

MINUTES OF THE VAN WERT CITY COUNCIL

June 28th, 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, Mergy, and Davis were present.

Marshall made a motion to excuse Penton, Agler, and Hellman. Kallas seconded; all concurred.

Tomlinson made a note that on the proposed agenda, Ordinance Number 21-06-041, which was asked to be prepared at the last meeting, would be introduced tonight with no further action. In order to suspend statutory rules to pass on an emergency, there needs to be at least 5 concurring votes from Council, and only four members were present on the evening.

Mergy made a motion to approve the agenda for the June 28th Council meeting. Marshall seconded; all concurred.

Mergy made a motion to approve the minutes for the June 14th Council meeting. Kallas seconded; all concurred.

COMMENTS, COMMUNICATIONS, & PETITIONS

Tomlinson opened with an email that he received on June 23rd, from a Mr. Robert Weir, with a concern regarding junk vehicles on Tyler Street. Tomlinson forwarded the email to city administration and to Marshall, and noted that this particular issue was in the process of being addressed. He also explained it was more of a policing issue than a City Council issue. Hatcher reminded everyone that the moratorium on drivers licenses, identification cards, and vehicle registrations expires on July 1, 2021.

Tomlinson then relayed an email he received from a Mr. Bill McKissock on June 24th, asking about the construction of a cell tower in Van Wert, near the area behind the old swimming pool. Tomlinson stated that he did not have information on this cell tower, and forwarded the email to Fleming for future contact.

Next, Tomlinson announced that all members of Council should have received an email stating that the 2020 City of Van Wert audit from the Auditor of State's Office had been released and was now public record.

Finally, Tomlinson informed Council that Van Wert Forward had invited members of Council to request an update on the Van Wert Forward Downtown Redevelopment Project, if desired.

ADMINISTRATIVE REPORTS

MAYOR: Markward opened with an update on the parklet (currently in front of Brewed Expressions). He stated that Main Street Van Wert originally had planned for the parklet to rotate between five different businesses, but that number now looks to be three locations, with two-month rotations. He explained that they were closing in on the two-month timeframe for Brewed Expressions, and the parklet would move shortly after the July 4th holiday weekend. He informed Council he would let them know as soon as he knew the next location.

Markward then provided an update on a few of the July 4th festivities around Van Wert. He noted that the American Legion will be hosting a parade on Saturday, July 3rd, at 11 a.m., which will start at the YWCA, and that they will also be hosting a number of activities at the park near their building afterward.

The city's direct involvement will be on Sunday evening, with fireworks at 10 p.m., on the Van Wert High School property.

On Monday, the Van Wert Historical Society will be open on their main campus for a number of activities, including music beginning at 12 p.m.

Davis asked Markward about an email that was received regarding the construction of a new billboard. Markward stated that the email opined that "it was a shame", to which the Mayor asked for specific complaints on the issue, but had not received any further response. It was noted that the frame for this billboard was already in place, and that it would be an electronic billboard. Fleming explained that the billboard was larger than typically allowed and LED, but the party installing it had proposed a plan and received a variance through the Zoning Board. When construction started, however, they moved their location. The city informed the party that they could proceed at their own risk with pouring concrete and beginning installation, but they would have to go back through the Zoning Board before completion due to the change in location. Davis asked if it met all of the state's requirements, and Fleming stated that it does, and that the contractor also claimed the state wanted it moved to where construction was initiated. Fleming invited the person who sent the email to the next variance meeting, but noted that the person in question was not an adjacent property owner. Davis asked about the process if the second variance was denied, and Fleming indicated the party would likely come before Council then. Tomlinson explained that if the variance is denied, the party could appeal and they'd come before Council. If it's denied through appeal, then they could go to court. If it's denied by the courts, then they would have to remove it.

Joe Jared explained that he had the same number of customers in front of his building with his construction of a customer-centered space, versus the city's parklet. He again voiced his opinion against the parklet and that he would be glad to see it moved.

Markward had no further report on the evening.

SAFETY SERVICE DIRECTOR: Fleming thanked Vantage Career Center for their construction of a bike rack, and Van Wert Health for providing a water station, both of which he stated are now installed at Fountain Park.

Fleming also noted that the filter sand replacement project at the water plant is now finished, as all six filters have had the sand replaced, and are now operating very well.

Tomlinson noted that brush pick-up had begun today, June 28th.

Fleming had no further report for the evening.

