

MINUTES OF THE VAN WERT CITY COUNCIL

June 27th, 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 agenda for the June 27th Council meeting. Kallas seconded; all concurred.

Agler made a motion to approve the minutes for the June 13th Council meeting. Bowers seconded; all concurred.

Bowers made a motion to approve the minutes for the June 13th Council of the Whole meeting. Agler seconded; all concurred.

COMMENTS, COMMUNICATIONS, & PETITIONS

Mazur reviewed the new liquor permit request for Black Angus Tavern and Grill, LLC at 1103 S. Shannon St. He stated this would be mailed back to the Division of Liquor Control on July 5, 2022, if there were no complaints received.

Mazur also indicated that he invited Mark Spieles, LISW-S, the CEO of Westwood Behavioral Health Center, to attend the August 8, 2022 meeting, in order to discuss the cultural values on the various demographics of the Van Wert population. He stated that he felt this would help Council understand the issues they are currently working through.

Kallas thanked the Fire Department, the Police Department, Mayor Markward, Safety Service Director Fleming, and President Mazur for taking time to meet with his summer Government class students during different days this summer. Kallas explained what his students had the opportunity to tour and learn about, indicated that his students enjoyed the time, and expressed his gratitude for the time given to the younger generation.

ADMINISTRATIVE REPORTS

MAYOR: Markward relayed to Council and those in attendance that the new cameras were installed, as well as a new microphone, and that they were operational for the night's meeting. He noted that the cameras would not be turning during this meeting, but would have that capability in the future. They would also be gauging the sound quality of the new microphone. For the most part, everything should look similar for the streaming, and meetings would still be posted in the archives on the city's website.

Markward also stated that he discussed a citywide trash cleanup event with Young's Trash Service, and explained that they discussed possible improvements if Council would choose to approve this event again. He asked Council members to send him any ideas they had for improvements, so he could further discuss with Young's Trash Service, unless Council would indicate they did not want to hold the event in 2022.

Moore stated that she would be in favor of having another citywide event, stating it would help the community with the city cleanup efforts that have been happening recently, and show the community that the city is trying to work with them. Stinnett echoed that it helps the community, and he was in favor.

Davis asked how many tickets were picked up and how many were used last year. Markward gave a general number (in his recollection, roughly 300 were given out and roughly 160 were used), but did not have the specific numbers available. It was also noted that Danfoss split the cost last year with the city.

Moore asked about the advertising of the event last year, and if that affected the turnout. Markward stated that they heard after the event that because some items were listed as possible items that could be taken, some assumed that was all that could be taken. He also stated they heard from some residents that they had things to take, but didn't have a way to get them to Young's for disposal. He noted they are brainstorming ways to help the community with those difficulties.

Joe Jared, 233 Burt St., stated that he hoped the new cameras were angled correctly, as he stated the previous cameras were tilted.

Jeff Kreischer, 9988 Dull Robinson Rd., asked the Mayor for additional information on last year's citywide cleanup, and then wondered why more people didn't take advantage of the event, considering it was free of cost to city residents. Stinnett explained that many residents didn't have the means to take their trash, and this is a difficulty for them. Mazur stated that they will look to remedy that problem as they discuss this in the future.

Mr. Jared posed a thought on volunteers with trailers, who would be available to help haul trash or other items for those who were unable to take it themselves. Mazur asked Mr. Jared to hold that thought until a future meeting, as he promised they would hold further discussions on how to help those who might need the assistance.

SAFETY SERVICE DIRECTOR: Fleming noted that brush pick-up began today (June 27), and stated that while it may be too late for some, he still urged residents to get their items out for tomorrow.

Fleming also reviewed the need to amend the water and sewer rates, as explained at the last meeting, to change from quarterly rates to monthly rates. He stated they need to change the minimum water bill to 227 cubic feet, change the minimum bill for sewer to 333 cubic feet, and raise the turn-on fee to \$50.00.

Bowers asked about the current water and sewer rates. Fleming noted the current rates, but explained that they are not changing the current rates, but only dividing by 3 on each (water and sewer) to move from quarterly billing to monthly billing.

