

# MINUTES OF THE VAN WERT CITY COUNCIL

January 24<sup>th</sup>, 2022

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

Mazur gave the invocation.

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

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

Davis and Hatcher explained that one item - nomination for President Pro Tem - could be struck from the agenda, as Council rules outline that the chair of Judiciary and Annexation serves as President Pro Tem. This item was removed from the agenda.

**Davis made a motion to approve the amended agenda for the January 24<sup>th</sup> Council meeting. Kallas seconded; all concurred.**

**Davis made a motion to approve the minutes for the January 10<sup>th</sup> Council meeting. Kallas seconded; all concurred.**

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## COMMENTS, COMMUNICATIONS, & PETITIONS

Mazur stated that all members of Council received a copy of the 2021 Van Wert Municipal Court Annual Report, and any questions could be directed to Judge Worthington's office. This report is also available upon request.

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Mazur also reviewed communication from Jeffrey Clayton, Executive Director of the American Bail Coalition, regarding Ohio bail reform. This document is also available upon request.

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## ADMINISTRATIVE REPORTS

**MAYOR:** Markward explained a meeting that took place since the last Council meeting, involving his office, the County Commissioners, and Amy Hoffman (Palmer Energy), regarding gas aggregation. He noted this is a similar concept to the electric aggregation in place currently. He reminded Council that the filing deadline for the May 2022 ballot is February 2, 2022, and so this is the last Council meeting prior to that deadline, if Council would choose to act on this issue.

Markward then turned the floor over to Amy Hoffman of Palmer Energy, which serves as a consultant for the County Commissioners Association of Ohio (CCAO) and the Ohio Municipal League. She noted that Palmer Energy worked with Van Wert for the electric aggregation concept previously. She proceeded to generally explain the concept of gas aggregation, who

would be eligible, what it would mean for the ballot, how they would work with suppliers to determine aggregate rates, and the contracts that would be in place, if approved. She also explained that eligible residents can opt out of this aggregation. There is also no early termination fee for parties that choose to leave their contract prior to its ending date. In summation, she noted that the gas aggregation process is basically identical to the electric aggregation already in place.

Mazur clarified that any action Council approved tonight would only place this issue on the ballot for voters. Hoffman noted that the County Commissioners have already approved this for the May ballot for all non-incorporated areas of Van Wert. Markward also explained that the city could choose, with Council's approval, to put the issue on a later ballot, but it might be better to have it on the May ballot, as it would be on the ballot for a large portion of the county voters. Hoffman stated she could host informational meetings as well between now and the May voting window.

Davis asked whether the city could move forward with this on their own if it passed for the city, but didn't pass for the rest of the county. Hoffman stated it could, and explained that situational process.

Joe Jared, 233 Burt. St., asked if there would be a website for opting out. Hoffman said that it would depend on the supplier, as different suppliers may use phone, mail, or website for opt outs.

Mark Davis, 402 S. Tyler St., asked if Hoffman had any examples of this gas aggregation in place, and what the discount might be. Hoffman said she lived in Toledo, and they have had gas aggregation in place since around 2004. In their situation, they are approximately \$0.23 cheaper than the utility currently.

Susan McVay, no address given, asked what the implementation timeframe would be, if approved by voters. Hoffman said it is likely an October/November start, if approved in May, as that will be the beginning of "gas season".

Hoffman also explained how Palmer Energy gets paid for this process, if adopted. She stated they get paid on a rate basis, through the supplier that is chosen, as the supplier adds their rate fee onto the bill.

Markward thanked Hoffman for her time, and had no further report.

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**SAFETY SERVICE DIRECTOR:** Fleming reviewed an Ohio Department of Transportation (ODOT) legislation piece that would need passed during the night's meeting. He explained ODOT will be resurfacing a portion of US 127, and it will extend into the city near Van Wert Propane. Since this portion will extend into the city, the city is required to cover a portion of the cost, which will be \$22,304.00. This legislation is required to be sent back to ODOT, so they can bid the project.

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**AUDITOR:** Balyeat reviewed two invoices that would need approval on a Then and Now. The first invoice was from TROJANUV, in the amount of \$5256.60, for a service lamp and ballast faults at the Wastewater Treatment Plant. The second invoice was from the Treasurer, State of Ohio, for the \$22,304.00 that Fleming had reviewed for paving on US 127.

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Balyeat also reviewed different training information that she had sent out to Council, one for Sunshine Laws training, and the other training from the Ohio Municipal League.

