

NEW PHILADELPHIA CITY COUNCIL MET IN SPECIAL SESSION IN COUNCIL CHAMBERS ON SEPTEMBER 7, 2016 WITH PRESIDENT OF COUNCIL, SAM HITCHCOCK, PRESIDING. PRESIDENT HITCHCOCK OFFERED A PRAYER, AND ALL IN ATTENDANCE RECITED THE PLEDGE OF ALLEGIANCE.

COUNCIL MEMBERS IN ATTENDANCE:

MR. DEAN HOLLAND
MR. DARRIN LAUTENSCHLEGER
MR. ROB MAURER
MRS. AIMEE MAY
MRS. CHERYL RAMOS
MR. KELLY RICKLIC
MR. JOHN ZUCAL

- MR. LAUTENSCHLEGER MOTIONED TO DISPENSE OF THE ROUTINE ITEMS ON THE AGENDA UP TO THE LEGISLATION PORTION.
MR. ZUCAL SECONDED THE MOTION
7 YEAS
COUNCIL WILL GO DIRECTLY TO THE LEGISLATIVE AGENDA

READING OF ORDINANCES AND RESOLUTIONS

ORDINANCES:

AMENDED 9-2016

AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO PROHIBIT MEDICAL MARIJUANA CULTIVATORS, PROCESSORS, AND RETAIL DISPENSARIES FROM BEING OPERATED ANYWHERE WITHIN THE CORPORATION LIMITS OF THE CITY OF NEW PHILADELPHIA.

4th Reading

MRS. RAMOS MOTIONED FOR PASSAGE OF AMENDED ORDINANCE 9-2016
MR. LAUTENSCHLEGER SECONDED THE MOTION
5 YEAS, 2 NAYS
AMENDED ORDINANCE 9-2016 HAS BEEN APPROVED

Mr. Fete made the following comment before the final vote:

My heart goes out to people like Ms. Napier who have children who are suffering, because I don't think their child should be denied anything that can improve the quality of their lives. Many of us in here are fathers and mothers and can easily step into her shoes and see where that comes from. I think the ultimately the federal government is going to make medical marijuana legal when half the states already have done so. I think it's around 24 right now. Traditionally anything that happens at the federal level first happens at the state level. I also sympathize with the argument that some others have made. I think we're going to see medical marijuana dispensaries in Goshen Township which is closely interlinked with New Philadelphia. I do have a lot of sympathy. I think ultimately at the national level that this is something that is going to be addressed because so many states are going to demand it. I appreciate where people are coming from and I also think there's a good argument to be made in terms of being able to control something like this and rather than, like Mr. Fry said, it's here already. I think there's a powerful argument to be made about control. My heart goes out to children, people with chronic pain, dying of cancer who are just trying to be comfortable. I don't have a vote in this tonight but I would like people to take that into consideration when they vote.

President Hitchcock made the following comment before the final vote:

My position as president of City Council is considered to be administrative in nature. And while I normally do not issue comments, pro or con on pending legislation, I am going to do so on these two pieces of legislation because I feel strongly about them, and the effect their failure to pass could have on the community. When state lawmakers passed House Bill 523, I strongly believe it to have been a rush to judgment. I think it to be very suspicious that it came so quickly following the failure of issue 3, less than one year ago. Fortunately, the bill contains provisions allowing local jurisdictions to prohibit cultivation and sale within their respective boundaries, as well as prohibition of public use of medical marijuana, or use by public employees.

The FDA still considers marijuana to be a schedule one substance, meaning it is presently considered to have no medicinal value. I can't help but feel as though the swift passage of House Bill 523 was merely a "back door effort" to bring the state one step closer to the eventual legalization of marijuana for recreational purposes.

I have said before that if marijuana, or any other substance, is found, by proper research, to meet the legal requirements of being considered an effective treatment for any ailment, then it should first have to pass merit with the federal food and drug administration. At the present time, marijuana has not cleared this hurdle.

Prohibiting the cultivation, sale, or public use of marijuana within the boundaries of the City of New Philadelphia is what I would believe to be an effort by City Council to make an important statement, and to act in the best interest of the citizens of New Philadelphia.

I understand that some of the people who elected me to office may not agree with my stance on this particular issue. No two people agree on everything. However, (And I'm addressing our council members here), I would like to think that the voters who have elected all of us to office expect us to make decisions with regard to what we believe is best for our community. That's why I am urging you to pass both of these pieces of legislation."

Mr. Fete had the following response to Mr. Hitchcock's statement:

The problem with the Food and Drug Administration is that it's bought and paid for by Big Pharma. I took a course that I would recommend to folks called "Fit for Life". It's a program that's offered here in the community. I took that when I was on all kinds of prescription medicine. Now I take natural supplements. I eat vegetables, four to six servings a day, and I have a bag of medicine at home that I don't use anymore. I completely reversed my diabetes after being on four types of medications and insulin. So, I have some concerns with the Food and Drug Administration and the way the pharmacy and medical industry is operated. I have some concerns with that argument but I appreciate your stance, Mr. President, and respect it.

