

PUBLIC HEARING MINUTES
Topic: Issue of Forced Annexation

September 26th, 2022

President Jerry Mazur called the meeting to order at 6:00 p.m., and stated the purpose of the evening's meeting, which was to discuss possible forced annexation of properties on W. Main St. (properties from the area near Danfoss to John Brown Rd.). He then gave Agler the floor, as the member of Council who first brought up the subject.

Agler reviewed the recent history of code enforcement, noting that the enforcement of trash/junk and grass/weed ordinances was given to the Police Department last year. He discussed a specific property that was directly across from Danfoss on W. Main St., and described the area (currently an "island" that is within city limits but currently part of Pleasant Township). He explained that he had recently attended a Pleasant Township meeting, and asked if they could force the property to be cleaned up.

Agler went on to describe properties in the area that are city property vs. properties that are on W. Main St. but not city properties. He would propose that all properties from the Danfoss area to John Brown Rd. He argued that Danfoss gave the city funds to assist in the last citywide cleanup, and that a property directly across from them that is unkept is a "slap in the face". He stated this as the reason for bringing this to Council.

Mazur asked Hatcher to explain the process of forced annexation. Hatcher stated that in the annexation statute, annexation can be initiated by the municipal corporation by a majority vote of Council. This would authorize / direct the Law Director to begin the annexation process. Hatcher stated that the statute is less clear about situations where the city wants to annex properties, but the property owners do not want to be annexed in. He stated that this would likely end up in court. In his time as Law Director, Hatcher noted that he has never been part of an annexation initiated by the city - only ones initiated by the property owners. He reiterated again that if this is opposed by property owners, then litigation would almost certainly ensue. In summary, could the city begin forced annexation? Yes, according to the Ohio Revised Code. Whether the city should do it would be another question entirely, according to Hatcher. And there's no guarantee that this process would actually come to fruition if challenged in court.

Marshall asked if Agler was discussing the specific property across from Danfoss. Agler stated he was proposing annexing all properties from that area on W. Main St. out to John Brown Rd.

Davis (4th Ward) asked if there was financial obligation to the city, aside from litigation. Hatcher confirmed that the statute didn't specific financial obligations, it wouldn't make sense to force property owners into the city without offering them utilities. Fleming stated that if a property owner wanted in, then that owner would cover the utilities cost. In this case, the city would need to offer utilities, and that would cost the city. Fleming stated that in his tenure, they have not forced annexation.

A question was raised of benefits for the city of forced annexation. There was no concrete answer provided. The question was raised of benefit to the property owners. Fire protection was mentioned as a possible benefit, but in this situation, it would not be as Pleasant Township has a fire agreement with the city.

Mazur asked the Pleasant Township trustees in attendance, Todd Wallace and Jay Gamble, for their comments on the situation. The trustees stated they are limited on what they can do, and how to enforce any sort of clean up. They also stated that annexation of this area would help the territorial map. They acknowledged full agreement with Agler that the property in question needed to be cleaned up, but that they didn't have the means to address it.

Doug and Marcia Germann, the owners of Century Trading, voiced their opposition to forced annexation. They first asked the city if they could address the other properties of the individual that were inside the city. The Germanns stated that financial hardships are already difficult to manage, and additional taxes or other situations caused by annexation would make things more difficult. Mr. Germann acknowledged he was disappointed in the Pleasant Trustees, and also described the lengths they take to keep their business clean and orderly. He reiterated the point that the property in question needs cleaned up, but that they would go against forced annexation.

Joe Jared, 233 Burt St., stated his opinion that property owners should have the choice of opting into annexation, but should not be forced in. He asked how much it would cost to supply water and sewer for this type of operation. Fleming stated he didn't have an exact number since this meeting was for discussion purposes only, but the area in question already had water. Sewer costs are normally near \$100 per foot of sewer line.

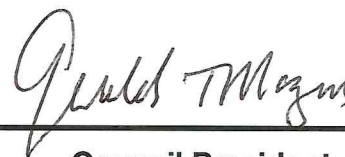
Mazur asked the Pleasant trustees if they could ask their solicitor about drafting legislation to enforce cleanup in that area. Wallace stated that it's a gray area in terms of what the township can and cannot do. Mazur asked if they could have a dialogue with the Van Wert County Prosecutor to see what legislation could be drafted to implement enforcement and force that property to be cleaned up. The trustees stated they could look into this matter. The trustees also stated they wondered why the property belonged to Pleasant Township in the first place.

Mark Davis, 402 S. Tyler St., asked what benefit would come to the city other than cleaning up the properties in question. He also stated he didn't believe city ordinance would allow a junkyard, like the property in question, to be within city limits. He stated that the Police Department is already having issues with code enforcement, and this would add to their already limited time. Mazur stated he didn't believe there was any benefit to the city aside from code enforcement. Mr. Davis asked whether every property in the township would have to be enforced, if the township enacted any type of legislation. Mazur stated they did not have the answer to that question, as the purpose of this meeting was for discussion only.

Mazur closed the meeting at 6:23 p.m., stating that no decision was made on the matter, and this was an informational meeting only.



**Clerk of Council
Andrew Bittner**



**Council President
Gerald T. Mazur**

10/10/2022

Date