

# MINUTES OF THE VAN WERT CITY COUNCIL

December 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, Penton, Agler, Mergy, Hellman, and Davis were present.

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

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

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## COMMENTS, COMMUNICATIONS, & PETITIONS

Tomlinson announced there will be a swearing-in ceremony for all Council members, newly elected and returning, before the next scheduled meeting on January 10, 2022. This will begin at approximately 6:00 p.m.

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Tomlinson requested that a member of Council would motion to pull Ordinance 21-12-073, legislation to convey approximately 140 acres of city-owned tracts at the Van Wert County Airport to the Van Wert County Port Authority, off the Consent Agenda. Tomlinson explained that he didn't want an ordinance that would convey city land on the Consent Agenda with other year-end legislation, and would instead prefer that it be voted on individually.

**Davis made a motion to remove Ordinance 21-12-073 from the Consent Agenda. Kallas seconded.**

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Tomlinson stated he received two emails from students at Vantage Career Center. He explained that the emails appeared to be part of a school assignment where students made a recommendation to the city. One recommendation was to fix the potholes in the city roads, and the other was to change the speed limit on Bonnewitz Avenue. He continued that he had responded to these emails, asking if the students needed him to carry out any action. He had not received answers yet. He shared with incoming Council President, Jerry Mazur, that these emails would be in the Council President email account for him when he took over. Mazur asked who their teacher was, and Tomlinson stated that he did not know.

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Joshua Woods, 821 East Main St., mentioned that he was a new resident to Van Wert and originally from Cincinnati. Mr. Woods stated that he had been a truck driver for eight years, and this is the first time that he's been in a town where he's had a ticket, not once but twice, for parking his semi on the side of his house. He explained that he received his first ticket on December 21, 2021, and he told the officer that he didn't want to park his truck somewhere that he cannot see it, as he wants to keep track of his belongings and property within the truck. On December 23, 2021, he received another ticket by parking on the street in front, almost immediately after returning home. He wasn't given time to move it. He asked Council to understand there are many working class members in Van Wert, and he states that this ordinance creates issues for many in the city. Tomlinson asked Fleming to look at the situation, and see if there was a workable solution for Mr. Woods. Tomlinson also clarified that Mr. Woods needed to know where he could park, and keep his equipment and belongings safe. Woods confirmed that. Tomlinson also asked Hatcher to review the tickets and address that situation as well. Tomlinson continued that the ordinances are passed with the best intentions for the city, but there are always situations that come up and need to be addressed on an individual basis. He thanked Mr. Woods for coming to Council and addressing the situation respectfully.

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Dan Pavel, 225 W. 1st St., stated that he received a ticket for vehicles and a motorcycle parked in his backyard. He explained that he is currently working on the driveway, and that was the reason for the vehicles parked in the backyard. The motorcycle was parked on a concrete pad in his backyard, with his grill, and he questioned the issue with that situation. Hatcher asked Mr. Pavel to take pictures of his motorcycle and vehicles, so they can look into the situation.

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Mark Poling, Lot 16 Kear Rd., stated that he has received many calls from local residents due to the increase of tickets for trash and junk. Many of the calls complained about Lieutenant Weigle, others who complained about the timing of this enforcement around Christmas, and others who didn't understand the reason for their tickets. He also stated that he himself had received a ticket for a situation that he hadn't received one for in 18 years. In his opinion, the tickets are vague, and the timing is inappropriate, as many residents are suffering right now. He continued that there are many other more important issues - namely, drugs - that the city should be focusing on. Tomlinson stated that any concerns or questions should be directed to the Law Director's office. Tomlinson also explained that the comments or questions are hearsay, and can't be acted on, unless they are officially brought to the Law Director. Tomlinson also reminded the public that there was recently a citywide cleanup to alleviate these issues just two months ago, which was completely free to the residents (and up to 300 vouchers were available - several of which were not used, or not claimed). Tomlinson stated that he hoped that residents would take advantage of the citywide cleanup in future years. Mr. Poling again stated that the approach is the main issue, and there are more productive ways to handle junk items. He provided additional ideas that the city could do to work through the junk issue with residents.

