

# *The Village of Walton Hills*

## *Committee of the Whole Meeting*

Date: March 7, 2017

Time: 6:00 p.m.

Location of Meeting: Council Chambers

Mayor Hurst called the meeting to order. The roll call was taken by Katie Iaconis. Present: Councilpersons Mary Brenner-Miller, Paul Rich, Gloria Terlosky, Don Kolograf, and Brian Spitznagel. Mayor Hurst also wants the record to reflect that our legal counsel William Mason and our Fiscal Officer Katie Iaconis present at this time. Mayor Hurst asks for a motion to excuse Councilman Linville until he shows up. Councilman Kolograf makes the motion to excuse Councilman Denny Linville from the Committee of the Whole meeting of March 7, 2017, seconded by Councilman Spitznagel. No questions or comments, and five ayes approved. Councilman Linville shows up a few minutes later.

Item C – Persons having business before Council – None at this time.

Item D – Approval of the Committee of the Whole meeting minutes for February 7, 2017. Councilman Rich makes a motion that council approves the Committee of the Whole meeting minutes from February 7, 2017. Seconded by councilwoman Brenner-Miller. No questions or comments. Five ayes approved.

Item D – Approval of the Committee of the Whole meeting minutes for February 14, 2017. Councilman Kolograf makes a motion that council approves the Committee of the Whole meeting minutes from February 14, 2017. Seconded by councilwoman Terlosky. No questions or comments. Five ayes approved.

Discussion of retire and rehire of employees. Mayor Hurst wants us to follow along as we get to each subject because he knows he gave out a lot of paperwork tonight, and he has a lot of details in front of him. Basically what Mayor Hurst did was there is a piece of paper that was drafted, and Mr. Mason has some information and would like to pass out some information as well. Mayor Hurst opens this up to Mr. Mason so we can get some draft legislation together and get some language that we are all comfortable with. Mayor Hurst states he did read this and he has no problem with any of the language in here. He likes the comments about making it brief and making it open ended, and not pinning ourselves into a corner. Mr. Mason comments that this has been raised a couple of time at council meetings and he spoke to Councilman Linville about it, and Mr. Mason thought that if this is something the council wants to approach, we should have a discussion about it. It is a wide area and in order to create an ordinance that would capture it, Mr. Mason would like to know what council thinks about it, and we can steer it in that direction. Councilman Linville brings up a couple of ideas and thoughts. He asks that if a person gets hurt, is he/she covered under Worker's Compensation under this program, and if that person wants to move from one position to another position in the Village, would he get a low rate, medium rate, high rate? Would this be something we would negotiate at that time? Let's say that someone is working as a dispatcher today and he is a hire/re-hire, but then there is an opening in another department, how would we compensate them because it is a different pay level? Mr. Mason addresses these questions. He thinks that as an ordinance, the council can decide how they want to treat that. They can decide that any re-hire is going to be paid "x percent" lower than the normal rate without healthcare, or with healthcare. It is wide open. Mayor Hurst confirms this but states that we have 260 in place and we would not want to bring them back at the highest rate, but leave ourselves with an option to save money in the Village. Mayor Hurst states we have two gentleman in dispatch that are retired fireman from another community that work here part time, and we re-hired them. Both of them are from Maple Heights. He thinks one of them was also from Macedonia at one time. They retired and their abilities to be firemen were no longer available, but they were too young to take total disability or go into full retirement. They have worked out great for our Village. They were

hired before I ever became Mayor Hurst. We evaluated them and they have done a great job so far. But they did not retire from Walton Hills. This would be a different process. Most all of our retirees that come in here are part time.

Councilman Linville asks a couple questions. For any position we have in the Village, do we have to advertise legally for any of our positions before we hire, and how does this affect that? Mayor Hurst states that the process we do when we hire people is we usually do it in Indeed, which is an internet site brought to us by Katie, and then we do like in the police department and the dispatching, there is a whole other website for safety services and we advertise on that. We also advertise on our webpage. We did, at one time, with the dispatchers when we were running the Oakwood Department, put it out in the paper and we got a whole lot of applications that were not even qualified, but we did have it open ended. Mayor Hurst doesn't know if there is any law that states that he has to advertise anything, but he tries to be fair. He knows that it is mentioned here in public meetings and it is in our minutes long before we do hire, and that is another informational piece. To not get too crazy and waste a lot of our time, we do not advertise in the general paper. He does not think there is a mandatory, and maybe Mr. Mason can correct him, but we do try and be open ended and we do notify people.

