

**ASHTABULA CITY COUNCIL MEETING MINUTES
CITY OF ASHTABULA
4717 Main Avenue, Ashtabula, OH 44004**

Regular Meeting

Monday, October 17, 2016

Council met in a **REGULAR MEETING**. The President of Council called the meeting to order at 7:02 p.m.

The Ward 4 Councilor offered the opening prayer and the Pledge of Allegiance was recited.

MEMBERS PRESENT:	Mrs. Josephine Misener	(Ward 4 Councilor)
	Mrs. Alice T. Cook	(Ward 3 Councilor)
	Mr. Kris E. Hamrick	(Ward 5 Councilor)
	Mr. John S. Roskovics	(Ward 1 Councilor)
	Mr. August A. Pugliese	(Ward 2 Councilor)
	Mr. J. P. Ducro IV	(President)

MEMBER(S) ABSENT:	Mr. Christopher J. McClure	(Vice President)
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OFFICER(S) PRESENT:	Mr. James M. Timonere	(City Manager)
	Mr. Michael Franklin	(City Solicitor)
	Mrs. Dana D. Pinkert	(Finance Director)
	Mrs. LaVette E. Hennigan, MMC	(Clerk of Council)

OFFICER(S) ABSENT:	None
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EXCUSED ABSENCE(S): Mr. Pugliese moved, Mr. Hamrick seconded to excuse the Vice President from this meeting; motion CARRIED.

SUNSHINE LAW: The Clerk of Council certified conformity to the Sunshine Law.

PRESENTATION(S):

The President presented the following resolution to Mr. Tim Meola:

RESOLUTION NO. 2016-136

**A RESOLUTION OF CONGRATULATIONS AND APPRECIATION
TO
MEOLA CATERING**

WHEREAS, it has come to the attention of this City Council and these Public Officials of the City of Ashtabula, Ohio that special recognition is in order; and,

WHEREAS, Mr. Timothy E. Meola, owner of Meola Catering did, in June 1976, cater his first wedding in the City of Ashtabula, Ohio; and,

WHEREAS, Mr. Tim Meola has operated Meola Catering in the City of Ashtabula for 40 years, and is located at 1033 Lake Avenue; and,

WHEREAS, Meola Catering specializes in homemade Italian Food and Desserts; have mixed their meatballs the same way for 40 years, and daily makes their own dough, sauce and cabbage rolls; and,

WHEREAS, Meola Catering is trusted source for catering in the Ashtabula City community;

NOW THEREFORE, BE IT RESOLVED that this City Council and these Public Officials of the City of Ashtabula, Ohio, do hereby extend our sincere **CONGRATULATIONS** to Timothy E. Meola, owner of Meola Catering, on this his 40th Year Anniversary in business in the City of Ashtabula, for being one of the premier catering services in Ashtabula County; and we **APPRECIATE** and **COMMEND** Meola Catering for displaying dedication and commitment to the City of Ashtabula and the Ashtabula Harbor business community.

THANK YOU for Believing In Ashtabula!

ADOPTED: _____

ATTEST: _____

J.P. Ducro IV
PRESIDENT OF COUNCIL

LaVette E. Hennigan, MMC
CLERK OF COUNCIL

APPROVED: _____

Christopher J. McClure
VICE-PRESIDENT OF COUNCIL

John S. Roskovics
WARD 1 COUNCILOR

August A. Pugliese
WARD 2 COUNCILOR

Alice T. Cook
WARD 3 COUNCILOR

Josephine Misener
WARD 4 COUNCILOR

Kris E. Hamrick
WARD 5 COUNCILOR

James M. Timonere
CITY MANAGER

Michael Franklin
CITY SOLICITOR

Dana D. Pinkert
FINANCE DIRECTOR

Mr. Meola thanked City officials for the recognition. He said it has been his honor to serve the Ashtabula community for so many years. He is also happy to see how the City has and is evolving.

The President presented the following resolution to Ms. Karen D'Emo:

RESOLUTION NO. 2016-137

**A RESOLUTION OF CONGRATULATIONS
TO
OLLIKAINEN APARTMENTS**

WHEREAS, it has come to the attention of this City Council and these Public Officials of the City of Ashtabula, Ohio that special recognition is in order; and,

WHEREAS, the Ollikainen Apartments have been in the Harbor since the 1900s; the front building was built from a mail order kit, and has gone through several changes throughout the years; and

WHEREAS, Mr. Ivor Edwin Ollikainen and Mrs. Lena Ollikainen did, on October 19, 1945, purchased the Ollikainen Apartments, located at 1045 West 8th Street, for no more than \$4,000; and,

