

MINUTES OF THE VAN WERT CITY COUNCIL

March 8th, 2021

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 March 8th Council meeting. Agler seconded; all concurred.

Mergy made a motion to approve the minutes for the February 22nd Council meeting. Agler seconded; all concurred. It was noted there was a typographical error on the date of signature at the end of the meeting minutes. This was corrected from 2/22/21 to 3/8/21.

COMMENTS, COMMUNICATIONS, & PETITIONS

Tomlinson noted that all Council members received a flyer in their mailbox from the Van Wert Council on Aging. This was information on their "Pork Chop Dinner" pre-sale ticket schedule. The meals included breaded boneless pork chops with gravy, mashed potatoes with gravy, seasoned green beans, homestyle noodles, a dinner roll, and cookie. The meals will be drive-thru only from 3:30 p.m. to 6:30 p.m. on the night of each event. Tickets are \$9.00 each and can be purchased, via cash or check, at the Council on Aging at 220 Fox Rd., Van Wert. The contact number is 419-238-5011. All tickets are pre-sale only. The event dates are April 5, May 3, June 7, July 12, August 2, September 13, October 4, and November 1, with most pre-sale ticket deadlines approximately 10 days prior to each event.

Mitch Price, Executive Director of Main Street Van Wert (MSVW), presented Council with a proposal to implement the DORA (Designated Outdoor Refreshment Area) program in Van Wert. Price outlined that this was a relatively new program, effective April 30, 2017, per the Ohio Revised Code (ORC). The program allows a district, with a maximum of 150 contiguous acres for a community of 35,000 people or less, for Class A and D Liquor Permit holders to sell alcohol, by the cup (standard 8 oz size), to patrons. Patrons can then walk or dine within the district boundaries during designated days, times, and events. A map of the proposed district boundaries was also given, which included Fountain Park. Price mentioned Black Angus, Old South, Cate's Diamond Mine, Jimmy's Wine Bar, and the Wassenberg Art Center as the current establishments that would be part of the proposal.

Price explained that this proposed program for Van Wert would be designed to increase downtown foot traffic, especially in response to reduced traffic from COVID, and enhance the quality of life for downtown Van Wert businesses and patrons. Additionally, Price detailed limitations of the DORA program, in that cups may not be taken outside of the designated

district boundaries, there would be designated days and hours for the program, and cups from one licensed establishment could not be taken into another licensed establishment. Further, participating businesses would need to post required signage, must attend required training, must post a map of the boundaries and rules of the DORA program, and must purchase cups with their logo, DORA logo, and district rules. Businesses could choose to post signage indicating that DORA patrons may not enter their place of business. MSVW would provide the cups and the signage for the first year.

Price continued to explain that this proposal would make DORA a year-round program (with days, times, hours to be determined), all alleys within the district boundaries would be included, it would be subject to annual (or more often) review by City Council, and could be suspended by City Council at any time. He also noted that he has spoken with all downtown businesses, and while there was pushback from a few establishments, most businesses were on board.

Tomlinson shared an email he received, relaying a concern from Chris Farmer on the DORA program, and Price noted that he and Farmer had a phone conversation regarding the concerns. Tomlinson also clarified that while alcohol is allowed for certain events in Fountain Park, this program could theoretically allow for certain hours every day of the week, year round. Price confirmed this. Penton asked if this meant that a patron could purchase a cup of alcohol at Black Angus, and then walk to Fountain Park with it. Price also confirmed this. Tomlinson asked if aspects of this program or proposal could be parsed individually, citing the difference between a cup of beer and a cup of hard liquor. Price confirmed that this could be tailored to Van Wert's specific wants and needs.

Davis noted that other communities had limited the types of establishments that could be licensed for this, and suggested Council discuss this possibility. Tomlinson stated that he felt there needed to be a public hearing prior to moving forward with any legislation on this proposal, to gather community input. Hatcher explained that the nice aspect of this program is that it is subject to consistent review by City Council, it can be adjusted as needed, and so has good flexibility in what can be done by Council. Price detailed some of the logistics that other nearby communities have instituted with their DORA setup.

