

*Minutes*  
**DEFIANCE TOWNSHIP TRUSTEES**  
**July 24<sup>th</sup>, 2018 MEETING**

The Defiance Township Trustees met in regular session at the offices of Northwest Realty – 618 South Clinton Street, in Defiance Township, Defiance, Ohio, on Tuesday, July 24<sup>th</sup>, 2018 at 6:30 p.m. Answering as present were Diana Mayer, Dan Peck & Jason Shaffer. With all three (3) members of the BOARD OF TRUSTEES having answered the roll, a quorum was declared.

Township employee(s) present were: John Diemer 23361 Defiance-Paulding Co. Line Rd 10, Brian Grant 15168 Williams Rd. & Steve Buchholtz 1615 S. Clinton St., Tom Mick 21389 Hammersmith rd. (zoning commission member), & Lynn Keller 21734 Hammersmith rd. (zoning appeals bd member) all of Defiance, Ohio.

Visitors present: Doug Engel - Defiance County Sheriff, Russ Herman - Defiance County Assistant Prosecutor, Mike McCann Mayor City of Defiance, Mathew Skiver - Sargent Defiance City Police Dept., Andy & Darla Bok 20503 CR 424, Wes & Heather Moats 1680 Bridgewood, Jim Williams, 1755 Siminole Ave., James Struble 5 Shelly Dr., Dave Mick 19444 Hammersmith Rd., Ryan Fredirich 2023 Laural Wood St., Lynn Keller 21743 Hammersmith Rd., Daniel Keller 14162 St. Rte 111, Melvin Bok 19454 Powers Rd., John Marcellus 14192 St. Rte 111, Kable Derrow 1603 Hmpton Ave., Patti Diemer 23361 Defiance-Paulding Co. Line Rd 10, JoEllen Houck 8 Deville Dr. – all from Defiance Twp./Defiance City

**ORDER OF BUSINESS NO. 1**

Reviewed and approved the minutes of the previous session(s).

Mr. Shaffer requested a motion for the approval of minutes from the June 26<sup>th</sup>, 2018, regular session.

Mrs. Mayer moved to approve the minutes as presented.

Mr. Peck seconded.

The vote being   3   Yea(s)   0   Nea(s)

The minutes for the sessions were approved.

**ORDER OF BUSINESS NO. 2 - Citizen concerns:**

1) The chair asked for citizen concerns from the floor.

a) Sheriff Engel was recognized. He stated that he wished to propose to the Trustees that the Trustees reconsider their position taken at the June Twp session where the Trustees adopted a resolution (res 12-2018) which allows the establishment of a medical marijuana business in Defiance Twp. (Resolution allows for zoning permits for construction of one cultivating, processing and dispensing facility within the borders of Defiance Twp.

i) The Sheriff desires the Trustees to pass a resolution adopting an indefinite moratorium on such businesses.

ii) Engel noted that all other political subdivisions within the County (accepting for Defiance Township) have adopted a moratorium resolution.

iii) Engel stated his reasons for banning medical marijuana business –

(1) Such businesses tend to bring into the community an unsavory element. Leads to higher crime rates.

(2) Of the thousands of Ohio Physicians, only 100 have signed up to issue the required recommendation from a physician.

(3) The medical marijuana cannot be distributed by a Doctor, pharmacist, nurse or school official (federal law prohibits marijuana & federal law governs the noted health care professionals.

(4) The Sheriff believes Ohio's implementation plan for this law allowing the use of Medical Marijuana is flawed; noting the legislature is continuing to modify the law's requirements and will thusly miss the planned September startup date.

(a) This, in the Sheriff's opinion, is proof of a poor implementation/monitoring plan which can lead to added crime in a community that has such businesses.

(5) The Sheriff noted that law enforcement in our community is already burdened with high rates of drug crimes and that allowing a medical marijuana business to operate within the County will undoubtedly

add to that burden.

