

NORWALK CITY COUNCIL
MINUTES

March 14, 2017
7:30 p.m.

Municipal Court
Norwalk, Ohio

WORK SESSION

Council President Steve Euton called the meeting to order. The following Council members were present: Steve Euton, Chris Mushett, Kelly Beck, Chris Castle, Steve Schumm, Dave Wallace, Deb Lucal and Samantha Wilhelm.

Mayor Rob Duncan, Law Director Stu O'Hara, Finance Director Diane Eschen, Safety Service Director Dan Wendt, Police Chief Dave Light, Zoning Inspector Mitch Loughton, and Public Works Director Josh Snyder were also in attendance.

Mr. Euton turned the meeting over to Mrs. Wilhelm, the Safety Committee Chairperson. Mrs. Wilhelm began the meeting by requesting a motion to approve the minutes from February 21, 2017. Mr. Beck moved to approve the minutes as presented. Mrs. Lucal seconded. All members voted in favor. Motion carried.

Mrs. Wilhelm explained that *Item No. 17-010* would be changing the ordinance to accept outdoor firing ranges which would be located and operated in conformity with the zoning ordinances of the City of Norwalk.

Mr. Wallace said he received a phone call inquiring about the lead risk from the Police Department firing range in the watershed at the reservoir. Mr. Wendt said he is unsure of the environmental impact and the City has no plans to do an environmental impact analysis. He added that there has been a delay in hearing back from the ODOT Division of Aviation due to a change in personnel. Mr. O'Hara said he has looked into the environmental aspect and came to the conclusion that the owner of the range would be responsible for complying with the FAA and the EPA.

Mr. Mushett asked about the scheduled trip to the Ohio Peace Officer Training Academy (OPATA) in London, Ohio. Mr. Wendt discussed the measurements they took regarding decibel levels. He said the sound was negligible at a distance of .4 miles which would mimic the distance from the proposed range to Old Orchard Loop. Chief Light explained the methods OPATA used to deaden the noise. In addition, he said the EPA originally gave the Police Department permission to use the west side of the bypass as an outdoor shooting range. He said they deemed that the lead was not a concern.

Mrs. Wilhelm asked if OPATA is located within city limits and its proximity to a residential area. Mr. Wendt said it is outside city limits and is bordered by a cemetery. He said they abstain from shooting during funerals.

Mrs. Lucal requested conceptual drawings of the plans. In addition, she said she would like to know where the funding is coming from and why the site was chosen. She said she spoke with Dr. Hendrikson of the Norwalk Veterinary and Medical Center who has concerns with animals. Mr. Norris was not present to answer her questions.

Mr. Wendt asked Mr. Wallace to comment on the noise following the trip to OPATA. Mr. Wallace said that the noise could definitely be heard from 210 feet. He said when they got to the ½ mile mark the noise was very minimal.

Mr. Mushett asked if the NRA Sourcebook requires the lengths that OPATA went to to insulate that facility. Mr. O'Hara said no, they do not. He said those conditions would be decided by the Board of Zoning Appeals.

Mr. Wallace requested site plans for Gunners Haven to have something to compare to OPATA. Mayor Duncan said it is his understanding that there will be sketches at the Public Hearing.

Mrs. Wilhelm asked where indoor ranges are currently allowed in the City in reference to zoning. Mr. O'Hara said at this point in time there is no place for them. He explained that the process was started, but the zoning code was never amended to allow it. Further, he said if this legislation fails there will be no place in the City for indoor or outdoor ranges except the Police range.

Mr. Euton clarified that the two ordinances before the committee aim to change the ability of the City to allow for a firing range somewhere in the defined area. Mr. O'Hara said the only ordinance before the Safety Committee is *Item No. 17-010* which amends the criminal code to allow guns to be discharged within the City at an indoor or outdoor range that is established according to other ordinances. He said anyone interested in opening a firing range would have to apply for a conditional use permit with the Board of Zoning Appeals. Mr. Euton asked if Council has the authority to place conditions in the ordinance. Mr. O'Hara said yes, they would have to amend the zoning ordinance. Mr. Euton pointed out that this legislation covers the entire footprint of the City, not just the proposed location.

It was the decision of the Safety Committee to keep the legislation tabled pending the public hearing on March 28, 2017.

There being no further business to discuss, the Safety Committee meeting was adjourned.

