

MINUTES OF THE VAN WERT CITY COUNCIL

May 23rd, 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. Davis seconded; all concurred.

Davis made a motion to approve the agenda for the May 23rd Council meeting. Kallas seconded; all concurred.

Davis made a motion to approve the minutes for the May 9th Council meeting. Bowers seconded; all concurred.

COMMENTS, COMMUNICATIONS, & PETITIONS

Mazur stated that he received correspondence from Mr. Edward Glossett, regarding his proposal on a Citizens Corps - which he provided to Council members prior to the last meeting.

Mr. Glossett opened by thanking Council for their time. He stated that the Mayor and City Council are responsible for their jurisdiction, and the safety of people in the jurisdiction. He stated that a core obligation of that leadership is to prepare and lead. As part of preparing and leading the community, Mr. Glossett proposed a Citizens Corps. He explained that, according to his research, this door was opened with the introduction of CERT (Community Emergency Response Team). As part of this proposal, Glossett detailed what he felt were positives to a neighborhood watch program, in order to reduce crime, provide a better quality of life, and increase responsibility. He noted that he felt this could help improve the cleanliness of the community, and adherence to city ordinances, without relying on the use of the Police Department. Mr. Glossett also detailed what he felt were positives to other programs within a Citizens Corps, such as a Fire Corps, and other corps to improve the community's emergency response measures. He stated that first responders can't always help immediately, and this would help increase the community's ability to help themselves.

Mazur asked Rick McCoy, the Director of the Van Wert County Emergency Management Agency (EMA), about the overlap between the CERT program and the Citizens Corps, and how the EMA communicates between the Police Department, Fire Department, and other agencies. Mr. McCoy stated that information regarding severe weather or emergency situations are put out over emergency scanners, social media, local media, and meetings with several organizations. Mr. McCoy also stated that they currently are doing well with volunteers, as he has 25 EMA volunteers, with many other community members that are coordinated with to help out in times of emergencies. Mr. McCoy explained that the EMA is responsible for all planning, warning, and community recovery. After 9/11, he stated that the EMA was designated as the local Homeland Security Branch. So, if the National Guard, Red Cross, or other organizations would come in after an emergency, then he would be in charge of those units. Further, he noted that, technically, any Citizens Corps program would fall under his authority.

Mr. Glossett gave his opinion that the city needed to form units like a neighborhood watch, etc., and asked Mr. McCoy if groups like this were in place. Mr. McCoy stated that it was up to his office whether groups like that were formed. A formal request for a Citizens Corps would need to come through his office, and then he would coordinate with the proper authorities - whether that was a neighborhood watch, a Medical Corps, a Fire Corps, etc. Additional discussion ensued on insurance for the EMA and their official volunteers, as well as input from Fire Chief Jon Jones and Police Chief Doug Weigle. It was determined that Mr. Glossett would need to meet with Mr. McCoy to work through logistics and next steps of this proposal.

Bowers asked McCoy about additional volunteers than the aforementioned 25, noting that she had witnessed more volunteers after emergency events. She stated that she felt Van Wert County works well with the EMA. Mr. McCoy noted that additional people within the community are part of the response coordination during those events.

Jeff Kreischer, 9988 Dull Robinson Rd., asked Mr. Glossett if he was more concerned with preparation instead of response, as his proposal would help the community with more front-end readiness while the EMA and other organizations are ready on the back-end responses to situations.

Joe Jared, 233 Burt. St., asked for a copy of the Citizens Corps documents that were provided to Council. It was noted that Mr. Glossett or a member of Council could provide a copy.

Mazur stated that there have been multiple conversations regarding the door hangers that are given during a citation, and noted that Chief Weigle had given copies of these door hangers to Council for review. He acknowledged the many members of the public who had attended the meeting to voice their opinion, and stated that each would have their turn to speak.

Hall Block, 401 S. Washington St., stated that he understands that people do not like being told what to do with their personal property. In a city, however, Block pointed out that residents are living around other people. He stated that he wanted to see others take pride in changing the community. He noted that he came from Lebanon, OH, and it's a beautiful city due to code enforcement. He believes that the problem for Van Wert code enforcement is due to the process - which is a result of enforcing the laws that are already on the books - and he doesn't feel like the relationship between the Police Department and the public is going in the right direction. He gave his opinion that a dedicated Code Enforcement Department is the long-term answer, and detailed reasons why he believed in this solution. He explained that he understood finances are an issue, but he feels the change needs to happen to improve the city's code enforcement, and improve the relationship between the Police Department and the public.

