

Washington Township Board of Trustees Record of Proceedings

ENTITY NAME: Washington Township / Logan County

MINUTES TITLE: Minutes from the Special Meeting held on January 18, 2023

BOARD NAME: Washington Township Board of Trustees

TYPE OF MEETING: Special

VOTING SESSION: Yes

DATE: 1/18/2023

START TIME: 10:00 AM

END TIME: 11:15 AM

MEETING LOCATION: Washington Township Hall, Lewistown, OH

RECORD OF PROCEEDINGS: Fiscal Officer, Lisa Miller

CALLED TO ORDER BY: Chairman, Trustee Berg

BOARD MEMBERS / FISCAL OFFICER ROLL CALL

| NAME | PRESENT |
|-----------------------------------|---------|
| Trustee Faulder | Present |
| Trustee Berg | Present |
| Trustee Lewis | Present |
| Fiscal Officer Miller | Present |
| Zoning Inspector, Gary Bias | Present |
| Chief Michael Thompson | Present |
| Asst. Prosecutor, Breanne Parcels | Present |

Chairman Trustee Berg - Purpose of this Special Meeting is to Discuss Zoning Procedures, Personnel, and Nuisance Property Cleanup Fees

| Zoning Procedures |
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| Special Meeting Agenda |
| <ol style="list-style-type: none">1. Establish an agreed upon procedure for cleaning up nuisance parcels2. Would this procedure change if we demolished the structures?3. Would this procedure change if we went to court?4. Procedure for removing disabled cars, trucks, vehicles, RVs, & Boats5. Does the number of vehicles change this procedure?6. Determine the documentation required for all these procedures7. Determine numbering, filing location & access for nuisances8. Legal requirement if we get contractor estimates for some of these clean-ups |
| Agreed upon procedure for cleaning up nuisance parcels |
| Breanne: What seems to be missing is a draft that Eric did years ago and none of these forms are in your procedure. There are two types of nuisance: grass and structure / cars |
| FO Miller: Past practice was we needed a resolution to declare a nuisance property a safety hazard and uninhabitable. After notices of violation certain amount of days to comply > and then a final letter and 30 days more to clean it up, if not done, Trustees would pass a resolution to take down the nuisance structure after many opportunities for the property owner to clean it up. This was always a 1-2 year process to get from first complaint to where Health Dept. would come and inspect it and give the property owners seven additional days before condemning it. The Health Dept. also paid to have those nuisance structures taken down. Later after the Health Dept. levies started failing the cost to take down these condemned structures was then given to the Twps to pay for. |

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Chief Thompson: Tow - who pays for tows? Brianne: Township pays upfront and then passes those cost to property taxes. Chief Thompson: Tow car, bring to impound and accumulates tow/storage. I apply for title to sell it...
Brianne: You reimburse anything the Township is out. Chief: Property with a bunch of vehicles. Brianne: When you have a property with more than 4 vehicles we just take them to common pleas court. If no show \$500/day. Can charge for the tow but not for an officer to standby. Maximum you would have would be four. Anything above that - take them to court. Trustee Faulder: if we start citing again with codes, who's going to ask the judge to enforce those things? Municipal Court Judge has been throwing them out as "civil cases" so that's why we're trying to figure out if courts aren't going to hear them. Breanne: You will have a new municipal court judge next year. Problem is you have to go by property owner and some are not affiliated. Resolution for a junk vehicle tow or a resolution to approve the expenditures to mow grass and put those cost on property owners tax bill.

Trustee Faulder: So, what if we give them 30 days to clean up that doesn't happen. We can go mow, have it condemned (fire dept, health dept, bldg dept can condemn it). Breanne: There's another way the Police Department can do it. If that structure has seen used for drug activity, gambling or prostitution then it is considered a criminal structure the PD can get the court order. Chief: Say we don't want to bring cars back here and have a contract with a tow company instead. If they take the car can I ask the court to issue \$75 back to the township? Brianne: Yes, you can always ask for restitution if ordered by the judge. Chief: I would recommend that we go into a contract with the tow company.

Gary: Property maintenance can be done by resolution. I would encourage you to wait on a property maintenance code because that would take a full time person. You already get tons of NC from residents. When you enable the property maintenance code the volume triples. So that would take a full-time person. At 30 days Gary give names of violators to Lisa for a resolution for Trustees to approve cleaning it up and attaching to the defendant's tax bill. Brianne: If they try to block nuisance mowing it's not legal to do so... they cannot block you. If so, we would go to 30 days cars are still there. Jason: Either set up reasonable amount of time but high enough that ppl will wait for us to clean them up.

