

# MINUTES OF THE VAN WERT CITY COUNCIL

May 10<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: Kallas, Penton, Agler, Mergy, Hellman, and Davis were present.

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

Tomlinson noted one addition/amendment to the night's agenda, as he informed those present that Council would enter Executive Session following the ordinances section, and prior to adjournment. Tomlinson explained the purpose of the Executive Session as the discussion of city property, with possible action to follow. He invited the media present to stay around for that possible action following the Executive Session.

Mergy made a motion to approve the updated agenda for the May 10<sup>th</sup> Council meeting. Agler seconded; all concurred.

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

Mergy made a motion to approve the minutes for the April 26<sup>th</sup> Public Hearing. Agler seconded; all concurred.

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## COMMENTS, COMMUNICATIONS, & PETITIONS

Tomlinson opened by confirming with Balyeat the release of the State Auditor's Report draft. She confirmed it is still in draft form, and has not yet been released to the public yet.

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## ADMINISTRATIVE REPORTS

**MAYOR:** Markward welcomed the McCoy family - Lucas, Traci, Cormick, and Case - to Council for a special proclamation. The McCoy's, along with teachers, therapists, family friends, and staff from the Van Wert Health pediatric office, were on hand to spread awareness of Childhood Apraxia of Speech (CAS), a speech disorder that severely affects motor speech coordination. Markward issued a proclamation declaring May 14<sup>th</sup>, 2021, as Apraxia Awareness Day, citing the need for increased awareness and understanding of apraxia, the difficulty that children with CAS - like Cormick - have in their speech development, the resilience and determination children with CAS have to overcome the obstacles they face, the strength and effort that their families put forth, and the support they receive from their speech therapists, their teachers, and others.

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Markward also informed Council that he will be issuing another proclamation in conjunction with May 15<sup>th</sup> as National Peace Officers Memorial Day. Markward noted that this ceremony is usually more reserved, in coordination with the wishes of the Chief of Police.

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Markward read a statement to Council addressing the temporary “parklet”, currently set up in front of Brewed Expressions, in conjunction with Main Street Van Wert. Markward detailed the decision-making process with Main Street Van Wert, local businesses that served food, and the city of Van Wert, in creating this parklet.

Markward noted that he did not believe that this was an idea that Council needed to approve, but apologized for the lack of communication around the idea, and any undue stress it might have caused members of Council. Markward went on to state that, aside from feedback from members of Council, his office had received exactly zero text messages, emails, or phone calls - pro or con - about the parklet. He is confident the public knows how to contact his office if they had an issue with the parklet. He additionally stated that he believes the idea to be a resounding success to this point, and asked that anyone with dissatisfaction direct that to his office, and not to Brewed Expressions, as this was not their doing. He also asked that anyone with dissatisfaction also not direct that to Main Street Van Wert, as their role is to generate ideas. He stated that anyone with a comment or complaint on the parklet should direct all communication to his office, as the responsibility should lie on his shoulders, and his alone.

Joe Jared shared his thoughts on the parklet, stating that he believed it was a very bad idea. He described issues he witnessed with parking in the area, due to this parklet.

Judy Agler-Bowers stated that she has heard from anyone that believes it was a good idea, and wondered why tables weren’t placed on the sidewalk in front of Brewed Expressions instead of being placed on Main Street. She said she had also heard people say they were not going to Brewed Expressions because they thought it was a bad idea.

Mitch Price, of Main Street Van Wert, stated that his office has heard only positive comments from the public and from the businesses in that area. He thanked Markward and Fleming for their willingness to support the idea. He stated that the parklet will be rotated to help other businesses. He also stated that the money came from their budget, they spent around \$3500 on the parklet, and that their intention was to generate a new idea, to “forward think”, and bring increased business to the downtown area.

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**SAFETY SERVICE DIRECTOR:** Fleming briefly summarized pieces of legislation that he would ask Hellman to request during the Streets and Alleys report.

One piece of legislation was preliminary legislation with the Ohio Department of Transportation that is done in advance of a project. In this case, the project in question is the Bonnewitz Avenue reconstruction. This project will begin in the spring of 2022.

