

MINUTES OF THE VAN WERT CITY COUNCIL

November 14th, 2022

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

Mazur shared his condolences for the family of Reverend Keith Stoller, the longtime Council chaplain, who recently passed away. A moment of silence was observed in his honor.

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

Davis (4th Ward) made a motion to approve the agenda for the November 14th Council meeting. Agler seconded; all concurred.

Davis (4th Ward) made a motion to approve the minutes for the October 24th Council meeting. Agler seconded; all concurred.

COMMENTS, COMMUNICATIONS, & PETITIONS

Mazur gave way to Law Director Hatcher to introduce Judge Jill Worthington and Chief Probation Officer John Wiley, who were in attendance to discuss the Veterans Treatment Court. Judge Worthington opened by stating she just celebrated her 12th year on the bench in Van Wert, and the Veterans Treatment Court (referred to as CAMO Court, Courts Assisting Military Offenders) is one of her proudest accomplishments. She noted that they began to research this program in 2019, started it, and in 2021, Van Wert's CAMO Court/Veterans Court was certified by the Ohio Supreme Court as a specialized docket. She further explained that the CAMO Court specializes in helping high-risk/high-need individuals with prior military or service experience, as well as veterans who may be low-risk/high-need individuals. This makes the CAMO Court in Van Wert unique compared to other courts throughout the nation.

Judge Worthington stated that they have received close to \$150,000 in grant money since certification, and have also received several thousand dollars in local donations for veterans, and expressed her appreciation for this support. She continued in noting the program director, Chief Probation John Wiley, who is a veteran himself, and other probation officers, one of which is also a veteran. Judge Worthington also explained that there are 28 Veteran Treatment Courts in the State of Ohio, and Van Wert is the smallest rural county in the state with this type of program. She reiterated the CAMO Court's mission, which is to address unique needs of veterans - self-sufficiency, reducing recidivism, public safety, and an alternative to incarceration - with supervised programs and access to services. Judge Worthington also noted that she, Chief Probation Officer Wiley, and a program graduate, Brandon Ross, have been invited to the Veterans Treatment Court Summit, hosted by newly elected Sharon Kennedy of the Ohio Supreme Court. They will meet with other Veterans Treatment Court participants, and to discuss their program with others in the state, due to the unique services they provide.

Wiley explained entry into the program, and the screening process. Based on their screening and assessment results, they are referred to the treatment team. He noted that they serve both non-combat and combat veterans, and that no veteran has been turned down to date. He introduced Mr. Ross, who shared his story with the Council. Mr. Ross stated that he grew up in Payne, OH, and attended Vantage Career Center before joining the Ohio National Guard. Mr. Ross detailed that he turned to alcohol after his service, which led to a serious accident in which he was hit by a semi-trailer. He stated that he sought help after this accident with his drinking struggles, and was set up with the CAMO Court. He also shared that he had been sober for 20 months, and praised the CAMO Court program for helping him turn his life around.

Hall Block, Property Manager of the Van Wert County Foundation, asked Council to consider untabling the legislation that would allow supplemental appropriations for the proposed city's portion of the sidewalk/sewer work in the first phase of the Van Wert Forward project. He stated that the Foundation had proposed, and were now suggesting, to have that amount split up into three equal payments. He also stated that, in future phases, they would look to rely on the Downtown Redevelopment District program (DRD) for future funding.

Balyeat asked if the DRD program needed to be sent and approved by the schools first. Block confirmed this, and noted it was currently in process. Seth Baker, Chief Executive Officer of the Van Wert County Foundation, stated they wouldn't bring that topic back to Council until it was approved by the schools.

ADMINISTRATIVE REPORTS

MAYOR: Mayor Markward briefly reviewed the 2022 election results, and how it would affect the 2023 election. Markward noted that the filing deadline for a May primary was early February. Now, with no May primaries, the filing deadline will now be closer to August 9, 2023 (approximately 90 days before the election). Write-in candidate filing deadline will remain unchanged. He also noted that the Ohio Secretary of State website has posted their 2023 Candidates Guide, and it appears that all candidates will need 50 signatures moving forward (ward candidates previously only needed 25). He stated he would follow up with the Elections Board on this topic in the near future.