WHEREAS, while Ivor and Lena's son, Edwin Ollikainen and his wife Doris were always involved in the business they became primary caretakers in the 1960's; and,

WHEREAS, Karen D'Emo, daughter of Edwin and Doris, returned to Ashtabula in 2008, and is now the 3rd generation to own and operate the family Ollikainen Apartments; the apartment complex currently consists of 3 buildings (containing 6 efficiencies and two-1 bedrooms); and now has individual bathrooms in all the units, which in the beginning there were none; and

NOW THEREFORE, BE IT RESOLVED that this City Council and these Public Officials of the City of Ashtabula, Ohio, do hereby extend our sincere **CONGRATULATIONS** to the Ollikainen (family) Apartments on their 71st Year Anniversary in business in the City of Ashtabula, for being a part of the City of Ashtabula's rich history. We **APPRECIATE** and **COMMEND** the Ollikainen Family for their dedication and commitment to the City of Ashtabula and the Ashtabula Harbor community.

THANK YOU for Believing In Ashtabula!

ADOPTED: _____

ATTEST: _____
J.P. Ducro IV
PRESIDENT OF COUNCIL

LaVette E. Hennigan, MMC
CLERK OF COUNCIL

APPROVED: _____
Christopher J. McClure
VICE-PRESIDENT OF COUNCIL

John S. Roskovics
WARD 1 COUNCILOR

August A. Pugliese
WARD 2 COUNCILOR

Alice T. Cook
WARD 3 COUNCILOR

Josephine Misener
WARD 4 COUNCILOR

Kris E. Hamrick
WARD 5 COUNCILOR

James M. Timonere
CITY MANAGER

Michael Franklin
CITY SOLICITOR

Dana D. Pinkert
FINANCE DIRECTOR

Ms. D’Emo said it has been exciting to be a part of her family’s history in Ashtabula City and looks forward to the years to come. She said it is also exciting to see the resurgence in the Harbor and on East 5th Street. She recalled spending time in the apartments in the early 50s when her grandparents owed them, which was also the time when the only language spoken in the apartments was Finnish. The President praised Ms. D’Emo for how her property’s immaculate upkeep.

Mr. Pugliese moved, Mrs. Cook seconded to adopt the resolutions; motion CARRIED.

EXECUTIVE SESSION: None

CONSENT AGENDA

The Consent Agenda is a means whereby Council is able to efficiently conduct business by grouping routine items, and disposing of or enacting them by one motion, a second, and one vote.

MEETING MINUTES READING & DISPOSAL

None

LEGISLATION AGENDA

None

REGULAR BUSINESS

MEETING MINUTES READING & DISPOSAL

The Clerk of Council presented the October 3, 2016 Regular Meeting Minutes for Council's disposal. Mr. Pugliese moved, Mrs. Cook seconded to waive the reading of the minutes; motion CARRIED. Hearing no corrections, the minutes were approved as presented.

CITY MANAGER'S REPORT

The City Manager reported the following:

Tallmadge Roofing & Hauling LLC – Change Order No. 1 AFD Roof Replacement

The City Manager requested an ordinance to execute Change Order No. 1 with Tallmadge Roofing & Hauling, LLC of 4618 State Route 43, Kent, OH, 44240 for the purpose of providing additional materials for the roof replacement at the Fire Department Building located 4326 Main Avenue, Ashtabula, OH, in the amount of \$1,600.00 for a total contract amount of \$34,450.00. Funding for this expenditure will be taken from the Permanent Improvement Fund and reimbursed through a NOPEC Grant. Mr. Pugliese moved, Mrs. Cook seconded to grant the City Manager's request; motion CARRIED.

Ohio Public Works Commission (OPWC) Application – Round 31

The City Manager requested an ordinance for authorization to apply and execute all documents for the OPWC Round 31 application for a total amount of \$260,000, of which \$100,000 will be in the form of a loan, \$82,000 will be in the form of a grant, and the remaining balance of \$78,000 will be the local (City's) share of the project. The selected project for Round 31 for the City of Ashtabula will be Phase 2 Sanitary Sewer Overflow Elimination. Mr. Pugliese moved, Mrs. Cook seconded to grant the City Manager's request; motion CARRIED.

A.P. O'Horo – Change Order No. 3 – WPC Primary Settling Tank Rehabilitation

The City Manager requested an ordinance to execute Change Order No. 3 with A.P. O'Horo with a mailing address of Post Office Box 2228, Youngstown, OH, 44504 for the purpose of adding material and height of the access retaining wall on the project in the amount not to exceed \$35,000.00, for a total contract amount of \$2,334,075.00. Funding for this expenditure will be funded through the Water Pollution Control Capital Improvement Fund. Mr. Pugliese moved, Mrs. Cook seconded to grant the City Manager's request; motion CARRIED.

