

**PUBLIC WORKS AND ECONOMIC DEVELOPMENT COMMITTEE
MEETING MINUTES
MONDAY, July 10, 2017**

The Public Works and Economic Development Committee met Monday, July 10, 2017 at 6:30 PM in the Council Chambers at the Knisely Centre. The purpose of the meeting was to discuss problems that individuals are having with people going through their trash, strewing their trash on their property.

In attendance were Public Works and Economic Development Committeepersons:

*Committee Chairperson: Mr. Dean Holland
Committee Members John Zucal and Cheryl Ramos
Committee Alternate: Kelly Ricklic*

Guests were:

*Mayor Joel Day,
Law Director Marvin Fete,
Service Director Ron McAbier,
Safety Director Greg Popham
President of Council Sam Hitchcock
Council Clerk Julie Courtright
Councilperson Mrs. Aimee May
Councilperson Mr. Darrin Lautenschleger
Audience Members in attendance were Mr. Joseph Foutz, Mr. Dan Lanzer, Mr. Tom Farbizo, Mr. Christian Sexton*

Public Works and Economic Development Committee Chairperson, Dean Holland called the meeting to order at 6:30 PM.

We had some discussion at the last Council Meeting in regards to this and wanted to continue hearing what everyone had to say. I know that Mr. Foutz is here to speak again tonight. I'd like to start with him and then we'll go to the Committee.

Mr. Joseph Foutz of 681 Orchard Ave. made the following comment:

As I said last time I wish the City would come up with some kind of an Ordinance where when these recyclers come around and pick up the stuff that's laying out, most big items are going to be out. I don't put metal stuff in my trash can. I put my trash in the trash can. I have no problems with the Police Department going through my trash or City Officials, but the regular people in town doing recycling, I don't think they have any business going through somebody's trash. If they would change the Ordinance and put the word out I am sure they're going to abide by that law because if they don't they're going to know what's going to happen. I would appreciate it if there would be some kind of change, and even if they would take what's laying out, do it in an orderly manner, not just strewing trash all over my property. When the winds blow and you're laying cardboard and paper out there I always try to weigh it down so it won't move and they just take what they want, throw it here, throw it there, and I think something needs to be done.

Mrs. Ramos had the following comment for Mr. Foutz:

I know what you're saying. What can we do?

Chairman Holland had the following comment:

I think it's kind of open as to what we could consider. I will tell you that in the mid 70s the head of the Bonanno crime family was actually apprehended as a result of the Tucson Police going through his trash and thing that they have uncovered there and they were able to get warrants and so forth and actually send him to prison. I think as far as I know that's one of the early cases for a major name individual to actually be sent to prison as a result of that. I think some case law was based on that actual search and what they were able to uncover. In talking with Mr. Popham earlier we had a criminal case here in town last week where the suspect was apprehended as a direct result of law enforcement going through the trash on the curb. I think in my conversations with Mr. Foutz, he has no problem as I think most individuals would not have a problem with law enforcement going through their trash.

Mayor Day had the following comment:

If I recall at the last meeting when this was first discussed, the Law Director said there was case law and I think Mr. Popham even talked about law that says once you put your trash to the curb it's fair game.

Safety Director Popham had the following comment:

If we look at the littering law that we have and see how that's actually written, basically when you look at the Ordinances it pretty well tells you how and when the garbage is supposed to go to the curb and those kind of issues. That stuff is all being done in accordance with the Codified Ordinances, but if you have somebody come around and undo what you have done and are basically then discarding it, I would think that a littering ordinance or tweaking an ordinance concerning the garbage would be an easier fit than trying to do something with the actual garbage. It may even be written out that that's all they need to do if the police were notified.

President of New Philadelphia City Council Sam Hitchcock made the following statement:

I think a littering law may go into effect anyway because once someone picks up a piece of trash they've taken possession of it. What they do with it from that point on could be a violation.

Mr. Zucal made the following statement:

I'm not sure we have a wide scale City problem with it, and I know in some cases some people are happy when some of those scrappers come by. It's really not a question of taking it, it's a question of making a mess around it, and I heard Mr. Foutz say you don't want people going through your property, and I know the Safety Director's right because looking at the Ordinance I think we all recognize because it's part of where we're actually able to utilize the police's ability and law enforcement's ability to go through that because once it's placed in that particular area it becomes public property so it's their right to go through and look at it and potentially seize it. I hate to diminish that because I think it's a valuable resource for law enforcement. Cut to the chase, my thought would be if that's a problem for people, just like with anything, they're taking something and they're throwing it on the ground and they're throwing it away from either a recycling bin or a trash can that's littering. Get the license plate number and turn that over to the police.

Safety Director Popham had the following comment:

The Ordinance might actually take care of it right now.

Law Director Fete had the following comment:

You kind of have to catch somebody in the act to get them for littering or at least know who the person is. Right now I believe littering is a minor misdemeanor for a first offense.

Mr. Zucal had the following comment:

I don't think we really has much of a situation other than the littering that's transpiring. These people going through and disposing of items on Mr. Foutz' property. Right now I think we utilize that public domain that's placed to allow our law enforcement to be able to go through resident's trash. I don't think we can pick and choose that.

Law Director Fete had the following comment:

That's what the law is in the state of Ohio. The reason that it's been tested to that effect is that the police were going through people's trash to catch drug dealers and so forth, because right now meth is a big thing. If somebody's got a whole garbage bag full of empty Sudafed you've got a pretty good idea they're probably making meth. The reason that the law is the way it is, is because somebody probably challenged that. They used that as a basis of a warrant to go in and search somebody's house. It wasn't what they were putting in their trash. They claimed that that was a violation of their privacy rights. The court ruled that no, in fact that was public domain. Once it's put out there in public domain the police can access it. For myself personally I just try to be a little bit smarter about things, I got a shredder at home and at my office. I don't put anything in the trash I don't want somebody to see. Additionally I've got a problem where I live with animals getting into my trash and chewing through my plastic trash lids so I put my garbage out at the very last possible minute for that reason.

Action: *The Committee recommended that the Law Director look at the littering law for any tweaking that perhaps is needed and come back to the Committee with any recommendations.*

Mr. Zucal made a motion to adjourn at 6:45pm.