

A G E N D A

WAPAKONETA CITY COUNCIL

DATE: JULY 17, 2017
7:30 PM AT CITY HALL

1. INVOCATION (Doll)
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF PRIOR MINUTES
5. REPORTS OF STANDING COMMITTEES AND/OR SPECIAL COMMITTEES
 - Tourism Commission
 - Communications & Rules Committee
6. COMMUNICATIONS
7. GUEST PETITIONS
 - Emily Hunter – Marsy’s Law, Crime Victims bill of rights
 - Josh Little – Children’s Hometown Holiday
8. UNFINISHED BUSINESS
9. NEW BUSINESS
10. ORDINANCES/RESOLUTIONS

3rd READING

ORD 2017-23 – ORDINANCE ENACTED BY THE CITY OF WAPAKONETA OF AUGLAIZE COUNTY, OHIO AUTHORIZING PARTICIPATION IN ODOT COOPERATIVE PURCHASING PROGRAM

ORD 2017-24R – ORDINANCE AMENDING SECTION 1286.03 OF THE CODIFIED ORDINANCES OF THE CITY OF WAPAKONETA, OHIO BY ADDING A NEW SUB-PARAGRAPH (h) TO PROHIBIT POLITICAL SIGNS BEING PLACED IN THE PUBLIC RIGHT-OF-WAY OR ANY PUBLIC PROPERTY

2nd READING

ORD 2017-25 – ORDINANCE AMENDING SECTION 1038.01 OF THE CODIFIED ORDINANCES OF THE CITY OF WAPAKONETA, OHIO, BY ADDING A NEW SUB-PARAGRAPH (c) TO EXPLAIN UTILITY BILLING ADJUSTMENTS

RES 2017-26 – RESOLUTION DECLARING THE NECESSITY OF CONSTRUCTING AND/OR REPAIRING CERTAIN SIDEWALKS IN THE CITY OF WAPAKONETA, COUNTY OF AUGLAIZE, STATE OF OHIO, REQUIRING THAT ABUTTING PROPERTY OWNERS CONSTRUCT AND/OR REPAIR THE SAME

Introduction of new ordinances

RES 2017-27- RESOLUTION AUTHORIZING THE AUDITOR THE USE OF REVOLVING LOAN
FUND MONEY FOR DEMOLITION OF PROPERTIES, AND DECLARING AN
EMERGENCY (EMERGENCY)

11. MAYOR'S REPORT

12. SAFETY SERVICE DIRECTOR'S REPORT

13. LAW DIRECTOR'S REPORT

14. SCHEDULING OF COMMITTEE MEETINGS

15. MISCELLANEOUS BUSINESS

16. ADJOURN



City Hall
P.O. Box 269
Wapakoneta, Ohio 45895-0269
Telephone (419) 738-3011
Fax (419) 738-4762

Thomas A Stinebaugh
Mayor
(419) 738-6111
tstinebaugh@wapakoneta.net

Chad A Scott
Director of Public Service and Safety
(419) 738-6111
cscott@wapakoneta.net

MEMORANDUM

DATE: July 14, 2017
FROM: Chad Scott, Safety Service Director
SUBJECT: Preparation for July 17, 2017 Council Meeting

1. RES 2017-27 is a Resolution for the Auditor to use revolving loan fund money for demolition of properties at 112 North Water St. and 5 West Harrison St.

Also included in the packets are:

- Draft of Communications & Rules Committee
- Marsy's Law and Proposed Summary which Emily Hunter will be speaking about.
- List of Standing Committees (Please let Terri or Diana know of any changes)

Thank you,
Chad



701 Parlette Court



RESOLUTION 2017-27

FIRST READ	SECOND READ	THIRD READ		SUSPEND		ADOPT	
				YES	NO	YES	NO
			J NEUMEIER				
			D LEE				
			B WURST				
			C DOLL				
			R METZ				
			R BARBER				
			D GRAF				
			TOTAL				

A RESOLUTION AUTHORIZING THE AUDITOR THE USE OF REVOLVING LOAN FUND MONEY FOR DEMOLITION OF PROPERTIES, AND DECLARING AN EMERGENCY

WHEREAS, The Lands and Buildings Committee has discussed with the Director of Public Safety and Service about the demolition of two structures located on City owned properties; and

WHEREAS, The properties are located at 112 North Water Street and 5 West Harrison Street and the structures consist of vacant homes on each property that have no useful purpose to the City; and

WHEREAS, The City has been informed by the State of Ohio that the remaining Revolving Loan Fund repayment funds of the City may be utilized for the proposed demolition expenses.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Wapakoneta, County of Auglaize, State of Ohio, to-wit.