CITY SOLICITOR'S REPORT

- No Report

FINANCE DIRECTOR'S REPORT

The Finance Director formally requested ORDINANCE NO. 2016-138, AN ORDINANCE TO MAKE SUPPLEMENTAL APPROPRIATIONS IN THE GENERAL, TRAILER PARKS, POLICE LEVY, PUBLIC WORKS, ASHTABULA MUNICIPAL COURT (AMC) COMPUTER, ASHTABULA MUNICIPAL COURT (AMC) SECURITY, POLICE PENSION, MARINA, FIRE GRANTS, MAIN AVENUE DEBT, MAREDDY ESTATES, DEBT SERVICE, SPECIAL PROJECTS, JUSTICE CENTER, WATER POLLUTION CONTROL AND STREET DEPOSITS FUNDS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF ASHTABULA, STATE OF OHIO, FOR THE PERIOD JANUARY 1 THROUGH DECEMBER 31, 2016. Mr. Pugliese moved, Mrs. Cook seconded to grant the Finance Director's request. The President said these items represent a net zero change to the General Fund. They are just basically shuffling and reappropriating different line items. There are available funds to take care of the times that represent increases. The Finance Director confirmed this to be true. The motion CARRIED.

CITY COUNCIL COMMITTEE REPORTS and COMMUNICATIONS (Chair/Vice Chair)

COMMUNITY DEVELOPMENT/ECONOMIC DEVELOPMENT/PARKS & RECREATION (CD/ED/P&R)
(Mrs. Misener/Mr. Roskovics) – The Chair announced:

- The committee did not meet in October.
- Last Thursday a town hall meeting was held at the 2nd Congregational Church, located at 319 Lake Avenue, on the proposed 5 year, 1.5 mil Parks & Recreation Levy. There was good dialogue and at times the conversation was “lively”. The 3rd Levy town hall meeting is scheduled for Thursday, October 27, at St. Peter's Episcopal Church, on Main Avenue, at 6:00 p.m. Questions and comments are welcome. This levy is an opportunity for our quality of life to improve. Levy funding will solely be devoted to enriching our green spaces. Please support the Levy (Issue 2) on November 8.
- The Citizens for a Better Ashtabula (PAC) has a few odds and ends to take care of relative to the P&R Levy. The items do not require meetings; therefore there Parks & Recreation Levy Campaign meetings have ceased.
- The November Community Development/Economic Development/Parks & Recreation Committee meeting has been cancelled. The committee will meet on Tuesday, December 13, at 4:00 p.m., to prepare their 2017 agenda.

FINANCE & PERSONNEL (F&P) - (Mr. Ducro IV/Mr. Pugliese) - The Chair announced the October committee meeting was cancelled. The November committee meeting is rescheduled from the 11, which is Veteran's Day, to Friday, the 18, at 8:00 a.m. The 2017 City budget will be the topic of discussion.

PUBLIC WORKS/PUBLIC UTILITIES/CABLE/SCHOOLS (PW/PU/C/S) - (Mr. Pugliese/Mr. McClure)
The Chair announced the committee's October 7, meeting was cancelled. The next meeting is scheduled for Friday, November 4 at 8:00 a.m.

SAFETY FORCES (SF) - (Mr. Hamrick/Mrs. Misener) - The Chair announced there to be no report, and that the committee's Monday, October 24, meeting was cancelled.

LEGISLATION AGENDA

- **Formal Legislation Request(s)**
None

- **Public Discussion**
None

- **Legislation Reading**

The Clerk of Council presented the following legislation for Council's consideration:

ORDINANCE

2016-138 AN ORDINANCE TO MAKE SUPPLEMENTAL APPROPRIATIONS IN THE GENERAL, TRAILER PARKS, POLICE LEVY, PUBLIC WORKS, ASHTABULA MUNICIPAL COURT (AMC) COMPUTER, ASHTABULA MUNICIPAL COURT (AMC) SECURITY, POLICE PENSION, MARINA, FIRE GRANTS, MAIN AVENUE DEBT, MAREDDY ESTATES, DEBT SERVICE, SPECIAL PROJECTS, JUSTICE CENTER, WATER POLLUTION CONTROL AND STREET DEPOSITS FUNDS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF ASHTABULA, STATE OF OHIO, FOR THE PERIOD JANUARY 1 THROUGH DECEMBER 31, 2016. (Finance Director)

