

MINUTES OF THE VAN WERT CITY COUNCIL

March 28th, 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, Moore, and Davis were present.

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

Davis made a motion to approve the agenda for the March 28th Council meeting. Bowers seconded; all concurred.

Davis made a motion to approve the minutes for the March 14th Council meeting. Marshall seconded; all concurred.

COMMENTS, COMMUNICATIONS, & PETITIONS

Mazur reviewed a letter from the Ohio Department of Commerce, Division of Liquor Control (DOLC), that all Class C and D permits to sell alcohol will expire on June 1, 2022. All permit holders must file a renewal application with the DOLC.

Mazur also reviewed a second letter from the DOLC, a liquor permit transfer notice, transferring from Miami Valley Pizza LLC to SFRX Holdings LLC doing business as Pizza Hut of Ohio. Any objections or comments regarding this transfer should be directed to Council representatives.

Additionally, Mazur stated that he had received communication back from the Sheriff's Office regarding dead animal disposal. He was informed that Rick Vonderwell is the official hydro cremator for the area. His contact number is 567-204-5946. Mr. Vonderwell is located in Delphos, OH, and has 24-hour service.

Council then heard an appeal from a group of homeowners, represented by Kylee Moody, 610 Neela Dr., who objected to a recent Zoning Board decision to grant “conditional usage” and allow construction of a storage facility on an adjacent land parcel. Prior to the appeal, Mazur asked Hatcher to outline the process for the evening. Hatcher stated this was the first step of appeal for the homeowners after the Zoning Board’s recent decision. He stated that representatives from the homeowners group, and from the group representing the buyer of this parcel of land, will have a chance to state their case on why they believe the Zoning Board’s decision should be upheld or overturned. Hatcher also stated that Council’s primary focus is whether the Zoning Board properly applied the rules in the Code of Ordinances to the facts of the situation. If any party would like to file a further appeal following Council’s decision, it may be filed 28 calendar days from today with the Van Wert Court of Common Pleas. Mazur stated that the land in question was designated B-3, and the storage facility was not under permitted uses, but the Zoning Board ruled it was allowed under the conditional uses of that designation.

Mrs. Moody listed the group’s objections to the facility in question, stating that the proposal did not include fencing in its original form, but a condition of the approval was fencing. The homeowner group did not believe a tree row as security fencing would work. The group also believed that security would be an issue, as it would be a 24/7 facility without attendants, and further, with the angled views from Shannon St., would not be able to be viewed easily by passing Van Wert Police Department patrol cars. Mrs. Moody continued that their group was concerned with water runoff and flooding of properties adjacent to the facility, as the plan to asphalt or pave the area wouldn’t occur until all storage units were constructed, which would be done in phases and could take 2-3 years. She also cited the railroad tracks that were near the proposed construction site, as well as utility poles, power lines, and other issues that would need clearance. Additionally, she cited the group’s concern for their property values, and noted that at least 9 adjacent properties would be affected by this construction. She also made it clear the group was opposed to new business in Van Wert, but that this type of facility would be best suited in a different part of the city.

Jerry Pollock, 720 Leeson Ave., also part of the appealing group, stated that he had been living in the area of the city since he was born, and in his belief, the area wasn’t suitable for buildings, due to the asphalt and concrete already there, as well as the water issues that the area has. He believes any building put there will “sink in the ground”.

Christy Brown, 700 Leeson Ave., stated that she just recently purchased her home in that area, said she was excited about her purchase when it was made, and she felt safe there. Now, with the storage unit going in directly behind her property, she feels unsafe. She is also concerned about the security lighting that will go up around the facility, and how that will shine on her property. She also stated that in her own research, storage facilities have problems with security overall.

Chet Straley, acting on behalf of the seller of this property in the transaction, but speaking for the buyer of the property in this meeting, responded to the appealing group's objections. Mr. Straley stated that in regard to fencing, the plan was to put up a green fence, instead of a traditional chain link fence. In terms of security, Mr. Straley said he didn't believe most of the other storage facilities in the city had security attendants. He also stated that he believed that the other conditional uses that could be applied to that property - motels, restaurants, taverns, wind or solar panels, etc. - would be less pleasant for residents than a storage facility. Additionally, he felt a storage facility would be a strong option for that property due to the proximity to the railroad tracks in that area and its quieter operation, even as a 24/7 facility, than most typical 9-to-5 businesses.

