

MINUTES OF THE VAN WERT CITY COUNCIL

September 12th, 2022

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

Mazur opened with a time of silent prayer for those that lost their lives on September 11, 2001, and to remember Queen Elizabeth II.

On call of the roll: Marshall, Kallas, Bowers, Agler, Stinnett, Moore, and Davis were present.

Davis made a motion to approve the agenda for the September 12th Council meeting. Stinnett seconded; all concurred.

Davis made a motion to approve the minutes for the August 22nd Council meeting. Moore seconded; all concurred.

COMMENTS, COMMUNICATIONS, & PETITIONS

Mazur introduced Mindy Eales, Workforce Development Supervisor (Job and Family Services / Ohio Means Jobs - JFS/OMJ), and gave her the floor. Eales explained the services that her organization provides to the area, including job searching, skills training, training for going back to school, resume-building, time management skills, interview skills, and training for completing applications, among other services. She also explained their PRC Program (Prevention, Retention, and Contingency) - a program that can help anyone, with a minor child, who has fallen on hard times. This could cover situations where residents fall behind on utilities or rent, lose a job, or have an illness. Additional services include an employment program (to help with those who lose access to resources by going back to work), cost of transportation, work expenses, car insurance payments, and back-to-school shoe/sock/clothing costs. Eales also detailed their youth program that can help individuals aged 14 - 24 years, with going back to school, providing work experiences (with wages paid by JFS/OMJ, and partnership with the Van Wert HS CEO program), gaining communication skills, and earning certifications.

Joe Jared, 233 Burt St., asked about the capacity for this program. When he asked Eales if they could support 50, 100, or even 200 people, she responded that she felt the program could support that number.

Hatcher brought up drivers that he encounters through the courts, who are driving without insurance / illegally, but continue to drive to keep their jobs. He asked Eales if their program could help these drivers get and keep car insurance so that they could legally drive. She reiterated that the PRC program was for adults with minor children, but that they could look into assistance for other drivers by other funding options.

Davis (4th Ward) noted that he taught a Jobs for Ohio program at a school before moving to Van Wert, and he emphasized the help that residents can receive from this program - and also noted that most of this funding goes unclaimed. He explained that it is funded with tax dollars that come back into the community, and could be very beneficial for many in the area.

Mazur explained that some counties in the area use this money, while others don't, and when money isn't used, it can be reallocated to counties that are using it.

Matthew Perry, 245 W. 3rd St., asked Eales if JFS/OMJ had programs to help older residents - those that may be on Social Security and unable to make ends meet. Eales stated that if their organization can't help, then they make referrals to other programs or agencies that can help.

Mr. Perry, raised his concern with the attitude and demeanor with members of Council toward members of the public, calling it "inappropriate". He asked Mazur to better moderate the environment of the meetings.

Mr. Jared noted his own concerns with what he believes is an increase in cocaine usage in the city, his opposition to the "repeat offender" clause, his displeasure with his belief in a lack of notice for violations and citations, and his views on police patrols and the areas he believes are patrolled vs. not patrolled. He mentioned that Bowers had recently had issues with citations. He stated his desire for the "repeat offender" clause to be removed from the city ordinances. Mazur directed Mr. Jared to put that request into writing, and submit it to the Council Clerk so that it can be forwarded to the proper committee chair for consideration.

Bowers noted that her situation had been resolved.

Kallas asked Mr. Jared how he is certain that some areas are patrolled and others are not. Mr. Jared stated that an officer will radio their location when they are about to patrol an area. Kallas responded that an officer will radio that information in when they are leaving their squad car to approach a home or situation for a specific purpose, but they wouldn't radio that information in on a normal patrol or if they don't see a specific situation that needs to be addressed. Mazur also countered Mr. Jared's statement, noting that squad cars patrol his neighborhood at least three times a day (morning, afternoon, evening). Balyeat echoed this, stating that her street is also patrolled, and located in an area that Mr. Jared argued was not patrolled.