ORDINANCE

2016-139 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBIC WORKS COMMISSION (OPWC) STATE CAPITAL IMPROVEMENT AND LOCAL TRANSPORTATION IMPROVEMENTS PROGRAMS ROUND 31 AND TO EXECUTE AGREEMENTS AS REQUIRED.
(Assistant Director Planning & Community Development Department)

ORDIANNCE

2016-140 AN ORDINANCE ENACTING NEW CODIFIED ORDINANCE SECTION 1501.19 ENTITLED PROPANE EXCHANGE PERMIT REQUIRED. (Fire Department)

- **Consent Agenda Format**

Mr. Pugliese moved, Mrs. Cook seconded to dispose of the Regular Legislation Agenda in consent agenda format; motion CARRIED.

Mr. Pugliese moved, Mrs. Cook seconded to waive the reading of the legislation; motion CARRIED.
Mr. Pugliese moved, Mrs. Cook seconded to waive the Charter requirement of two readings.

On the roll call to waive the Charter requirement of two readings: Mrs. Misener, Mrs. Cook, Mr. Hamrick, Mr. Roskovics, Mr. Pugliese, Mr. Ducro IV voted yea; motion CARRIED. On the roll call to adopt the legislation: Mrs. Misener, Mrs. Cook, Mr. Hamrick, Mr. Roskovics, Mr. Pugliese, Mr. Ducro IV voted yea; motion CARRIED.

UNFINISHED BUSINESS

None

NEW BUSINESS

Mr. Pugliese moved, Mrs. Cook seconded to request the following legislation:

AN ORDINANCE ENACTING NEW CODIFIED ORDINANCE CHAPTER 729, ENTITLED MEDICAL MARIJUANA REGULATION

WHEREAS, House Bill 523, enacting Chapter 3796 of the Revised Code of Ohio, which provides for the legalization and regulation of medical marijuana within the State of Ohio, became effective on September 8, 2016; and

WHEREAS, Chapter 3796 as passed allows the Department of Commerce to award licenses to medical marijuana cultivators, processors, and testing laboratories, and allows the State Board of Pharmacy to award licenses to medical marijuana dispensaries; and

WHEREAS, Section 3796.29 specifically provides that Ohio municipal corporations may adopt ordinances prohibiting or limiting the number of medical marijuana cultivators, processors, and dispensaries within the limits of the municipal corporation; and

WHEREAS, the Ashtabula City Council takes legislative notice that the use, possession, cultivation, distribution, and sale of marijuana, whether for medical or recreational use, remains illegal under the Controlled Substances Act, codified at 21 U.S.C. Section 841, and that federal courts have recognized that the federal government may enforce the Controlled Substances Act notwithstanding contrary laws of any State; and

WHEREAS, in light of the continuing conflict between state and federal law, the City of Ashtabula must resolve for itself whether, as a land use matter, medical marijuana cultivators, dispensaries, and processors, as defined by House Bill 523, should be permitted, regulated, or prohibited; and

WHEREAS, in the opinion of many experts marijuana is a significant “gateway drug” that can and does lead to dependence on it and more dangerous drugs, to the detriment of the health, safety and welfare both of the user and the community as a whole; and,

WHEREAS, the Ashtabula City Council accordingly finds and declares that it is prudent and necessary to exercise local control over the location of medical marijuana distribution, cultivation and processing activities in order to protect the public health, safety, and welfare;

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Ashtabula, County of Ashtabula, and State of Ohio that:

SECTION 1. That Chapter 729 of the Codified Ordinances of the City of Ashtabula, entitled "Medical Marijuana Regulation," shall be and the same is hereby enacted, and as enacted shall read as follows:

SEE TEXT ATTACHED AS EXHIBIT A

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning and related to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its Committees that resulted in such formal action were in meetings open to the public in compliance with the requirements of Section 10 of the Municipal Charter of the City of Ashtabula, Ohio, and of Section 121.22 of the Revised Code of Ohio.

SECTION 3. For the reasons stated in the preamble, this ordinance, if approved by the votes of five (5) or more members of Council, shall take effect immediately, otherwise 30 days thereafter.

PASSED: _____

J.P. Ducro IV
President of Council

Vote:

	Yea	Nay
Ducro:	___	___
McClure:	___	___
Roskovics:	___	___
Pugliese:	___	___
Cook:	___	___
Misener:	___	___
Hamrick:	___	___

ATTEST: _____

LaVette E. Hennigan
Clerk of Council

APPROVED: _____

James M. Timonere
City Manager

Approved as to form and correctness this _____ day of _____, 2016.

