

# MINUTES OF THE VAN WERT CITY COUNCIL

October 25<sup>th</sup>, 2021

President Pro Tempore Joi Mergy 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, and Davis were present.

Agler made a motion to excuse Hellman. Davis seconded; all concurred.

Agler made a motion to approve the agenda for the October 25<sup>th</sup> Council meeting. Davis seconded; all concurred.

Agler made a motion to approve the minutes for the October 11<sup>th</sup> Council meeting. Davis seconded; all concurred.

Agler made a motion to approve the minutes for the October 11<sup>th</sup> Council of the Whole meeting. Davis seconded; all concurred.

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## COMMENTS, COMMUNICATIONS, & PETITIONS

Mergy relayed that the transfer liquor permit notice, transferring a permit from Sparetime LLC (DBA Olympic Lanes) to Olympic Bowling Lanes LLC (DBA Olympic Lanes) was sent back to the Ohio Division of Liquor Control today, October 25<sup>th</sup>, 2021 (via email).

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Mergy noted an invitation from the Van Wert School at the Goedde, sent to all members of City Council, to their 1st Annual Thanksgiving Dinner at the Goedde. This will take place on Tuesday, November 16<sup>th</sup>, 2021, at 12:30 p.m.

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Mergy provided a reminder of the Council of the Whole meeting on November 8<sup>th</sup>, 2021, at 6:00 p.m., before the regularly scheduled City Council meeting, to discuss possible changes to ward boundary lines based on 2020 Census data.

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Mitch Price, Main Street Van Wert, provided Council with a report of the organization's highlights from 2021.

- He opened by noting the increase in events this year, going from two events in 2020 to 16 successful events in 2021.
- He continued with commenting on 12 weekly Farmers Market/Market at the Wass with over 90 members.
- They sold 49 blue banners and 40 Hometown Hero banners. Their goal is to hit 65 Hometown Hero banners by next year.

- Main Street Van Wert has had an increase of 1,000 followers on Facebook, moving from 4,600 to 5,600.
- He also noted the volunteer hours are currently over 2,000.
- The organization has put 14 new speaker systems in place throughout the downtown.
- He complimented Main Street's new addition - The Edition - which he remarked was a great addition to the city.
- With regard to the DORA program, he commented that it has been in place for 7 months, and they have sold over 4,000 cups. The lead seller in cups is Old South, and he also mentioned The Edition and Black Angus as strong sellers there. Truly D'Vine is working on their DORA license for next year. He also explained they have 7,000 more cups scheduled to arrive soon. He also relayed that Police Chief Hammond stated everything is going smoothly in relation to DORA.
- He went on to comment on two new bike racks - one in Fountain Park and one in front of The Well - as well as a watering station in Fountain Park. All parklets will be in storage shortly after Halloween. He noted they plan on putting in more bike racks.
- They have put in for a grant for a portable watering cart to cut down on the time it takes to water the plants downtown.
- They are looking to add more outdoor dining to enhance events.

Price commented on how thankful they are for their partnerships with the Van Wert County Foundation, as well as the city of Van Wert. He stated they were excited for 2022, and looking to build on the successful events they held in 2021. He also stated his hope for continued financial support from the city as well. He closed by relaying that Van Wert was the talk of the Ohio Main Street Program Heritage Ohio state conference.

Kallas stated that his sister, who lived in Akron, had known all about Van Wert's Main Street improvements, as it had been a news topic in Akron. He felt that was "pretty interesting" for Van Wert.

Joe Jared, 233 Burt Street, asked about "filling the void" for Halloween Trick or Treat, considering the loss of business uptown. Price commented that a Deitemeyer group wanted to come down, that the Chamber of Commerce, MRSI, and Thomas Edison generally came down for that. Price acknowledged there wouldn't be as many groups there as usual, but they will take anyone who wants to set up. He noted that a group from Wetzell also generally comes in for it. Jared asked if the Van Wert County Foundation had authorized anyone to use the vacant sidewalk areas for the event. Hall Block, of the Van Wert County Foundation, stated that wasn't under their authority or their purview. Price suggested that as long as they weren't interfering with the construction, and they were on the map, it should be ok. He asked that they contact Main Street Van Wert to get on the map. Price stated that the Main Street Trick or Treat is 10 a.m. - 12:00 p.m.