Another question that Councilman Linville had was if any of our rehires get any benefits now that we are contemplating not putting into a policy? Mayor Hurst states there is one in the service garage that he thinks has health insurance, but he went backwards on his days off and he went backwards on his four weeks of vacation, and things like that. Councilman Linville also asks if our current employees are allowed to put into any other type of 401K or IRA. He knows they are covered under OPERS, but he is wondering if they are allowed to do this besides in OPERS. He knows that after 50 and above, you are allowed to put up to \$18,000/year but you are allowed another \$5000 for catchup per year. He is wondering if this affects us as an employer as far as putting pre-tax dollars into that. Katie states it does not. She states that the only other program we do is a 457, a deferred compensation, which is completely their funds, which we withhold and remit for them. There is no contribution on the Village's behalf. No 401K is available. No matching. The only contribution is on their pension plan, whether it is police and fire, or OPERS. Councilman Spitznagel would recommend that we keep it broad. He identifies enough where we are basically answering all of the questions so one employee does not come up and say, "Hey wait a minute, you didn't....." He thinks we covered things and Councilwoman had some good ideas.

Councilwoman Terlosky addresses some issues she had written down a couple of weeks. She brings up the thought that she thinks the employee, at the time they are going to retire, should say how long the plan on working and should just give a ballpark figure. She thinks there should be something written in there that if finances go down, etc. they would be the first one we are going to look at. She feels something along that line should be addressed. The other was healthcare. Councilwoman Terlosky does not feel they should have healthcare. If they are retiring out of here because of the years, they are going to have healthcare unless it changes with what is going on now. She thinks they should start at square one as far as vacations and sick pay, etc. She just cannot see someone who is getting four weeks' vacation and they retire, and then come back and they are working here, and we give them four weeks' vacation. She thinks the seniority would start over from day one. Katie says they do. Mayor Hurst brings up that the council put the language in a previous administration thing that they cannot re-retire a second time. This is in our ordinance. You can only cash out once. You cannot accumulate. Councilwoman states that their pay should be reduced as well and it should be a savings to us, but she also does not think we should say they can only do two years or five years or whatever because we may have someone who is really good and we want to keep them around. We just want to let them know that at any point in time.... So they have an idea that they are just not going to automatically be here year after year, etc. She thinks we should leave it open ended. Discussion ensues.

Councilman Spitznagel agrees with Councilwoman Terlosky that we need to make it beneficial for the Village as far as bringing somebody back at possibly the lowest step in that grade, that they can be brought

back at, in a different position if that is required, and all of these things – seniority, the lowest seniority. In his opinion, he would want the employees to know that they can come back if it is beneficial to the Village. However, we do not want it to be detrimental to the other employees for that employee to come back, as far as seniority, vacation bidding, advancement, and things like that. That is where he would lean towards then, coming back on the lowest rung of the ladder and basically starting off from scratch. Mayor Hurst asks if Mr. Mason thinks he has enough to make a draft. Mr. Mason asks if this is something we want to contemplate. He states that we should start with something wide open and then start from there and narrow it down. Mayor Hurst states that we have this month and next month to kick around the language and see where it goes from there. Everyone seems to be comfortable with this.

Councilman Linville brings up with along with the Mayor's power to appoint is his power not to appoint. So he really does not have to appoint anyone, or you can appoint someone of your choosing. There is that break. So the guy or lady says, "I want to retire and rehire," the Mayor does not have to make that appointment.

Mayor Hurst asks if there are any comments from the residents regarding this subject. None at this time. We will have this on next week for further discussion.

Item G – Discussion on zoning code changes regarding occupancy permits. Mayor Hurst states there was a lot of discussion the last time and there was some back and forth. He put something together, and everybody should look at the paper that shows what we have currently, which is two paragraphs and one page. The other one that Mr. Mason put together is two pages and this is the one we were talking about and dissecting some of the language. Mayor Hurst wants to tighten up the language as it helps him with his finance department as well as with the other record-keeping for economic development and everything else. He opens this up and lets anyone make comments. On the second page, item 3, the Certificate of Occupancy should be valid for a period of 12 months, Mayor Hurst has a mark there that we wanted to change that. He asks if there is something that we all came to an agreement with or if there is something we can give to Mr. Mason as guidelines on what we want that to say, because Mr. Mason did draft this.