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Joe Jared, 233 Burt St., asked which ordinance was pulled from the Consent Agenda. Tomlinson confirmed that was the ordinance regarding the transfer of Van Wert County Airport land to the Port Authority. Mr. Jared also asked whether this was a shift in approach from a neighbor complaint-based response to a police-initiated response. He felt this was a needless distraction during the holidays, as well as a focus that shifts police attention from law and order matters to nuisances. Tomlinson stated that nuisance cases happen more when there are fewer law and order cases going on, and he trusts the Police Department to take care of the most pressing issues at the correct times. Jared stated that his opinion was that this was causing damage to the image of the Police Department.

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## **ADMINISTRATIVE REPORTS**

**MAYOR:** Mayor Markward stated his intention to reappoint Dick Waters to the Board of Zoning Appeals, but noted that appointment needed Council's approval.

**Mergy made a motion to reappoint Dick Waters to the Board of Zoning Appeals. Hellman seconded; all concurred.**

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Markward also mentioned that the Van Wert County Foundation informed the city that the grant for the Market St. tree island plantings had been approved, which will allow the city to plant bigger trees than the city could afford otherwise.

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Markward thanked Penton, Tomlinson, Mergy, and Hellman for their combined years of service to the city.

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**SAFETY SERVICE DIRECTOR:** Fleming reviewed the map document he provided Council for Ordinance 21-12-078, which depicted the land to be donated by the Business Development Corporation for the cul-de-sac construction in Vision Park.

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Fleming then directed attention to a picture that he provided Council regarding a handicap parking spot request on the north side of E. Central Avenue. The Van Wert County Foundation and the occupant of the building had brought the request to the city, which would require City Council's approval by ordinance.

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Fleming announced that brush pickup will conclude this week. Tomlinson explained that there are regularly scheduled brush pickups, but this pickup was a special situation due to the recent wind storm.

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**AUDITOR:** Balyeat explained two ordinances that needed to be approved on a Then and Now. The first invoice was to the Treasurer, State of Ohio, in the amount of \$30,250.00 for the city's portion of the Smiley Park Trail project. The second invoice was to Smart Start of Ohio in the amount of \$3,714.00 for house arrest units and Guardian Interlock units.

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Balyeat explained supplemental appropriations that will be asked to be prepared for year-end "housekeeping" items, which included appropriations in the General Fund (Fund 101); Economic Development Fund (Fund 215); Amended Police & Fire Safety (Fund 220); Street Construction (Fund 301); Water Fund (Fund 601); Sewer Fund (Fund 602); and Woodland Cemetery Fund (Fund 875).

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**LAW DIRECTOR:** The Law Director had no report for the evening.

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Mr. Jared asked if the issue over improved areas had been addressed yet. Hatcher said he needs to look through that ordinance more.

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Mr. Pavel asked if there were issues with car trailers parked in driveways. Hatcher stated that there are no issues with that in a driveway.

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Mr. Jared stated that he felt many complaints recently were miscommunications. He asked if residents could email Hatcher regarding these issues, and Hatcher affirmed. Mr. Pavel asked if that meant his neighbors had called in a complaint, and Hatcher stated that it could be either complaint or police-initiated, but he wouldn't know that information.

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Mr. Poling asked why the city roller wasn't used when spray asphalt repair is used. He stated this creates bumps that are tough on vehicles. Fleming stated that the patch material is not a compacting situation, and is swept up once it "won't take anymore".

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## **COMMITTEE REPORTS**

**HEALTH, SERVICE, and SAFETY:** Marshall thanked the gentlemen that came to Council to express their concerns and complaints. He stated that the directives for nuisance violations aren't always perfect, but they are trying the best they can. He asked the public to come talk to Council if there are issues. Mr. Poling and Mr. Pavel, and others, held additional conversation on the lack of action from residents who have complaints, and that social media is not an official form of communication with the city. Fleming said that many warnings were given out. And the thought process was that during a time when factories and other businesses had time off, then there would be time to work on the situations.

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Mr. Jared asked if there was a breakdown by ward for nuisance violations. Fleming stated that he could provide that information.

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Davis stated that he has come across many social media complaints stating that the city is trying to get money. He stated the point isn't to get money from residents. The point is for this to eventually become a process that polices itself, and that residents' money is invested into their own property.

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

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**ECONOMIC DEVELOPMENT:** Economic Development had no report for the evening.

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**PARKS AND RECREATION:** Penton made a motion to ask the Law Director to prepare legislation authorizing and directing the Safety Service Director to apply for Ohio Department of Transportation TAP (Transportation Alternatives Program) Funding, on an emergency. Agler seconded; all concurred.

