

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

October 10<sup>th</sup>, 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.

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

**Bowers made a motion to excuse Stinnett. Agler seconded; all concurred.**

**Agler made a motion to excuse Marshall. Kallas seconded; all concurred.**

**Agler made a motion to approve the agenda for the October 10<sup>th</sup> Council meeting. Bowers seconded; all concurred.**

**Agler made a motion to approve the minutes for the September 26<sup>th</sup> Council meeting. Moore seconded; all concurred.**

**Agler made a motion to approve the minutes for the September 26<sup>th</sup> Public Hearing meeting. Bowers seconded; all concurred.**

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

Mazur stated he had not received any comments or communications since the previous meeting, and opened the floor for comments from Council. Davis stated he did not have the Judiciary Committee meeting minutes done, but would have them completed by the next meeting.

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Kallas relayed he had received a question seeking the start date for the city's gas aggregation. Fleming stated that Van Wert County is seeking bids for the gas, and so it isn't in effect yet. This is a process that goes through the County Commissioners, and Fleming directed questions to their office.

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## ADMINISTRATIVE REPORTS

**MAYOR:** The Mayor explained that several years ago, when multiple railroad track crossings were closed, Jackson St. became the “stop street” for many of the north-south streets. Markward stated that, on Vine St., Chestnut St., and Harrison St., it makes more sense now to make Jackson St. a “through street”. He noted that all stop signs are codified by city ordinance, but he asked Moore to consider requesting legislation to make this change.

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Markward requested an Executive Session at the end of the Council meeting, prior to adjournment, to update Council on a salary issue. He stated there would be no action for Council to take after the Executive Session.

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**SAFETY SERVICE DIRECTOR:** Fleming stated that the Bonnewitz project paving and striping is done. He stated that there is still berm work to be completed, and a few driveways to be poured, but the project was mostly complete.

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Fleming referenced a conversation from a prior meeting regarding sick leave donation, and provided Council with a draft of the language/changes for the policy and procedures handbook. He asked Council to review and approve so it could be added to the handbook.

Davis (4<sup>th</sup> Ward) asked for the reasoning behind the 40-hour minimum donation. Fleming stated it was a bookkeeping measure to avoid a large number of people donating smaller hour amounts. He stated this would be a critical need measure, and someone in this situation would almost certainly need more than 8 hours or so.

Agler asked whether someone in the Street Department could donate to the Police Department. Fleming confirmed.

Mark Davis, 402 S. Tyler St., confirmed this was for sick leave donation, and an action that wasn't available several years prior. Fleming confirmed.

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Fleming stated that the ODOT has been doing bridge inspections for the last several years through state funds, which will continue for at least one more year and possibly beyond. For now, Fleming stated that Council's approval was needed through legislation to apply for that program again. He stated they received a document from ODOT this week, and would need to have this approved and sent back soon to continue to participate. He said it is nearly a \$20,000 savings to the city. He asked for the request for legislation to be on an emergency to return within 3 weeks.

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**AUDITOR:** Balyeat reviewed the September 2022 Financial Report. The Bank Reconciliation report showed \$19.4 million on the books, and the same amount in the various bank accounts and investments. On the Cash Position Report, all funds had a positive balance, as required. On the General Fund Year-to-Date comparison, the numbers are up approximately \$500,000.00, with income tax up around 6% from last year. The city has collected \$5.8 million in the General Fund, and has spent \$5.1 million.

Hatcher asked Balyeat if she had discussed the effects of inflation with other auditors. She stated that she hadn't, but they are starting to work on the 2023 budget, and it feels like a "stab in the dark". She referenced city department heads commenting on items that are on backorder for months when normally available quickly, or items with a huge price increase. She commented they are still not sure how much inflation will affect the budget for next year.

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Balyeat detailed the supplemental appropriations for the legislation that was tabled at the previous meeting, which was number 22-09-044.

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Balyeat then explained an amendment that would be needed to Ordinance 22-09-047, passed at the September 26, 2022 meeting, in order to clarify an advance - an advance going from the General Fund to the State and Local Fiscal Recovery Fund.