Councilman Spitznagel states that he does not have any problem with any other section, other than Section 3. He thought about that and he thought about the conversation that we had with the back and forth and everything, and the ideas everybody was proposing with that. He is trying to get the gist of this where you have a business and they do have a valid occupancy permit saying, "We are doing this – and there is this business and this business and this business occupying this building, and this is what we do." Then our building department goes in there and does their inspection once a year, and then the fire department also goes there and does their inspection once a year. So, in my mind, I am seeing both those people going up to the permit and saying, "Okay, you are supposed to have this, this, this, and this." They do their inspection and it is checked and they have exactly what is on their permit, and all is said and done. Or, "well this says you have one business in here and you have two now – you have to change this and you have so many days, otherwise we are going to have to pull your occupancy permit." In his opinion, he thinks this is efficient and he does not know why we are putting on this other layer for both us to keep track of these permits every 12 months and the business where they have to fill out this paperwork, no matter how large or small it may be. It just seems like a redundant layer to him since it is being checked twice a year to begin with. Mayor Hurst corrects him by saying the only ones that inspect every year is the fire department. Zoning does the outside of the building only. The only time we go inside is if there is a new permit pulled or if the fire department tells us there is a violation. He clarifies that it is state law that our building department do not have the authority to go in every year. He states that the only reason he brought this forward is because we had rental properties and we had the chemical thing there, and we have some other buildings right now that are being improved for rental leasing and long-term leasing. With these things said, we have to hold that owner accountable. This is why he wanted the language changed with the owner and occupier to be registered, and to have it posted only so our fire department can find it right away. Councilman Spitznagel says that every other community that I talked to has a 12-month renewal for

*rentals*. Mayor Hurst said we could do that and put the language in there for *Rentals* or *Leased properties*, because that would take the burden off of the owner of the company that was running the business. Councilman Kolograf states that the building/zoning inspection should be different than the fire departments. They are looking at safety issues and the building/zoning should be looking at code violations, which are different at times. Katie clarifies that we do make contractors register every year. It is not something new to make people fill out... She says that if we took out the language that owner-occupied buildings are exempt from it... Councilman Kolograf states that we don't have to do anything about it tonight. Mayor Hurst states that we gave them a 12-month grace period to get registered because we did not fine anybody, and then we tightened up our things. That is where we found a lot of violations. This is not just the Mayor Hurst's idea – this is from the fire department, the building department, and the finance department. We worked on this language so we had some kind of teeth to actually be enforcing what we have to enforce. That is where it came from. Mayor would like to pass this in March, but if we have to wait until April it is no problem. He wants to send a letter to all of the businesses letting them know this is a new ordinance and this is what we want to do.

Councilwoman Terlosky said that when she was in Twinsburg, all occupancy permits came to her and all permits came to her, and she pulled who is doing the work, what contractor is doing the work, she had the federal ID number and looked it up in our system. She would then send out a letter to the occupants telling them the violations and what they needed to do. They picked up a lot of tax money because they knew who was working in our town and what was going on.

Discussion ensues on the potential stipulations of the occupancy permit ordinance. Mayor Hurst would like to do it every year and if there starts to be a lot of complaints, he could have an amendment. Mr. Mason clarifies that in D on the first page, 1D, it says a required fee, and there was a discussion the last time that we didn't want to have a fee. He is asking if we should delete that. Mayor Hurst clarifies that if it is a renewal for the same business, there is no fee. If it is not a renewal, there is a fee. That will leave us open ended. So with those changes we will see where that is next week and talk about putting it on the agenda or not.

