

**MINUTES OF THE
VAN WERT CITY COUNCIL**

December 12th, 2022

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

Mazur asked for a moment of silent prayer for those affected by cancer.

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

Kallas made a motion to approve an amended agenda for the December 12th Council meeting, with Stacy Adam being moved before John Hatcher in the order of Comments, Communications, & Petitions. Bowers seconded; all concurred.

Bowers made a motion to approve the minutes for the November 28th Council meeting. Stinnett seconded; all concurred.

COMMENTS, COMMUNICATIONS, & PETITIONS

Mazur mentioned a letter received from Dominion Gas, advising that they are filing for an adjustment to their utilities cost.

Stacy Adam, Executive Director of the Van Wert Area Economic Development Corporation (VWAEDC), informed Council that there was a prospect interested in the property directed east of the new spec building in Vision Park, for Project Hulk. Adam reported that the prospect has signed a letter of intent, and a purchase agreement is in the process of being drawn up. At the current time, there is no access to that ground, and Vision Dr. would need to be extended. This would bring an estimated cost of \$750,000.00. However, with water/sewer in, as well as stone, a revised estimate is now at \$477,000.00. Adam stated they are working on three funding sources. ODOT has committed \$119,500.00 or 25%. She stated they have requested 50% from the 629 Grant from JobsOhio. That would leave approximately \$119,500.00 as the balance remaining. She stated that the developer of the spec building has received grant money, and they will go back to that developer, and ask for the balance of the funds.

In light of the prospect ready to sign a purchase agreement now, she asked Council / the City of Van Wert to commit responsibility for the road extension, and allow her to continue to work on the funding piece. She explained they are moving as quickly as they can. The building is a projected \$17.5 million dollar building, with a total investment of \$50 million dollars on the project. This would create 100 new jobs, and \$4.8 million in annual revenue. Mazur clarified that she is asking for a commitment to \$119,500.00. Adam stated this is correct, but her goal is that, through funding sources, the city would not be on the hook for a single dollar. She does, however, need the commitment during this evening's meeting in order to proceed. Adam also stated she is under a non-disclosure agreement, and cannot comment on additional details.

Agler made a motion to authorize the Safety Service Director to secure the funds for the construction of a road extension in Vision Park, on an emergency. Kallas seconded; all concurred.

Agler made a motion to introduce Ordinance Number 22-12-064. Kallas seconded; all concurred.

Agler made a motion to suspend statutory rules for Ordinance Number 22-12-064. Kallas seconded; all concurred.

Agler made a motion to pass Ordinance Number 22-12-064: AN ORDINANCE TO AUTHORIZE THE SAFETY-SERVICE DIRECTOR TO NEGOTIATE WITH FUNDING SOURCES AND SIGN ANY DOCUMENTS TO SECURE SAID FUNDS FOR THE CONSTRUCTION OF A ROAD EXTENSION WITHIN VISION PARK IN THE CITY OF VAN WERT, OHIO AND DECLARING AN EMERGENCY., on its first and final reading. Kallas seconded; all concurred.

LAW DIRECTOR: The Law Director reviewed his legal opinion on whether Council could address the parking of recreational vehicles on private property within the city. Hatcher concluded that the city, under Ohio Revised Code, could do this. However, it would require reasoning that went beyond aesthetics, and had to be strictly construed and defined. Otherwise, it would be considered illegal and unconstitutional. [The full opinion can be read here.](#)

Davis (4th Ward) asked where this issue originated from. The Mayor noted he received complaint(s), didn't have the answer, and asked the Law Director for the legal opinion. Bowers asked how many complaints were received. Markward stated the number wasn't the issue, but he didn't want Council to have to discuss the matter, if it turned out that Council had no power on the issue anyway.

Matt Freeman, 1044 Linden Dr., noted that Ohio Revised Code defined recreational vehicles as any motor vehicle, and shared his thought that any ordinance would have to prohibit parking of any motor vehicle. Hatcher stated that this would be one reason why any ordinance would have to be carefully written, if the city would look to take any actions.

