

MINUTES OF THE VAN WERT CITY COUNCIL

March 22nd, 2021

President Jon Tomlinson 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, and Davis were present.

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

Mergy made a motion to approve the agenda for the March 22nd Council meeting. Agler seconded; all concurred.

Mergy made a motion to approve the minutes for the March 8th Council meeting. Agler seconded; all concurred.

COMMENTS, COMMUNICATIONS, & PETITIONS

Tomlinson stated that a number of downtown business leaders had provided letters to him, or to Mitch Price (Executive Director, Main Street Van Wert), regarding the DORA proposal (Designated Outdoor Refreshment Area). All of those letters were sent in support of the proposal. Tomlinson also made note of a letter from Jim and Mary Pope, of Hospital Drive, in support of the proposal as well. Copies of those letters were sent to all Council members, and will be filed with the minutes for this meeting.

Tomlinson also stated that he was provided a letter from the Van Wert City Planning Commission regarding a meeting on March 9, 2021, to discuss a petition to change zoning for two parcels of land on John Brown Rd. from R-1 to B-3. Signed letters will be distributed to the four neighbors of the parcels, and additionally, City Council was asked to schedule a public hearing on this petition for April 26, 2021, at 6:15 p.m. Tomlinson asked Mergy to schedule that meeting during her report.

Penton, as Council's representative for Woodlawn Cemetery, gave a brief report. He noted a meeting took place March 18, 2021, and reported that the Cemetery is financially solvent at this time.

Eric Hurless, of 1074 Madison Blvd., speaking as a concerned citizen, relayed his concerns of pollution and trash at Towne Center, regarding the property behind Walmart and the other businesses, as well as the open lots on the east side of that area. He stated that he felt this was an embarrassment to Van Wert, as well as a pollution issue. Hatcher noted he will speak to Bill Lawson to figure out who owns which properties. Fleming also stated that he will look into the issue. Additional conversation ensued, with discussion centered on the nuisance statutes as the legal enforcement avenue.

ADMINISTRATIVE REPORTS

MAYOR: Markward stated that the Market St. bridge project did begin last Monday, March 15. The closest business, Bob's Bargain Barn, will continue to have full access, with no approach from the south. The Mayor stated that Crawford may eventually be closed at that area for a short time, but as of now, Market St. will just dead end in that location.

Markward informed the Council that other cities' animal waste ordinances were explored, and language was found from a similar city that was short and to the point. The one noted recommendation is to change 'dog' to 'animal' to be more inclusive. He noted that Hatcher would further explain the language and approach of that ordinance during his report.

Additionally, Markward referenced the most recent stimulus package passed by the federal government, and said that the city would likely receive some amount of money from this legislation. He noted that details were unknown in terms of restrictions, amounts, timeframe, etc., but that it would likely have to be spent within a specific amount of time.

Agler asked if there were any upcoming brush pickups. Fleming noted that one was scheduled for May 3rd, but that was the only scheduled one at this time.

SAFETY SERVICE DIRECTOR: Fleming stated that Van Wert Massotherapy requested a handicap sign on the corner of Central Ave. and Market St. Fleming explained they had looked into it, and did not see a problem with changing the first angle parking spot north of Central Ave at that corner to a handicap parking space. It was also explained that they have clientele that could use that space. Fleming requested that Council ask for that legislation to be prepared. The sign has been put up, and they will wait on legislation to be passed prior to enforcement.

Additionally, Fleming stated that the Planning Commission met to approve the final plat for the Washington Place subdivision. He requested Council ask for that legislation to be approved so work can be started.

AUDITOR: Balyeat explained that, as of the second pay in April, hard copies of pay stubs will no longer be printed. Effective as of that pay period, pay stubs will be emailed.

Balyeat then detailed supplemental appropriations that would need to be passed by legislation, including items regarding Mayor and Safety Service Director fringe benefits, income tax other operating collection fees, street maintenance and repair uniforms, motor vehicle license tax, Municipal Court remediation, CARES Act money that was refunded from a purchase (purchase cost lower than anticipated), and replacement of sand in the rapid sand filters at the water treatment plant. She asked Agler to request that legislation be prepared on an emergency.

Tomlinson asked Balyeat if the appropriation to the Van Wert Convention and Visitors Bureau appropriations would be on this piece of legislation. Balyeat said not, and that she would wait until the end of the year to see if any additional funds need to be appropriated for that expense at the end of the year.

