

**MINUTES OF THE
VAN WERT CITY COUNCIL**
August 26, 2019

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

Pastor Keith Stoller gave the invocation.

On call of the roll: Markward, Marshall, Agler, Trittschuh, Penton, Mergy and Straley.

Mergy made a motion to approve the amended agenda for the August 12th meeting. Seconded by Agler. All concurred.

Trittschuh motioned to approve the 8/26/19 minutes. Seconded by Mergy. All concurred.

COMMENTS, COMMUNICATIONS & PETITIONS

Residents of Rosalie Drive were present to question when street repairs needed would be done after the drainage work the city of Van Wert did.

Safety-Service Director Jay Fleming acknowledged that an initial bid by the Shelley Company to repair the street was rejected because it was more than 10 percent over the threshold for the project. Other bids have been sought for the project and others with the bids to be opened on September 4. If a bid for street repairs is within the threshold, Jay said it would be awarded the next day and then it would be up to the contractor to get it done this fall. The problem in finding a suitable bid is mostly because of the booming economy, since smaller projects such as the Rosalie Drive repairs is often not big enough to draw enough contractors to make the cost competitive. Residents asked if the street wasn't done by fall if the holes could be filled and Jay said he would look into it.

Liam Shartzter, an Eagle Scout from Troop 35 was present to ask permission to develop the empty lot on Jackson and Main Street to make it a green space and put up a flagpole. The Mayor suggested a plan be drawn up with himself and safety service director Jay Fleming and then present it to council for it to be formally approved.

ADMINISTRATIVE REPORTS

MAYOR: The Mayor reported that council had been formally invited to the 163rd grand opening of the Van Wert County Fair on Wednesday, August 28th at 6:15 in front of the grandstand.

The mayor also wanted to thank the law director, tax administrator and the capital fund collection agency for their work in collecting back taxes. Judgements in payments for August alone in back taxes were \$7474.15. Hatcher noted the process has been streamlined in the past 15-18 months and made the process more efficient to get it where it's at today to be effective.

The Mayor stated 4,100 notices of non filing was sent out for just this past week alone and noted the constant line throughout the week of people to pay their taxes.

The Mayor also stated that a permit application for historic Main Street that had been signed off by the chief of police and himself for September 27th for Rally in the Alley for 4pm-11pm in the alley after the game.

The mayor spoke about the annual conference with the Ohio Municipal League, October 23-25th, a conference that the Mayor is not able to attend but suggested that his budget allows for a member of council to go in his place. The President confirmed that there were funds to allow a

council member to attend on his budget along with an additional council member to attend on the Mayor's budget.

The Mayor declared September 1, 2019 as the first day of national prostate awareness month for the city of Van Wert.

SAFETY SERVICE DIRECTOR: Jay noted the repaving issue that was brought up with the Rosalie residents, The water tower painting project also came up 10% above the engineers estimate with only one bidder for the project. The project has until next July to get done so the plan is to wait for a couple of months to see if there is any interest from other painters to bid on. Jay also spoke about a fish kill that occurred at the south reservoir, the ODNR was contacted and it was determined a natural event from the rainfall, from the night before.

AUDITOR: Balyeat noted that council members received a draft copy of 2018 audit and reminded everyone that it is confidential until it is released. She asked if anyone was interested in a post audit conference and no one showed interest so she asked to move forward without the post audit conference that was optional and also noted that once the audit was released, she would let everyone know that it was no longer confidential. Balyeat had three pieces of legislation that Markward would be asking for but that she gave a brief explanation for, one to transfer funds from the general fund to the economic development fund in the amount of \$12,467,00, from hotel/motel taxes. Another was a couple of supplementals in fund 101 in the amount of \$1001.24 for a job incentive rebate for a rebate that was made through that program. The other was for \$75,000 advance out that was approved for the parks department due to funding from grants. Fund 301, in the amount of \$500.63 and Fund 305, in the amount of \$220.67 for job incentive rebates. Fund 820, for DARE in the amount of \$3000 for training expenses for a new officer. Lastly, a legislation accepting the tax levies from the budget commission that is approved annually after the tax commission has met and established the rate of taxes.

Balyeat reported that a major upgrade in software for finance and utility has begun. Reports will look differently in the future, the changes will allow department heads real time access to revenue and expenses as opposed to being a month behind in old reports.