Mrs. Ramos had the following comment before the final vote:

I urge Council to approve Amended Ordinance 9-2016. As Councilmembers, I know I personally have and I know others have as well, have spent some time researching this, and we've consulted with treatment specialists, law enforcement, our own health department, and others regarding this issue. I feel that we have thoroughly researched this in our own experience as well. Also, the state legislature in House Bill 523, which I encourage everyone to read, has given municipalities and townships the authority to prohibit medical marijuana processors, dispensaries, cultivators. It will take up to approximately 2 years to write the rules and legislation for this law. In the meantime we have the ability to, like Commissioner Metzger said, to take control and start from there with our zoning, and see how it goes in other communities. I personally have talked to many people in the community and to my neighbors, all in support of this legislation. I agree with Council President Hitchcock that when we look into medical it is Schedule One which has no medical benefit at this point in time. That's through the FDA. Yes, I understand concerns about the government, but they're the ones that do the research and the trials. Now people can sign up for research trials through your medical doctor. So, as far as it being medicine at this point in time, it is not legal to the DEA or the FDA and so therefore a doctor cannot prescribe

it. That's why I encourage you to read the 87 pages of House Bill 523. So, in the best interest of our community I urge the passage of Amended Ordinance 9-2016.

Mr. Zucal had the following comment before the final vote:

For those who came this evening, thank you for voicing your democratic right to voice your opinion to Council. We don't have that happen often here and it's good to see the people who have passion for what they believe is in the best interest of either themselves or a loved one, so I commend you. I find myself in a very unique position as a member of Council and also as an elementary school principal who has dealt with issues involving drug use over a number of years. I also appreciate the fact that we are talking about medical marijuana and not recreational use. We have had this topic in City Council for quite a while. I would encourage individuals, as Mrs. Ramos our Chair has stated, to really research House Bill 523. House Bill 523 was probably passed in record time. It was fast-tracked through the Ohio House and I can speak to that as a voice of having talked to people who work within our own state government. It probably passed quicker than anything else. We have many other bills and legislation that are still hanging around. It raises some questions such as "have you honestly at the state level done the homework necessary?" In speaking with medical professionals I think it's very very clear that the use of medical marijuana is just like any other drug. It has greater effect for some individuals potentially than it does for others. The only way to really know that is for it to be prescribed by a medical doctor which right now under the state legislation cannot be an opportunity yet. The other piece of that is that for some people it works, but the only way to know for that to work is to allow that to be done in a controlled environment by a medical professional who's constantly measuring the effects of that individual. That to me is a very responsible way to do it. The other point that I think is so critical is I've been to Denver and does not make me an expert on medical

(cont.) marijuana or recreational use, but speaking with educators who are in Colorado and some very baseline research that's being done, there have been dramatic increases in the use of prescribed medical marijuana in schools that have been brought in by students who have either accessed that through a home situation or, unfortunately there is a criminal element that is obtaining that and then selling it on the streets. We know what happens with all drugs, but we typically don't see Oxycontin being sold in schools, we don't see Heroin use within the school itself, but within Colorado we have seen "Pot-tarts", we have seen pot brownies all being brought to school and being consumed sometimes by friends of children who's parents have that in their home. That's proven research within Colorado. As an elementary principal that concerns me, and it concerns me that we have not done the process necessary at any level to jump right in on this. I've taken position within City Council numerous times about economic development. I completely understand it. I am all for economic growth within this City, but I don't think we do it in the irresponsible fashion. The Zoning that we have in front of us doesn't allow, as Commissioner Metzger did state, to see what others experienced and to hear 1st hand. This is one time I would like to see New Philadelphia literally on the back end rather on the front end, so that we can do our research. We have a responsibility to all folks. Ms. Napier, my heart does go out to you, and it goes out to all who have some type of medical condition. It is my hope that maybe over time this will be proven to be very effective and proven to be controlled. It will be proven to be able to be something that we can utilize just like we utilize Tylenol today, and that we can make it readily accessible to you. I feel I have a responsibility to try to help you with that down the road, but I also feel I have an immediate responsibility to others who could obtain this in a less than preferred circumstance and that we do have issues with it. Let's let time help us out on this. Again, I've spoken to medical professionals, I've spoken to pharmacists, we've had law enforcement come in, we've had individuals who work with abuse and prevention. I think we've heard enough to at least say "let's put this on a slow track through New Philadelphia City Council. Let's not fast-track it. If that facts are the facts that could help all of you and we know we have a good environment for that and a clean environment

to do it. Frank's a good friend of mine, I've known him for years and I remember when he broke his back. Frank, if there's a way down the road that we could help you I would certainly be for it. This legislation allows us to do that. It does not make this an absolute that we could not do it. So let's just be understanding of all parties involved and do what we can to be responsible to each and every one of the Citizens of New Philadelphia, and we'll allow economic development to be obtained in other means.

