

MINUTES OF THE VAN WERT CITY COUNCIL

November 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.

Prior to approval of the agenda, Tomlinson suggested that several ordinances that were asked to be prepared at the October 25, 2021 meeting, 21-11-054, 21-11-055, 21-11-056, 21-11-057, 21-11-058, 21-11-059, 21-11-060, be added to the evening's Consent Agenda. Tomlinson reminded Council that if they wanted to vote "no" to any item on the Consent Agenda, they could motion to remove that ordinance from the Consent Agenda, and vote separately on that item.

Mergy made a motion to approve the amended agenda, as proposed by Tomlinson, for the November 8th Council meeting. Kallas seconded; all concurred.

Mergy made a motion to approve the minutes for the October 25th Council meeting. Agler seconded; all concurred. Tomlinson noted that Mergy would sign those minutes as President Pro Tempore, as he was absent at the October 25, 2021 meeting.

COMMENTS, COMMUNICATIONS, & PETITIONS

Tomlinson reminded Council and those in attendance that there would be a Council of the Whole meeting, at 6:00 p.m. on November 22nd, prior to the next Council meeting, to discuss the proposed 2022 budget for the city of Van Wert.

Davis thanked the Van Wert residents that had their name on the recent ballot as Charter Commission candidates.

ADMINISTRATIVE REPORTS

MAYOR: Mayor Markward was absent for the evening's meeting, but provided a bullet point summary of information for the night's meeting, which Tomlinson quickly reviewed.

For the citywide trash cleanup, 288 vouchers were picked up and 153 of those vouchers were used.

The Main Street Van Wert Fountain Park Lighting Ceremony will be held on November 24, 2021, at 6:00 p.m.

SAFETY SERVICE DIRECTOR: Fleming was absent for the evening's meeting, but provided a bullet point summary of information for the night's meeting, which Tomlinson quickly reviewed.

The Market St. paving project is complete, including all lines.

Leaf pickup began today, November 8, and will continue until December 6.

Agler stated that he received notice that on the corner of Harrison and Frothingham, west of the intersection, large potholes have formed, and will need attention prior to winter.

Mark Davis, 402 S. Tyler St., asked why there was no public entry at the back of the Municipal Building. Balyeat and Tomlinson explained that it was a Police Department decision, and it was a safety issue.

Marshall asked if the city could do anything about large potholes in the Ruler Foods parking lot. It was noted that it was private property. Marshall asked if they could write to the owner and ask them to fix the lot. Tomlinson said the city could ask them to repair the parking lot, but that was basically no different than asking a private citizen to put new siding on their house because someone didn't like the color. Citizens could choose to take their money and shop elsewhere, but the city had no jurisdiction on parking lots.

Mark Davis stated that he heard that the drive between Greve's property, from Ervin Rd. to Ruler Foods, was also private property, which was confirmed.

AUDITOR: Balyeat reviewed October 2021 Bank Reconciliation report, the first page of which showed \$16.1 million on the books, with the same amount in the various bank accounts and investments. The cash report showed all funds with a positive balance, as required.

The comparison of the General Fund revenues from 2020 to 2021 showed the city was approximately \$600,000 ahead of last year, with most of that amount from income tax dollars. The income tax situation continues to be approximately 13%-14% ahead of 2020. She still reported that there is uncertainty around whether that positive trend was sustainable through 2022.

Tomlinson asked if the "Over/Under" line of the General Fund Revenue to Expense comparison, at \$500,035.78, included the .22 tax. Balyeat stated it does not, and that \$214,000 have been charged to the .22 tax. Tomlinson clarified that while the report shows an approximate "Over/Under" of \$500,000, it was closer to \$285,000 if the .22 tax monies were taken out.

Balyeat also explained that the fourth payment from the Hotel Motel tax was received last week, and she asked if the distributions from the Hotel Motel Tax needed to be reexamined. Last year, she stated that the city distributed almost \$23,000 more than brought in, which was mainly due to the hit that hotels/motels took during the COVID-19 shutdown. This year, the city has distributed almost \$18,000 more than brought in. This wasn't an issue currently, due to the balance the city had, but she asked if Council wanted to consider funding the Van Wert County Airport and Main Street Van Wert with a formula in the future, based on revenues collected. She continued that the Convention and Visitors Bureau (CVB) receives 25% by statute, and the Van Wert Area Economic Development Corporation (VWAEDC) receives \$80,000 per year by contract. Currently, the airport and Main Street Van Wert both make requests for funds.

