

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

September 27<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, Agler, Mergy, Hellman, and Davis were present.

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

Mergy made a motion to approve the agenda for the September 27<sup>th</sup> Council meeting. Agler seconded; all concurred.

Mergy made a motion to approve the minutes for the September 13<sup>th</sup> Council meeting. Agler seconded; all concurred.

Mergy made a motion to approve the minutes for the September 13<sup>th</sup> Council of the Whole meeting on the Van Wert Forward Downtown Parking Study. Agler seconded; all concurred.

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

Tomlinson thanked and congratulated Main Street Van Wert on their successful and well-attended Harvest Moon Festival. He also congratulated the Van Wert County Foundation (VWCF)/Van Wert Forward (VWF) on a well-designed and well-attended ceremony to mark the official “kick-off” for Phase I of the Van Wert Forward Redevelopment Plan.

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Tomlinson then provided details on the promised public meeting for city charter discussion, which will be held on Wednesday, September 29<sup>th</sup>, from 7:00 p.m. to 8:30 p.m. in the Van Wert High School Lecture Hall within the Niswonger Performing Arts Center.

He provided the names of two individuals from the Ohio Municipal League - Mr. Rod Davisson and Mr. Jerry Strozdas - who will be present to answer questions and provide information on the distinction between a charter government and a statutory government. Mr. Strozdas has served as the Law Director for the cities of Springfield and New Carlisle, in addition to holding various other positions in and around city government. Mr. Davisson served three terms as the mayor of Obetz, and is currently the city manager of Obetz. Tomlinson and Davis stated that the village of Obetz has “exploded” from a business and income perspective.

Tomlinson asked that any concerned citizens in Van Wert attend, to get questions answered and receive information. Tomlinson also reminded the public that a previous informational meeting for the city charter commission nominees had been recorded, and has been available for viewing on the city’s website (on the same page as City Council meetings). It was also noted that early voting begins on Tuesday, October 5<sup>th</sup>, 2021.

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## ADMINISTRATIVE REPORTS

**MAYOR:** Markward reminded the public that the voter registration deadline is one week from today, on Monday, October 4<sup>th</sup>, 2021. Early voting begins the following day, Tuesday, October 5<sup>th</sup>, 2021.

Tomlinson stated that citizens can view their precinct ballots on the [Board of Elections website](#), allowing them to see language on the charter issue, as well as view the candidate names for the charter commission. Markward explained that, in Ohio, the names are rotated and are not listed in alphabetical order, so the names for charter commission will be in a different order for each precinct. Citizens can view their ballots ahead of time, however, to know the order of the candidates.

Markward informed Council and the public that the newest Van Wert police officer, Shelby Cummins, was sworn in recently, and started on September 14<sup>th</sup>.

Markward noted that 118 ticket vouchers for the citywide trash clean-up with Young's Waste had been claimed, and he knew that some of them had been used.

Markward noted that Marshall would discuss updates on code enforcement issues around the city.

Markward also recognized and thanked Dave Mosier for his years of service providing information to the citizens of Van Wert, as he noted this would be Mosier's final City Council meeting before he entered retirement.

**SAFETY SERVICE DIRECTOR:** Fleming informed Council that the project to extend sewer and water lines to the Alliance Automation site was nearly complete, as they had reached the Alliance Automation property line.

Fleming stated that the next Market Street paving project would begin in a couple of weeks, with milling and curb work before paving.

Fleming provided the date for the 2021 Van Wert Trick or Treat night, which will be held on Saturday, October 30<sup>th</sup>, from 4:00 p.m. to 6:00 p.m.



Fleming then explained a landlord-tenant situation (landlord lives out of state) that needed to be addressed by Council. Due to a leak, 322,440 cubic feet of water went through the meter at 675 N. Cherry St. (owner David Hanicq). This resulted in a bill of \$32,220.00. They have already subtracted \$24,363.00 for sewer, as the leak was outside but never surfaced. This left the resident with a remaining bill of \$7,857.00. He asked Council if they would consider leniency in this situation, and allow him to waive the bill. He noted that the water payment has never been missed, so it's not a delinquent situation.

It was decided that a motion and second would be sufficient from Council to waive this bill.

**Marshall made a motion to waive this water bill. Kallas seconded; all concurred.**

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**AUDITOR:** Balyeat stated that her office is ready to begin work on the 2022 budget, and she anticipates that the first draft will be available for Council at the October 25<sup>th</sup> meeting.

Tomlinson verified that they had addressed the August 2021 Bank Reconciliation report at the previous meeting. Bayleat confirmed.

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**LAW DIRECTOR:** Hatcher stated that they have held multiple meetings recently on code enforcement issues, and that these meetings have been very productive. He expects action to follow shortly.

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## **COMMITTEE REPORTS**

**HEALTH, SERVICE, and SAFETY:** As part of the meetings that Markward and Hatcher had referenced earlier, Marshall informed Council that they had recently conducted a "grand tour" of Van Wert, taking 2-3 hours reviewing properties that have been less than compliant with regard to code enforcement. Tomlinson asked if this was residential or commercial, and Marshall answered strictly residential.

Marshall explained this event was very informative, as they took a firsthand look at several of the issues, and had the chance to discuss options before any action is taken. He continued that another meeting was then held with law enforcement, the Mayor, the Safety Service Director, and the Law Director, and stated this meeting was also positive in regard to information gathered and direction on how to handle these properties.

He asked for a Council of the Whole meeting prior to the next Council meeting, instead of providing in-depth information during the evening. Tomlinson scheduled this Council of the Whole meeting, to discuss nuisance properties and ordinances to address nuisance properties, on Monday, October 11<sup>th</sup>, 2021, at 5:30 p.m., prior to the next regular Council meeting. Marshall noted that the "groundwork" is already underway, and they should be able to work toward an understanding and direction for what is best for the city.