Striping of parking lot requirements and enforcement. Mayor states that basically we are just trying to clean up some of the language with our ordinance so we have enough authority to bring some of our business areas up to code. Not all our business areas are in terrible shape, but some of them have broken-up concrete and big potholes in the driveways. Some of them do not have striping and some of them do have striping. He thinks he passed everything out to everybody with everything about parking. The only thing the Mayor wants to change and the only thing he wants to address is the parking lots. Not the residents parking on grass or parking in their driveways or anything like that. Basically the Mayor just wants to get council's approval to have Mr. Mason draft language in here, not sure what the language would be. We do need these businesses that deal with the general public. He wants language in there that gives us the authority to tighten up what we feel are standards. Councilman Kolograf asks what area in this we were going to change. Mayor Hurst wants Mr. Mason to give his thoughts. Mr. Mason states that he would just add a new section that requires them to adhere to the ADA requirements or handicap requirements. Mayor Hurst states that is what he was thinking. Just a small paragraph to adhere to ADA handicap compliance. They clarify that the striping and handicap regulations are two different things. Mr. Mason states we can require striping by just adding it. Councilman Spitznagel states that on page 3 of 10, there is a chart there that says how many spaces they have to have per building. He remembers doing this and to him, that implied that you had to mark your spaces so you could physically count them. Discussion ensues on this subject. No questions or comments from the audience.

Item I – Discussion on rental agreement for new banquet hall. We have been pulling up information and we did pass out the language. The first couple of pages are the originals that we have on the books right now. Then, we brought in some other stuff like Independence, Valley View, and Bedford Heights. We also have some language from the Hungarian Reform Church on their language for their banquet hall. We

are not prepared to put together everything. Katie also provided us with this Holiday Inn information for their banquet hall. Mayor Hurst wants us to look at these things and highlight them and tell us what kind of language we want. Mayor Hurst reminds us that in the community building, we have two different rooms. We have the sanctuary, which is a multipurpose room, and then we have a banquet hall. The Mayor is under the assumption there would be two different rental prices. He is sure we would make sure we had specific hold-harmless agreements because my biggest fear is someone turning on the stove and walking away, and causing us detrimental problems. We want to be sure if they use the banquet hall, that we have some type of auxiliary police or police officer that is there from the time they open until the time they go. He mentions that at the Hungarian church, they go by the hour, like \$75 per hour, 4 hours minimum, for the hall. Some people bring in their own food. He would like to get this together in April when we get ready to start using it. He would like to do his next Town Hall meeting and have an Open House at that time. All council seems okay with this idea. Mayor Hurst states that the Women's Club wants to use it in April for a Spaghetti Dinner or something. He says they don't have the ability to guarantee them that. This is why he wants everyone to kick this around and see if we can get it together before that banquet happens. He knows of a couple of other places who want to use it. He said we are still keeping this building open over here. He is leaving the tables and chairs in this facility over here because we still have this to use. He will probably find used furniture or maybe buy new, depending on what is left over out of the budget, for the multipurpose room such as tables and chairs to pull in and out of the closets that were built. He states we put in new windows dividing the rooms in the office space and windows in Carol's office. Intigral Windows is giving us everything for free, the new ones with the mini-blinds in between them. Mayor Hurst told them that we would put a plaque that says donated by them underneath the windows or something. They are supposed to measure this Friday and hopefully we will get them in a couple of weeks.

It is asked if we have come up with roundabout prices on what they are renting these halls for? Mayor Hurst states there is some language in there. He thinks we would copy close to what Hungarian Church did as far as the prices, so we are competitive. It is \$75 an hour, but there is a lot of language in there like \$150 deposit and then there is a \$150 cleaning fee. There is also security, with alcohol and things like that, and a set-up fee. Councilwoman Spitznagel asks if we can serve alcohol there. Mayor Hurst states yes, in the banquet hall. Katie clarifies that we cannot charge for alcohol but they can bring it and serve it. Otherwise, we would need to apply for a liquor license. It was already approved a few years ago by the council that anything over 75 people, there has to be a police officer present. Councilman Linville asks if there is a DVD/Audio setup. Katie and Mayor Hurst state yes. Mayor Hurst states that we are setting it up with a screen that comes down that can be used for PowerPoint presentations or DVD presentations. We will have the same wireless with guest access like we do in this facility. There will also be a computer that residents are able to use if they do not have access at home. This will be stationary. Katie says we will also have the ability to stream over the internet onto the projector, and also connect a cable TV to project television if we were ever wanting to have something like a Super Bowl watch party or along those lines. It will be a nice updated system from what we have now. Councilman Spitznagel mentions that we can also advertise to businesses for business meetings and conferences. Councilwoman Terlosky asks who is in charge of the rental? It must be a Walton Hills police officer? Mayor Hurst states yes, the language will say that. She asks if we want just one caterer, two caterers, or they can use their own caterer? Her concern is that you get someone in there and they make a mess or break the stove, etc. Then the next guy is coming in the next day and he cannot do his work because something is not right. She thinks we need to think hard about who we are going to let in there and if there is an inspection or something after they leave, etc. Also, they would need to check the calendar – if the Village needs that for something such as a Town Hall Meeting. Animals – she is wondering if we would let animals in there? Mayor Hurst says only service animals he would think. Payment – paying at the time of the rental and if there is a penalty if canceled within so many days. Somebody else may want to use it. How will this affect our insurance? Katie and Mayor Hurst state it is already on our policy and they state there would be a liability form they would sign. Inspection fee. Katie had a really good meeting today with someone who does booking for banquet facilities and also someone who is a caterer and owns a facility. They suggested that when you have outside caterers, a lot of them would have insurance policies and we would just make them show proof of