Mazur asked the Police Chief to address the process, but also noted first that the ordinances in question have been on the books for many years, but have just started to really be enforced again recently. Chief Weigle stated that, for most of the last 22-25 years, the city worked with a code enforcement side, but that did not work. Properties weren't cleaned, and it got to the point where the Police Department was approached and asked to help remedy the situation.

As for the process, Weigle stated that when officers come across a violation, door hangers are given - which contains a full print out of the entire ordinance and definitions in question. The officer then goes back to the station and records the name, address, and a small description of the violation. A Computer Automated Dispatch is added to the report. Weigle explained that the reason a short description is given at this time is so the Lieutenant can field the call, and know what the issue is regarding the residence. He continued that there is no offense given at that time, because there is no offense at that time. There is a 10-day window to come into compliance, and Weigle also noted that if an extension is requested, it is almost always granted. Officers aren't also to do more at the time, so that they can focus on other duties during their shifts. Later, officers record a longer report, and another officer assigned to that area will go take pictures of the property - and this only occurs during daytime hours now. Weigle thanked Stinnett for meeting with him to go over this process, and credited that meeting for changing the time of taking pictures to daytime hours. It was noted that pictures aren't printed until the day of court, and are entered during the plea that day. Weigle continued to detail the additional elements of the process for trash/junk violations, and the process if cases are taken to court. Compliance is checked on the day of the court hearing, and if in compliance, they recommend \$0.00 in fines. He also informed those in attendance of the actions that he has taken to help local residents get their properties in order - mowing lawns for residents, taking truckloads of trash/junk from residences for property owners, and passing out the city cleanup tickets to residents.

Kallas clarified that the door hangers start the process, and it is indeed a warning when given. Weigle confirmed - it starts the 10-day window to get in compliance (for trash/junk), or 5 days in the case of grass/yard violations. Weigle also explained that he has asked his officers not to be "overzealous", and not to give out door hangers for situations where they are only a few items. A question was asked about rentals, and Weigle stated that after several back and forths, they have decided that if it is a single residence rental, they will address the tenant as it is their trash. If it's a multi-unit situation, or it's construction materials, or it is just obvious that it is a landlord problem, then they address the landlord.

Julia McGrath, 777 High St., posed a question to Weigle regarding a citation for parking in her driveway, with 6-8 inches of the vehicle hanging over into the sidewalk space. Weigle stated this was addressed, and would be handled moving forward.

Jeff Kreisher, regarding a property at 746 Monroe St., stated he had a violation and he had cleaned it up. However, he asked if he can report violations from others for similar issues, as he stated he had competitors with similar issues. He agreed with tenants being cited for the violations, and with the renewed focus on cleaning up the city, but wanted to know if residents can report others. Weigle stated that residents can report others, and further discussion was had over other areas of the city, business designations, and other issues that Mr. Kreischer questioned.

Larry Sidle, 402 N. Washington St., asked for an explanation on the city's junk car ordinance. Weigle read the ordinance from the door hanger on that issue. For Mr. Sidle's particular issue, Weigle stated that the engineering department had sent Mr. Sidle a letter, and after 10 days, those vehicles can be towed. According to Mr. Sidle, his vehicles were cleaned and covered, and he asked how the city had the right to tow the vehicles without an opportunity for him to respond. Hatcher stated that the notification for junk vehicles gives the citizen the opportunity to respond by remedying the situation, and this is the citizen's due process. Another additional item was asked, and Mazur directed Mr. Sidle to meet with the Law Director to move through these issues.

Kevin Allen, 245 W. 3rd St., stated that he received a dog tag on his door. (It was noted later that the back of dog tag hangers used to be used - with additional information stapled to the dog tag hanger - prior to the currently used door hangers.) He stated that he called the Police Department to ask what the dog tag was for, but the person he talked to wouldn't tell him. While an officer came to him and explained the issue - which Mr. Allen said was minor - he argued that a door hanger shouldn't be put on a door at 3:30 a.m. In his opinion, that's asking for trouble. He felt there is a breakdown of communication, and that the middle class of Van Wert is being turned against the Police Department. Weigle stated that pictures are no longer taken during the night, but door hangers are placed on doors during the midnight shift, as that is when the Police Department has more resources to allocate. Mr. Allen reiterated that he agreed with the idea of cleaning up the city, but felt the process needed to be improved, and also that the city was in violation of its own ordinances (citing the reservoir's weeds and the stone quarry as examples).

Debra Bashore, 245 W. 3rd St., stated that she felt 12:30 a.m. - 4:30 a.m. in the morning wasn't an ideal time for officers to be placing door hangers. She stated that she has dogs, and she owns a gun, and if she hears someone on her porch at that time of the night, she's going to grab her gun. She stated that she supports the Police Department, but doesn't want officers on her property at that time. Weigle noted that if a door hanger is given for a trash/junk violation during the year, then if that residence has a trash/junk violation again, they are not required to place another door hanger for the remainder of the year.