LAW DIRECTOR: Hatcher opened by informing Council that he is changing practices, and going out on his own as of April 1, 2021. He stated that contacting him over the next two weeks might be more difficult as he makes that transition.

Hatcher stated that proceedings at the Municipal Court are going smoothly. He referenced that eviction cases are back on the docket at the Municipal Court, but there are no cases where the eviction process has affected nuisance cases. The process that began last fall to ease some of those situations has worked, according to Hatcher.

COMMITTEE REPORTS

HEALTH, SERVICE, and SAFETY: Marshall opened with addressing the legislation that was asked to be prepared regarding animal waste removal and enforcement. Discussion moved to the penalties under this proposed legislation, and the specifics around this type of legislation relating to the ordinances already on the books.

Marshall made a motion to introduce Ordinance Number 21-03-019. Mergy seconded; all concurred.

Marshall reminded the public that couches and beds on porches need to be removed from public view.

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

As the vice chair for Streets and Alleys, Marshall proceeded with items for that committee.

Marshall made a motion to ask the Law Director to prepare an ordinance creating a handicap parking space at the corner of Central Avenue and Market Street, at the request of Van Wert Massotherapy. Agler seconded; all concurred.

Marshall made a motion to introduce Ordinance Number 21-03-022. Agler seconded; all concurred.

Marshall made a motion to introduce Resolution Number 21-03-017. Agler seconded; all concurred.

Marshall made a motion to suspend statutory rules for Resolution Number 21-03-017. Agler seconded; all concurred.

Marshall made a motion to pass Resolution Number 21-03-017: A RESOLUTION AUTHORIZING THE SAFETY-SERVICE DIRECTOR, ON BEHALF OF THE CITY OF VAN WERT, TO ENTER INTO, AND PARTICIPATE IN A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE PURCHASE OF SODIUM CHLORIDE (ROCK SALT) FOR THE 2021-2022 WINTER SEASON, AND DECLARING AN EMERGENCY., on its first and final reading. Agler seconded; all concurred.

Agler asked about fencing in Towne Center to limit trash blowing around in that area. Tomlinson stated that he felt it should start with a request to clean the property up, and move through the property sequence of events to remedy the situation.

Davis asked about a spring clean-up, which he noted was done two years ago (did not occur last year due to COVID). Markward noted this was a one-time thing in the fall of 2019, but wasn't a traditional occurrence. Conversation took place around the logistics of this type of event. Tomlinson asked Marshall to make phone calls to begin to collect information for planning.

Joe Jared asked if the language of the animal waste ordinance was clear enough to distinguish between the private property where an animal resides, and public property. It was confirmed that the language was clear on this aspect - it does not apply to an animal owner on his/her own property.

ECONOMIC DEVELOPMENT: Kallas reminded the public that the deadline for businesses to apply for the Paycheck Protection Program is March 31, 2021.

Kallas also informed Council and the public that a decision has been made to remove the remaining brick facade at the site of the former Home Guards building. The demolition group will return to finish this in the near future.

The presentation of the spec building in Vision Industrial Park, to JobsOhio for the Ohio Site Inventory Program, will take place on March 25. As Kallas relayed, this program is designed to increase the amount of inventory sites across Ohio, and Van Wert will be presenting a 100,000 square foot spec building.

Kallas asked about the specifics that would be needed in DORA legislation. Tomlinson stated that these items can be discussed and parsed after the Law Director prepares the initial draft, as amendments and changes can be made during the required three readings of the legislation. Hatcher also noted that DORA can be reviewed at any time, but must be renewed annually by Council.

Jared asked if any passed DORA legislation could be renewed at the same time as liquor licenses are renewed. Tomlinson stated that was a possibility, but would need to be timed appropriately by future Councils.

Penton noted that he had received three positive comments from the public, but wanted to know if the number of drinks can be limited. Hatcher stated he would look into the statute, and outline what applies to that type of question.

Additional conversation occurred around cup sizes, specific types of alcohol allowed, and the amounts of certain types of alcohol that would be allowed. It was again determined that could be parsed once the initial draft is completed.

Kallas made a motion to ask the Law Director to prepare legislation for the adoption of the DORA program, based on the proposal by Main Street Van Wert. Marshall seconded; all concurred.

Economic Development had no additional report for the evening.

PARKS AND RECREATION: Penton asked the public to contact him if interested in helping the Parks Department with grass mowing around the city.