ADMINISTRATIVE REPORTS

MAYOR: Markward directed his opening remark toward Davis (4th Ward), commenting on legislation that he would ask to be brought forth during the meeting to expand the Airport Community Reinvestment Area (CRA) Agreement to include the Towne Center area. He explained that as the TIF timeframe wound down, the area would be available for future development opportunities if the aforementioned CRA was expanded to cover that area.

Markward also asked Agler to bring forth legislation on approving a CRA with Ohio Stor N Lock Van Wert LLC, which was recently approved by the Community Reinvestment Board.

Markward then relayed information that the Humane Society sent to him, regarding a spay/neuter program. He explained that this program had been reduced over the past couple years while they built their new facility, but the Humane Society was looking to bring that program back later this year. In the past, Markward noted that past Councils had provided funding for this program, and the Society had asked if Council would agree to provide additional funding now. He explained that if Council was so inclined, he would ask a representative from the Humane Society to attend a future meeting, but if Council was not, there would be no need. He asked Council members for a response within the next week or so. Mazur directed that question of funding to Finance.

Markward brought up a personnel item, for which he requested an Executive Session at the end of the meeting, with no action taken afterward.

Bowers asked about the spay/neuter program, and if it was for pet owners, or for feral cats, etc. Markward stated that he believed it was for the feral cat issue.

Kevin Allen, 245 W. 3rd St., felt that cat owners should pay for “cat tags” just as dog owners pay for dog tags, and the services that come with those costs.

SAFETY SERVICE DIRECTOR: Fleming first addressed an item involving an application for Ohio Public Works Commission State Capital Improvement / Local Transportation Improvement Program(s), and any funds from this would be earmarked for East Main Street water main replacement, from approximately Cherry St. to Wayne St. (Fleming initially stated Cherry St. to Jennings Rd., but later corrected that when asked for clarification.) He noted a resolution would have to accompany the application that would be submitted in October. This was directed to Finance.

Fleming then addressed appropriations that would be put forth for Council's approval. The first request centered on the 100+ year old sewer that runs under the football field at Eggerss Stadium. He explained that the sewer runs the length of the football field, and would need to be replaced before Van Wert City Schools puts significant money into a new field at that location. He noted that they have an engineer in place, plans are almost complete, and they would like to begin work in December after the final football game is played. The amount for this project would be \$425,000. He continued to explain the location of the new sewer and the pipe system work that would take place with this project. He requested an ordinance to be prepared so that he could bid and award contracts for sewer replacement under Eggerss Stadium.

Fleming then asked Council to consider another appropriation to assist the Van Wert County Foundation with the Van Wert Forward (VWF) project. He noted that, due to the work they are doing, some of the work (street work, engineering, surveying) in the project is an eligible cost under the Street Tax. He stated the amount for this would be approximately \$583,893, and this would cover this type of work in all areas of the VWF, not just the current area. He also noted this would be initially paid by the Foundation, but if approved, the city would reimburse them on the eligible cost.

Fleming then reminded those in attendance of the Marsh Foundation's 100th Year Celebration, and explained that Stripe Rd. would be closed on Saturday, September 17, to allow for a fireworks show and other festivities.

Fleming also provided an update on the Bonnewitz project, noting that work would be continuing with asphalt by the end of the month. Agler asked when the repaving would be done, and Fleming stated the target was mid-October.

Fleming also stated that the Woodland water main was installed, and work was currently on the taps to each house.

Davis (4th Ward) asked if the city knew about possible costs for the VWF project when this was initiated, and referenced comments he made explicitly clear in terms of the city not having the funds to assist with this project during its initial rollout. Fleming stated that they weren't sure what the city's cost would be until the past couple months. Davis (4th Ward) stated he was very surprised that the city had financial obligations, after he thought it was clear the city's involvement would be very limited.

Davis (4th Ward) asked if the city was still assuming the bare minimum cost they would if they were doing this work for regular city maintenance, and any "beautification" or work above and beyond was covered by the Foundation. Fleming stated that he felt like that was the case. Davis (4th Ward) reiterated that when this project was rolled out, he tried to make it abundantly clear, and was assured at that time, that the city would not be significantly obligated in any way financially. He noted that the city can't afford to take care of other streets in the city, and no one can tell them now where the financial obligation will end. He stated that he wanted to know that the work that would be done with this part of the project would be exactly what the city would do otherwise, and they weren't going to be reimbursing work that would be above and beyond the normal approach. He stated that he has a tough time approving a check for this amount, when it could be used for other streets in the city.