She noted that Mitch Price, of Main Street Van Wert, asked if they could receive the same amount - \$30,000 - as 2021. She mentioned that this amount was already in the budget draft. She also noted that the airport had not made a formal request at this time.

Tomlinson stated that, in his opinion, if the city would move to a percentage distribution to the Van Wert County Airport and to Main Street Van Wert, then they needed to give those organizations a one year advance on that decision. In this situation, that would be a similar dollar amount for 2022, and then inform them that the 2023 budget would likely include a percentage distribution. He suggested that Council discuss this idea at the Council of the Whole meeting on November 22nd, when they discussed the proposed 2022 budget.

Balyeat reminded any Council members that had not yet completed their Sunshine Law training of that requirement before the end of the year, and noted she had discussed this with those that needed it.

Balyeat stated that she spoke with incoming Council President Jerry Mazur, and the swearing-in ceremony will be held at 6:00 p.m. on January 10, 2021, prior to the first Council meeting of the year. Balyeat also stated that the clerk will hold a training on the Chromebooks for new Council members at 5:30 p.m. on that same day. Tomlinson also stated that he contacted CNT, who they purchased the Chromebooks from, in order to make sure all passwords are changed for new Council members.

Balyeat also asked Agler to request an ordinance to change the name of the American Rescue Plan Fund to Local Fiscal Recovery Fund.

Balyeat then reviewed a Then and Now invoice that needed to be approved. The invoice was for Smart Start Ohio, which is the company that supplies the ignition interlock devices for the city, and the house arrest systems used, in the amount of \$3,071.50.

Mark Davis asked what the city typically received in revenue from the Hotel Motel Tax. Balyeat stated it varied from year to year, but this year, it was approximately \$175,000, which was just under the highest amount ever received. Tomlinson reviewed that CVB receives 25% each year, VWAEDC receives \$80,000 each year, the Van Wert County Airport received \$21,000.00 in 2021, and Main Street Van Wert received \$30,000.00 in 2021. Balyeat and Tomlinson also stated a few other entities are paid/receive funds out of this amount each year.

LAW DIRECTOR: The Law Director had no report for the evening.

COMMITTEE REPORTS

HEALTH, SERVICE, and SAFETY: Marshall stated that 19 new code enforcement violations were recorded, and most of the violations were for weeds. Many of these violations will be reconciled by the next meeting. There are still some recidivism issues to address.

Hatcher stated that they recently had several parties come through Municipal Court for nuisance violations, and asked Marshall if he had received information on those outcomes. Marshall stated that he had received that information.

Mark Davis asked why there is a difference, in city ordinance, between contractors leaving their trailers unhitched on the street, versus citizens leaving their trailers unhitched on the street. He asked Marshall to find the answer to that question.

Davis also commented that he finds Marshall very pleasant to speak with, he has no problems with any member of Council, and thanked Council for interacting as they do.

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

ECONOMIC DEVELOPMENT: Kallas stated that remediation work for Maddox Creek in Vision Park was underway, and that project will likely be finished next week. The next phase of the project, which will start before the end of the year, will be preparing the pad for the 100,000 square foot spec building.

Kallas also announced that Kathy Petersen has joined the staff at the Van Wert Area Economic Development Corporation, effective November 1, 2021. She will assume all accounting, payroll, and financial reporting responsibilities. She recently retired after 25 years of working in Congressman Bob Latta's office.

Economic Development had no additional report for the evening.

PARKS AND RECREATION: Penton stated that cameras have been installed at Fountain Park around the bandstand area. They have been installed high enough to make vandalism of the cameras unlikely, but vandalism continues to be an issue in Fountain Park.

Parks and Recreation had no additional report for the evening.

FINANCE: Agler made a motion to approve the Then and Now invoice to Smart Start Ohio in the amount of \$3,071.50. Mergy seconded; all concurred.

Agler made a motion to ask the Law Director to prepare an ordinance, amending Ordinance 21-07-042, changing the name of Fund 231 from the American Rescue Plan Fund to the Local Fiscal Recovery Fund, on an emergency. Mergy seconded; all concurred. Agler made a motion to introduce Ordinance Number 21-11-062. Mergy seconded; all concurred.

Agler made a motion to suspend statutory rules for Ordinance Number 21-11-062. Mergy seconded; all concurred.

Agler made a motion to pass Ordinance Number 21-11-062: AN ORDINANCE TO AMEND ORDINANCE 21-07-042 CHANGING THE NAME OF FUND 231 FROM THE AMERICAN RESCUE PLAN FUND TO THAT OF THE LOCAL FISCAL RECOVERY FUND AND DECLARING AN EMERGENCY., on its first and final reading. Mergy seconded; all concurred.