that when they are doing it. Katie also highly doubts we would do back-to-back rental simply because of the cleaning issue, much like we do not for the community now. It is difficult for that quick of a turnaround. Councilwoman Brenner-Miller also mentions that we could find out if we could be named as an additional insured on their policy for the catering portion. It is a form of protection for the Village. Mayor Hurst states that the clubs, etc. can still use this facility over here. They do not need the banquet hall for 7 members. He is getting a lot of calls from residents hitting him up for something, but he just doesn't have any rules in place yet. Councilwoman Brenner-Miller said it may be good to get these contacts that Katie talked to, if they do booking and things, to come to a meeting and help answer some of these questions. Katie said she is sure they would be willing, and they have invited her out to their facility to take a look at how they do it. She says it seems it would be a good reciprocal relationship because their facility is larger than ours. They have to turn people away when we are booked, and they would love to send them our way. Likewise, if someone was looking for a bigger facility than the one we have. Councilman Kolograf states that the number of people in the party would be an important part of that agreement. He asks what the maximum is on that. Mayor Hurst does not know for sure; he would have to look at the occupancy permit; but he thinks it is 300. Katie thinks it would only seat about 150 or so comfortably at a table. Once you factor in dancing space, space for a band, etc. No comments or questions from the audience.

Item J. Mayor Hurst states that next week he plans on having Executive Session to talk about this particular issue in economic development in Executive Session. He says there is a property owner who is purchasing a building in the Village and looking for some kind of incentive. They are investing \$300,000 into the improvements to the building. Mayor Hurst states they came up with job-creation incentives. It was passed in 2009 and it was introduced by Councilman Spitznagel. We have this on legislation. Mayor Hurst needs to modify it. He said the language says it is tied to employee numbers and it is also tied to business owner, not property owner. He needs to change the language to property owner and he needs to change the language to up to a certain amount of people and things of that nature. Mr. Mason is working on a draft and he will give this to the council when completed. He would like to discuss this in economic development in Executive Session. The purchase is taking place, and if you drive down Northfield Road, you will see there has actually been earth moved and new power lines ran to the building. It is all underground electric. This is for Todd Industries. No comments or questions from the audience.

Because of complaints about Executive Session, Mayor Hurst asks if we are still going to do Executive Session first at the meetings so we can talk about it and then come out and dissect it as a legislation, or do they want it to be the very last thing on the agenda and the very last time of the meeting? Councilman Spitznagel thinks it would be fair to do it at the end. Mayor Hurst will put it as a Special Council meeting after the COW meeting. Everyone is comfortable with that. Councilwoman Terloskystates that maybe we could do that, but that does not mean we have to stick to that all of the time.

Item K – Review all options for repairs to our existing buildings. Mayor Hurst does not have anything from Gardiner Trane. It should be here next week. He threw this on here because he asked him to prioritize what we need to get done first, or what is the most pending issue. That is where we will be with that. The council needs to decide what they want to do as far as how we want to pay for it, bonding it out or something like that, or see what we want to do as far as what improvements we want to do. There are several options, but the furnace is Mayor Hurst's priority. He will wait for the professionals to tell us, but he thinks the furnace is the main priority because it is the original equipment. He thinks the second priority would be the roof. The rest he thinks we can live with for a while longer. Councilman Linville states he is not keen on spending \$300,000 on the roof, even if we had to bond it out at this point. He would not be averse to getting three, four, or five contractors in here and getting some quotes on seeing what they can do to fix the holes and maybe it would be significantly less. He thinks it would benefit us to at least look at it before there is structural damage somewhere in the roof. Councilman Rich states he has been doing some research on this in the county, and as he mentioned in an email, there have been some communities that have gotten grants from NOPEC and PACE grants to have roofs put on their buildings and senior centers

