

**MINUTES OF THE  
VAN WERT CITY COUNCIL**

April 26<sup>th</sup>, 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, Hellman, and Davis were present.

Mergy made a motion to approve the agenda for the April 26<sup>th</sup> Council meeting. Kallas seconded; all concurred.

Mergy made a motion to approve the minutes for the April 12<sup>th</sup> Council meeting. Kallas seconded; all concurred.

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**COMMENTS, COMMUNICATIONS, & PETITIONS**

Tomlinson opened with a reminder of two liquor permits sent to Council for The Partee Shop. These permits were announced at the April 12<sup>th</sup> meeting of Council, and will be mailed back on May 3<sup>rd</sup>, 2021.

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Tomlinson also relayed a letter from the Ohio Division of Liquor Control, stating a reminder of the expiration of all liquor/alcoholic beverage permits on July 1<sup>st</sup>, 2021. Tomlinson urged all institutions to file their renewal, if they wish to retain their permit.

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Additionally, Tomlinson provided the official run dates, April 21<sup>st</sup>, 2021 and April 28<sup>th</sup>, 2021, for the Designated Outdoor Refreshment Area (DORA) notice in the Times Bulletin. The Mayor has signed the application for a DORA district in Van Wert. City Council can vote on DORA legislation no sooner than May 10<sup>th</sup>, 2021, and no later than June 9<sup>th</sup>, 2021.

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## ADMINISTRATIVE REPORTS

**MAYOR:** Markward welcomed Wesley Roby to the Van Wert Police Department, informing Council that he swore Roby in on April 19<sup>th</sup>, 2021.

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Markward reminded the public of the brush pickup that will begin on Monday, May 3<sup>rd</sup>. As stated at the April 12<sup>th</sup> meeting, the public is urged to have it out for pickup on May 3<sup>rd</sup>, and not to wait until later in the week.

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Markward addressed the issue of trash on the north end of town, noting that he and Fleming went out to the Towne Center area. He stated that Walmart was not solely responsible for all of the trash in that area. He also stated that in speaking with the manager of Walmart, they are going to increase employee perimeter walks for trash pickup, increase the pickup of their bulk recycling bales, and a dumpster in place due to their remodeling project will soon be removed.

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Agler asked about the total number of police officers on staff with the addition of Roby. It was noted that the number was now at 21, and almost up to full staff.

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**SAFETY SERVICE DIRECTOR:** Fleming reiterated the brush pickup that will begin on May 3<sup>rd</sup>, urging the public to get their brush out on Monday.

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Fleming also noted that the Market Street bridge project is coming along well, with a target completion date sometime in mid-August or sooner.

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**AUDITOR:** Balyeat led with the March 2021 Bank Reconciliation report, which she noted is not fully completed at this time. She first explained that there is an unreconciled difference in the report of \$2086.04, which she believes is an error in a posting, but she will need time to double check the postings.

In the cash position report, Balyeat noted that all funds had a positive balance, with the exception of the Garage Fund, which will require a transfer. She explained that the Garage Fund is funded by all of the funds that use the garage, and at the end of the month, she transfers in money from the other funds to account for monies used.

Balyeat continued with the comparison to last year's numbers, and she noted that they were in better shape than she anticipated due to a strong March financially. She also stated that the city has currently taken in more than \$27,000 than they have spent, year to date. She explained she still needed to check the income tax situation, which could help that trend continue.

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Balyeat then detailed supplemental appropriations that she would ask Council to approve. The appropriations would affect Fund 101 (General Fund), Fund 229 (CARES Act), Fund 302 (Parks Capital Improvement), Fund 305 (Fire and Police Safety), Fund 601 (Water Fund), and Fund 701 (Garage Fund), and Balyeat provided explanations for all monies involved. She requested that Agler ask for the preparation of this legislation tonight.

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Balyeat then addressed the final item of her report, which was a request to pay the estate of the late Tammy Ford 500 hours of her unused sick pay. Balyeat explained that as a deceased employee of the city, policy would dictate that her estate receive 240 of those hours. Balyeat then noted a retired employee would receive 500 hours. Ford had nearly 2000 hours of sick leave accrued, and Balyeat asked that Ford's estate would receive 500 hours instead of 240 hours.

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**LAW DIRECTOR:** Hatcher verified the inlot numbers for the legislation regarding the alley vacation near the area of Daniel Street and Elson Street. It was confirmed that the inlot numbers were correct. Hatcher had no further item for his report.

