



City of NAPOLEON, OHIO

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June 30, 1998

Mr. Kevin Labona
1003 Scott Street
Napoleon, Ohio 43545

Dear Mr. Labona:

Mayor
Donald M. Stange

Members of Council
Michael J. DeWit, President
Robert G. Heft
James Hershberger
David F. Miller
Travis B. Sheaffer
Char Weber
Terri A. Williams

City Manager
Jon A. Bisher

Finance Director
Gregory J. Heath

Law Director
David M. Grahn

City Engineer
Adam C. Hoff, P.E.

I am writing to assure you that your opinions and concerns addressed in your 22 June 98 letter are important to me. I will respond to your issues, however; I realize that some of my explanations may not fully satisfy or remedy some of those situations you have described. Let me first discuss cutting down of the Maple tree.

It is the City's policy, that from time to time we identify trees that are on the City's property that we believe are, or will be a liability to abutting property owners. Typically, these trees are removed and then replaced with new younger trees. Many times trees are also removed if sewer, water, or electric line work is done in the vicinity. In this case also, tree replacement is accomplished as a part of the total relandscaping. Many times this work is contracted out and is not performed by City workers. From your letter I am not sure of the circumstances of the tree removal and replanting that took place near your home. I can tell you that your question regarding the maintenance of what is referred to as the curb lawn or devil's strip is based on Ohio statute.

Let me now address the more pressing issue of semi truck parking in residential areas of town. It is not the City's policy to go around trying to detect violations of City ordinances however, just as you have grievance with the City so do other citizens from time to time. It is my responsibility to answer those complaints as was the case in your neighborhood. After receiving such an inquiry from a citizen that semi trucks were parking in the residential portion of Railroad Street, we did confirm that this was in fact the case. This is indeed a violation of City ordinance and so I felt the citizen's complaint was justified and I directed action be taken to rectify the reoccurrence.

The section of City ordinance that I am referring to is Section 1127.10 (d) that says:

"no commercial trucks or vehicles shall be allowed to be parked or placed at any time on residential lots and/or on residential streets."

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I understand from your letter that in your case your name was posted in your truck but, we were not sure of the identity or exactly how many other vehicle owners there were. My decision was not to ticket violators, but instead to clearly post the area such that there would be no misunderstanding of what was allowed in that portion of town. There is however, recourse from that zoning requirement. You may initiate action from the Planning Commission that would consider the parking you desire on Railroad Street.

Section 1141.02 describes special zoning use permits. Section (c) specifically speaks to that application of special zoning use and Section (d) describes a hearing that you may have in front of the Planning Commission. Please contact Brent Damman here at the City Building if you would like to proceed with that course of action or need additional information.

Thank you for taking the time to write down your concerns. I hope my responses have to some extent explained the City's actions. I would be available to talk with you further on these issues if you would like.

Sincerely,



Jon A. Bisher
City Manager

JAB:rd

cc: Mr. Brent Damman, Bldg/Zoning Administrator

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