Mark Davis, 402 S. Tyler St., clarified that officers are driving around to spot violations, and that violations are not complaint-driven. Weigle confirmed that officers are looking for violations while on patrol, but that some do come from received complaints. Mr. Davis asked how it was legal for officers to climb over his vehicles, on his property, to check the status of his neighbor's vehicles. Mr. Davis argued that officers did this last year. He also argued that officers aren't looking at items on the street as well as they are looking for violations in yards. He expressed frustration over paying a significant amount of money in fines, and then receiving a threat - which he couldn't remember was from the Police Department or from the Van Wert Engineer's office - for parking his vehicles legally on the street.

James Cook, 667 N. Walnut St., made it clear to Chief Weigle that he doesn't want police officers on his property, without probable cause, and he is "revoking the curtilage to his property" for the Police Department. He believes the Police Department is in violation of the 4th and 5th Amendments, and he is speaking with attorneys in Columbus on the matter.

Markward asked Hatcher if the Police Department has probable cause to be on the property to take pictures and place door hangers if they spot a violation of a city ordinance. Hatcher believed that this would constitute probable cause, and give officers a legal right to be on the property. Hatcher stated he did not believe that Mr. Cook could revoke the legal right for the officers to step on his property for those reasons. Mr. Cook said he would file a trespassing charge every time an officer stepped foot on his property.

Joe Jared, 233 Burt St., argued that what he had experienced was unconstitutional, and he and his lawyer would argue that in court. The information that he requested from Hatcher would be "under discovery". He stated he will fight for his wife's right to garden, for "life, liberty, and the pursuit of happiness", and that he shouldn't feel threatened on his property.

Amanda Kraner, 223 Bonnewitz Ave., received a citation for a trash/junk violation. She stated she did not understand what was considered trash, as she had her mower and rototiller parked in front of her garage, her grill there as well, and a bin of broken glass. She stated that the officer who placed the door hanger also cited her enclosed front porch, which Mrs. Kraner argued was only accessible through her house, and therefore part of her home. Hatcher stated that he couldn't address each point without seeing the property or pictures. Hatcher offered to meet with her, but Mrs. Kraner stated that she couldn't because she had to take time off work to go to court.

Mazur asked Mrs. Kraner if she had contacted the Police Department when she received the door hanger, but she stated that she didn't have the time to do that due to working 10-12 hour shifts. Hatcher stated that she could ask the court for a continuance, and that would give her time to meet with him. Mrs. Kraner asked Weigle if officers would be listing specifics on the door hangers in the future. Weigle stated they would not, and gave the reasons. He stated that if that were to happen, then citizens may only clean up exactly what was listed, even if those were the only items that were in violation. In some situations, they've had properties that had multiple truckloads of trash/junk, and listing specifics wouldn't be feasible. But if they did it for some properties, they would have to do it for all properties. He stated this would also cause officers to spend more time on properties that have violations, which he indicated may cause problems with residents - as Mr. Cook had indicated earlier. Mr. Cook stated that he hated police officers. Weigle also stated this would take officers away from other priorities. Additionally, Weigle noted that some residents who had violations had acknowledged they had not read the definitions of the ordinances on the door hangers. Weigle continued his explanation, but ultimately felt that many of the complaints heard on the evening would only be further increased if officers stayed on properties for longer than they are currently.

Matthew Perry, 245 W. 3rd. St., stated that he works around the city, and that Van Wert has a drug problem. He stated that he felt like Chief Weigle was making it seem like the yard violations are a bigger problem than drug violations. Mazur agreed that drugs are a significant problem, and stated that all laws and ordinances are supposed to be enforced. Perry explained that he just wanted to get clarification that these violations aren't getting more emphasis than drug issues.

Bowers remarked that this was the first time she had viewed the door hangers. She relayed that she knew people that didn't receive explanations of their violations, but in court, their violations were read in court. Weigle stated that specifics are not read in court, as this information isn't generated. The ordinance in question is read in court. Bowers stated that she felt the city's ordinances need to be redone to more clearly define items in the ordinances. Fleming stated that residents aren't receiving citations strictly due to "children's toys" - it is due to toys that are broken, an abundance of broken or unused toys that have laid in the yard for several months, or are on sidewalks/in right of ways.

