

**MINUTES OF THE  
VAN WERT CITY COUNCIL**

July 25<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, Bowers, Agler, Stinnett, Moore, and Davis were present.

**Stinnett made a motion to approve the agenda for the July 25<sup>th</sup> Council meeting. Davis seconded; all concurred.**

**Bowers made a motion to approve the minutes for the July 11<sup>th</sup> Council meeting. Kallas seconded; all concurred.**

**Agler made a motion to approve the minutes for the July 11<sup>th</sup> Public Hearing. Moore seconded; all concurred.**

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**COMMENTS, COMMUNICATIONS, & PETITIONS**

Mazur reviewed the rules for the Council meeting, as revisited at the last meeting, per the city Code of Ordinances. He also outlined the upcoming Council of the Whole meeting, on refuse/waste management, for July 27, 2022, and the rules that will apply to that meeting. He covered the documents that were provided on the subject (and posted online), and noted the Council would discuss the topic, and then the public would be given the floor for discussion. He noted that if any member of the public was unable to speak within the time constraints of the meeting, they can email the clerk to request time at the next Council meeting.

Davis noted that the intention would be to hold multiple special meetings on the refuse/waste management topic.

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Mr. Joe Jared, 233 Burt St., stated that he was demonstrating the inverse square law, as he discussed a complaint he had with the speaker system operated by Main Street Van Wert (MSVW). He claimed this was a longstanding issue, and described occurrences where the speaker system was too loud. He asked for the system to be turned off at certain times, including public events, and suggested a city ordinance that would limit the system to 50 decibels or below.

Hatcher stated to Council that the city ordinances mainly cover excessive noise with respect to motor vehicles (in excess of 80 decibels). Mazur asked Markward to speak with Main Street Van Wert, and also asked Mr. Jared to send the clerk an email of his suggestion.

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Hall Block, Property Manager for the Van Wert County Foundation, and speaking on behalf of Van Wert Forward, provided an update on the progress of the downtown redevelopment. He detailed the current Phase 1 advancements and financial commitments, as well as the next steps in Phase 1. He noted that Phase 1 could be complete by June of 2023.

He further explained that Phase 2 may begin in early 2023, and detailed the buildings and areas that are part of the Phase 2 development.

Mazur asked if windows on storefronts will be original. Block confirmed that on the front facades, where possible, the original arches would be utilized. Markward clarified that when Block mentioned “the brewery” during his Phase 2 report, he was referring to the Taylor Flooring building that would likely become a brewery. It was stated that early 2024 to mid 2024 would be the target completion date of Phase 2.

Kevin Allen, 245 W. 3rd St., asked about the residential units and the parking plans for Phase 1 and Phase 2 buildings. Block explained the process that Van Wert Forward went through for a parking study, and where the parking plan currently stood, which was the topic of a few Council meetings last year. (The [Van Wert Forward website](#) provides additional information, including the [Parking Study](#) and the [Parking Plan](#).)

Mr. Jared clarified that there would be only commercial parking on Main St. or Washington St. Block confirmed that neither their parking study nor parking plan used any spots on either street.

Matthew Perry, 245 W. 3rd St., asked how many residential units are projected for the entire project, and Block stated there were plans for up to 100 units. Those units would be comprised of studios up to 2.5 bedroom options.

Susan McVay, 521 N. Jefferson St., asked about the walking distance from parking spots to residential units. Block noted that they have done extensive studies on this issue, and their goal is to have multiple loading/unloading areas in each residential block. Laney Nofer (Planning & Resources, Van Wert County Foundation) stated that their study compared the 8-block downtown area to the Van Wert Walmart parking lot. Based on their studies, any area can be reached within a 10-minute walk, and the majority of areas can be reached within a 5-minute walk.

Mrs. McVay also asked about keeping historical facades of buildings and building parking garages behind the facades. Block stated it was a consideration, but costs are a significant factor in those considerations.

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## ADMINISTRATIVE REPORTS

**MAYOR:** Markward congratulated MSVW for their recent, successful “Block Party”, which was held in conjunction with several other events.

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He also stated that MSVW will be holding a Farm to Table event in a few weeks, with tickets possibly already sold out. Markward suggested anyone interested contact the MSVW office to inquire on ticket availability.

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Markward, speaking for Fleming due to his absence, relayed that bids for the street paving project will open this upcoming Thursday, and they’ll report on that outcome during a future meeting.

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With respect to weeds at the reservoirs, Markward explained that Fleming checked with the company that takes care of the Central Insurance property, and they are not interested in taking on additional work. He cited conflicting reports from the Department of Natural Resources (DNR), but that the Environmental Protection Agency (EPA) is studying the issue. In the meantime, Markward communicated that a pipe wick was constructed to apply herbicide directly to weeds without spraying. In order to test that applicator, the weeds would still need to be standing. They will test a small section this week.

