

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

August 22<sup>nd</sup>, 2022

President Jerry Mazur called the meeting to order at 6:30 p.m.

Mazur informed those in attendance of a medical absence for Pastor Keith Stoller. A time of silence was observed in his honor.

On call of the roll: Marshall, Kallas, Agler, Stinnett, Moore, and Davis were present.

**Agler made a motion to excuse Bowers for the August 22<sup>nd</sup> Council meeting. Stinnett seconded; all concurred.**

**Agler made a motion to approve the agenda for the August 22<sup>nd</sup> Council meeting. Kallas seconded; all concurred.**

**Agler made a motion to approve the minutes for the August 8<sup>th</sup> Council meeting. Kallas seconded; all concurred.**

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

Mazur stated that he had no Comments, Communications, or Petitions, and opened the floor for Council comments.

Kallas relayed that he and Matthew Perry (245 W. 3rd St.) had a conversation regarding the city's grass/weed ordinance, and felt that Mr. Perry had a valid point that was worth discussion. Kallas noted that there are times when Van Wert receives rain for two or three consecutive days, which makes mowing or weeding impossible. He also noted that some parts of the city retain standing water more than others, which also impeded the ability to mow or weed. Mr. Perry had suggested a 24-48 hour window ("grace period") to Kallas where residents could not be given warnings or cited for grass/weed violations. He suggested a possible amendment to the ordinance that could include language on this idea. Hatcher stated that could be done, and Marshall would be the one to call for a committee meeting. Mr. Perry followed Kallas' comments, and provided context for the situation. He stated he was working at a house on Chestnut St., which pays for a mowing service. Rain on a Friday caused the service to delay mowing until Monday, but the house received a door hanger warning on Sunday. Mr. Perry felt this was unfair, and also noted that if this property had the same issue at any point the remainder of the year, they would no longer be "warned" and would be immediately cited.

Mr. Joe Jared, 233 Burt St., stated that he believed certain areas of the city were patrolled heavily, while other areas were not patrolled at all. He relayed that he had 6 months of scanner archives as evidence of this statement. In his opinion, he believed the "repeat offender" clause in the ordinance was inappropriate for this reason.

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## ADMINISTRATIVE REPORTS

**MAYOR:** Markward revisited the request he had made last meeting for Council to hold off on a final vote on Ordinance Number 22-07-037 (water/sewer rates and fees ordinance). He noted this wouldn't change water or sewer rates, but would change the billing cycle from quarterly to monthly. He reiterated he asked for that ordinance vote to be tabled for a meeting due to information forthcoming from Stacy Adam/Van Wert Area Economic Development Corporation (VWAEDC). He then asked for an Executive Session so that Adam could provide information on the topic, and reasoning for a language amendment in the ordinance, prior to the vote. It was noted the action taken after the Executive Session would be the final vote on the ordinance, with amended language. Mazur noted that Council would move into Executive Session after Administrative Reports.

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**SAFETY SERVICE DIRECTOR:** Fleming stated that the city would need Council to formally certify the spending of American Rescue Plan monies. Fleming reminded Council that the city received \$1.122 million dollars, and as previously discussed, \$150,000 was utilized toward the purchase of the old Van Wert Inn. The rest of the money went toward the new water meter project. He asked someone to request legislation "memorializing" the American Rescue Plan monies. Mazur noted that the topic would be given to Finance to request.

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Fleming also informed Council that, as of August 29, 2022, the Van Wert County Foundation/Van Wert Forward project would be extended to curb, storm sewer, and utility work. He explained the lane closures and reroutes that would take place (as Hall Block had explained at a prior Council meeting). He reiterated this work would likely last until December.

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Fleming also reported that the Woodland water project was nearly halfway done and going well. The Smiley Park and Rotary Park Bike Trail project was also moving forward, with Fleming stating that the concrete work in Smiley Park was complete, and the paving project in the Rotary Park Soccer Complex would be completed in the upcoming week. He stated when that is complete, the trail will be done, and bikers could travel from Leeson Ave. to Richey Rd. on a dedicated bike path.

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Fleming noted the water meter project is still on track to begin October 1, 2022, and the Bonnewitz Ave./Kear Rd. project is progressing well. This is scheduled to be done in early October 2022.

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Kevin Allen, 245 W. 3rd St., stated he had asked about golf cart permits in previous weeks, but Fleming hadn't been present for discussion. Mr. Allen also asked if the Water Dept. had someone certified to spray the weeds around the reservoirs. He asked that the city spray the weeds around the second reservoir so that he, Mr. Perry, and Mr. Jared could continue trimming weeds. Fleming confirmed they have certified staff to spray, and stated that both reservoirs had been sprayed as of Friday (August 19).

Mr. Jared asked if Fleming was saying the north reservoir was now in compliance. Fleming stated he was not, and only that it had been sprayed.

