

MINUTES OF THE VAN WERT CITY COUNCIL

September 13th, 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 September 13th Council meeting. Agler seconded; all concurred.

Mergy made a motion to approve the minutes for the August 23rd Council meeting. Marshall seconded; all concurred.

Mergy made a motion to approve the minutes for the August 23rd Council of the Whole meeting on the Van Wert Forward Downtown Parking Study. Marshall seconded; all concurred.

COMMENTS, COMMUNICATIONS, & PETITIONS

Jordan Dettrow, of 1016 Westchester Ct., brought forth a concern regarding the donation dropbox that is currently in the parking lot near the Van Wert BMV. He explained that he understands the purpose and idea of the dropbox, but stated that he didn't believe it was being utilized as designed. He spoke with the local Special Olympics representative, and was informed that the Special Olympics organization has nothing to do with that dropbox. That representative also appreciated the idea of bringing this to Council, as it reflects on their organization, as members of the public believe it is their dropbox when it is not.

Dettrow asked if there was current legislation, and also asked what could be done regarding this issue. Hatcher informed Dettrow, and those in attendance, that an ordinance was passed in 2017. This ordinance did not outlaw donation bins, but all donation bins would need clearance through the Safety Service Director's office. In this instance, those protocols were not followed. As such, Hatcher said this donation bin is in violation of Section 96.24 of the Van Wert Code of Ordinances. Fleming informed Council that contact had been made with the party responsible, and the message that was given to them was to get their donation bin, do not ask for a permit because they will not receive one, and remove the bin from the city. He relayed that there are ample opportunities for residents to donate to organizations, and that the donation bins generally become trash bins or are used in other ways. The public was encouraged to call the City Office if these bins are noticed throughout the city, so those situations can be assessed.

ADMINISTRATIVE REPORTS

MAYOR: Markward relayed that, at the invitation of the Optimist Club of Van Wert, he recently attended their meeting to give an update on the charter commission process, discuss the procedure, and answer questions. Since that time, he noticed that sample ballots are ready on the Board of Elections website. For those curious to see what their precinct's ballot will look like, that information is on the Board of Elections website. Early voting will begin October 5th, 2021.

Markward also stated that, as of earlier in the day, 104 of the vouchers for the citywide trash clean-up had been claimed. He was unable to reach Young's Waste for the number of vouchers that had been redeemed so far. He reminded residents that there are still vouchers that can be picked up through the Water Office.

Markward also provided an update on Liam Shartzner's Eagle Scout project that was presented to Council nearly two years ago. He noted that this project was delayed all of last year, but was now underway. He mentioned that part of the sidewalk had been put in near the old Clark gas station, and the project was ready for vegetation.

Tomlinson reminded everyone that a potential public informational meeting on the charter issue had been discussed, and he reaffirmed his position that this meeting needed to be held. He asked Markward to contact the Niswonger Performing Arts Center, and ask for the Lecture Hall's availability for a date prior to the early voting start date. He stated that he will contact Garry Hunter to ask for someone from the Ohio Municipal League to attend, provide information, and answer questions from the community. He asked Markward to secure a date, and when that date and time are set, then information will be released to local media and the public.

Agler asked Markward if there was any new information on numbers from the most recent census. Markward stated that he had viewed information on drawing the congressional districts, but couldn't find specific information on "smaller neighborhoods". It was noted that Council and city administration would need to examine numbers to see if current lines still "make sense". The last time this occurred was either after the 1970 or 1980 census. Based on registered voters, Markward didn't think current lines were still accurate, and that both north-south and east-west lines would likely need to be moved, but they would need further information to determine any changes. And, with everyone voting in the same location, it really only affects Council ward voting.

SAFETY SERVICE DIRECTOR: Fleming opened by showing Council a map of the city, and pointed to the location of the new spec building in Vision Park. He informed Council that there is no Community Reinvestment Area (CRA) in the northwest corner of the city. He asked Council to consider an ordinance to amend the CRA Airport District to include the area around Alliance Automation and Vision Industrial Park. He stated that he would prefer language that makes it contingent upon the school boards approving this in October

Fleming also stated that there is a strange amount of basketball hoops on city streets or in right of ways currently. He stated they are putting together a list of these locations, and they will be removed if residents don't move them before that action. He stated that an ambulance hit one of these basketball hoops in the past, and that they cannot continue to stay on streets or in right of ways.

