

**RECORD OF PROCEEDINGS
MINUTES OF THE REGULAR MEETING OF THE
SHERWOOD VILLAGE COUNCIL
MAY 21, 2018**

Mayor Cary Mallett called the meeting to order with council members Wes Hall, Jim Hohenberger, Scott Rohrs, Chris Skinner, Michael Sudholtz and Jamie Vogelsong present. Also present were Bertha Alley, George Alley, Rob Bailey, Judy Bayliss, Julee Bayliss, Dawn Buskirk, John Buskirk, Jordan Dagastavo, Paula Demarest, Dan Eichenauer, Ila Gebhart, Anthony Giovengo, Joel Holt, Jeff Hurtig, Jim Ickes, Arlene Murphy, Brian Ramey, Sherri Ramey, Jamie Ridenour, Larry Shock, Ken Vogelsong Jr. and Chris Walker.

Joel Holt and Jim Ickes, attorneys from Akron, Ohio gave a presentation on Cannabis on behalf of Jamie Ridenour. Their goals were advocacy through education and to provide council with adequate grounds to resist imposing a moratorium. Joel Holt gave background on Ridenour's plan to locate a Medical Cannabis Dispensary business in Sherwood. He explained how this is completely legal in Ohio and legislation is pending in Congress to legalize medical Cannabis. He stated that a business in Sherwood would be heavily regulated and security standards would be extremely high including 64 cameras, alarms and 24-hour surveillance. He informed those present that Cannabis is medicine and needs to be prescribed by a physician for 21 specific conditions only.

Anthony Giovengo explained how the Endocannabinoid System works and informed those present that Medical Marijuana (cannabis) is the most effective anti-inflammatory known to man and the safest pain reliever.

Craig Mescher entered.

Giovengo informed those present cannabis has been used as a medicine since 2900 BC and has not been illegal until the 1930's. He presented several examples of people who have used cannabis and have been helped. He stated that there is an opioid crisis and Cannabis can replace or augment opioids for the treatment of pain. He informed those present that in states where medical marijuana is legal that annual opioid deaths have decreased by 25%.

Holt informed the council that Ridenour is the only applicant in the NW District 1 which is an 8 County area. If a dispensary for cannabis was located in Sherwood it could save many people a 2 to 3 hour trip just to obtain medicine. The cannabis industry is the fastest growing industry in the world and a medical marijuana dispensary would employ approximately 20 people which would be a significant source of revenue for the Village of Sherwood. Property values are projected to increase by 8.4%. Holt stated that cannabis would only be distributed in a dispensary department, there would be passcode and choke point entrances, there would be an ID and patient card, there would be records of every transaction and there would be an automated inventory tracking system. There could be no advertising, logos or large signs and the banking would be through Van Wert Wells Fargo.

P. Demarest asked whether there has been a study of the crime rate around areas that have a cannabis dispensary such as in Michigan.

J. Ickes replied that there have been no instances of crime discovered.

L. Shock asked who regulates the price of the product.

Ickes stated that it would be left up to the individual retailer as to the price of the product and the retailer could have special programs such as vouchers for low income individuals and veterans.

M. Sudholz asked why Ickes was not at the recent village meeting to present information and why he is against a moratorium.

Ickes replied that he was not hired by Ridenour at that time. He believes that a moratorium is an extreme measure and it would be difficult to get it overturned. He stated that zoning regulations would be a more reasonable way for the council to control a medical marijuana dispensary coming to the village in the future.

G. Alley stated that he appreciated the presentation that Holt, Ickes and Giovengo presented but it has not changed his mind about the issue of a Medical Marijuana dispensary coming to Sherwood. It is a moral issue and he feels that drugs are wrong.

J. Holt stated that the council has the obligation to do what is best for the community and his overall point is to take away the stigma of marijuana.

Julee Bayliss asked for an explanation of the difference of CBD and THC cannabis.

Holt answered that THC causes a “high” and with CBD there would be no intoxication. A lot of the medication would have both THC and CBD. The state would have strict testing laboratories and you know exactly what you are getting at dispensaries as opposed to obtaining drugs on the “black market”.

S. Rohrs asked whether patients would have to use cannabis for the rest of their lives.

Holt replied that many with chronic conditions may have to be medicated with cannabis for the rest of their lives but there would be no problem stopping the use of cannabis if they were able to.

