

**MINUTES OF THE
VAN WERT CITY COUNCIL**

January 10th, 2022

President Jerry Mazur called the meeting to order at 6:30 p.m.

Pastor Keith Stoller gave the invocation.

On call of the roll: Marshall, Kallas, Agler, Stinnett, Moore, and Davis were present.

Agler made a motion to excuse Bowers. Kallas seconded; all concurred.

Davis made a motion to approve the agenda for the January 10th Council meeting. Marshall seconded; all concurred.

Davis made a motion to approve the minutes for the December 27th Council meeting. Agler seconded; all concurred.

COMMENTS, COMMUNICATIONS, & PETITIONS

Mazur turned the floor over to Stacy Adam, Executive Director of the Van Wert Area Economic Development Corporation (VWAEDC). Adam detailed three Community Reinvestment Area Agreements (CRA) applications for three projects, and noted those would be on legislation for Council to consider on the evening.

- The first CRA was for Van Wert Forward 1 LLC, with an investment of approximately \$26 million.
- The second CRA was for V Wert 2 LLC, with an investment of \$6.5 million. (Spec building in Vision Park)
- The third CRA was for MBK, LLC, for an investment of \$5 million. (Expansion of Custom Assembly)

She noted that all three CRAs were approved by the Community Reinvestment Board, and were before Council tonight for approval of a 90% tax abatement for 10 years on each CRA.

Mazur reviewed a report from the Community Reinvestment Board, which indicated that the three CRAs that Adam had reviewed were approved by the Board and ready for Council's consideration.

Kallas stated he had received calls with questions on the ordinance that concerned parking in the grass at residences. The questions centered on whether there would be issues with family gatherings or parties where family members may park in the grass. Hatcher stated that on a short-term basis, this shouldn't be an issue. He reviewed that a door hanger would be received,

and by the time officers would return, the family would likely be gone by that point. His office would closely review situations if officers issued the hanger and came back the same day. Fleming stated that the city is doing 10-day notices for rubbish, weeds, grass, and maintenance of property. The city is no longer issuing warnings for vehicles parked in the grass (also includes trailers, recreational vehicles, and campers). He assured the public that there would be discretion given for family members parked in grass during a party or gathering.

Fleming also reiterated that the city is giving notices for maintenance of property issues, as he's read or heard where people have said the city is giving tickets immediately. He also said that the city is not citing for having a few toys in the yard, as this itself is not a citable offense. The issue is when toys or other items become piled in the yard. Residents are given 10-day notices for maintenance of property before they are given a ticket, and Hatcher confirmed this as well.

Mark Davis, 402 S. Tyler St., referenced a resident who had attended the last Council meeting, and had discussed a citation received due to the parking of his truck cab. Davis said that ordinances in question, §76.14 and §76.13, are unenforceable by the city due to lack of signage.

Mr. Davis questioned the city's ordinance website, which he claimed does not have a search engine. *(Later in the meeting, it was noted that the website that houses the city's ordinances, American Legal Publishing, does indeed have a search engine feature.)*

Mr. Davis also questioned the safety of motion detecting porch lights and back lights, as he stated that people who are light sensitive can be blinded by these lights that go past residents' properties and into the street. He noted two specific addresses that he found problematic. Hatcher asked Mr. Davis about the lights in question, and stated that he would look at those properties.

Mr. Davis also noted the LED signage across the city, which can also blind those that are light sensitive. He specifically questioned the sign at Casey's General Store. He asked whether the city could ask Casey's to turn the brightness down.

Additionally, Mr. Davis brought up the bushes, at intersections, that block a driver's view. He mentioned bushes at the corner of Sycamore St. and Franklin St., as well as Sycamore St. and Main St. He stated that one of the locations in question is on city property.

Mazur acknowledged that Hatcher and Fleming have taken notes on the topics, and they will look into these concerns.

Joe Jared, 233 Burt St., also questioned the search engine feature on the city's ordinances. Davis (Councilman) stated that he was on the city's website, and there is a search feature. Mazur recommended that Mr. Davis meet with Davis after the meeting to view the search feature.

Markward stated that Mr. Davis could call the city office in the future with concerns over bushes or signage, as those situations could be addressed by the city more quickly than by waiting multiple weeks between City Council meetings to discuss the items.

Marshall asked how often the American Legal website with the city's ordinances is updated, and how long it takes for an ordinance to be posted there once it is passed in Council. Hatcher did not know the answer to this question, but reiterated that he needed to speak with American Legal soon. The clerk also noted he could pose that question to American Legal.

ADMINISTRATIVE REPORTS

MAYOR: Markward welcomed the new members of Council, then reviewed three positions, appointed by Council, that needed to be filled.