- (6) The Sheriff said that it has not yet been proven that medical marijuana works as a pain reliever.
- b) Defiance Mayor Mike McCann was recognized. He stated his opposition to allowing a medical marijuana business, noting Defiance City Council passed a resolution banning such businesses based on the concerns raised by the Sheriff.
- i) The Mayor said law enforcement agencies work closely together (Sheriff, Hwy Patrol and City Police) law enforcement is already inundated with drug crimes and the establishment of such a business will only increase this burden.
  - ii) The Mayor asked Trustees to reconsider and approve a resolution banning the medical marijuana business from Defiance Township.
- c) Defiance County Assistant Prosecutor Russ Herman presented Trustees with research he found on the State Web page which showed that the business "Cannabis" which has applied for a zoning permit to build a Medical Marijuana dispensary in Defiance twp did not receive approval of their proposed business application by the State's Pharmaceutical Board. Their score was 97 and a score of 180 was needed to get approval. (a copy of the score was presented to the Trustees and is attached to this minute).
- i) Trustee Peck then asked – doesn't that then stop this business from getting a required state license and if so they can't start their business?
- d) Business community representatives Wes Moats (Moats Ford), Jim Williams (First Federal bank) Kable Derrow (Integrity Chrysler) all offer opinions opposing the allowance of a medical marijuana business in Defiance Township, stating crime rates drive business from the community. Their belief being such a business will have a negative impact on the economy of the community.
- i) A petition with eighty signatures more or less was presented to Trustees.
    - (1) It was stated that the signatures are mostly from Defiance Township.
    - (2) The petition objects to a medical marijuana business operating in Defiance Township.
  - ii) It was noted that businesses have a difficult time filling positions and if a medical marijuana business was to be established it may lower an already small pool of possible workers that can pass a drug test.
- e) All citizens present stated their objection to the Ohio Law allowing the use of Medical Marijuana. They asked the Trustees to pass a resolution banning the allowance of a medical marijuana business in Defiance Twp.
- i) Siting;
    - (1) Concerns for child safety
    - (2) Bad influence on children
    - (3) Crime
    - (4) Adding to the drug problem of the community
    - (5) Lowering property values.
- f) Trustees Mayer and Peck approved res 12-2018 at the June Twp session.
- i) Both responded that their only concern is for the welfare of the citizens.
  - ii) Mr. Peck noted that he read an article in the Cincinnati Enquirer stating that 40% of Ohio's 46,000 physicians will eventually be approved to dispense medicinal marijuana.
  - iii) Both Trustees stated they had spoken with many citizens who supported the use of medical marijuana and support the operation of such a business in Defiance Twp.
    - (1) Mr. Peck noted that the petitions presented (80) signatures more or less of a Twp population of 11,000 more or less.
  - iv) Both believe that the State's Law requires sufficient safety measures for monitoring and operating each element of this business (cultivation, processing & distribution). (state officials are required to monitor operations).
    - (1) Primarily both stated their research found that medical marijuana (can't be smoked – is taken only with a Doctor's order/recommendation as a pill or lotion) can have a positive impact on pain relief and also may help – according to the Ohio website - those suffering with pain management for cancer, MS, crohns, Parkinson, Alzheimer, glaucoma, epilepsy, Lou Gehrig's disease.
  - ii) Both stated that in their opinion this newly state approved drug (medical marijuana) has less side effects than such drugs as OxyContin, morphine and a host of other similar potent drugs.
  - iii) Mayer noted she has spoken with health professionals who urged support for the use of medical marijuana.
  - iv) Both Trustees stated their belief that the potential good outweighs the potential negatives.
  - v) Trustees suggested that if the group desires they should place the issue before the voters of Defiance Twp via an initiative petition.
  - vi) Both Trustees thanked all present for sharing their opinions but noted the Trustees will not adopt a banning resolution, or rescind their current resolution 12-2108 which concurs with State Law and allows for a medical marijuana business to be established in Defiance Township.