Pastor Keith Stoller shared some of his concerns, and asked if there has been any increase in alcohol-related incidents or disruptions at the events where alcohol has been allowed in Van Wert. Tomlinson and Price both noted that there have been no incidents in the last several years. Hatcher also confirmed that he has not had any incidents of note come through the court system. He also noted that Council has been very selective in their event allowances. Tomlinson noted that Council has warned that if there are incidents, there won't be additional incidents, because it will be revoked. Stoller reminded Council that they are the "gatekeepers" of the city of Van Wert, and appreciated their consideration of that aspect.

Joe Jared thanked the Law Director for confirming the annual review aspect of the program, and asked a question about the boundaries on the map provided.

Tomlinson thanked Price for the presentation. He stated Council will field comments and opinions from the public, and will have further discussion at the next meeting.

Tomlinson reminded Council that May 17, 2021, is the date for elected officials to submit their financial disclosure documents.

Seth Baker, Chief Executive Officer of the Van Wert County Foundation, addressed a letter that the Foundation sent to Council. Baker, referring to questions posed at the last Council meeting, noted that there are questions regarding private property that the Foundation owns, and rent rates. Baker explained that the model that they are using is “different than anywhere else”, and therefore numbers and rates that may be used in a place like Fort Wayne, as he mentioned, do not work in a place like Van Wert. He continued to explain that the Foundation is pursuing tax credits and grants for their projects, and approaching their projects from a philanthropy perspective so they can be fair from a negotiation standpoint. In conversations with renters, he noted, they have allowed the business tenants to guide the discussion with what works and doesn’t work for them in hopes of providing equitable rent.

Tomlinson reminded Council that the proposed resolution to accept the Van Wert Forward Downtown Redevelopment Plan was tabled at the last meeting to field questions from residents.

Davis shared that he, Kallas, and Hellman walked some of the locations in question with Baker, and stated that he didn’t believe the Foundation was trying to run any businesses out of the downtown area or out of town. He explained that these buildings are run down and decaying, and will soon be liabilities or dangers to surrounding locations. He believes that the approach the Foundation is taking, and their vision for the area, is the right step. Kallas stated that the walk was eye-opening, and he agreed with Davis. He made the comment that if something isn’t done soon, there may not be a downtown. Marshall also stated that he and Mergy did a tour as well, and came away with similar sentiments.

Baker put out the offer for any member of the public to take a tour of what the Foundation is doing downtown. He gave commendations to MSVW for what they have done for downtown. He also stated that even with all that is being done by the Foundation, the collective efforts still aren’t moving fast enough to save assets in the downtown as a community. Davis also mentioned - and Baker confirmed - that even if businesses wanted to come into downtown Van Wert, there wouldn’t be sites ready for them to move in.

ADMINISTRATIVE REPORTS

MAYOR: The Mayor opened by discussing concerns raised around residents not cleaning up after their dogs, and whether there was a specific ordinance referring to these concerns. Markward noted that after speaking with the Law Director, this possibly fell under the nuisance ordinance, but was it very vague. He suggested the possibility of this as a standalone ordinance, and if so, this would allow them to research the language from other communities. Tomlinson asked Marshall to ask for that legislation during his report.

Kallas asked how that type of ordinance would be enforced. Hatcher explained it would be a matter of someone witnessing a violation and reporting it. Markward added that many of the nuisance ordinances are voluntary compliance and reporting, but without a specific ordinance, they couldn't post signs and enforce it.

Jared suggested they should take the conditions of the past winter into consideration, as they are discussing this now instead of in previous years. Tomlinson explained that he had heard complaints on this for several years.

SAFETY SERVICE DIRECTOR: Fleming stated that the closure on the Market Street bridge will begin March 15, 2021, and will remain closed for nearly 150 days. The building that was part of the demolition project is also down.

The Safety Service Director had nothing further to report on the evening.

AUDITOR: Balyeat reported that the Bank Reconciliation Report for February 2021 showed \$13.8 million on the books, and \$13.8 million in the various bank accounts and investments. The Cash Position report, under unexpended balance, showed that all funds had a positive balance, as required. Balyeat noted that on the General Fund revenue vs. expenses report, she changed the way that she would present that information. For the year to date in General Fund revenues, the city has ~\$974,000 in the General Fund. In terms of expenditures, the city used ~\$42,600 from the .22 tax to pay for police and fire fringe benefits. If this amount had come out of the General Fund, instead of being moved from the .22 tax fund, the city would have spent over \$146,500 more than had been taken in from revenues. She stated that she adjusted to include money moved from the .22 tax into the General Fund to show that the city is continually spending more than it brings in, but "robs Peter to pay Paul" by moving from other allowable funds. She also explained what while Income Tax revenues were up in January, in February, it was nearly \$77,000 behind 2020 numbers. She stated that the hope is that income tax numbers will be even with 2020 in the long run, if not above. She noted that unemployment is low, and there appear to be many new job openings as well.