K. Vogelsong asked whether patients can pick the type of cannabis they use or would doctors choose.

Holt stated that there would be trained consultants who would help patients with what products would work best for their condition.

Mayor Mallett thanked Giovengo, Holt, Ickes and Ridenour for coming to the council meeting with their presentation.

Anthony Giovengo, Joel Holt, Jim Ickes and Jamie Ridenour left.

Craig Mescher, representing Access Engineering, explained that the CDBG funding for the lagoon project has been reduced from \$430,000 to \$350,000. We meet all the criteria to receive the total amount, but it has been deemed that the villages sewer rates, including borrowing an additional \$80,000 from OWDA are still very reasonable. If the village follows the OEPA’s guidelines on capital and maintenance funds for villages to keep on hand 10 to 15% we need to borrow the additional \$80,000 rather than use any of our existing sewer fund.

Julee Bayliss left.

Mescher presented a spreadsheet of the bids received for the WWTP Upgrades which were received on May 16, 2019. He informed the council that Access Engineering Solutions, LLC has reviewed the bids for the Sherwood WWTP Upgrades and the apparent low bidder was Bryan Excavating, LLC of Bryan, Ohio. Mescher stated that Access Engineering Solutions recommends that the Village of Sherwood accepts Bryan Excavating, LLC as the low bidder and enters into a contract for the amount of \$1,864,000.

C. Mescher asked that the council approve Resolution 18-05-03, a resolution awarding Bryan Excavating LLC, the lowest bidder, the contract for the WWTP Upgrades Project.

C. Skinner made a motion to suspend the rules, waive the three readings and pass Resolution 18-05-03 as an emergency. W. Hall seconded the motion. A roll call vote was taken. C. Skinner voted yea, W. Hall voted yea, J. Vogelsong voted yea, S. Rohrs voted yea, M. Sudholtz voted yea and J. Hohenberger voted yea.

Mescher reminded the council that the village has been mandated by the Ohio EPA to have the first lagoon updated and in service by this fall so the work will be started on this project this summer. He informed the Council that the Village has been awarded a small government grant from the OPWC for the meter project. It should be released by July 1, 2018 and we will need to have the meter project bid out shortly.

Craig Mescher left.

K. Vogelsong Jr. expressed concern about the water issues behind his house. There are 3 properties which are not draining properly.

S. Ramey stated that this situation is not on village owned property and is not in the right of way. There is a 12" clay tile designed to take surface water which is filled with garbage.

Julee Bayliss reentered.

Vogelsong asked where he should put tile to get rid of water.

J. Hurtig stated that we do allow customers to tie into our storm sewer and that he could tie into the catch basin at the corner of Ash St. and Taylor St.

C. Walker stated that the village needs to have a drawing of what Vogelsong intends to do.

Hurtig stated that we do need to have a drawing to verify what's going to be a "temporary" permanent fix.

Jordon Dagastavo left.

K. Vogelsong stated that he has been mowing the property on Taylor St. south of Ash St. and asked whether he could cut trees.

The consensus of the council was that if he cut down trees they would have no problem with it.

P. Demarest asked whether she would be notified if one of her renters is behind on payments and is at risk of being shut off.

S. Ramey replied that she can send Demarest a duplicate bill which will show how much her renter pays each month.

Ila Gebhart expressed concern about water backing up in the ditch by her house on Sunset Ave.

S. Ramey stated that we can ask Defiance Co. Soil and Water advice about what to do about this drainage situation. We cannot put a catch basin in that area because fiber optics are run there. She stated that ODOT won't take care of it because it is inside Village limits.

J. Hurtig will be in contact with Defiance Soil and Water before next month's meeting, but they are working on another large project at the present time so he is not sure how quickly they will be able to help with this situation.

Julee Bayliss asked whether Mayor Mallett has investigated putting the issue on the ballot in the Fall of whether the Village of Sherwood should have a moratorium about having a Medical Marijuana dispensary.

Mayor Mallett answered that he has contacted the Board of Elections and it would cost a couple hundred dollars to have the issue put on the November ballot. It would be much more expensive if it is not on the May or November ballot.

C. Mallett stated that Jerry Hayes was supposed to be at the meeting tonight concerning the tax abatement legislation for Ron Kuhn. Mallett stated that even though Hayes was not able to be at the meeting, the council needs to approve the agreement between Ron Kuhn Sales and the Village of Sherwood.