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Balyeat also shared that she made the initial draft of the 2023 budget available to Council. She noted that anyone could request a paper copy of the budget as well.

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**LAW DIRECTOR:** The Law Director stated that he sent an ordinance mockup to Council regarding the potential rules changes to Chapter 30 Council Rules. These were proposed changes based on the October 3, 2022 Judiciary and Annexation Committee Meeting discussions. He asked Council to make comments, suggestions, ask questions, etc.

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Joe Jared, 233 Burt St., asked if he could receive a copy of the mockup. Hatcher affirmed his request.

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Matthew Perry, 245 W. 3rd St., clarified that all proposed changes were a result of that aforementioned committee meeting, and nothing new was added. Hatcher confirmed all items in the mockup were from his notes from that meeting.

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## **COMMITTEE REPORTS**

**HEALTH, SERVICE, and SAFETY:** Marshall was absent for the meeting. Committee Vice Chair Moore had no report for the evening.

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Mr. Davis asked if the public is allowed to know the address of the blighted property (referenced on the Agenda). Hatcher stated it is now public record, and can be disclosed since there is pending litigation. The address is 409 Fulton St. Hatcher stated it is in process, and there is no additional update at this time.

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

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**PARKS AND RECREATION:** Bowers reported that the Parks Department is moving into their fall schedule, and has begun to winterize items in the city.

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Parks and Recreation had no further report for the evening.

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**FINANCE:** Agler made a motion to untable Ordinance 22-09-044. Kallas seconded; all concurred.

Agler made a motion to approve the discussed amendments to Ordinance 22-09-044. Kallas seconded; all concurred.

Agler made a motion to suspend statutory rules for Amended Ordinance Number 22-06-035. Kallas seconded; Bowers, Moore concurred. Davis dissented.

A 4-1 vote did not carry the majority needed, so the motion to suspend statutory rules did not pass. It was determined that first reading would proceed under Resolutions and Ordinances.

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Agler made a motion to ask the Law Director to prepare legislation amending Ordinance 22-09-047 to clarify advance from Fund 101 to Fund 232, and declaring an emergency.

Davis seconded; all concurred.

Agler made a motion to introduce Ordinance Number 22-10-048. Davis seconded; all concurred.

Agler made a motion to suspend statutory rules for Ordinance Number 22-10-048. Kallas seconded; all concurred.

Agler made a motion to pass Ordinance Number 22-10-048: AN ORDINANCE TO AMEND ORDINANCE 22-09-047 AND TO MAKE AN ADVANCE FROM FUND 101 TO FUND 232 AND DECLARING AN EMERGENCY., on its first and final reading. Davis seconded; all concurred.

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Davis suggested that he would be willing to suspend statutory rules and pass an amended version of Ordinance Number 22-09-044, if the capital outlay of \$425,000.00 was removed and presented as a separate ordinance.

Davis made a motion to amend Ordinance 22-09-044, excluding the line item for the sewer from Fund 602 (Capital Outlay - \$425,000.00), on an emergency. Kallas seconded. Bowers, Moore concurred. Agler dissented.

Davis made a motion to introduce amended Ordinance 22-09-044. Kallas seconded. Bowers, Moore concurred. Agler dissented.

Davis made a motion to suspend statutory rules for Amended Ordinance 22-09-044. Kallas seconded. Bowers, Moore concurred. Agler dissented.

Additional discussion ensued between members of Council, regarding the football field project of Van Wert City Schools, and the sewer project proposed by the city before that field is put down. The age of the sewer line, the liability of the city if the sewer would fail after the school would put in their new field, the areas of the city that would be affected by the sewer line, and the suggestion of negotiating with the school to pay for possible increased costs.

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Kallas made a motion to ask the Law Director to prepare legislation for a standalone supplemental appropriation of \$425,000.00 for Fund 602, for the sewer project under Eggerss Stadium, on an emergency. Bowers seconded. Davis, Moore concurred. Agler dissented.

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Kevin Allen, 245 W. 3rd St., thanked Davis (4<sup>th</sup> Ward) for bringing his thoughts before Council. He agreed with the school upgrading the football stadium, but did not agree with initiating the sewer project at this time.