Moore asked about parking at Smiley Park, particularly on the north side of Woodlane Ave., near the high school field. She stated that she had heard there were issues with parking tickets there, even though there are no "No Parking" signs up. Fleming stated that there were no tickets issued, but there was a confrontation that occurred between some people parking there and the residents of the homes there due to people parking into yards in wet conditions. He noted that no complaints were filed, and no tickets were issued, and that it is not, in fact, a "No Parking" zone.

Moore stated that she heard elderly fans were parking there to watch games, due to limited parking spaces available in the existing lots, and asked if additional parking could be added in Smiley Park. He said there have been some discussions in the past, and noted that the baseball coach had asked his players not to park in the lot off Woodland for that reason. Davis asked if buses can be asked to park in the larger, main lot. Fleming said they could speak with the school about that issue.

Mr. Jared referred to Fleming's preliminary description of the new billing process for water/sewer with the new meters. He asked if the shut-offs would occur 30 days after residents receive their invoice. Fleming stated it would not be 30 days - residents would receive their invoice on the 1st, have it viewed by the 15th, and shut-offs would occur on the 16th. He stated this is the way it's done currently on the quarterly system, and would continue as such, but now monthly under the new system.

Mr. Jared gave his opinion that this was too harsh. Fleming responded that of the roughly 300 shut-offs every cycle, 200 of them are the same residents each time. He also noted that payment plans are available for those that need it.

AUDITOR: Balyeat opened with two invoices - one to Van Wert City Crime Victims Services (in the amount of \$22,000.00) for its Annual Support, and one to Henschen & Associates (in the amount of \$3,270.00) for Court software maintenance - that would need approved on a Then and Now.

Balyeat then detailed supplemental appropriations that were included in prepared legislation for the evening's meeting, to Funds 101 (General Fund), 215 (Economic Development Fund), 225 (Federal/State Grant), 230 (MC Special Projects), 301 (Street Construction), 601 (Water Fund), 602 (Sewer Fund), and 820 (DARE Fund).

LAW DIRECTOR: The Law Director had no report for the evening.

Mr. Jared initiated a conversation on the definition of junk vehicles, specifically citing the residents in the city that may not have a garage, may not have the means to buy a new or immediately functional vehicle, but are working to make a vehicle functional and/or saving up to buy parts for a vehicle. Mr. Jared acknowledged that six months is too long a window to allow residents to make sure their vehicles are operational/functional, but that the standard 10-day window is too short of a time frame. He asked Council whether a committee meeting could be held to discuss this matter in more depth.

Agler stated that, in his understanding, if the current 10-day window is expired or close to expiring, and residents are working on their vehicles in good faith, then extensions can be granted in order to get the vehicles fixed. Kallas also clarified that residents get a warning prior to any citation.

Hatcher noted that Mr. Jared was discussing a situation where a resident already received a warning at some point in the calendar year - already received a door hanger - and so any additional "violation" would result in an immediate citation without a new warning. Mr. Jared also noted this would immediately add \$140 to their "car bill" in the form of court fees.

Mazur asked Mr. Jared to submit a written proposal to Council, and they would consider his proposal. Bowers indicated that it is not always possible to get the parts needed in a timely manner. Hatcher stated that there are three elements to be considered for residents - availability of parts, availability of time, and availability of money. These factors affect how quickly vehicles can be fixed. Hatcher noted that it is easy to get an extension if it is obvious that work is being done. The only time that will be denied is if it is clear that work is not being done in good faith.

COMMITTEE REPORTS

HEALTH, SERVICE, and SAFETY: Marshall directed Council to a folder that he provided each member with prior to the meeting, containing information on how cities similar to Van Wert (Antwerp, Bluffton, Bryan, Delphos, Fremont, Minster, Payne) handle the issue of refuse/waste management. He cited a common complaint from citizens, which is the handling of large or small trash items that are outside the parameters of normal trash pickup. He continued by stating that even with the citywide cleanup efforts in recent years, there are still many citizens who are not able to transport items to the dropoff center, or are not able to make that timeframe work. He asked Council to review the information in the folder, so that they can have an open dialogue at a Council of the Whole meeting on Wednesday, July 27th, 2022, from 6:30 p.m. to 8:00 p.m. He noted that the public is invited to participate in meetings such as Council of the Whole meetings.