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## ADMINISTRATIVE REPORTS

**MAYOR:** Markward reminded everyone that early voting was underway, and still ongoing. He noted expanded hours beginning this week, as the Board of Elections will be open on Monday, October 25 - Friday, October 29, from 8:00 a.m. to 7:00 p.m.; Saturday, October 30, from 8:00 a.m. to 4:00 p.m.; and Sunday, October 31, from 1:00 p.m. - 5:00 p.m. They will be open on Monday, November 1, from 8:00 a.m. to 2:00 p.m.

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Markward reminded residents that the last day to use cleanup vouchers is Friday, October 29<sup>th</sup>. 10/29. He noted that around 250 vouchers have been picked up, with only around 50 remaining.

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Markward also informed Council and residents that leaf pickup will begin to run for several weeks in a row, as in years past. The first day will be Monday, November 8<sup>th</sup>, and will run through December 6<sup>th</sup>. Each Monday morning, leaves may be put out, and crews will work their way through the city.

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Markward noted that for the city's Trick or Treat, from 4:00 p.m. to 6:00 p.m., if residents were participating, they should turn their porch light(s) on. If their porch light is off, then trick or treaters will know they are not participating.

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Marshall piggybacked by stating that the American Legion will have a Trunk or Treat from 4:00 p.m. - 6:00 p.m. on the same day.

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**SAFETY SERVICE DIRECTOR:** Fleming stated that Market Street paving was slated to begin Wednesday, October 27<sup>th</sup>. He explained that it will likely take Wednesday and Thursday to complete, possibly into Friday, and that there will be no parking in that area of Market Street during that time.

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Fleming also relayed that the reservoirs had dropped by approximately seven feet recently, and they were finally able to pump water in after recent rains raised Town Creek. They are pumping in 16,000 gallons a minute, which is nearly 23 million gallons a day.

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**AUDITOR:** Balyeat informed Council that they had sent out a draft of the 2022 budget to all Council Members. She noted this was a line by line draft, and that any comments received from department heads on funding requests were included in this draft. She asked Council if they wanted to hold any additional meetings on the budget, or if Council meetings were sufficient. Agler stated that he would prefer a Council of the Whole meeting to discuss the draft. Balyeat stated that Agler will ask this to be officially prepared, it will need to be read through three times, but it will need to be "on an emergency" so that it takes effect by December 31<sup>st</sup>, 2021.

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Balyeat then detailed several year-end pieces of legislation that will need to be requested for preparation.

- An ordinance to designate various financial institutions as depositories. She explained this is done every five years. Her office contacts these institutions to see if they are interested in accepting public funds, which not every institution agrees to, as it requires a pledge of collateral against those funds.
- An ordinance would authorize a transfer from Fund 550 Reserve for Retirement to Fund 101 General Fund, in the amount of \$71,222.53, for retirements within the Police and Fire Departments. She noted this amount might change slightly as she finalizes calculations.
- An ordinance would authorize a transfer from Fund 101 General Fund to Fund 215 Economic Development for 25% of the Hotel Motel Tax. She explained that when this tax is received, 50% of this automatically goes to Economic Development, 25% goes to the Van Wert Area Convention and Visitors Bureau, and the other 25% is deposited into the General Fund, and then transferred to Economic Development. In previous years, she has made these deposits quarterly, but realized there was no need for that, and is completing this as an annual transfer. The exact amount is not known at this time, as the final payment for that tax is due on October 30<sup>th</sup>, 2021.
- An ordinance would authorize a transfer from Fund 602 Sewer Fund to Fund 603 Sewer Maintenance Reserve, in the amount of \$110,000. This is an annual transfer.
- An ordinance would authorize a transfer from Fund 101 General Fund to Fund 302 Capital Improvement, in the amount of \$50,000.00, for the parks. This is an annual transfer.
- An ordinance would authorize a transfer from Funds 101, 201, 301, 601, 602, 701 to Fund 550 Reserve for Retirement, in the amount of \$63,321.00. This is an annual transfer.
- An ordinance would authorize a transfer from Funds 101, 201, 301, 601, 602, 701 to Fund 560 Reserve for 27<sup>th</sup> Pay, in the amount of \$23,394.00.