Hall Block, of the Van Wert County Foundation, responded to Davis (4th Ward), stating that their initial plan came in at a cost in excess of \$2.2 million, and they removed aspects and trimmed that plan down to just over \$1.6 million, while still meeting accessibility standards. He continued that they requested the stated amount from the city, which he believes is the bare minimum of what the city would do, with some curb work due to sidewalks. Davis (4th Ward) explained that his interests represent his ward, and while his constituents would use this area, there are streets in his ward that need work as well. He stated that this is really an amount equal to an entire year's budget for city street work, and it is being dedicated to one portion of downtown. He noted that he would need to speak with his constituents to see their interest in this type of investment. Stinnett made it clear he echoed the statements from Davis (4th Ward).

Mark Davis, 402 S. Tyler St., clarified what he took from the comments, stating that if the city was doing this work themselves, they would be responsible for repaving, curb work, and sidewalk work. However, he took it as in this case, the city was responsible for the "bottom work" - sewers, etc. - and the Foundation was handling the "top work". Fleming confirmed this was the case in the right of way. In Mr. Davis' opinion / thought process, this might be saving the city from spending \$1.6 million on this work, and only costing the approximate \$583,000.

Mr. Jared asked if this repaving involved either Main St. or Washington St. Fleming responded it would be both, and Mr. Jared stated he thought those were relatively new streets. Fleming stated the repaving work would just be done where things were being cut out to address the sewer separations and upgrades.

Mr. Perry asked if this work would need to be done if the VWF project wasn't being done. Fleming stated it was work that would have been done eventually, but since the Foundation was opening the areas up now, it was time to take advantage of it. Mazur noted that separation has been a big issue for 10 years, with Fleming remarking that now they would have a chance to get that into a storm sewer.

Stinnett gave his comments, stating that there are streets in 2nd Ward that don't look like streets anymore. He stated that people are redoing their homes, and not receiving 90% abatements. He continued that there are people in his ward that are trying to make their neighborhoods look nicer, but the city isn't redoing sidewalks in that area. He acknowledged the work being done with the Van Wert Forward project is "awesome work", but he stated he needs to protect his ward. He stated he can't get behind a dollar of this project until the people in his ward are helped. Fleming followed up Stinnett's comments by saying there is a \$1 million+ project happening in his ward currently, and paving projects have occurred last year and this year.

Mr. Davis asked if the city is filling in the current pipe under Eggerss Stadium. Fleming stated they are exploring two options, with one being cutting the top off and filling it with grout (the other tearing out the pipe and filling in).

AUDITOR: Balyeat gave the August 2022 Financial Report, relaying that the Bank Reconciliation showed \$19.2 million on the books and the same amount in the corresponding bank accounts and investments. The Cash Position report showed a positive balance in all funds, as required. The General Fund Revenue comparison from last year to this year showed the city is approximately \$369,000 ahead of this point last year, with most due to income tax revenue. The General Fund Revenues were approximately \$480,000 more than the General Fund Expenses. She stated they are currently working on the budget for 2023, and the current plan is to not use the .22 tax to supplement Police and Fire Department salaries and fringe benefits.

Balyeat then detailed invoices that would need approved on a Then and Now - one to Asphalt Materials, Inc. (in the amount of \$4,403.00), one to Ridge Township Quarry (in the amount of \$3,252.59), and two to Belna Petroleum (in the amount of \$2,845.38 and \$1,056.78).

Balyeat also asked Agler to request legislation for an advance to Fund 232, one of the American Rescue Plan funds. (Balyeat originally stated Fund 231, but it was later corrected to Fund 232.) This was money from the American Rescue Plan, for the purpose of infrastructure. This money would be used for the Woodland Ave. water main project finances. Since this money comes from a "reimbursing grant", the city has to spend the money first in order to receive it. An ordinance is needed to approve that advance in the amount of \$594,365.00.