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## **COMMITTEE REPORTS**

**HEALTH, SERVICE, and SAFETY:** Marshall relayed that he had just received the most recent code violation report tonight, and the numbers showed a slight uptick in violations. He described those violations, which included weeds/grass violations, trash violations, roof/shed hole violations, and junk violations. He noted that he would like to work with the Law Director on a few more ordinances that he believes need to be further addressed, as well as violation cases that need further attention.

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Marshall also explained that he had followed up on the requested citywide clean-up, and spoke with Rich Riley, of Young's Trash Service, on that event. More details will be forthcoming, but the target date will likely be a Saturday in September following the Van Wert County Fair. Marshall should have more concrete details at the May 10<sup>th</sup> meeting.

Citywide trash clean-up was added to the Unfinished Business section of the agenda as a reminder to continue to follow up on this matter.

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

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**ECONOMIC DEVELOPMENT:** Kallas ceded the floor to Stacy Adam, Executive Director of the Van Wert Area Economic Development Corporation.

Adam informed Council that Alliance Automation had submitted an application for an Enterprise Zone Tax Abatement. The application has gone through, and will now go to the boards of Van Wert City Schools and Vantage Career Center. Tomlinson asked if that application would come to City Council after it went through the schools. Markward stated that he believed that it would.

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Adam also gave an update on the Strategic Plan. She explained that the plan had been revised and distributed to all stakeholders. She will make sure all Council members receive a copy of the plan as well. She asked that if Council had any changes or tweaks to the language, they should contact her. She also stated that every organization that would be an owner or signee of any of the objectives had received a copy of the plan, and feedback from that group would create another round of possible revisions. At that point, the plan will be finalized and then made public. She noted it would be a “living document”, and would continue to have revisions as needed.

Adam, in speaking about Van Wert’s mega-site, also informed Council that the current pre-annexation agreements that the city has with the Hoaglin and Ridge Township trustees will expire, as well as the options, on June 20<sup>th</sup>, 2022. Her office has begun conversations on the renewal of the options, as well as the preparation and renewals of the pre-annexation agreements. They will meet with the Ridge Township trustees on Friday, April 30<sup>th</sup>, 2021, and then will meet with the Hoaglin Township trustees.

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Markward then addressed a meeting that he and Fleming had recently held with Hall Block, of the Van Wert County Foundation, regarding zoning. Markward reviewed that Section 150 of Van Wert’s Code of Ordinances creates 8 different categories between residential zones, business zones, and industrial zones. Within each category, there are permitted uses, which are automatically approved, and conditional uses, which have to be approved by the Zoning Board. In Section 150.03, the Foundation noticed that “dwelling” is defined as “Any building or portion thereof which is designated for or used for residential purposes.” Markward further explained that in the Central Business District, which is designated B-2, all dwellings are categorized under conditional uses. Under the current ordinances, the Foundation would have to apply for dwelling conditional use with the Zoning Board for each building they would like to include living space. The Foundation’s proposed request would be to keep first-floor dwellings in the Central District as a conditional use, but allow any dwelling above the first floor to be a permitted use.

Council viewed the map of the city and the districts. Tomlinson explained that he, as a non-voting member, had no issue, but that Council would need more details in the future regarding what buildings were affected or not affected, etc. Davis suggested that terms in this proposed change would be defined explicitly. Davis also asked about potential parking issues, but Block explained that parking provisions would not be exempt by this type of requested change.

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Hatcher then explained the intent of a proposed piece of legislation. He noted that a building in the Towne Center area had petitioned to establish a Special Improvement District. The table of assessment payments, correct at the time of passage but changed between the time of passage and the closing, needed to be updated. This resolution amendment would correct the table of payments.

**Kallas made a motion to ask the Law Director to prepare legislation to amend Resolution 19-11-059 by amending the schedule of special assessments, on an emergency. Agler seconded; all concurred.**

**Kallas made a motion to introduce Resolution Number 21-04-025. Agler seconded; all concurred.**

**Kallas made a motion to suspend statutory rules for Resolution Number 21-04-025. Agler seconded; all concurred.**

**Kallas made a motion to pass Resolution Number 21-04-025: A RESOLUTION AMENDING RESOLUTION NUMBER 19-11-059 BY AMENDING THE SCHEDULE OF SPECIAL ASSESSMENTS ATTACHMENT A AND B AND DECLARING AN EMERGENCY, on its first and final reading. Agler seconded; all concurred.**

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Economic Development had no additional report for the evening.

