

# **MINUTES OF THE VAN WERT CITY COUNCIL**

February 22<sup>nd</sup>, 2021

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

Marshall gave the invocation.

On call of the roll: Marshall, Kallas, Agler, Mergy, Hellman, and Davis were present.

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

Mergy made a motion to approve the agenda for the February 22<sup>nd</sup> Council meeting. Agler seconded; all concurred.

Mergy made a motion to approve the minutes for the February 8<sup>th</sup> Council meeting. Agler seconded; all concurred.

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## **COMMENTS, COMMUNICATIONS, & PETITIONS**

Tomlinson made note of an information packet he received from the Van Wert County Historical Society, which included a bookmark with a list of 2021 programs, a 2021 Membership form, and a 2021 Season Newsletter. Tomlinson stated he would give this information to the clerk to file with the meeting minutes. The Van Wert County Historical Society can be contacted by phone at 419.771.9851, by website at [historicalvanwert.com](http://historicalvanwert.com), or by their Facebook page.

Kallas explained that he received a question from the public on why the city does not salt the bus stop at the old Washington School location. Tomlinson stated that he believed that location was the responsibility of the school - not the city. Fleming stated he would make a note of that location to check on street salting.

Kallas also relayed a concern from the public regarding parking downtown. The concern was centered on the opinion that backing out of the diagonal parking spots was dangerous, and the question was posed if this issue had ever been brought to Council. Tomlinson explained that the parking situation downtown was an issue that went back several years. The city did not want parallel parking downtown, and the state didn't want parallel parking in that area either. The business owners in that area at the time demanded parking downtown, and at the time, that was the solution to the issue. Tomlinson continued to explain that it was an unfortunate situation, but out of the city's control as well. Hall Block, the Property Manager for the Van Wert County Foundation, asked if the city had ever explored reverse angle parking. Davis mentioned he knew of two cities that implemented this parking system, and removed it quickly. Block noted this was usually due to difficulty in implementing new ideas. Marshall asked if parking was part of the Downtown Redevelopment Plan. Block noted that it was not a specific part of the plan, but maybe could be discussed if the plan moves forward into construction stages.

Davis relayed a question to Fleming from the public, regarding a walkway at the end of Rosemont Dr. Davis noted property in that area had been purchased and a new home constructed, but there was still a six-foot walkway between houses that led into Washington Place. Davis asked if that walkway would remain public use, so that residents could continue to use that area. Fleming affirmed that the area would continue to be public right of way.

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## **ADMINISTRATIVE REPORTS**

**MAYOR:** Markward issued a reminder of the FEMA flood insurance virtual open house, which has been posted on the [city's website](#). This virtual open house will take place on Thursday, March 4<sup>th</sup>, 2021. There will be no formal presentation from FEMA during this meeting, but it will provide a chance for the public to receive information and ask questions. The Zoom meeting link, Meeting ID, and Password is provided on the information posted to the city's website.

Markward also made note of the demolition of a cinder block building near the Market St. bridge, at the corner of Crawford St. and Market St. This is being taken down due to the ODOT bridge project on the Market St. bridge.

Additionally, Markward informed Council that Trevor Spridgeon was sworn in as a firefighter and EMT with the Van Wert Fire Department (VWFD) on February 9<sup>th</sup>, 2021, after his one-year probationary period. Markward noted that Spridgeon originally started with the VWFD through the Career Education Opportunity (CEO) program through Van Wert High School. This program allowed Spridgeon to experience life as a firefighter and pursue that interest, and also gave the VWFD a chance to see how he reacted to the responsibilities and training of the position.

Agler mentioned that he received several positive comments for the city in terms of completing and clearing downtown from snow and ice, and wanted to pass those along.

**SAFETY SERVICE DIRECTOR:** Fleming stated that over 100 hours of overtime were logged this past week for snow removal. He appreciated the efforts of those involved, and felt they did a good job.

Related to snow removal, Fleming mentioned several pictures that were sent to him regarding broken mailboxes during snow removal. He reiterated the city's policy on replacing mailboxes. If the box/post is hit directly by the plow, it will be replaced. If the snow itself knocks the mailbox over, usually due to rotting or decayed wood posts, these boxes will not be replaced.