Hatcher stated that he sees everything that comes through court, and most people plead no contest. Most people bring photographs of the current state of the property, and both sets of photos are provided to the court. The court uses these photos to determine if steps have been taken, and what violations, if any, are still present to determine fines. Most people are taking the situation seriously, and Hatcher stated that was visible from the turnout at this meeting. And even if people disagree, the involvement in the city's government is important. If situations can be improved, Hatcher stated that Council will do it.

Mr. Kreischer stated that communication is important. He wanted more communication from the Police Department to get the information needed for compliance.

Mazur stated that Council doesn't want to destroy the Police Department's efforts in cleaning up the city, but they do want to improve the situation in any way they can.

Mr. Davis asked who the public should contact if they have questions regarding door hangers. Weigle stated that Lieutenant Boroff would be the point person.

Mr. Allen stated he had moved his boat that was not in compliance earlier. Speaking to a comment Weigle made earlier in the meeting, Mr. Allen asked if he would receive another door hanger/warning if a relative left their bike on his property, or if he would immediately receive a ticketed offense. Mazur stated that the door hanger was already given a warning to keep trash/junk off the property, and so he would not receive a warning again during the year. Weigle clarified the situation.

Mr. Jared stated that people have heard Hatcher and others say \$0.00 fines, but most people are receiving them in the form of court costs. While they may be receiving a "discount", Jared argued, they are still being charged trivial fines. He argued that the public sees fines and court costs as the same. Mazur noted that the public can avoid fines and court costs by addressing their situation during the 10-day window after receiving a door hanger.

Mr. Sidle asked about the ordinance on spring-loaded toy guns. He stated that the Police Department posted something on social media addressing that situation. He felt NERF guns fit under that ordinance, and that Council should address it. Hatcher stated he will look into it, and see whether Council needs to address the situation.

ADMINISTRATIVE REPORTS

MAYOR: Markward stated that the Law Director emailed out ordinances regarding the gas aggregation issue, and ceding authority on the matter to the Van Wert County Commissioners. He stated that was a similar arrangement that was put into place when the city adopted the electrical aggregation. He requested that Council consider passing the ordinance to allow the Commissioners to put that process in motion.

SAFETY SERVICE DIRECTOR: Fleming reported that the Bonnewitz Ave. project did not start last Monday, but did start today. This project will run through October.

Bowers asked if they can use Bonnewitz Ave. to Jefferson St. and Monroe St., and Fleming confirmed it was accessible. He also noted that it is one-way all the way through from Washington St. to John Brown Rd.

AUDITOR: Balyeat detailed two invoices - one to Johnson Mechanical Inc (in the amount of \$34,850.00) for a cooling coil replacement in the Municipal Court, and one to GovDeals (in the amount of \$6,601.87) for the fee for the street sweeper sale - that would need approved on a Then and Now.

She also detailed supplemental appropriations, correcting errors on the last supplemental appropriation ordinance, and approving an additional appropriation.

She also reviewed the draft of the Tax Budget for 2023. She asked Agler to look through the draft, and determine whether he wanted a committee meeting on the issue. She explained the concept of the tax budget for new Council members.

LAW DIRECTOR: Hatcher had no report for the evening.

COMMITTEE REPORTS

HEALTH, SERVICE, and SAFETY: Marshall relayed that he received a memo on the blighted properties letter that had been drafted. He asked if Hatcher had received confirmation from Council on the letter. Hatcher stated the Mayor and Bill Lawson had reviewed the letter, and that he would send it to Council to review before it was sent out.

Agler asked Marshall if he wanted to revisit the trash/junk ordinance with regard to toys and bicycles. After additional discussion, it was determined that a Council of the Whole meeting would be held at 6:00 p.m. on June 13, 2022, prior to the next Council meeting.

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

PARKS AND RECREATION: Parks and Recreation had no report for the evening.

FINANCE: Agler brought up the proposal for continued streaming of Council meetings. For the equipment to continue streaming as is, the cost would be \$1625.00. To replace microphones and cameras, the cost would be \$4560.00. Davis stated they would eventually get to a point with their older equipment that they wouldn't be able to stream or record meetings. He felt this was an investment that should be made now, and then it wouldn't need to be addressed again for several years. He also stated that a better job could be done of making the livestreams more visible to the public. Hatcher remarked it was easy to get to the link on the city's website, and meetings are archived.

Kallas asked if streaming was financially worth it if viewership was low. A member of the audience stated that going to Facebook Live would get more viewers than streaming straight from Council's webpage.

Balyeat stated that she sent a message to different treasurers/auditors to see who livestreams their meetings. She only got a few responses. Some cities did it, got few viewers, and stopped streaming. Overall, she stated that not very many cities livestream their meetings. Balyeat questioned the worth of streaming meetings live vs. watching the recording the next day.