SECTION ONE

THAT Council does hereby authorize the use of Revolving Loan Fund (RLF) money from the Ohio Department of Development for the demolition of said structures on the said City owned properties in the City of Wapakoneta for the amount of up to \$25,000.

SECTION TWO

That, this Resolution is hereby declared to be an emergency measure, necessary for the immediate preservation of the public peace, health and safety of the City of Wapakoneta, Ohio, for reason so as to allow for the prompt demolition of said vacant structures and shall go into immediate effect.

Attest:

Passed this _____ day of

Clerk of Council

_____, 2017

President of Council

Approved:

Approved as to form:

Mayor

City Law Director

THIS IS TO CERTIFY THAT THE FOREGOING ORDINANCE/RESOLUTION WAS PUBLISHED IN THE WAPAKONETA DAILY NEWS, A NEWSPAPER OF GENERAL CIRCULATION IN AUGLAIZE COUNTY, OHIO AND APPEARED IN ITS ISSUES OF _____ AND _____.

CLERK OF COUNCIL

CITY OF WAPAKONETA DRAFT
CITY COUNCIL
COMMUNICATIONS & RULES COMMITTEE

A meeting of the Wapakoneta Communications & Rules Committee was scheduled for 1:00 PM on July 12, 2017.

A quorum being present, the meeting was opened by Chair, Chad Doll at 1:00 PM.

Committee members present: Doll, Dan Graf, Bonnie Wurst

Other City Officials present: James Neumeier, Rodney Metz

Approved the minutes of the meetings of May 24, 2017 and June 6, 2017 by votes of 3-0.

The purpose of the meeting was public input and open forum for the public.

Two members of the public attended. The first concern discussed related to questions about sidewalk policies and equal enforcement of them. Explanations were given in regards to the city rotation policy for replacement and in regards to rules of grants for addition and replacement of sidewalks. Others are replaced as reported and deemed necessary.

There was question as to whether exemptions might be granted on streets that are high on the list for construction replacement, rather than do the sidewalks twice.

The second topic of concern regarded the future of recycling in the city. Discussion included the process that would take place in deciding whether or not to maintain city pick up. Assurances were made that the city was not looking to eliminate recycling as an option for residents.

On a motion by Mrs. Wurst, 2nd by Mr. Graf and with a unanimous vote, the Committee adjourned at 2:00 PM.

Respectfully submitted,

_____, Chair

These minutes were approved _____

Witness _____

**Petition Submitted to the Attorney General for
Certification of Summary of Amendment to the Constitution
to be Proposed by Initiative Petition
as required under Ohio Revised Code 3519.01(A)**

PROPOSED SUMMARY

The amendment would adopt the Ohio Crime Victims Bill of Rights by amending Article I, Section 10a of the Ohio Constitution. More specifically, the amendment would provide:

- for the purpose of securing for victims justice and due process in the criminal and juvenile justice systems, that victims of criminal offenses and delinquent acts have the following rights:
 1. to fair and respectful treatment for the victim's safety, dignity and privacy;
 2. upon request, to notice of, and the right to be present at, all public proceedings involving the criminal or delinquent conduct against the victim;
 3. to be heard in any public proceeding involving release, plea, sentencing, disposition, or parole, or in which the victim's rights are implicated;
 4. to reasonable protection from the accused or person acting on behalf of the accused;
 5. upon request, to reasonable notice of any release or escape of the accused;
 6. to refuse discovery requests made by the accused, except as authorized by Article I, Section 10 of the Ohio constitution;
 7. to full and timely restitution from the criminal or juvenile offender;
 8. to proceedings without unreasonable delay and a prompt conclusion of the case;
 9. upon request, to confer with the government's attorney; and
 10. to written notice of all rights in the amendment;

- that the rights of victims set forth in the amendment must be protected as vigorously as the rights of the accused;

- that the victim, the government's attorney upon request of the victim, or the victim's representative may assert the victim's rights set forth in the amendment or afforded by law, in any proceeding involving the criminal or delinquent conduct against the victim or in which the victim's rights are implicated, and if the relief is denied, may petition the applicable court of appeals, which must promptly consider and decide the petition;

- that the amendment does not establish a cause of action for damages or compensation against the state or its political subdivisions, or any officer, employee, or agent thereof, or any court official;

- that as used in the amendment "victim" means a person against whom the criminal offense or delinquent act is committed or who is directly and proximately harmed by the offense or act, but does not include the accused or a person the court finds would not act in the best interests of a deceased, incompetent, minor, or incapacitated victim;

- that all provisions of the amendment are self-executing, severable, and supersede conflicting state law; and

- that the amendment takes effect ninety days after the election at which it was approved.