Michael Franklin, City Solicitor

EXHIBIT A

CHAPTER 729

MEDICAL MARIJUANA REGULATION

729.01 Definitions

729.02 Prohibitions

729.03 Research permitted

729.99 Penalty

729.01 Definitions.

(a) For purposes of this Chapter, "marijuana" means "marihuana" as defined in Section 3719.01 of the Revised Code.

(b) "Medical marijuana" means marijuana that is cultivated, processed, dispensed, tested, possessed or used for a medical purpose.

729.02 Prohibitions.

(a) No person or entity owning, renting or leasing real property located within the corporate limits of the City of Ashtabula, Ohio, shall develop, construct, reconstruct, remodel, adapt or use, or permit the use of, said real property for any of the following:

- (1) as a medical marijuana dispensary;
- (2) for the processing of medical marijuana;
- (3) for the indoor or outdoor cultivation of medical marijuana.

(b) No person or entity shall enter upon or occupy any public property, street, or right-of-way for any of the uses enumerated in Section 729.02(a).

729.03 Research permitted

(a) Nothing in this Chapter shall be deemed to prohibit or limit research related to marijuana conducted at a state university, academic medical center, or private research and development organization as part of a research protocol approved by an institutional review board or equivalent entity.

729.99 Penalty

(a) Whoever knowingly violates Section 729.02(a) is guilty of a misdemeanor and shall be fined not less than \$250 or more than \$1,000 for each offense. Each day of violation shall be deemed to be a separate offense.

(b) Whoever knowingly violates Section 729.02(b) is guilty of a misdemeanor of the first degree.

CROSS REFERENCES

Medical Marijuana Control Program - see Ohio R.C. Ch. 3796

Discussion

Solicitor: Ohio, through its legislature, has adopted a plan for allowing access to medical marijuana by persons who have a fairly lengthy laundry list of ailments that, at least by report, have some relief of symptoms from the administration of medical marijuana. The legislation calls for the creation of a number of state approved sights, where medical marijuana can be grown, where it can be processed and where it can be dispensed. Once that is done, presumably, there will be some ability on the part of licensed physicians in the State of Ohio to actually prescribe medical marijuana and people will be able to go to one of these approved dispensing sites and obtain medical marijuana in accordance with their physician's prescription. The legislature has also given a local option to cities and townships. It's not unlike the local option that is given for purposes of liquor control. You can have liquor sold within your city, or by vote of the electorate, or an initial vote of the City Council, you can prohibit it and then leave it up to the process of circulation of petitions, and so on, and so forth. At this point the legislature has simply said, look, cities and townships, if you don't want one of these marijuana production, processing or dispensing locations in your geographic area, you can limit it, or you can outlaw it, or proscribe it. So, using some examples that are provided by other cities in Ohio that are very concerned about the almost inevitable movement of legal drugs from places where they're legally dispensed to the street where they are illegally bought, sold, and consumed, I've put together some proposed legislation that would make it unlawful to develop, or adapt, or use property within the City of Ashtabula for the growing, production, preparation, or dispensing of medical marijuana. It would be a 'fine-only' offense, but the fines would be very substantial. The one exception to it being a 'fine-only' offense is if someone were to attempt to use public property as a location for the growing, production, processing, or dispensing of medical marijuana. That would be a 1st degree misdemeanor which could involve a significant jail sentence. The idea behind this is simply to make sure that one of the limited number of state's sights where medical marijuana can be dispense, or produce, or processed, or grown, would not be within the City of Ashtabula. The reason why I have recommended that Council take up this legislation or consider it is because, of course, we are on the front lines of a very, very significant drug problem. The drug problem, I assure you, is not limited to heroin. Nobody starts out shooting heroin. There's always a gateway drug - most often alcohol, secondarily marijuana, and often both in combination. And, there is an almost inevitable progression that unfortunately so many people go through that has very, very tragic consciences; sometimes death, and sometimes a life that makes death seem like the blessing. So, I've asked Council to consider this. It seems to me that this City of nineteen or twenty-thousand people can do without being one of the places where people can obtain this gateway drug at a dispensing center. Still the law will allow the creation of these centers. It will allow, presumably, physicians to prescribe; it will allow people to obtain it and to use it; and, if it has legitimate medical benefits for them, great. I just hope it doesn't make its way back here on our streets. The minimum fine would be \$250; the maximum \$1,000; each day's violation could be a separate offense.

President: This is certainly an up and coming issue nationally. I certainly would like our citizens, if they have an opinion, to feel free to weigh in. Contact members of City Council by email or telephone. Feel free to attend the November 7 Regular Council meeting. The ordinance language will be reviewed at the next regular meeting and placed on a first reading. It will not be voted on for enactment until November 21.