- Airport Authority Board of Trustees — 2-year term — term ends 12/31/2023
 - Council can appoint anyone
- Woodland Union Cemetery Board — 3-year term — term ends 12/31/2022
 - Former Councilman Penton served first two years of term
 - Council must appoint a member of Council
- Energy Special Improvement District (ESID) Board — open-ended term unless Council decides to change appointee.
 - Council can appoint anyone

Mazur noted that the Council would address these positions shortly.

SAFETY SERVICE DIRECTOR: Fleming reviewed an Ohio Department of Transportation (ODOT) legislation piece. He explained that when the city is awarded grants through ODOT, the Department requires specific legislation to allow that project to move forward. This particular piece of legislation is for construction on Grill Rd., Kear Rd., and Bonnewitz Ave. that would begin in the spring.

AUDITOR: Balyeat reviewed the process of a "Then and Now" for the new Council members. She then detailed an invoice to Henschen and Associates, in the amount of \$77,571.96, that would need approval on a Then and Now. This invoice was for a Municipal Court reimbursing grant project.

Balyeat also reviewed the Bank Reconciliation Report for December 2021. This report indicated that there was \$16,040,057.56 on the city's books, and the same amount in the various bank accounts and investments.

She also reviewed the city's cash position report, and the different funds on the report and the areas that were funded by each fund.

Balyeat then reviewed the year-to-date revenue for 2021, compared to 2020. This showed that the city had brought in approximately \$429,000 more in 2021 than in 2020.

Jared asked if the city maintained the approximate 10% growth over the course of the year, as had been referenced in Council previously. Markward and Adam stated that income tax brought in was 11.2% over 2020 and 7% more than in 2019.

LAW DIRECTOR: Hatcher stated that the first group of rubbish ordinance court hearings had occurred. He stated that the judge treated the cases fairly and judiciously. He continued that many cases were handled that day, and that those that came through court left with a better understanding of the city's goals. He expects the situation to continue to improve with communication between his office, the Police Department, and the public.

Hatcher also explained that court costs in the Municipal Court have gone up for the first time in over a decade. Costs have increased from \$95.00 to \$135.00. Any fines would be over and above those court costs.

Markward asked Hatcher to review the numbering system for legislation. He explained that for an ordinance numbered 22-01-001, the 22 stood for the year (2022), the 01 stood for the month prepared (01 → January), and 001 for the first ordinance of the year. He stated there are typically between 75 and 100 new ordinances each year.

Jared asked for clarification on whether a warning is always issued for property complaints. Hatcher stated this is required. Hatcher continued to explain that for many issues, it's a door hanger or warning, once per year. He explained that if someone had an issue and received a warning in January of a year, and then had the issue happen again six months later, then a warning wouldn't be required that second time. If something happened in January of one year, and then issue happened again in January of the next year, then another warning would be required. Jared also asked if Hatcher received photos from the Police Department if his office was contacted regarding an issue. Hatcher said that his office would request those photos if that situation arose. He stated that if he didn't have all the information, then he wouldn't provide answers or a response until he receives all the information.

Mazur clarified that the process for a property maintenance issue is a warning/door hanger prior to a citation, and then a 10-day window from warning to citation. Mazur also asked about the financial impact. Hatcher stated that for parties that received a citation, but had the issue remedied prior to court, he recommended no fine. Those parties just paid court costs. The parties that weren't in compliant when they came to court, then he recommended \$100 in fines per household, and then the court costs. Mazur reminded the public to clean up their properties after the warning, and avoid the \$235 in court costs and fines.

COMMITTEE REPORTS

HEALTH, SERVICE, and SAFETY: Marshall addressed new Council members, and explained the work he's been trying to do over the previous few years. He remarked that in his first years, the number of citations was around 500 per year. This dropped to the 400s in his third year, and continued to drop into the 200s per year over the last two years. The main issue is the recidivism rate, as some of the citations are from the same parties from year to year.

He said that many times, the information they receive on violations comes from neighbors. When they receive this information, then code enforcement will look into it. He also informed new Council members that the city had, at one time, a full-time code enforcement officer, but now it does not.

Marshall went on to state that the city is not targeting anyone. He noted that Jared asked about the locations of the citations, and he stated that he could provide that information. Jared said that he had that information for the last month, but Marshall said he could provide that information for the entire year. Jared then asked for the addresses for all warnings and citations for the month of December, with names redacted. The request was deferred to the Law Director, who stated that if Jared made a written request, then he could review the request and provide whatever information he can legally provide. Jared stated that he wants this information to compare the addresses against property values, so he can determine if residents have the means to solve their problems.