J. Hohenberger made a motion that the reinvestment agreement between Ron Kuhn Sales and the Village of Sherwood be approved. W. Hall seconded the motion. A roll call vote was taken. J. Hohenberger voted yea, W. Hall voted yea, C. Skinner voted yea, J. Vogelsong voted yea, S. Rohrs voted yea and M. Sudholtz voted yea.

Resolution 18-05-01, a resolution for the transfer of funds from the General Fund into the Refuse Fund was presented.

S. Rohrs made a motion to suspend the rules, waive the three readings and pass Resolution 18-05-01 as an emergency. W. Hall seconded the motion. A roll call vote was taken. S. Rohrs voted yea, W. Hall voted yea, C. Skinner voted yea, J. Vogelsong voted yea, M. Sudholtz voted yea and J. Hohenberger voted yea.

Village Administrator, Sherri Ramey presented her report for the month. She reported that the bunting has been hung for Memorial Day and the maintenance office is being prepped for painting. She informed the council that the Moat's Ford building is being purchased and the person purchasing the building would like an agreement with the village to use the area Moat's used for cars, which is village property, as a parking lot.

C. Walker stated that the purchaser's attorney should send the village a lease and he will look it over.

Ramey informed the council that the asphalt which was torn up in front of the fire station has been replaced by Salyers Construction with 8 inches of concrete at a cost of \$4,000. She informed the council that a request has been made to turn Lawrence St. into a one-way street. She reported that there is a catch basin on the east side of the Crystal Fountain driveway which is washing out and the restrooms at Moat's Park have been demolished. At Memorial Park, the lights around the pond are not working, the pond pump has been installed for the season and AEP needs to be called to pull the meter because there is no breaker. At the Little Reservation Station one side of the teepee has been opened up and the teepee needs to be water sealed. Ramey thanked all those who volunteered for the Great American Clean-Up. There was a great turnout at CFA and they had Pizza afterwards, at Moats Park there was a small turnout and they had donuts. The Clean-up at Memorial Park and the Little Reservation Station was cancelled because of the prediction of rain. Volunteers will be working at those locations this week and stone will be brought in next week.

Ramey informed the council that there were 11 shut off notices delivered in April and all were paid. She reported that 307 Utility Billing Information sheets have been turned in and there are 37 outstanding. They need to be turned in by the end of May.

Ramey reported that she will be meeting with Master Meter again since we got the OPWC grant and we need to start thinking about Utility rates and Multi-units. She stated that the gas line has been ran for the back-up generator. We are waiting on the composite pad which will take 2-3 weeks and Woolace is going to eat the cost for the pad. She asked what should be done with the old generator and shed.

J. Hurtig stated that we could list the generator on Gov.deals. The shed is 8x10 but the floor joists are not good.

The council suggested several places where the shed could be relocated such as at the lagoons or on the maintenance lane. The consensus of the council was to list the generator on Gov.deals for \$1000.00.

Village Administrator S. Ramey informed the council that a letter was sent to all residents last week about the raise in utility rates. She reported that the Health Department called and asked that the Village of Sherwood consider tying Mark Center into our Sewer System, similar to how it is at Fairview High School. The Village would not have to pay for it and we do have the capacity to do this. She informed the council that the village recently purchased a cherry picker in an auction for \$2,047.50. We have been renting a lift for \$200 each time we need to do such things as change banners or hang Homecoming sign, so this piece of equipment will enable us to do things like this without having to rent. Ramey reported that we have replaced the tank sprayer for \$615.00. Ramey thanked all those who participated in the annual Village Trash Clean-Up day on Saturday, May 5th. She suggested that next year we have the clean-up day on the last Saturday in April to avoid opening day for ball and that we have 4 dumpsters and no metal dumpster

C. Skinner suggested that it might be a good idea to have trash clean-up day twice a year.

Ramey reported that opening day for ball was moved to Sherwood with less than 24 notice hours to be ready. She thanked Scott, Jim and Jack for getting fields ready. Ramey informed those present that the Sherwood Library will be providing free lunch for kids ages 1-18 from June 4-July 12 on Monday through Thursday this summer. The library will have food safety training and will be a backup for food pickup. The Friends of the Library have asked that we have the windows of the community room cleaned and would like to hire a cleaning person for the community room.

