

**MINUTES OF THE
VAN WERT CITY COUNCIL**

September 26th, 2022

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

Mazur called for a time of silent prayer for those in need, and for those that may be affected by Hurricane Ian.

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

Bowers made a motion to approve the agenda for the September 26th Council meeting. Marshall seconded; all concurred.

Davis made a motion to approve the minutes for the September 12th Council meeting. Agler seconded; all concurred.

COMMENTS, COMMUNICATIONS, & PETITIONS

Mazur stated that he received two texts, without signature, that were negative in attitude toward the appropriation of funds for the water separation project (requested by Van Wert Forward).

(1)

"Hello,

I am writing to express my extreme opposition to the city paying for ANY portion of repairing what Van Wert Forward has created downtown. I am already disgusted with how much has been disturbed in the 100 block of East Main Street with the taking of parking spots and the constant pounding coming through my office wall. I am strongly encouraging that you vote no to paying for anything Van Wert Forward can not cover themselves.

Thank you for your time!"

(2)

"I'm addressing all of you to tell you this is a slap in the face to all tax payers whom pay taxes! You tell me how all of you cannot even take care of our residential streets and sewers, then give them this type of money for a project not even voted on! 1000 block of Elm sewers and street terrible condition! Park Street falling apart, Davis street terrible! I can go on and on Market, Central ridiculous!

Your rebuilding Woodland sewer when it should of be done when you repaved the street a couple years ago! Now your pigeoned holed in this project downtown! When are you going to make a street, sewer and sidewalk plan for residents? Then stick with it! Talk, talk but you better start figuring out what the near and long range plans are going to be! I believe the safety departments have been addressed, even over addressed beyond their actual need. Now it's time to address residential issues! Vote No! Maybe The administration will understand these type of things cannot be done!

For you whom don't know me, I retired from the fire department with over 33 yrs of service! I also like to know why we cannot get new restaurants? New business and the super site is vacant? Commercial properties vacant, landlords not maintaining property? Then pay out this kind of money?

Thank You!

Just shocked at this article!"

Mazur also relayed that Eric McCracken sent a text to members of Council, and asked the clerk to read that text.

"I had some extra time on my hands this week. I watched some videos of City Council. I was surprised at the amount of time wasted by individuals complaining at the meetings. They do not speak for me or for the majority of our town. I would urge you to work with your fellow council people and city administration to curtail this behavior at city meetings. I do feel like everyone has a voice, but not like this. Keep up the good work! Thanks eric mccracken"

Mazur noted he was going to take this message to heart, and asked Davis (4th Ward & Judiciary and Annexation) to see if the Chapter 30 Council Rules can help meetings be run in a more effective and professional manner. He asked for a future Judiciary and Annexation Committee Meeting to address this issue.

Bowers stated she had three people approach her, unclear of the reasoning for the appropriation request for the Van Wert Forward / city water separation project. She stated that she explained that the project would need to be done in the future anyway, and doing it now, while the area was opened up, might save the city money in the long run. Mazur stated that was basically what the discussion covered at the prior meeting.

Kallas also stated that he received multiple emails expressing resistance at providing money to the Van Wert Forward and downtown projects. Davis (4th Ward) also relayed that he received the same communications from different people who were unaware the city would be required to fund portions of this project.

Hall Block, Van Wert County Foundation (VWCF) / Van Wert Forward (VWF), thanked the Council for hearing their proposal at the last meeting, and explained they had taken the time to hear from Council and from the public. He requested that the funding proposal be tabled at this time, while the VWCF / VWF repositioned and reconsidered the issue. He stated they wanted to speak further with the city on what this project means for Van Wert and for the VWCF, as well as what the city's participation would mean. He stated that he believes the city should be involved financially in what should become one of the largest economic initiatives in several decades for Van Wert, but he would ask that the proposal be tabled for the current time.

Mazur stated that the biggest issue seems to be that the investment for the city should be shown to be only that which the city would be responsible for if they did the project themselves, versus additional money for upgrades or "fancy" aspects that the city would not do otherwise.