Mazur noted that these packets contain contracts with different waste companies, and address ways to dispose of larger objects for residents. He asked Council to review, and pull out aspects that they like from the information.

Mr. Kreischer asked if the public could receive a copy of that folder of information. He commented that he and several other local residents run services to dispose of larger articles of trash/waste. He also argued that everyone would be charged for this type of service - people on fixed incomes, or families that can't afford another charge on their bill, or families that don't need to utilize the service.

Mark Davis, 402 S. Tyler St., asked Mazur whether he was referring to a contract with a waste service that would provide the option of larger item pickups for the entire city of Van Wert (roughly 4800 homes) and billed individually for the service, or whether he was referring to a contract where larger items could be picked up but every household is paying that fee. Mazur stated that everyone would be paying the flat fee, if a contract like this was adopted.

Bowers stated that she doesn't have much trash, and there are many others like her, and that would have an impact.

Moore asked Mr. Kreischer what he would charge for coming to her house to pick up a sofa, and then taking it to disposal. Mr. Kreischer stated it was approximately 4.5 cents per pound on the scale, and he would send her an invoice for roughly 9 cents per pound.

Agler stated that he would firmly protect Young's Trash Service, pointing out that they buy their gas and diesel in Van Wert, they buy their tires in Van Wert, they have their repairs done in Van Wert, they employ residents of Van Wert who pay taxes in the city of Van Wert. They also support ball teams and the ballparks in Van Wert. Agler also argued that if a company from out of town wins the bid for this type of contract, and the other area haulers go out of business, then that company will raise their prices in a few years because there isn't competition.

Mr. Davis asked for this information to be copied and given to the public, or placed on the city's website for public review, so that the public can be an informed party at the Council of the Whole meeting on July 27th.

Kevin Allen, 245 W. 3rd St., voiced his concerns regarding the potential cost of this type of contract, and its effects on himself, as well as those who already cannot afford their trash bill.

Kallas urged those in attendance to look at the documents. He noted that he himself had reservations, but he was willing to look at the documents he had been given. He stated that if he looked at the document and this type of situation would benefit Van Wert, then he'd be for it. If the situation would not better Van Wert, he'd be against it. Stinnett stated they are looking to see if it would help Van Wert, and that's it.

Mr. Jared gave his opinion that he was not in favor of local government interfering with his vendors. Mazur stated that the contracts from other communities excludes commercial property. Mr. Jared said he didn't think it would be well received by the community. Kallas and Mazur noted that it was just at the point of looking over, exploring, and discussing - and that they weren't at a decision point yet.

Mr. Davis asked if the Police Department was looking for other violations - citing vehicles he believed had been parked on the streets with expired plates or flat tires, or bushes and other hazards near intersections and other areas that block vision when driving - other than junk/rubbish violations on properties. He asked why the Police Department kept citing citizens for violations, but also couldn't report violations on city properties to the city, or safety hazards on the streets.

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

ECONOMIC DEVELOPMENT: Kallas made a motion to introduce Ordinance Number 22-06-036. Agler seconded; all concurred.

**Hatcher noted that in his draft, he misnumbered this as Ordinance Number 22-06-037, but it should have been Ordinance Number 22-06-036, and explained it was the legislation to extend/renew the pre-annexation agreement for the megasite.*

Mr. Jared noted that this legislation title was not listed on the agenda.

Kallas made a motion to suspend statutory rules for Ordinance Number 22-06-036. Agler seconded; all concurred.

Kallas made a motion to pass Ordinance Number 22-06-036: AN ORDINANCE AUTHORIZING THE MAYOR TO SIGN A PRE- ANNEXATION AGREEMENT WITH RIDGE TOWNSHIP, HOAGLIN TOWNSHIP, VAN WERT COUNTY FOR THE JOB READY SITE AND DECLARING THE SAME AS AN EMERGENCY., on its first and final reading. Bowers seconded; all concurred.

Economic Development had no further report for the evening.

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

FINANCE: Agler made a motion to approve the invoices to Van Wert City Crime Victims (\$22,000.00) and Henschen & Associates (\$3,270.00) on a Then and Now. Stinnett seconded; all concurred.