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

Mr. Allen asked about a city ordinance violation of an acquaintance, who went to court and paid a fine on this violation after pleading guilty. Hatcher clarified the situation - the person in question received a door hanger, was cited, and went to court during this calendar year. Mr. Allen confirmed, then continued that this person received another citation and went to court again, with a total of \$500 paid in fines. He explained that to his knowledge, this was about two different issues - one regarding an extension cord and another regarding weeds - but this person was "on probation" after the first offense, and immediately received a citation without warning on the second offense, according to the "repeat offender" clause in the city ordinances. Mr. Allen made it clear he did not agree with this, and he felt like it was a divisive issue for the city.

Mr. Jared commented that, in the past, he had asked the Law Director if gardening was legal. Hatcher stated it was. Mr. Jared asked at what point gardening became illegal. He stated that some residents have been told their gardens are illegal due to weeds in the garden. He continued that the city ordinances are "torture for the people". Mazur responded that there are many proponents of the effort that is being done to clean up the city.

Bowers stated that her aforementioned issue was that she had dormant bushes in her garden that were mistaken as weeds by the Police Department. She stated that she spoke with the Police Chief, and after discussion, she realized that some officers don't know the difference between weeds and garden plants. She believed this is one of the issues with some warnings on gardens, and she believes the officers should speak with residents about gardens to determine weeds vs. wanted plants.

Mr. Perry stated that a property he maintains has raspberry plants that were mistaken as weeds by officers, but once they spoke with the Police Department, it was resolved.

Mr. Davis asked if, when issues like these are resolved, is the "probation" still in effect for the remainder of the year, or is that also resolved. Hatcher stated that if someone is not convicted, then they are not considered a "repeat offender". He stated that his approach would be, if one receives a door hanger, and it is resolved without citation, then one should receive a door hanger for a future instance, because one was never convicted. He also stated that if the Police Department is not handling matters in this way, then he will speak with the Chief.

Mr. Davis also asked if an officer is legally allowed to cross a fence to check a vehicle for plates (or walk into a fenced/gated property). He asked if an officer is allowed to go into that area to check for current registration. Hatcher clarified that the vehicle is visible from the street but the plates are not. Mr. Davis confirmed and asked if this was legal. Hatcher stated he would look into the matter and get back with Mr. Davis.

Mr. Jared asked about curtilage of the property. Hatcher stated that officers can go onto the curtilage of a property in certain areas - they cannot go into a house, cannot go into a close garage. Hatcher stated that officers can go onto yards to investigate matters that are visible from the street. Mr. Jared disagreed, and argued that officers should not be in his yard without a warrant, and that it would not be a reasonable search. Mazur suggested that Mr. Jared, Hatcher, and the Police Chief meet to discuss these matters more fully. Mazur stated that Council was not in a position to answer that question. Mr. Jared responded that Council was in a position to change ordinances, as he feels the ordinances they've passed to this point are adversely affecting many households.

COMMITTEE REPORTS

HEALTH, SERVICE, and SAFETY: Marshall stated that they have been working on blighted properties for nearly six months. He asked Hatcher where the process stands for acting on blighted properties. Hatcher stated there are two ways to pursue a property under state law - the property can be pursued as a nuisance or another avenue where an active lien would need to be on a property for the city to take action. If a property isn't defined as a nuisance, or it doesn't have an active lien on it, then action can't be taken. Markward clarified that nothing has been filed on a property in question due to this finding, and Hatcher confirmed that was the case. Mazur asked when the next steps would be taken, and Hatcher stated it would be soon.

Marshall asked why this was only known after six months, and noted he felt this was moving extremely slowly. Davis (4th Ward) clarified that the property in question was the one that the blighted property letter had already been sent out to. Markward stated the letter had been sent out, and the party in question had declined to respond. A court filing would be the next step.

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

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

PARKS AND RECREATION: Bowers reported that work is slowing down as the fall approaches, but they are preparing areas for next spring already.

Bowers also provided a report from Woodland Cemetery, and stated they are still looking for a full-time employee (office work and grounds work). She stated that Dale Schulte is considering retirement, so they are looking for someone to possibly step into a higher role in the future.