Fleming went on to note that the heating system in the Municipal Building is completely finished, programmed, and operational. The Street Department replaced all of the ceiling tiles. There are three water fountains with bottle filling capabilities installed in the building from CARES Act money.



Finally, Fleming stated that letters have been sent out to more than 300 people affected by the new flood maps. He referred the public again to the city's website, which has the information regarding the upcoming FEMA virtual open house, for the opportunity to join that meeting and ask questions.

**AUDITOR:** The Auditor had no report for the evening.

**LAW DIRECTOR:** Hatcher mentioned that, after discussions with the Auditor, they are going to include the supplemental appropriations for the Van Wert Convention and Visitors Bureau in a piece of legislation for April, along with other upcoming appropriations.

Hatcher explained that they are trying to resolve a property issue on Bonnewitz Ave., before they have to entertain an imminent domain proceeding. Due to the Bonnewitz resurfacing project, curb ramps had to be installed at the northeast corner of Jefferson St. and Bonnewitz Ave. Several attempts have been made to contact the owners of this property. If the owners would contact the city, a \$300 check is waiting for them after paperwork is signed. If no contact is made, the issue will have to go to court and the property will need to be appropriated. The money will still be issued following that process, but time and efforts could be saved if the owners would return contact.

Davis made a comment about the process of the appointment of the Safety Service Director. Currently, he believed that current legislation dictates this position is appointed by the Mayor, with Council having no voice in that process. He wondered if it was worth looking into changing this process to allow Council to have a voice in the interview and selection process. He stated that in researching other communities, many include Council in this entire process.

Markward stated that he believed it was worth checking the Revised Code to see whether this is a change that is allowed, as if the Revised Code did not allow it, the discussion wouldn't be needed. He suggested that this matter should be explored first, and then a discussion held once that question is answered. Hatcher noted he would look this up and find a discernible answer. Joe Jared mentioned that in other communities he has lived in, the Safety Service Director comes aboard with the Mayor when elected. The researched communities may have charter governments which would allow a different hiring process than Van Wert, which is a statutory government.

Hatcher also noted questions regarding the proposed legislation involving the City of Van Wert and Van Wert County entering into an agreement for a Community Development Block Grant. Hatcher shared that he and the County Prosecutor were working through the language of that legislation, as Balyeat had raised questions about the language involving the exchange of funds. Tomlinson noted that this piece of legislation was only on a first reading tonight, and could be amended, if needed, after answers are found. He recommended they follow through on the first reading tonight, and adjust at the next meeting, if needed.

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## COMMITTEE REPORTS

**HEALTH, SERVICE, and SAFETY:** Marshall opened by discussing the proposed fencing ordinance that he had asked the Law Director to prepare in January, but had been tabled at the February 8<sup>th</sup> meeting in order to gather more input from the public. He thanked the media outlets for getting that story out, and mentioned he had several members of the public chime in on the topic. He stated that, of the response he received, no one was against the ordinance, but there were questions regarding the specifics in terms of what type of percentage of a fence would need to be damaged or destroyed before the fence would need to be brought up to code.

Marshall put forward a number such as 50% of the contiguous fence is damaged or destroyed, then the fence would need to be replaced and brought to code. Agler stated that he felt that if any part of a fence was damaged or destroyed, then whatever new area of fence is installed, it should be up to code. Jared stated that he felt this ordinance was targeted. Marshall and Kallas both stated that they did not feel this ordinance was targeting anyone, or had the intent of targeting. Hatcher further explained that the purpose of this ordinance is to set specific guidelines, regardless of ward, for what fencing should be throughout the city, as currently the ordinance is very vague. This would allow anyone who reads it to be on the same page in terms of guidelines and requirements.