Mazur stated that the issue at hand was if Council had "any appetite" to make any such changes to city ordinances. Stinnett shared he had no desire to do so. Kallas stated he saw no health, moral, safety reasons for such a move.

Pam Chavarria, 648 N. Walnut St., commented on their work to create an improved surface for their RV in the past year, and also noted she would like to see the city continue to pursue weed issues before any camper/RV issues.

Mark Davis, 402 S. Tyler St., asked about the nature of the complaints. Markward stated they were aesthetic complaints. Markward noted that he was not proposing a change to the ordinances, and he wanted the Law Director to state what was allowed or not allowed. Mr. Davis also noted that he had asked for clarified definitions, and Hatcher stated that if Council wished to pursue anything, they would enter into that discussion.

No Council member stated any desire to change the current ordinances.

ADMINISTRATIVE REPORTS

MAYOR: Mayor Markward reviewed his reappointment of Jay Fleming to the Design Review Board, and Stacy Adam to the Community Reinvestment Board. Both of these reappointments will have their terms end on December 31, 2025.

He also reviewed a proposed reappointment to the Board of Zoning Appeals - Sam Laurent, term ending December 31, 2027 - pending Council's approval.

Agler made a motion to approve Sam Laurent as a reappointment to the Board of Zoning Appeals, with his term ending December 31, 2027. Stinnett seconded; all concurred.

SAFETY SERVICE DIRECTOR: Fleming reviewed invoices that needed to be approved on a Then and Now in Balyeat's absence - both invoices to the State of Ohio, one for work done on the Jefferson St. Bridge in 2019 that was recently reconciled (in the amount of \$39,437.97) and one for resurfacing on US 224 and US 127 in 2020 (in the amount of \$23,066.11).

Fleming informed Council that there would be changes needed to Chapter 51 (Sewers) and Chapter 52 (Pretreatment Standards) of the city's ordinances, and a draft of these changes would be brought to Council in January 2023.

Fleming reported that Van Wert Forward will need to close Washington St. to get a water/fire line in place. This detour is scheduled for Tuesday, January 10, and Wednesday, January 11, 2023. This will close 1 block (from the railroad tracks to Main St.). The reroute will go from US 30 to US 224 to Van Wert-Decatur Rd.

Fleming stated that the bids for the Eggerss Stadium project came in over \$200,000 higher than expected, based on availability of pipe. They have put the project out for rebid, and the budget item has increased for next year. It should still meet the timeline, with news that the pipe can be acquired now.

Davis (4th Ward) asked if another round of brush pickup will be done before winter. Fleming stated they are short on personnel, and it will likely not happen.

AUDITOR: Balyeat was absent for the evening's meeting. It was noted that she would review the November Financial Report at the next meeting.

QUESTIONS/COMMENTS FROM COUNCIL and PUBLIC

Joe Jared, 113 W. Main St., asked about door to door salesmen and consumer protection. Mr. Jared stated that a recent outfit seemed more "a scam than a sale".

Fleming and Markward stated that the city does a background check to issue a permit, and those that apply post a bond to do so. However, not every door-to-door salesperson goes through the legal avenue to get a permit. They encouraged any residents to ask for the Mayor's permit to prove a background check had been done, and never give a bill to any salesperson to protect personal information. Residents can call the Police Department / Non-Emergency Services if deemed necessary.

Sam Scott, 902 Leeson Ave., asked if the city was footing the bill for the sewer under the field, or if the school was paying for it as part of their project. Fleming stated the city was responsible for the sewer only.

Mr. Davis, 402 S. Tyler St., asked about the status of the gas aggregation program. Markward stated that Palmer Energy was scheduled to meet with the county commissioners on Thursday, December 22, at 10:15 a.m., in the commissioners' office. The representative was to bring information on suppliers that have offered prices, and the commissioners would choose from there. Fleming noted that natural gas prices had doubled.

COMMITTEE REPORTS

HEALTH, SERVICE, and SAFETY: Health, Service, and Safety had no further report for the evening.

Agler asked about the new owner of the second blighted property that the city had addressed. Markward stated that the Van Wert County Auditor’s website listed Jon Tomlinson as the new owner.

