

Zoning and Annexation Committee Meeting Minutes
Council Chambers, John Knisely Centre
June 27, 2016

The Zoning and Annexation Committee meeting was called to order at 6:00 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: Vicki Ionno (NP Health Commissioner), Chief Goodwin (NPPD), Mary Anne Otte (community member), Kerry Metzger (County Commissioner), Orvis Campbell (Chief Deputy for the Tuscarawas County Sheriff Department), 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; Dan Lanzer, Nicholas Ashton.

Purposes of the meeting: To discuss signage at 233 Fair Ave NW, signage in general, and the banning of medical marijuana sales in the City, and any other matter to come before the committee.

- 1) Mrs. Carolyn Berry was introduced and she shared pictures of the current signage at 233 Fair Ave NW. She explained that she does not cook any food, and only has one quest room. The rest are apartments. There is a shop that houses a small business. She affirmed that she will not have a digital sign as that does not fit with the neighborhood and she does not like that type of signage. Mrs. Berry explained that they use the grass lot of the property for extra parking if needed and the meals cooked are below the monthly minimum allowed. Mrs. Vicki Ionno, Health Department Commissioner, asked that Mrs. Berry check with Lee Finley in her department regarding if a license is needed for the food. Mrs. Berry stated that she had checked with the Department. Mr. Zucal and Mr. Maurer had their signage questions answered. No other questions were asked. The Chair thanked Mrs. Berry for attending and giving the Committee more information. It was explained that there will be four readings due to the timing of the required public meeting for re-zoning. Mrs. Berry will be notified.
- 2) Discussion on Medical Marijuana Sales in New Philadelphia. The Chair explained that the Governor had signed HB 523 earlier this month. The Committee, Council members, and, Administration, have been emailed the link for the bill signed by Gov. Kasich in early June, talking points from the Drug Free Action Alliance, and a copy of the Zoning changes passed by the City of Hamilton prohibiting retail sales in all Zoning districts. Copies of newspaper articles, report from Muny court regarding marijuana cases (have doubled to date from last year), a copy of the bulletin from Ohio Municipal League regarding this issue, were distributed. Several speakers were invited to speak:

*Orvis Campbell (Chief Deputy for the Tuscarawas County Sheriff Department) explained that he talks to many doctors and how the AMA is against medical marijuana. AMA in 2013 has classified marijuana as a dangerous drug and they are opposed to this. He explained more details (and research that is being done on CBD which is showing promise) and left copies of the research for the Council to review. He is behind the CBD research that is being conducted. He explained some of the medical conditions permitted for use medical marijuana under this bill (HB 523) many of which can not be diagnosed until after death. Also he shared about the negative effects of marijuana on some diagnoses. He urged Council to talk to doctors about this issue. As a law enforcement officer, 89% of the crimes he investigates are related to addiction. "Increased accessibility equals increased addiction." He feels the crime rate will increase. He said that many offenders have told him they started with marijuana. He said that the City has kept other things out of the city, like strip clubs, that were not wanted here even if revenue is generated.

* Chief Mike Goodwin (NPPD) – He confirmed he has the same concerns as Mr. Campbell. He stated that the Ohio Chief’s Association is adamantly against the use of marijuana. He feels that the State is trying to put a band aid on the situation. He mentioned the Colorado research since their passage of medical marijuana. One statistic is that traffic accidents/deaths have jumped by 92%. Law enforcement will have to deal with this increase. We already have a problem with prescribed narcotics. He mentioned the problem that happened with “pill mills” several years ago and the concern that doctors will make their entire living out of prescribing medical marijuana. One other statistic from Denver; they have 198 licensed marijuana centers and only 117 pharmacies. He mentioned the concern with edibles and the effect on school children. Also in Colorado before their law was passed they had in 2008, 4800 marijuana card holders, when the law was passed that increased to 108,000. The concern is that people believe that marijuana is illegal and they won’t start it and then when it is legal and walk to the corner store to try it. Also, veterinarian clinics are dealing with overdoses of animals due to edibles. He does not want to see marijuana stores in New Philadelphia and even if it raises revenue, is that what we want New Philadelphia to be.

*Vicki lonno (NP Health Commissioner) – Added that most of her clients at the Vivitrol clinic started with marijuana. She said that we need to be conscious of work place regulations and the effect on employees. She gave the example of irritable bowel, Hep B, as one of the permitted conditions. She would like the City to put into place measures to stop the sale of medical marijuana in the City. She offered her help in supporting the efforts of City Council to address this concern. She is very concerned about this issue, especially in working with clients to over come addictions.

Mr. Lautenscheleger asked if there would be more burdens on her staff. She said that it would increase their worries with their clients and if they are under the influence of medical marijuana. She also expressed concerned about drug-free workplace policies. An employee can not have medical marijuana in their system. The amount of time it stays in the system. Mr. Zucal expressed concerns about the workforce and medical marijuana. Mrs. lonno explained that they do drug testing and an employee can potentially be under the influence and show that they were prescribed the marijuana. Mr. Maurer asked if this would prevent residents from going to other municipalities to obtain medical marijuana. Chief Goodwin explained that use could not be prevented but that sales should be banned as there is a direct correlation to the number of dispensaries and admissions to the hospital. Mr. Campbell added that the leading researchers in the nation are using 5% THC levels and this law allows for 75%.