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Marshall also reviewed information from a local funeral home that was received after the indigent burial legislation mockup was sent to all local funeral homes for input.

Marshall asked for Council's thoughts on the process to determine indigent status, and where that responsibility should fall. Ultimately, Tomlinson explained, the responsibility of the funeral home is to complete the application that is part of this mockup, if it is codified. The funeral home would have some basis of belief of why the deceased is indigent, so they complete the application. Once the application is complete, it is up to city administration to complete the background check for validation.

Hatcher summarized that two meetings ago, the first mockup was completed, and given to Council for review. The second version, which was provided to Council at the last meeting, was a significant change from the first mockup. This was then sent to local funeral homes, with a mockup application, for feedback. They received detailed feedback, and Hatcher noted some points were valid and legitimate to consider, and other points may not apply.

Tomlinson suggested that Council read and consider the comments and feedback received, and then the legislation is then introduced at the next meeting. Over the course of three readings, the legislation can be adjusted and amended as needed.

A discussion ensued on the amount that should be included in the legislation, where the original numbers came from, and what mark to set. Tomlinson said that Council can set the maximum that the city will reimburse, and it can be accepted or not accepted at that point.

Jared asked about the process for fundraisers that are sometimes done for indigent burials. Hatcher stated that in that situation, the city would reimburse the balance of the maximum that is ultimately set, minus the fundraised amount. Tomlinson said this would also cover situations that involve "in lieu of flowers", etc.

Kallas asked about the costs associated with burial. It was noted that while Woodland Cemetery would require a fee, Ridge Cemetery and Taylor Cemetery both have areas for indigent cremains for no fee.

Agler suggested that the city should set a limit, outline the ways for the cremains to be handled, and move forward.

Tomlinson asked Marshall to confer with the Law Director, outline some of the items for the original prepared document, and then introduce it at the next meeting. Marshall stated he would introduce it at the next meeting.

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

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**ECONOMIC DEVELOPMENT:** Kallas stated that Stacy Adam relayed that the Van Wert Area Economic Development Corporation anticipated that the land transfer, for the 100,000 square foot spec building in Vision Park, would be completed this week.

Jared clarified the size of the spec building at 100,000 square feet, and that was confirmed.

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Kallas also shared that the eleventh application period for TechCred will open October 1<sup>st</sup>, 2021, and close on October 29<sup>th</sup>, 2021. He further explained that TechCred “helps businesses address their workforce needs by upskilling current and prospective employees. Employers simply need to identify the specific skills they need, the number of employees they want to upskill, and which training provider they want to use. Businesses of all sizes, from any industry, can apply online at TechCred.Ohio.gov, and the state will reimburse up to \$2,000 for each training upon completion of a credential.”

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Economic Development had no additional report for the evening.

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**PARKS AND RECREATION:** Penton was absent, so there was no report for the evening. Tomlinson directed any questions for Parks and Recreation to city administration.

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

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**JUDICIARY AND ANNEXATION:** Mergy made a motion to introduce Ordinance Number 21-09-049, which would expand the Airport Area CRA to include Vision Park. Hellman seconded; all concurred.

Mergy made a motion to suspend statutory rules for Ordinance Number 21-09-049. Agler seconded; all concurred.

Mergy made a motion to pass Ordinance Number 21-09-049: AN ORDINANCE IMPLEMENTING SECTIONS 3735.65 THROUGH 3735.70 OF THE OHIO REVISED CODE, EXPANDING THE AREA COMMONLY KNOWN AS THE AIRPORT AREA CRA THAT WAS ENACTED BY ORDINANCE 08-01-001 TO INCLUDE 206 ACRES AND DECLARING AN EMERGENCY., on its first and final reading. Agler seconded; all concurred.

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Judiciary and Annexation had no additional report for the evening.

**STREETS AND ALLEYS:** In regard to the proposed ordinance that would amend downtown parking, Hellman asked how a prohibition on residential parking on Main Street or Washington Street would be enforced. A discussion confirmed that enforcement would be based on complaints received, at this stage. Fleming also noted that if a problem arises, then a larger police presence would be used to increase enforcement.

**Hellman made a motion to introduce Ordinance Number 21-09-050. 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.

## **UNFINISHED BUSINESS**

Tomlinson noted that Marshall gave an update on code enforcement and a Council of the Whole meeting had been scheduled for October 11; the Mayor provided an update on the citywide trash clean-up; and there would be a public informational meeting on the city charter issue on Wednesday, September 29<sup>th</sup>, from 7:00 p.m. to 8:30 p.m.

Marshall added that, as an addition to code enforcement news, the garage that had fallen in on itself on Keplar St. had been taken down.

Kallas confirmed that the charter informational/question and answer session would take place at the Lecture Hall at the Niswonger Performing Arts Center. This was confirmed.

## **NEW BUSINESS**

There was no new business brought before Council during the meeting.

## **CONSENT AGENDA**

There were no items on the Consent Agenda.

## RESOLUTIONS & ORDINANCES

First reading advisory for **Ordinance Number 21-09-050: AN ORDINANCE TO AMEND VAN WERT CITY ORDINANCE 150.30 OFF STREET PARKING REQUIREMENTS**. All concurred; first reading passes.

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## ADJOURN

Mergy made a motion to adjourn at 7:15 p.m. Davis seconded; all concurred.



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Clerk of Council  
Andrew Bittner



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Council President  
Jon Tomlinson

**10/11/2021**

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Date