Moore thanked the representatives of the VWCF / VWF for coming, and stated she wished they had come more often to discuss the project more. She stated she was thrown at first by the request, but felt better after more explanation and discussion. Block stated they wanted to continue to provide more information, and that is why they had started the quarterly updates with Council, and planned to continue to do so.

Mazur stated that since the proposal in question had not been officially introduced by Council, it would be placed on the "backburner" until if or when it may be discussed again.

Mark Davis, 402 S. Tyler St., asked Fleming if a complete breakdown of the city's expenses in this project - if it came back to Council - could be reported. Fleming stated he anticipated that type of conversation to be had with VWCF / VWF moving forward. Fleming stated that the VWCF / VWF engineers have drawn up the plans, so he stated the city should be able to separate that out to discuss. Mr. Davis also thanked Fleming for the lights at Main St. and Washington St.

Kevin Allen, 245 W. 3rd St., asked Block if the VWCF would be able to bring the total cost to the city - across all phases of the VWF project - when they came back to request funding in the future. He stated, as a taxpayer, he wanted to know the total financial request to the city. Block stated they couldn't state the rough figure of the total cost, at this time, across all phases.

Joe Jared, 233 Burt St., asked how long the request would be tabled for. Mazur stated it would be tabled indefinitely, until VWF came back to Council with more information.

Mr. Jared provided a concern about code enforcement and building material. He conveyed displeasure with building permit fees, and then expressed agitation over micromanaging of repairs vs. expressing gratitude for fixes. He stated he believed building materials should be exempt from code enforcement / ordinances. Mazur directed Mr. Jared to send his concerns to the clerk in writing, so it could be sent to the proper Council committee. Fleming stated that people are not warned or cited over building materials in the yard for active repairs. He continued that properties with building materials sitting in the yard for several years, with no active movement, are the ones warned / cited. Mazur stated that he wasn't sure of the problem that Mr. Jared is speaking of, when Fleming stated that no active repair / construction projects are being cited. Mr. Jared stated he believed that was not true, but he would have to get back with Council on the specifics. Fleming confirmed he would like to know if this is the case.

ADMINISTRATIVE REPORTS

MAYOR: The Mayor had no report for the evening.

SAFETY SERVICE DIRECTOR: Fleming stated that the Bonnewitz project is nearing the end. He stated that the widening will be finished this week, and the milling for the final asphalt layer will be done next week.

Fleming stated everything is on target for a mid-October start for the paving project around the city.

Fleming then discussed a notice he provided to the Council from the Ohio Environmental Protection Agency (EPA). He stated this notice would appear in water bills that go out October 1, 2022. He explained the city had a violation of the maximum contaminant level (MCL) of Total Trihalomethanes (TTHM), which is a product of chlorination and organic material. He further explained the testing process, noting that the tests are performed every quarter, and each quarter's test is averaged together with the previous four tests to get a rolling average. The city's limit is 0.080 mg/L, and the tests performed most recently averaged out to 0.081 mg/L and 0.083 mg/L.

that TTHM can be harmful when consumed over the MCL over several years. He continued that the levels rise in the summer when the water heats up, and in this instance, they had a malfunction at the South tower, where there is a valve underground, and the valve failed and had closed. He stated the valve and this situation has been fixed. He stated the violation notice would go in the water bill, and would be posted in the local media outlets. He also stated that the notice from the EPA stated that the water was currently safe to drink, but if anyone had medical concerns, they should contact their doctor.

Davis (4th Ward) asked what projects have broken ground at Vision Park. Fleming stated that GLM, Custom Assembly, and the Jerry Robinson Corporation spec building are the current projects.

Bowers asked if Alliance Automation was up and running. Fleming confirmed they were.

Markward touched on the topic of a concept, Downtown Redevelopment Districts, which is similar to a TIF. He stated that the Van Wert County Foundation would like to introduce this subject, and asked for a Council of the Whole meeting prior to the next meeting. This meeting was scheduled for October 10, at 6:00 p.m., prior to the next Council meeting.