Chief: Injunction for house with 30 day and files the injunction > Defendant has 28 days to respond > Breanne files for default judgement > Court grants the injunction > we can proceed with removing those vehicles. If they do respond > operable / titled / mow grass then we say "ok that's what we wanted and they pay our cost to file"

Trustee Faulder: I think we have the vehicle side of it. Now, let's talk about structures. We have sent a lot of letters and nothing works. At next meeting Gary declares it a nuisance.... Brianne: Call or send a letter to the building authority/fire dept chief/Health Dept who can all do an emergency three day notice. After 30 days we advise we're taking it down. An alternate plan B is to take it by eminent domain - but there could be a jury trial. Trustee Faulder: Let's say Monday night Gary has a list of structures that need to be condemned. Gary: And, here is our tear down order (can come from any of the 3). Trustee Faulder: What if we don't get any cooperation from the Health or Fire Departments or the Logan County Building Authority?? Brianne: Then plan B you can hire a building inspector who can give you an administrative search warrant and knock them out in 72 hours and then get them back to probate court. I have an administrative search warrant form I can share with you.

John: If a particular house absolutely is not livable and Health Department will not condemn it... Trustee Faulder: We're asking the court to formerly issue a judgement that the person has not complied with the order. Brianne: If none of the three will help then I would recommend hiring our own building inspector to do the administrative search warrant (state fire marshal will do commercial building). Gary: we can ask Gibby? Brianne: Yes, if there are enough fire code violations then we take it to court.

Chief: Police Department can serve violation orders. It doesn't have to be certified, correct? Brianne: Certified letter is best practice. So, courts have gone through a common carrier normally UPS and Fed Ex. Chief: What can I serve? Brianne: You can serve the notice on this date/time. Chief: If I drive by my house with over five cars. It's not following our junk motor vehicle ordinances. Can I do that..serve the notice? Brianne: Yes Chief: When Police serve them, it will be a whole new game. Trustee Faulder: I did that job when I was a police officer and when you serve the notice in uniform, it works a lot better. That's how we used to do it as we had some powers that the zoning inspector does not have. If unsightly debris and junk vehicles; there's a fine line between nuisance enforcement and law enforcement. Because, if you have a Police Department it will always be something the PD can handle and it works much better that way. Brianne: Gary can go on the property but if they say "get off my lawn" he has to come back with a search order. Chief: Can I issue a citation for each vehicle on the property Brianne: Yes, but at \$150 some will pay and some will ignore. Chief: Did the junk motor vehicle get approved? Trustee Faulder: There is one in the ORC already that we have always used. Chief: We were looking for one for abandoned vehicles. 48 hours to be on the property. Leaving a vehicle on someone else's property for 48 hours then I can site it. But if I leave it on my property it's and ORC 4513.65 citation with a letter. I would site them and if they don't move it ask the prosecutor to file contempt of court.

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Brianne: On your letter, pull over and take a picture of all those vehicles > count roof tops (blue truck, orange sedan, trailer) you don't have to give the license number, etc. Take a photo on a Monday and another on Friday....date stamped. In the letter advise they must get rid of them by a certain date and if not, it will go to court. You have pictures with a count and description of each for the judge. You can start this process immediately.

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| Executive Session | |
| Purpose: | To discuss the purchase or sale of property |
| Trustee Berg | I make a motion we go into executive session to discuss the purchase or sale of property. FO Miller: Roll Call – Trustee Berg-present; Trustee Lewis-present; Trustee Faulder-present. Motion passed and all Trustees are present. Time Out: 7:33 PM to go into executive session. |
| Trustee Berg | I make a motion we go back into regular session FO Miller: Roll Call – Trustee Berg-present; Trustee Lewis-present; Trustee Faulder-present. Motion passed and all Trustees are present. Time In: 8:30 PM to go back into regular session. |

NEXT SCHEDULED MEETING

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| TYPE OF MEETING | <u>Regular</u> |
| DATE | <u>2/13/2023</u> |
| TIME | 6:30 PM |
| LOCATION | Washington Township Hall |

MEETING ADJOURNMENT

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|--------------------------------|-----------------|
| MOTION BY | Trustee Faulder |
| MOTION SECONDED BY | Trustee Berg |
| VOTING ROLL CALL | VOTE |
| Trustee Faulder | Yes |
| Trustee Berg | Yes |
| Trustee Lewis | Yes |
| VOTING RESULTS – Motion Passed | YES: 3 NO: 0 |

MINUTES PREPARED BY

| | | |
|-------------------|----------------|-----------|
| SIGNATURE | TITLE | DATE |
| Signature on File | Fiscal Officer | 2/13/2023 |

WASHINGTON TOWNSHIP BOARD OF TRUSTEE CERTIFIED

| | | |
|-------------------------------------|--------------------------------------|-----------|
| SIGNATURE | TITLE | DATE |
| Trustee Faulder – Signature on File | Trustee and Chairman of the Board | 2/13/2023 |
| Trustee Berg - Signature on File | Trustee and Co-Chairman of the Board | 2/13/2023 |
| Trustee Lewis - Signature on File | Trustee and Member of the Board | 2/13/2023 |