Also in the spring of 2022, work will take place on the Rotary Soccer Park/Smiley Park path, and a piece of legislation for the evening was the preliminary documents for the ODOT agreement on this project.

Fleming continued that another piece of legislation for the night was the annual street painting projects, which would give permission to begin the bidding and contract process.

The final piece of legislation centered on repaving Market Street from Keplar Street to the railroad tracks, a project they hope to begin after or near the end of the Market Street Bridge project.

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Fleming also updated Council on the Market Street Bridge project, noting that the bridge beams were set last week, which is a major milestone in bridge construction. The next steps will be to pour the deck and side wing walls. He stated that the project is coming along on schedule.

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Agler asked if any work would be done on Leeson Avenue this year. Fleming stated that work would likely begin in 2024. Agler stated that he thought street paving priorities needed to be better identified moving forward.

Davis asked about the path in the Rotary Soccer Park and Smiley Park. Fleming stated that the path would be asphalt in Rotary Park, but concrete (and widened) in Smiley Park. Fleming stated that this project was approved two years ago, and is mostly funded with ODOT money (at least 80%, if not more).

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**AUDITOR:** Balyeat began with a request for a Then and Now invoice to be approved, paid to Fire Safety Services in the amount of \$4005.00 for air flow masks for the Fire Department.

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Balyeat reminded Council of two items. The first was that the deadline for elected officials to file their financial disclosure statements with the Ohio Ethics Commission was May 17<sup>th</sup>. The second reminder was that all members of Council should have received the draft of the Auditor's Report, which is confidential until released for public view. Balyeat noted that she will notify members when it is released. She also stated that she will answer any questions about the draft, if any member of Council has questions. Tomlinson reminded Council that they had the option for a meeting on the report, but had declined.

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**LAW DIRECTOR:** Hatcher stated that he had a meeting with Marshall and Bill Lawson regarding nuisance issues. He explained this meeting covered several issues that had come up recently, but he will wait until Marshall is present to discuss those items more in-depth.

Penton asked if there was a timeframe for citizens to remove couches or furniture that are outside of their homes. Tomlinson and Hatcher noted that there was a small window that citizens can put them out on the day of their trash pick-up, but otherwise it is not permitted.

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## COMMITTEE REPORTS

**HEALTH, SERVICE, and SAFETY:** Marshall was not present for the meeting, but Agler relayed a message concerning the citywide trash clean-up. Agler stated that Young's Waste has proposed a tentative date of September 11<sup>th</sup>, 2021, from 8:00 a.m. to 12:00 p.m. The current idea is to charge \$35 a load instead of charging by weight. They would also propose this be large appliances and furniture only, versus regular trash or other general items.

Tomlinson explained he would like to have a conversation during a Council meeting with Young's Waste, considering the funds would come out of the Economic Development fund.

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

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**ECONOMIC DEVELOPMENT:** Kallas opened with a review of a discussion from the prior City Council meeting, involving a change in the Central Business District, with residential dwellings above the first floor changed from conditional use to permitted use.

**Kallas made a motion to ask the Law Director to prepare legislation to amend Ordinance 150.15 to change any dwellings above the first floor, in this particular district, from conditional use to permitted use. Mergy seconded; all concurred.**

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**Kallas made a motion to introduce Ordinance Number 21-05-036. Agler seconded; all concurred.**

**Kallas made a motion to suspend statutory rules for Ordinance Number 21-05-036. Agler seconded; all concurred.**

**Kallas made a motion to pass Ordinance Number 21-05-036: AN ORDINANCE TO AUTHORIZE THE MAYOR TO APPROVE THE APPLICATION FOR THE DESIGNATED OUTDOOR REFRESHMENT AREA OR DORA, 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.



**PARKS AND RECREATION:** Penton reminded the public of the fishing tournament sponsored by the Van Wert Parks and Recreation Department. The 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 (<https://vanwert.org/parks-department/fishing/>). Early registration is encouraged.

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Parks and Recreation had no additional report for the evening.

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**FINANCE:** Agler made a motion to approve the Then and Now invoice payment to Fire Safety Services in the amount of \$4005.00 for air flow masks. Kallas seconded; all concurred.

