

The Village of Walton Hills

Committee of the Whole Meeting

Date: August 8, 2017

Time: 6:44 p.m.

Location of Meeting: Council Chambers

Mayor Hurst called the meeting to order. The roll call was taken by Katie Iaconis, Fiscal Officer. Present: Councilpersons Mary Brenner-Miller, Paul Rich, Gloria Terlosky, Don Kolograf, Brian Spitznagel, and Denny Linville. Mayor Hurst also wants the record to reflect that our law solicitor William Mason and Katie Iaconis as our Fiscal Officer and Clerk to Council.

Persons having business before council. Mayor Hurst opens up the floor to anyone who wants to come forward and ask questions of council.

Josephine Wardl from 17850 Egbert Road. She asks the council, if they have time, tonight at 10 p.m. on CNBC, to watch the program about medical marijuana. She says that yesterday, there were two programs about medical marijuana, and she knows that the council considered that maybe if someone has a permit to allow it in this community, but after watching the two programs, she has a lot of concerns about it. She said that this product can sell for retail \$400 an ounce. She said the employers themselves say they have a lot of concerns about the safety of their employees. They cannot take the money to the bank and deposit it. Of course, the IRS does collect taxes from it now. Even though it is against the federal law, they do have to pay taxes. She says that an article that was in the Northfield News stated that Twinsburg and Macedonia may consider it. The net profit to the particular investor in Twinsburg can be anywhere from \$10 million to \$25 million a year. That is net profit. They are going to get 2.5% of that. After watching that program last night, even though it is medical marijuana, it concerns Josephine. She said that she knows they need it. She knows it helps people. She has a friend who has a son who is an epileptic and he is on it in the state of Michigan. She simply has a lot of concern about if anyone applies for it in the Village to seriously consider it and also, if the council has the opportunity to tape or watch the program tonight, CNBC – it is the profit. This is a gentleman who has already invested \$30 million in different businesses. Mayor Hurst thanks her.

No other comments or questions from the audience.

Item D – Discussion for Legislation to recognize the former police chief, Kenn Thellmann. Mayor Hurst asks that next week at the regular council meeting, we have a resolution recognizing him and also awarding him his weapon and giving him a badge of retirement. No questions or comments from council. This will be first on the agenda next week. No questions or comments from audience.

Item E – Discussion on Legislation to accept the interim police chief and said compensation. Mayor Hurst states that everyone knows that on Tuesday of last week, he swore in Stan Jaworski. He was our former captain and now he is our interim police chief. Mayor Hurst would like to discuss his compensation in Executive Session today under a special council meeting. He said it is less than what we are paying our past chief. He simply wants everyone's approval and then we will pass the resolution to award him that compensation as a yearly salary. Everyone on council is okay with this. No questions or comments from the audience.

Item F – Lot split – Mayor Hurst reminds the council that we have a planning commission meeting and we talked about this in the month of May, June, and July about the lot split. It is a 1-acre partial. It is the older home, the Balman home, that we were going to try and use for the historical society, but we have decided to divide it up into a 1-acre lot and then sell it and put it on the market. He needs legislation allowing that lot split to happen, and it has to go through the county. He said it is just like we did with Chuck Victor's property

and we did with Peterman's property. Everyone on council is okay with this and has no questions or comments. No questions or comments from the audience.

Item G – Resolution for this property to go into the CIC Corporation. Mayor Hurst states that the CIC Corporation is the nonprofit corporation that the council has the final say on. This is to market this property and put it up for sale. This is probably the best way to handle it instead of going out for bids and everything else. This is a recommendation from the Law Director. Council is okay with this and has no further questions or comments. He says that Mary and Don represent the CIC and they understand and we have talked about this for the last 3-1/2 months. He says that the council will have full authority once it is all said and done. Councilman Kolograf asks for an explanation of this because there are some residents thinking we are giving this property to the entity, but the entity is us. We are the CIC. We are the nonprofit corporation. Mayor Hurst asks Mr. Mason to give an explanation. Mr. Mason states that most committees form a Community Improvement Corporation for the purpose of transaction economic development opportunities. By forming that CIC, it allows them to do things that we might not be able to do as a council such as giving someone who wants to bring jobs into our community an opportunity to come forward and haggle with them about moving into the city. Otherwise, we would just have to pull out and do a low-bid situation and award the lowest bidder to whatever that might be. This is the better way to handle economic development opportunities. Mayor Hurst clarifies that the county already has a CIC in place, but we decided to do our own because it is better helped by the local government rather than going through the county because through the county, we lose a lot of our abilities. Councilman Kolograf asks who the committee consists of. Mayor Hurst says the committee consists of two councilmembers, four residents, and the Mayor as the chairman. No questions or comments.