LAW DIRECTOR: Hatcher reported a correction to ordinance number 19-08-041, the title should read: from fund 101 to 215, not 302.

A DUI checkpoint was set up last weekend and he had no official report from the Street Patrol. Kristen Barnhart reported that two people were arrested, one with drugs and the other with an O.V.I.

COMMITTEE REPORTS

HEALTH, SERVICE AND SAFETY: Marshall noted the discussion regarding the building permit department with Miami and Allen County presentations. Marshall made a motion to prepare a resolution to create a city of Van Wert Building Department on an emergency basis. Seconded by Agler. Penton, Straley, Marshall, Trittschuh concurred. Markward and Penton voted no. County Commissioners Thad Lichtensteiger and Todd Wolfrum were in attendance to provide their input on the issue. Stacey Adam was also present to provide the details in differences in services and fees. Markward noted his gathering of information and the response to local contractors wanting to stay with the state. The Mayor noted that the state should be given an opportunity to speak about their services. Mr. Marshall motioned to introduce **Ordinance Number: 19-06-034: A RESOLUTION CREATING THE CITY OF VAN WERT BUILDING DEPARTMENT AND AUTHORIZING A REQUEST TO THE OHIO BOARD OF BUILDING STANDARDS FOR CERTIFICATION AS A SUB-DEPARTMENT OF VAN WERT COUNTY BUILDING DEPARTMENT FOR ENFORCEMENT OF THE OHIO BUILDING CODE AND DECLARING AN EMERGENCY.** Mergy seconded. Agler and Trittschuh concurred. Markward, Penton and Straley voted no.

Marshall reported that from August 1st- 26th, there were 38 open code violations with 17 presently closed.

ECONOMIC DEVELOPMENT: Straley motioned to introduce Ordinance Number: 19-08-048: A RESOLUTION AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF VAN WERT, TO ENTER INTO A CONTRACT WITH YOUNG'S WASTE SERVICE FOR THE USE OF ITS TRANSFER STATION FOR A CITY WIDE CLEAN UP DAY ON SEPTEMBER 28, 2019 AND DECLARING AN EMERGENCY. Mergy seconded. All concurred. The Mayor read off items that will not be accepted. Mr. Young was present to confirm the date, time and services. Straley made a motion to suspend the rules to Ordinance Number: 19-08-048: A RESOLUTION AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF VAN WERT, TO ENTER INTO A CONTRACT WITH YOUNG'S WASTE SERVICE FOR THE USE OF ITS TRANSFER STATION FOR A CITY WIDE CLEAN UP DAY ON SEPTEMBER 28, 2019 AND DECLARING AN EMERGENCY. Seconded by Mergy. All concurred. Straley made a motion to pass Ordinance Number: 19-08-048: A RESOLUTION AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF VAN WERT, TO ENTER INTO A CONTRACT WITH YOUNG'S WASTE SERVICE FOR THE USE OF ITS TRANSFER STATION FOR A CITY WIDE CLEAN UP DAY ON SEPTEMBER 28, 2019 AND DECLARING AN EMERGENCY on its first and final reading. Mergy seconded. All concurred. The city thanked Mr. Young and Mr. Young thanked the city for the opportunity to provide his services to the city. The President stated the Law Director would have a formal contract for him.

PARKS AND RECREATION: Penton reported the improvement projects at Smiley Park are moving forward except the safety netting, volunteers may be needed in the springtime to do that. All these projects are from the \$75,000 grant and is at no cost to the city. Grass cutting is behind and the parks department would like to hire someone for 6-8 weeks. Anyone interested and with a drivers license should contact the parks department.

PROPERTIES AND EQUIPMENT: No report was given.