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Agler asked about the front door of the Municipal Building, and the problems recently with it being locked for Council meetings. Markward took note, and explained it’s on a timer that is supposed to lock at 4:30 every evening, but reopen on Council nights.

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Mr. Perry asked the Mayor to clarify the statements on the EPA and spraying. Markward reiterated that the pipe wick is to directly apply the herbicide without spraying.

Mr. Allen noted that he believed something was killing the bait and killing fish in the reservoirs. He stated that if the herbicide is put on the weeds, then it will wash off and run off into the water. He gave his opinion that the city is still in violation of the weeds ordinance.

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**SAFETY SERVICE DIRECTOR:** Fleming was absent for the evening. (Markward gave the joint report above.)

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**AUDITOR:** Balyeat detailed supplemental appropriations for legislation that would need consideration during the evening’s meeting. The supplemental appropriations involved Fund 101 (General Fund), Fund 214 (MC Supervision), Fund 225 (Federal/State Grant), Fund 230 (MC Special Projects), Fund 231 (Local Fiscal Recovery Fund), and Fund 305 (Police and Fire Safety). She also briefly explained some of the details involving money received from the recent opioid settlement.

Bowers asked about the opioid reimbursement. Hatcher explained the city was involved in a class-action lawsuit with several other states and cities, etc. This was recently settled, and Van Wert is receiving approximately \$75,000 over 18 installments. This money can only be spent in a certain way, Hatcher noted.

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Davis asked Balyeat where the Mayor’s salary comes from. She stated it comes equally from four funds - Water Fund, Sewer Fund, General Fund, and Street Fund.

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**LAW DIRECTOR:** Hatcher relayed that he is waiting on communication from the Ohio Department of Transportation (ODOT) regarding the issue of semis making right hand turns at the intersection of Washington St. and Main St. He stated that he didn’t believe there would be an issue with the city making a decision on the issue, but he wanted to make sure he had proper ODOT clearance.

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Hatcher also updated Council on the process for junk and rubbish procedures involving “island properties”, or non-city properties inside the city of Van Wert. He stated the majority were commercial properties, with only a few residential properties. He has a meeting set with the County Prosecutor to discuss the issue.

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Hatcher then reviewed the motion and vote that was taken at the last meeting to freeze or suspend enforcement of an ordinance, which was later rescinded during that meeting. He explained that a motion and vote in this manner would have no authority, and was against the rules of Council. In the future, he stated that Council would need to take legislative action - for example, an amendment, in order to have any authority on an issue like that in the future.

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Hatcher covered an email he received from Marshall regarding blighted properties. Hatcher noted that the timeline for some of the letters that were sent out already had expired, and so they could look at the next steps in that process for those properties.

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Agler asked for an explanation on what vote Hatcher was referring to, noting he wasn't present at the last meeting. Hatcher further explained the issue for Agler's benefit.

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Mark Davis, 402 S. Tyler St., asked what route semis would take if they couldn't turn westbound onto Main St. from southbound Washington St. Mr. Davis also commented on the property at Towne Center that was discussed at a previous meeting, noting that property had been mowed.

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Mr. Jared asked about a request he had made for a chronological breakdown of nuisance ordinances. Hatcher did not have that prepared yet, and told Mr. Jared that he would work on that request.

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Davis commented on the ODOT conversation, and answered Mr. Davis' questions on alternate truck routes. Additional conversation ensued on the turn lane lines, the fact that many turn lanes downtown are mostly run on sensors now instead of pressure plates, and the reasons for increased traffic.

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## COMMITTEE REPORTS

**HEALTH, SERVICE, and SAFETY:** Marshall asked the Law Director about the timeline on the next steps on blighted properties, in reference to what Hatcher mentioned earlier. Hatcher stated they are ready for those "next steps", and will bring additional information to the next meeting.

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Marshall also suggested that Council members thoroughly review the information on refuse/waste management, so that Wednesday's special meeting could be discussed appropriately.

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Mr. Perry asked how many blighted properties were in question. Hatcher stated that there are currently 13 properties on their list. He explained the city could take possession of the properties at some point, but they weren't to that stage yet. He offered to send Mr. Perry the section of the Ohio Revised Code that covered the definitions of blighted properties. Mr. Perry stated he was asked due to the housing shortage in Van Wert. Hatcher noted that the 13 blighted properties in question were all vacant, and the city isn't looking at any properties that are occupied as "blighted".

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

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

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**PARKS AND RECREATION:** Bowers reported that flag football and soccer programs are getting underway.

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Mazur noted that the Parks Department did a tremendous job helping the Van Wert Historical Society during a recent railroad model train event.