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Stacy Adam, Executive Director of the Van Wert Area Economic Development Corporation, stated that Alliance Automation had applied for a Enterprise Zone Tax Abatement as part of their construction project. She explained Alliance Automation had moved this agreement through all of the prior needed steps, the school boards affected had approved the agreement and waived the 45-day notice waiting period, and that the legislation before Council was a final approval before this agreement moved to the County Commissioners office on May 11<sup>th</sup>. Davis asked if the number of jobs created by this had increased, and Adam confirmed that it had from the initial number, but the updated figure had been in place for several months.

**Agler made a motion to ask the Law Director to prepare legislation to authorize the Mayor, on behalf of the city of Van Wert, to enter into an Enterprise Zone Agreement with Alliance Automation, on an emergency. Davis; all concurred.**

**Agler made a motion to introduce Ordinance Number 21-05-035. Mergy seconded; all concurred.**

**Agler made a motion to suspend statutory rules for Ordinance Number 21-05-035. Mergy seconded; all concurred.**

**Agler made a motion to pass Ordinance Number 21-05-035: AN ORDINANCE AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF VAN WERT TO CONSENT TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH ALLIANCE AUTOMATION LLC/ALLIANCE PROPERTY GROUP, LLC/ALLIANCE CAPITAL HOLDINGS, LLC, AND TO DECLARE AN EMERGENCY, on its first and final reading. Mergy seconded; all concurred.**

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Finance had no additional report for the evening.

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**JUDICIARY AND ANNEXATION:** Mergy reviewed the Public Hearing from April 26, 2021, and citing the absence of comments, moved to request legislation on the topic.

Mergy made a motion to ask the Law Director to prepare legislation to accept the proposed zoning changes for property owned by Roger Welch on John Brown Road and Lincoln Highway, on an emergency. Agler; all concurred.

Mergy made a motion to introduce Ordinance Number 21-05-033. Agler seconded; all concurred.

Mergy made a motion to suspend statutory rules for Ordinance Number 21-05-033. Agler seconded; all concurred.

Mergy made a motion to pass Ordinance Number 21-05-033: AN ORDINANCE TO ACCEPT THE PROPOSED ZONING FROM R-1 TO B-3 FOR THE PROPERTY OWNED BY ROGER WELCH ON JOHN BROWN ROAD AND LINCOLN HIGHWAY DECLARING AN EMERGENCY, on its first and final reading. Agler seconded; all concurred.

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Davis stated that he believed that Council needed to consider whether to put the issue of a charter government back on the ballot this November. He noted that he had emailed members of Council a timeline of this process, with implications of placing it on this upcoming election or waiting until future elections. He cited the potential conflicts with discussing both a charter issue and candidates for City Auditor on the same election cycle.

Agler stated that he felt that putting it on the November ballot was moving too quickly at this point, and Tomlinson stated that he wanted the current Council to consider what the next elected Council members might be in favor or or against with regards to a charter government. Additional discussion ensued on the issue,

Jared stated that more opposition to the issue should be expected, if it were placed on the ballot. Agler-Bowers shared that she didn't believe the public brought this forward, and it should be a public-initiated idea. Additional discussion pointed out that the city can't spend money to campaign on an item such as this.

No action was taken for this discussion at this time, but a Council vote, if it should happen, would need to be done in the near future. Davis stated that he would rather wait until Marshall was present to further pursue the topic.

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Judiciary and Annexation had no additional report for the evening.

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**STREETS AND ALLEYS:** Hellman made a motion to ask the Law Director to prepare legislation to approve paving work in Rotary Soccer Park and Smiley Park, on an emergency. Kallas seconded; all concurred.

Hellman made a motion to introduce Ordinance Number 21-05-029. Kallas seconded; all concurred.

Hellman made a motion to suspend statutory rules for Ordinance Number 21-05-029. Kallas seconded; all concurred.