Fleming also stated that the issue covered in Executive Session during the last Council meeting would be discussed in more detail at the October 10, 2022 Council meeting.

AUDITOR: Balyeat was absent for the evening's meeting, and therefore had no report.

LAW DIRECTOR: The Law Director reported that civil action has been taken on the blighted property that had been discussed at the prior several meetings. He stated that service has been obtained, the other party has time to respond, and that is the current status of the situation.

Mr. Jared asked if this was a civil or criminal case. Hatcher replied that it is a civil case in the Common Pleas Court.

COMMITTEE REPORTS

HEALTH, SERVICE, and SAFETY: Marshall read a document for new Council members, that he had first read around a year ago, that provided his reasoning for pursuing action on blighted and abandoned homes in the city.

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

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

PARKS AND RECREATION: Bowers stated she received concerns about the park on S. Walnut St. She relayed that she spoke with Kyle Klinker, and then discussed the issue with Seth Baker (VWCF). He explained that the plantings there had gotten tall, but they can't be cut until the spring and the issue would be remediated in March.

Parks and Recreation had no further report for the evening.

FINANCE: Agler made a motion to ask the Law Director to prepare legislation to make supplemental appropriations to Funds 101, 213, 301, 305, 601, 602, and 875, on an emergency. Kallas seconded; all concurred.

Agler made a motion to introduce Ordinance Number 22-09-044. Kallas seconded; all concurred.

Davis made a motion to table Ordinance Number 22-09-044 until the Auditor could further explain each appropriation. Stinnett seconded; all concurred.

Agler made a motion to ask the Law Director to prepare legislation to authorize the Safety Service Director to bid and award contracts for sewer work and replacement under Eggers Stadium, on an emergency. Moore seconded; all concurred.

Davis (4th Ward) asked if this legislation could be passed without supplemental appropriations. Fleming stated they could pass the ordinance so that bids could be started, but they just couldn't be awarded until the appropriation was approved.

Agler made a motion to introduce Ordinance Number 22-09-045. Moore seconded; all concurred.

Davis (4th Ward) stated that he felt the city was being forced into a timeline that they wouldn't otherwise be in, had the school not embarked on their project at Eggerss Stadium. He stated that he asked Fleming to go to the school, and ask the district to pay the difference in building and material costs (inflationary costs) - a quarter (25%) of the project. Fleming stated the school responded that it was the city's infrastructure, and he also explained that city administration wouldn't want the school to complete this project, and then a few years later, the city is forced to go in, tear up the new field, and address the sewer then.

Markward followed up by stating that the issue wasn't brought up earlier because they didn't want the public to vote in favor of, or against, the Eggerss Stadium issue based solely on the sewer work issue. He continued by noting that to say it wasn't on the city's timeline may not be accurate, as taking "advantage of holes in the ground". He acknowledged that, if there were no problems, they may not have addressed it this year. But once the issue passed, and the city knew there would be a "hole in the ground", they knew it would allow for access to a project that needed to be done.

Davis (4th Ward) asked who was paying for the hole, stating this project would occur before the school put in the new field. Fleming responded that they were digging the hole now to prevent them from having to dig another, costlier hole after the school project was complete. Davis (4th Ward) asked who would incur the costs then - the city or the school. The answer to that question was unclear. Markward cited another example on Central Insurance property that could have posed a similar problem, and stated the city has been lucky that issue never came to fruition or that the sewer under Eggerss hasn't failed. Fleming stated their goal is to avoid the problems, and it is a logical time to address the sewer. Hatcher stated that the city could be exempt from liability, but he would need full details to answer for certain. Fleming and Markward also explained the significance of that sewer line, which addresses almost all of the southern part of the city, and the future ways the city would have to address the line. Davis (4th Ward) stated he was not against the sewer project, but he didn't agree with the timeline, nor the cost premiums the city might pay to address it now versus later.

Agler made a motion to suspend statutory rules for Ordinance Number 22-09-045. Kallas seconded; Marshall, Bowers, Agler, Stinnett, Moore concurred. Kallas abstained. Davis dissented.