Finance had no additional report for the evening.

JUDICIARY AND ANNEXATION: Mergy reviewed the Council of Whole meeting, held prior to the regular Council meeting that evening. She stated that Council reviewed options for changing ward boundaries, according to 2020 Census data, in order to balance the current population and numbers in each ward. After reviewing options, Council settled on "Option C" in the documents passed out during that meeting to Council and the public.

Mergy made a motion to ask the Law Director to prepare an ordinance outlining the new ward boundaries, per Chapter 11 in the Code of Ordinances. Agler seconded; all concurred.

Judiciary and Annexation had no additional report for the evening.

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

Tomlinson asked Hellman to look into the pothole issue on Harrison and Frothingham that Agler brought forth earlier in the meeting.

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

UNFINISHED BUSINESS

Tomlinson noted that code enforcement will stay on Unfinished Business, but that both the charter commission and citywide cleanup issues should be removed.

Kallas made a motion to remove the charter commission and the citywide cleanup from Unfinished Business.

NEW BUSINESS

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

CONSENT AGENDA

Agler made a motion to introduce the Consent Agenda. Hellman seconded; all concurred. Agler made a motion to suspend statutory rules for the Consent Agenda. Hellman seconded; all concurred.

Agler made a motion to pass the following ordinances on the Consent Agenda on their first and final reading:

Ordinance Number: 21-11-054: AN ORDINANCE DESIGNATING VARIOUS FINANCIAL INSTITUTIONS IN VAN WERT OHIO AS DEPOSITORIES OF PUBLIC MONEYS BELONGING TO THE CITY OF VAN WERT AND DECLARING AN EMERGENCY.

and

Ordinance Number: 21-11-055: AN ORDINANCE TO TRANSFER FUNDS FROM FUND 101 TO FUND 215 AND DECLARING AN EMERGENCY.

and

Ordinance Number: 21-11-056: AN ORDINANCE TO TRANSFER FUNDS FROM FUND 550 TO FUNDS 101, 601 AND 602 AND DECLARING AN EMERGENCY.

and

Ordinance Number: 21-11-057: AN ORDINANCE TO TRANSFER FUNDS FROM FUNDS 602 TO FUND 603 AND DECLARING AN EMERGENCY.

and

Ordinance Number: 21-11-058: AN ORDINANCE TO TRANSFER FUNDS FROM FUNDS 101 TO FUND 302 AND DECLARING AN EMERGENCY.

and

Ordinance Number: 21-11-059: AN ORDINANCE TO TRANSFER FUNDS FROM FUNDS 101, 201, 230, 301, 601, 602, 701, TO FUND 550 AND DECLARING AN EMERGENCY.

and

Ordinance Number: 21-11-060: AN ORDINANCE TO TRANSFER FUNDS FROM FUND 560 TO FUNDS 101, 201, 230, 301, 601, 602, AND 701 AND DECLARING AN EMERGENCY.

Hellman seconded; all concurred.

RESOLUTIONS & ORDINANCES

Marshall made a motion to pass Ordinance Number 21-08-045: AN ORDINANCE APPROVING AND ADOPTING AN INDIGENT BURIAL POLICY FOR AND WITHIN THE CITY OF VAN WERT., on its third and final reading. Hellman seconded; all concurred.

Second reading advisory for Ordinance Number: 21-10-051: AN ORDINANCE PROVIDING FOR THE SALARIES AND COMPENSATION OF EMPLOYEES IN THE MUNICIPAL COURT SYSTEM FOR THE VAN WERT MUNICIPAL COURT, 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. All concurred; second reading passed.

Second reading advisory for Ordinance Number: 21-10-052: AN ORDINANCE TO AMEND VAN WERT CITY ORDINANCES 96.01, 96.02, 96.03, 96.05 96.20, 76.05, 76.14, 76.18, 90.15 AND 91.12 AND DECLARING AN EMERGENCY. All concurred; second reading passed.

Agler made a motion to introduce Ordinance Number: 21-11-061. Mergy seconded; all concurred.

First reading advisory for Ordinance Number: 21-11-061: AN ORDINANCE TO MAKE TEMPORARY APPROPRIATIONS FOR THE ANNUAL EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF VAN WERT, OHIO, FROM JANUARY 1, 2022 TO MARCH 31, 2022 AND DECLARING AN EMERGENCY. All concurred; first reading passed.

ADJOURN

Agler made a motion to adjourn at 7:10 p.m. Mergy seconded; all concurred.



Clerk of Council
Andrew Bittner



Council President
Jon Tomlinson

11/22/2021

Date