Mrs. Brown responded to Mr. Straley's comments, noting that wind turbines and solar panels aren't constructed in residential neighborhoods, and that restaurants close during the night, but storage facilities are 24/7. Dave Brown, the husband of Mrs. Brown, stated that this storage facility would only harm their property value. He stated that his research shows that most storage facilities have high rates of crime around storage facilities - break-ins, illegal living in the units, drug transactions, etc. He stated this is a risk to adjacent homeowners. Mr. Pollock again spoke, and stated that the lights around the perimeter of this property will negatively impact their lives.

Mr. Straley countered that he has not heard of any instances of crimes around the other storage facilities in Van Wert. Brown stated that the rest of the facilities in Van Wert aren't located in residential areas, with a higher chance of crimes happening.

Moody also asked if the lighting of the facility would impact the Van Wert County Airport. Councilman Davis stated that he could send an email to the Airport to see if this was an issue, if needed.

Sam Laurent, 1048 Jennings Rd., a member of the Zoning Board, stated that the vote was not unanimous, as he voted against the ruling. He urged Council to listen to the appealing group, noting that he didn't believe anyone from Council would want this facility in their backyard.

Joe Jared, 233 Burt. St., wondered how this land has a B-3 designation to begin with. Jared also stated that in his experiences with homeless people, they do tend to migrate toward storage units as a place to live. Fleming stated that, to his knowledge, Van Wert has not had a problem with homeless people taking shelter in storage facilities. Hatcher stated that it is not something that comes through court on a frequent basis, but noted that maybe the Police Department handles it without charges. Hatcher stated he could check with the Police Department to see if this is an issue, and check the Code of Ordinances for specific references to sleeping in storage units.

Mark Davis, 402 S. Tyler St., relayed what he had gathered from the Zoning Board meeting, which he attended. He stated that 24-hour surveillance would be performed with cameras, and suspicious activity would result in a call to the Police Department. As far as the lighting is concerned, directed lighting would be used, which will only cover their property.

Mazur then asked if any members of Council had questions for either party. Councilman Davis asked what the plan would be for fencing. Mr. Straley responded that the initial plan is to do green fence/green screen on three sides, instead of a traditional chain link fence, but that the buyer/developer would be amenable to whatever was mandated. Councilman Davis wondered if it would be possible to have a fully gated situation with a restricted entry style. Davis also clarified that paving would occur as each storage unit building was done, and Mr. Straley stated this was his understanding. Mr. Laurent stated that the presentation to the Zoning Board indicated that paving would only be done when all construction is finished. Mazur stepped in to note that Council's only power in this situation was to rule on whether the Zoning Board acted properly in accordance with Code of Ordinances, and Council had no power to "fix" any of the issues that Councilman Davis was bringing forth. Bowers acknowledged her concerns to the appealing party, but noted that Council has to rule on whether it meets criteria.

Councilman Davis made a motion to uphold the decision by the Zoning Board. Agler seconded; Marshall and Kallas concurred. Bowers and Moore abstained. The motion passed.

Hatcher stated any parties can contact his office (vwlawdirector@gmail.com) with any questions on how to proceed with an appeal to Common Pleas Court. He thanked each party for representing their case respectfully. It was stated that the timeline to appeal was 28 calendar days from today.

ADMINISTRATIVE REPORTS

MAYOR: Markward provided an update on the gas aggregation issue. He noted that while the state legislature may not be on the May 3, 2022 ballot, the gas aggregation issue will still appear. He continued that the informational meeting on this issue will still take place on April 11, 2022, from 5:45 - 6:15 p.m., in Council Chambers, prior to the next Council meeting. Amy Hoffman, who was at one of the previous Council meetings, will be there to provide information and answer questions.

Markward again reminded Council that John Butler will livestream the April 11, 2022 Council meeting. He will not broadcast the gas aggregation informational meeting.

Markward also informed Council that the Van Wert Area Economic Development Corporation (VWAEDC) Board has two members that are appointed by Council. One term is set to expire in June of 2022. This is a three-year term, and currently held by Mark Schumm. Markward wanted to make Council aware of this upcoming term expiration.