AUDITOR: Balyeat opened with the Bank Reconciliation Report for August, which showed \$16.2 million on the books and in the bank. Income tax revenues are up, and currently around a 14% increase compared to last year. She and the tax administrator are looking at numbers in anticipation of creating the 2022 budget. They are currently unsure of how to project the tax numbers for the future.

As of the end of August, the general fund shows approximately \$370,000 more collected in 2021 than 2020, although she cautioned that nearly \$220,000 of Police and Fire salary expenses charged to the .22 tax. That would still indicate that there has been close to \$150,000 more collected this year, however and overall, she noted nothing out of ordinary in financials.

Tomlinson asked if the 2022 budget could be created without using funds from the .22 tax, and balance it with bringing on an additional staff salary for code enforcement. Balyeat responded that legally, if the budget shows that the .22 tax is needed, then it must be used - but it doesn't specify the amount that has to be used. She said that if the desire is there to hire someone, then the budget needs to be shown to be sustainable, and she's not sure that's currently possible. Tomlinson stated that he would like to see the projections, because he believes that a position dedicated to code enforcement is needed. She stated she would put projections together and provide that documentation without using the .22 tax.

Hatcher asked if COVID had significantly lowered tax income in 2020, and if that was why the 2021 numbers looked as good as they did. She stated that they ended 2020 in a better situation than anticipated, and that the pandemic didn't drastically affect that situation. Income taxes due to the pandemic were more delayed than depressed. Markward added that tax income revenues were up around 10% compared to 2019, so the situation was still positive.

Balyeat also reminded Council that those in the final year of their term still needed to complete Sunshine Laws training for the year. She had some certificates of completion, but did not have certificates for all yet. She provided information on how to register for the online training, and the websites that can be visited for that information. She reminded Council that if certificates are not on file, then the city is out of compliance when audited.

She also updated Council on a worksheet and an informational bulletin on the American Rescue Plan, and the monies associated with that act. She explained that, as part of that plan, the city can calculate revenue loss, and monies used to cover revenue loss can be used in many different ways. Initially, she believed those funds were general fund dollars only, but now she believes those dollars can be used as general fund revenues in most regular income funds - it does exclude utilities and non-recurring expenses. She stated that there are two ways to calculate these revenue losses, either using 4.1% or calculating totals from 2016 forward, and using whichever number is greater. She explained that Van Wert would use the 4.1% route, based on her calculations, and that, if her numbers are accurate, then Van Wert could use nearly the entire amount they receive for this "general loss". She noted that "a plan and statement" explaining the use and the rationale for why that is an appropriate use is required, and this would need to be reviewed by legal counsel and then approved by City Council. The initial report is due by October, which Balyeat said they would likely have "nothing to report" at that time.

It was explained that these funds need to be spent or used by 2024, or they would need to be sent back. Additionally, if funds are encumbered by 2024, then there is an extension on the timeline for use. The money cannot be placed into a "rainy day" fund. All funds must be used out of the new American Rescue Plan Fund the city has established.

Balyeat stated that she would like Hatcher and city administration to look into the language of the bulletin she received, and then spending would need to be prioritized. She also mentioned that she asked the state for verification on her interpretation of the information, as well as her calculations, but the state referred her to the worksheet and would not provide a straightforward answer.

LAW DIRECTOR: Hatcher mentioned that he had provided Council with information on an upcoming opioid litigation bankruptcy plan vote, which was separate from the information that Council received during executive session at the prior meeting. The Law Director stated that he would recommend voting yes on this item, but wanted Council's feedback.

Tomlinson stated that he would concur with the Law Director's decision on the matter. Other members of Council agreed with this sentiment. He urged the Law Director to make the vote that needs to be made based on the city's best interests, and he trusts Hatcher's decision on the matter.

Hatcher also informed Council that there will be upcoming actions on the code enforcement front. He explained that sometimes there is difficulty following the guidelines for enforcement when the ordinances for Van Wert on code enforcement is broken up across three to four different areas. He is looking to put together a document or flowchart that may make that process more efficient.

Hatcher also apologized for code enforcement bottlenecks in court due to challenges within his office. He assured Council that the bottleneck is being addressed, and there is a joint operation on the code enforcement front moving forward. He believes good things are in store in that area for the future.

COMMITTEE REPORTS

HEALTH, SERVICE, and SAFETY: Marshall asked the Law Director about a few specific properties, and if they were part of the “bottleneck” Hatcher referred to during his report. Hatcher confirmed those in question were part of the properties that they are looking to address soon.

