

**MINUTES OF THE
VAN WERT CITY COUNCIL**

February 24th, 2020

The President 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.

Mergy made a motion to approve the amended agenda for the February 24th meeting. Seconded by Davis. All concurred.

Under Ordinances and resolutions, on page 3, Ordinance Number: 20-02-010 was amended and placed on an emergency basis.

Ordinance Number 20-02-011 Committee: Finance

AN ORDINANCE PROVIDING THE ISSUANCE AND SALE OF BONDS IN THE AGGREGATE PRINCIPAL AMOUNT OF \$968,710 FOR THE PURPOSE OF PAYING COSTS OF IMPROVING HVAC AND LIGHTING FACILITIES AT THE MUNICIPAL BUILDING, AND DECLARING AN EMERGENCY was added to Resolutions and Ordinances.

Under Consent Agenda, on page 2, Ordinance Number: 20-02-006 was amended, placed on an emergency basis and taken off of the Consent Agenda.

Mergy made a motion to approve the amended 2/10/20 minutes. Seconded by Kallas. All concurred.

Corrections were made under Comments and Communications under the Mayor's report, it should read FOI, Freedom of Information, not FOA. Under Judiciary and Annexation report, in paragraph 4, sentence 3, council decides was deleted.

COMMENTS, COMMUNICATIONS & PETITIONS

The President shared communications from Robert Sprague, the Ohio Treasurer congratulating everyone on their November elections, introducing himself and giving us the name of Patrick McCauley as a public affairs, region liaison of Northwest, Ohio. The President shared that he had sent Fleming an email in regards to Mr. Kelly inquiring about what streets were to be paved and asked Fleming to respond to the email. The 2019 audit has begun. Council members should have each received emails from Brenda Miller, identifying that the audit had begun. The President also noted that he had received and photo copied 26 emails related to Haven of Hope, for and against, from community members (attached). A 15 page brief was received from all council members from Joshua Nolan of Nolan Law, LLC on behalf of Haven of Hope, and was present to speak.

Mr. Kallas reported that the Senior Government Students at Van Wert High School Students were working on *We the People...The Citizen and the Constitution* competition. The competition was tentatively scheduled for Wednesday, March 11, 2020. Emails with more information and requests for community members to be judges will be sent out sometime this week.

Chris Wilson of 503 North Market Street and with a business address of 227 N. Market Street was present to speak about the Haven of Hope zoning issue and the definition of semi-public use and quasi-pro use.

Jody Wilson of 503 North Market Street and with a business address of 227 N. Market Street was present to speak about the concerns regarding health, crime and other negative concerns that could arise for the community allowing Haven of Hope to facilitate at the projected site. She also suggested for Van Wert City Council to uphold the decision of the Zoning Board of Appeals that would require Haven of Hope to apply for a zoning variance, providing a public forum for input from Haven of Hope and the neighborhood it seeks to open in.

Ashley Balyeat of 308 North Market Street was present to share signatures acquired from citizens on a petition against Haven of Hope at the projected site of 233 North Market Street. She insisted that city council uphold the Zoning Board of Appeals decision and for city council to work on their current zoning guidelines and regulations for homeless shelters.

Joshua Nolan of Nolan Law, LLC was present to speak on behalf of Haven of Hope. He stated that Haven of Hope met the quasi/semi-public use definition as a religious, charitable, philanthropic, and non-profit organization under section 150.03 under the code of ordinances. He also stated that Haven of Hope was a lawful use and that under Ohio Law, exclusion of a lawful use was not permitted and a violation under Ohio law.

Lisa Agler of 146 East Sycamore Street was present to speak about her concerns about the projected site of Haven of Hope.

Joe Jared of 233 Burt Street spoke about the need and benefits of Haven of Hope.

Ellen Proffitt of 230 North Washington spoke about the need for the services of Haven of Hope but spoke about her concerns for the projected site.

Tina Baxter of 302 North Market Street was present to speak about her concerns regarding the decline in property value with the projected site of Haven of Hope.

Penton stated that he believed a facility that allowed up to 10 people to stay overnight, resembled a group home more than an institution of philanthropic or non-profit nature and would not be supporting to overturn the Zoning Board of Appeals decision.