Ward 4: Didn't you say in our Pre-Council meeting that there is only going to be so many dispensaries allowed in the State?

Solicitor: Yes, the legislature limited the number. I can't accurately tell you what it was right now. It sticks in my mind that it was in the 30s.

Ward 4: That's only for dispensing, correct?

Solicitor: If memory serves... I would like to give you accurate information at the next meeting.

Ward 4: The question would be... then the growing, producing, preparing, and processing – those have to be licensed also?

Solicitor: Yes, and there are a limited number of licenses for each of those activities, as I recall.

Ward 4: Okay.

Ward 1: Is there a possibility of having a separate ordinance for the "dispensing".

Solicitor: The legislature has left it very open. You could potentially even consider zoning it; permitting it in certain districts and not in others. I would urge you not to do that if only because we're a fairly compact City, with residential, commercial, and industrial districts within three blocks of each other. So, you don't really provide any isolation.

Ward 1: Say the hospital would like to utilize this (*the dispensing of it*) as an option for some of their patients. But, we don't want it grown and cultivated, and so forth, in the City. Could that be two separate things?

Solicitor: Yes, that could be two separate things. And, again, the Ashtabula County Medical Center (A.C.M.C.) would have to apply for and obtain the state's license to be one of the limited numbers of dispensary locations. I'm not aware if any hospitals are seeking to do so. Most of the applications/pre-apps that I believe have been received has been from investors who intend to operate storefronts – as far as I know. But that information was some weeks ago. The regulations aren't in place yet. I don't think applications are being formally accepted yet. But, there are letters of interest going into the state, as I understand it.

Ward 1: So, when you say a storefront to dispense it, they would still need a prescription?

Solicitor: Yes, they would.

Ward 1: Do you think our legislation is premature? Do you think that we might be able to make a better decision if we waited on this until the state was more obvious in their intentions, or clear on what they're hoping to happen?

Solicitor: I don't think it's necessarily premature because I don't believe that there has been a great deal of education about how the state is proceeding on this.

And, there may be some expectations in various communities that I'll be able to go to Walgreens or to Rite-Aid to get my medical marijuana if my doctor will write me a script for it. It may be as well to begin the discussion now so that people understand that this will be a very tightly controlled state monopoly – limited locations, limited availability, so on and so forth. But, that being said, probably we could write more carefully tailored legislation if we knew... as you pointed out in pre-council, Mr. Roskovics, if we're not one of the locations, if someone in Ashtabula doesn't obtain one of these permits, we're really not accomplishing anything. We're preventing conduct that wasn't going to be performed here anyway. I would like to see whatever regulations you're going to put on the book, put in place well before the licensing process starts. Whether you limit it to no growing or production or you go as broad as this legislation goes – I think it would be nice to have it in place before people start applying for licenses.

Ward 2: As I said before in pre-council, I never thought we'd be voting on something like this in my lifetime. My own opinion about this is we have enough problems with illegal drugs out on the streets. And, I can see that eventually this is going to happen. And, I think by us passing this ordinance it will help to solve that problem. It's a big problem in all communities, not only in Ashtabula. I think it's like a balloon – you keep blowing it up and it's going to get bigger, and bigger, and bigger. And, I think that could possibly happen, And, we sure don't need any more drug problems in our area or in any area. I think if we pass this, I think it will protect us, somewhat, against that.

Ward 1: Is there any interest in the Council of having these two activities separated – the dispensing of the medical marijuana as opposed to the growing and cultivating and so forth...

Ward 5: Absolutely.

Ward 1: ... having two separate ordinances? Would that be a large endeavor, Mr. Franklin?

Solicitor: No, I could send you two versions of basically the same legislation - Ordinance 1 and Ordinance 2. One would be what this one says and one that would remove the prohibition against dispensing and leave in the others.

Ward 1: Then a prohibition against cultivating and ...

Solicitor: I can do that if council requests it; certainly.

Ward 1: Can I make that request?

Ward 2: Before we go any further. With all due respect to Mr. Roskovics, and I know how he feels about this, I think whether you cultivate it or whether or not you put two ordinances on the books, the end result is that we don't want it in Ashtabula City. The Good Lord forbid, if any of our families need it, no matter where we have to go get it, we will to help our families and loved ones. As you can see on the news there are people moving to Colorado and out west so they can get it for their loved ones that need it; and I can understand that.

