

Notice of non-compliance with VW 152.10, ORC 4101:7(C) 4101:1-1-01 Section 104.2.1, and the economy.

First, a brief look at the economy. It is important to understand the current state of the economy if for no other reason than to express why I believe this city government is on the wrong path with respect to how it deals with the citizens of this community.

As with the great depression, in Ohio, 1/3rd of all manufacturing jobs disappeared¹. Between 2000 and 2009, 40% of all manufacturing jobs were lost. Today, there are 34.5% less manufacturing jobs than in 2000.² At the current rate of 'recovery', it will take at least a decade for those jobs to return. Since its peak in 2006, nearly 250,000 people have left the workforce in Ohio, representing a 4% decline. During the great depression, 37% of all working age men were not working. Understanding today's economic conditions requires that you also understand a seldom used word, inflation, and how the average American has failed to keep up with inflation. Counting inflation into the mix, today's jobs are worth less than half of what they were worth in the 1970's, requiring both sexes to work to provide for their families. This explains also the explosion in the work force that began when the dollar went off of the gold standard. It also explains why steadily, the condition of the homes in this community have continued to decline. People just can't keep up anymore. In today's economy, 37.2% of all working age Americans are not working.³

Another characteristic of the great depression has to do with demographics. During the decades prior to the great depression(1910, 1920), the population of Van Wert County decreased by 4.2%, 3.9%, and by the 1930 census, by 6.9%. The past 2 decades of census's are now at decline of 2.6% and 3.1%, suggesting that the economy is on the same path as that of the great depression.⁴

There are 2 incidents in recent months that I think need to be addressed that involve targeting of elderly citizens by incompetence and/or malice.

At least 2 families were adversely effected by weather conditions that prohibited properly reading meters. In one case, Ms. Allmandinger, an elderly lady, approached city council with an \$1100.00 water bill. Unlike Delphos, there is no policy on adjustment of bills based on normal usage, causing her to be victimized by incompetence. Simply put, there needs to be a policy on adjustment of water bills, similar to what Delphos has.⁵

The case of the Mayor vs Chet Hamrick, however, is considerably more vile and disgusting, as I will

1 http://www.ohiohistorycentral.org/w/Great_Depression?rec=500

2 <http://data.bls.gov/timeseries/SMS39000003000000001>

3 <http://washingtonexaminer.com/wall-street-adviser-actual-unemployment-is-37.2-misery-index-worst-in-40-years/article/2542604>

4 http://en.wikipedia.org/wiki/Van_Wert_County,_Ohio#Demographics

5 <http://www.delphosherald.com/Content/Default/Archive/Article/Utilities-Committee-hacks-through-old-utilities-bill-adjustment-policy/-3/1201/19720>

cite in the amount of city and state laws/ordinances that were violated in the process. First, as was pointed out in a previous meeting, the mayor ordered the building commissioner, who himself has never put a hammer to a nail, to tape off 3 of 4 buildings owned by Mr. Hamrick as unsafe, and no other home owners in the community. There is no method of appeal for the actions of the mayor and Bill Lawson, as the membership of the Building appeal review board is insufficient to city ordinance 152.10, and grossly insufficient to ORC 4101:7(C) It reads:

152.10 COMPOSITION OF BOARD; APPOINTMENT OF MEMBERS.

The Mayor shall provide for the organization and maintenance of a Board of Building Appeals. The board shall consist of 5 citizens of the city appointed by the Mayor, subject to the approval of Council. The appointive members shall be appointed for terms of 3 years, except that of the 5 members first appointed, 1 shall be appointed for a term of 1 year, 2 for terms of 2 years, and 2 for terms of 3 years. Of the appointive members, all of whom shall be conversant with the light construction industry, 1 shall be a registered engineer, 1 a contractor, 1 a real estate agent, and 2 shall be representatives at large. No member shall act on any matter in which he or she has a financial interest. In the event of a vacancy on the Board, the Mayor shall, within 30 days, appoint a new member who shall have the qualifications of the member he or she shall replace and who shall serve the balance of the unexpired term of the member.

(1981 Code, § 152.10) (Ord. 6572-93, passed 12-13-1993)⁶

ORC 4101:7(C)⁷

(C) Composition and terms, local boards of building appeals. The certified municipal and county boards of building appeals shall consist of five members who are qualified as follows:

- (1) One attorney, admitted to the Ohio bar;
- (2) One architect, registered in Ohio;
- (3) One structural engineer, registered in Ohio;
- (4) One mechanical engineer, registered in Ohio;

Note: each of these four members shall have recognized ability, broad training and experience in problems and practice incidental to the construction and equipment of buildings and structures.

- (5) One member representing organized labor, knowledgeable in the construction and equipment of buildings and structures.

Exception: Municipal boards may have more than five members and need not have an attorney member if the municipal charter so provided prior to October 13, 1983.

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[http://www.amlegal.com/nxt/gateway.dll/Ohio/vanwert_oh/titlexvlandusage/chapter152buildingcode?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:vanwert_oh\\$anc=JD_152.10](http://www.amlegal.com/nxt/gateway.dll/Ohio/vanwert_oh/titlexvlandusage/chapter152buildingcode?f=templates$fn=default.htm$3.0$vid=amlegal:vanwert_oh$anc=JD_152.10)

⁷ <http://codes.ohio.gov/oac/4101%3A7-4>

On the matter of building code administration, the building commissioner, Bill Lawson failed to exercise impartiality and did so at the mayor's direction, a violation of ORC 4101 Section 104.2.2⁸. One would expect that any building official would have at least rudimentary experience in construction in much the same manner as a doctor would ask for a consultation from another doctor, and not just someone off the street. To state it mildly, administration over building code and the building appeal review board is nothing short of incompetent, and recent actions are nothing short of malfeasance, actionable under ORC 3.07⁹ (oaths of office) and a clear case of bad faith on the part of the city. Based on these violations of city and state code, it is my opinion that the city does not have the right to exercise any portion of Chapter 152 of the Van Wert code until it is properly staffed with people who are technically competent in matters of this nature.

As with Ms. Allmandinger, I have been helping Chet, to the extent that he allows it, with one of his homes. I am very concerned about the hardships the city has been creating for the people, in particular, the elderly and defenseless. In perhaps the worst economic conditions in Van Wert's history, putting an 80 year old individual of poor health through this, in my opinion is probably one of the most disgusting acts the city has done since I've lived in Van Wert. It is my intention, if the staffing of the building officials is not corrected in the time allotted for bad faith conditions, to report this problem to the board of building standards and request that any licensing be revoked.

I will not stand for any issue that hits the elderly and defenseless and sincerely hope I have been clear on the matter.

On the positive, we have a fine example of ways to solve problems of this nature, also in Delphos, by way of Laborers R Us.¹⁰ Simply put, we ask the community to help, voluntarily, and get organized in doing just that. This course of action, unlike the mayor's, involves actually engaging with the community. In spite of obvious hardships that Delphos has experienced in recent years, it has perhaps shown us the way through these tough times. Simply put, when we help each other, we help ourselves.

This document can be downloaded as <http://www.oretek.com/responses/j2vw10132014.pdf>

8 <http://codes.ohio.gov/oac/4101:1-1-01>

9 <http://codes.ohio.gov/orc/gp3.07>

10 <http://www.delphosherald.com/Content/News/News/Article/Laborers-R-Us-adds-a-work-day-Oct-25/191/1183/188264>