Item H – Overlay zoning. Mayor Hurst states we are having another planning commission meeting in another two weeks. He states he gave them a package of what was presented by George Smerigan, and the committee has already made some modifications. The council has the final draft right now, but they are still debating that. The overlay zoning is just having certain guidelines to Country Home District property that could be developed for economic development. I keep referring to the 16 acres on Walton Road that the Village of Walton Hills owns. We also have the First Energy property and there are other plots. On Dunham Road, there are 22 acres that if something would happen or transpire there, we have the opportunity to use overlay zoning on that. This is so you would actually have a conditional use to each one of those pieces of partials and how they would be developed and how they would be controlled. No questions or comments on this.

Mayor Hurst says we will probably have something in the month of September and he will have Mr. Smerigan come to answer their questions and go over the details of that. Councilman Spitznagel has two questions on this. In Section 1272, the Mixed-Use Development District, which is what we did with the Ford property, that area of Northfield Road. They changed this to include this medical marijuana cultivation and processing and performance of Section 1272.08L. These are not page numbers. This is 1272.02 – Permitted Uses in the Mixed-Use Development District. There is a schedule of permitted uses and that is a permitted use in that district. His one question is what is the thinking behind making that a permitted use in the district as opposed to a conditional use. His second question is that in this new overlay question, Section 1267, the Permitted Uses, they are all conditional or auxiliary. The only thing close that he could find in an overlay situation is medical facilities in conformance with Section 1267.08, which is nothing more than a facade of the building. He is asking if we are including medical marijuana facilities in this medical facilities section as a conditional use?

Mayor Hurst states it would be better for George Smerigan to speak with him, but the way they are discussing in planning commission, medical marijuana cultivated can be done right now in our country home district without any changes whatsoever. We are doing this for processing, where they dump the oils. That is pharmaceutical. That would be in the Country Home District, if we allowed it, by the First Energy property. Mayor Hurst states that we also included this in the Mixed Use for the processing; not distributing and not sales. He says we have no sales in Walton Hills. Councilman Spitznagel asks if this is covered under Medical

Facilities as a conditional use, is that what they are defining that as? Mayor Hurst says yes. We are putting this as a conditional use so they cannot take the facility and build it and then sell it. They have to come back to the council and get approval. Councilman Spitznagel clarifies that this is the question he had – if we were defining that as a medical facility; and then the medical for the other district, the Mixed Use, it is a permitted use by right. Mayor Hurst said only cultivating. Councilman Spitznagel states that it actually says “cultivation and processing in conformance with...” so we are making that Mixed Use a permitted use by right in that District. He is wondering why this would not be conditional use in that District also so we have more control over... Mayor Hurst said that we can change the language. He knows that this would cover Todd Industries, one of the buildings that has been targeted. This is in an industrial area and would have to have this kind of language applied to it. It would be a conditional use where it would come through planning to have it allowed. We would have it already in our Mixed Use zoning. He says we only have three zonings right now. We have residential and then we have different types of commercial. The way we are lying this out is that the Mixed Use is going to carry most of it so if we have some way to say, like where Todd Industries is, which is industrial, we could carry that zoning as a conditional use over into Industrial because it goes through Planning Commission. Like anything else, it expires when that business expires. That is the way we are trying to write this. No more questions or comments.