Agler made a motion to ask the Law Director to prepare legislation to authorize changes to the water and sewer rates (changes move rates from quarterly to monthly), and an increase in turn-on fee, on an emergency. Kallas seconded; all concurred.

Mr. Davis asked if this would become effective upon passage, as it was requested on an emergency. Fleming suggested a clause in the legislation to note that it would become effective when new meters are in place.

Matthew Perry, 245 W. 3rd St., stated that in his opinion, increasing the turn-on fee only puts a bigger burden on the Salvation Army and local churches, organizations that help many people pay their bills if they are struggling to do so themselves. He argued that instead of an organization paying \$25 every quarter to help someone get their water turned back on, they would now be helping pay \$50 every month. Fleming commented that it's not an easy task for the water office to go through 300+ shut-offs each cycle. He also questioned whether organizations that paid the fees were helping or enabling, and whether habits needed to be broken.

Mazur shared that he had a conversation with Jobs and Family Services (DJFS) on that very topic. He stated that DJFS informed him that residents who are struggling financially can go to their office to request help with water, electric, or gas bills, and there is state and federal money that can be utilized for this. Mr. Perry noted that he knew people who had requested assistance through DJFS or the CAC, and it's very difficult to secure assistance in the time needed before shut-offs occur. Davis asked Mr. Perry how he would deal with habitually late, or non-paying, customers. Mr. Perry suggested a late fee after 15 days, then an extended window, and then the shut-off with another fee for the turn-on. He stated this would provide some people with the time needed to seek assistance, and gives them plenty of time to pay. Fleming stated that he may have spoken "too harshly" on the 16th day turn-off, noting that it could be 21 days or 28 days considering the move to monthly billing. Mr. Perry stated he felt that was more sufficient than a two-week window. Mr. Allen and Mr. Davis both confirmed the process that happens under the quarterly system, and the timeframe therein.

Mr. Jared stated that he wasn't advocating for enabling, and he would expect to receive a fine at 30 days and a shut-off at 60 days. He noted that while it may be many of the same people who do not pay their bills on time, he felt that the way the process was suggested for the move to monthly billing would cause more people to have shut-offs. He shared his suggestion for fees and shut-offs for the move to the monthly system, which Mazur indicated Fleming would take into consideration.

Agler made a motion to introduce Ordinance Number 22-06-032. Stinnett seconded; all concurred.

Agler made a motion to suspend statutory rules for Ordinance Number 22-06-032. Stinnett seconded; all concurred.

Agler made a motion to pass Ordinance Number 22-06-032: AN ORDINANCE TO MAKE SUPPLEMENTAL APPROPRIATIONS TO FUNDS 101, 215, 225, 230, 301, 601, 602, and 820, AND DECLARING AN EMERGENCY, on its first and final reading. Stinnett seconded; all concurred.

Agler made a motion to introduce Ordinance Number 22-06-034. Stinnett seconded; all concurred.

Agler made a motion to suspend statutory rules for Ordinance Number 22-06-034. Stinnett seconded; all concurred.

Agler made a motion to pass Ordinance Number 22-06-034: AN ORDINANCE APPROVING THE COMMUNITY REINVESTMENT AREA AGREEMENT BETWEEN THE CITY OF VAN WERT AND RUBACO, INC, OHIO AND DECLARING AN EMERGENCY, on its first and final reading. Stinnett seconded; all concurred.

Finance had no additional report for the evening.

Mr. Jared thanked Agler for his support of the local trash hauler.

PROPERTIES AND EQUIPMENT: Stinnett relayed that he had visited several of the city's public properties to check and make sure that grasses are mowed, weeds are trimmed, and the area is cleaned up. He stated he also went looking for the crews, because he wanted the crews safe too. He explained he has one day off a week, and hasn't made it to all the properties, so he asked the public for assistance if they knew of any addresses that needed attention.

Mr. Allen stated that a lot in Towne Center has grass two feet high. It was explained by Fleming that the lot in question is not a city-owned property, and is owned by someone in Kansas. Mr. Allen also reiterated that the weeds around the reservoirs are still there, and asked why the city doesn't buy a sickle to trim them. He further expressed his frustration on various issues relating to the city, and also expressed his opinion that the city is only "targeting" certain areas.