AUDITOR: Balyeat detailed an invoice from American Fireworks, in the amount of \$7,750.00, that would need to be approved on a Then and Now. She stated that was the city's share of the upcoming fireworks show on July 4th. She asked Mergy to motion for approval.

Balyeat then mentioned an opportunity for any member of Council to speak on the charter government issue at the Rotary Luncheon on Tuesday, July 6th, at 11:45 a.m., at Willow Bend Country Club. She noted that she and Davis would be present.

Balyeat had no further report for the evening.

LAW DIRECTOR: Hatcher informed Council that assistant Law Director, W. Edward Hatcher, is stepping down after more than nine years of service. Hatcher thanked him for his service in the Law Director's office, his time, and his guidance. Attorney Shaun Putman will be stepping in to that role for the remainder of the year, as they search for a new assistant Law Director for 2022.

Hatcher reminded Council he would be on vacation for the first meeting in July, and asked Council to direct items for legislation to him by Thursday, July 1st.

Hatcher had no further report for the evening.

COMMITTEE REPORTS

HEALTH, SERVICE, and SAFETY: Marshall stated that he has been putting in additional work on the items he has voiced concerns about over the past few meetings, and will soon bring sample items before Council. He will then work with Mr. Hatcher to determine plans for further compliance on the issues in question, before calling a Council of the Whole meeting to discuss these items in-depth.

Marshall issued a reminder on one of those issues, the large number of unregistered vehicles in the city, as well as the number of junk vehicles, advising the public that the moratorium on expired licenses, identification cards, and/or registration would lift on July 1st.

Tomlinson asked Marshall if he had any additional information or update on the issue of indigent burials. Marshall stated that he had read the information he was sent, and had questions for Balyeat. Tomlinson stated that he believed specific legislation is needed to address this situation. Hatcher and Balyeat agreed. This would be further discussed at the next meeting.

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

ECONOMIC DEVELOPMENT: Kallas informed Council and the public that Governor DeWine and Lieutenant Governor Husted had announced four grant programs for small to medium-sized businesses to recover from COVID pandemic. Applications for the programs would open on June 29th, and further information can be found at <https://businesshelp.ohio.gov/>.

Economic Development had no additional report for the evening.

PARKS AND RECREATION: Penton was absent. Vice-Chair Davis indicated that Parks and Recreation had no report for the evening.

FINANCE: Mergy made a motion to approve the Then and Now invoice payment to American Fireworks in the amount of \$7,750.00. Marshall seconded; all concurred.

Finance had no additional report for the evening.

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

STREETS AND ALLEYS: Hellman was absent. Vice-Chair Marshall indicated that Streets and Alleys had no report for the evening.

PROPERTY AND EQUIPMENT: Davis made a motion to bring Ordinance Number 21-06-041 off of the consent agenda. Marshall seconded.

Davis made a motion to introduce Ordinance Number 21-06-041. Mergy seconded; all concurred.

Tomlinson reminded those in attendance that the reason they couldn't pass this ordinance during this evening's meeting is because 5 members of Council are needed to suspend statutory rules, and pass on an emergency, and only 4 members were in attendance.

Property and Equipment had no further report for the evening.

UNFINISHED BUSINESS

Tomlinson noted that code enforcement will stay in Unfinished Business.

Tomlinson asked Marshall if there was an update on the citywide trash clean-up. He asked Marshall if they could get a representative from Young's Waste to attend the second meeting in July to discuss the specifics of that event.

NEW BUSINESS

There was no new business brought before Council.

CONSENT AGENDA

There were no items on the Consent agenda.

RESOLUTIONS & ORDINANCES


Kallas made a motion to pass Ordinance Number 21-05-037: AN ORDINANCE TO AMEND VAN WERT CITY ORDINANCE 150.15 PERMITTED AND CONDITIONAL USES., on its third and final reading. Mergy seconded; all concurred.

Mergy made a motion to table Ordinance Number 21-05-039: AN ORDINANCE SUBMITTING THE QUESTION OF SELECTING A COMMISSION TO FRAME A CHARTER TO A VOTE OF THE QUALIFIED ELECTORS OF THE CITY OF VAN WERT AND DECLARING AN EMERGENCY. Davis seconded; all concurred.

Tomlinson explained they were tabling this ordinance due to the number of absent members during the meeting, as well as the timetable required for this ordinance.

ADJOURN

Mergy made a motion to adjourn at 6:55 p.m. Kallas seconded; all concurred.



**Clerk of Council
Andrew Bittner**



**Council President
Jon Tomlinson**

7/12/2021

Date