The amendment would repeal the existing language of Article I, Section 10a, and replace it with language that, as described above, would expand the existing rights of victims and would establish new rights of victims. And although it would remove the provision in the existing section 10a directing the General Assembly to define and provide by law certain rights of victims, the amendment would not prohibit the General Assembly from enacting laws that are consistent with the amendment, nor would it negate existing laws unless they conflict with the amendment. The amendment would also remove the provisions in the existing section 10a that it: does not confer a right to appeal or modify any decision in a criminal proceeding; and does not abridge any other right guaranteed by the Constitution of the United States or the Ohio constitution.



FULL TEXT OF PROPOSED AMENDMENT

Title: Ohio Crime Victims Bill of Rights

Be it Resolved by the People of the State of Ohio that Article I, Section 10a of the Ohio Constitution be amended to repeal the existing language (shown below with strike throughs) and to replace it with the following:

Section 10a. Rights of Victims of Crimes

- (A) To secure for victim's justice and due process throughout the criminal and juvenile justice systems, a victim shall have the following rights, which shall be protected in a manner no less vigorous than the rights afforded to the accused:
- (1) to be treated with fairness and respect for the victim's safety, dignity and privacy;
 - (2) upon request, to reasonable and timely notice of all public proceedings involving the criminal offense or delinquent act against the victim, and to be present at all such proceedings;
 - (3) to be heard in any public proceeding involving release, plea, sentencing, disposition, or parole, or in any public proceeding in which a right of the victim is implicated;
 - (4) to reasonable protection from the accused or any person acting on behalf of the accused;
 - (5) upon request, to reasonable notice of any release or escape of the accused;
 - (6) except as authorized by section 10 of Article I of this constitution, to refuse an interview, deposition, or other discovery request made by the accused or any person acting on behalf of the accused;
 - (7) to full and timely restitution from the person who committed the criminal offense or delinquent act against the victim;
 - (8) to proceedings free from unreasonable delay and a prompt conclusion of the case;
 - (9) upon request, to confer with the attorney for the government; and
 - (10) to be informed, in writing, of all rights enumerated in this section.
- (B) The victim, the attorney for the government upon request of the victim, or the victim's other lawful representative, in any proceeding involving the criminal offense or delinquent act against the victim or in which the victim's rights are implicated, may assert the rights enumerated in this section and any other right afforded to the victim by law. If the relief sought is denied, the victim or the victim's lawful representative may petition the court of appeals for the applicable district, which shall promptly consider and decide the petition.
- (C) This section does not create any cause of action for damages or compensation against the state, any political subdivision of the state, any officer, employee, or agent of the state or of any political subdivision, or any officer of the court.
- (D) As used in this section, "victim" means a person against whom the criminal offense or delinquent act is committed or who is directly and proximately harmed by the commission of the offense or act. The term "victim" does not include the accused or a person whom the court finds would not act in the best interests of a deceased, incompetent, minor, or incapacitated victim.



(E) All provisions of this section shall be self-executing and severable, and shall supersede all conflicting state laws.

(F) This section shall take effect ninety days after the election at which it was approved.

~~Victims of criminal offenses shall be accorded fairness, dignity, and respect in the criminal justice process, and, as the general assembly shall define and provide by law, shall be accorded rights to reasonable and appropriate notice, information, access, and protection and to a meaningful role in the criminal justice process. This section does not confer upon any person a right to appeal or modify any decision in a criminal proceeding, does not abridge any other right guaranteed by the Constitution of the United States or this constitution, and does not create any cause of action for compensation or damages against the state, any political subdivision of the state, any officer, employee, or agent of the state or of any political subdivision, or any officer of the court.~~

COMMITTEE TO REPRESENT THE PETITIONERS

The following persons are designated as a committee to represent the petitioners in all matters relating to the petition or its circulation:

Catherine Harper Lee
2441 Shillingham Court
Powell, OH 43065

Darrin Klinger
1053 Cheliway Court
Powell, OH 43065

Brandon S. Lynaugh
1299 Avondale Avenue
Grandview Heights, OH 43212





ENDORSEMENT FORM

I, _____, hereby support Marsy's Law and authorize my name to be used by Marsy's Law for All in any related announcement and endorsement material.

Signed,

Signature

Date

Printed Name

Title

Address

City, State

ZIP

Paid for by Marsy's Law for All