Stinnett stated that he ran for his seat on Council because he wanted to represent every resident in his ward. He stated that he requested pictures of violations, and that he can confirm that people were warned or cited/written up because they were in violation. Stinnett continued that he is interested in what is best for Van Wert. He's not interested in putting any man or woman over another. He also stated that if the public and Council cannot find a way to step up and work together, then it is all going to be futile.

Stinnett explained that there are legitimate health concerns with trash/junk, and it needs to be addressed. He noted that no approach is going to make everyone happy, and he is only interested in what is fair for all.

A question was raised regarding the sharing of photographs - the photographs that Stinnett referenced - and Hatcher stated that he was not comfortable with the sharing of other people's properties to the public. Citizens have a right to request any photographs taken of their own property. Mr. Allen stated that he agreed with that, but wondered why out of state owners could let their grass grow without penalty. Fleming and Hatcher stated the city is trying to find the owners to give them notice, but this is a difficult process. Once notice is given, then further steps can be taken. Hatcher acknowledged it can be inefficient and frustrating - it is for the city as well - but they are trying to work through those issues.

Mr. Perry stated that many farmers would come knock it down and bail it up for their horses, and likely do it for free. Hatcher explained that since it's private property owned by a third party, they would have to make the deal with the farmer, not the city. It was noted that the city could cut it with proper notification, but the owners have to be found first and proper notification served.

Davis asked Fleming what the plan is for the reservoirs, noting that this was brought up in Council last year, and it hasn't been remedied yet. He stated that his issue is similar to members of the public. The city is citing people in town for tall grass, but then the city isn't taking care of their own spaces. Fleming stated that they have trouble keeping right of ways and other areas of the city cut and cleaned up, and they don't have the manpower to address that issue currently. Mr. Allen and Mr. Perry stated that Delphos and Lima reservoirs do not have the same issues. Fleming stated they have more resources to scale to address those issues, and noted it would take rate increases to address those needs. Davis asked if that was the answer, because he felt the problem needed fixed. Davis also noted that buying a sickle doesn't solve the issue, as someone would be needed to use the sickle, which would require funds to pay for labor.

Stinnett gave his opinion that if the water bill is raised to make sure the weeds at the reservoirs are cut, then people will voice complaints about a higher water bill. So he asked what was more important right now - the weeds at the reservoirs or the water rates. Stinnett acknowledged it's a tough call, because they are asking the citizens to cut their grass and keep their weeds trimmed/cleaned up, but he also acknowledged that they can't ask Fleming to work their crews harder than what they already do either.

Fleming stated that he felt the city does an excellent job of keeping the parks and the right of ways maintained. He also said the reservoirs are well-maintained except for the weeds in the rocks. He stated that he agreed it's a problem, but he feels it's been made to be a much bigger problem than it actually is.

Additional discussion ensued on raising the rate for boats in the reservoir, and the problem of labor vs. equipment.

Mr. Kreischer relayed that a resident wouldn't be able to say they don't have the time to mow their grass because they work long shifts, or because they didn't have the money to buy gas. He felt this was similar to the city saying it doesn't have the money or manpower to address the reservoirs. Davis stated that he felt similarly, and that the city needed to find a solution for these revolving problems. Mr. Perry asked about the manpower that was used to clean up a yard in the city, and asked how the city could use the manpower there, but couldn't use the same force to clean the reservoirs.

Bowers asked if the city could put out an ask to the community for volunteers to help clean the reservoirs. It was noted that could be an option, and that the Van Wert County Foundation does something similar for areas they own.

Mr. Jared clarified that the water department is separate from the General Fund, so an employee could be added if needed. This was confirmed. Mr. Jared stated that there was close to \$3.5 million in the water fund, so the money is there if needed to hire even a part-time employee. Fleming stated the interest is very low in job postings for mowing.

Properties and Equipment had no further report for the evening.

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

JUDICIARY AND ANNEXATION: Judiciary and Annexation had no official report for the evening.

