

MINUTES OF THE VAN WERT CITY COUNCIL

March 14th, 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, Bowers, Agler, Stinnett, Moore, and Davis were present.

Agler made a motion to approve the minutes for the February 28th Council meeting. Marshall seconded; all concurred.

Kallas made a motion to approve the agenda for the March 14th Council meeting. Agler seconded; all concurred.

COMMENTS, COMMUNICATIONS, & PETITIONS

Mazur apologized to any pet owners who may have been offended by an “off-hand comment”, which he stated was a comment in “poor humor”, that he made at the previous meeting.

Mazur also revisited an invitation from Officer Bryon Wells to the DARE Graduation for Van Wert Elementary. This will take place on March 25th, 2021, at 1:00 p.m., at the Niswonger Performing Arts Center.

Additionally, Mazur reviewed an email communication sent to him by a group of homeowners, who are represented by Mrs. Kylee Moody, who are appealing a recent decision by the Zoning Board. Hatcher further explained this communication, noting that at the March 10th, 2022 of the Zoning Board, conditional use of a storage unit facility was approved on 615 - 619 S. Shannon St. (south of the railroad tracks, west side of the street). Hatcher stated that the neighbors in this area are appealing this decision. He noted that the email constitutes a written appeal, and is within the time frame for an appeal. Mazur stated that a letter from the city will be sent to Mrs. Moody, informing the parties that their appeal will be heard during the next Council meeting on March 28th, 2022. Mazur and Hatcher stated that the obligation of the Council is to review the documentation, and to decide whether the Zoning Board acted within their discretion to issue a conditional use. Based on that decision, the opposing party may take their case to the Common Pleas Court and Judge Burchfield. Hatcher went on to explain specifics of the situation, and recalled the last appeal process that Council was involved with, citing the Haven of Hope situation. Hatcher and Mazur encouraged Council to review documentation, collect as much information as possible, and come to the next meeting well-informed.

ADMINISTRATIVE REPORTS

MAYOR: Markward was not present for the evening's meeting, but his information was relayed by Mazur.

- An informational meeting will be held on Monday, April 11th, from 5:45 - 6:15 p.m., in Council Chambers, to discuss the gas aggregation issue. The public may want to bring their latest gas bill for review.
- John Butler has offered to do a free live streaming broadcast of the April 11th City Council meeting, in order to help Council determine how to proceed with the live streaming process.

Joe Jared, 233 Burt. St., asked if residents will have the ability to opt out of gas aggregation, if that issue would pass. It was confirmed that residents could opt out.

SAFETY SERVICE DIRECTOR: Fleming was also absent for the evening's meeting, and Mazur stated that Fleming would provide information on the Water Meter Project and the Bonnewitz Reconstruction Project at the next Council meeting.

AUDITOR: Balyeat stated that the Chromebook licensing issue has been resolved. With the current setup now, there is no license fee.

Balyeat then reviewed the February 2022 Financial Report. She stated the Bank Reconciliation Report showed \$16.2 million in the bank, and the same amount in the various accounts and investments. The Statement of Cash Position shows all funds with a positive balance, as required. The General Fund shows approximately \$78,000 more taken in than spent. Additionally, the comparison of General Fund revenues in 2021 through February to General Fund revenues in 2022 through February shows the city is up more than \$200,000. She said much of this is due to timing issues, and detailed the differences with tax holdings, 911 and EMS payments, cable franchise fee payments, and debris escrow payments. In summary, due to some payments coming in before February this year, but after February last year, the city is up in General Fund revenues in 2022 compared to 2021, but it's not quite as high as what it appears. Balyeat also updated Council on the income tax refunds, noting that the city has refunded around \$77,000 this year, but is also up around \$89,000 in total income tax revenues.

Davis provided an update on the Airport Board, and the Airport funding conversation. He noted that the city had decided to include \$15,000 in additional funding to the airport on the permanent budget, assuming that permanent budget is approved by Council. He said this was contingent on the County Commissioners also paying \$15,000 in matching funds to the airport. Council was under the impression this had already been decided, but Davis stated that this is not officially passed or in writing from the County yet. The city will hold off on providing this

amount to the Airport until it is official. He provided additional updates on the Airport's plans to Council, regarding hangar construction, runway extensions, and other items.

Balyeat had no additional report for the evening.

LAW DIRECTOR: Hatcher reminded the public to make sure properties are cleaned, according to code, especially as spring approaches and weather improves.

Hatcher also reviewed a meeting that he held with Marshall and the Mayor, regarding abandoned homes. He stated they have reviewed the pertinent sections of the Ohio Revised Code (ORC), and the actions that can be taken. This will not require additional legislation by Council, as what is needed is already in the ORC.

Agler asked about fines, but Hatcher stated this would be a different mechanism.

Hatcher stated the opioid class action lawsuit has settled, and the official case was dismissed last Friday. The details are still forthcoming, and Hatcher will reach out to the city's contact on this lawsuit to gather details. Hatcher stated that the funds that the city receives will have regulations on how it can be spent and guidelines on that process. Balyeat stated that a new fund will also have to be created. As more information is received, it will be provided to Council.

Hatcher had no further report for the evening.

COMMITTEE REPORTS

HEALTH, SERVICE, and SAFETY: Marshall added to Law Director's comment on abandoned homes. He reviewed his focus on abandoned homes, what Council has done so far, and what they hope to accomplish in the future. Overall, Marshall stated that the city's goal is to address these properties in order to revitalize and enhance the city, and bring properties to code. Using the ORC, Marshall stated there is a process they are going to initiate, but additional research on ownership of properties, with 12-13 currently in focus, needs to be done. Hatcher added that if Council has other properties to bring forth, they should do so. The city's intent is to work with property owners to bring properties to code. Hatcher also noted multiple abandoned commercial properties that are going to be addressed as well.