### ORDER OF BUSINESS NO. 3 - FINANCES –

The following financial reports provided to the Board were reviewed.

- a) The Reconciliation for June - noted a primary checking reconciliation balance of \$252,736.35 - balance is minus the outstanding checks and Township investment funds & is taken from the Bank's monthly statement.
- b) Receipt report:
  - i) Receipts for July (UAN software-) were \$13,842.18.
- c) Payment reports:
  - i) Payments for July (UAN software-) were \$25,109.99.
- d) The Cash fund summary through July 23<sup>rd</sup>, 2018, (UAN software) showed an "ending fund balance" of \$883,582.44.
  - i) The "cash available" for encumbrances (unencumbered fund balance- UAN software) was \$317,645.43.
- e) Appropriation Status showed that through July 23<sup>rd</sup>, 2018 (UAN software), 16.2% of the years' appropriations had been expended. All reports will be on file in the Fiscal Officer's office.
- f) The fund status report (money market) showed:
  - i) The money market investment fund balance as of 07-23-18 was \$711,278.00.
- g) Trustees reviewed and signed bills through the 23<sup>rd</sup>.
- h) Payroll & July time cards (time cards provided trustees prior to session) – Trustees Reviewed & Signed.

Mr. Shaffer requested a motion to accept the July financial reports.

MOTION by: Mayer

SECOND by: Peck

YEA(s) 3      NAY(s) 0      Passed X      Failed

The financial reports were approved.

### ORDER OF BUSINESS NO. 4 – Zoning - Status update on the following zoning Issues as of this session:

- a) July report –
  - i) Permits issued
    - (1) Randy Thornell lean to bowman road
    - (2) James Wallace garage on Mccollister rd
  - ii) Site reviews:
    - (1) Dan Grimes- for addition on building
  - iii) Zoning questions
    - (1) Dennis Miller- property on Power Damn Road Lois Kohout owner- building options
  - iv) Nuisance issues
    - (1) Parkview Dr- owner Juanita Flsher- High Grass, talked to her

Respectfully submitted

John Diemer, Twp Zoning Inspector

- b) Mr. Shaffer asked if there are any other zoning/nuisance issues to come before the Board?
  - i) None were offered.

### ORDER OF BUSINESS NO. 5 -- Equipment;

- a) Comments or concerns from Twp employees on current or proposed new eq &/or safety items.
  - i) Farm gates are to be placed on twp salt bins. The purpose of the gates was to protect eq placed in the bins during the summer months. Gates would be removed when salt was placed into the bins for winter snow removal operational needs. See mins from May 2018 session forward for details.
    - (1) Trustees had asked operator's to complete this task in July.
    - (2) Update:
      - (a) Operators noted they did not get to this item in July. They will purchase gates in August if possible.
  - ii) Operators noted they have purchased sufficient tools to be able to do most of the maintenance on the Twp trucks especially the F550. Operators hope to have the unit ready for winter snow removal operations.

iii) The Chair asked if there were any other issues – none were brought forth.

**ORDER OF BUSINESS NO. 6 - Trustee Report – Monthly Twp Rd inspection and road projects.**

a) Trustee Report (exhibit 6-a) – Monthly Twp Rd inspection by Trustee Mayer.

- i) Roadside mowing remains a priority.
- ii) The August Rd review is to be by Trustee Shaffer.

b) **2017 Road projects:**

- i) At the February 2018 session Trustees approved the County Engineer's 2018 project list.
- ii) At the April 2018 session an amended estimate was provided dated 4-6-18 – as **exhibit 6-b.**

(1) <b>Chipseal work for 2018 remains:</b>	<b>cost estimates</b>	<b>old</b>	<b>revised</b>
(a) Link Rd – Powerdam to Powerdam – 1,126'		\$1,732.94	\$1,870.00
(b) Ball rd – Krouse to Canal – 5,338'		\$9,221.97	9,965.00

- (2) Crackseal for 2018 completed and paid- see July bills.
- (3) Hot Mix Patching – wrk completed & bill not yet received.
- (4) Paving – wrk completed & paid – see June meeting mins.
- (5) Projects completed are crossed out and will be removed from the agenda once the bill is processed.

