

MINUTES OF THE
VAN WERT CITY COUNCIL
November 13th, 2019

Joi Mergy called the meeting to order at 6:30 p.m.

Pastor Keith Stoller gave the invocation.

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

Trittschuh made a motion to approve the agenda for the November 13th meeting. Seconded by Straley. All concurred.

Trittschuh made a motion to approve the 10/28/19 minutes. Seconded by Straley. All concurred.

COMMENTS, COMMUNICATIONS & PETITIONS

No comments, communications or petitions were made

ADMINISTRATIVE REPORTS

MAYOR: The Mayor reported that Van Wert had a great election and wished Ken Markward well. He also stated that his goal was to help acquire charter government on the ballot for 2020 and educate the citizens of the benefits.

SAFETY SERVICE DIRECTOR: Fleming reported that we had successfully gotten through the first snowfall. He also noted an ordinance that was going to be introduced that allows him to sign contracts with Pleasant Township, renewing a 3 year contract with Pleasant Township for 10 sections of land on the west side of Van Wert where Van Wert Fire and EMS are the first responders. The contract was renegotiated and includes a 2% increase each year of the 3-year contract. City Leaf pick up is every Monday through the end of the month.

AUDITOR: Balyeat reported that the October 31st bank reconciliation report was available and shows that we have \$13 million in the bank and \$13 million in the various bank accounts and investments. The second page of that report shows a comparison of general fund revenues compared to expenses. We have taken in \$258,298.81 more than what we have spent. One place where the report shows a big negative is under the government revenue rollback, we are \$25,000 behind than where we were last year, we

still have \$25,000 owed to us from the county, plus other real estate taxes that we don't know the amounts for. We have \$129,00 more than we did last year at this time.

The next report was supplemental appropriations and several transfers. There are year-end and house cleaning items. Fund 602, the OWDA Debt is the first payment on the OWDA loan for the CSO Project, in the amount of \$175,080.00.. We need to transfer \$62,499.10 from fund 550 reserved for retirement into the general fund to cover those retirement payouts. The next transfer is going into the retirement liability account from various funds. Martha reported that every year we do a transfer based on a percentage of the prior years payroll and the amount we are transferring is \$57,924 out of the general fund, street maintenance, street construction, water fund, sewer fund and garage fund. The next transfer is the 27th pay, every 11 years we have a 27 pay periods in a year, instead of 26 We will be transferring \$20,688 from the general fund, street maintenance, street construction, water fund, sewer fund, and garage fund into the reserve for the 27th pay. The last transfer is an annual transfer that we make from the sewer fund into the sewer maintenance reserve in the amount of \$110.000.

Martha also reported that a Then and Now would be presented in the amount of \$4257.90 to Shelly Company for paving and a change order from the original contract, we needed an additional \$4257.90.

A proposed budget was presented for 2020. This budget is on the basis that council approves. This is a temporary budget; a permanent budget needs to be in place by April 1st. There are no increases in this budget in personal services or fringe benefits because all 3 labor union contracts are under negotiation in 2019. Fringe benefits were not changed because it based mainly on payroll. New rates are not known for health insurance, Martha and Jay met with the broker last week, one was not good, and the other was more favorable. We are waiting for more information before we know where the health insurance is going. This will be known before the end of the year and will be adjusted in the temporary budget.

There is an issue with the Job Creation Incentive Program that was revised earlier this year. There is a stated calculation as to how the rebates are figured and was approved by council. The calculations are not correct and give a negative answer. Martha and Jen, the tax administrator met with Stacey Adam, Stacey made some revisions to the Job Incentive Guidelines and Application, which was approved through council, it needs to be revised through the economic committee. Martha is giving the revisions to Hatcher and Straley so that they can work together to revise it.

LAW DIRECTOR: Hatcher reported that the scales are now open on U.S. 30 and have already changed the traffic numbers. Hatcher mentioned an email regarding Section 96.01; the definition of a junk vehicle. He recommended to Marshall that the age of the vehicle should be irrelevant and recommended that legislation be prepared to amend the line item.

COMMITTEE REPORTS

HEALTH, SERVICE AND SAFETY: Marshall reported 11 code violations that were reported. 1 case that was shared was a case that had 200 tires stored in a backyard, which

is a health hazard and is currently being addressed. There is an ordinance that addresses the issue of storing tires, refrigerators and similar items in yards. Last year at this time, we had 537 code violations that had been reported and this year we are at 414. Marshall wanted to thank residents for helping to care for their homes and neighborhood. Marshall also mentioned with daylight savings time, a safety suggestion for trash haulers, asking them to wear reflective gear and a safety light for work vehicles for when they are stopped.

Marshall requested legislation be prepared regarding a subsection to 96.01, removing the age of the vehicle. Straley seconded. All concurred.

Marshall stated that he; Agler and Markward attended the Ohio Municipal League conference, attended a seminar specifically for nuisance violations and would like to include the community in implementing ideas. He also stated he was thankful for the opportunity to attend.