Marshall and Hatcher also discussed properties with no utilities, and some of the definitions under ORC involving blighted or abandoned homes.

Mazur asked Marshall for a list of the properties in question.

Mr. Jared asked about the definition of blighted homes and the lack of utilities, clarifying whether that was all utilities, or specifically a lack of water or electricity, etc. Hatcher stated the ORC just said "utilities". Hatcher stated his office could forward the specific part of the ORC in question. Jared stated that leeway should be given if someone has temporarily lost a specific utility. Hatcher stated a common sense approach would be used in those situations. Kallas stated that the time frame of the issue should also be considered, as short-term issues should be treated differently than long-term issues.

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

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

Mazur complimented the Van Wert Area Economic Development Corporation (VWAEDC) for the properties they have taken improved, and noted that the surrounding homes in those areas also appeared to improve as a result.

PARKS AND RECREATION: Bowers stated that she would have a summary of the Woodland Union Cemetery meeting for the next Council meeting.

Hatcher stated that he has heard nothing but positive comments on the work that the Parks and Recreation Department has done and is doing at Smiley Park and Jubilee Park for the summer programs.

Parks and Recreation had no further report for the evening.

FINANCE: Agler made a motion to introduce Ordinance Number 22-02-012. Davis seconded; all concurred.

Agler made a motion to suspend statutory rules for Ordinance Number 22-02-012. Davis seconded; all concurred.

Agler made a motion to pass Ordinance Number 22-02-012: AN ORDINANCE AUTHORIZING THE MAYOR TO SIGN A CONTRACT WITH ATTORNEY GEORGE E. MOORE FOR SERVICES AS ASSISTANT LAW DIRECTOR BY SPECIAL APPOINTMENT; AND DECLARING THE SAME AS AN EMERGENCY., on its first and final reading. Davis seconded; all concurred.

Finance had no additional report for the evening.

PROPERTIES AND EQUIPMENT: Properties and Equipment had no report for the evening, but directed Council to look at Van Wert Code of Ordinances §152.75 in order to have a discussion on parking lots in the city at the next Council meeting.

STREETS AND ALLEYS: Streets and Alleys had no report for the evening.

Mr. Jared stated that his neighbor, a truck driver, recently got ticketed for parking on the street. It was discussed that this ordinance has been around for decades, but was recently revised. Mr. Mark Davis, 402 S. Tyler St., stated that these ordinances originated due to city streets not constructed for the weight of larger and commercial trucks. Mr. Davis argued, however, that this ordinance was unenforceable due to lack of signage, and the ticket should be challenged. Mazur directed Moore to investigate the issue, speak with Fleming about the signage issue, and report back to Council at the next meeting.

JUDICIARY AND ANNEXATION: Davis made a motion to introduce Ordinance Number 22-03-019. Kallas seconded; all concurred.

Davis made a motion to suspend statutory rules for Ordinance Number 22-03-019. Kallas seconded; all concurred.

Davis made a motion to pass Ordinance Number 22-03-019: AN ORDINANCE TO INCREASE AMERICAN LEGAL UPDATES TO THE CODE OF ORDINANCES FOR THE CITY OF VAN WERT, OHIO, AND DECLARING AN EMERGENCY., on its first and final reading. Kallas seconded; all concurred.

Davis made a motion to remove American Legal updates from Unfinished Business. Stinnett seconded.

Mazur asked for clarification on the hangar construction at the Airport, and where the additional revenue Davis referenced would originate. Davis explained that the current hangar is owned by the plane's owner. As part of the new hangar agreement, when that is finished, the old hangar will be owned by the Airport. When this happens, other aircraft will use this pre-existing hangar, and that is where the additional revenue will come into play.

Susan McVay asked whether the Airport had used the additional funding yet to hire the part-time employee. Davis explained again that it was on hold until the Airport secured the funding from the County and from the City. He would anticipate everything to move forward when everything is officially approved.

Judiciary and Annexation had no additional report for the evening.

UNFINISHED BUSINESS

It was noted that American Legal Updates was motioned off Unfinished Business.

Mazur stated he spoke with the Sheriff regarding animal issues, and the Sheriff is to get back with him. When he does so, Mazur will pass the information on to Council.

Mazur reviewed that John Butler would run a trial live stream for the April 11th, 2022 Council meeting.

Mr. Jared asked about the Council picture on the website. It was noted a group picture of the new Council had not yet been taken.

NEW BUSINESS

There was no new business brought before Council.

CONSENT AGENDA

There were no items on the Consent Agenda.

RESOLUTIONS & ORDINANCES

Second advisory reading for Ordinance Number: 22-02-013: AN ORDINANCE TO ADOPT THE OHIO DEPARTMENT OF NATURAL RESOURCES (ODNR) FLOOD DAMAGE REDUCTION REGULATIONS. All concurred; second reading passed.

Second advisory reading for Ordinance Number: 22-02-018: AN ORDINANCE TO MAKE PERMANENT APPROPRIATIONS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF VAN WERT, OHIO, FROM JANUARY 1, 2022 TO DECEMBER 31, 2022, AND DECLARING AN EMERGENCY. All concurred; second reading passed.

ADJOURN

Agler made a motion to adjourn at 7:23 p.m. Bowers seconded; all concurred.



Clerk of Council
Andrew Bittner



Council President
Gerald T. Mazur

03/28/2022

Date