Mergy stated her view that the shelter did not fit the quasi-public use and resembled more of a boarding home.

Marshall shared that because Haven of Hope is charitable, philanthropic, and of a non-profit nature, he felt the group fell under semi-public/quasi-public use and that he opposed the Zoning Board of Appeals decision that the facility did not meet the quasi/semi-public use definition in the city's B-3 zoning classification.

Davis inquired if the home was going to provide assistance for housing and employment.

Kirk Tomlinson of 403 East Crawford Street, a board member for Haven of Hope stated that Haven of Hope had partnered with other non-profits that would provide those services and resources for the individuals staying at Haven of Hope.

Davis requested clarification on the services Haven of Hope planned on providing so that city council could define what Haven of Hope would be classified as.

Nolan stated that 10 beds, a shower facility and that a discussion of coffee and donuts being provided was going to be offered.

Kallas stated that the issue didn't fall under the 14th Amendment and that the issue wasn't to deny men or homeless but that the issue was solely a zoning issue. He also stated that he agreed with Marshall's statements regarding the matter and would vote to overturn the Zoning Board of Appeals decision that the facility did not meet the quasi/semi-public use definition in the city's B-3 zoning classification.

Agler made a motion to vote on overturning the Zoning Board of Appeals decision that the facility did not meet the quasi/semi-public use definition in the city's B-3 zoning classification.

A yes vote was defined as allowing Haven of Hope to operate at 233 North Market Street without a variance, overturning the Zoning Board of Appeals decision. A no vote would be defined as agreeing with the Zoning Board of Appeals decision and a variance would be required.

Marshall seconded. Marshall, Kallas and Hellman votes yes. Penton, Agler, Mergy and Davis voted no.

Nolan requested City Council to provide classification for what category Haven of Hope falls under. Hatcher stated he would provide more specific information with Nolan within 72 hours.

Robert Hickerson of 701 Elm Street spoke in support of Haven of Hope.

ADMINISTRATIVE REPORTS

MAYOR: The Mayor had no report.

SAFETY SERVICE DIRECTOR: Fleming reported that the city has been trying to purchase a building at the intersection of Crawford and Market Streets to assist with a future Market Street bridge project, the building's owner had rejected offers up to \$35,000 for the building, which has a fair market value of \$16,700. The city will now try to acquire the project under eminent domain procedures, in which the local Common Pleas Court would determine the market value of the property. Fleming requested that the permanent budget reflect the \$35,000 for the building acquisition.

AUDITOR: Balyeat reported that the Audit had begun. She noted there were some changes to the permanent appropriations that were sent out. Prior to the third reading, she will send out final changes on the drafts and the report would reflect the \$35,000 Fleming requested in his report.

LAW DIRECTOR: Hatcher requested the City Council members that voted against overturning the Zoning Board of Appeals decision regarding the Haven of Hope to provide him with their opinions of what they believed Haven of Hope qualified under since their definitions varied.

Hatcher stated with Council's rejection, Haven of Hope could apply for a variance to the B-3 zoning code or file a lawsuit in Van Wert County Common Pleas Court appealing Council's decision.

COMMITTEE REPORTS

HEALTH, SERVICE AND SAFETY: Marshall reported 12 code violations with 8 open. He requested a 15-minute committee meeting to discuss code violations, dollar amounts and habitual offenders.

A Health, Service and Safety meeting was scheduled for March 9, 2020 @ 6:15, in council chambers.

ECONOMIC DEVELOPMENT: Kallas reported that the Van Wert Economic Development received the Crystal Image Award at the Chamber of Commerce Annual Dinner, recognizing a member that demonstrates leadership in the community through business responsibility, productivity, employee empowerment and service to the community.

Kallas stated Councilman Agler had identified a target property for the Land Bank at 327 South Vine St. Kallas reported they have been working on the acquisition of the property for a couple months and received notice last week that probate issues have now been resolved. They are also working with the owners on acquisition and will then revitalize the property.

Classes on creating a business plan began on Thursday at the Economic Development office and will be ongoing through April. There were 13 individuals interested in starting or expanding a business that attended last week's class.