Item I – Discussion on delinquent property maintenance. Mayor Hurst states that we do this every year in August. This is to go after delinquent property maintenance to go under taxes so we can collect it before the year-end. These are the people who we have had to fine for cutting their grass or we have had to do property maintenance on their property. This is simple legislation. It will be on next week’s regular council meeting. Councilwoman Terlosky asks how many there are on this. Katie says four and they are on the back of the memo. Mayor Hurst says that we do try to reach out to them as much as we can and if we do not get results, we go after them this way. Councilman Kolograf states that on a good note, this is less than we have had in the past. Mayor Hurst says that we have typed it up. We have had as many as 25 before. Councilman Kolograf states that this is less and four is not bad. No questions or comments from the audience.

Item J – Discussion on Ordinance to change, charge, and collect transportation calls and other emergency services. There is a draft passed out that makes it clear that this is proposed and not numbers we are fixed at. This is actually copied from Parma. Mayor Hurst wants the council to look at it. He is not asking them to pass legislation right away, but this is something we did talk about and we have to debate it and go through the process. It is not uncommon. It is very common, and out of 59 communities, he counted 47 charge. This is just a draft. Mayor Hurst is only showing the council what other communities offer and with the revenue stream that we are trying to pursue, we want to be sure that everybody is aware of all the options that are on the table. Councilman Linville asks who the beneficiary of these payments. Mayor Hurst says this is the Village of Walton Hills. He states this would be an ordinance of Walton Hills. He says that this sparked because we do close to 300 calls to Walton Manor per year.

Josephine Wardl from Egbert Road stands and addresses the council. She states she is a bit confused on this ordinance. She is asking if this means that the residents who have ambulance service will have to pay for the ambulance service. Mayor Hurst says that we have not finalized the draft on it; we are simply showing an example of what is in other communities. He says it is on the table for discussion. He wanted to single out just the nursing home and the businesses, but he thinks that by state law, we cannot do this. Josephine agrees that no, we probably cannot. Mayor Hurst says that we probably have to make this decision internally and then go from there, like a resolution on top of the ordinance that would separate the residents from the businesses or something. Josephine asks that in the over \$400,000 we pay to Oakwood, is ambulance service to our residents included in that cost? Is that in the contract? Mayor Hurst says that we do not charge our residents right now.

Councilman Kolograf makes a point that our fire contract is up at the end of this year so these are things that we look at because when we do go into negotiations or whether we renew it or however we do it, we want to know our best options. So, we are looking at all other avenues and the ambulance service is something we

are looking at. Councilman Spitznagel states that he can speak for himself and can almost speak for anyone – nobody up there on council is going to want to see you be fearful of calling the ambulance because you are going to get socked with a \$750 bill. This is not going to happen. If we do this, what he is going to be looking at is that no resident is fearful of calling the ambulance or have to call the ambulance, and then they get a \$750 bill that they cannot pay because they did that. They are going to be very judicious about this and look at all the aspects of it. Councilman Kolograf states that our job is to try and improve it for the least amount of money and maintain it. Councilwoman Terlosky states that there is a difference between call and transport. Sometimes they call and they go there, and then the individual they check them out and they say you are okay. So, they do not transport them. She is wondering if we are going to have something that is for call and transport or just call? So, we get it right the first time. No other comments or questions. Mayor Hurst says we will move this to next month for more discussion.

Item K - Other Business: Mayor Hurst states that we were approached by Ms. Vlk; the younger Ms. Vlk, Stevie Vlk's wife; who reached out to the Village administration. There is a copy of the emails in the council's packet. She asked about a fundraiser at the multipurpose room for animal care service. Katie clarifies that it is Second-Hand Mutts. It is an animal rescue. She was going to try and make it here for the meeting, but she maybe got tied up. Katie states that she wanted to put in a request for council to consider allowing them to have a fundraiser, kind of similar to what Mary Alice and Josephine participated a couple of months ago, raising funds for the rescue. Mayor Hurst states that the council has the authority over the buildings and this is why we brought it here under Other Business for them to look at. There is no set date so no decision needs to be met tonight, but he simply wanted them to know. We bring the requests to the council when we get the requests.