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**PARKS AND RECREATION**: Penton provided details on a fishing tournament sponsored by the Van Wert Parks and Recreation Department. This catfishing tournament will be held from 7:00 a.m. to 12:00 p.m. on May 22<sup>nd</sup>, 2021, at the Van Wert reservoirs. Details and rules are available on the Parks Department's page/city website (<https://vanwert.org/parks-department/fishing/>), or by contacting Kyle Klinker at 419-238-9121. Tournament spots are limited, so early registration is encouraged.

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Penton also noted that the "Let's Just Walk" program will begin on Monday, April 26<sup>th</sup>, and run through August 9<sup>th</sup>. Walks are approximately 45 minutes long, and will begin at different locations throughout the city every week. Details are available on the city's website (<https://vanwert.org/parks-department/lets-just-walk/>).

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Parks and Recreation had no additional report for the evening.

**FINANCE:** Agler made a motion to ask the Law Director to prepare legislation to pay 500 hours of sick leave to the estate of Tammy Ford, on an emergency. Marshall seconded; all concurred.

Agler made a motion to introduce Resolution Number 21-04-028. Marshall seconded; all concurred.

Agler made a motion to suspend statutory rules for Resolution Number 21-04-028. Marshall seconded; all concurred.

Agler made a motion to pass Resolution Number 21-04-028: A RESOLUTION FOR CITY COUNCIL TO PAY THE ESTATE OF TAMMY FORD 500 HOURS OF HER UNUSED SICK TIME IN APPRECIATION FOR HER MORE THAN 21 YEARS OF SERVICE TO THE CITY OF VAN WERT, OHIO AND DECLARING AN EMERGENCY., on its first and final reading. Marshall seconded; all concurred.

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Agler made a motion to ask the Law Director to prepare legislation for supplemental appropriations to funds, as outlined by Balyeat, on an emergency. Hellman seconded; all concurred.

Agler made a motion to introduce Ordinance Number 21-04-027. Hellman seconded; all concurred.

Agler made a motion to suspend statutory rules for Ordinance Number 21-04-027. Hellman seconded; all concurred.

Agler made a motion to pass Ordinance Number 21-04-027: AN ORDINANCE TO MAKE SUPPLEMENTAL APPROPRIATIONS TO FUNDS 101, 229, 305, 601, 701 AND DECLARING AN EMERGENCY., on its first and final reading. Hellman seconded; all concurred.

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Finance had no additional report for the evening.

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**JUDICIARY AND ANNEXATION:** Judiciary and Annexation had no report for the evening.

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**STREETS AND ALLEYS:** Hellman stated that he had received phone calls recently about cars going too fast and motorcycles playing music too loudly in his neighborhood. He reminded the public to slow down, and turn the music down.

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Hellman made a motion to introduce Ordinance Number 21-04-026. Agler seconded; all concurred.

Hellman made a motion to suspend statutory rules for Ordinance Number 21-04-026. Agler seconded; all concurred.

Hellman made a motion to pass Ordinance Number 21-04-026: AN ORDINANCE VACATING THE ALLEY BEHIND INLOTS 2658, 2659, AND 2660 IN THE CITY OF VAN WERT, OHIO, AND DECLARING AN EMERGENCY., on its first and final reading. Hellman seconded; all concurred.



Streets and Alleys had no additional report for the evening.

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**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. The citywide trash clean-up will also be added to this section.

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## **NEW BUSINESS**

There was no new business brought before Council.

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## **CONSENT AGENDA**

There were no items on the Consent agenda.

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## **RESOLUTIONS & ORDINANCES**

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Marshall made a motion to pass **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).**, on its third and final reading. Agler seconded; all concurred.

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Hellman made a motion to pass **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.** Agler seconded; all concurred.

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It was noted that the final item on the agenda had been addressed during the Streets and Alleys report, due to its emergency status.

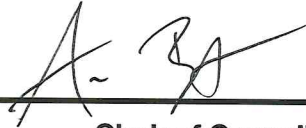
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DORA legislation would be prepared for May 10, 2021 meeting, as this was the earliest date according to DORA district application rules.

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**ADJOURN**

Agler made a motion to adjourn at 7:17 p.m. Kallas seconded; all concurred.



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**Clerk of Council  
Andrew Bittner**



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**Council President  
Jon Tomlinson**

**5/10/21**

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**Date**