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**AUDITOR:** Balyeat outlined two ordinances that she would need Finance to request during the meeting.

She first detailed supplemental appropriations to Funds 101 (General Fund), 301 (Street Construction), 602 (Sewer), and 701 (Garage). She then explained another piece of needed legislation, which concerned the certification to the County Auditor of necessary amounts, rates, and tax levies from the 2022 Tax Budget, determined by the Budget Commission.

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**Agler made a motion to enter into Executive Session at 6:46 p.m. Marshall seconded; all concurred.**

**Davis made a motion to exit from Executive Session at 7:14 p.m. Agler seconded; all concurred.**

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**LAW DIRECTOR:** Hatcher first responded to a request from Agler at the last Council Meeting, regarding forced annexation of properties. Hatcher stated this is permissible through the Ohio Revised Code, and would require legislation to order him to prepare a petition to all affected parties. Hatcher stated that the city could do it, but it becomes a matter of whether the city should do it. He also hadn't done a case study to outline all of the possible actions that property owners could take if they opposed such an action. He theorized that property owners could file opposition with various parties, or in the Common Pleas Court. He noted that the city hadn't pursued that type of action in his time as Law Director, so it would not be something to take lightly.

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Mr. Jared stated that in his opinion, if there are warnings or citations regarding parking on a resident's own property, then there should be required photographic evidence. Hatcher replied that would be an evidentiary issue for the judge at trial. Mr. Jared argued it should be an oversight issue for the Police Dept. Hatcher thanked Mr. Jared for his input.

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## COMMITTEE REPORTS

**HEALTH, SERVICE, and SAFETY:** Marshall asked Hatcher about the status of the first blighted property they had sent a letter to. Hatcher stated the initial complaint was complete, and would be filed before the week's end. Hatcher also remarked that another complaint was in preparation, and an initial letter would be sent out first.

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Marshall suggested a 10-minute Health, Service, and Safety committee meeting prior to the September 12, 2022 Council meeting, to discuss the weather-related considerations to the grass/weed ordinance that Kallas brought up earlier in the meeting. This was scheduled for 6:15 p.m. on September 12, 2022.

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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 report for the evening.

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

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**FINANCE:** Agler made a motion to ask the Law Director to prepare legislation accepting the amounts and rates as determined by the Budget Commission, authorizing the necessary tax levies, and certifying them to the County Auditor. Stinnett seconded; all concurred.

Agler made a motion to introduce Ordinance Number 22-06-035. Stinnett seconded; all concurred.

Agler made a motion to suspend statutory rules for Ordinance Number 22-06-035. Stinnett seconded; all concurred.

Agler made a motion to pass Ordinance Number 22-06-035: AN ORDINANCE ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR; AND DECLARING AN EMERGENCY., on its first and final reading. Stinnett seconded; all concurred.

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Agler made a motion to ask the Law Director to prepare legislation to make supplemental appropriations to Funds 101, 301, 602, and 701. Marshall seconded; all concurred.

Agler made a motion to introduce Ordinance Number 22-08-039. Stinnett seconded; all concurred.

Agler made a motion to suspend statutory rules for Ordinance Number 22-08-039. Stinnett seconded; all concurred.

Agler made a motion to pass Ordinance Number 22-08-039: AN ORDINANCE TO MAKE SUPPLEMENTAL APPROPRIATIONS TO FUNDS 101, 301, 602, and 701, 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 thanked the community for their hard work and effort in weeding the reservoirs. He stated he was out of town since the last meeting, and he did not have the chance to look at many city properties, but those he had looked good.

He also reminded the public that residential property complaints should be directed to the Police Chief.

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Properties and Equipment had no report for the evening.

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**STREETS AND ALLEYS:** Moore stated that she would like a 10-minute Streets and Alleys Committee Meeting prior to the next Council meeting on September 12, 2022, to address safety concerns at the Towne Center Blvd. and Christopher Crossing intersection. This was scheduled for 6:05 p.m. on September 12.

Moore remarked there have been 7 accidents since January 1, 2022.

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Mark Davis, 402 S. Tyler St., asked about the turn lane adjustments and the left turn arrow at the intersection of Main St. and Washington St. due to the Van Wert Forward project.

It was noted that drivers turning left may hold up traffic during this time. Additional conversation ensued on the merits of delaying the turn signal vs. not delaying the turn signal.

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Mr. Allen asked if Van Wert Forward had permission from the state to do their work and close these lanes. Fleming confirmed the state had kicked decisions back to Van Wert Forward as all work was within city limits.

Davis (4th Ward) asked about the discussion of no right turns from southbound Washington St. onto Main St. Fleming stated they could post signs, but he remarked that enforcement is the question. Hatcher stated they could put signs up to try and discourage drivers, but they can't legally enforce those signs, especially if a driver's manifest takes them in that direction. Davis (4th Ward) encouraged the posting of signs, to try and discourage as many as possible. Hatcher did note that Chief Weigle stated there have been 4 recent accidents from attempted right turns.