But, we want to keep it away from this area as much as we can. And, with the problems that we already have, this is just going to make it worse. I don't think we need two ordinances. I believe this ordinance would be what we want.

President: If the proposed ordinance was passed, and then at some point and time it was determined that we wanted to, as a Council, or the community asked council to permit distribution, it could be repealed and replaced with something different. It's not that it would have to be eliminated forever.

Solicitor: Yes. Take for instance, in the example we've been discussing – the Ashtabula County Medical Center decided it wanted to apply to be a dispensing site. Its administration could approach City Council and ask that that portion of the legislation be rolled back. And, if Council, at that time, feels that that's appropriate, it could be done.

President: Mr. Hamrick, do you want to explain any further your position on the separation.

Ward 5: I am not so opposed to the dispensing because it is very controlled; or it seems like it will be very controlled. But, I do not think I would be for cultivating, and growing, and processing in the City.

President: Why do you believe that that would not be as controlled?

Ward 5: Unless it was a completely indoor facility, you really can't control it. If you know farms at all, people go onto a farm and pick food in the middle of the night, and stuff; it wouldn't be any different.

President: Okay, any other questions or comments? Most of the facilities I have seen in the video footage from Colorado seem like they're indoor growth controlled.

Ward 5: That's what I seen too when I was doing some research. But I saw, also, that the availability for outdoor growth is there for Ohio.

President: In the City of Ashtabula, though?

Ward 5: No, when you apply for your cultivation you have to mark...

President: Yes, but this would only be able to regulate the City of Ashtabula – what could happen in the City.

Ward 5: Right.

President: Mr. Roskovics, if you'd like to propose a vote to change it, we can do that.

Ward 1: I'll at least ask if we could separate the legislation into two parts; one part for dispensing and one part for cultivation, and growing, and I forget the third term they're using.

But, I'll at least ask that we separate those two – indoor or outdoor cultivation and processing. Maybe if we could separate that into one resolution; and the dispensing into another resolution.

Solicitor: If I can suggest... the proposed legislation before you now would be a blanket prohibition. What you and Mr. Hamrick are discussing is allowing dispensing but not everything else. So, would it be alright, if this request, if granted, that it be for preparation of one alternative ordinance that keeps all the language except dispensing. There would, in other words, be no ban on dispensing as long as it's a state approved site?

Clerk: The question before Council, which has been moved and seconded is for AN ORDINANCE ENACTING NEW CODIFIED ORDINANCE CHAPTER 729, ENTITLED MEDICAL MARIJUANA REGULATION. The President asked for a roll call vote: On the roll call to request the Solicitor prepare the legislation as originally presented: Mrs. Misener, Mrs. Cook, Mr. Hamrick, Mr. Roskovics, Mr. Pugliese, Mr. Ducro IV voted yea; motion CARRIED.

President: Now Mr. Roskovics will make a request to...

Ward 1: ... have a resolution that separates dispensing from the other aspects of the resolution.

Ward 2: Mr. President, one more question.

President: Okay.

Clerk: Please provide a second, and then the discussion.

Mr. Hamrick seconded.

President: seconded by Mr. Hamrick, motioned by Mr. Roskovics.

Ward 2: By doing this does it open up, more or less a can of worms, or does that...

Solicitor: At this time I don't know. That's the most honest answer I can give you. This is new ground for all of us.

Ward 2: I can understand that, and I can understand what Mr. Roskovics... okay.

Ward 4: Mr. President, this is just a request to have it drawn; we're not voting.

President: If this passes, as well, Mr. Franklin is going to prepare two requests, or will this request replace the first request that already passed?

Solicitor: There would be two separate ordinances. If you pass both of them then everything is going to be outlawed. But if you want to allow someone locally to apply for being a dispensing site then you would just vote for the second one that's being requested. And, I'm talking about after the two readings; because you do want these on two readings, is that right?

President: Yes, I would think we would.

Clerk: So, the first one is a full prohibition. And, the second one is separating out the dispensing from all the other activities.

Ward 1: Say the hospital doesn't apply for a licenses, it's a moot point. Or, if no pharmacies do then it becomes a non-issue anyway, right? Or if a pharmacy or somebody applies for a license, the state doesn't approve it, so then it becomes a non-issue anyway. The state will have the final say as to who is awarded a license, correct?

Solicitor: Yes.

Ward 1: Okay. Is there any information that I could access to learn why the state has undertaken this endeavor? Last year we voted on marijuana and it was defeated. And, so the state legislature turned around and approved this, and I'm just wondering what the motivation - what the thought process was. Is there anywhere I'd be able to find that out?