(6) From past 2018 sessions, Trustees have approved the Co Engineer to do the following:

(a) Repair street drain covers in the Lakeview addition.

(i) No cost estimate provided.

(b) Some storm water drains are being filled with leaves - Shaffer asked the Co. Engineer to use the jet vac to remove this debris.

(i) It was agreed that the work will be done in Oct. or early Nov. after the leaves have fallen.

(ii) No cost estimated provided.

(c) a culvert needs attention on Ball rd. – Shaffer discussed this with the Co. Engineer in July– update:

(i) engineer will replace.

(ii) No cost estimated provided.

(d) Dura Patching is needed on Wilhelm Rd – about 500' south of McAlistar and on Co. Line Rd 10 east of 66 and again 100' further west.

(i) No cost estimates acquired.

(e) Trustee Shaffer stated the curve is failing at the intersection of Ball & Canal – he spoke with the

County Engineer about this – failure is probably due to a collapsing culvert pipe under the road. The Co. engineer will address this issue in late summer or early fall.

(i) No cost estimated was provided.

(7) The Chair asked if there are any other issues.

(a) None were offered.

(8) **Total est . expenses for co work on twp behalf in 2018 -\$87,998.07 -- \$95,870.00**

**(a) (does not include items for which no cost estimates were acquired)**

c) **Twp projects by Twp staff or other contractors for 2018:**

- i) Discussion...if any twp projects for 2018 :
- ii) There was none.

d) **Future major Twp road projects – first discussed at the Feb. 2018 session.**

- i) Due to expenses, these project(s) will be implemented over several years, which will allow the Twp to save toward funding for such major projects.
- iii) See agendas from Feb 2018 forward for details:
  - (1) The Board is discussing with the County Engineer the following:
  - (2) rebuild of Bowman Rd – initially planned to start in 2019.
    - (a) prep and purchase of right of way if necessary for the rebuild of Bowman Rd.
    - (b) this would be over several years with the construction project beginning in 2021 dependent upon available cash.
    - (c) As this road is several miles long the cost will be much greater.
    - (d) Trustees noted they would need a plan from the Co. Engineer to break this project down with cost estimates.
    - (e) Trustees will then determine when to proceed.
  - (3) As of the June 2018 session – Mr. Shaffer reported the engineer's office will prepare a multiyear plan

with estimated costs for the Twp to review and plan for financing this project.

(4) Update if any:

(a) None was offered.

**e) A financial impact review by the fiscal officer:**

i) The fiscal officer reported that total road expenses year to date are:

(1) Total road fund revenues year date are **\$104,396.07**

(2) Total road fund expenses year to date are **\$ 88,399.35**

ii) Anticipated revenue for 2018 – based on the January 2<sup>nd</sup>, Twp amended certificate was:

(1) \$171,715.00 more or less

iii) Anticipated expenses for 2018 – as of this session:

(1) Regular twp. expenses are estimated – based on historical review, at between \$70,000 and \$100,000 – would include Twp projects listed above:

(2) \$95,870.00 for Co Eng work- see co eng. est cost for twp wrk in 2018 dated 4-6-18 by Co Eng proj list.

(3) Total anticipated expenses base on the above:

(a) from \$150,000 to 200,000k if there are no major Twp projects undertaken.

f) **A recap of the OPWC grants** – see minutes of previous sessions for history. An update was last received from the Co Engineer's Office dated 1-16-2018. That update includes the posting of the 2018 OPWC grant funds of Def Twp.

i) Current status – the OPWC report from the County Engineer's office as of 1-16-2018 indicates that:

(1) The Def Twp has posted to its grant line for 2018 \$43,455. (money is with the Co Eng – any used in 2018 will be posted to Twp fund lines as pass through money and an amended certificate will be required to account for the expenditure of these funds on behalf of the Twp. Said amended certificate is generally applied for in November of each year that grant funds are used by the co eng on the Twp's behalf.