Penton made a motion to introduce Resolution Number 21-12-072. Agler seconded; all concurred.

Penton made a motion to suspend statutory rules for Resolution Number 21-12-072. Agler seconded; all concurred.

Penton made a motion to pass Resolution Number 21-12-072: A RESOLUTION AUTHORIZING AND DIRECTING THE SAFETY-SERVICE DIRECTOR OF THE CITY OF VAN WERT, OHIO, TO APPLY TO THE OHIO DEPARTMENT OF TRANSPORTATION FOR TRANSPORTATION ALTERNATIVES PROGRAM (TAP) FUNDING AND DECLARING AN EMERGENCY, on its first and final reading. Agler seconded; all concurred.

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Penton thanked the voters of Van Wert for electing him to two terms of service on City Council. He thanked members of Council and city employees for their cooperation and competency.

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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 invoices to the Treasurer, State of Ohio, for \$30,250.00, and to Smart Start of Ohio for \$3,714.00. Mergy seconded; all concurred.

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Agler made a motion to ask the Law Director to prepare legislation authorizing the Mayor to sign a contract with Attorney Ben Bilimek for services as Assistant Law Director, on an emergency. Mergy seconded; all concurred.

Agler made a motion to introduce Ordinance Number 21-12-080. Mergy seconded; all concurred.

Agler made a motion to suspend statutory rules for Ordinance Number 21-12-080. Mergy seconded; all concurred.

Agler made a motion to pass Ordinance Number 21-12-080: AN ORDINANCE AUTHORIZING THE MAYOR TO SIGN A CONTRACT WITH ATTORNEY BEN BILIMEK FOR SERVICES AS ASSISTANT LAW DIRECTOR AND DECLARING AN EMERGENCY., on its first and final reading. Mergy seconded; all concurred.

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Agler made a motion to ask the Law Director to prepare legislation approving several supplemental appropriations to various funds, as explained by Balyeat earlier in the meeting, on an emergency. Mergy seconded; all concurred.

Agler made a motion to introduce Ordinance Number 21-12-081. Mergy seconded; all concurred.

Agler made a motion to suspend statutory rules for Ordinance Number 21-12-081. Mergy seconded; all concurred.

Agler made a motion to pass Ordinance Number 21-12-081: AN ORDINANCE TO MAKE SUPPLEMENTAL APPROPRIATIONS TO FUNDS 101, 215, 220, 301, 601, 602, 875 AND DECLARING 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 stated that she has enjoyed her seven terms on Council, has learned a lot, and will miss her position. She thanked the members of Council and city administration.

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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 authorizing a new handicap parking spot on Central Avenue, as explained by Fleming earlier in the meeting. Kallas seconded; all concurred.

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Hellman thanked voters for the opportunity to serve the city. He stated there are many positive things happening in the city, and he hopes to see that trend continue.

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**PROPERTY AND EQUIPMENT:** Davis stated that he had motioned Ordinance 21-12-073 to be removed from the Consent Agenda for further discussion and an individual vote on the item.

Mr. Jared stated that, as far as he knew, at the last meeting Council confirmed they wouldn't give the Airport money for a part-time employee. Tomlinson replied that the issue had not been voted on, and that the next Council could choose to address that request. Mr. Jared continued that there should be more information shed on the Port Authority, and also questioned why the city would make this move so quickly.

Hatcher stated that transfer would allow the city to avoid another year of property taxes if completed by December 31, 2021. The new building and the improvements to the airport would result in significantly higher taxes, so that is another key issue. The transfer would also carry reverter language, so that if the airport ever ceased to operate, then the land would revert back to city ownership.

Tomlinson stated that this conversation is not new, and had been talked about for close to a decade. The reason for the emergency status is to save the city approximately \$13,000. The city also provides \$21,000 to the airport each year. The city will still pay the 2022 tax bill, and this will save the city from paying the 2023 tax bill. Mr. Jared asked if this move would reduce the authority the city has over the airport. Tomlinson stated that Council and the county would still have a seat at the table. Mr. Jared also asked if this would reduce the city's "credit". Tomlinson stated that the city can't use that land as collateral.

Jerry Mazur clarified that there are two different authorities - the Airport Authority, which rents the property and runs the airport, and the Port Authority, which will own the land after this transfer.

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Davis made a motion to introduce **Ordinance Number 21-12-073**. Agler seconded; all concurred.

Davis made a motion to suspend statutory rules for **Ordinance Number 21-12-073**. Agler seconded; all concurred.