built. He thinks NOPEC are the ones who seem to be shelling out the money for things like this. He would like to see if we can get these guys in here to talk to us and see if they can give us some better ideas on how we can come up with the money rather than talking about this for a couple of months and not having the money. Mayor Hurst states that his email was sent to Gardiner Trane and they answered his questions, and the end result is that those types of things do not exist anymore this year. They might come back next year. Mayor Hurst states that he will reach out to them so they can respond to him in writing so he has that in his database. Councilman Spitznagel states he spent four or five hours on the computer after last meeting looking at federal government grants, etc. and it is just like a spiderweb and eventually you do not know where you are. He came up with nothing after all that time. He is not saying there is nothing out there, but it takes a lot of time and effort and unless you find somebody that know how to do all of this stuff, it takes a lot of time and effort. Mayor Hurst agrees and we will discuss this next week. No questions or comments from the audience.

Mayor Hurst states he passed out a memo to the council on growing and selling marijuana in the Village of Walton Hills. Our moratorium is going to come to an expiration very soon, and we need to make some decisions on what we want to do. In the memo, there is some language about the marijuana. This was provided by Councilwoman Terlosky. Cuyahoga Heights did do some legislation that was in the paper and there is some language in there. Mayor Hurst states some questions that he needs answered. First, do we want marijuana in Walton Hills? Second, if we do, what are the guidelines and rules? Mayor Hurst is understanding, after discussion, that the permitting could be almost \$100,000 a year per year, just for growing it. This is all grown inside of a building. It is not grown in grass or yards. He is wanting to know if the council is wanting to look at opportunities for Walton Hills and put some guidelines down. He says they are only going to issue so many permits. He thinks the little communities are actually trying to capitalize on it, because it is big money. Eastlake North passed legislation and it was a big deal. Richmond Heights are considering and having discussions about a grower.

Councilwoman Terlosky comments and gives a hypothetical situation where somebody wants to buy Arhaus Furniture and they are just going to grow medical marijuana. So there are six employees. Mayor Hurst states yes, but if we make \$200,000 per year on permitting, that covers our employee loss, and they are not profit. Councilman Rich states he was reading an article last night and he was searching, and the article was written a couple of days ago. It said there was going to be 24 growers allowed in Ohio and 40 licensed dispensaries. They said that by September, we have to have some type of language in place. Another article below this said that the Department of Justice is possible going to ban this and make it harder. After discussion with the Mayor, Mr. Mason states that 29 states have now passed medical marijuana or recreational use of marijuana since last fall, and he believes there are three more headed to the ballot this November. The council were not aware of this. It starts with medical and then recreational comes years later. Councilman Spitznagel's opinion is that he is against marijuana, but the facility would have to be guarded 24/7 by several guards, really because think of the street value for that. Location is also brought up. The process of growing it, including the locations, the lighting, and regulations are discussed. Councilman Kolograf asks Mr. Mason about the permit for growing and how does this work? Is there going to be different permitting for dispensaries and the processors? Are some cities saying, permitting is high on the growing so let's encourage the growing, but not encourage where they sell it where maybe you have two or three employees making minimal wage simply sitting at a counter. Or is it all inclusive? Mr. Mason states that, as he understands it, the growing facilities will have as many as 20 employees (at the high end), and the processors would have a like number but those will not be as sophisticated. Then, the dispensaries would be like a retail store and whatever number they would require for that process. The state has set up fairly strict regulations for every group, the processors and cultivators. They have laid out their rules and the legislature is more likely to be passing in the next month. The dispensaries, it has not been laid out yet, but what they have talked about is it being like a pharmacy. It is going to be regulated just like the pharmacy industry. As Mr. Mason sees it, there are a couple of things for the Village to think about. First, do we want this in the Village at all? That threshold question. If you think you want to think about it, then you can regulate it and say where you want it (i.e. heavy industrial area), and then the benefit

