred; first reading passes.

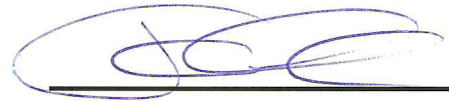
Marshall made a motion to table Ordinance Number 21-02-009. Mergy seconded.

ADJOURN

Agler made a motion to adjourn at 8:05 p.m. Mergy seconded; all concurred.



Clerk of Council
Andrew Bittner



Council President
Jon Tomlinson

02/22/2021

Date