Davis made a motion to pass **Ordinance Number 21-12-073: AN ORDINANCE AUTHORIZING THE MAYOR ON BEHALF OF THE CITY OF VAN WERT, OHIO, TO EXECUTE AND DELIVER A QUIT-CLAIM DEED TO THE VAN WERT COUNTY PORT AUTHORITY CONVEYING APPROXIMATELY 140 ACRES OF REAL ESTATE CONSISTING OF THE VAN WERT COUNTY AIRPORT THAT IS OWNED BY THE CITY OF VAN WERT, OHIO AND DECLARING AN EMERGENCY.**, on its first and final reading. Agler seconded; all concurred.

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Property and Equipment had no report for the evening.

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## UNFINISHED BUSINESS

Tomlinson noted that code enforcement was discussed, and would remain on Unfinished Business.

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## NEW BUSINESS

Tomlinson stated that he has an email from Bill Lawson, regarding recent tax abatements. He spoke to Mr. Mazur, incoming Council President, mentioning that the email would remain in his inbox, and the ordinances would need to be passed at the January 10, 2022 meeting.

Agler made a motion to ask the Law Director to prepare legislation honoring Joi Mergy (14 years) and Jon Tomlinson (10 years) for their service to the city of Van Wert. Davis seconded; all concurred.

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## CONSENT AGENDA

Agler made a motion to introduce the Consent Agenda. Davis seconded; all concurred. Agler made a motion to suspend statutory rules for the Consent Agenda. Davis seconded; all concurred.

Agler made a motion to pass the following ordinances on the Consent Agenda on their first and final reading:

**Ordinance Number: 21-12-074: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE TRUSTEES OF HOAGLIN TOWNSHIP, VAN WERT COUNTY, OHIO, TO PROVIDE FIRE PROTECTION SERVICES TO COOPER FARMS PARCELS IN HOAGLIN TOWNSHIP, VAN WERT COUNTY, OHIO AND DECLARING AN EMERGENCY.**

and

**Ordinance Number: 21-12-075: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH VANTAGE CAREER CENTER FOR THE PURPOSE OF A FIRE TRAINING CENTER AND DECLARING AN EMERGENCY.**

and

**Ordinance Number: 21-12-076: AN ORDINANCE TO ESTABLISH A NEW FUND HEREAFTER KNOWN AS FUND 232 (STATE AND LOCAL FISCAL RECOVERY FUND) FOR THE PURPOSE OF RECEIVING AND DISTRIBUTING STATE AND LOCAL FISCAL RECOVERY FUNDS AND DECLARING AN EMERGENCY.**

and

**Ordinance Number: 21-12-077: AN ORDINANCE AUTHORIZING THE MAYOR TO SIGN THE REVOLVING LOAN FUND (RLF) ADMINISTRATIVE AGREEMENT AND DECLARING AN EMERGENCY.**

and

**Ordinance Number: 21-12-078: AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT A DONATION OF REAL PROPERTY FROM THE BUSINESS DEVELOPMENT CORPORATION (BDC) FOR THE CONSTRUCTION OF A CUL-DE-SAC IN VISION PARK AND DECLARING AN EMERGENCY.**



and

**Ordinance Number: 21-12-079: AN ORDINANCE AUTHORIZING THE SAFETY SERVICE DIRECTOR TO ADVERTISE, BID, AND AWARD CONTRACTS FOR THE SLUDGE FACILITIES RENOVATION AND DECLARING AN EMERGENCY.**

Davis seconded; all concurred.

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## RESOLUTIONS & ORDINANCES


Second reading advisory for **Ordinance 21-11-065: AN ORDINANCE TO AMEND VAN WERT CITY ORDINANCES 11.02, 11.03, 11.04, AND 11.05.** All concurred; second reading passed.

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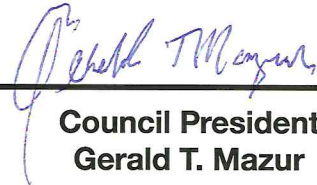
## ADJOURN

Tomlinson thanked the public, members of city administration, and past/current members of Council for helping to lead the city of Van Wert. He wished everyone good luck in the future.

Mergy made a motion to adjourn at 7:48 p.m. Agler seconded; all concurred.



Clerk of Council  
Andrew Bittner



Council President  
Gerald T. Mazur

**01/10/2022**

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Date