Item No. 17-028

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF NORWALK TO ENTER INTO A PARTNERSHIP AGREEMENT WITH THE CITY OF WILLARD AND WITH HURON COUNTY, OHIO, AS THE GRANTEE, TO ADMINISTER AND IMPLEMENT THE PROGRAM YEAR 2017 COMMUNITY HOUSING IMPACT AND PRESERVATION PROGRAM GRANT IF FUNDED BY THE OHIO DEVELOPMENT SERVICES AGENCY, OFFICE OF COMMUNITY DEVELOPMENT (OCD)

Mayor Duncan said the City entered into this agreement last year and this is simply an agreement to enter into it again.

Council members agreed to place this item on the agenda.

Item No. 17-032

A RESOLUTION APPROVING AND ACCEPTING THE FINDINGS AND RECOMMENDATIONS OF THE NORWALK TAX INCENTIVE REVIEW COMMITTEE

Mr. Mushett asked if Bar 145 was a beneficiary of this at some point. Mrs. Eschen said no, Bar 145 received a tax credit grant which no longer exists.

Council members agreed to place this item on the agenda.

Item No. 17-029

AN ORDINANCE AMENDING PORTIONS OF CHAPTER 513 OF THE NORWALK CODIFIED ORDINANCES TO PROVIDE FOR THE STATE REGULATED CULTIVATION OF MARIHUANA WITHIN THE CITY OF NORWALK, OHIO

Mr. Castle said this legislation is to amend Chapter 513 of the Norwalk Codified Ordinances to exempt entities licensed pursuant to R.C. sections 3796.09 and 3796.18 for the cultivation of medical marijuana whose conduct is in accordance with such sections.

Mr. Beck stressed that this is medical marijuana, not recreational. He also said it is only for the cultivation, not processing.

Mr. Mushett asked what rules will be addressed on May 6. He asked if it would be prudent to wait until after that date to see what the rules are. Mr. Castle said the Department of Commerce has already determined there will be 24 total cultivation sites in Ohio. He said 12 of those would be Class 1 facilities which are 25,000 sq. ft. or less. He explained the requirements for a cultivation site. He said cultivation is the first step, followed by processing and dispensary. He stressed that this legislation is only focused on the cultivation process.

Mr. Wallace asked if the Administration has a position. Mayor Duncan said the Administration has more questions than anything else at this point. He said he is concerned that both the safety forces and the medical community are communicated with. He also has questions about the effects of federal law.

Mr. Mushett said he also has questions about Federal vs. State law and banking regulations. He is also concerned about location and the proximity to residential areas or shopping districts. Mr. O'Hara said for the purposes of the zoning code it would fit in as agricultural use. He said agricultural use is allowed in any district provided it is on at least five acres of land. He said the only way to require cultivation to be in a specific district is to amend the zoning code.

Mr. Euton asked Mr. Castle to elaborate on the possible revenue. Mr. Castle said he is predicting \$325,000 in revenue. He explained how he came to that number. He said that is considered a local tax assigned to square footage. Mr. Euton asked how they could only tax one industry and not others. Mr. O'Hara said the City would get income tax from employees and property tax. However, Ohio requires uniformity in taxation which would prevent the City from taxing only one industry. He explained the bed tax and cable franchise fees. He said he doesn't see the authority to tax the marijuana industry.

Mr. Mushett asked if the Federal vs. State laws could be a problem. Mr. O'Hara said it could be a significant problem. He said marijuana cultivation is still illegal at the Federal level. Further, he explained that Federally insured agencies and banks are not able to handle the money and financing that comes from these types of businesses.

Mr. Mushett asked if the presence of a cultivation facility could jeopardize future Federal grant opportunities. Mr. O'Hara said no because the City is not licensing, encouraging, or partnering with any of these operations by amending the criminal code to comply with State law.

Mr. Schumm said he has done much research in the past few days, but still has many questions.

Mr. Beck said he can give information and answer questions, but ultimately it is up to Council and citizens to do their own research on the topic and come to their own conclusions.

Mrs. Wilhelm asked if locations have already been chosen for these cultivation sites. Mr. Castle said a business associate contacted him about the cultivation business. He said the company was interested in Norwalk due to its central location. He said that the cultivation industry is projected to see a 25% increase in the next five years.

