

**NORWALK CITY COUNCIL**  
**MINUTES**

March 21, 2017  
7:30 p.m.

Municipal Court  
Norwalk, Ohio

**REGULAR SESSION**

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Council President Steve Euton called the meeting to order. Pastor Brian Oglesbee offered the prayer which was followed by the Pledge of Allegiance. The following Council members were present: Steve Euton, Chris Mushett, Samantha Wilhelm, Chris Castle, Steve Schumm, Kelly Beck, and Deb Lucal. Dave Wallace was absent for personal reasons.

Mayor Rob Duncan, Law Director Stu O'Hara, Safety/Service Director Dan Wendt, Finance Director Diane Eschen, and Public Works Director Josh Snyder were also in attendance.

Mr. Castle moved to excuse Mr. Wallace for personal reasons. Mrs. Lucal seconded. Mrs. Wilhelm, Mrs. Lucal, Mr. Castle, Mr. Schumm, Mr. Mushett, and Mr. Beck voted in favor. Motion carried.

**APPROVAL OF AGENDA** Mr. Mushett moved to remove *Item No. 17-030* from the agenda and approve the agenda as amended. Mr. Castle seconded. Mrs. Wilhelm, Mrs. Lucal, Mr. Castle, Mr. Schumm, Mr. Mushett, and Mr. Beck voted in favor. Motion carried.

**MINUTES** Mr. Schumm moved to approve the March 7, 2017 and March 14, 2017 minutes as presented. Mrs. Lucal seconded. Mrs. Wilhelm, Mrs. Lucal, Mr. Castle, Mr. Schumm, Mr. Mushett, and Mr. Beck voted in favor. Motion carried.

**COMMUNICATIONS AND PETITIONS** –The Clerk said she received notice from the Ohio Division of Liquor Control of a change of corporate stock ownership for Sakura Norwalk Inc., DBA Sakura Japanese & Asian Cuisine. The Clerk also read a letter written by Steve Zieber M.D., a copy of which is on file.

**COMMITTEE REPORTS** – none

**OFFICIAL REPORTS**

**MAYOR** – Mayor Duncan said he and Mr. Wendt recently attended the State of the Region Address in Bowling Green. He said it was the first time in six years of attending that it has been a positive report.

**SERVICE DIRECTOR** – Mr. Wendt discussed the March 10<sup>th</sup> therapy pool public meeting. He announced a job opening for a full-time dispatcher and explained the training the dispatchers are currently undergoing. He stated that the Fire Department is in the process of adopting Lexipol policies. In Sanitation, he said the compost facility will open March 31, 2017. He also said the Administration will not be supporting the Huron County Solid Waste Management District's plan for reasons including that the City should not be subject to flow control through the transfer station. Lastly, he discussed the recent visit to the Ohio Peace Officer Training Center in London, Ohio. He presented various decibel readings and guidelines, a copy of which is on file with the clerk.

**FINANCE DIRECTOR** – no report

**LAW DIRECTOR** – no report

**ENGINEER** – Mr. Snyder discussed an injury that occurred and said the employee has been released from the hospital with a single break in his arm. He said the Pleasant Street Lift Station project is near completion on the basin and work should begin soon on the park. He said the Milan Avenue Corridor Project was awarded to Underground Utilities of Monroeville. He said the Old State Road Widening Project has begun the stormwater portion of the project. Lastly, he said the Sewer Lining Project will begin on Townsend Avenue on Wednesday, March 22, 2017.

## **APPOINTED OR ELECTED OFFICIALS**

### **PERSONS APPEARING BEFORE COUNCIL**

Mary Ellen Hamernik, 15 Valley Park Drive was present and said she is not in favor of the cultivation of medical marijuana in the City. Mr. Euton explained that this portion of the meeting is to discuss items not on the agenda.