Parks and Recreation had no further report for the evening.

FINANCE: Agler made a motion to approve the invoices to Asphalt Materials, Inc. (\$4,403.00), Ridge Township Quarry (\$3,252.59), and Belna Petroleum (\$2,845.38 and \$1,056.78) on a Then and Now.

Davis (4th Ward) asked Fleming about the purpose of these invoices. Fleming stated they were for materials for their Durapatcher.

Stinnett seconded; all concurred.

Agler made a motion to ask the Law Director to prepare legislation authorizing the safety service director to prepare and submit an application to participate in the Ohio Public Works Commission State Capital Improvement Program, on an emergency. Davis seconded; all concurred.

Agler made a motion to introduce Resolution Number 22-09-043. Davis seconded; all concurred.

Agler made a motion to suspend statutory rules for Resolution Number 22-09-043. Davis seconded; all concurred.

Agler made a motion to pass Resolution Number 22-09-043: A RESOLUTION AUTHORIZING THE SAFETY SERVICE DIRECTOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND / OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED AND DECLARING AN EMERGENCY, on its first and final reading. Davis seconded; all concurred.

Agler made a motion to ask the Law Director to prepare legislation to make supplemental appropriations. Moore seconded; Stinnett, Bowers, Kallas, Marshall concurred. Davis dissented.

Agler made a motion to ask the Law Director to prepare legislation to bid and award contracts for sewer work and replacement under Eggerss Stadium. Kallas seconded; Marshall, Bowers, Stinnett, Moore concurred. Davis dissented.

Agler made a motion to ask the Law Director to prepare legislation to approve a Community Reinvestment Area Agreement between the city of Van Wert and Stor N Lock Van Wert LLC, on an emergency. Moore seconded; all concurred.

Agler made a motion to introduce Ordinance Number 22-09-042. Moore seconded; all concurred.

Agler made a motion to suspend statutory rules for Ordinance Number 22-09-042. Moore seconded; all concurred.

Agler made a motion to pass Ordinance Number 22-09-042: AN ORDINANCE APPROVING THE COMMUNITY REINVESTMENT AREA AGREEMENT BETWEEN THE CITY OF VAN WERT AND OHIO STORE N LOCK VAN WERT LLC AND DECLARING AN EMERGENCY., on its first and final reading. Moore seconded; all concurred.

Agler made a motion to introduce Resolution Number 22-09-040. Bowers seconded; all concurred.

Agler made a motion to suspend statutory rules for Resolution Number 22-09-040. Moore seconded; all concurred.

Agler made a motion to pass Resolution Number 22-09-040: A RESOLUTION RATIFYING THE USE OF AMERICAN RESCUE PLAN MONIES ALLOCATED TO THE CITY OF VAN WERT AND DECLARING AN EMERGENCY., on its first and final reading. Moore seconded; all concurred.

Agler made a motion to ask the Law Director to prepare legislation to advance \$594,365.00 from the General Fund to Fund 232*, on an emergency. Davis seconded; all concurred.

**This was originally stated as Fund 231, but later corrected to Fund 232.*

Finance had no additional report for the evening.

PROPERTIES AND EQUIPMENT: Stinnett reviewed city properties to start his report, and thanked city administration as all the properties he personally reviewed were up to code.

Stinnett asked Mr. Allen, Mr. Perry, and Mr. Jared if they believed that Reservoir Weeds/Grass & Weeds Ordinance should be taken off of Unfinished Business. He noted that he asked city administration to do something about the reservoirs, and they had done something. Mr. Allen stated no. Stinnett said he would keep it on for one additional meeting, but asked for a reason why. Mr. Allen stated that they were at the reservoir in a 6-wheeler, but were warned not to go up with a motor vehicle. He continued that they left so that they avoided a court fine and possible jail time. Mr. Allen then stated that he was told there was a “track meet” at the reservoir that weekend, and someone was supposed to have a 4-wheeler on the reservoir to make sure runners were safe. Fleming stated that he told the Police Chief to allow Mr. Allen and those working on the reservoir to take that 6-wheeler up to work on reservoir business. Fleming asked who warned them, and Mr. Allen said it was a city employee in a city truck, but he would not give out a name and “throw the employee under the bus”.