Davis relayed that the Van Wert County Regional Airport hired a new manager - Jim Black. He stated they have also hired a part-time employee as well. He stated that discussions have started to explore the possibility of extending the runway to allow traffic to take off and come in during all seasons and in all forms of weather. He reviewed the Food Truck Fridays events and other events/attractions the Airport has to attract residents. Davis stated he believes the Airport will become a great asset to the city.

Mr. Perry asked if any portion of the building is available to the public, and Davis answered that the whole building is open to the public, and he detailed different aspects that would be of interest to the public.

Ed Glossett, 802 E. Crawford St., asked if the city would still provide emergency services to the Airport if it expanded the runway, or if it would have its own unit. Davis stated it would not have its own services - it would still not be big enough for that type of unit.

Mr. Kreischer asked if the city owns the land already for an expansion. Davis stated that the Port Authority already owns the land that would be needed, and they are going through the studies needed for evaluation. He explained the process that the Airport is undertaking.

Mr. Perry asked about a plane that is parked on the runway often. Davis explained it's a locally owned plane, and it will be moving into the new hangar.

UNFINISHED BUSINESS

Hatcher stated that he had sent out a mockup draft of legislation for the parking lot changes that Stinnett had first brought up a few months ago. He asked Council to look through that draft, and give feedback to Stinnett and himself.

Stinnett made a motion to remove "Parking Lot Discussion" from Unfinished Business. Bowers seconded; all concurred.

It was noted this would move to Stinnett's Properties and Equipment report for the next meeting.

Marshall stated that he had received no communication from Council on changing those definitions, and he would like to remove this from future agendas. Marshall stated that he has only heard possible adjective changes to the word “toys”, and he stated that toys have not been an issue in the violations. Bowers felt the wording needed to be clarified, and gave her opinion of wording that could clarify the issue.

Davis referred to the issue that Chief Weigle mentioned at a previous meeting. If the word “broken” is added before toys and bikes, then they are forcing police officers to go onto properties and check whether those toys or bikes are broken. Davis stated that if they were writing tickets and it was a fine right away, he could understand the definitions needing more specificity. However, because citizens get a warning/door hanger, they have a 10-day window to rectify the situation. He used his own son’s toys/bike as an example. Bowers noted that not everyone has a garage or other means to easily rectify the situation. Davis stated that his point was that residents have a 10-day window, plus extensions, to take care of their warning.

Mr. Allen and Mr. Perry voiced their concerns over the way that the police officers are interpreting the ordinance language currently. It was also brought up that if someone has already been cited once, or received a door hanger once, they won’t get that warning a second time during that calendar year. Mr. Jared asked for Council to consider the needs of the people when they write ordinances, and in this case, consider people who don’t own a garage or other means for this type of ordinance, as not everyone has access to the same resources.

Mazur suggested that they keep the definitions the same for a year, and then revisit it at that time. Davis stated that a year-window is too long, and items need to be addressed as they come up. Kallas and Stinnett agreed. Davis stated that if, in two weeks, all they are seeing are pictures of toys and bikes, then they can pivot and address it. But, as of this time, whenever a toy or bike are involved, it is in conjunction with broken fences, broken lawnmowers, or several other items that are in violation as well. Davis stated the police officers are not writing warnings or giving citations for a single bike or toy. It was clarified that no photographs are taken until a citation has been given.

Marshall made a motion to remove “Junk and Rubbish Definitions (Chapter 96)” from Unfinished Business. Kallas seconded.

Mazur noted that Marshall had already discussed “Waste Management System/Sanitary Conditions” during the evening’s meeting, and it would stay on the Agenda for future meetings.

NEW BUSINESS

Markward welcomed Rebecca Violet, the new Editor of the Times Bulletin, and thanked Scott Truxell of the VW Independent for continued coverage.

CONSENT AGENDA

There were no items on the Consent Agenda.

RESOLUTIONS & ORDINANCES

There were no additional resolutions or ordinances to be read.

ADJOURN

Bowers made a motion to adjourn at 8:41 p.m. Kallas seconded; Marshall, Stinnett, Moore, Davis concurred. Agler dissented.



Clerk of Council
Andrew Bittner



Council President
Gerald T. Mazur

07/11/2022

Date