Ramey stated that she did not feel it is cost effective for the village to hire a cleaning person for the Community Room. She informed the council that Dollar General will be starting the fix for the drainage issues in the next couple weeks. She asked that council members contribute bio information/pictures to be places on website. She reported that the Village office will be closed the week of Memorial Day from May 28th-June 1st.

She stated that the "Welcome to Sherwood" signs need volunteers to help maintain them.

Rob Bailey volunteered to help maintain "Welcome to Sherwood" signs. J. Buskirk stated he could get rocks to help with sign maintenance.

There was discussion about Moats Shelter house. A large church group would like to use it. At present there is no cost to use the shelter because the village is not cleaning it before each use.

The consensus of the council is that groups can still use the Shelter and port-o-johns at no cost. If they would like access to bathrooms at the ball field, there will be a \$25.00 charge.

J. Hurtig stated that we are having trouble maintaining the village trash pile. We may need to get more bunkers.

R. Bailey presented a list of nuisance issues which have been pursued and resolved as well as those which he is still working on. He informed those present that political signs should not be put in a right of way, should not be put up until 60 days before the election and must be taken down within 2 weeks after the election.

Village Administrator S. Ramey informed council that she recently met with Gina Montez who gave recommendations concerning regulations for mobile homes. Those recommendations were presented.

Ila Gebhart left.

J. Vogelsong stated that she doesn't necessarily disagree with the recommendations for mobile homes, but new houses don't even have some of these restrictions.

Ramey stated that we don't have to follow all of these recommendations, but our mobile home regulations are very vague.

There was discussion concerning the village's Zoning Ordinance. The consensus of the council is that we need to get with the village attorney and work on improving our Zoning Legislation.

R. Bailey suggested that it would be beneficial to have a separate committee to sit down and review the Zoning Ordinance and then have a consultation with Chris Walker.

Mayor Mallett asked who would be willing to be on a Zoning Ordinance Update Committee.

Bertha Alley left.

Jim Hohenberger, Wes Hall and Rob Bailey all stated that they would be willing to be on a Zoning Committee. It was also suggested that Gina or Gilbert Montez would be another good choice to be on a Zoning Ordinance Update Committee.

R. Bailey asked whether we are talking about replacing or amending our present Zoning Ordinance.

C. Walker stated that it would be the same process whether the present Zoning Ordinance is replaced or amended.

It was decided to set Thursday evening as a work night for clean-up at Memorial Park.

The Park Committee Meeting report was presented. Discussion was held about BINGO. The VFW stated they would like \$100 per day Bingo was held. The Park Committee agreed that amount was too much to pay and we can use the CFA to hold Bingo. Discussion was held concerning Sherwood Homecoming. Bounce houses and tents have been booked through Party Expressions. There will be a Castle Maze, a 3 in 1 Bouncer and an obstacle course. Kevin Hummer's band is booked for 4 hours and need to check with Dave (UPS guy) to see if he will DJ again. Letters will be mailed out asking for volunteers and donations. The Park Committee talked about the best way to handle parade and then games afterward. They mapped out the games and bounce houses and discussed the route of the parade. They discussed a "Yard of the Month" contest and the beer/wine festival and broke down a list on who to call.

Julee Bayliss asked whether the Fairview Band Director has been contacted.

There was no Fire/EMS report. The engineer is still working on changes to blueprints for the new firehouse.

The financial reports for April 2018 were presented.

C. Skinner made a motion to accept the financial reports for April 2018. W. Hall seconded the motion. A roll call vote was taken. C. Skinner voted yea, W. Hall voted yea, J. Vogelsong voted yea, S. Rohrs voted yea, M. Sudholtz voted yea and J. Hohenberger voted yea.

The minutes of the regular meeting of the Sherwood Village Council held on April 16, 2018 were presented.

W. Hall made a motion to accept the minutes of the regular meeting of the Sherwood Village Council held on April 16, 2018. C. Skinner seconded the motion. A roll call vote was taken. W. Hall voted yea, C. Skinner voted yea, J. Vogelsong voted yea, S. Rohrs voted yea, M. Sudholtz voted yea and J. Hohenberger voted yea.

Mayor Mallett stated that the Employee Committee met earlier and discussed insurance and HSA recommendations for Eric Renollet.

The Employee Committee recommended that the village pay 80% of Eric Renollet's health insurance and pay \$50 each month for the first year towards an HSA for Renollet. Each year his HSA will be increased by \$20 until he reaches a maximum of \$250 per month.

