

MINUTES OF THE VAN WERT CITY COUNCIL

June 14th, 2021

President Jon Tomlinson called the meeting to order at 6:30 p.m.

Marshall 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 June 14th Council meeting. Agler seconded; all concurred.

It was noted that there was a typographical error in the May 24th Council minutes. The word “now” was corrected to “not” on the third page, first line.

Mergy made a motion to approve the minutes, as corrected, for the May 24th Council meeting. Agler seconded; all concurred.

COMMENTS, COMMUNICATIONS, & PETITIONS

Tomlinson noted that he did not receive any comments, communications, or petitions. No member of Council brought any forward.

No member of the public brought forward any comments, communications, or petitions.

ADMINISTRATIVE REPORTS

MAYOR: Markward informed everyone that the next brush pickup will be the week of June 28th. He asked the local media to help spread the information, as that memo did not make it into the most recent water bill. This information will also be posted on the city’s website, and put in the next round of water bills.

Markward also informed Council that Bob Priest’s term on the Van Wert Area Economic Development Corporation Board would come to an end on June 30th, 2021, and he did not seek reappointment. Markward stated that he would put forth Stacey Baer as his appointment to replace Priest, if Council would approve her. Tomlinson suggested Council consider her appointment during the Economic Development report.

Markward had no further report for the evening.

Joe Jared asked about the definition of “temporary”, recalling Hatcher’s legal opinion on the Main Street Van Wert parklet authorized by city administration. Hatcher reiterated that there is no legal definition of the word “temporary” from a statutory standpoint. He continued that, in this case, then the word “temporary” would resort to the general dictionary definition of the word. Jared expressed his opinion that the parklet, as currently constructed, is a danger and hazard, and could be better constructed to increase the safety aspect of it. Tomlinson stated that Jared’s opinion had been noted.

SAFETY SERVICE DIRECTOR: Fleming reported that there is a Van Wert City-Van Wert County-Ohio Department of Transportation joint paving project on Lincoln Highway. This project will span from Wayne Street to the Van Del Drive-in.

Fleming continued that the sand replacement project at the Water Treatment Plant is going well. They’ve replaced sand in two filters at this time, and will be replacing the sand in two more filters starting today.

Finally, Fleming addressed the Market Street paving project. Tomlinson recalled that Fleming had stated that they would pave Market Street from the Market Street Bridge to the railroad tracks. Fleming explained that this project will cost approximately \$180,000 to go from Keplar Street to the railroad tracks. This cost is high enough that the project would need to be bid. As part of that bid, city administration would propose to put two raised 100-foot-long tree islands in the middle of Market Street between Central Avenue and Main Street. This would tie into the downtown project, but also save the city on paving costs on Market Street moving forward. Fleming also noted that this area of Market Street did not need a turn lane, so this would not hinder any traffic, and would also retain the parking on both sides of the street. He noted that these islands had been factored into the bid cost of the project. He would ask Hellman to ask for legislation to be prepared to authorize Fleming and the Mayor to post this project for bids, and authority to move forward with the project once awarded.

Agler asked a clarifying question on the amount of Market Street that would be paved with this project, and Fleming outlined the area that would be addressed, and the other areas that would require a different contractor to complete.

Agler also asked for an update on a “No Outlet” sign he requested on the alley that runs north between Cherry Street and Harrison Street. Fleming stated that he would follow up on that the next morning.

Fleming had no further report for the evening.

AUDITOR: Balyeat opened with an invoice, needing approval on a Then and Now, to GOVDEALS for \$11,167.87 for purchases by the Wastewater Treatment Plant at an auction in Findlay. Fleming explained that they were able to purchase several items (ballasts, lamps, sleeves) at a significant discount at this auction, but did not have a purchase order ready ahead of time due to the situation.

Balyeat then addressed the proposed 2021 Van Wert City Tax Budget, which is required to be submitted to Van Wert County by July 20th. She explained that the purpose is to show the county that the city still needs financial support from them. Balyeat continued that the Tax Administrator reported a 7% increase in income taxes at this time, and believes that a 6-7% increase will be sustained through the end of the year. Balyeat also noted that the tax collections aren't projected as highly for 2022, but she left it the same for this budget. Balyeat then detailed all of the increases or known expenses that she included in the budget proposal.

Balyeat stated that Council needs to approve the tax budget at the July 12th meeting, and a Public Hearing needed to be held prior to that meeting. A notice for the Public Hearing needs to appear in the paper 10 days prior to approval.