ECONOMIC DEVELOPMENT: Kallas reported that the spec building in Vision Park should be done in April, and Custom Assembly is planning to start construction in January 2023.

Davis (4th Ward) asked if the spec building was always planned to be built without road access. Fleming stated that the developer was waiting for other action to be done, and this would then become a package deal in helping with the road extension due to job creation matters.

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 the state of Ohio (in the amounts of \$39,437.97 and \$23,066.11) on a Then and Now. Stinnett seconded; all concurred.

Finance had no additional report for the evening.

PROPERTIES AND EQUIPMENT: Properties and Equipment had no report for the evening.

STREETS AND ALLEYS: Streets and Alleys had no report for the evening.

JUDICIARY AND ANNEXATION: Judiciary and Annexation had no report for the evening.

QUESTIONS/COMMENTS FROM COUNCIL and PUBLIC

There were no questions or comments from the public during this portion of the meeting.

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

Agler made a motion to pass **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.**, on its third and final reading. Stinnett seconded; Marshall, Kallas, Bowers, Moore concurred. Davis (4th Ward) dissented. Ordinance passed on third and final reading.

Agler made a motion to introduce **ORDINANCE NUMBER 22-12-061.** Davis seconded; all concurred.

Agler made a motion to suspend statutory rules for **ORDINANCE NUMBER 22-12-061.** Davis seconded; all concurred.

First advisory reading for **ORDINANCE NUMBER 22-12-061: AN ORDINANCE AMENDING ORDINANCE 22-02-016 BY AMENDING THE SALARY ORDINANCE SAFETY DEPARTMENT EMPLOYEES PROVIDING FOR THE SALARIES AND COMPENSATION OF EMPLOYEES IN THE POLICE DEPARTMENT AND FIRE DEPARTMENT, NON-BARGAINING UNIT MEMBERS OF THE CITY OF VAN WERT, ESTABLISHING JOB CLASSIFICATIONS, SALARY RANGES AND LIMITATIONS, AUTHORIZING SPECIFIC NUMBER OF EMPLOYEES, PROVIDING IMMUNIZATION AGAINST COMMUNICABLE DISEASES, AND OTHER BENEFITS AND DECLARING AN EMERGENCY.** All concurred; first reading passed.

Agler made a motion to introduce ORDINANCE NUMBER 22-12-062. Moore seconded; all concurred.

First advisory reading for ORDINANCE NUMBER 22-12-062: AN ORDINANCE AMENDING ORDINANCE 22-12-017 PROVIDING FOR THE SALARIES AND COMPENSATION OF EMPLOYEES IN THE SERVICE DEPARTMENT, AUDITOR'S OFFICE, INCOME TAX AND ADMINISTRATION OF THE CITY OF VAN WERT, ESTABLISHING JOB CLASSIFICATIONS, SALARY RANGES AND LIMITATIONS, AUTHORIZING SPECIFIC NUMBER OF EMPLOYEES, ALLOWANCES, IMMUNIZATION AGAINST COMMUNICABLE DISEASES, AND OTHER BENEFITS AND DECLARING AN EMERGENCY. All concurred; first reading passed.

Agler made a motion to introduce RESOLUTION NUMBER 22-12-063. Stinnett seconded; all concurred.

First advisory reading for RESOLUTION NUMBER 22-12-063: A RESOLUTION APPROVING THE RATES FOR EMPLOYEE CONTRIBUTION AND EMPLOYER'S PARTICIPATION IN THE CITY OF VAN WERT'S HEALTHCARE PROGRAM AND HEALTH SAVINGS ACCOUNT (HSA) PROGRAM EFFECTIVE ON JANUARY 1, 2023 THROUGH DECEMBER 31, 2023, AMENDING RESOLUTION 19-12-074 AND DECLARING AN EMERGENCY. All concurred; first reading passed.

ADJOURN

Agler made a motion to adjourn at 7:20 p.m. Bowers seconded; all concurred.



Clerk of Council
Andrew Bittner



Council President
Gerald T. Mazur

12/26/2022

Date