Balyeat also put forth a Then and Now that needed to be approved for Wallace Plumbing, in the amount of \$3,521.00 for piping work at the Water Plant.

Balyeat excused herself from the meeting following her report.

LAW DIRECTOR: Hatcher opened by informing Council that the issue on Bonnewitz Ave., discussed last meeting in regards to appropriation and the curb project, had been resolved without the need for appropriation action to be filed.

Hatcher also reported that ongoing proceedings at Municipal Court have been going well.

Tomlinson asked a Council member to request the Law Director to prepare a resolution accepting the recently received American Legal Supplement for 2020.

Agler made a motion to ask the Law Director to prepare a resolution accepting the American Legal Supplement for 2020. Mergy seconded; all concurred.

Hatcher asked whether Council would like to have any application or legislative paperwork prepared around the DORA presentation prior to a public hearing, or wait until after the public hearing. Tomlinson confirmed he would prefer to wait until after a public hearing.

Hatcher also provided an explanation of his legal opinion on the issue that Davis brought up during the February 22, 2021 Council Meeting, regarding the Mayor appointing the Safety Service director without Council input. Hatcher explained that the ORC basically leaves that to the Mayor's role, citing the statutes and sections of the ORC that pertain to this topic. In his opinion, as Van Wert is a statutory city, this issue is assigned to the Mayor. Davis shared that while he understands the opinion of the Law Director, he also shared that this is an example of why he believes the public should consider a move to a charter city. He believes this would be a good example of how a Mayor could practice nepotism or other unwanted outcomes.

It was noted that the Mayor can set up committees, composed of Council members or even members of the public, to sit in on the process, but it is up to his discretion. It was also noted that the Safety Service Director must be a resident of Van Wert, but an appointed person would have six months to relocate to Van Wert from another area.

Davis noted that language needed to be updated in Van Wert's current statute regarding the Safety Service Director, citing 32.05 - B.2, in reference to the date currently in the language.

Jared commented that the biggest issue, in his mind, of a charter government is that a city could unbind itself from the ORC. Hatcher explained that his reply to that would be yes and no. Structurally, there is more flexibility in a charter city than in a statutory city. The Supremacy Clause and Constitution always trump, and in those situations, it wouldn't matter whether a city is charter or statutory. The biggest key is how the city is set up structurally, which then affects the fiscal setup. He explained that the way the law is applied to a city, there wouldn't be much change there - not to the extent that many people believe it would.

Davis asked Hatcher to clarify whether Council has to approve any appointment the Mayor would make to Safety Service Director. Hatcher stated they do not.

COMMITTEE REPORTS

HEALTH, SERVICE, and SAFETY: Marshall made a motion to amend Ordinance 21-02-009, regarding language discussed at the last meeting on damaged or destroyed fencing. Kallas seconded; all concurred.

Marshall noted that in reference to the dog waste ordinance in question, he reminded Council that many ordinances that are currently on the books are vague and in need of review. Davis clarified that they are discussing dog waste removal on public property or on the property of others, not on dog waste on an owner's own private yard.

Marshall made a motion to ask the Law Director to prepare an ordinance for the enforcement of dog waste removal. Davis seconded; all concurred.

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

ECONOMIC DEVELOPMENT: Kallas turned the floor over to Stacy Adam, Executive Director of the Van Wert Area Economic Development Corporation.

Adam shared that the December unemployment numbers for Van Wert County came in at 4.0%. This compared to 3.2% unemployment in December of 2019. For December 2020 in the state of Ohio, unemployment was at 5.2%, while the national number for that timeframe was 6.5%. Adam also reiterated what Balyeat referred to earlier in the meeting, noting that Van Wert Works has several pages of job postings now, a combination of job vacancies and new jobs created from area businesses. Adam acknowledged Jane Schmidt for her work in getting area jobs onto the website. She also shared that Van Wert Works has a website ([link](#)), as well as a new mobile app.