Mr. Jared stated that it would be appropriate to take it off at the next meeting. Stinnett thanked Mr. Allen, Mr. Perry, and Mr. Jared for their hard work at the reservoirs.

Properties and Equipment had no additional report for the evening.

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

Davis (4th Ward) stated that he would only feel comfortable voting in favor of projects - like approving the supplemental appropriation to the VWF project - if there was a master plan for the city’s streets. He stated that he believed an outside party needed to come in and put together a strategic plan for the city. He also stated that he believed the city needed to explore the best times to work on the streets, and the best markets to buy materials. Mazur encouraged Moore to explore a plan to prioritize specific streets within the city.

JUDICIARY AND ANNEXATION: Davis offered up the idea of scheduling an additional committee meeting to discuss the Main Street Van Wert speaker system. Agler stated he didn’t believe another meeting was needed. Davis agreed with this thought, stating he didn’t believe it needed legislation and that it could be self-managed. It was determined there would be no further committee meeting at this time, and no further action taken.

Davis noted that the issue of Forced Annexation would be covered at the Public Hearing on September 26, 2022 (6:00 p.m.).

Mazur asked Hatcher to explain the Airport CRA Agreement. He stated that in 2008, this was originally just the area around the Airport. In the years since, it has expanded into the west region of the city, and the northern region of the city. It was also explained that this would help offset the expiration of the TIF, and help that area in further, future development.

Davis made a motion to ask the Law Director to prepare legislation to expand the Airport CRA Agreement to include the Towne Center Shopping Center. Stinnett seconded; all concurred.

Davis made a motion to introduce Ordinance Number 22-09-041. Stinnett seconded; all concurred.

Davis made a motion to suspend statutory rules for Ordinance Number 22-09-041. Stinnett seconded; all concurred.

Davis made a motion to pass Ordinance Number 22-09-041: AN ORDINANCE IMPLEMENTING SECTIONS 3735.65 THROUGH 3735.70 OF THE OHIO REVISED CODE, EXPANDING THE AREA COMMONLY KNOWN AS THE AIRPORT AREA CRA THAT WAS ENACTED BY ORDINANCE 08-01-001 TO INCLUDE THE TOWNE CENTER SHOPPING CENTER AND DECLARING AN EMERGENCY., on its first and final reading. Stinnett seconded; all concurred.

Mr. Jared raised objection to the lack of an additional committee meeting regarding the speaker system, and stated he could bring evidence from police scanner of multiple complaints against the speaker system / sound levels. Mr. Jared stated that if the speaker system reached intolerable levels in the future, he would disable the speaker. Kallas stated that MSVW has lowered the sound levels, and asked if it was still an issue. Mr. Jared stated that it was not currently, but the sound levels that were claimed by MSVW were inaccurate.

Mazur thanked Mr. Jared for his concerns, and noted that MSVW has already taken action based on his concerns. He asked Mr. Jared to allow the situation to play out, and if further action is needed in the future, it would be done.

Judiciary and Annexation had no further report for the evening.

UNFINISHED BUSINESS

It was noted that the issue of Reservoir Weeds/Grass & Weeds Ordinance was discussed, and would remain on the agenda for an additional meeting.

NEW BUSINESS

No new business was brought before Council.

CONSENT AGENDA

There were no items on the Consent Agenda.

RESOLUTIONS & ORDINANCES

No additional resolutions or ordinances were read during the meeting.

EXECUTIVE SESSION

Mazur noted that the Council would enter Executive Session, to discuss a personnel item, and that no action would be taken after the session.

Agler made a motion to enter into Executive Session at 8:18 p.m. Davis seconded; all concurred.

Agler made a motion to exit from Executive Session at 8:36 p.m. Davis seconded; all concurred.

ADJOURN

Davis made a motion to adjourn at 8:36 p.m. Agler seconded; all concurred.



Clerk of Council
Andrew Bittner



Council President
Gerald T. Mazur

09/26/2022

Date