Agler made a motion to pass Ordinance Number 22-09-045: AN ORDINANCE TO AUTHORIZE THE SAFETY-SERVICE DIRECTOR TO ADVERTISE FOR BIDS AND AWARD CONTRACTS TO THE LOWEST AND BEST BIDDER FOR THE PROJECT TO RELOCATE THE SEWER LINE LOCATED UNDERNEATH EGGERSS STADIUM AND DECLARING AN EMERGENCY., on its first and final reading. Moore seconded; Marshall, Bowers, Agler, Stinnett, Moore concurred. Kallas abstained. Davis dissented.

Agler made a motion to introduce Ordinance Number 22-09-047. Kallas seconded; all concurred.

Agler made a motion to suspend statutory rules for Ordinance Number 22-09-047. Kallas seconded; all concurred.

Agler made a motion to pass Ordinance Number 22-09-047: AN ORDINANCE TO MAKE AN ADVANCE FROM FUND 232 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 made a motion to remove “Reservoir Weeds/Grass & Weeds Ordinance” from Unfinished Business. Agler seconded; all concurred.

Mr. Jared asked how long the tabled ordinance (22-09-044) would be tabled for, and it was stated that a motion would have to be made to “untable” it at a future meeting. Mr. Jared stated that he agreed that building costs were higher at the current time. Mr. Jared also stated that he didn’t believe the weed spray wasn’t effective, and new weeds are growing. He stated that he believed a long-term, hands-on approach would be needed.

Properties and Equipment had no additional report for the evening.

STREETS AND ALLEYS: Moore stated that she had been in contact with the city administration regarding a couple of issues. Mazur asked if she was putting together a street evaluation, and Moore stated she had discussed that with Fleming.

Mr. Allen asked if the alleys in the city could be addressed, due to overgrowth in several areas. Moore confirmed she would look into this.

Streets and Alleys had no further report for the evening.

JUDICIARY AND ANNEXATION: Davis stated he would like to see the issue of Forced Annexation move to Unfinished Business. He believed the “ball was in the trustees’ court” at this time regarding the issue of unkept properties on W. Main St.

Davis made a motion to move Forced Annexation to Unfinished Business. Kallas seconded; Marshall, Bowers, Stinnett, Moore concurred. Agler dissented.

Additional discussion ensued on the topic of forced annexation in terms of specific areas, sewer/water lines, and potential challenges for the residents. Mazur asked Agler to consider the ramifications of this request, and how it could affect the people involved. Kallas stated he is not in favor of a government entity forcing someone to do something for no reason.

Davis also stated that Council should go through Chapter 30 Council Rules, to discuss updates or changes to that section of the city’s ordinances.

Davis scheduled a Judiciary and Annexation Committee meeting on Monday, October 3, 2022, from 6:00 p.m. to 7:30 p.m. It was decided to discuss both Forced Annexation and possible changes to Chapter 30 Council Rules during this time.

Mr. Jared asked if property owners on W. Main St. should receive formal notice of the upcoming Committee meeting. Hatcher stated it was a Committee meeting, and not a Public Hearing, so it only requires public notice. Hatcher stated that no action is being taken at a Committee meeting, so public notice is what is needed, but it is open to the public per Sunshine Laws.

Scott Truxell asked if the Pleasant Township trustees had stated they would discuss the issue with the Van Wert County Prosecutor. Mazur confirmed this, but stated that the Council can still discuss the situation, and that discussion may spur action.

Judiciary and Annexation had no further report for the evening.

UNFINISHED BUSINESS

It was noted again that Forced Annexation had been moved to Unfinished Business.

NEW BUSINESS

No new business was brought before Council.

CONSENT AGENDA

There were no items on the Consent Agenda.

RESOLUTIONS & ORDINANCES

No additional resolutions or ordinances were read during the meeting.

ADJOURN

Agler made a motion to adjourn at 7:41 p.m. Bowers seconded; all concurred.



Clerk of Council
Andrew Bittner



Council President
Gerald T. Mazur

10/10/2022

Date