

Zoning and Annexation Committee Meeting Minutes
Council Chambers, John Knisely Centre
August 22, 2016

The Zoning and Annexation Committee meeting was called to order at 7:00 p.m. Committee members in attendance were Mr. Darrin Lautenscheleger, Mrs. Aimee May, and Mrs. Cheryl Ramos, Committee Chair. The Chair announced that the meeting would be recorded. Guests attending were: Sam Hitchcock (Council President), Dean Holland, Kelly Ricklic, Rob Maurer, and John Zucal (Council members); Mayor Joel B. Day, Service Director Ron McAbier, Council Clerk Julie Courtright; Marvin Fete (Law Director), Grep Popham (Safety Director), Beth Gundy (Auditor), and Tom Gerber (Treasurer).

PURPOSE(S):

1) To discuss The City of New Philadelphia's Drug Free Workplace Policy, Prohibit the use of Medical Marijuana by Employees pursuant to ORC 3976.28 and to Specifically Prohibit the Public Use of Marijuana.

The Chair explained that all Committee members and all Council members had previously been emailed the current Substance Abuse Policy for their information and Dover's Ordinance. The Clerk also provided copies for tonight's meeting. The Chair explained that Council was not considering replacing the current Substance Abuse Policy for the City. Further explained, that Mary Kurtz, Human Resource Coordinator, had emailed that the current policy is under review. The Chair explained that she had originally requested separate legislation to address this issue to discuss tonight. The Law Director felt that these issues could be combined with Ordinance 9-2016 by amending it. He had previously emailed all Council with two different versions of amended Ordinance 9-2016. One version simply changed Ordinance 9-2016 to include the O.R.C. numbers to replace the HB 523. The second version added prohibiting medical marijuana use by City employees by continuing the drug free workplace policies, to enforce the provisions of O.R.C 3796.28, and to prohibit public use of marijuana according to the provisions in the O.R.C. 3796.04.

The Chair explained that she felt there should be separate legislation to address medical marijuana use by employees, to affirm the drug-free workplace policy, and to prohibit marijuana use, medical or otherwise, in all public areas from Ordinance 9-2016 which was a zoning issue and had already been read twice. The Chair asked the Committee what their thoughts were. Mrs. May explained that she felt this was a separate issue and should have separate legislation. Mr. Lauteneschleger said he would agree but wanted to know if only medical marijuana needed to be inserted. Do we need to have a specific policy for medical marijuana since the current substance abuse policy has progressive discipline for marijuana use? Mrs. May asked if we need an ordinance or if the policy just needs update.

Mr. Fete explained that this prohibition had to be put into legislation form to avoid the possibility of an employee saying use was not for recreational use but is for medical use so the employee could not be fired. To affirm the drug free workplace this had to be put into legislation as permitted by O.R.C. 3796.29. Policy is superseded by legislation and that by State Law. The O.R.C. permits municipalities to draft legislation prohibiting employee's use of medical marijuana. Stating it in a policy would not suffice.

Mr. Fete also explained that Ordinance 9-2016 had been modeled after Hamilton's ordinance and they used Zoning to prohibit cultivators, processors, and dispensaries in all the zoning districts. He explained

that Dover had taken a different approach and had not used Zoning. He also said that he felt the issues could be combined and Ordinance 9-2019 could be amended to reflect this.

Mrs. May made the motion that there be separate pieces of legislation and that the Law Director prepare this legislation for first reading at the special council meeting on September 7. Mr. Lautenscheleger seconded the motion and stated that he wanted to comment on the motion before the vote. Mr. Zucal asked for clarification about the two separate pieces of legislation; the zoning and employee medical marijuana use. Mr. Lautenscheleger stated that after hearing the Law Director's recommendation; he had no problem condensing the legislation into one piece and would be voting against the motion because it would be easier to follow and prosecute. Mr. Fete noted that if the rationale was that these were two different issues then you would need three pieces of legislation because employee use of medical marijuana and public use were two different issues. Mayor Day commented that Council should act on the first piece of legislation and then could follow up with the other two. Mrs. Ramos and Mrs. May voted in favor of the motion and Mr. Lautenscheleger voted against. Motion carried.

The Chair asked the committee for their input on amending Ordinance 9-2016 to change the House Bill 523 language to the O.R.C. section numbers. Mr. Lautenscheleger motioned to amend and Mrs. May seconded. All voted in favor. It was clarified by the Law Director and Council President that the Ordinance could be amended on the floor tonight to reflect the change and that committee approval was not needed.

2) **To discuss a land/lease agreement for the City of New Philadelphia to put out to bid for specific purposes; Resolution 38-2016.**

Maps that the Committee and Council members had previously received were reviewed. Ron McAbier, Service Director, explained that he needed to change the acreage total on proposed Resolution 38-2016 to 43.07 from 43.72. This was duly noted on the proposed legislation. Mr. McAbier explained that he would like the rules suspended and the Resolution passed on first reading due to the need to put advertisements out to bid for the farm land lease in time for the next planting season which would be in September. Mrs. May asked for clarification of the current use of the land. Mr. McAbier explained that it was currently being farmed. Mr. Zucal asked for clarification of the total acreages. Mr. McAbier explained that the acreage on the map was correct. Mr. Lautenscheleger made the motion that Resolution 38-2016 be put on tonight's agenda with the rules suspended and passed on first reading. Mrs. May seconded the motion. All committee members voted in favor of the motion.

Mrs. May motioned to adjourn the meeting at 7:24 p.m.

Respectfully submitted,



Mrs. Cheryl Ramos

Chairwoman

Zoning and Annexation Committee

An audio recording of this meeting is available from the Council Clerk.