to the Village at all would be a fee. We could charge a franchise fee or licensing fee to allow this to go on in the Village. It could be pretty hefty, especially for the growers. Councilman Kolograf asks if the permitting fee will be set by the state and what Mr. Mason is talking about would be a separate fee? Mr. Mason verifies yes. He states the state is going to charge for the 24 entities, \$200,000 annual fee that goes to the state for the growers, it is \$80,000 or \$90,000 for the processors, and he does not know the dispensaries yet, but there will be a like fee for the dispensaries. Mr. Mason is sure there will be a sales tax on the dispensaries, but again, that will go to the county. He thinks that if there are areas you want to consider, you would charge a franchise fee or something to the grower in the community. You could charge \$50,000, \$75,000, or even \$100,000 and if someone wants to pay that on an annual basis, then you allow them to operate. This is similar to the cable franchise fees. Councilman Spitznagel states that we did this same thing with the adult entertainment because constitutionally, you have to allow it. Northfield ran into trouble and they got sued, and they had to allow them in there. The idea is to allow it, but to put on so many restrictions... He just wants to know if this is the same type of thing? No. They are not forcing you to allow it because it is not constitutional yet. The Ohio Department of Commerce is going to be in charge of the cultivators and they are going to allow 24 growers in the state. Then, there is a Board of Pharmacy who is going to be the dispensary people. So there are going to be twice as many dispensary places as there are growers. The Ohio State Medical Board is going to certify the doctors and 45% of the doctors that were pulled said they would not give a document to a patient to smoke it. The Cleveland Clinic said they are not going to participate in this. It is in Columbus, Ohio dispatch from February 27. Mr. Mason says that the only thing we would want to contemplate is that this process is only going to happen for the next six months. After they issue the permits, they are not going to issue any more permits. If we are going to participate, participate now or just say no. Councilman Rich said that from what he has read, the potency is so up there right now as it is for medical purposes for people who have had chemotherapy and pain management and long-term disease. Councilman Linville states that given the limitations, he is wondering why we are discussing it. He does not think that 24 growers leaves much room. Mayor Hurst says no, but if we look at our options economically, we can say to our residents that we looked at every option instead of being narrow minded and saying no. He just wants to discuss it as an option. Councilwoman Terlosky has an article that is labeled Heads Will Roll. It is about China and lettuce. They are growing lettuce inside and all the robots are doing the work. The robots are picking the lettuce. The robots are sophisticated enough to know when the lettuce is ripe. The package it and everything. So you do not even need human beings anymore in a place. Mayor Hurst states we will have this discussion next week as well. No questions or comments from the audience.

Item M Mayor Hurst brings up another piece of legislation that just passed downstate. Mr. Mason is getting all the details. Now they recognize the portable cell towers as PUCO or utilities. Some of the other mayors around have been running into some other problems, Warrensville Heights and Strongsville. They are drafting language putting regulations because in Strongsville, in front of the mall there, they were trying to fight to get a cell tower right in front of the mall there. They were talking about putting a 3-foot diameter pole and going 150 feet in the air, to boost the cell phone signals. Since the state legislation has recognized it as utilities, they want to put it as a Right of Way. If that is done, it is a safety issue and it wipes out the sidewalk. They wrote regulations that if they want to put a cell tower in and they want to recognize it as a utility, it has to be the same size as a telephone pole. Mayor Hurst wants to look at it here because they are going to attack the world developments before they go to the cities. We need to be on top of this, and look at the language. Mr. Mason is getting copies of other communities' language. In Pennsylvania, they are driving cars without people in them and they are using these cell towers to bounce the signals. They did approach the turnpike and the turnpike turned them down because they were wanting to do semi-trucks without drivers and bouncing signals. He wanted everybody to be aware of it. Councilman Rich asks if this has been determined at the highest level elevation in the Village? Mayor Hurst states that the way the language is written at the state level is that it is recognized as a utility and they can put it anywhere they want. Right now, we do not make anyone pull permits for telephone poles. We do not make anyone pull permits for cable TV, only if it goes underground and we have language in place for that. We want to put language in place so we know the locations and where they are going, and to make