The Chair read Section B) 3796.29 gives municipalities and townships authority to restrict or prohibit cultivators, processors, and retail sales of Medical Marijuana and that research that can not be limited. The Chair has talked with State Rep. Al Landis and they have two years to write the rules and regulations for this bill.

*Kerry Metzger (Tuscarawas County Commissioner) – Expressed his concern regarding the vaping and it can not be smelled which will be a problem in our schools. He also expressed concern about the edibles and the enticement of youth to use marijuana. The bill does have broad language that addresses this and this will be used in writing the rules. The next concern is the language regarding the diseases especially “chronic pain.” In Colorado, 90% claim chronic pain for the use of medical marijuana. He emphasized that municipal authorities can limit or prohibit medical marijuana. He agreed with Chief Goodwin that

there are certain items that we do not want in our communities. Because this is in the bill, this will be an issue that needs to be addressed by municipalities and townships as you can potentially have an unlimited number of dispensaries for 92 thousand people. Mr. Zucal asked why this bill had such support at the State level and by the governor. Mr. Metzger explained that the legislature was trying to prevent and intercede on some of the Constitutional ballots issues. He explained about the money behind the marijuana lobby, over \$21 million. He had testified in Columbus that the better arena to handle this would be at the County level but HB 523 gives the authority to municipalities and townships. Mr. Campbell added that it would be better for New Philadelphia to ban dispensaries now and see how it goes other places and it can be changed. Once they are open, it would be hard to ban. Mr. Zucal asked what it takes to be a licensed dispensary in Colorado. Mrs. Ionno explained that this would be overseen by the Ohio Pharmacy and Medical Board however that doesn't prevent overprescribing now. Mr. Zucal asked if a doctor had to be in attendance at the dispensary and Mrs. Ionno replied no, the pharmacist would. Mr. Campbell clarified that there would be no doctor prescription, only a recommendation because marijuana is still illegal under their DEA license and can not be purchased at a pharmacy. On the Federal level, it is still illegal. From the Rocky Mountain HIDA report, there is a touch screen at dispensaries and the process for dispensing is very easy. This is the only time we have voted on a drug all others have gone through the FDA process. There is a lot of money behind the marijuana business.

* Mary Anne Otte (community member) – She explained the story of her son, Joe, and his death to a heroin addiction which started with marijuana. She explained that marijuana is a precursor to the use of harder drugs, addiction is a disease and no one wants to be an addict.

*Sam Hitchcock (Council President, former police and narcotics investigator) – He agrees that marijuana is a gateway drug and that he can't remember a time that he arrested someone for harder drugs that they said they did not start with marijuana. It often gets deadly. He feels that this is a zoning issue for the city. He shared his personal story of suffering with cancer (the pain and nausea). He was prescribed Marinol (synthetic marijuana). It did not help him and he stated that there are already a lot of pain medications available that are very effective. He also felt that it was ironic that this is occurring right after Issue 3 going down. "It is my belief that the people who spent \$21 to get marijuana approved are going to use this as a stepping stone." He feels that this is bad legislation and he hopes the Legislature would work to get this appealed.

Mayor Day stated that we can't add much to what has been shared and that it is compelling enough. We should ask ourselves what kind of community we want to be to invite this in. As President of the Health Board, he felt that the Health Department is under a great strain because of the Vivitrol program and that this would increase that strain. He stated that a zoning perspective is the correct way to approach this and it should not be permitted within our corporation limit. From where he sits, "it does not belong in New Philadelphia and it is not who we are."

Mr. Zucal expressed his opposition to marijuana from his perspective as an educator. He expressed concern with the ramifications of permitting this in the City.

The Chair referred everyone to the City Mission Core Values to guide legislative decisions in answering the question "Who do we want to be?"

Mr. Hitchcock encouraged the Committee to send legislation to the floor to be considered by Council.

Mr. Lautenschleger motioned that the committee recommends that the law director prepare appropriate legislation utilizing the language included in HB 523 that allows municipalities to ban the sale of and the development of dispensaries within the limits of the City of New Philadelphia and to prepare that legislation to come back before the committee for review before moving on.

Motion was seconded by Mrs. Aimee May. All voted in favor, motion passed.

Sam Hitchcock thanked everyone for an informative meeting. The Chair thanked the speakers for their valuable time and willingness to come and share about this critical issue.

Darrin Lautenscheleger motioned to adjourn at 6:59 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Cheryl L. Ramos". The signature is written in a cursive, flowing style.

Mrs. Cheryl L. Ramos
Chairwoman

A copy of the recorded meeting and documentation is available from the Council Clerk.