

**NORTH RIDGEVILLE CITY COUNCIL
COMMITTEE OF THE WHOLE
MINUTES OF MEETING HELD MAY 1, 2017**

To Order:

President Kevin Corcoran called the meeting to order at 6:30 p.m. in Council Chambers at North Ridgeville City Hall, 7307 Avon Belden Road.

Attendance:

In attendance were Council members Dennis Boose, Gregg Westover, Bruce Abens, Roseanne Johnson, and President Kevin Corcoran

Robert Chapek was excused and Bernadine Butkowski entered later in the meeting.

Also present: Mayor David Gillock, Law Director Andy Crites, Acting Clerk of Council Tara Peet, Safety-Service Director Jeffrey Armbruster and Auditor Jeffrey Wilcheck.

President Corcoran opened the meeting by stating he is a strong supporter of businesses and noted the legalization of medicinal marijuana in Ohio is still illegal under the federal system. President Corcoran stated he felt the City should ban it completely.

Mayor Gillock stated he too was a supporter of business and would consider dispensaries if the law was settled but in regard to banking, the laws in Ohio are up in the air and it is still illegal from a federal standpoint. Mayor Gillock stated until such time, the City should ban it. It can always be revisited if the City so chooses.

Councilwoman Johnson stated the way it is written now is highly restricted and further noted she doesn't have a problem with it.

Mayor Gillock stated there are four different businesses involved: cultivators in which twelve are allowed on May 6; processors and dispensaries which won't be finalized until September; then testing labs in which only state universities have the authority and don't have capacity for it.

Councilman Westover asked what the possibility would be of putting this on hold for another year.

President Corcoran stated there will be a recommendation from this Committee as far as what Council should do.

Councilman Westover cited various statistical deaths due to tobacco, alcohol, prescription drugs and stated he found zero deaths due to cannabis. He noted that cancer patients would benefit from the use of cannabis. He felt this was a good idea and stated he will go along with the majority of Council if a moratorium is placed while the City waits to see what the federal government does.

Councilman Abens stated he didn't feel operations should be in North Ridgeville. He further stated it will increase illegal usage and activities within the City. He noted cannabis is considered a gateway drug and he didn't think law enforcement is ready for enforcement.

Councilman Boose cited a few articles citing that much of the statistics show crime does not increase with the legalization of medical marijuana. He also stated the evidence he found suggested a reduction in robberies and burglaries. Councilman Boose stated through his research, he never found any evidence that suggested the crime rate increases with the legal use of medicinal marijuana. Councilman Boose stated he is not in favor of moving forward at this point regarding cultivators. He didn't feel the details were clear enough on how things will work out considering it is still a federal crime. He stated the banks cannot accept deposits and he was uncertain how a legal transaction could take place. Councilman Boose stated he was in favor of a continued moratorium until the City has more facts. He also asked the Administration how this would work with the employees at the City and if the employee handbook or ordinances needed amended to address medical marijuana.

Law Director Crites stated state law allows the employer to discriminate against cannabis. Currently this is the way it is written now in the City's policies.

Mayor Gillock stated the City has a strong agreement with the collective bargaining units in regard to a drug free workplace.

Safety-Service Director Armbruster stated the City randomly drug tests fire, police and CDL holders.

Councilman Boose noted a quote from the banker's association that if something goes wrong, the bank will lose its Charter.

Councilwoman Johnson cited Ohio was the twenty-fifth state to pass this law. She further added she is okay with placing a continued moratorium, but further stated she was not against this issue since there were many medicinal benefits to cannabis.

Law Director Crites stated a continued moratorium could be put in place for another six months, but the City could get sued if a moratorium is put in place for an indefinite time period.

Councilwoman Johnson stated she would like a vote to happen while she is still in office.

President Corcoran stated he would like to see a ban put in place rather than another moratorium because the issues probably won't be resolved within the next six months. He further stated he felt changing a ban would be an easier process if Council decided.

Law Director Crites stated he agreed one hundred percent. He noted that Acting Clerk of Council Peet did some research within other municipalities and collected other City's legislation on banning the issue. The legislation she collected all cited the conflict with federal law.

Councilman Westover asked if the only options were to vote it down or put another moratorium in place.

Law Director Crites stated or the Committee could recommend allowing it.

President Corcoran asked for any further discussion from the Committee. No discussion was offered.

President Corcoran asked if anyone in the audience wished to speak on the matter.

John Vrtachnik, 5553 Main: stated he has a friend that has a five year old daughter and cannabis is the only thing that gives her relief. Mr. Vrtachnik stated the City needs to consider the difference between recreational use and medicinal use.

Law Director Crites state the City implementing the banning legislation would not be a ban on resident's ability to use cannabis in municipal limits. They would just have to purchase it in another City.

Mayor Gillock stated he supported what Mr. Vrtachnik was saying but cannabis just wouldn't be available in North Ridgeville for purchase. Mayor Gillock asked how the City's one percent income tax would ever be collected if cannabis could only be purchased with cash and businesses weren't actually claiming their earnings on their tax return. He further stated there were just too many unanswered questions floating out there.

Dr. Matthew Vipperman, 37326 Tail Feather Dr.: stated he is the cofounder of Greenpharma. He stated he plans on opening a level 2 processor in Elyria. He felt there is a lot of tax to be collected by the City through the cultivation and processing. He suggested the City try it out.

Moved by President Corcoran and seconded by Boose to recommend City Council place a ban on the cannabis issue due to the conflict in federal law and the lack of rules regarding state law.

Councilman Boose stated the state has yet to finalize all the different sections in the regulations.

Law Director Crites stated the deadlines established by statute from House Bill 523 are not all set yet.

Councilwoman Johnson stated the law is highly restricted and added she cannot support a ban.

Councilman Westover stated he cannot make a firm decision right now. He does not feel good about using the word ban and felt a moratorium would be a better fit. He also noted that there are a good amount of people in favor of the processing and cultivation of cannabis in North Ridgeville.

President Corcoran stated he wanted to be very clear – placing a ban in North Ridgeville is placing a ban on cannabis being grown, processed and cultivated in North Ridgeville. This will not ban people from using it in North Ridgeville. President Corcoran noted that was the motion on the floor – to ban the businesses that deal with it in the City.

Councilman Boose stated he had an issue with continuing a moratorium from a legal standpoint. He asked Law Director Crites when a continued moratorium becomes a legal issue.

Law Director Crites stated there could be an issue if there is enough acceptance but it probably won't be an issue right now.

Councilman Boose asked if the City would be on good legal ground with a ban.

Law Director Crites stated he believed so.

President Corcoran asked Acting Clerk of Council Peet to call for a roll call vote on the motion.

Acting Clerk of Council Peet state the motion carried 4-2 (Johnson, Westover).

A Committee report will be issued to City Council at the May 15, 2017 Council meeting.

President Corcoran adjourned the meeting at 7:20 p.m.

Approval of minutes on May 15, 2017:



PRESIDENT OF COUNCIL



CLERK OF COUNCIL