Tomlinson made a point on the unencumbered income in the budget, which he noted is ultimately the city's carryover, by bringing attention to the fact that number is dropping significantly each year. The number projects to drop by approximately \$524,000 between 2021 and 2022, and drop another approximate \$600,000 between 2022 and 2023. Balyeat noted that expenses could be lessened if the city would use the additional $\frac{1}{3}$ of the 0.22 tax, as she only has projected using $\frac{1}{3}$ of that tax at this time. She also explained that the expenses from 2020 to 2021 are misleading because a portion of CARES Act dollars were used to decrease expenses. According to the numbers, Tomlinson pointed out that the city would be in trouble by 2024, if nothing significantly changed, and drastic cuts would have to be made. He continued by noting that the primary way to cut budget costs was to cut payroll. Balyeat added that this was a General Fund discussion, and payroll in the General Fund affected the Police Department and the Fire Department.

Tomlinson scheduled a Public Hearing to discuss this proposed budget on Monday, July 12th, at 6:15 p.m.

Balyeat then addressed a question, forwarded to her from Hatcher, from a local funeral home, which asked for the city's policy on indigent burials. She stated that she believes the city has only done 3 indigent burials in her time as Auditor, but does not have a set policy in place.

She continued that the city is required by Ohio Revised Code to carry out indigent burials within the city. She noted that she believes the city should establish a policy, which would mean a committee is assigned, and they would bring legislation before Council. Tomlinson stated that he believed this topic would fall under Health, Service, and Safety, and asked Marshall to look into this issue.

Jared asked about the circulated flyer that Balyeat addressed at the May 24th Council meeting. Jared argued that the language in the flyer was accurate, as the language used “could” prior to its other statements. He stated that a change in his power costs was a reason for him to oppose the issue.

Balyeat had no further report for the evening.

LAW DIRECTOR: Hatcher stated that he will be on vacation for the July 12th meeting, and will be out of the office July 2 - July 13. He asked Council that any preparation needed for the July 12th meeting be given to him well ahead of time.

Hatcher provided an update on properties and nuisance cases. He noted that one case had progressed through court, and the property had made significant progress. He explained the Court gave the party 90 days to get a new roof installed, with proof completed to Lawson. They have cleaned up the property satisfactorily, which reduced their fine, and once the roof is installed, the rest of the fine will be credited, with paid court costs only as a final result.

He noted that there were three other properties that Marshall had asked questions on, with one a repeat offender. These properties are currently in process, and he detailed the avenues that are being pursued to remedy these issues.

He also asked Marshall to look at this schedule so they could set up a meeting to discuss nuisance violations in commercial properties.

Hatcher also provided an update on the DORA district, as that was in effect for the Concert in the Park recently. According to Mitch Price, 250 DORA cups were purchased and no issues came through court. He thanked the citizens of Van Wert for being responsible. He again stated a reminder that Council will review DORA on an annual basis.

Jared noted that he believed the media should be clear that there were no incidents for the opening DORA weekend, and how significant that was with the new program. Hatcher agreed.

Hatcher had no further report for the evening.

COMMITTEE REPORTS

HEALTH, SERVICE, and SAFETY: Marshall explained that he has primarily focused on nuisance cases or violations with regards to residential living. He stated that his purpose is to make the community look better. He noted that property values and appearances are affected by properties that are not maintained.

Moving forward, Marshall stated that they will continue to pursue effective avenues for adjudication and resolution of repeat offenses. He also stated that he believes the city needs a full-time code enforcement officer, but acknowledged the financial situation at hand.

Marshall also discussed blighted or vacant properties that are run down, or sitting untouched for long periods of time. He brought up the topic of receivership, which he noted is being utilized in other Ohio municipalities. He also noted that he, the Mayor, and Agler attended a symposium in Columbus on the topic. He believed there are situations they can look to take action, and possibly look into set periods of time where these properties must be addressed, with abatement avenues first and then possibly receivership as a last resort.

Agler asked if an ordinance could be put in place to require homes to have minimums in place, such as water, gas, or electric minimums in place. He wondered if this could expedite any process. Hatcher explained that blighted or abandoned would need to be included in any legislation, and Marshall noted that the Ohio Revised Code defines it.

Tomlinson stated that, to his knowledge, the concern is, if receivership occurs, the city has to come up with resources to abate it themselves. He explained that no government entity wanted to take over the Home Guard building before it collapsed and became a danger, because they didn't have the funds to address it adequately. The roadblock is always that resources need to be in place before any property is assumed.