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

ECONOMIC DEVELOPMENT: Kallas gave the floor to Adam, who provided Council with a summary of Economic Development's objectives for 2021, and a recap of the activity or result for each of the objectives. The report also provided contact information, and welcomed Council's questions or recommendations regarding Economic Development.

Adam also reminded Council, and the public, of the Entrepreneur Fair, on Saturday, February 5, 2022, from 9 a.m. to 12 p.m., at Kenn-Feld Group. This is for people with an interest in starting their own business. Subject matter experts will be on hand to participate, including accounting, finance, insurance, marketing, real estate, and law in order to provide advice and guidance. The event is free of charge.

Kallas asked if there would still be workshops for people to develop a business plan. Adam said this would be a training event to help people create a business plan, and understand the information needed to successfully start a business. At the end of the training, those in attendance would have a finished business plan that they could take to a bank. There is also a contest to enter their business plan, with a panel of judges, with a monetary reward for the

contest. Mazur asked about the financial reward for the contest. Adam stated that first place would receive \$2500.00, and they are still fundraising to provide prizes for second place.

Economic Development had no report for the evening.

PARKS AND RECREATION: Bowers was absent for the meeting, and there was no report for Parks and Recreation.

FINANCE: Agler made a motion to approve the invoice to Henschen and Associates, in the amount of \$77,571.96, on a Then and Now. Davis seconded; all concurred.

Agler made a motion to ask the Law Director to prepare legislation approving a Community Reinvestment Area Agreement between the city of Van Wert and Van Wert Forward 1 LLC, on an emergency. Davis seconded; all concurred.

Agler made a motion to introduce Ordinance Number 22-01-001. Davis seconded; all concurred.

Agler made a motion to suspend statutory rules for Ordinance Number 22-01-001. Davis seconded; all concurred.

Agler made a motion to pass Ordinance Number 22-01-001: AN ORDINANCE APPROVING THE COMMUNITY REINVESTMENT AREA AGREEMENT BETWEEN THE CITY OF VAN WERT AND VAN WERT FORWARD 1 LLC AND DECLARING AN EMERGENCY., on its first and final reading. Davis seconded; all concurred.

Agler made a motion to ask the Law Director to prepare legislation approving a Community Reinvestment Area Agreement between the city of Van Wert and V Wert 2 LLC, on an emergency. Kallas seconded; all concurred.

Agler made a motion to introduce Ordinance Number 22-01-002. Davis seconded; all concurred.

Agler made a motion to suspend statutory rules for Ordinance Number 22-01-002. Davis seconded; all concurred.

Agler made a motion to pass Ordinance Number 22-01-002: AN ORDINANCE APPROVING THE COMMUNITY REINVESTMENT AREA AGREEMENT BETWEEN THE CITY OF VAN WERT AND V WERT 2 LLC AND DECLARING AN EMERGENCY., on its first and final reading. Davis seconded; all concurred.

Agler made a motion to ask the Law Director to prepare legislation approving a Community Reinvestment Area Agreement between the city of Van Wert and MBK, LLC, on an emergency. Davis seconded; all concurred.

Agler made a motion to introduce Ordinance Number 22-01-003. Davis seconded; all concurred.

Agler made a motion to suspend statutory rules for Ordinance Number 22-01-003. Davis seconded; all concurred.

Agler made a motion to pass Ordinance Number 22-01-003: AN ORDINANCE APPROVING THE COMMUNITY REINVESTMENT AREA AGREEMENT BETWEEN THE CITY OF VAN WERT AND MBK, LLC AND DECLARING AN EMERGENCY., on its first and final reading. Davis seconded; all concurred.

Mazur brought up the issue of airport funding, specifically the request for funding for a part-time employee, that was presented to Council at the last meeting of 2021. He asked Agler to look into and evaluate this issue.

Finance had no additional report for the evening.

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

STREETS AND ALLEYS: Moore made a motion to introduce Ordinance Number 22-01-004. Agler seconded; all concurred.

Hatcher reviewed the parking spot that this ordinance was proposing to change to a handicap parking space. Hatcher then reviewed the reasons that legislation may be prepared on an emergency. He stated that emergency legislation must be passed by a two-thirds vote of Council, and can go into effect immediately upon passage. Legislation not on an emergency must go through a 30-day period before it goes into effect.

Mr. Davis asked why this legislation was requested. Fleming and Hatcher stated it was a request from the Van Wert County Foundation, from the business that is at that location.

Moore made a motion to ask the Law Director to prepare a resolution to approve legislation for street construction to be completed on Grill Road., Kear Road., and Bonnewitz Avenue., and to grant the Mayor authority to enter into any agreements on the furtherance of this project, on an emergency. Davis seconded; all concurred.