Markward stated the bulk of the quote was to upgrade equipment, regardless of purpose - livestream or recording. Davis argued this was an initial investment, but fees would be minimal to continue.

Davis made a motion to authorize city administration to purchase the audio/video equipment upgrades, and continue livestreams. Marshall seconded; all concurred.

Agler made a motion to approve the invoices to Johnson Mechanical Inc (\$34,850.00) and GovDeals (\$6,601.87) on a Then and Now. Kallas seconded; all concurred.

Agler made a motion to ask the Law Director to prepare legislation authorizing supplemental appropriations to Funds 230 and 602, on an emergency. Kallas seconded; all concurred.

Agler made a motion to introduce Ordinance Number 22-05-027. Kallas seconded; all concurred.

Agler made a motion to suspend statutory rules for Ordinance Number 22-05-027. Kallas seconded; all concurred.

Agler made a motion to pass Ordinance Number 22-05-027: AN ORDINANCE TO MAKE SUPPLEMENTAL APPROPRIATIONS TO FUNDS 230, and 602, AND DECLARING AN EMERGENCY. on its first and final reading. Kallas seconded; all concurred.

Finance had no additional report for the evening.

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

STREETS AND ALLEYS: Moore made a motion to introduce Ordinance Number 22-05-028. Agler seconded; all concurred.

Moore made a motion to suspend statutory rules for Ordinance Number 22-05-028. Agler seconded; all concurred.

Moore made a motion to pass Ordinance Number 22-05-028: AN ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO ADVERTISE FOR BIDS AND AWARD CONTRACTS TO THE LOWEST AND BEST BIDDER FOR THE 2022 STREET PAINTING, AND DECLARING AN EMERGENCY., on its first and final reading. Agler seconded; all concurred.

Mrs. McGrath asked for a member of Council to look at the alley between Liberty St. and State St. Fleming stated it would be looked at.

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 authorizing the County Commissioners to act as the purchasing agent and governmental aggregator for the natural gas supply of the city of Van Wert, on an emergency. Agler seconded; all concurred.

Davis made a motion to introduce Ordinance Number 22-05-029. Agler seconded; all concurred.

Davis made a motion to suspend statutory rules for Ordinance Number 22-05-029. Agler seconded; all concurred.

Davis made a motion to pass Ordinance Number 22-05-029: ORDINANCE AUTHORIZING THE VAN WERT COUNTY COMMISSIONERS TO ACT AS THE PURCHASING AGENT AND GOVERNMENTAL AGGREGATOR FOR NATURAL GAS SUPPLY FOR THE CITY OF VAN WERT; AND DECLARING THE SAME AS AN EMERGENCY., on its first and final reading. Agler seconded; all concurred.

Davis made a motion to ask the Law Director to prepare legislation 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, on an emergency. Agler seconded; all concurred.

Davis made a motion to introduce Ordinance Number 22-05-030. Agler seconded; all concurred.

Davis made a motion to suspend statutory rules for Ordinance Number 22-05-030. Agler seconded; all concurred.

Davis made a motion to pass Ordinance Number 22-05-030: AMENDED 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. Agler seconded; all concurred.

Davis stated that the Van Wert County Airport received the resignation of the Airport Manager last Monday. The position has been posted. An emergency meeting of the Airport Board will be held to address this position. The process to secure an assistant manager is still ongoing. Davis noted the Airport is also looking for certified flight instructors. He also reminded the public of the Food Truck Fridays events that are being held at the Airport this summer.

Judiciary and Annexation had no additional report for the evening.

UNFINISHED BUSINESS

Davis made a motion to remove Live Stream Meetings from Unfinished Business. Kallas seconded.

Mazur noted that the other two items on Unfinished Business - Parking Lot Discussion and Waste Management System/Sanitary Conditions would remain on the Agenda.

NEW BUSINESS

There was no new business to come before Council.

CONSENT AGENDA


There were no items on the Consent Agenda.

RESOLUTIONS & ORDINANCES

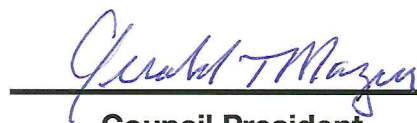
Second advisory reading for Ordinance Number 22-05-026: AN ORDINANCE MAKING THE NORTH SIDE OF FIRST STREET FROM WASHINGTON STREET TO JEFFERSON STREET A NO PARKING ZONE. All concurred; second reading passed.

ADJOURN

Moore made a motion to adjourn at 8:48 p.m. Agler seconded; all concurred.



Clerk of Council
Andrew Bittner



Council President
Gerald T. Mazur

06/13/2022

Date