Agler explained the receivership process to his knowledge. Hatcher then explained that with receivership, an organization/non-profit is generally appointed the receiver by the court and there are specific statutory guidelines that are worked through.

Stacy Adam put forward that there are delinquent taxes at the county level that are available for this type of situation. She stated that this might be an option for these properties, with the Land Bank involved. She continued that the Land Bank has acquired over 80 properties in Van Wert County, with the bulk within the city, and \$1.65 million dollars received.

Tomlinson asked for Marshall to schedule a separate meeting on this topic, if they wanted to further investigate and pursue this process. Agler stated they need to move quickly. Jared suggested that this be a public meeting, if it pertained to ORC Section 2735.

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

ECONOMIC DEVELOPMENT: Kallas made a motion to appoint Stacey Baer to the Van Wert Area Economic Development Corporation Board, replacing Bob Priest. Marshall seconded; all concurred.

Kallas then turned the floor over to Adam, who described the details of a potential acquisition of the old Van Wert Inn on North Washington Street. She explained that she was in attendance to request up to \$150,000 from the city for the acquisition and demolition of the Inn. The Business Development Corporation has been asked to contribute 50% of the costs, and Van Wert County has committed to contribute 25%. Van Wert City would be asked to contribute the remaining 25%. They will request a Target of Opportunity grant to take the building down, and make the land an area that could be developed. Tomlinson clarified the amount that the city would be asked to contribute. It was finalized that the city would be asked to contribute a prorated share of 25%, up to a capped amount of \$150,000.

Adam explained that the intent is to sell that piece of land once it is cleaned up and ready for development, and then the proceeds would be given back to each entity - the city, the county, and the BDC, at a prorated share. Adam also asked that if there are proceeds in excess of the amount contributed, that the excess would go to the Land Bank. Tomlinson stated that he was not in opposition to that, but any language for that situation should come in a separate ordinance - the ordinance that authorizes the sale of the land.

Davis asked if the BDC and the county were also going to give the Land Bank any proceeds above and beyond their original contribution. Adam stated that the BDC would keep their prorated share of the proceeds, but the county would do whatever the city decides to do.

Adam also reminded Council that there is an annual Van Wert Area Economic Development Corporation meeting on Tuesday, June 15th, at 6:00 p.m. at the Vantage Community Building.

Kallas made a motion to ask the Law Director to prepare legislation for the city to contribute up to \$150,000 toward the purchase of the old Van Wert Inn, and authorize the Mayor to sign any documents to achieve that purpose, on an emergency. Agler seconded; all concurred.

Kallas made a motion to introduce Ordinance Number 21-06-040. Agler seconded; all concurred.

Kallas made a motion to suspend statutory rules for Ordinance Number 21-06-040. Agler seconded; all concurred.

Kallas made a motion to pass Ordinance Number 21-06-040: AN ORDINANCE APPROVING THE CONTRIBUTION TO THE VAN WERT COUNTY LAND REUTILIZATION CORPORATION (LAND BANK) IN AN AMOUNT OF A 25% PRORATED SHARE UP TO IN THE AMOUNT OF \$150,000.00 TOWARD THE PURCHASE AND DEMOLITION OF THE OLD VAN WERT INN ON NORTH WASHINGTON STREET IN THE CITY OF VAN WERT, OHIO, AUTHORIZING THE MAYOR TO SIGN ANY DOCUMENTS TO ACHIEVE SAID PURPOSE AND DECLARING AN EMERGENCY, on its first and final reading. Agler seconded; all concurred.

Adam asked if legislation needed to be requested for the Ohio Site Inventory Program spec building site in Vision Park to be transferred to the Community Improvement Corporation (CIC). It was determined that since the CIC is not currently the title owner for the site, then the city would need to pass legislation to approve a deed transfer.

Kallas made a motion to ask the Law Director to prepare legislation to transfer approximately 20 acres to the CIC, on an emergency. Hellman seconded; all concurred.

Hatcher asked if a survey would be conducted. Adam confirmed that a survey would be conducted out of the city's budget, but there is language in the purchase agreement that nothing would be transferred unless the grant application is approved by JobsOhio and the state of Ohio. Tomlinson explained that if the city were to sell the land for this project, then it would have to be bid on, and anyone could buy it. Ohio allows cities and municipalities to work with a CIC, to transfer the property, and this allows control of the end user. Jared asked if this was the same land that was affected by the new flood maps, and that was confirmed.

Economic Development had no additional report for the evening.