Moore made a motion to introduce Resolution Number 22-01-005. Davis seconded; all concurred.

Moore made a motion to suspend statutory rules for Resolution Number 22-01-005. Davis seconded; all concurred.

Mazur asked Fleming to detail the construction that would result from this project. Fleming stated that the work from Washington St. to the bridge on Bonnewitz Avenue would be a "mill and fill". From the bridge to John Brown Rd., there would be reconstruction, widening, and resloping of ditches where needed. The whole street will then be paved from John Brown Rd. to Washington St.

Moore made a motion to pass Resolution Number 22-01-005: FINAL RESOLUTION FOR THE CITY OF VAN WERT TO APPROVE 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. Davis seconded; all concurred.

Streets and Alleys had no additional report for the evening.

JUDICIARY AND ANNEXATION: Davis welcomed the new members to Council, and assured them that it will take awhile to get acclimated.

Property and Equipment had no report for the evening.

UNFINISHED BUSINESS

Mazur asked for a nomination to the Airport Authority Board of Trustees, as outlined by Markward earlier in the meeting.

Agler asked if there would be a conflict of interest with Davis also on the Finance committee for Council. Markward suggested that Davis would then abstain from votes regarding funding to the airport. Hatcher stated that was the process in the past.

Marshall made a motion to nominate Andrew Davis to the Airport Authority Board of Trustees. Agler seconded; Kallas, Stinnett, and Moore concurred. Davis abstained.

Mazur asked for a nomination to the Woodland Union Cemetery Board.

Kallas made a motion to nominate Judy Bowers to the Woodland Union Cemetery Board. Marshall seconded; all concurred.

Mazur asked for a nomination to the ESID Board. Adam stated that the ESID Board has a mandatory meeting once a year, and then any time there is a project.

Davis made a motion to nominate Bill Marshall to the ESID Board. Kallas seconded; Agler, Stinnett, and Moore concurred. Marshall abstained.

Code enforcement was discussed during the evening's meeting.

NEW BUSINESS

CONSENT AGENDA

RESOLUTIONS & ORDINANCES

Davis made a motion to pass Ordinance 21-11-065: AN ORDINANCE TO AMEND VAN WERT CITY ORDINANCES 11.02, 11.03, 11.04, AND 11.05., on its third and final reading. Kallas seconded; all concurred.

First reading advisory for Ordinance Number 22-01-004: AN ORDINANCE CHANGING THE FIRST PARKING SPACE EAST OF THE CROSSWALK ON THE NORTH SIDE OF THE ONE HUNDRED BLOCK OF EAST CENTRAL AVENUE TO A HANDICAP PARKING SPACE. All concurred; first reading passed.

Agler made a motion to introduce Resolution 22-01-006. Davis seconded; all concurred. First reading advisory for Resolution Number 22-01-006: A SPECIAL RESOLUTION TO RECOGNIZE JOI MERGY FOR HER TERMS OF SERVICE TO THE CITY OF VAN WERT, OHIO AND DECLARING AN EMERGENCY. All concurred; first reading passed.

Agler made a motion to introduce Resolution 22-01-007. Kallas seconded; all concurred. First reading advisory for Resolution Number 22-01-007: A SPECIAL RESOLUTION TO RECOGNIZE JOEL PENTON FOR HIS TERMS OF SERVICE TO THE CITY OF VAN WERT, OHIO AND DECLARING AN EMERGENCY. All concurred; first reading passed.

Agler made a motion to introduce Resolution 22-01-008. Davis seconded; all concurred. First reading advisory for Resolution Number 22-01-008: A SPECIAL RESOLUTION TO RECOGNIZE JON TOMLINSON FOR HIS TERMS OF SERVICE TO THE CITY OF VAN WERT, OHIO AND DECLARING AN EMERGENCY. All concurred; first reading passed.

Agler made a motion to introduce Resolution 22-01-009. Marshall seconded; all concurred. First reading advisory for Resolution Number 22-01-009: A SPECIAL RESOLUTION TO RECOGNIZE STEVE HELLMAN FOR HIS TERMS OF SERVICE TO THE CITY OF VAN WERT, OHIO AND DECLARING AN EMERGENCY. All concurred; first reading passed.

ADJOURN

Balyeat informed all members of Council that they are required to do Sunshine Law training prior to the conclusion of their two-year term. Mazur also informed the Council, and anyone else elected this past election, that they are required to submit a Financial Disclosure form. Hatcher and Balyeat stated they would receive a fine if it was not submitted by the deadline.

Davis made a motion to adjourn at 7:52 p.m. Agler seconded; all concurred.



**Clerk of Council
Andrew Bittner**



**Council President
Gerald T. Mazur**

01/24/2022

Date