JUDICIARY AND ANNEXATION: A request was shared from Larry and Diana Greve asking for Guaranteed Auto location to be annexed to the city's water and sewer, all at their cost. Mergy made a request to prepare an ordinance on an emergency basis to authorize the Mayor and the President of Council to enter into an annexation agreement with Larry and Diana Greve. Penton seconded. All concurred. Mergy made a motion to introduce Ordinance Number: 19-08-043 AN ORDINANCE TO AUTHORIZE THE MAYOR ANF PRESIDENT OF COUNCIL TO ENTER INTO AN ANNEXATION AGREEMENT WITH DIANA L. GREVE AND LAWRENCE J. GREVE LIVING TRUST TO ANNEX 1.237 ACRES OF LAND LOCATED AT THE INTERSECTION OF ERVIN ROAD AND WESTOOD DRIVE INTO THE CITY OF VAN WERT AND DECLARING AN EMERGENCY. Penton seconded. All concurred. Mergy made a motion to suspend statutory rules to Ordinance Number: 19-08-043 AN ORDINANCE TO AUTHORIZE THE MAYOR ANF PRESIDENT OF COUNCIL TO ENTER INTO AN ANNEXATION AGREEMENT WITH DIANA L. GREVE AND LAWRENCE J. GREVE LIVING TRUST TO ANNEX 1.237 ACRES OF LAND LOCATED AT THE INTERSECTION OF ERVIN ROAD AND WESTOOD DRIVE INTO THE CITY OF VAN WERT AND DECLARING AN EMERGENCY. Seconded by Penton. All concurred. Mergy made a motion to pass Ordinance Number: 19-08-043 AN ORDINANCE TO AUTHORIZE THE MAYOR ANF PRESIDENT OF COUNCIL TO ENTER INTO AN ANNEXATION AGREEMENT WITH DIANA L. GREVE AND LAWRENCE J. GREVE LIVING TRUST TO ANNEX 1.237 ACRES OF LAND LOCATED AT THE INTERSECTION OF ERVIN ROAD AND WESTOOD DRIVE INTO THE CITY OF VAN WERT AND DECLARING AN EMERGENCY on its first and final reading. Penton seconded. All concurred.

Mergy reminded council members that a Council of the Whole was planned for Thursday, August 29 at 6pm with Garry Hunter to discuss pursuing charter government status.

FINANCE: Markward made a motion for a resolution to be prepared to transfer funds from 101 (General Funds) to 215 (Economic Development Fund) in the amount of \$12,467.00 on an emergency basis. Mergy seconded. All concurred. Markward made a motion to introduce Ordinance Number: 19-08-041 AN ORDINANCE TO TRANSFER FUNDS FROM FUND 101 TO FUND 215 AND DECLARING AN EMERGENCY. Mergy seconded. All concurred. Markward made a motion to suspend statutory rules to Ordinance Number: 19-08-041 AN ORDINANCE TO TRANSFER FUNDS FROM FUND 101 TO FUND 215 AND DECLARING AN EMERGENCY. Mergy seconded. All concurred. Markward made a motion to pass Ordinance

Number: 19-08-041 AN ORDINANCE TO TRANSFER FUNDS FROM FUND 101 TO FUND 215 AND DECLARING AN EMERGENCY on its first and final reading. Mergy seconded. All concurred. Markward made a motion to prepare an ordinance for supplemental appropriations on an emergency basis. Mergy seconded. All concurred. Markward made a motion to introduce

Ordinance Number: 19-08-042 AN ORDINANCE TO MAKE SUPPLEMENTAL APPROPRIATION TO FUNDS 101, 301,305, 820 AND DECLARING AN EMERGENCY. Mergy seconded. All concurred. Markward made a motion to suspend statutory rules for **Ordinance Number: 19-08-042 AN ORDINANCE TO MAKE SUPPLEMENTAL APPROPRIATION TO FUNDS 101, 301, 305, 820 AND DECLARING AN EMERGENCY.** Mergy seconded. All concurred. Markward made a motion to pass

Ordinance Number: 19-08-042 AN ORDINANCE TO MAKE SUPPLEMENTAL APPROPRIATION TO FUNDS 101, 301, 305, 820 AND DECLARING AN EMERGENCY on its first and final reading. Mergy seconded. All concurred. Markward made a motion to prepare an ordinance to accept the rates for the budget commission on an emergency basis. Mergy seconded. All concurred. Markward made a motion to introduce

Ordinance Number 19-08-046 A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR AND DECLARING AN EMERGENCY. Seconded by Mergy. All concurred. Markward made a motion to suspend statutory rules to

Ordinance Number 19-08-046 A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR AND DECLARING AN EMERGENCY. Mergy seconded. All concurred. Markward made a motion to approve

Ordinance Number 19-08-046 A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR AND DECLARING AN EMERGENCY on its first and final reading. Seconded by Mergy. All concurred.