PARKS AND RECREATION: Penton reported that everything continues to go well with the Parks Department, especially in relation to the summer ball program. He also noted that there is a new water bottle filling station at Fountain Park.

Parks and Recreation had no additional report for the evening.

FINANCE: Agler made a motion to approve the Then and Now invoice payment to GOVDEALS in the amount of \$11,167.87. Mergy seconded; all concurred.

Davis asked how much money was saved by acquiring those items at auction. Balyeat relayed that she had been informed the price for new items would have been close to \$90,000, so Tomlinson stated it was close to \$80,000 in savings.

Finance had no additional report for the evening.

JUDICIARY AND ANNEXATION: Mergy explained that the current timeline for the charter legislation, currently in reading, would put it on track for possible passage prior to the window required. She discussed the option of tabling the legislation until the next meeting. Tomlinson suggested that, as two Council members would be absent on June 28th, it would be better to continue the second reading during the night's meeting, table it at the next meeting, and vote for possible passage during the July 12th meeting.

Davis took time to address Jared's concern regarding electricity that had been voiced earlier. Under a charter, Davis explained that it could be possible for a city to decide to spend millions of dollars on an electric distribution business. He stated that would cost a fortune, and it something that Council would have no interest in doing. Furthermore, he explained, it is not something Council could do - it is only something Council could put on a ballot for the citizens of Van Wert to decide on through a vote. He continued that no one on Council had the ability to do what was stated on the flyer in question, without the voting approval of the citizens of Van Wert.

Jared responded that in a statutory city, it is impossible to have an electric company. It was countered that statement was untrue, and two local examples - St. Mary's and Celina - were provided. Jared continued that it was his understanding that if the city went to a charter government, then Van Wert would be one step closer to an electric company. This was again countered as false, and Davis again stated that nothing could be put into place without the voters' consent. Tomlinson also stated that no one would suggest an electrical aggregate because of the high costs, so that's no longer a realistic argument. He continued that he has no problem with anyone who opposes a charter government, and it's their right to disagree and vote "no". But he also suggested that realistic and legitimate arguments should come through research and analysis, as the best thing for Van Wert is an educated citizenry.

Judiciary and Annexation had no additional report for the evening.

STREETS AND ALLEYS: Hellman made a motion to ask the Law Director to prepare legislation authorizing the Safety Service Director and the Mayor to post and award the bid for the Market Street paving project from Kepler Street to the railroad tracks, on an emergency. Kallas seconded; all concurred.

Davis asked if there was a mock-up for the tree islands Fleming detailed earlier. Fleming responded not at this time, but that the bid posting will be a quantity bid, and they've already done the field study for the size and location of these islands to preserve parking, and room to turn into the alley, etc.

Streets and Alleys had no report for the evening.

PROPERTY AND EQUIPMENT: Davis provided information on his "Council Collab" sessions, which is a time for him to meet with citizens at Franklin Park and discuss any items they wish to discuss. He noted that he will do this every 3rd Wednesday at Franklin Park from 6:30 p.m. to 7:30 p.m. He also mentioned that Kallas may attend the next meeting.

Property and Equipment had no report for the evening.

UNFINISHED BUSINESS

Tomlinson noted that code enforcement was again discussed during the meeting, and would stay in Unfinished Business. He also reminded Marshall that he would like to have Mr. Riley, from Young's Waste, attend a Council meeting between now and September prior to the citywide trash clean-up, so details could be ironed out.

NEW BUSINESS

There was no new business brought before Council.

CONSENT AGENDA

There were no items on the Consent agenda.

RESOLUTIONS & ORDINANCES

Second reading advisory for Ordinance Number 21-05-037: AN ORDINANCE TO AMEND VAN WERT CITY ORDINANCE 150.15 PERMITTED AND CONDITIONAL USES. All concurred; second reading passed.

Second reading advisory for Ordinance Number 21-05-039: AN ORDINANCE SUBMITTING THE QUESTION OF SELECTING A COMMISSION TO FRAME A CHARTER TO A VOTE OF THE QUALIFIED ELECTORS OF THE CITY OF VAN WERT AND DECLARING AN EMERGENCY. Marshall, Kallas, Penton, Mergy, Hellman, and Davis concurred; Agler dissented. Second reading passed.

Agler explained that he voted “no” due to the timeframe of the topic, the time it might take to educate possible charter commission members, and because he felt it was rushed, not because he did not agree with a charter.

ADJOURN

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



Clerk of Council
Andrew Bittner



Council President
Jon Tomlinson

6/28/2021

Date