(2) the Twp has \$10,924.32 of current grant dollars available for use.

(3) There are no future grant dollars used as of this session.

ii) The Engineer has previously informed the Trustees that with the passage of issue 1 several years ago the law promises the grants. The average annual grant for Def Twp is \$25k for the next 7 years or a total of \$175k remaining give or take.

g) The Chair asks if there is any other discussion regarding the fiscal impact report.

i) There was none.

h) The Chair asks if there are any cemetery issues for discussion

i) Operators noted that a headstone is shifted and appears to be about to fall over.

(1) Crew was directed to re-set the stone.

ii) There were no other cemetery issues brought forth.

**ORDER OF BUSINESS NO. 7- Handouts**

a) Monthly (July 18) GrassRoots clippings – **exhibit 8a**

**ORDER OF BUSINESS NO. 8 Old Business:**

a) The Chair asked if there was any old business to come before the Board?

i) Def. Twp. Trustees are scheduled to host the 4th qrt 2018 County Twp Association meeting.

(1) Trustee Shaffer asked the fiscal officer to prepare a letter to be sent to the Defiance Eagles Aerie 373 asking that Defiance Twp be allowed to host the 4<sup>th</sup> qrt Co. Twp Association at the Eagles located at 711 W 2<sup>nd</sup> Street, Defiance, Ohio.

(a) The letter is to be sent to John Auer – Club Manager.

(2) Trustees will work to acquire a caterer.

(3) Update.... **Exhibit 8-a** is the letter for Chairman's signature.

(4) The Chair noted that the Eagles want a 501-c3 number for the Twp. (this is a non profit tax number issued by the federal gov't. the Twp is a political subdivision and does not get this tax designation.)

- (a) Trustees agreed to contact the County Commissioners and ask to have the use of the Co. EMA building in Brunersburg.
- (b) Trustee Shaffer will contact the Commissioners office.
- (5) Trustee Mayer has acquired a cater – Colleen Catering of Def.
  - (a) The cost per meal is \$9. This is paid from the Associations funds – cost to attend is \$10 per person.

- b) Dead Tree issue – Hammersmith Twp building from August 2017:
  - i) As of this session:
    - (1) Twp. Trustees are studying two proposals to remediate the issue. Both are from Kreative Solutions of Def.
      - (a) Plan 1 was presented at the May 2018 session. Est cost between 45 and 50k- 4 yr plan
      - (b) Plan 2 was presented at the June 2018 session. Est cost \$790 per application 2x per year. Total years not estimated.
      - (c) Update if any....
        - (i) There was none.
- c) The Chair asked if there was any other old business to be discussed....
  - i) There was none.

**ORDER OF BUSINESS NO. 9 - New Business.**

- a) The Chair asked if there is any new business to be discussed....
  - i) There was none.

**ORDER OF BUSINESS NO. 10 - NEXT MEETING:**

- a) The next regular session.

**Date:** Tuesday – August 28<sup>th</sup>, 2018 regular session.  
**Time:** 6:30 p.m.  
**Place:** Northwest Ohio Real Estate Services - 618 S Clinton St, Defiance, OH 43512

**ORDER OF BUSINESS NO. 11 – Adjournment:**

Mr. Shaffer requested a motion to adjourn the meeting of July 24<sup>th</sup>, 2018.

It was moved by: Peck

SECOND by: Mayer

The roll was called and the vote was:

YEA(s) 3 NAY(s) 0 The motion: Passed X Failed

MEETING ADJOURNED  
 Respectfully Submitted  
 Timothy J. Houck, Fiscal Officer-Clerk