Tomlinson stated that he understood the concerns shared. After discussion, though, he felt that if any part of a fence goes down, the new portion of fence should be brought up to code. Using an example with housing, he argued if you buy a house with aspects out of code, you don't have to replace everything immediately, but if something goes wrong, and you make repairs or improvements, those repairs and improvements need to be up to code. So, in this situation, the city cannot go around and tell someone to replace their fence because it isn't up to code. If a current fence is solid and well-maintained, property owners wouldn't have to change anything. But if any portion of a fence is damaged, then the replaced pieces of the fence should be up to code, regardless of the size of that portion.

Marshall stated that he will ask for this ordinance to be introduced later in the meeting, with the language amended in Section G to reflect that if any portion of a fence is damaged, then the new portions of the fence should be brought up to code, as Tomlinson had suggested.

**ECONOMIC DEVELOPMENT:** Kallas stated that he was approached by a couple business owners from the downtown area on Main Street, with concerns about increased rent that they felt was going to happen due to the proposed downtown redevelopment. They stated concerns about being "pushed out" of business due to the speculation they have on increased rent prices. Tomlinson shared that he had been asked to have a meeting with Seth Baker early on, and he had expressed those concerns that he had heard to Baker. He also reminded Council that the buildings that were purchased downtown were private property at this point, and those are private negotiations between renter and owner. He asked Kallas if this was an anticipated increase in rent, or something that had already happened. Kallas stated that, from what he had heard, it was an anticipated increase not a concrete outcome.



Jared shared his own difficulties with buildings around his business, and the nearby businesses that have closed due to unaffordable rent prices or building prices. He stated his concerns that uptown will be pushed into a ghost town.

Hellman also shared concerns with the current situation, and the compounded difficulties due to the pandemic. He mentioned businesses that have left downtown Main Street and moved to other locations in Van Wert, and one that he knows moved to Celina.

Additional discussion followed centered on this issue. Stacy Adam, Executive Director of the Van Wert Area Economic Development Corporation, noted that the Van Wert County Foundation has an open forum once a month. These open forums occur the second Tuesday of every month, with the next forum on March 9<sup>th</sup>. She shared this may be a good opportunity to share these concerns and discuss these items with the Foundation. She said downtown businesses are welcome to these meetings, as well as Council and others. Block also mentioned that no offers have been put on the table yet to businesses, especially no offers in the range that Council had mentioned tonight. He noted that they are working with businesses on what they are capable of, and what they can afford. The Foundation doesn't want to lose tenants, and they are working to retain current businesses.

**PARKS AND RECREATION:** Parks and Recreation had no report for the evening.

**FINANCE:** Finance had no report for the evening.

**JUDICIARY AND ANNEXATION:** Mergy made a motion to introduce **Resolution Number 21-02-010**. Hellman seconded; all concurred.

**Mergy made a motion to introduce Ordinance Number 21-02-016. Hellman seconded; all concurred.**

Hatcher clarified that during initial discussions, it was asked for two parcels to be detached from the city, but in actuality, it's only one parcel that will be detached. The legislation has been written accordingly.

**Mergy made a motion to suspend statutory rules for Ordinance Number 21-02-016. Hellman seconded; all concurred.**

**Mergy made a motion to pass Ordinance Number 21-02-016: AN ORDINANCE TO APPROVE THE DETACHMENT OF CERTAIN REAL ESTATE FROM THE CITY OF VAN WERT, OHIO AND DECLARING AN EMERGENCY., on its first and final reading. Hellman seconded; all concurred.**

Judiciary and Annexation had no additional report for the evening.

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

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

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## UNFINISHED BUSINESS

Tomlinson noted that code enforcement would stay in unfinished business.

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## NEW BUSINESS

No new business was brought before Council.

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## CONSENT AGENDA

Davis made a motion to introduce the Consent Agenda. Agler seconded; all concurred. Agler made a motion to suspend statutory rules for the Consent Agenda. Davis seconded; all concurred.