Marshall continued that there are many other properties that need to be addressed as well. Some of the properties in question have been vacant, abandoned, or boarded up for a significant period of time.

He believes that they need direction on how to handle these properties. He noted that the Land Bank was instrumental in alleviating several properties in the past, and should be involved in this conversation moving forward. He also stated that he believed that action could be taken through tax situations, code violations/nuisance violations, other legal means, or even receivership. Davis added that he would like Stacy Adam (Van Wert Area Economic Development Corporation) to be involved in this as well.

Agler stated that he believes this is a broader issue than just abandoned buildings. He also mentioned that landlords have properties that are not in shape to be lived in, but still have tenants on the property. He explained that he believes there needs to be action taken against landlords that don't provide upkeep to their properties, whether through yearly inspections or other legal means.

Tomlinson asked Marshall if he was ready to schedule a separate committee meeting on this topic. Marshall responded that he needed to collect more information, and then will be in a position to request that type of meeting.

Joe Jared recommended that Council consider that some property owners may have had properties stripped from them due to the moratorium on convictions overturned by the Supreme Court. This may be a hardship that some landlords are dealing with.

Tomlinson stated that the legislation mock-up for the indigent burials was sent out to all members of Council. He explained that Hatcher will take this mock-up to the area funeral directors for their input, but he would like Marshall to request that this document be officially prepared, so it could be reviewed by Council and also made public for review. Hatcher noted that this mock-up had been extensively changed since the previous Council meeting, and that he expected more changes as it was further reviewed by Council and by the local funeral directors. A discussion on the maximum amount that the city will cover ensued, and it was noted that would be part of the review process.

Marshall made a motion to request that the Law Director prepare an ordinance for an indigent burial policy. Hellman seconded; all concurred.

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

ECONOMIC DEVELOPMENT: Kallas made a motion to request that the Law Director prepare an ordinance to amend the airport district CRA to include the northwest area of the city and Vision Industrial Park, on an emergency. Agler seconded; all concurred.

Economic Development had no additional report for the evening.

PARKS AND RECREATION: Penton stated that the issues at Franklin Park appear to be resolved. Penton questioned whether incidents may occur in the bathrooms as the weather cools and local kids congregate in that area, but it was noted that the bathrooms will be locked more often than they had in the past. Many of the signs that were ordered have not yet arrived, but they will be installed as soon as they are received.

Parks and Recreation had no additional report for the evening.

FINANCE: Finance had no report for the evening.

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

STREETS AND ALLEYS: Hellman stated the intention to request legislation on the Van Wert Forward downtown parking proposal. Tomlinson summarized the Council of the Whole meeting that took place prior to the regular Council meeting this evening, and noted that the Van Wert County Foundation had proposed that Council consider amending parking ordinance 150.30 to address the parking requirements for the downtown redevelopment area.

Agler asked if this type of amendment would affect street sweeping. Fleming stated that it will affect street sweeping, but that will need to be addressed with future action.

Balyeat asked what would be prepared specifically. A conversation ensued on the specifics of the proposed amendment. Tomlinson noted that the Law Director has notes on the specifics, and will prepare an ordinance at this time. He continued that once the Law Director prepares the document, then it can be read, reviewed, and have differences addressed before any legislation is passed, if it is approved. There is time to modify as needed.

Hellman made a motion to request that the Law Director prepare legislation amending the city parking ordinance 150.03, based on the Van Wert Forward redevelopment project. Agler seconded; Marshall, Kallas, Penton, and Mergy concurred. Davis abstained.

Jared stated that under current legislation, his building would need more parking spaces than physically possible. He recommended restrictions for business parking only in certain locations.

Streets and Alleys had no additional report for the evening.

PROPERTY AND EQUIPMENT: Davis mentioned that he will be holding his monthly Council Collaboration meeting at Franklin Park on Wednesday, September 15th, from 6:30 p.m. to 7:45 p.m.

Property and Equipment had no additional report for the evening.

UNFINISHED BUSINESS

Tomlinson noted that all three items - code enforcement, charter commission, and citywide clean-up - were all discussed, with additional information forthcoming.

NEW BUSINESS

There was no new business brought before Council during the meeting.

CONSENT AGENDA


There were no items on the Consent Agenda.

RESOLUTIONS & ORDINANCES

There were no other resolutions or ordinances for the evening.

ADJOURN

Agler made a motion to adjourn at 7:42 p.m. Kallas seconded; all concurred.



Clerk of Council
Andrew Bittner



Council President
Jon Tomlinson

9/27/2021

Date