Mr. Euton discussed the timing of the legislation in reference to the May 6 deadline. Mr. Castle said that not acting on this legislation would put Norwalk behind other cities that might be considered.

Mr. Wallace asked if Mr. Castle's business associate would be willing to attend a future Council meeting. Mr. Castle said he would like for that to happen if he could get him to come to Norwalk. Mr. Mushett agreed that he would like to be able to ask him some questions.

Mr. Euton pointed out that this legislation is not about zoning requirements, water requirements, or disposal, but he said those things do need to be taken into consideration. Mr. Castle said that amending Section 513 does not automatically mean a cultivation facility is coming. He said these facilities would not be in place until September of 2018. He said that gives the City time to consider zoning issues.

Mrs. Wilhelm asked if this amendment merely puts the city in line with State regulations. Mr. O'Hara explained the local ordinances.

Mr. Mushett asked if both sides would want to know what the zoning requirements were before an organization would look into establishing a business in a community. Mr. Castle said there is a courting process in which the industry researches the municipality to see if it will be a good fit.

Mrs. Wilhelm asked where the State Representative and Senator stand on this issue. She pointed out that Huron County has a new State Representative. Mr. Castle said the Representative at the time voted "yes". He said he has yet to talk to Mr. Stine. He said it is a municipal matter.

Mr. Wallace asked if *Item No. 17-029* passes it simply puts the City in line with State laws. Mr. O'Hara said that is correct. He said *Item No. 17-030* is legislation for Norwalk not to prohibit the industry.

Council agreed to vote to place *Item No. 17-029* on the agenda. Mrs. Lucal, Mrs. Wilhelm, Mr. Beck, Mr. Wallace, and Mr. Castle voted in favor. Mr. Schumm and Mr. Mushett voted against. Motion carried.

Council members agreed to place this item on the agenda.

Item No. 17-030

A RESOLUTION DECLARING THE CITY OF NORWALK'S DESIRE TO NOT PROHIBIT LEGAL MEDICAL MARIHUANA CULTIVATION OPERATIONS WITHIN ITS LIMITS

Council members agreed not to place this item on the agenda.

Kathryn Ryan Dale, 127 Fairway Circle was present and pointed out that the legislation doesn't say "medical" marihuana in the title. Mr. O'Hara said that is just the title. He said the exhibits specify only medical marihuana. She distributed some information for Council to consider, a copy of which is

on file with the clerk. Mr. Euton asked what her source was. She said the document came from various sources. She said passing this legislation is not a commitment it simply unlocks the door.

James Baur, 103 Riverbend Drive said the benefits of medical marijuana are unbelievable. He said the positives outweigh the negatives and the City needs to be forward thinking.

Mike Beebe, 73 Jefferson said the industry doesn't produce environmental waste and would be a good source of revenue for the City.

Brandon Hellman, 205 West Main Street said it is important to lay the groundwork for the future.

Kathleen Kuhlman, 75 Norwood Avenue said that the wheels of government tend to move very slowly and if the City doesn't move on this legislation another city will benefit from this industry.

Item No. 17-031

A RESOLUTION WAIVING BUILDING FEES FOR FIRELANDS HABITAT FOR HUMANITY FOR THE CONSTRUCTION OF A DWELLING UNIT ON CERTAIN REAL PROPERTY IN THE CITY OF NORWALK

Mr. Schumm explained that this legislation is to waive the building permit fees for Habitat For Humanity at 29 Spring Street.

Mr. Euton asked what the total of the fees that would be waived. Mr. Loughton said \$575.00, \$75 for the building permit and \$500 for a Park and Recreation tax that is charged to all new homes.


Council members agreed to place this item on the agenda.

UNFINISHED BUSINESS

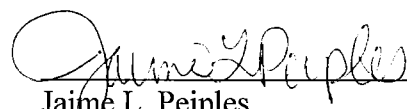
Mr. Euton said there will be a Regular Session March 21, 2017 preceded by a Planning and Zoning Committee meeting at 7:15 pm. Mr. Wendt said the topic for discussion at the Planning and Zoning Committee will be parking on the treelawn.

Bob Catteau, 49 Executive Drive said it is good to hear the positive aspects of medical marijuana. He said he would be interested to hear what the down side would be to allowing cultivation in the City.

ADJOURNMENT There being no further business to discuss, the meeting was adjourned.



Stephen E. Euton
President



Jaime L. Peiples
Clerk