SAFETY SERVICE DIRECTOR: Fleming stated that at the last meeting, he wasn't able to fully update Council on the Bonnewitz Reconstruction Project, as ODOT opened the bids were over \$400,000 high. He wasn't sure that they were going to be able to award that bid. Since then, Fleming stated that ODOT has increased the federal funding toward the project, and the city will have no additional cost. He stated that Shelly Company was awarded the bid, and they also were awarded the Rotary Park trail. He stated that Shelly is still deciding how to best approach those projects, so it is not known yet when the projects will start.

Fleming stated that the Water Meter Replacement Bids will open next Tuesday, April 5, 2022. He stated that the work will likely take place over the summer, with a timeline of approximately six months. Mazur asked when the new system would be activated for the new water bills. Fleming stated there is a process that will need to be worked through before they can firmly give the public an idea of how that will work. Balyeat also stated that they need to have a procurement process in place prior to that enactment, and approved by Council.

Fleming also stated that he will need Moore to ask for preparation of legislation to authorize road salt contracts with ODOT.

Mr. Jared confirmed that water and sewer have only increased by \$1, and this was to help fund the project. Fleming confirmed. Balyeat also stated that the social media reports of an investigation were false.

AUDITOR: Balyeat reviewed an invoice from Sedgwick (Group Rating for Workers' Compensation), in the amount of \$3155.00, that would need to be approved on a Then and Now. She asked Agler to motion for approval.

Balyeat reviewed the final draft of the 2022 Permanent Budget. She stated that the last corrections were sent out today. The main changes were to workers' compensation and the Municipal Court's veteran support court. She stated that workers' compensation is now billed at the beginning of the year, and while they paid in January, a new estimate came in and stated the previous estimate was too low, and so an additional payment was needed. In regard to the Municipal Court, this veteran support court received a grant, and the Court decided to pay 1/3 of three salaries with this grant. This reduced the Municipal Court budget by that amount.

LAW DIRECTOR: Hatcher reviewed a draft letter of a blighted properties notice, in order to be reviewed by Council for feedback. He stated he would like to finalize the letter and send these letters out by the beginning of summer.

Hatcher also reviewed another letter, a collaborative effort between his office and the Police Department regarding nuisance properties due to criminal activity. He stated this letter is very close to the final draft, and he and the Police Chief need to meet regarding the timeline of when this type of letter is sent out. Davis asked if this letter needed to be approved by Council. Hatcher stated that Council didn't need to approve it, but just needed to be aware.

Hatcher noted that on the junk and rubbish ordinances that the city has pursued more since December, he has noticed that even repeat offenders that come through the courts have their properties in better order - even if it is not in compliance - than what it had. Overall, everyone's property is in better shape than what it had been. It has made an improvement. He thanked the Police Department for their diligence, and acknowledged that they have taken their fair share of flak, but the situation is definitely improving.

On the gas aggregation issue, Hatcher stated that a question was raised on the wording of the ordinance that was passed to place this on the ballot. He stated he would ask the Board of Elections to send it to the Ohio Secretary of State for approval. Hatcher stated he did not see an issue in the wording. It was noted that the ballot can't be changed now, and it's already been placed on it. Hatcher confirmed that the city was not informed by anyone that it wasn't compliant, but the Board of Elections stated that the ordinance language didn't match the template language. Again, Hatcher stated he did not think there was any problem with the language. Markward stated that the last he had heard from the Board of Elections, everything was in order.

Mr. Jared asked if continuing drug activity on a property could be considered a nuisance. Hatcher confirmed, and provided the code section that this letter will reference. Mr. Jared and Hatcher continued a brief exchange regarding the details of how this process might work.

COMMITTEE REPORTS

HEALTH, SERVICE, and SAFETY: Marshall stated he would provide Council with a list of blighted homes in the near future. He echoed the statements by the Law Director that a difference is being made. He also made some suggested revisions or additions to the letter Hatcher shared regarding blighted properties.

Marshall also asked if the city could write a letter, from the Law Director's office to the owners of the Rural King or Ruler properties, for instance, and ask them to fix their property. Bowers shared that managers/employees of TSC have asked the owner of the property to fix the parking lot, but to no avail.