Jordan Dettrow, 1016 Westchester Ct., asked if the draft would be made available to the public. Balyeat stated that she could get him a copy. Hatcher also noted that the draft would be included in the proposed legislation, and those proposed legislation items are now linked to the city's website when prepared.

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

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## **COMMITTEE REPORTS**

**HEALTH, SERVICE, and SAFETY:** Marshall reminded those in attendance of the Council of the Whole meeting that was held on October 11<sup>th</sup>, 2021, and the proposed changes to legislation that he had detailed during that meeting. He noted that the Law Director was asked to prepare legislation on those changes tonight, and directed Council's attention to Exhibit A of that prepared ordinance. He asked those in attendance if there were any questions on those proposed changes.



Mark Davis, 402 S. Tyler St., asked what the proposed benefit would be for asking cars to be parked in flow of traffic on off-street/right of way parking. He stated that many people would be upset with this amendment, and it would affect several parties. He discussed a few other ordinances that are on the books, and the manpower that is needed to enforce these ordinances. He noted what he perceived to be added stress on law enforcement with these amendments, and asked what benefit will come from these types of amendments.

Marshall asked Council for input, during which time Markward noted that the work sessions held on these amendments included code enforcement and law enforcement. Regardless of who proposed individual items, all parties involved reviewed proposed changes and greenlighted proposed changes. So all parties involved in the process of making these proposed changes felt that they were appropriate amendments.

Marshall spoke on the examples Mark Davis had provided, noting that when ticketed or given notice, many of these issues would resolve themselves. Agler agreed, and stated he believed that parking should be in flow of traffic. Marshall also stated that one of the major benefits is following the law, streamlining the process to enforce various city ordinances, and consistency in what the law requires. Marshall thanked Mark Davis for his input.

**Marshall made a motion to introduce Ordinance 21-10-052. Kallas seconded; all concurred.**

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Marshall gave a code enforcement update, which included 24 violations over the past two weeks. The violations involved weeds, grass clippings, and lawns that need mowed.

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Jared commented on the ordinance that involved dismantled or partially dismantled vehicles, with vehicles in that state for more than 10 days in violation of the ordinance. In his opinion, if someone is making an effort to repair the vehicle, then 10 days may not be enough. Hatcher noted that the 10-day period has been in the ordinance for some time. The position that code enforcement and the courts take is that people who are attempting to comply, will be given time to comply. He stated that good faith attempts to fix a vehicle will be allowed. The goal is always for compliance to the law, and not for punishment.

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

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**ECONOMIC DEVELOPMENT:** Economic Development had no report for the evening.

**PARKS AND RECREATION:** Penton reported that the signs with the Police Department phone number have been installed at Franklin Park. Additionally, the signs with the Parks Department number have been installed in the restrooms at Franklin Park, but he relayed that one of those signs have already been torn down and vandalized.

He also informed Council of a recurring problem with vandalism at Fountain Park, specifically to the door handle on the bandstand. This handle has been repeatedly broken off - at least 3 or 4 times to date. The Parks Department is looking into installing cameras to monitor that area, with installation high enough to avoid vandalism to the cameras.

Marshall asked if these occurrences were simply vandalism, or if there is anything of value in the bandstand. Penton and Fleming noted that there wasn't much in the building.

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Parks and Recreation had no additional report for the evening.

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**FINANCE:** Agler made a motion to ask the Law Director to prepare an ordinance for the 2022 temporary appropriations, on an emergency. Davis seconded; all concurred.

Agler made a motion to ask the Law Director to prepare an ordinance to designate various financial institutions as depositories, on an emergency. Davis seconded; all concurred.