sure they do not want to throw a big tower right up here on Alexander Road for it to become a safety issue or becomes a visual thing. Councilman Linville asks if we can charge a franchise fee or any fee if they put that in there? Mayor Hurst states no the way he understands it. Councilman Linville asks if it would be legal, since it is a utility, that we would be allowed as a locality to actually defend that and put that in writing and defend that you can only do so... Mr. Mason says that when he talked to the gentleman yesterday about it, that was his thought. Strongsville has passed it and it is pretty restrictive, but he does not know if that is going to make it through the courts, but at least they put it in place and they have something to try and regulate it. The courts may throw the whole thing out. Mayor Hurst states it has never been challenged yet, but this is a whole new law. What the Mayor is afraid of is that we are statutory. He is almost telling them to get a charter because the state keeps changing the law on us that we have no authority. If we have a charter, we might have a little more leverage. He is just telling them this is something we may want to consider. No other questions or comments from the council or audience.

Councilwoman Terlosky states that she knows we have the grant for Alexander and Northfield, and she is wondering if there was any word on when they are going to do that and move the poles? Mayor Hurst states yes, we have a meeting at 1 p.m. in his office with First Energy and our engineers. Everything has been going in circles and everyone is pointing the finger at everyone else, but he thinks we will get it nailed down Monday.

Mayor Hurst states he just gave out a memo that has some general information that he wanted them to be aware of. Town Hall meeting is March 28 at the Village Hall. We will also do the State of the Village there as well. Tomorrow, Wednesday morning, at 9 a.m. to 11 a.m., he has his morning Meeting with the Mayor Hurst in the community room. There are pictures of a fire that happened in the Village of Walton Hills at a local business on Hannah Parkway, Reilly Sweep. There was a truck that started burning on the inside of the building on Thursday morning and Mr. Kolograf was made aware of it. It was dragged outside by the fire department with some chains. It burnt to the ground in the parking lot. They got the fire out and they put it in the back of the building. No damage to the building other than soot and smoke. This happened at 12:45 when I was supposed to be off duty, of course. At the last council meeting, there were some false statements about liability of insurance. There is no law that forces any of us to get liability on our homes or our neighbor's home. Mayor Hurst includes a copy of what we sent to this gentleman about the details. Today, there was an email that went out with an address on it without any details. He says there are six pages included in the information he passed out to councilmembers. This is a home on Alexander Road with a drainage issue. Mr. Mason has already rectified the situation in writing and there is a copy of this in the packet as well. Without going public or speaking public about it, because we have been threatened of getting sued, Mayor Hurst would rather talk about it in Executive Session. It is not an issue for the Village. There is no liability whatsoever. Mayor Hurst recommends two new members for the CIC board. He brought this to the CIC meeting and everyone on the committee approved it. Right now we have two residents and this will give us the max of 4 residents. This will be on the Council meeting in March for the council to give the Mayor the authority to have these people put on the Board. We met at the CIC in two different meetings. We have a potential purchaser of property. Hopefully we will have something for the council to approve by the end of April of the end of March. There is a letter of certification attached that the chief made the Mayor aware of yesterday. Basically he has been approved for two different certificates through the state. In all the information pertaining to the Board of Election, the last 14 pages, Mayor Hurst asks them to read this very carefully. Councilman Linville asks about the levy that was mentioned from Bedford at the last Town Hall meeting. Mayor Hurst states that was another false statement where someone said there was a school board tax levy on the November election. He called the superintendant and he called the Board of Elections, and they said absolutely not and this was a false statement.

Mayor Hurst wants to talk next week about changing the language of zoning code. He asked the council about a first-degree misdemeanor and it just being a misdemeanor crime. We will talk about it at the next COW.

Councilwoman Brenner-Miller also asks us to put that people have to leave the license when they pick up their permit to become a solicitor. Mayor Hurst states we will put the policy together so we will have that. He is just asking council to make a resolution to add that as an Exhibit A or Exhibit B on when they solicit. This is for all solicitors. Mayor Hurst states we are also going to encourage a Do Not Solicit list that they can sign up for through the police department. This will be a list of addresses that do not want to be bothered. He said they are doing this in Macedonia and we got their language as well, so we are going to put that in policy. We will also put that in journal. Everyone is okay with this.

Councilwoman Brenner-Miller motioned to adjourn the meeting of March 7, 2017, seconded by Councilman Rich, and six ayes approved. The meeting adjourned at 7:53 p.m.

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Katie Iaconis, Fiscal Officer