

MINUTES OF THE VAN WERT CITY COUNCIL

October 11th, 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, Penton, Agler, Mergy, Hellman, and Davis were present.

Marshall made a motion to excuse Kallas. Davis seconded; all concurred.

Mergy made a motion to approve the agenda for the October 11th Council meeting. Davis seconded; all concurred.

Mergy made a motion to approve the minutes for the September 27th Council meeting. Davis seconded; all concurred.

COMMENTS, COMMUNICATIONS, & PETITIONS

Tomlinson relayed that the city had received notification from the Ohio Division of Liquor Control regarding a transfer liquor permit from Sparetime LLC (DBA Olympic Lanes) to Olympic Bowling Lanes LLC (DBA Olympic Lanes). This was mailed out on September 24, 2021, and will be mailed back on October 25, 2021. Tomlinson directed all concerns to city administration, which would then be included with the response to the state.

Tomlinson also stated that Mitch Price, from Main Street Van Wert, would be present at the next Council meeting, with a presentation as part of Main Street Van Wert's official request to be included on the city's annual budget.

Joe Jared, 233 Burt St., raised a concern with a loss of parking spots due to the Van Wert Forward (VWF) redevelopment project, particularly lost spots in areas where no demolition is occurring. He stated this is hurting local businesses, as they depend on area parking to bring in customers. Tomlinson asked Fleming and Markward to take a look at the issue, and see what can be done.

Hall Block, of the Van Wert County Foundation (VWCF), responded to Jared, acknowledging that some of the traffic control measures had been prematurely installed. He explained that these measures are semi-permanently installed, so that they don't get blown down by wind or need to be constantly put back up. He stated that those barriers are difficult to just remove with a phased approach. He continued that their contractors will be moving to other clusters of the VWF project very soon, and had already started work on N. Washington, as well as the southwest corner of Main and Washington, and that active work would be ongoing.

Jared stated that he felt the rollout of VWF had been “clumsy”, and was “inconsiderate” to local businesses.

ADMINISTRATIVE REPORTS

MAYOR: Markward informed Council that they had received new information from the most recent census. He explained that Washington Street was generally viewed as a natural north-south division, as the major street that runs through the entirety of Van Wert north-south, but in his opinion, it is time to change that as a dividing line. He explained that approximately 54% of the city’s residents now live west of Washington St.

Markward projected information on the large TV screens in Council Chambers, using the data and maps provided on the US Census website.

Markward continued that he has outlined four potential options for dividing up the city into four equal sections (Options A - D), and that these options are labeled in the order he made them, not in any sort of preferential order. He explained that this is not his decision, it is the Council's decision. If Council chooses not to take action, then city ordinance dictates that the Safety Service Director draws the lines. He then further explained the scenarios that he had outlined in these options. He noted Council could generate several additional options if they chose not to look at the options he had created.

Tomlinson clarified that the only city government seats that these lines would affect would be the four City Council ward seats. Markward stated that, occasionally, there could be a liquor ballot issue that only would be voted on by a single ward or affect a single ward. Other than that, he can’t think of any additional issues that would be affected by how the lines are drawn. Markward also explained that, even if Council waited until December 30, 2021, to make any changes, it wouldn’t matter much, as this would not go into effect until the next city election in May 2023. Tomlinson summarized that Council needed to decide on action steps for this by December 30, 2023, and put this item under Judiciary and Annexation.

Markward provided an update on the citywide cleanup, noting that over 200 vouchers had been claimed at this time. Due to the number of vouchers remaining, as well as warmer weather giving people additional time to clean up their homes/properties/buildings, city administration contacted Young’s Waste, and the decision was made to extend the deadline to use vouchers to Friday, October 29, 2021. Hatcher asked if they had received a number from Young’s Waste of vouchers that had been turned in. Markward answered they had not, but Fleming noted they would receive all of the vouchers back when the deadline passed, so they would have that number then.

SAFETY SERVICE DIRECTOR: Fleming informed Council that work on the Market St. paving project would begin next week. Tomlinson noted that cones had been set up and they looked to be prepping that area for work in relation to the streetscape project south of Main St.

