

COUNCIL OF THE WHOLE MINUTES

Topic: DEFINITIONS IN CHAPTER 96: JUNK MOTOR VEHICLES, RECREATIONAL VEHICLES, JUNK AND RUBBISH

June 13, 2022

President Jerry Mazur called the meeting to order at 6:00 p.m. He reviewed the reasons for the meeting, and ceded the floor to Bill Marshall.

Marshall reviewed the recent history of code enforcement, noting that Van Wert, at one time, had a code enforcement officer, but that arrangement changed over a decade ago. From that point until 2021, Bill Lawson was in charge of these violations. Then, from November 2021 forward, that duty was shifted to the Police Department. Definitions and ordinance language was changed around this time, by Council, to be more specific. Council meetings were reported by the media, recordings were posted on the city website the day after each meeting, and all meeting recordings are archived online.

Mazur stated that definitions were at the heart of this discussion at the last City Council meeting. He also noted it's difficult to delineate descriptions of trash - specific vs. general descriptions. Mazur then opened the floor to the public.

Mike Pontius, 415 Spencer St., stated that he received a door hanger that read "rubbish". He said his property was in compliance, and he was at work when he was served. No one in the department could give him a specific reason - and he relayed he was told it was in his backyard, which he stated was not visible unless someone was on his property. He said in his opinion, there should be a specific notation of front yard, back yard, etc. He stated if someone knows where to look, they can look in their own yard or property and fix the situation.

Chief Weigle stated he felt there would be many more complaints if officers stood on the property and made a checklist of items. Pontius argued that if he knew where to look, he could address the issue.

Joe Jared, 233 Burt St., read a portion of the ordinance in question, and gave his opinion that the statement, "the manner of which the violation occurred", was too vague, and the Police Department wasn't giving sufficient notice unless specifics were given on door hangers. He stated that it was "laziness", and he didn't accept the manner in which violations were reported by the Police Department.

Ed Glossett, 802 E. Crawford St., stated that he felt that this should go back to code enforcement instead of law enforcement, so that people wouldn't be coming onto the property at night. In his opinion, this would eliminate friction between the public and the Police Department. He noted that DUIs have gone down in VW County, and if code enforcement was in place, then the Police Department could focus on more important issues.

Mazur noted that code enforcement was cut several years ago due to budgetary issues. It was reiterated that Bill Lawson was in charge of violations until last year, but that enforcement didn't have teeth, the violations weren't addressed, and the process took much longer.

Weigle stated that he had heard complaints for years on trash, and other violations, not getting handled properly or in a timely manner - from Council or people complaining to Council. He then reviewed the processes, and the actions, that he took to help residents and get the word out regarding the increased enforcement of these ordinances last year. He stated that he believes the problem is that half-truths on social media/internet are allowed to circulate, and aren't corrected. He stated this is the reason for the public divide.

Mazur stated that he doesn't see a code enforcement officer being brought back in the immediate future.

Mr. Pontius asked if the shift could be changed so that the public could get ahold of someone at the Police Department, or the Police Department could get ahold of them, during the day time hours. Weigle stated that he divided up the city into four quadrants, and he has an officer in charge/responsible of each section. If there is a complaint from each section, the officer can answer for that section. He asked the public to badmouth him if there are issues, because he's the one ordering his officers. He stated that officers go on property to hang the door hangers, and they return to do a cleanup report. This gives Lieutenant Boroff information to go on, if someone calls in. He stated that officers don't have the time to make a checklist. He acknowledged the arguments - on one side, there are complaints about not doing this type of checklist, but there are other complaints about officers not doing their jobs on other items. Weigle continued to explain the setup between officers, shifts, and quadrants, and also the 10-day window between the door hanger and the citation/fine. Weigle stated that some people would move items from one section of the yard to another if they were specific on location. Pontius argued that there are many residents that would take care of their property if they knew where to look. Weigle also noted that if people request an extension, then they are granted. They usually will give up to three extensions.

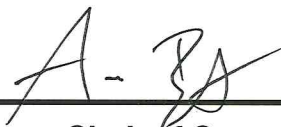
Mazur clarified where on the door hanger the officer's signature would be. It was also reiterated that Lt. Boroff can detail a situation if needed based on the officers' reports.

Jared stated that the door hangers are not a notice per the definition of the ordinance. Hatcher stated that he felt the door hangers were sufficient.

Matthew Perry, 245 W. Third St., asked about the definitions themselves - and wanted to know what toys, bikes, and other items are defined as. Fleming stated that they have not written any hangers or citations for toys, bikes, and other items that are operational. Weigle stated that they are working to get the city cleaned up with regard to major issues - no one has been cited just for a bike or toy. He stated that he received and reviewed every citation. They have never sent someone to court for a toy or bike that is operational. They have issued warnings or citations for situations, like a house on Kepler St., that was four feet deep all around the home with toys and other items, or homes that have 10 truckloads of rubbish that involve broken toys and bikes.

Mike Manley, 220 Chestnut St., stated they received a warning stating they had a junk vehicle - and he moved it. They then received a citation for items in their enclosed front porch - not a regular front porch. He stated that he has sawhorses in his front yard, under a tarp for weather, and that his enclosed front porch is his woodworking shop.

Davis noted that this meeting could continue into the regular Council meeting, and the public can continue to share their thoughts during that time. Mazur confirmed this, and ended the Council of the Whole meeting at 6:28 p.m.



Clerk of Council
Andrew Bittner



Council President
Gerald T. Mazur

06/27/2022

Date