Van Wert Economic Development will be attending a regional meeting with Jobs Ohio on March 3rd for the announcement of statewide site incentives for industrial sites. They are especially interested in learning what impact there would be on the possibility of erecting another spec building in Van Wert.

PARKS AND RECREATION: No report was given

FINANCE: Agler stated that a joint Finance and Property and Equipment meeting had taken place prior to the Council meeting and discussion regarding the sale of bonds for the purpose of payment to the costs to improve HVAC and lighting at the municipal building and would be covered in Resolutions and Ordinances, on the Agenda.

JUDICIARY AND ANNEXATION: Mergy motioned for an ordinance to be prepared on an emergency basis to allow the Mayor to sign a contract with Ohio Municipal Association in regards to placing a Charter Government city question before voters on the November 2020 ballot. Kallas seconded; with all concurring. Mergy made a motion to introduce **Ordinance Number 20-02-007.** Marshall seconded; with all concurring. Mergy made a motion to suspend statutory rules to **Ordinance Number 20-02-007.** Marshall seconded; with all concurring. Mergy made a motion to pass **Ordinance Number: 20-02-007: AN ORDINANCE TO AUTHORIZE THE MAYOR TO SIGN A CONTRACT WITH THE OHIO MUNICIPAL ATTORNEYS ASSOCIATION SERVICE CORPORATION (OMAASC) AS A CONSULTANT REGARDING PLACING THE CHARTER GOVERNMENT QUESTION BEFORE VOTES IN THE NOVEMBER 2020 GENERAL ELECTION AND DECLARING AN EMERGENCY** on its first and final reading. Agler seconded; with all concurring.

STREETS AND ALLEYS: Hellman requested to amend the preparation of **Ordinance Number 20-02-006,** adding emergency language. Agler seconded; with all concurring. Hellman requested to introduce **Ordinance Number 20-02-006.** Kallas seconded; with all concurring. Hellman made a motion to suspend statutory rules to **Ordinance Number 20-02-006.** Marshall seconded; with all concurring. Hellman made a motion to pass **Ordinance Number 20-02-006: AN ORDINANCE TO AUTHORIZE THE SAFETY-SERVICE DIRECTOR TO ADVERTISE FOR BIDS AND AWARD CONTRACTS TO THE LOWEST AND BEST BIDDER FOR THE 2020 STREET PAINTING, AND DECLARING AN EMERGENCY** on its first and final reading. Agler seconded; with all concurring.

Hellman motioned to suspend statutory rules to **Ordinance Number 20-02-014.** Agler seconded; with all concurring. Hellman motioned to pass **Ordinance Number 20-02-014: A RESOLUTION AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO BID AND AWARD CONTRACTS FOR MISCELLANEOUS PAVING PROJECTS IN THE CITY OF VAN WERT, OHIO AND DECLARING AN EMERGENCY** on its second and final reading. Agler seconded; with all concurring.

PROPERTIES AND EQUIPMENT: No report was given.

UNFINISHED BUSINESS

Code Enforcement
Charter Government

NEW BUSINESS

Agler and Marshall spoke about a possible contract with Young's Trash services in April for appliances only.

CONSENT AGENDA

Davis made a motion to introduce the consent agenda, Agler seconded; with all concurring.

Agler made a motion to suspend statutory rules to the consent agenda. Hellman seconded; with all concurring.

Agler made a motion to pass

RESOLUTION Number: 20-02-005

Committee: Finance

A RESOLUTION AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO BID AND AWARD CONTRACTS FOR THE REPLACEMENT AND INSTALLATION OF NEW LIFT STATIONS AND DECLARING AN EMERGENCY.

Resolution Number: 20-02-008

Committee: Parks and Recreation

A RESOLUTION TO PARTICIPATE IN THE OHIO DEPARTMENT RECREATIONAL TRAILS PROGRAM (RTP) AND AUTHORIZING THE SAFETY SERVICE DIRECTOR TO EXECUTE ALL DOCUMENTS TO PARTICIPATE IN SAID PROGRAM, AND DECLARING AN EMERGENCY.