Fleming did state that he could post signs and restrict right turns during the Van Wert Forward project. It was discussed that reroutes can also cause more headaches as well. Davis (4th Ward) hoped that their destinations will redirect appropriately.

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**JUDICIARY AND ANNEXATION:** Davis (4th Ward) scheduled a Judiciary and Annexation Committee Meeting for September 12, 2022, at 5:50 p.m. for the Main Street Van Wert (MSVW) downtown speaker discussion. He noted that MSVW's director was out of town at the moment, and was unable to make the previously scheduled meeting.

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Agler brought up the aforementioned forced annexation topic, and provided background context on the conversation. He stated that he had attended the last Pleasant Township Trustee meeting, brought up concerns about the property in question (which had trash/junk concerns), and the Trustees had no interest in addressing the property. In his opinion, Agler believed the city should force annex this property in order to address this concern. He stated that the city should annex properties from Statewide Ford to John Brown Rd. that aren't currently in the city.

Fleming asked Agler where it would stop, noting that there are other islands of non-city property inside the city. He stated he understood Agler's concerns, but felt it was a philosophical slippery slope in terms of annexing properties. He wondered why Pleasant Township couldn't address the issue themselves.

Davis (4th Ward) asked the Law Director what steps would be required for the city. Hatcher stated that the city would need to pass an ordinance ordering him to prepare a petition for annexation. Mazur asked about the financial implications for Pleasant Township. It was noted that additional income tax would be charged to the residents who were annexed in, and Hatcher stated those residents would have a reason to be against the issue.

It was also stated that the city would have to put in water/sewer lines to all houses that were forced in through annexation. Fleming stated that type of expense would not be recouped through water/sewer fees from those properties.

Additional discussion ensued on other properties in the city that might fit this description.



Davis (4th Ward) relayed the city could send out letters to the property owners in that area, as well as Pleasant Township and the County Commissioners. He also scheduled a Public Hearing for September 26, 2022, at 6:00 p.m. to discuss the issue.

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Mr. Davis asked Hatcher how the city could force one of the non-city "islands" in, but not force the other islands in. Hatcher responded that it was a philosophical question. He stated that legally, the city could do it. But another question exists on whether the city should do it, and that's an individual question on each island separately. He also stated it wasn't his place to say what the city should do. Mr. Davis stated that a letter should be sent to every property owner in every island. Mazur noted that the meeting will be publicized online and in the paper.

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Mr. Perry asked if anyone had reached out to the property owner in question. Agler stated that he had.

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Mr. Jared stated that he felt people should ask to be annexed in, instead of being forced.

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Judiciary and Annexation had no further report for the evening.

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## **UNFINISHED BUSINESS**

It was noted that the issue of Reservoir Weeds/Grass & Weeds Ordinance should remain on the agenda, as the weeds at the reservoirs weren't fully in compliance yet. More time would be needed for the spraying to work, and for weeds to be cut down.

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With regard to the question of golf cart permits at the reservoir, Fleming relayed to Allen that anyone needing to use a golf cart there needs to contact the city office. Markward stated that whoever needs assistance can contact his office, and they will make it happen. Mr. Allen rejected the response given.

Fleming stated that this is a drinking water facility first, and they have to maintain the tops, the slopes, and the grasses to prevent erosion.

**Davis made a motion to remove Golf Cart Permits for Reservoirs from Unfinished Business. Agler seconded; Marshall, Kallas, Moore concurred. Stinnett dissented.**

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## NEW BUSINESS

No new business was brought before Council.

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## CONSENT AGENDA

There were no items on the Consent Agenda.

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## RESOLUTIONS & ORDINANCES

Agler made a motion to amend Ordinance Number 22-07-037, with an added line regarding industrial use sewer rates. Kallas seconded; all concurred.


It was explained that the only change with the amendment was adding an additional rate line for high volume industrial users and their corresponding sewer rates. This was the only change from the version that was approved on the first two readings. Kallas clarified with Fleming that this would make Van Wert competitive in this area, and that was confirmed. Hatcher followed up by saying this would make Van Wert economically competitive with other cities of similar size.

Agler made a motion to pass Ordinance Number 22-07-037: AN ORDINANCE SETTING NEW WATER AND SEWER RATES AND FEES; AND DECLARING AN EMERGENCY., on its third and final reading. Kallas second; all concurred.

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## ADJOURN

Davis made a motion to adjourn at 8:05 p.m. Stinnett seconded; all concurred.

  
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Clerk of Council  
Andrew Bittner

  
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Council President  
Gerald T. Mazur

**09/12/2022**

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Date