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Mr. Davis asked Fleming to bring a cost comparison to Council with the cost to address the sewer project now, versus the cost of doing it at a later time, after the new football field and parking lot were in place.

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Finance had no additional report for the evening.

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**PROPERTIES AND EQUIPMENT:** Stinnett was absent for the meeting. Committee Vice Chair Agler had no report for the evening.

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**STREETS AND ALLEYS:** Moore made a motion to ask the Law Director to prepare legislation to address the stop signs on Jackson St., at Vine St., Chestnut St., and Harrison St., as explained by the Mayor. Davis seconded; all concurred.

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Moore made a motion to authorize the Safety Service Director to enter into an agreement with ODOT for the Municipal Bridge Inspection Program, on an emergency. Davis seconded; all concurred.

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Moore then addressed concerns regarding a long-term plan for working on / addressing streets in the city. She asked for Council's help in working through this process, so that the city's residents can have an idea of when their streets would be improved, repaired, etc. Mazur explained how this process worked in the past. Fleming stated that it was time to update the plan, but it is difficult to put specific years on such a plan, noting the fluidity of funding and supplies for these projects.

Additional discussion ensued, with Davis (4<sup>th</sup> Ward) echoing his desire for a long-term plan, and other members of Council and city administration explaining the process and ideas to consider with this type of project. Fleming stated he would work on the list to present to Council, and then Council could critique the list. It was noted this process could take time to complete.

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Streets and Alleys had no further report for the evening.

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**JUDICIARY AND ANNEXATION:** Davis made a motion to add Sick Leave Donation to the Personnel and Procedures Policy Manual. Agler seconded; all concurred.

Mr. Perry asked a clarifying question on the sick leave donation, regarding what pay step the hours would be paid on. Balyeat stated they are donating hours, not pay. Perry gave an example of Person A, who makes \$20/hour, donating to Person B, who makes \$25/hour, and asked whether the city would be paying Person B that \$25/hour for each sick leave hour donated. Balyeat nodded to confirm.

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Mr. Jared offered a transcribing service to Davis (4<sup>th</sup> Ward) to help complete minutes. Davis thanked Mr. Jared, but stated he was not in need of that service.

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Judiciary and Annexation had no further report for the evening.

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## **UNFINISHED BUSINESS**

Mazur asked Davis (4<sup>th</sup> Ward) if he would like to remove Forced Annexation from Unfinished Business. Davis (4<sup>th</sup> Ward) stated he would wait to hear from the next Pleasant Township meeting, but he anticipated removing it after that meeting.

Ms. Good asked what the ordinance for forced annexation is currently on the table. Hatcher stated there is currently no request for legislation, or discussion on legislation at this time. Ms. Good asked why this was being discussed, and Agler stated that he believed forcing the property that was unkept on W. Main St. was appropriate for the situation. It was noted that three Council members voted / were against forced annexation at the October 3, 2022 Judiciary and Annexation Committee meeting.

Rick Sully, 444 South Ave., asked why the term was “forced annexation”. Hatcher explained it was due to initiation by the city, and not the property owner. Hatcher also stated that the city has never initiated annexation in his tenure as Law Director, which is allowable by state law.

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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

First reading advisory for Ordinance Number 22-09-044: AN ORDINANCE TO MAKE SUPPLEMENTAL APPROPRIATIONS TO FUNDS 101, 213, 227, 228, 301, 305, 601, 602, 875 AND DECLARING AN EMERGENCY. Kallas, Bowers, Moore, and Davis concurred; Agler dissented. First reading passed.

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## RESOLUTIONS & ORDINANCES


Davis made a motion to enter Executive Session at 7:38 p.m. Agler seconded; all concurred.

Agler made a motion to exit Executive Session at 7:56 p.m. Davis seconded; all concurred.

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## ADJOURN

Agler made a motion to adjourn at 7:57 p.m. Kallas seconded; all concurred.

  
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Clerk of Council  
Andrew Bittner

  
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Council President  
Gerald T. Mazur

**10/24/2022**

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Date