W. Hall made a motion that the Village pay 80% of Renollet's health insurance and \$50 each month for the first year toward an HSA for Renollet and then be increased \$20 each year until he reaches a maximum of \$250 per month. S. Rohrs seconded the motion. A roll call vote was taken. W. Hall voted yea, S. Rohrs voted yea, C. Skinner voted yea, J. Vogelsong voted yea, M. Sudholtz voted yea and J. Hohenberger voted yea.

The next employee meeting was set for 6:30 p.m. on June 18th.

Mayor Mallett stated that Kathy Holtzberry has informed him that she has enough funding for the Story Walk and any additional money will go towards stories. Thanks to all who contributed towards the Story Walk.

Mayor Mallett asked that a decision be made concerning a moratorium on a medical marijuana dispensary.

There was discussion concerning whether to ban it completely, ban it until after the November election, ban it for a year or regulate it to be in a certain zoning area. There was discussion about whether J. Ridenour was continuing to move forward with the Medical Marijuana dispensary.

A vote was taken concerning whether to have a moratorium on a Medical marijuana dispensary.

W. Hall voted that there be no moratorium, C. Skinner voted that there be no moratorium, J. Hohenburger voted that there be a moratorium until after the November election, S. Rohrs voted that there be a moratorium until after the November election, M. Sudholz voted that there be a moratorium until after the November election and J. Vogelsong voted that there be a moratorium until after the November election.

The question about whether the Village of Sherwood should allow a Medical Marijuana dispensary within the village will be put on the ballot in November to allow residents to make a decision concerning the issue.

S. Rohrs expressed concern about residents blowing their grass clippings into the village streets.

W. Hall left.

G. Alley expressed concern about a nuisance building on the corner of Inman St. and Pearl St.

Mayor Mallett informed those present that the village did not get grant funding to tear down a nuisance property. There were too many entities there asking for funds. If there is money left over, we might still get some.

S. Rohrs suggested that the village enforce solicitation within the village and that those such as the Ice Cream Truck pay a fee.

Mayor Mallett informed council that he has asked Hicksville where they are concerning administering local tax collection for the Village of Sherwood, but he hasn't heard back about it.

M. Sudholtz informed the council about an Ash tree on Doug Crites property that needs to be cut down.

C. Skinner asked that council members have village email accounts so that they don't have to use personal accounts.

The minutes of the Special meeting of the Sherwood Village Council held on April 26, 2018 were presented.

It was noted that Chris Skinner was not at the special meeting of the Sherwood Village council that was held on April 26, 2018.

D. Buskirk made the correction to the minutes of the special meeting held on April 26, 2018.

S. Rohrs made a motion to accept the corrected minutes of the special meeting of the Sherwood Village Council held on April 26, 2018. J. Hohenberger seconded the motion. A roll call vote was taken. S. Rohrs voted yea, J. Hohenberger voted yea, C. Skinner voted yea, J. Vogelsong voted yea and M. Sudholtz voted yea.

A vote was taken concerning emergency Ordinance 18-05-01, an ordinance to change the wages for the Sherwood Village Administrator for 2018. The pay for Sherri Ramey shall be \$35,000 per year and shall take effect on June 1, 2018.


M. Sudholtz made a motion to accept emergency Ordinance 18-05-01. J. Hohenberger seconded the motion. A roll call vote was taken. M. Sudholtz voted yea, J. Hohenberger voted yea, C. Skinner voted yea, J. Vogelsong voted yea and S. Rohrs voted yea.

A vote was taken concerning emergency Ordinance 18-05-02, an ordinance to change the wages for the Sherwood Fiscal Officer for 2018. The pay for Dawn Buskirk shall be \$22,000 per year and shall take effect on June 1, 2018.

M. Sudholtz made a motion to accept emergency Ordinance 18-05-02. J. Hohenberger seconded the motion. A roll call vote was taken. M. Sudholtz voted yea, J. Hohenberger voted yea, C. Skinner voted yea, J. Vogelsong voted yea and S. Rohrs voted yea.

C. Skinner made a motion that payment of all bills for the month be approved. M. Sudholtz seconded the motion. A roll call vote was taken. C. Skinner voted yea, M. Sudholtz voted yea, J. Vogelsong voted yea, S. Rohrs voted yea and J. Hohenberger voted yea.

C. Skinner made a motion to adjourn the meeting.


Dawn Buskirk, Fiscal Officer


Cary C. Mallett, Mayor