Katie states that she had another request today from a resident. She hands out a memo is an email from him explaining why he is interested. He is holding a fundraiser for his brother who was diagnosed with an inoperable form of cancer. They found a more holistic treatment path and he wants to hold a fundraising for his brother to help him raise the funds to try to give him a couple of more years on his life. That one is up for the council's review as well to allow them to use the multipurpose room. Katie just wanted to get permission first before setting dates. Councilwoman Terlosky asks about the first one about the dogs. She is asking if they are going to have animals there. Katie said that she was going to come and give more information. Mayor Hurst said she could come next week and maybe give more details. Katie states that we do not allow animals unless they are service animals so it would not be an adopt-a-dog sort of event. It would be more just to raise funds for the rescue. Councilman Kolograf states that he does not see a reason for them to come to council. Mayor Hurst said that he will simply express that as long as there are not animals, unless they are service animals, we would not have a problem with it. Mayor Hurst will also say the one about the cancer, he will tell them that is fine as well. We will waive the feels. No further questions or comments.

Mayor Hurst states that we had line dancing at the hall over the weekend, and it was somewhat of a success. We have had some weddings from the hall as well. So, we are taking in some revenue to offset the cost of operations. We will have a complete tally of it before the end of the year, but things are moving forward on that process of the multipurpose room.

Mayor Hurst announces that Rob Kalman has passed all of his tests and has received his residential building certificate of the Village of Walton Hills. He is now a Certified Building Inspector. He was an intern for two years. With his process of being our intern, he saved over \$40,000 on our contract with SafeBuilt because we took on that authority. Now, they do not have to back him up on residential inspections. He goes on to say that if you have been here long enough, you probably remember Al Spotto. He is basically becoming Al Spotto by wearing all of those different hats and doing all those things. Of course, the regulations have changed, but it is a savings to our Village. We had \$158,000 operating our building department and now we spend \$61,000. So, it is a big savings to our Village.

Mayor Hurst passed out copies of a check to everyone in their packets. Brock Millstein gave us \$3,500.00 for the Ohio Honor Flags at the end of the month, so that is paid. Then, he wanted to show them that every two weeks, we get a \$30,000 check from the JEDD. So, that is \$780,000 we get from the JEDD, and we get 3% off the top of that. He said you would be amazed at how many people still do not know what a JEDD is.

Mayor Hurst said we are going out for bids with the Blondin family creek restoration on South Meadowpark. It closed on the 25th. We gave permission to the engineers to go out for bids. So, at our first COW meeting in September, he wants to have a special council meeting to accept those bids. Council is aware of that.

Mayor Hurst discusses the reductions we have made. We have made an approximately \$300,000.00 reduction in our operations to pursue a balanced budget for 2017. It looks like we have a very good shot at doing this.

Mr. Mason talks about the initiative petition that was brought to the Village's attention on July 16 and then filed officially with the Village on July 31. He had his law firm do an analysis of the petition, and in fact, it was determined that those petitions that were submitted to the Village were flawed. When a petition is filed with the Village Initiative, which was done on July 16, they need to file a certified copy of the actual petition that is going to be circulating. Failure to do that is fatal and did not solve the condition. The Supreme Court has laid out exactly how these things are supposed to be done. If they are not done correctly, then they do not make it to the ballot. In particular, the petitions that were filed in our Village had a couple of flaws. The first flaw was that there was not a certified copy of the actual petition that was going to be circulated attached to the initial filing at the Village. The Supreme Court says you have to have that or you do not get it to the ballot. The second issue that came up is that you have to have a full text of what the ordinance you are asking to put on the ballot for the people to decide whether they want to or not. It has to have a content somewhat similar to a language that you would pass in a meeting. So you have to have a heading of a section you are acting to amend or change, and then the text of it. The petition did not have this, which is the basic sense that reiterated the chapter of the code that says you can reduce council from 6 to 5. So, that was a flaw.

It is Mr. Mason's recommendation and he recommended to Katie, to send back the petition that the petitions are flawed and that it will not be accepted at the Board of Elections for determination. Mr. Mason also noted the timeliness of the filing as a problem. When these petitions are filed with the Village, they shall sit with the Village for ten days and then get sent on to the Board of Elections. We received these on the 31st. If they were good and we sat on them for ten days and sent them to the Board of Elections, it would have been past the August 9 deadline and they would not have made it to the ballot anyway. After they get to the Board of Elections, the Board of Elections shall, within ten days, check for validity and send it back to the Village, which would have made that now August 20. Then, if all that had been right, the council would then have had to pass an ordinance or resolution directing the Board to put it back on the ballot. So, it would go back to the Board of Elections to go back on the ballot, which would take four or five days. So, this was never going to make it to the ballot on time limits, and then the flaws then were in the actual circulation.