Mergy asked about work that was occurring behind the Sheriff's Office, and the strong odor of oil that has come from that area. Fleming explained that site was an old mini-refinery back in the 1930s. Dominion is voluntarily cleaning the site up, remediating the surface dirt, and they are stabilizing with concrete so nothing can move off the site. Once cleaned and remediated, it will be labeled "clean" and turned back over.

Mark Davis, 402 S. Tyler St. confirmed that they were constructing tree medians in the center of Market St. Fleming confirmed. Davis asked what would be done with snow in the winter, and Fleming said it would be pushed and piled right onto those medians when needed.

AUDITOR: Balyeat reviewed the Bank Reconciliation Report for September 2021. She noted the cover page of the report had the wrong number for the balance sheet from the books. The number should be \$15,834,835.14, and the city is balanced. She continued that the General Fund Revenue is currently at \$5.3 million, and General Fund Expenses are at \$4.7 million. She also explained that they had diverted \$214,321.83 from Fund 220 (.22 tax), based on last year's budget needs, but it appears now that wasn't needed. Income tax revenues continue to be 13%-14% higher than last year, and the Income Tax Administrator believes that will continue through the end of the year. She noted that the 2022 budget is due this week, so by the next Council meeting, she'll have a draft ready to review. She explained she will provide Council with a couple different scenarios for use of the .22 tax based on current numbers. Tomlinson asked if any large expenses are coming before the end of the year that haven't been budgeted. Fleming and Balyeat indicated there were not.

LAW DIRECTOR: Hatcher thanked the code enforcement department, the Police Department, Marshall, Fleming, and Markward for their work in the nuisance ordinance proposal that was covered earlier in the evening during the Council of the Whole meeting. He noted that a significant amount of work was put in over several days, over several hours each day.

Hatcher also thanked Commander Lt. Jonathan Gray for his service to the Ohio State Highway Patrol, recognizing and congratulating Gray on his retirement.

Hatcher also asked Agler to ask for preparation of the amendment to the Municipal Court salary ordinance.

COMMITTEE REPORTS

HEALTH, SERVICE, and SAFETY: Marshall asked Council to act on the indigent burial proposal that had been discussed for multiple meetings. He suggested that Council decide on a monetary amount that the city will cover, and move forward with legislation.

Tomlinson stated that Balyeat's research had uncovered numbers in the \$800 - \$1,000 range, and recommended that the city consider an amount in that range.

Jared asked if that amount could be taken from Fund 230 for the next two years. Tomlinson confirmed.

Marshall stated that he would like to move forward with that legislation with a maximum amount of \$1,000.00.

Marshall quickly reviewed the topic of the earlier Council of the Whole meeting, and stated that he would also like to move forward with the proposed changes outlined during that meeting, as well as any adjustments that were discussed during the evening.

Tomlinson stated that Council had received a mockup prior to the Council of the Whole, and it was listed as "on an emergency". Marshall stated that he didn't want this to go through immediately on an emergency. Tomlinson explained that "on an emergency" could mean passing before three readings, but it is also used for ordinances that would go into effect immediately upon third reading, instead of 30 days after the fact.

Marshall made a motion to ask the Law Director to prepare an ordinance amending several city ordinances based on the proposed changes outlined during the Council of the Whole meeting, on an emergency basis. Hellman seconded; all concurred.

Marshall updated Council on his most recent nuisance violations report, which outlined 22 violations, 15 of which were junk vehicles. The other 7 violations were trash violations.

Hatcher noted that another piece of legislation, which outlined parking violation penalties as explained during the Council of the Whole meeting, was in a mockup in a separate document, as it was enacting a new ordinance. Tomlinson then read the proposed penalties within the mockup.

Marshall made a motion to ask the Law Director to prepare legislation enacting the proposed parking violation penalties, as well as amending the parking ordinances affected by this penalty section. Agler seconded; all concurred.

Marshall made a motion to introduce Ordinance Number 21-10-053. Agler seconded; all concurred.

Marshall made a motion to suspend statutory rules for Ordinance Number 21-10-053. Agler seconded; all concurred.

Marshall made a motion to pass Ordinance Number 21-10-053: AN ORDINANCE TO ENACT VAN WERT CITY ORDINANCE 76.99 PENALTY SECTION FOR THE PARKING ORDINANCES AND DECLARING AN EMERGENCY., on its first and final reading. Agler seconded; all concurred.