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**LAW DIRECTOR:** Hatcher reviewed ongoing court cases involving rubbish and junk in the city. He conveyed that he felt that items are being taken care of in a more judicious way, that citizens are now more aware and informed about the changes, and that he is more optimistic about this process. He noted that Jared had requested particular information, and while he did not have that information prepared, he felt that theories he and Jared had discussed would bear out. He said the city would continue to work with the public, and if there are questions or concerns, contact his office and go through the proper channels.

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Hatcher also discussed American Legal update information the clerk had procured. He explained that updates are currently an annual situation, in that the city receives hard copy updates annually, and the website is also updated only once per year. The situation can be changed to a two-week update situation, and Hatcher felt this was a more appropriate route to pursue, both for Council and for the public.

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David Torman, a Paulding resident, asked if a city ordinance can go against a state ordinance. Hatcher said that if a state ordinance and a city ordinance are in contradiction, or conflict, then the state ordinance takes precedent. Torman stated that his son, a Van Wert resident, was working on his truck recently. His son parked his truck in his yard after finishing the work, and on Tuesday morning, when Torman went to pick up his truck, he had received a ticket due to the parking situation. Torman then stated he went to the Police Department to discuss the issue, and was told that the city ordinance cites the property owner, not the vehicle owner. He explained additional details about the incident, and stated he felt there was contradictory information coming from the Police Department and the ordinances. He also stated that he was under the impression that state ordinance considers a vehicle with a tarp on it as "garaged". Torman continued that he was upset because a warning wasn't issued, and this seems to be a questionable process. Mazur suggested this individual meet with the Law Director, and show him the pictures, and go through his office to sort out this situation.

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Mr. Davis (Tyler St.) asked if this individual should have received a door hanger/warning prior to the ticket. Fleming and Hatcher stated that vehicles parked in the yard could be a ticketable offense without the door hanger/warning.

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Jared suggested the city should think about what ordinances should not be enforced during the winter months, using concrete work as an example. Hatcher stated that the city will deal with that circumstance if it arises. Fleming stated they should communicate with the city, and the city will not ask residents to do something that is impossible.

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Mr. Davis (Tyler St.) asked when the ward boundary changes would go into effect, stating this would affect trash and recycling linked to ward boundaries. Davis, Markward, and Fleming all stated that trash and recycling will not be affected by or linked to ward boundaries. Markward stated that for all practical purposes, the next time that residents who “changed” wards would notice any difference would be during the May primary election next year (2023).

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## **COMMITTEE REPORTS**

**HEALTH, SERVICE, and SAFETY:** Marshall directed Council’s attention to a handout he gave them, concerning the Ohio Revised Code §5321.04, Landlord Obligations. He stated that he didn’t want to discuss anything at this evening’s meetings, but asked Council to look over this section, and identify any possible areas of discussion moving forward. Specifically, Marshall asked Council to focus on item No. 5 in that section, which covered trash receptacles for dwelling units. He asked for a Health, Service, and Safety committee meeting on February 28, 2022, at 6:00 p.m.

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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:** Parks and Recreation had no report for the evening.

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**FINANCE:** Agler was absent for the meeting, so vice chair Davis handled the Finance report for the evening.

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**Davis made a motion to approve the invoices to TROJANUV, in the amount of \$5256.60, and to Treasurer, State of Ohio, in the amount of \$22,304.00, on a Then and Now. Kallas seconded; all concurred.**

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Davis also requested a Finance committee meeting to discuss the airport’s request for additional funding. This meeting was scheduled for February 14, 2022, at 6:00 p.m.

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Davis also discussed changing terms and language used in the city's budget, so that items were more specific and less vague. Balyeat stated that every department in the city has a miscellaneous budget, which is used for items that don't fit into any of the other categories. She further explained that items like paving or equipment purchases, when the times or amounts may not be known in advance, or the type of equipment available isn't known upfront, may fall into that category. She explained these items aren't secret, but they aren't known in advance to be defined specifically. Davis stated that he included examples of how other cities handle this, citing a cover sheet that explains how those miscellaneous funds were used in past years. Kallas asked if Davis was requesting edits to previous budgets to include what was actually purchased/spent, or somehow adding this language to upcoming budgets. Davis stated he would prefer to outline past expenditures when a new budget is created, but if that was not possible, for prior budgets to be updated with actual expenses.

Markward asked if something was already in place like this. Balyeat stated that the public could look at what was spent last year, but it wasn't to the detail that Davis was requesting. Balyeat stated that she could look back at last year and see what she could come up with. Markward asked about the contact Davis had referenced, and stated he wondered if the best allocation of resources was to answer questions from the public as they are directed to the city office. Davis stated that in his opinion, society is in a place where they expect to be able to find this information quickly, without having to call and ask questions.