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Parks and Recreation had no further report for the evening.

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**FINANCE:** Agler made a motion to ask the Law Director to prepare legislation authorizing supplemental appropriations to Funds 101, 214, 225, 230, 231, and 305, on an emergency. Stinnett seconded; all concurred.

Agler made a motion to introduce Ordinance Number 22-07-038. Stinnett seconded; all concurred.

Agler made a motion to suspend statutory rules for Ordinance Number 22-07-038. Stinnett seconded; all concurred.

Agler made a motion to pass Ordinance Number 22-07-038: AN ORDINANCE TO MAKE SUPPLEMENTAL APPROPRIATIONS TO FUNDS 101, 214, 225, 230, 231, and 305, AND DECLARING AN EMERGENCY., on its first and final reading. Stinnett seconded; all concurred.

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Finance had no additional report for the evening.

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**PROPERTIES AND EQUIPMENT:** Stinnett asked Council for any additional discussion items on the parking lot amendment, which would be up for second reading later in the evening. No comments were put forth.

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Stinnett thanked city administration for taking care of the tree limb at 738 N. Jefferson St. that he had brought forth at the previous meeting.

Stinnett also commented that, per the Mayor's report, there is progress occurring at the reservoirs, and progress is what he was requesting.

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Properties and Equipment had no further report for the evening.

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**STREETS AND ALLEYS:** Moore revisited two requests from the previous meeting: Mr. Allen's request of additional 25 MPH speed limit signs on Monroe St., and Mr. Perry's request to review a No Parking sign on the corner of Vine St. and Main St.

Discussion between Markward, Hatcher, and Moore determined that speed limit signs can be put up without legislation, but an ordinance would be needed to remove a city No Parking sign. Mazur asked Moore to take the issue to her committee, and address further at the next meeting.

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Agler addressed a constituent concern regarding the intersection of Christopher Crossing and Towne Center Blvd. by Walmart. He asked Moore, Fleming, and the Police Department to look into the idea of putting a four-way stop at that intersection. Mazur concurred.

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Mr. Perry asked if walk paths can be put in at closed intersections, so that people walking across the railroad tracks can safely cross. Mazur stated that Fleming can speak with the railroad company to address that question.

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Streets and Alleys had no additional report for the evening.

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**JUDICIARY AND ANNEXATION:** Davis referenced a mock draft of an ordinance that would address zoning issues and grandfathered properties. He stated that, as of now, there is no language that allows the Zoning Board to review grandfathered, non-conforming uses (properties that don't currently fit the zoning area that they are located within).

Davis explained that if an area is growing in a certain direction - residentially, for instance - but a property or building isn't currently residential, he believed the Zoning Board should be able to evaluate the property for approval, if it changes hands. Davis noted that he didn't currently have any examples.

Mazur noted this sort of change could have an effect on property values. Davis acknowledged it could, both positively or negatively. Agler gave his opinion that it could hurt the value of businesses. Davis argued that the city would need to look at how it would affect an area specifically - so that properties didn't negatively affect growth in the city. Agler argued these issues would take care of themselves.

Mazur asked Davis to hold a committee meeting on the issue. Davis asked Hatcher where he could find a list of properties that are non-conforming, and Hatcher referred him to either Zoning Board or Engineer's Office.

Mr. Jared shared his opinion that this could damage the value of a business. He stated his own business would change hands to his daughter in roughly 20 years, and he would want to know that it would be automatically grandfathered in.

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Judiciary and Annexation had no report for the evening.

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## **UNFINISHED BUSINESS**

It was noted that the topic of Waste Management System/Sanitary Conditions would be discussed at the upcoming Council of the Whole Meeting on July 27, 2022.

It was also stated that the Reservoir Weeds/Grass & Weeds Ordinance topic would stay on Unfinished Business.

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## **NEW BUSINESS**

There was no new business to come before Council.

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## **CONSENT AGENDA**

There were no items on the Consent Agenda.

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## **RESOLUTIONS & ORDINANCES**

Second reading advisory for **Ordinance Number 22-07-037: AN ORDINANCE SETTING NEW WATER AND SEWER RATES AND FEES; AND DECLARING AN EMERGENCY.** All concurred; second reading passed.

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Second reading advisory for **Ordinance Number 22-06-033: AN ORDINANCE TO AMEND VAN WERT CITY ORDINANCES 152.75, 152.751 AND DECLARING AN EMERGENCY.** All concurred; second reading passed.

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**ADJOURN**

**Stinnett made a motion to adjourn at 8:00 p.m. Bowers seconded; all concurred.**



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**Clerk of Council  
Andrew Bittner**



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**Council President  
Gerald T. Mazur**

**08/08/2022**

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**Date**