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

ECONOMIC DEVELOPMENT: Kallas was absent on the evening. Vice Chair Penton stated that Economic Development had no report for the evening.

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

FINANCE: Agler made a motion to ask the Law Director to prepare an ordinance for the amendment to the Municipal Court salary ordinance, on an emergency basis. Mergy seconded; all concurred.

Agler stated that he received an email from Davis, and turned the floor over to Davis. Davis explained that he sent an email to members of Council and city administration, with information about practices that were commonplace in other municipalities that were not commonplace in Van Wert.

He stated that in other areas, City Council gets a chance to speak with department heads about requested budget items, so that Council knows the purpose behind the requests and “allows for a more inclusive process”. He explained that, in his opinion, this would allow more continuity between Councils (departing and incoming Council members), and allow Council to have a better idea of what is going on financially, both currently and down the road.

Tomlinson described the separation of powers in the city government, with city administration creating the budget and City Council approving the budget. He recommended a starting point, with individual Council members having a meeting with either Balyeat or Markward, and asking those questions there. If that doesn’t work, then they can dig deeper. He noted that continuity is always a concern, but he also explained that continuity is dependent on city administration. He explained that City Council cannot micromanage city administration. Davis stated that he

agreed, but also wanted to make sure the information brought to Council fits their vision for the city and the people they represent. Currently, Davis doesn't believe that Council receives enough information for this process or for approving a budget. He continued that other communities do this, and if it breaks a threshold, then Council has to approve it. Tomlinson countered that this is the process that Van Wert has - he stated that the temporary budget isn't passed until the end of a calendar year, and then a final budget is passed at the end of April. Tomlinson noted that while they typically don't hold a "forum", every Council member has the opportunity to ask line item questions for a period of almost 5 months before final passage.

Davis asked if there was an issue with asking department heads to come before Council and explain their budget, or if there was a reason why this didn't happen. Fleming followed and stated that he can explain items, because it wouldn't be on the budget if he hadn't discussed it first. Tomlinson suggested that Davis take the time to ask any question he had after the budget draft was presented at the next meeting. Balyeat then suggested that they wait to further this conversation until the draft was released at the October 25th meeting, and she will send the line by line budget to everyone. She will provide numbers from 2018 to 2021, so Council can see the spending for each of the last four years compared to the proposed 2022 draft. She also stated that she asked department heads to provide detailed information on any significant changes to previous years' numbers.

Jared suggested that if there were no real changes from the past budgets, back to 2019 or so, compared to the 2022 draft, then there was no real conversation to have.

Tomlinson again suggested asking questions when the draft is out. He made the same suggestion to the public. Members of the public can ask questions about line items as well. When the process has started, he continued, if the members of Council aren't satisfied with the process, then look into changing the process. In the past, when there are large changes in budget items, Council has been made aware and an explanation has been made.

JUDICIARY AND ANNEXATION: Mergy asked if they could schedule a Council of the Whole meeting on November 8, 2021, to discuss possible changes to ward lines. Tomlinson scheduled this meeting for 6:00 p.m. on November 8, 2021.

Judiciary and Annexation had no additional 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 they had addressed code enforcement and the citywide trash cleanup. He also noted that the charter commission topic would stay on Unfinished Business until the November vote.

NEW BUSINESS

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

CONSENT AGENDA

There were no items on the Consent Agenda.

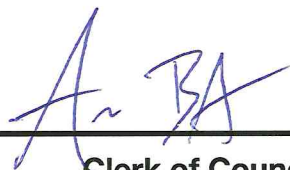
RESOLUTIONS & ORDINANCES

Second reading advisory for **Ordinance Number 21-09-050: AN ORDINANCE TO AMEND VAN WERT CITY ORDINANCE 150.30 OFF STREET PARKING REQUIREMENTS.** All concurred; second reading passed.

First reading advisory for **Ordinance Number 21-08-045: AN ORDINANCE APPROVING AND ADOPTING AN INDIGENT BURIAL POLICY FOR AND WITHIN THE CITY OF VAN WERT.** All concurred; first reading passed.

ADJOURN

Agler made a motion to adjourn at 7:27 p.m. Mergy seconded; all concurred.



Clerk of Council
Andrew Bittner



President Pro Tempore
Joi Mergy

10/25/2021

Date