I have asked Katie, and I think she has done this by now, to send the petitioners a copy of the opinion from my office pointing out the flaws and then not send it to the Board of Elections. Councilman Spitznagel asks who put in the petitions. Mayor Hurst said it is in the packet. It is Mr. William Allen, Mr. Sean Sheeler, Ms. Jennifer Allen and Ms. Marlene Anielski. They were the ones who circulated the petition and signed the petition. So those four persons have been notified through Mr. William Allen.

Councilman Spitznagel discusses his past dealings with the circulators.

Mayor Hurst reminds everyone that we have the Honor Flag Ceremony on August 25 at 6 p.m. Anyone who would like to volunteer to carry a flag and participate would be greatly appreciated. This program is what Brock Millstein paid for and it is to honor those who we lost in the last conflict with Afghanistan.

On Community Day, there are a lot of different activities. Mayor Hurst asks the council to look in the journal. We are going to give away our first ever school scholarship. We are giving away two \$1,000 scholarships. It is with the Walton Hills Education Network. This was started by the former Mayor, Mr. Ed Thellman in 1992. We went and took it and got it to the nonprofit 501(3)(c). Ford has given us money and we continue to take money from businesses. This money goes back to the children. We are giving out two \$1,000 scholarships at 3:30. He would like all of council to be there so we can acknowledge the kids and then we will play softball. Councilman Spitznagel states he has to work and he cannot get out of this trip. He apologizes for not being there. He wants them to send his congratulations to whomever wins.

Mayor Hurst states that he put together a package for everyone and he wants them to take time to read it. He would like to discuss it in the month of September. He would like to bring in some professionals. It is called Traffic Control Enforcement. The Ohio Supreme Court, on July 26, passed the ruling that you did not need police officers by the cameras anymore. They will see all the different language in there and Mayor Hurst states they will see the court ruling and all the dockets. It is about 97 pages worth of information and I am sure we will find more information as we go. It is a matter of safety because of our personnel. It would probably be very beneficial to our Village because Route 8 does have 18,000 cars a day coming through it. The communities who do have this process, 99% of all of the victims or the people who are breaking the law are nonresidents. It is people traveling through their towns. It does help fund the police departments. It does help the operation equipment and things like that. He would like them to read the information as they would be very interested. Newburgh Heights just amended their existing ordinance last night and the council has their ordinance that they passed last night. Mayor Hurst hopes to have a good discussion and maybe we can put this in place in maybe January of next year. Something we should consider. Mayor Hurst thinks it would be beneficial to the Village of Walton Hills.

Katie comments that we had our final TIRC meeting last week with the Bedford City Schools and the Tax Incentive Review Committee. We are just finalizing the amount in back taxes that we had owed on the schools because of them going over that \$1 threshold. It looks like we will probably owe them about \$16,000 and that will end the amount that we owe them. We are just waiting to get confirmation from their treasurer that they accept the numbers. We removed some payroll that had been included for the smaller facility, which should have been included in the abatement initially. Overall, it went well. Hopefully, we will get the \$16,000 agreed upon. She will inform them of that, and then we will complete on that agreement. Mayor Hurst says that, if everyone remembers, he met with the superintendant and negotiated to make payments. We were scheduled to make a \$50,000 payment this year, so we are only going to make a \$16,000 payment. This is a plus for us. Everything was agreed upon with the county, and now we just have to wait on the school board.

Item L – Adjournment. Mayor Hurst asks for a motion for adjournment. Councilwoman Brenner-Miller makes a motion to adjourn the COW meeting of August 8, 2017, seconded by Councilman Rich. Six ayes approved. The meeting adjourned at 6:55 p.m.

Katie Iaconis, Fiscal Officer