Agler asked if the new ward lines are in effect for the 2023 election. Markward stated he wasn't sure exactly what date the Elections Board will have that information uploaded on their website, but that change will be in effect for the 2023 election.

Davis (4th Ward) clarified that of the 50 signatures needed, it now does not need to be 50 signatures from solely a candidate's political party, and can be from anyone. Markward confirmed.

SAFETY SERVICE DIRECTOR: Fleming stated that the 2022 street paving project is mostly finished, with a few adjustments and items to complete.

AUDITOR: Balyeat reviewed the October 2022 Financial Report. The Bank Reconciliation report showed \$19.2 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 \$645,000.00 compared to last year. The city has collected \$6.4 million in the General Fund, and has spent \$6.3 million.

Balyeat detailed a number of end-of-year annual transfers (Reserve for Retirement, Reserve for 27th Pay, Hotel Motel Tax, Parks Capital Improvement, Sewer Maintenance Reserve, and Retirement Paid) that need to be completed. She asked Agler to prepare the legislation for each transfer, and requested they be added to the Consent Agenda.

Balyeat then covered supplemental appropriations needed for end-of-year budgeting adjustments. She stated they normally passed this legislation at the last meeting of the year, but she felt like she could begin to act on several of these now.

Balyeat noted a third draft of the proposed 2023 permanent budget has been shared and posted, and reviewed the changes therein.

Balyeat concluded her report by detailing invoices that needed to be approved on a Then and Now - one invoice to RPM Machinery (in the amount of \$3838.08) and multiple invoices to Belna Petroleum (in the total amount of \$11,928.28).

LAW DIRECTOR: The Law Director reported a “rash” of people passing school buses. As a public service announcement to the public, if a bus has red lights on, the stop sign is coming. The law states that people should be stopping 10 feet in front or 10 feet behind a school bus. A middle turn lane does not mean that people do not need to stop, as a turn lane in the middle still requires a stop. He noted that most school buses have outside cameras as well, and pictures are taken in very good quality (both license plate numbers and faces are very visible). Violations carry a \$300 fine, and a possible license suspension.

QUESTIONS/COMMENTS FROM COUNCIL and PUBLIC

Joe Jared, 113 W. Main, asked the Mayor if he had a reference for the comment he made about ward candidates requiring 50 signatures. Markward reiterated that he found that information in the 2023 Candidates Guide on the Ohio Secretary of State website.

Mark Davis, 402 S. Tyler St., asked about the timing of the yellow and red lights on the school buses. Kallas explained that yellow lights indicate an impending stop, and then red comes on as soon as there is a stop, and the door is opened. Kallas also indicated that some bus drivers hold off on putting on red lights if vehicles are close to the bus, but he stated that they should not assume that bus drivers will let vehicles through before they put on their red lights.

COMMITTEE REPORTS

HEALTH, SERVICE, and SAFETY: Marshall stated they are still in process with the city's blighted and abandoned homes. Regarding the first blighted home they took action on, there is a potential sale in place. After the sale, then the city will follow up regarding the new owner's process, which would either be rehabilitation or demolition. As far as the second blighted property, it could be another month or so before additional information is available. Hatcher followed this, stating that the city will work with the potential new owner of the first home in question, and this potential owner is aware of the situation. Open dialogue has been in place. As far as the second home, Hatcher stated that a sale was recently completed, and tracking down the new owner is taking time.

Mazur asked if the new owner of the first property would actually take action. Hatcher believes it will happen, and is hopeful for a good working relationship there. He stated that a short grace period will be in place, and then litigation would continue, if needed. Hatcher stated a work plan will be requested within 30 days of the transaction finalizing.

Davis (4th Ward) asked if the city's process on blighted properties prompted the sale - if Council made an impact in this situation. Marshall and Hatcher both indicated they believed it did play a role.

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

ECONOMIC DEVELOPMENT: Kallas turned the floor over to Stacy Adam, Van Wert Area Economic Development Corporation (VWAEDC).