Mazur stated that miscellaneous expenditures from one year are likely not going to be repeated the next year, so he wondered how anyone is supposed to project that expenses in order to be defined. Davis argued that they could look back and see what was spent in previous years, and list these items. Bowers asked Davis what the constituent noticed in the budget that led to them asking this question. Davis said this person noticed miscellaneous expenses coming out of particular budgets year after year, and asked if it was coming out year after year, why weren't these expenses their own line item. Balyeat stated that these typically weren't the same items year after year, and they are truly miscellaneous expenses during the year. Markward followed by saying, if these items were known in advance and were the same year after year, then they wouldn't be miscellaneous, they would be their own line items. The budget is a projection of what will be spent that year, and miscellaneous funds are for expenses that come up that can't be projected. Fleming closed by noting that a few departments have miscellaneous budgets in the tens of thousands, but most departments only have \$1500-\$2000 in miscellaneous funds, so most miscellaneous expenses are smaller. Balyeat also stated that if departments try to purchase items out of the wrong funds, she makes them correct it. She followed by saying she will see what she can put together.

Mr. Davis (Tyler St.) asked if miscellaneous purchases are made with purchase orders. Balyeat confirmed this, so Mr. Davis suggested there were records if anyone wanted that information. Mazur said that fact spoke to the Mayor's point that the city can answer any questions about those purchases that the public has, but it's difficult to make projections of those funds.

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Finance 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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**STREETS AND ALLEYS:** Moore made a motion to ask the Law Director to prepare a resolution to approve legislation for street construction to be completed on US 127, 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 Ordinance Number 22-01-010. Davis seconded; all concurred.

Moore made a motion to suspend statutory rules for Ordinance Number 22-01-010. Davis seconded; all concurred.

Moore made a motion to pass Ordinance Number 22-01-010: FINAL RESOLUTION FOR THE CITY OF VAN WERT TO APPROVE LEGISLATION FOR STREET CONSTRUCTION TO BE COMPLETED ON U.S. HIGHWAY 127; TO GRANT THE MAYOR THE AUTHORITY TO ENTER INTO ANY AGREEMENT(S) WITH THE DEPARTMENT OF TRANSPORTATION IN THE FURTHERANCE OF SAID PROJECT; AND DECLARING THE SAME AS AN EMERGENCY, on its first and final reading. Davis seconded; all concurred.

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Streets and Alleys had no additional report for the evening.

A member of the public noted that they felt the city had done a great job with snow removal so far this winter.

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**JUDICIARY AND ANNEXATION:** Davis made a motion to ask the Law Director to prepare legislation to place the gas aggregation issue before voters on the May 2022 ballot, on an emergency. Kallas seconded; all concurred.

Davis made a motion to introduce Ordinance Number 22-01-011. Kallas seconded; all concurred.

Davis made a motion to suspend statutory rules for Ordinance Number 22-01-011. Kallas seconded; all concurred.

Davis made a motion to pass Ordinance Number 22-01-011: FIRST AND FINAL RESOLUTION FOR THE CITY OF VAN WERT TO APPROVE ALL ACTIONS NECESSARY TO AFFECT A GOVERNMENTAL NATURAL GAS AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO O.R.C. §4929.26, DIRECTING THE VAN WERT COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS; AND DECLARING THE SAME AS AN EMERGENCY, on its first and final reading. Kallas seconded; all concurred.

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Judiciary and Annexation had no additional report for the evening.

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## UNFINISHED BUSINESS

Mazur asked Marshall if he had any additional information on the code enforcement front, and Marshall stated he did not.

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Mazur noted that the airport funding item had been addressed during the meeting, with a committee meeting scheduled for February 14, 2022, at 6:00 p.m.

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## NEW BUSINESS

Mazur reviewed that Hatcher had gone over the information from American Legal, and suggested Council look into making changes to the update process. Hatcher stated he would speak with the clerk, and bring more information to Council at a later time.

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## CONSENT AGENDA

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## RESOLUTIONS & ORDINANCES

Second 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; second reading passed.

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Second 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; second reading passed.

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Second 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; second reading passed.

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Second 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; second reading passed.

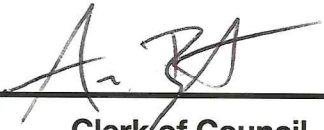
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Second reading advisory for Resolution Number 22-01-009: A SPECIAL RESOLUTION TO RECOGNIZE STEVE HELLMAN FOR HIS TERMS OF SERVICE TO THE CITY OF VAN WERT, OHIO AND DECLARING AN EMERGENCY. All concurred; second reading passed.

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**ADJOURN**

Davis made a motion to adjourn at 7:44 p.m. Marshall seconded; all concurred.



**Clerk of Council  
Andrew Bittner**



**Council President  
Gerald T. Mazur**

**02/14/2022**

**Date**