### **UNFINISHED BUSINESS**

### **SECOND READINGS OF ORDINANCES**

#### Item No. 17-027

AN ORDINANCE AMENDING ORDINANCE NO. 2015-055 TO PROVIDE FOR THE COMPENSATION FOR THE WATER PROTECTION TECHNICIAN

Mrs. Wilhelm moved to adopt the ordinance. Mr. Beck seconded. Mrs. Wilhelm, Mrs. Lucal, Mr. Castle, Mr. Schumm, Mr. Mushett, and Mr. Beck voted in favor. Ordinance No. 2017-013 adopted.

### **NEW ORDINANCES AND RESOLUTIONS**

#### 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)

Mr. Beck moved to pass the resolution. Mr. Schumm seconded. Mrs. Wilhelm, Mrs. Lucal, Mr. Castle, Mr. Schumm, Mr. Mushett, and Mr. Beck voted in favor. Resolution No. 2017-013 passed.

#### 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. Mushett said he is a proponent of medicinal marijuana when prescribed by a reputable physician. He said after meeting with the potential license hunters many of his questions have been answered, but there are also many red flags that cast doubt on the issue. He said he will not support the first reading of the ordinance. In addition, he said he has concerns with losing local control over the industry in reference to zoning and the possibility of on-site processing.

Mr. Castle said the process was purposely built to take two years. He said zoning is one of the smallest hurdles the City would be facing.

Mr. Schumm said Council is moving too fast on this issue and he does not support the cultivation of medical marijuana in Norwalk.

Jim Bauer, Sycamore Hills said the facility will be a closed warehouse and the City needs to move forward and produce revenue.

Ritchie Weber, 904 West Maple said as a recovering heroin addict he would have liked to have had the option of medical marijuana over opiate painkillers.

Beverly Morgan, 248 West Main said she supports medical marijuana and she doesn't want the City to miss out on the opportunity.

Paul Lamb, Union Road said that while he is in support of the use of medical marijuana, he does not want it grown in the City. He said it gives the wrong impression to the youth in the community.

Lorraine O'Sullivan, 70 Christie Avenue said she is a member of the medical community and there is a lack of education in this situation.

Brandon Helman, West Main Street said the community needs to focus on the facts.

Doyle Salisbury, Parsons Street asked questions regarding the possible square footage of the facility, the increased demand on the water supply, pesticide use, and positive and negative effects the facility may have on the City.

Matt Beebe, 73 Jefferson Street said the community needs to break down the stigma.

Scott Mercer, Westwind Drive asked if the projected square footage tax revenue was even possible. Mr. O'Hara said Ohio doesn't have square footage taxes. He said income tax on employees and the business would be applied. Mr. Euton asked if this business could apply for abatements. Mr. O'Hara said yes.

Mr. Euton stated that most of the opinions presented are not relevant to the discussion. He said the issue is not whether medical marijuana is good or bad. Further, he said the issue Council is dealing with concerns the number of jobs that could be brought to the City and if residents would want a cultivation facility in their backyards. He said the benefits of medical marijuana is not part of this discussion.

Mr. Castle said because the Department of Commerce has not completed the rules there are many guesses and estimations at this time. He said that any company coming into the City has the right to ask for abatements and it is up to Council to approve or deny that request. He discussed possible square footage of the facility and the City's excess water capacity. He said education takes time and he doesn't want the City to turn away revenue.

Mr. Euton explained that the City doesn't make money on water. He said it is a self-sustaining operation.

Mr. Mushett discussed the disparity between the State and Federal laws.

Mrs. Lucal shared a comment from a pediatric emergency room physician, who is in favor of the use of medical marijuana, who compared cultivation to the presence of beer distributors.

Mr. Beck addressed the issue of pesticide use. He said the Ohio Department of Agriculture insists on proper documentation. He said pesticides are not a downside to this matter.

Mrs. Wilhelm asked Mr. Mushett what specifically his concerns are in reference to loss of local control. Mr. Mushett said his main concern is zoning. Mr. Castle said the facility would be required to be located in an R-1 zone on at least 5 acres.