Mrs. May had the following comment before the final vote:

I have also read every single page of House Bill 523 and I think that it's often one sided, and I appreciate every single person who came up here and said something about it, why we should go ahead with this. I think the medical research alone is enough, and I'm not looking at it recreationally or anything. People with cancer, people with epilepsy, seizures, things like that. I think that this truly can help people. There's a lot to go on, a lot that needs to happen in the next couple years. If you're trusting the big government, the big drug companies with all of this going on you have to trust what's in that bill with it's being tracked from seed to sale. It's being tracked. I don't see why someone who is selling it on the street right now is going to even bother going the route for this medical use. They're not going to pay more. This is for the people that need it. I've read thousands of stories on these children that it can help, and every page of that House Bill, and we're not talking going and smoking on the streets we're talking patches or oil. I truly believe that this does have medical benefits and I also talked to several doctors who also believe it. So, I mean it's a matter of opinion and it's one sided, so I hope I'm taking the other side.

Mr. Maurer had the following comment before the final vote:

My casting a NO vote comes out of one simple question, if banning dispensaries in New Philadelphia is going to prevent Ms. Napier and Mr. and Mrs. Soehnlen from going to another community to go get their prescription filled for their home in New Philadelphia. I think we'd be naïve to say that this legislation will prevent them from filling their prescriptions. So why would we ban it? The thing that I heard was criminalization, loitering, prostitution, increased drug usage, and other issues were discussed. I'm also disappointed, and you're right, our minds are made up, and that makes me even more proud you guys (audience members) came, because to come to a meeting that you know your side is going to fail and still voice your opinion, I have a lot of respect for that. I'm also disappointed in how this played out. As a Councilmember, our personal opinions clearly need to take a backseat to the issues before us. A lot of times how I personally feel, I have to put that behind me and look at the people that I represent. After Issue 3 failed, the majority of the exit polls, anywhere from 72 to 90 percent of Ohioans were okay with medical marijuana. We're trying to mix the criminal underground aspect of it with what the intended purpose is. It's been passed by the House and signed off by the Governor. Talking about debating the subject of whatever's in it that doesn't have anything to do with it. We're talking about dispensaries. East High Avenue, right there by Dollar General, a half-mile from my house,

(cont.) is Goshen Township. There's a lot right there in the corner. They could put a dispensary there. So why are we sitting here saying we won't put a dispensary in and have the people go elsewhere when they're still going to do it. We're not talking about drug addicts here we're talking about people that clearly need medication. The first meeting consisted of various law enforcement officials. I asked why no doctors, healthcare professionals, experts on medical marijuana were invited. How can we make educated decisions if we're going to hear one side at a Committee meeting. That left us to do our own research. The meeting on July 11th was where Ordinance 9-2016 was approved by the Committee to be added to the Council agenda and it was in some aspects a closed meeting. No other Councilmembers except those on the Committee were asked their opinion, except the Law Director. Ask a terminal cancer patient or someone who knows a person with Alzheimer's what kind of drugs they're on. I can guarantee they are far worse than Cannabis. They often take drugs on top of drugs just to counteract the side effects. So why are we essentially punching 7 percent of well valued citizens who could benefit from this because 2 to 3 percent of the people may abuse the drugs? In my opinion opiate addiction is much more serious of an issue and it's prescribed daily in pharmacies in your own wards that we represent. Speaking with professionals medical marijuana can do wonders for Alzheimer's patients who refuse

to eat for days. To me the issue is dispensaries. We're trying to mix illegal drug users with these dispensaries, in my opinion. In closing I have nothing to gain or lose on this issue. It doesn't effect me personally but it seems like it's here. There's no ifs ands or buts. We also have the ability to determine how many dispensaries we wanted. We could do a 6 month moratorium instead of just an all-out ban. Not many communities in Ohio have done this.

- 13-2016 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO
TO PROHIBIT THE USE OF MEDICAL MARIJUANA BY EMPLOYEES OF THE CITY
OF NEW PHILADELPHIA AND THE USE OF MEDICAL MARIJUANA ON ANY AND
ALL PUBLIC PROPERTIES WITHIN THE CITY OF NEW PHILADELPHIA
CORPORATION LIMITS.
1st Reading

MR. MAURER MADE A MOTION TO ADJOURN AT 8:02 PM

CLERK OF COUNCIL _____
Julie Courtright

APPROVED _____

PRESIDENT OF COUNCIL _____
Sam R. Hitchcock