Adam addressed recent questions regarding asbestos assessments on the old Anthony Wayne school building, now that the Land Bank is in possession of this property. Adam reviewed the asbestos procedures that the Land Bank goes through with each property they oversee - assessments done by certified inspectors, abatement completed by licensed contractors, and asbestos removed and taken to C&D facilities that accept asbestos. The Land Bank keeps receipts for all of these steps.

Specifically discussing the Anthony Wayne building, Adam noted that Clean America removed asbestos from the building approximately 30 years ago, and this was communicated to the surrounding property owners at that time. When that was done, asbestos remained in the material that wrapped the pipes in the basement of the facility - below the Treasurer's Office, beside the boiler room, and underneath the lower hallway. This was also communicated to residents in the past. From that point on, an asbestos re-assessment was completed every three years (when controlled by the school), and each re-assessment mentioned that only asbestos remained in the pipe wrapping.

A non-friable asbestos assessment was conducted in September 2022, and identified 3258 square feet of floor tile and mastic that contained Category 1 non-friable asbestos. This floor tile and mastic may remain during demolition if the concrete is not recycled and is taken to a C&D facility that accepts non-friable asbestos. The pipe wrapping will be abated prior to demolition. Every notification guideline will be followed by the Land Bank / VWAEDC, and residents can call their office with any questions.

Demolition for the Anthony Wayne building will likely begin in approximately a month's time. Adam also noted the demolition of the old Van Wert Inn at 820 N. Washington is ongoing. Adam also noted that all of the information summarized during the evening's meeting has been provided to Council and to the media present, in the interest of transparency.

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 RPM Machinery (in the amount of \$3838.08) and Belna Petroleum (in the total amount of \$11,928.28). on a Then and Now. Stinnett seconded; all concurred.

Agler made a motion to ask the Law Director to prepare legislation for end-of-year supplemental appropriations, on an emergency. Kallas seconded; all concurred.

Agler made a motion to ask the Law Director to prepare legislation to transfer from Funds 101, 201, 230, 301, 601, 602, and 701 to Fund 550 for Reserve for Retirement, on an emergency. Kallas seconded; all concurred.

Agler made a motion to ask the Law Director to prepare legislation to transfer from Funds 101, 201, 230, 301, 601, 602, and 701 to Fund 560 for Reserve for 27th Pay, on an emergency. Stinnett seconded; all concurred.

Agler made a motion to ask the Law Director to prepare legislation to transfer from Fund 101 to Fund 215 for Hotel Motel Tax transfer, on an emergency. Moore seconded; all concurred.

Agler made a motion to ask the Law Director to prepare legislation to transfer from Fund 101 to Fund 302 for Parks Capital Improvement, on an emergency. Bowers seconded; all concurred.

Agler made a motion to ask the Law Director to prepare legislation to transfer from Fund 602 to Fund 603 for Sewer Maintenance Reserve, on an emergency. Stinnett seconded; all concurred.

Agler made a motion to ask the Law Director to prepare legislation to transfer from Fund 550 to Fund 101 for Retirement Paid, on an emergency. Moore seconded; all concurred.

Agler made a motion to untable the supplemental appropriation proposal for Van Wert Forward. Stinnett seconded; all concurred.

Agler reiterated that Van Wert Forward proposed splitting this amount into 3 separate payments, which would each be just under \$195,000.00 each payment. Balyeat pointed out that they can only do a supplemental appropriation for one installment, and figure out which fund it would be appropriated from. Fleming noted that this could be included in the budget for 2023. Hatcher then commented that separate legislation would not be needed, if it was included in the budget for 2023.

Adam asked about 2024 and 2025 installments, and any assurance this will be approved in the future. Mazur noted that only one budget can be approved at a time, so they would have to address the next installment in a future budget. It was also noted that Council couldn't assure monies in the future that would be out of their jurisdiction (under future elected Councils). Mazur stated that, as of now, it would go into the 2023 budget, and there was an unwritten guarantee. Hatcher stated he would look into budgeting items prospectively, under Ohio Revised Code, and how binding Council could get with this discussion.