Parks and Recreation had no additional report for the evening.

FINANCE: Agler made a motion to ask the Law Director to prepare legislation for the supplemental appropriations, as outlined by Balyeat earlier in the meeting, on an emergency. Kallas seconded; all concurred.

Agler made a motion to introduce **Ordinance Number 21-03-021**. Kallas seconded; all concurred.

Agler made a motion to suspend statutory rules for **Ordinance Number 21-03-021**. Kallas seconded; all concurred.

Agler made a motion to pass **Ordinance Number 21-03-021: AN ORDINANCE TO MAKE SUPPLEMENTAL APPROPRIATIONS TO FUNDS 101, 201, 203, 213, 229, 254, 601 AND DECLARING AN EMERGENCY.**, on its first and final reading. Kallas seconded; all concurred.

Finance had no additional report for the evening.

JUDICIARY AND ANNEXATION: Mergy made a motion to ask the Law Director to prepare legislation accepting the final plat for the Washington Place, on an emergency. Agler seconded; all concurred.

Mergy made a motion to introduce **Resolution Number 21-03-018**. Agler seconded; all concurred.

Mergy made a motion to suspend statutory rules for **Resolution Number 21-03-018**. Agler seconded; all concurred.

Mergy made a motion to pass **Resolution Number 21-03-018: A RESOLUTION ACCEPTING THE FINAL PLAT FOR WASHINGTON PLACE PHASE IV B IN THE CITY OF VAN WERT AND DECLARING AN EMERGENCY.**, on its first and final reading. Agler seconded; all concurred.

Mergy made a motion to introduce **Ordinance Number 21-03-020**. Kallas seconded; all concurred.

Mergy made a motion to suspend statutory rules for **Ordinance Number 21-03-020**. Kallas seconded; all concurred.

Mergy made a motion to pass **Ordinance Number 21-03-020: AN ORDINANCE ENACTING AND ADOPTING SUPPLEMENT TO THE CODE OF ORDINANCES FOR THE CITY OF VAN WERT, OHIO, AND DECLARING AN EMERGENCY.**, on its first and final reading. Agler seconded; all concurred.

Mergy scheduled a public hearing, from the Judiciary and Annexation committee, on April 26, 2021, at 6:15 p.m., to discuss the petition for change in zoning for the parcels on John Brown Rd., as discussed earlier in the meeting.

Judiciary and Annexation had no additional report for the evening.

STREETS AND ALLEYS: Streets and Alleys had no additional report for the evening, as this was done during Marshall's report due to Hellman's absence.

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

UNFINISHED BUSINESS

Tomlinson noted that code enforcement would stay in unfinished business.

NEW BUSINESS

There was no new business brought before Council.

CONSENT AGENDA

There were no items on the Consent agenda.

RESOLUTIONS & ORDINANCES

Marshall made a motion to pass Amended Ordinance Number 21-02-009 on its third and final reading. Agler seconded.

Third and final reading for Amended Ordinance Number 21-02-009: AN ORDINANCE TO AMEND THE VAN WERT CITY ORDINANCE 150.36. All concurred; ordinance passed on third and final reading.

Mergy made a motion to pass Resolution Number 21-02-010 on its third and final reading. Agler seconded.

Third and final reading 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; ordinance passed on third and final reading.

Second reading advisory for Resolution Number 21-02-015: A RESOLUTION ACCEPTING THE VAN WERT FORWARD DOWNTOWN REDEVELOPMENT PLAN. All concurred; second reading passed.

First reading advisory for Ordinance Number 21-03-019: AN ORDINANCE TO ENACT VAN WERT CITY ORDINANCE 152.75 (A)(1)(i) AND 152.751 (F), AND TO AMEND VAN WERT CITY ORDINANCE 152.751(G). All concurred; first reading passed.

First reading advisory for Ordinance Number 21-03-022: AN ORDINANCE CHANGING THE FIRST PARKING SPACE NORTH OF THE NORTHWEST CORNER OF THE INTERSECTION OF EAST CENTRAL AVENUE AND SOUTH MARKET STREET TO A HANDICAP PARKING SPACE. All concurred; first reading passed.

ADJOURN

Agler made a motion to adjourn at 7:32 p.m. Mergy seconded; all concurred.



Clerk of Council
Andrew Bittner



Council President
Jon Tomlinson

4/12/21

Date