ORDINANCE Number: 20-02-009

Committee: STREETS AND ALLEYS

PID No.: 107661

ORDINANCE FOR THE CITY OF VAN WERT TO APPROVE PRELIMINARY LEGISLATION FOR PAVING WORK TO BE COMPLETED US ROUTE 127, US ROUTE 224, STATE ROUTE 118 AND STATE ROUTE 709, TO GRANT THE MAYOR THE AUTHORITY TO ENTER INTO ANY AGREEMENTS WITH

**THE DEPARTMENT OF TRANSPORTATION IN THE FURTHERANCE OF
SAID PROJECT AND DECLARING AN EMERGENCY.**

on their first and final readings. Davis seconded; with all concurring.

ORDINANCES AND RESOLUTIONS

1st Reading Advisory:

ORDINANCE Number: 20-02-010 **Committee:** PROPERTIES AND EQUIPMENT

A RESOLUTION BY THE VAN WERT CITY COUNCIL AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO NEGOTIATE AN ENERGY EFFICIENCY & INFRASTRUCTURE IMPROVEMENT CONTRACT WITH HONEYWELL INTERNATIONAL, INC., WITH A GOAL TO RETROFIT THE MUNICIPAL BUILDING, AND DECLARING AN EMERGENCY.

Marshall, Kallas, Penton, Agler, Mergy, Hellman and Davis voted yes.

1st Reading Advisory:

ORDINANCE Number: 20-02-011 **Committee:** Finance

AN ORDINANCE PROVIDING THE ISSUANCE AND SALE OF BONDS IN THE AGGREGATE PRINCIPAL AMOUNT OF \$968,710 FOR THE PURPOSE OF PAYING COSTS OF IMPROVING HVAC AND LIGHTING FACILITIES AT THE MUNICIPAL BUILDING, AND DECLARING AN EMERGENCY.

Marshall, Kallas, Penton, Agler, Mergy, Hellman and Davis voted yes.

1st Reading Advisory:

ORDINANCE Number: 20-02-012 **Committee:** Finance

AN ORDINANCE TO MAKE PERMANENT APPROPRIATIONS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF VAN WERT, OHIO, FROM JANUARY 1, 2020 TO DECEMBER 31, 2020, AND DECLARING AN EMERGENCY.

Marshall, Kallas, Penton, Agler, Mergy, Hellman and Davis voted yes.

1st Reading Advisory:

RESOLUTION Number: 20-02-014 **Committee:** Streets & Alleys

A RESOLUTION AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO BID AND AWARD CONTRACTS FOR MISCELLANEOUS PAVING PROJECTS IN THE CITY OF VAN WERT, OHIO AND DECLARING AN EMERGENCY.

Marshall, Kallas, Penton, Agler, Mergy, Hellman and Davis voted yes.

At 8:10, Agler motioned to enter into an executive session for the purpose of discussing a contract for the Van Wert Fire Department. Seconded by Kallas; with all concurring.

At 8:22, Marshall motioned to exit the executive session. Seconded by Kallas; with all concurring.

Mergy made a motion for an ordinance to be prepared, authorizing the Mayor and the Safety-Service Director to contract with local #681 for firefighters on an emergency basis.

Marshall seconded; with all concurring.

Mergy made a motion to introduce **Ordinance Number 20-02-013**. Marshall seconded; with all concurring.

Mergy made a motion to suspend statutory rules to **Ordinance Number 20-02-013**. Agler seconded; with all concurring. Mergy made a motion to pass **Ordinance Number 20-02-013: AN ORDINANCE TO AUTHORIZE THE MAYOR AND SAFETY-SERVICE DIRECTOR TO CONTRACT WITH LOCAL #681 OF THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, AFL-CIO, RELATIVE TO WAGES, HOURS, TERMS AND OTHER CONDITIONS OF EMPLOYMENT, AND DECLARING AN EMERGENCY** on its first and final reading. Marshall seconded; with all concurring.

Mergy made a motion to adjourn at 8:25 p.m.; seconded by Kallas; with all concurring.

CLERK

PRESIDENT

DATE