Davis (4th Ward) asked if Fleming had a cost breakdown for this project, separating out costs if the city had done this work themselves. He also asked how the city was able to do this work without bidding the work. Fleming stated that Van Wert Forward paid for the work upfront. Mazur noted that the feedback he's received is that this appears to be a donation to the Foundation. Balyeat stated that the city did not complete nor supervise the work, so they wouldn't be required to bid out the work.

Davis (4th Ward) stated that he did not agree with this item being included in the 2023 budget, and wanted it to be an individual item. Kallas stated he had no issue with this item being voted on as a separate supplemental appropriation. Stinnett stated he understood the point of Davis (4th Ward) asking for a supplemental appropriation as a separate item, so that he could vote his conscience. Mazur asked for a motion from Council to place this issue on the budget.

Agler made a motion to place the first installment of this proposed amount to Van Wert Forward on the 2023 permanent budget. Kallas seconded; Marshall concurred. Bowers abstained. The vote was stopped.

Davis (4th Ward) voiced his concerns about Mazur asking for a pointed motion, and questioning Bowers' initial decision to abstain. Mazur rescinded his request for a motion, and left it in Council's hands to choose to continue. Hatcher noted that Council was required to give a reason for abstaining.

Agler made a motion to place the first installment of this proposed amount to Van Wert Forward on the 2023 permanent budget. Kallas seconded; Marshall, Bowers, Moore concurred. Stinnett and Davis dissented. The motion passed.

Finance had no additional report for the evening.

PROPERTIES AND EQUIPMENT: Stinnett explained that he received an email from Sandra Waldron, 1058 Westchester, who provided him with documents. He was asked to copy them and provide them to Council. He did this, and asked the Mayor to give her a call. He directed all other inquiries to Mrs. Waldron.

Stinnett thanked Fleming and the city employees for the work in keeping the properties maintained in the city.

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: Davis made a motion to honor Reverend Keith Stoller with a posthumous honor. Mazur asked the Mayor to write up a proclamation for this motion.

Judiciary and Annexation had no further report for the evening.

QUESTIONS/COMMENTS FROM COUNCIL and PUBLIC

Mr. Jared stated that he believed the timeline for blighted properties and remediation is an unreasonable expectation. He stated that at least 40 households and mobile homes have had their allotments doubled recently, and gave his opinion that leeway should be given on the blighted properties due to this fact.

Adam stated that 610 S. Tyler St, recently donated to the Land Bank, can be rehabilitated, and their CHIP inspector will manage that project.

UNFINISHED BUSINESS

There was no unfinished business to address.

NEW BUSINESS

No new business was brought before Council.

CONSENT AGENDA

There were no items on the Consent Agenda.

RESOLUTIONS & ORDINANCES

Second reading advisory for ORDINANCE NUMBER 22-10-050: AN ORDINANCE REMOVING THE EASTBOUND AND WESTBOUND STOP SIGNS ON EAST JACKSON STREET AT NORTH VINE STREET, NORTH HARRISON STREET AND NORTH CHESTNUT STREET; AND TO ADD STOP SIGNS IN THE NORTHBOUND AND SOUTHBOUND DIRECTION OF NORTH VINE STREET, NORTH HARRISON STREET AND NORTH CHESTNUT STREET AT THE INTERSECTION OF THOSE STREETS WITH EAST JACKSON STREET. All concurred; second reading passed.

Agler made a motion to introduce ORDINANCE NUMBER 22-11-052. Stinnett seconded; all concurred.

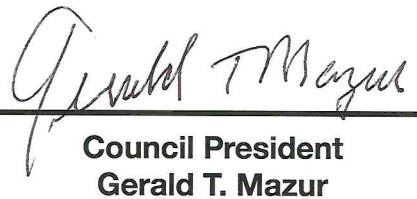
First reading advisory for ORDINANCE NUMBER 22-11-052: AN ORDINANCE TO MAKE PERMANENT APPROPRIATIONS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF VAN WERT, OHIO, FROM JANUARY 1, 2023 TO DECEMBER 31, 2023, AND DECLARING AN EMERGENCY. All concurred; first reading passed.

ADJOURN

Bowers made a motion to adjourn at 7:58 p.m. Kallas seconded; all concurred.



Clerk of Council
Andrew Bittner



Council President
Gerald T. Mazur

11/28/2022

Date