Agler made a motion to ask the Law Director to prepare an ordinance to authorize a transfer from Fund 550 Reserve for Retirement to Fund 101 General Fund, in the amount of \$71,222.53, for retirements within the Police and Fire Departments, on an emergency. Davis seconded; all concurred.

Agler made a motion to ask the Law Director to prepare an ordinance to authorize a transfer from Fund 602 Sewer Fund to Fund 603 Sewer Maintenance Reserve, in the amount of \$110,000, on an emergency. Davis seconded; all concurred.

Agler made a motion to ask the Law Director to prepare an ordinance to authorize a transfer from Fund 101 General Fund to Fund 302 Capital Improvement, in the amount of \$50,000.00, on an emergency. Davis seconded; all concurred.

Agler made a motion to ask the Law Director to prepare an ordinance to authorize a transfer from Funds 101, 201, 301, 601, 602, 701 to Fund 550 Reserve for Retirement, in the amount of \$63,321.00, on an emergency. Davis seconded; all concurred.

Agler made a motion to ask the Law Director to prepare an ordinance to authorize a transfer from Funds 101, 201, 301, 601, 602, 701 to Fund 560 Reserve for 27th Pay, in the amount of \$23,394.00, on an emergency. Davis seconded; all concurred.



Agler made a motion to ask the Law Director to prepare an ordinance to authorize a transfer from Fund 101 General Fund to Fund 215 Economic Development for 25% of the Hotel Motel Tax, on an emergency. Davis seconded; all concurred.

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Davis asked Agler about scheduling the meeting to discuss the 2022 budget draft. It was decided that this would be a Council of the Whole meeting, and would be scheduled for Monday, November 22<sup>nd</sup>, at 6:00 p.m., prior to the regularly scheduled Council meeting.

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Finance had no additional report for the evening.

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

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

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

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## **UNFINISHED BUSINESS**

Mergy noted that code enforcement had been discussed, but would stay on Unfinished Business. The citywide cleanup was addressed, but will be removed from Unfinished Business at the next meeting. The charter commission topic would continue to stay on Unfinished Business until the November vote.

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## **NEW BUSINESS**

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

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## **CONSENT AGENDA**

There were no items on the Consent Agenda.

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## **RESOLUTIONS & ORDINANCES**

Kallas made a motion to pass Ordinance Number 21-09-050: AN ORDINANCE TO AMEND VAN WERT CITY ORDINANCE 150.30 OFF STREET PARKING REQUIREMENTS, on its third and final reading. Agler seconded; all concurred.

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Second 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; second reading passed.

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Mergy asked Agler to introduce Ordinance 21-10-051. Agler asked Hatcher to provide an update on the changes to this ordinance. Hatcher stated that Judge Worthington asked for changes to be made in the salary ordinance for court employees. Those changes included the addition of the Juneteenth federal holiday, deletions of paragraphs in Section 4, deletions of paragraphs in Section 5, changes to names of employees in Exhibits 1 and 2, addition of positions with salaries, and changes of position titles.

Agler made a motion to introduce Ordinance 21-10-051. Kallas seconded; all concurred. First reading advisory for Ordinance 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; first reading passed.


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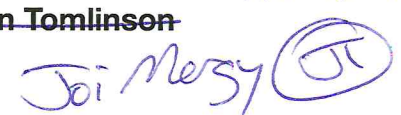
First reading advisory for Ordinance Number: 21-10-052: AN ORDINANCE TO AMEND VAN WERT CITY ORDINANCES 96.01, 96.02, 96.03, 96.05 96.20, 76.05, 76.14, 76.18, 90.15 AND 91.12 AND DECLARING AN EMERGENCY. All concurred; first reading passed.

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## ADJOURN

Agler made a motion to adjourn at 7:26 p.m. Davis seconded; all concurred.

  
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Clerk of Council  
Andrew Bittner

  
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Council President  
Jon Tomlinson  
Pro-Tem  


11/08/2021

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Date