

# **MINUTES OF THE VAN WERT CITY COUNCIL**

April 11<sup>th</sup>, 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. Marshall seconded; all concurred.**

**Davis made a motion to approve the agenda for the April 11<sup>th</sup> Council meeting. Stinnett seconded; all concurred.**

**Davis made a motion to approve the minutes for the March 28<sup>th</sup> Council meeting. Kallas seconded; all concurred.**

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## **COMMENTS, COMMUNICATIONS, & PETITIONS**

Mazur noted that this Council meeting was being streamed live, with the link on the city's website. He explained that Council is exploring the process of streaming each meeting live in the future, with recordings still on the website.

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Mazur reviewed an invitation from the Van Wert Service Club, inviting Council members to the 52<sup>nd</sup> Annual R.K. Thompson Self-Reliance Award Banquet. He asked Council to consider attending.

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Mazur then asked members of Council to complete a survey from the Ohio Gas Association.

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Mark Davis, 402 S. Tyler St., asked about an issue he brought to Council approximately three months ago. He asked about motion-sensing LED lighting on residential property that shines onto city streets. Stinnett confirmed that there is a light on S. Race St., and Fleming acknowledged he hadn't visited this property. Mazur also stated that a light in Franklin Park shines onto Walnut St. Fleming stated he would look into those locations.

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## ADMINISTRATIVE REPORTS

**MAYOR:** Markward reported that the Van Wert Fire Department had their annual awards banquet recently, and Brett Schumm was awarded Firefighter/EMT of the Year. This is an award voted on by fellow firefighters, and he wanted to congratulate Schumm on the honor.

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Markward informed Council and the public that the city's offices would be closed at 11:30 a.m. on Friday, April 15. He reminded all that income taxes are due the following Monday, and that water bills would also be due that Monday, April 18.

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Marshall commented that the American Legion will be holding an egg hunt on Saturday, April 16, from 11:00 a.m. to 4 p.m. There will also be a breakfast beginning at 6:00 a.m.

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**SAFETY SERVICE DIRECTOR:** Fleming stated that the city's street sweeper was sold on GovDeals for \$85,000, which was \$25,000 over their set minimum.

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During a conversation on the live stream, Markward noted that the link was located on the same webpage on the city's website as the Council meeting recordings.

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**AUDITOR:** Balyeat reviewed March 2022 Financial Report. The Bank Reconciliation report showed \$16.2 million on the books, and the same amount in the various bank accounts and investments. On the Cash Position Report, the Payroll Fund did show a negative balance, but she noted it was due to a correction that didn't hit the books until April. She stated that every other fund had a positive balance, as required. On the General Fund Year-to-Date comparison, the numbers are up just over 10% from last year. She continued to explain the details regarding that 10% increase from last year.

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Balyeat reviewed invoices that would need to be approved on a Then and Now. The first was from Zoll Medical Corporation for \$4,000.00, and the second was from Fire Safety Services for \$5,643.60.

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**LAW DIRECTOR:** Hatcher addressed a question regarding the Hotel Motel Tax ordinance, and the name change for the Convention and Visitors Bureau to Visit Van Wert. Hatcher didn't believe this would require any changes to the ordinance, but he would continue to investigate if this would be an issue.

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Hatcher stated that the Council President had received an email from a citizen who believed that the Police Department was violating Fourth Amendment rights by “snooping around”. Hatcher stated that he disagreed, and that the Police Department had probable cause for taking photographs and investigating the violation of city ordinances. He didn’t believe, in his legal opinion, that the Police Department was carrying out specific purposes, and are not exceeding their authority or violating the Fourth Amendment.

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Hatcher explained that in the proposed legislation regarding the adoption of the 2022 S-16 American Legal Supplement, a section would be struck regarding attaching the entire supplement to the ordinance as an exhibit. As the supplement is hundreds of pages in length, it would not need to be attached within the city’s Code of Ordinances book.

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Hatcher also noted that the draft letter for blighted properties had been revised, and was given to each Council member for review.

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## **COMMITTEE REPORTS**

**HEALTH, SERVICE, and SAFETY:** Marshall elaborated on the draft letter revisions that Hatcher had mentioned, which included additional language on the timeline of the process. Hatcher also reiterated that the point of the letter was to inform citizens that their property met the definition of blighted, and the city would like to know the plan for abating the situation. If there is a specific and well-constructed plan, the city will allow that plan to be carried out.

Davis clarified the timeline, with Hatcher noting that latitude can be given in some situations if the repairs or “fix” would need additional time. Davis also asked about the point of contact for the process, with discussion ultimately settling on the Code Enforcement / Van Wert Engineering Department. Mazur also suggested an addition in the timeline for the city to review plans and either approve them, or ask for revisions.

Agler stated that he felt some landlords would try to sidestep this process. Hatcher and Marshall stated that the timeline and the need for a specific plan should help avoid this situation. The plan must be approved, and the repairs completed within the timeline, or else the situation moves to the Common Pleas Court.

Mr. Davis, 402 Tyler St., clarified that some of these owners are from out of town - which was confirmed - and asked how they will make sure the letters would be delivered. Hatcher stated it would first be delivered by certified mail, and if it comes back unclaimed, then it would be sent by regular mail. If no contact is made, then the city would proceed on the property.