Davis referenced other cities that have wording in their ordinance that would force property owners to have their property in compliance - including parking lots. In his mind, Van Wert's Code of Ordinances has this same situation in place, but the wording is not specific enough at the current time.

Mr. Jared shared that some businesses in the area have fixed their potholes just by the conversation of the city deciding to enforce it. He stated that Stinnett can speak to it better than he could, but he felt it can be done.

Davis asked if the Police Department is the enforcement arm of the junk/rubbish ordinances. This was confirmed to be the plan.

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

ECONOMIC DEVELOPMENT: Kallas reported that the Land Bank currently has approximately 15 residential lots in Van Wert and surrounding villages. They have three lots posted on their website now, with several more soon to be made available for purchase to the public over the next few weeks. The lots can be viewed by going to the Economic Development website at vanwerted.com and selecting the "Land Bank" tab. An application, bid proposal, minimum bid price, and bid deadline date will be viewable for each available property. Kallas also said that, to date, 10 new single family homes have been built on Land Bank lots. Interested parties can contact the Economic Development office at 419-238-2999 for more information.

Mazur asked Markward for additional information on the VWAEDC Board position that would be expiring in June. He asked Kallas to look into candidates for the role, and suggested speaking with Schumm to see if he is interested in continuing in that position.

Economic Development had no additional report for the evening.

PARKS AND RECREATION: Bowers provided an update on the recent Woodland Cemetery Board meeting, and reported they are taking applications for full-time and part-time positions. Their former full-time employee has left, so they are actively seeking a replacement. She stated that the full-time pay is \$17.50 an hour, with some additional benefits, and part-time pay is \$11.00 an hour.

She also stated that the fees for summer baseball programs are: Coach Pitch - \$30; T-Ball - \$25; and Little Sluggers is \$15.

Parks and Recreation had no further report for the evening.

FINANCE: Agler made a motion to approve the invoice to Sedgwick Group Rating WC, in the amount of \$3155.00, on a Then and Now. Davis seconded; all concurred.

Finance had no additional report for the evening.

PROPERTIES AND EQUIPMENT: Stinnett was absent for the evening's meeting. Vice Chair Agler stated that Properties and Equipment had no report for the evening.

STREETS AND ALLEYS: Moore reviewed a conversation from the previous meeting regarding parking on city streets, and stated that the current weight for vehicles parked on the city streets is 10,000 pounds.

Moore made a motion to ask the Law Director to prepare legislation to authorize participation in the Ohio Department of Transportation road salt contracts in 2022, and declaring an emergency. Agler seconded; all concurred.

Moore made a motion to introduce Ordinance Number 22-03-020. Agler seconded; all concurred.

Moore made a motion to suspend statutory rules for Ordinance Number 22-03-020. Agler seconded; all concurred.

Moore made a motion to pass Ordinance Number 22-03-020: AN ORDINANCE AUTHORIZING PARTICIPATION IN THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) ROAD SALT CONTRACTS AWARDED IN 2022, AND DECLARING AN EMERGENCY., on its first and final reading. Agler seconded; all concurred.

Streets and Alleys had no additional report for the evening.

JUDICIARY AND ANNEXATION: Davis made a motion to ask the Law Director to prepare legislation to approve the 2022 American Legal Supplement to the Van Wert City Code of Ordinances, and declaring an emergency. Kallas seconded; all concurred.

Judiciary and Annexation had no additional report for the evening.

UNFINISHED BUSINESS

Agler made a motion to remove "Dead Animal Disposal" from Unfinished Business. Davis seconded.

Markward had reviewed the livestream issue earlier in the meeting.

NEW BUSINESS

There was no new business brought before Council.

CONSENT AGENDA

There were no items on the Consent Agenda.

RESOLUTIONS & ORDINANCES

Agler made a motion to pass 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., on its third and final reading. Kallas seconded; all concurred.


Davis made a motion to pass Ordinance Number: 22-02-013: AN ORDINANCE TO ADOPT THE OHIO DEPARTMENT OF NATURAL RESOURCES (ODNR) FLOOD DAMAGE REDUCTION REGULATIONS., on its third and final reading. Agler seconded; all concurred.

ADJOURN

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



Clerk of Council
Andrew Bittner



Council President
Gerald T. Mazur

04/11/2022

Date