Agler made a motion to pass the Consent Agenda, Resolution Number: 21-02-013: A RESOLUTION AUTHORIZING THE SALE DURING CALENDAR YEAR 2021 OF MUNICIPALLY OWNED PERSONAL PROPERTY WHICH IS NOT NEEDED FOR PUBLIC USE, OR WHICH IS OBSOLETE OR UNFIT FOR THE USE FOR WHICH IT WAS ACQUIRED BY INTERNET AUCTION, PURSUANT TO OHIO REVISED CODE SECTION 721.15(D), AND DECLARING AN EMERGENCY.,

AND

Ordinance Number: 21-02-014: AN ORDINANCE TO AUTHORIZE THE SAFETY-SERVICE DIRECTOR TO ADVERTISE AND SELL THE CITY'S UNUSED, UNNEEDED, OBSOLETE, OR UNFIT VEHICLES BY INTERNET AUCTION, AND DECLARING AN EMERGENCY., on its first and final reading. Davis seconded; all concurred.

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## RESOLUTIONS & ORDINANCES

Second reading advisory for Ordinance Number 21-02-005: AN ORDINANCE MODIFYING THE SPEED LIMIT ON MENDON ROAD. All concurred; second reading passes.

First reading advisory for Resolution Number: 21-02-010: A RESOLUTION AUTHORIZING THE MAYOR AND THE AUDITOR, ON BEHALF OF THE CITY OF VAN WERT, TO SIGN THE PARTNERSHIP AGREEMENT WITH THE VAN WERT COUNTY COMMISSIONERS FOR A STATE DEPARTMENT OF DEVELOPMENT'S COMMUNITY DEVELOPMENT BLOCK GRANT AND DECLARING AN EMERGENCY. All concurred; first reading passes.

Kallas made a motion to table Resolution Number 21-02-015. Hellman seconded.

Tomlinson noted that the next two ordinances on the agenda involved the Community Reinvestment Area Agreements with Trucent and Federal Savings and Loan. Tomlinson stated that the ordinances and the agreements did not have the same language, and he believed the ordinances need to have the same language as the agreements. Hatcher confirmed that the



language would be changed to align them. He also noted that since the ordinances had not been introduced yet, it could be changed immediately without amendments needed.

Agler made a motion to introduce Ordinance Number 21-02-012. Mergy seconded; all concurred.

Agler made a motion to suspend statutory rules for Ordinance Number 21-02-012. Mergy seconded; all concurred.

Agler made a motion to pass Ordinance Number 21-02-012: AN ORDINANCE APPROVING THE COMMUNITY REINVESTMENT AREA AGREEMENT BETWEEN THE CITY OF VAN WERT AND TRUCENT RENEWABLE CHEMICALS, LLC, OHIO AND DECLARING AN EMERGENCY., on its first and final reading. Mergy seconded; all concurred.

Agler made a motion to introduce Ordinance Number 21-02-011. Mergy seconded; all concurred.

Agler made a motion to suspend statutory rules for Ordinance Number 21-02-011. Mergy seconded; all concurred.

Agler made a motion to pass Ordinance Number 21-02-011: AN ORDINANCE APPROVING THE COMMUNITY REINVESTMENT AREA AGREEMENT BETWEEN THE CITY OF VAN WERT AND FIRST FEDERAL SAVINGS AND LOAN OF VAN WERT, OHIO AND DECLARING AN EMERGENCY., on its first and final reading. Mergy seconded; all concurred.

Tomlinson stated that the next item on the agenda was the ordinance for supplemental appropriations for the Van Wert Convention and Visitors Bureau. Tomlinson gave a reminder that this had been discussed earlier in the meeting, and would be on future legislation.

Marshall made a motion to untable Ordinance Number 21-02-009. Davis seconded.

Marshall made a motion to introduce Ordinance Number 21-02-009. Davis seconded; all concurred.

Tomlinson reminded Council that this introduction would include the language on fences as outlined earlier in the meeting, and he reread the language they had discussed earlier.

First reading advisory for Ordinance Number 21-02-009: AN ORDINANCE TO AMEND THE VAN WERT CITY ORDINANCE 150.36. All concurred; first reading passes.

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## ADJOURN

Mergy made a motion to adjourn at 7:39 p.m. Agler seconded; all concurred.

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Clerk of Council  
Andrew Bittner

3/8/2021  
02/22/2021

Date



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Council President  
Jon Tomlinson