Hellman made a motion to pass Ordinance Number 21-05-029: ORDINANCE FOR THE CITY OF VAN WERT TO APPROVE PRELIMINARY CONSENT LEGISLATION FOR PAVING WORK TO BE COMPLETED ON THE EXISTING OVERGROWN AGGREGATE PATH THROUGH ROTARY SOCCER PARK AS WELL AS NEW ASPHALT TRAIL ALONG THE PARKING LOT TO END DIRECTLY ACROSS THE PATH TO JOHN BROWN ROAD, THEN CONTINUE INTO SMILEY PARK AS A CONCRETE TRAIL TO CONNECT JOHN BROWN ROAD TO LEESON AVENUE, 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 its first and final reading. Kallas seconded; all concurred.

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Hellman made a motion to ask the Law Director to prepare legislation to authorize the Safety Service Director to advertise for bids and award contracts for 2021 street painting, on an emergency. Kallas seconded; all concurred.

Hellman made a motion to introduce Ordinance Number 21-05-030. Kallas seconded; all concurred.

Hellman made a motion to suspend statutory rules for Ordinance Number 21-05-030. Kallas seconded; all concurred.

Hellman made a motion to pass Ordinance Number 21-05-030: AN ORDINANCE TO AUTHORIZE THE SAFETY-SERVICE DIRECTOR TO ADVERTISE FOR BIDS AND AWARD CONTRACTS TO THE LOWEST AND BEST BIDDER FOR THE 2021 STREET PAINTING, AND DECLARING AN EMERGENCY, on its first and final reading. Kallas seconded; all concurred.

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Hellman made a motion to ask the Law Director to prepare legislation to approve preliminary consent legislation for the Grill Road, Kear Road, and Bonnewitz Avenue project, on an emergency. Kallas seconded; all concurred.

Hellman made a motion to introduce Ordinance Number 21-05-031. Kallas seconded; all concurred.

Hellman made a motion to suspend statutory rules for Ordinance Number 21-05-031. Kallas seconded; all concurred.

Hellman made a motion to pass Ordinance Number 21-05-031: ORDINANCE FOR THE CITY OF VAN WERT TO APPROVE PRELIMINARY CONSENT LEGISLATION FOR STREET CONSTRUCTION TO BE COMPLETED ON GRILL ROAD, KEAR ROAD AND BONNEWITZ AVENUE 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 its first and final reading. Kallas seconded; all concurred.

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Hellman made a motion to ask the Law Director to prepare legislation to authorize the Safety Service Director to advertise for bids, award contracts, and sign contracts for resurfacing of Market Street from Keplar Street to the railroad tracks, on an emergency. Kallas seconded; all concurred.

Hellman made a motion to introduce Ordinance Number 21-05-032. Kallas seconded; all concurred.

Hellman made a motion to suspend statutory rules for Ordinance Number 21-05-032. Kallas seconded; all concurred.

Hellman made a motion to pass Ordinance Number 21-05-032: AN ORDINANCE TO AUTHORIZE THE SAFETY-SERVICE DIRECTOR TO ADVERTISE FOR BIDS, AWARD CONTRACTS, AND SIGN CONTRACTS ON BEHALF OF THE CITY OF VAN WERT FOR RESURFACING OF MARKET STREET FROM KEPLAR STREET NORTH TO THE RAILROAD TRACKS AND DECLARING AN EMERGENCY, on its first and final reading. Kallas seconded; all concurred.

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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 was also addressed during the night's meeting.

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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**

There were no further items addressed under this section, as all resolutions or ordinances had been addressed earlier during the meeting.

Mitch Price thanked Markward and Fleming for helping organize and hang the banners for the Hometown Heroes project.

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Mergy made a motion to enter into Executive Session at 7:44 p.m. to discuss the sale of city property. Agler seconded; all concurred.

Mergy made a motion to return from Executive Session at 8:15 p.m. Davis seconded; all concurred.

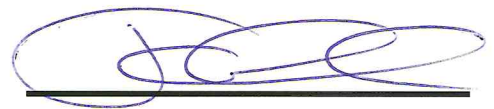
## **ADJOURN**

Mergy made a motion to adjourn at 8:16 p.m. Hellman seconded; all concurred.



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**Clerk of Council  
Andrew Bittner**



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**Council President  
Jon Tomlinson**

**5/24/21**

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**Date**