Joe Jared, 233 Burt. St., asked how many times a plan can be submitted before it's accepted or denied. Hatcher stated it's one plan and approval/non-approval. There may be a situation where a back-and-forth can occur, but only if it's a good faith back-and-forth. Hatcher also acknowledged that there would be learning curves to this process. It was also noted that the process would be started on a few properties at first, and not every property at once, so that learning can occur.

Susan McVay, 521 N. Jefferson St., asked if the city would have to pay for taking control of a property or for demolishing a house. Hatcher stated that in some cases, yes. McVay asked if the city would consider selling these properties to someone who flips homes. Hatcher stated that through the court process, receivers can be appointed and the house can be inspected for viability for repairs or demolition. The city would take control of the property through the blighted home ordinance. It was also noted that the property could be auctioned, or sold to the Land Bank. It was also noted that this would be a last resort, as the city doesn't want to own properties or homes across Van Wert.

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

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**ECONOMIC DEVELOPMENT:** Kallas reminded Council that at a previous meeting, Markward noted that the Council appointment to the Van Wert Area Economic Development Corporation Board, Mark Schumm, would have his term expire in June of this year. Kallas stated that Mr. Schumm has indicated a desire to remain on the Board, and Kallas would like Council to consider keeping him on the Board for another term.

**Kallas made a motion to reappoint Mark Schumm to the Van Wert Area Economic Development Corporation Board. Agler seconded; all concurred.**

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Economic Development had no additional report for the evening.

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**PARKS AND RECREATION:** Bowers was absent for the meeting, and Vice Chair Stinnett stated that Parks and Recreation had no report for the evening.

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**FINANCE:** Agler made a motion to approve the invoices to Zoll Medical Corp (\$4,000.00) and to Fire Safety Services (\$5,643.60) on a Then and Now. Stinnett seconded; all concurred.

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Finance had no additional report for the evening.

**PROPERTIES AND EQUIPMENT:** Stinnett reviewed Van Wert Code of Ordinances §152.75 for all present, and stated that he believed it was time to ask building owners to fix their parking lots. He believes that the section of ordinances read allow the city to achieve this goal.

Davis stated that he had pulled information from other cities, and the language of their ordinances regarding this issue. Davis stated that he believed that Van Wert also had language in place to enforce this.

Hatcher explained that the section Stinnett read was a definition section - not an action section. He noted that the next section, which is the enacting section, does not specifically address parking lots. He believed an amendment to the ordinances would be needed in order to give authority to enact.

Hatcher stated he could put together a mockup of an amendment for Stinnett's review.

Mazur asked Fleming if a letter could be sent to the commercial property owners regarding improvement of parking lots. Fleming stated it could be an action, but the city wouldn't have anything to fall back on at this point. Mazur indicated it would be a proactive courtesy. Discussion continued, and it was noted that a letter could be sent as Council continues to discuss this issue.

Kallas asked what the outcome would be if a parking lot was not fixed. Hatcher noted that an unclassified misdemeanor with a \$500 fine per day could be considered. Every day that a parking lot isn't fixed would be considered an offense.

Markward asked if a separate section of ordinances could apply without the need for an amendment. Hatcher stated he would further investigate that question and provide a response.

Mr. Jared, Burt St., gave his opinion that the city shouldn't fine owners if a parking lot needs fixed in the winter months, and should only force owners to fix their parking lots in the spring and/or summer.

Mr. Davis, Tyler St., noted that these parking lots are considered public thoroughfare, and wondered if there was any type of enforcement with this consideration - for the city or for leasees.

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Properties and Equipment had no additional report for the evening.

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

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**JUDICIARY AND ANNEXATION:** Davis made a motion to introduce Ordinance Number 22-04-021. Agler seconded; all concurred.

Davis made a motion to suspend statutory rules for Ordinance Number 22-04-021. Agler seconded; all concurred.

Davis made a motion to pass Ordinance Number 22-04-021: AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES FOR THE CITY OF VAN WERT, OHIO, AND DECLARING AN EMERGENCY., on its first and final reading. Stinnett seconded; all concurred.

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Mrs. McVay, Madison Blvd., asked if the Airport had hired their part-time employee yet. Davis explained the background on that delay, and he stated that the agreement had been finalized with the County Commissioners. He hoped to have more information at the next meeting.

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Judiciary and Annexation had no additional report for the evening.

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## **UNFINISHED BUSINESS**

Mazur reiterated that this meeting was being streamed live, and asked Markward what the next step would be. Markward stated that if Council likes this process, then they would figure out the steps to make this continue. John Butler, who was performing the livestream, stated that he had two quotes - one for the baseline equipment, and one for the baseline equipment and more modern cameras for the process. Council asked for any and all quotes, so next steps could be considered.

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Hatcher addressed the Mayor's question from the parking lot conversation, and stated that this particular section of ordinances addressed a different issue than how the city would approach the parking lot situation.

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## **NEW BUSINESS**

There was no new business brought before Council.

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## **CONSENT AGENDA**

There were no items on the Consent Agenda.



## RESOLUTIONS & ORDINANCES

There were no additional resolutions or ordinances to be read.

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## ADJOURN

Agler made a motion to adjourn at 7:28 p.m. Davis seconded; all concurred.



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Clerk of Council  
Andrew Bittner



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Council President  
Gerald T. Mazur

**04/25/2022**

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Date