ECONOMIC DEVELOPMENT: Straley made a motion for legislation to be prepared correcting the legislation for the Job Incentive Program. Penton seconded. All concurred. Straley reminded everyone that the groundbreaking for the Homestead at the Towne Center is Wednesday, November 20th at 11am. It is a 75 bed/Assisted Living and Memory Care Community.

PARKS AND RECREATION: No report was given

PROPERTIES AND EQUIPMENT: No report was given.

JUDICIARY AND ANNEXATION:

Charter government information provided by the Law Director. The first part of the charter government process, the selection of the committee, must be in a window of 120-60 days prior to the election. The earliest for Van Wert is July of 2020. Public hearings could be held in May and June of 2020. Regarding the question of who can be on the commission, the ORC says electors meaning the individual must reside within the city. Elected officials may be on the commission, but it may not be advised.

Mergy made a motion for an ordinance to be prepared on an emergency basis to authorize the Safety Service Director to sign and negotiate contracts with Pleasant Township Trustees to extend the fire protection and for it to be put on the Consent Agenda. Trittschuh seconded. All concurred.

Mergy made a motion to introduce **Ordinance Number 19-11-063**. Straley seconded. All concurred. Mergy made a motion to suspend statutory rules to **Ordinance Number 19-11-063**. Straley seconded. All concurred. Mergy made a motion to pass **Ordinance Number 19-11-063: AN ORDINANCE AUTHORIZING THE MAYOR TO ELECT THE CITY OF VAN WERT TO REMAIN IN THE OPIOID CLASS ACTION LAWSUIT PENDING IN THE FEDERAL DISTRICT COURT OF THE NORTHERN DISTRICT OF OHIO, AND DECLARING AN EMERGENCY** on its first and final reading. Straley seconded. All concurred. Mergy made a motion for legislation to be made rezoning classification from R-2 to B-3, of that real property

owned by Diana L. Greve and Lawrence J. Greve and declaring an emergency. Straley seconded. All concurred. Mergy made a motion for legislation to be prepared to accept the proposed annexation for the property owned by Diana L. Greve and Lawrence J. Greve located at the Southwest corner of Ervin Road and Westwood Drive on an emergency basis. Straley seconded. All concurred. Mergy made a motion to introduce **Ordinance Number 19-11-065**. Straley seconded. All concurred. Mergy made a motion to suspend statutory rules to **Ordinance Number 19-11-065**. Straley seconded. All concurred. Mergy made a motion to pass **Ordinance Number 19-11-065: AN ORDINANCE TO ACCEPT THE PROPOSED ANNEXATION FOR THE PROPERTY OWNED BY DIANA L. GREVE AND LAWRENCE J. GREVE LIVING TRUST LOCATED AT THE SOUTHWEST CORNER OF ERVIN ROAD AND WESTWOOD DRIVE AND DECLARING AN EMERGENCY** on its first and final reading. Straley seconded. All concurred. Mergy made a motion to introduce **Ordinance Number 19-11-064**. Straley seconded. All concurred. Mergy made a motion to suspend statutory rules to **Ordinance Number 19-11-064**. Straley seconded. All concurred. Mergy made a motion to pass **Ordinance Number 19-11-064: AN ORDINANCE TO ACCEPT THE PROPOSED REZONING CLASSIFICATION FROM R-2 TO B-3, OF THAT REAL PROPERTY OWNED BY DIANA L. GREVE AND LAWRENCE J. GREVE LIVING TRUST AND DECLARING AN EMERGENCY** on its first and final reading. Straley seconded. All concurred.

FINANCE: Markward made a motion to approve a Then and Now, on invoice 10-30-19, in the amount of \$4,257.90 to the Shelly Company for paving. Seconded by Trittschuh. All concurred.

Markward made a motion for an ordinance to be prepared for the 2020 budget on an emergency basis. Seconded by Trittschuh. All concurred.

Markward made a motion for supplemental appropriations to be prepared for general fund 101, into the items listed on Page 1 on an emergency basis. Seconded by Straley. All concurred.

Markward made a motion for an ordinance to be prepared from fund 550, reserve for retirement liability to fund 101 general fund retirement payouts to transfer funds of retirement payouts on an emergency basis. Straley seconded. All concurred.

Markward made a motion for legislation to be prepared to transfer for retirement liability from funds 101, 201, 301, 601, 602 and 701 to reserve for retirement on an emergency basis. Straley seconded. All concurred.

Markward made a motion for an ordinance to be prepared to transfer funds 101, 201, 301, 601, 602 and 701 to the 27th pay. Straley seconded. All concurred.

Markward made a motion for an ordinance to be prepared for sewer maintenance reserve from sewer fund 601 to sewer maintenance reserve fund 603. Straley seconded. All concurred.

STREETS AND ALLEYS: Trittschuh reminded council that a public forum is going to be held at Vantage Career Center in the community room from 6-8 pm on November 19th regarding the intersection of 224 and 127. ODOT will be present to answer questions and