Mr. Schumm said Norwalk is not broke. He said he isn't looking at this as a revenue issue. Mr. O'Hara said the major tax income revenue would come from the income tax of the employees. He said assuming a \$1.5 million dollar payroll the City would collect \$22,500 income tax per year.

Mr. Mushett said most zoning issues are cleaned up on the front end of a business coming to town. He said that is not the case here. He also said the ordinance doesn't address possible processing at the site. Mr. O'Hara said the business would qualify as an agricultural use. He explained how both the Ohio Revised Code and the Norwalk Codified Ordinances address drugs and how the business could be regulated.

Mr. Castle said that the companies have to have a "home" in order to apply for a license. He said they are looking for a pre-built building of 40,000 square feet on 5 acres or more. He said that due to the number of pocket parks in the City they will be very limited as to possible sites. Mr. Euton asked if the company will have an agreement with a property owner by May 6, 2017 in order to apply for a license. Mr. Castle said that is the way he understands it and he doesn't feel a vacant lot would be the optimal idea. Mr. Euton requested a representative from the company to attend the next meeting to answer questions. Mr. Beck added that the company is required to be up and running within nine months of being issued a license.

Jeremy Norris, 94 Eastwood Drive asked why the City is not making money on water. He asked if this industry were to come to Norwalk if water and sewer rates would decrease for citizens. Mr. Euton said any additional water and sewer funds would go to pay down debt or cover infrastructure. Mr. Wendt pointed out that Mr. Snyder assembled a rate comparison and Norwalk's water rates are pretty good. He also discussed algal blooms and protection of the watershed.

Mr. Snyder discussed the way the wastewater treatment plant works in reference to pesticides. He said the possibility of pesticides getting into the water is not significant.

Shelly Wybensing, Gallup Avenue said she would be proud to see the facility in her backyard. She added that she would educate her children and explain the industry to them.

Steve Zieber, South Norwalk Road said cultivation is not going to be a take off business in Ohio. He said neither the Medical Association nor the FDA approve the industry.

Andrea Welfle, 44 Christie encouraged everyone to look at this issue from a business perspective and not whether you are for or against medical marijuana.

Mr. Euton pointed out that from a purely business perspective Council does not have enough information to support this business. He said it is imperative that a representative from the business is present at a future meeting to answer questions and present their business plan. Mr. Castle said that

many times with new businesses coming to town code names are used and details are confidential. He said because he has assembled cluster groups to talk to the business representatives he did not request a representative to be present. He added that it was the intention of Mr. Beck and himself to be proactive and align the City with State law in the Ohio Revised Code.

Matt Beebe discussed the popularity of medical marijuana in Ohio in reference to a campaign he has been working on and getting signatures for petitions.

Brandon Helman read from an article in USA Today dated March 20, 2016.

Mr. Beck moved that the clerk be instructed to read the ordinance. Mrs. Wilhelm seconded. Mrs. Wilhelm, Mrs. Lucal, Mr. Castle, and Mr. Beck voted yes. Mr. Mushett and Mr. Schumm voted no. Motion carried.

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. Castle moved to pass the resolution. Mrs. Lucal seconded. Mrs. Wilhelm, Mrs. Lucal, Mr. Castle, Mr. Schumm, Mr. Mushett, and Mr. Beck voted in favor. Resolution No. 2017-014


Item No. 17-032


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

Mrs. Wilhelm moved to pass the resolution. Mr. Mushett seconded. Mrs. Wilhelm, Mrs. Lucal, Mr. Castle, Mr. Schumm, Mr. Mushett, and Mr. Beck voted in favor. Resolution No. 2017-015 passed.

**NEW BUSINESS** – Mr. Euton thanked the public for their respectful participation and directed them to the City website for Council members email addresses. He said the next meeting will be a Public Hearing followed by a Work Session at 7:30pm on March 28, 2017.

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

  
Stephen E. Euton  
President

  
Jaime L. Peiples  
Clerk