Adam then provided information from the Center for Regional Development in Bowling Green, which creates a State of the Region report from an economic standpoint. In the second quarter of 2020, Van Wert County was ranked No. 2 out of 27 counties in northwest Ohio in job growth. As of the end of the year, Van Wert County had moved to No. 1. From 2016 to 2020, the job growth percentage was 7.2% with 896 jobs created. Adam noted that Van Wert County has been consistent in job growth, and rebounded quickly during this pandemic.

Adam also reported that Van Wert County experienced population growth for the first time in decades. From the period of 2016 - 2020, the population has grown by a measure of 0.2%. While a small increase, it is still the first period of growth in several decades for the county. Adam hopes to see that number climb with the Downtown Redevelopment Project, activity at Dickinson Farms, the Land Bank, and new businesses coming in. With the jobs created, she hopes to see more move to Van Wert County.

Lastly, Adam mentioned that the Paycheck Protection Program was still available for application until March 31, 2021. She encouraged area businesses to use their local lenders to get applications. She noted there were changes in the second phase, with additional groups eligible.

She mentioned that 360 area businesses received money from the first phase of the program, and around \$13.8 million was allocated to Van Wert County businesses through the program, and through the Economic Injury Disaster Loan program.

Kallas asked if the city of Van Wert was on the hook for any financial obligations if they chose to approve the Van Wert Downtown Redevelopment Plan from Van Wert Forward/Van Wert County Foundation. Tomlinson stated that the city was not committing to any financial obligation, and that it would just be a statement that the city approves of the general plan.

Kallas made a motion to untable Resolution 21-02-015. Marshall seconded; all concurred.

Economic Development had no additional report for the evening.

PARKS AND RECREATION: Parks and Recreation had no report for the evening. Tomlinson noted that Penton had to excuse himself, and had alerted Tomlinson before the meeting.

Agler asked if the dog waste ordinance that was asked to be prepared would affect the dog park. Hatcher said that ordinance, if passed, would be applicable to the dog park and all areas of the city, aside from private property with the animal that lives on that property.

FINANCE: Agler made a motion to approve the Then and Now for Wallace Plumbing that Balyeat referenced earlier in the meeting. Mergy seconded; all concurred.

Finance had no additional report for the evening.

JUDICIARY AND ANNEXATION: Judiciary and Annexation had no report for the evening.

STREETS AND ALLEYS: Streets and Alleys had no report for the evening.

PROPERTY AND EQUIPMENT: Property and Equipment had no report for the evening.

UNFINISHED BUSINESS

Tomlinson noted that code enforcement would stay in unfinished business.

NEW BUSINESS

There was no new business brought before Council.

CONSENT AGENDA

There were no items on the Consent agenda.

RESOLUTIONS & ORDINANCES

Hellman made a motion to pass Ordinance Number 21-02-005 on its third and final reading. Mergy seconded; all concurred.

Third and final advisory for Amended Ordinance Number 21-02-005: AN ORDINANCE MODIFYING THE SPEED LIMIT ON MENDON ROAD IN THE CITY OF VAN WERT, OHIO. All concurred; ordinance passed on third and final reading.

Second reading advisory for Amended Ordinance Number 21-02-009: AN ORDINANCE TO AMEND THE VAN WERT CITY ORDINANCE 150.36. All concurred; second reading passed.

Second reading advisory for Resolution Number: 21-02-010: A RESOLUTION AUTHORIZING THE MAYOR AND THE AUDITOR, ON BEHALF OF THE CITY OF VAN WERT, TO SIGN THE PARTNERSHIP AGREEMENT WITH THE VAN WERT COUNTY COMMISSIONERS FOR A STATE DEPARTMENT OF DEVELOPMENT'S COMMUNITY DEVELOPMENT BLOCK GRANT AND DECLARING AN EMERGENCY. All concurred; second reading passed.

Kallas made a motion to introduce Resolution Number 21-02-015. Hellman seconded; all concurred.

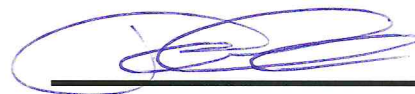
First reading advisory for Resolution Number 21-02-015: A RESOLUTION ACCEPTING THE VAN WERT FORWARD DOWNTOWN REDEVELOPMENT PLAN. All concurred; first reading passed.

ADJOURN

Agler made a motion to adjourn at 7:43 p.m. Mergy seconded; all concurred.



Clerk of Council
Andrew Bittner



Council President
Jon Tomlinson

3/22/21

Date