Markward noted an email that was received requesting \$2000 for a period of five years.

Markward

STREETS AND ALLEYS: Trittschuh requested information for legislation that was being requested for bridge inspections. Fleming stated that ODOT has offered the opportunity to be involvement in municipal bridge inspection program which translates to them paying for it.

Renewal is requested and Legislation is required to participate in the program. Fleming also stated that it saves Van Wert \$5,000/year. Trittschuh made a motion to prepare an ordinance for the necessary legislation on an emergency basis. Trittschuh motioned to introduce

Ordinance Number: 19-08-047 AN ORDINANCE FOR THE CITY OF VAN WERT TO CONSENT TO PARTICIPATE IN THE STATE OF OHIO BRIDGE INSPECTION PROGRAM, TO GRANT THE SAFETY SERVICE DIRECTOR THE AUTHORITY TO SIGN ANY CONTRATS FOR BRIDGE INSPECTIONS AND TO EXECUTE ANY DOCUMENTS IN THE FURTHERANCE OF PARTICIPATING IN SAID PROGRAM AND DECLARING AN EMERGENCY. Mergy seconded. All concurred. Trittschuh made a motion to introduce

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OF PARTICIPATING IN SAID PROGRAM AND DECLARING AN EMERGENCY on its first and final reading. Agler seconded. All concurred.
Trittschuh reminded council that the Purple Heart parking spot would be on the consent agenda for tonight.

UNFINISHED BUSINESS

Code Enforcement

NEW BUSINESS

CONSENT AGENDA

Agler made a motion to introduce the consent agenda. Straley seconded. All concurred.
Agler made a motion to suspend the statutory rules for the consent agenda. Straley seconded.
All concurred.

Agler made a motion to pass the three ordinances on the consent agenda on its first and final reading. Seconded by Straley. All concurred

Ordinance Number: 19-08-039

Committee: Properties and Equipment

AN ORDINANCE AUTHORIZING THE MAYOR TO SIGN DEEDS TRANSFERRING THE RAIL PROPERTY AND SPUR CROSSING US 127 NEAR TOWN CENTER BOULEVARD AS WELL AS TRANSFERRING ITS INTEREST IN AN EASEMENT OVER A SEPARATE PORTION OF THE SAME RAIL SPUR TO THE COMMUNITY IMPROVEMENT CORPORATION OF THE CITY OF VAN WERT AND COUNTY OF VAN WERT (CIC) AND DECLARING AN EMERGENCY.

Ordinance Number: 19-08-044

Committee: Finance

AN ORDINANCE APPROVING THE AMENDED COMMUNITY REINVESTMENT AREA AGREEMENT BETWEEN THE CITY OF VAN WERT AND THE EDITION, LLC ORIGINALLY DATED AUGUST 11, 2015, AND DECLARING AN EMERGENCY.

Ordinance Number: 19-08-045

Committee: Streets & Alleys

AN ORDINANCE CREATING A SPECIAL PARKING SPOT FOR PURPLE HEART RECIPIENTS FOR THE MOST EASTERN PARKING SPOT IN FRONT OF THE VAN WERT COUNTY COURT HOUSE ON THE NORTH SIDE OF EAST MAIN STREET AND DECLARING AN EMERGENCY

ORDINANCES AND RESOLUTIONS

Resolution Number: 19-06-034

Committee: Health Services and Safety

AN ORDINANCE/RESOLUTION CREATING THE CITY OF VAN WERT BUILDING DEPARTMENT AND AUTHORIZING A REQUEST TO THE OHIO BOARD OF BUILDING STANDARDS FOR CERTIFICATION AS A SUB-DEPARTMENT OF VAN WERT COUNTY BUILDING DEPARTMENT FOR ENFORCEMENT OF THE OHIO BUILDING CODE

1st reading advisory vote:

Markward, Penton and Trittschuh voted no.

Mergy, Straley, Marshall and Agler voted yes.

Mergy made a motion to adjourn at 8:03 p.m.; seconded by Agler; with all concurring.

CLERK

PRESIDENT

DATE