Solicitor: I can tell you what the commentary has been, but I don't know what the inside political processes are. I do know that another petition was underway to put 'so called legalization of marijuana' on the ballot, yet again, supposedly with some tighter language than the first time through. The first time through it hid behind - this is mostly medical marijuana but it was medical, recreational, industrial, commercial... it was just wide open. So, there was a second ballot initiative underway that was supposedly more narrowly drawn, and the legislature decided to step in and pass a medical marijuana bill. That took a lot of the steam out of the ballot initiative. As a matter of fact it made it pretty much irrelevant, because that was how they were packaging it again... this is medical marijuana, this is marijuana. So, the state decided, if you can't beat em, join em, I guess.

Ward 1: Like I said, I appreciate your opinion on all this. At the same time I'm curious as to why the state... are they in some way saying that this is something that they think may be beneficial to people. Because I'm not a medical profession, in any sense of the word, I'm wondering is this something that could benefit people. So, that's where my hesitation lies. Within the two weeks I could do some more studying on this.

Solicitor: I wish I could give you some specifics. I've done some online research. I've looked at both the pro sites and the anti sites. And, I've tried to get some insight from true medical studies, not just antidotal, 'oh I had an aunt who had some issue with asthma and she smoked marijuana twice a day for seven days and she was cured' - stories like that. And, I do want to point out that the Ohio legislature has specifically exempted from your authority any ability to control research and development under a state license. So, if somebody wants to do research and development and they're properly permitted by the state, they can do that wherever.

Clerk: And, that goes beyond hospitals and pharmacies. And, it sounds like your thought is to allow the hospitals and pharmacies and no one else.

Ward 1: That was my thought.

Clerk: So, if you allow it, you have to allow it, unless you place provisions in the legislation saying it's strictly for the medical professions.

Solicitor: Access to medical marijuana will only be by prescription, in this state; it's not going to be by any other means.

Clerk: So, for the dispensing of the product.

Solicitor: The dispensing of the product will be by the state of Ohio and there are a limited number. They have not yet announced the rules and regulations. I don't think they've formulated the rules and regulations for what you have to do to get a permit.

Clerk: So, it could be chiropractors...

Solicitor: I don't know. I honestly don't know.

President: Mr. Franklin, is it your opinion that... so let's say there's 30, 40, 50 distribution entities, in the state of Ohio. And, there's so few that each one of these distribution entities becomes a highly profitable business venture for the individual business. The income tax revenue or the jobs created by that business that would be, in this situation, located within the municipal of the City of Ashtabula - the financial benefits potentially realized y, in your opinion (and we have no idea if that's \$1 or \$100,000), but it would really be outweighed by the potential and the risk for product from those areas getting to the streets, to get to our children, to people that may resale it, to be a gateway for further drug use in the future - compared to if it ended up being located in Orwell or Jefferson or Conneaut or Geneva.

Solicitor: I can tell you my opinion.

President: And, I assume your opinion for the recommendation is based on that. So, I think I understand the opinion. I guess I'm trying to make sure that Council, and certainly the audience, looks at the arguments on both sides. I have a hard time really thinking that there's any great motivation for us to want to accept this other than if we're concerned about people getting the quickest and easiest access to medical marijuana if they are so benefited and the potential economic benefit that it could create for a municipality. I don't know what other real benefits there could even be. But, that was one that really hadn't been discussed and I know it was a motivation in Colorado. Although they're realizing large revenue increases I think the jury's out on whether the social consciences will be worth the revenue increases, and I don't think it's early enough to really tell the answers to those questions.

Solicitor: I would agree with you. I would be guessing and speculating.

President: Okay.

Manager: If I could just make a couple observations on this... I think you can pretty much find anything online to fit someone's agenda. So, you're going to find the pros and cons for and against medical marijuana.

I think, for me, my biggest fear with medical marijuana is the horror stories that we hear about the pill mills and different things that just pop up. The doctor that sets up an office with just a chair and say, "Oh, you have a headache, you need medical marijuana." "Oh, you have a backache; well medical marijuana will take care of it." And, they're just charging a fee to come see them because it becomes the "doctor's office" where everybody knows they can go to get that prescription for medical marijuana. "Can't sleep at night - this will help you." And, they just funnel people through h, collect that doctor's appointment fee, and send them on their way with a prescription for medical marijuana. I have heard the cases of that type of thing happening. We hear it with pills all the time - Oxycontin and things like that. But, I also have a very good friend who has a young child who went from, I believe, 300 seizures a day down to in the teens, because he's now on medical marijuana. Is that really what's happening. It's quite a coincidence if that's actually what's happening. But, I think what we are all afraid of is the people that will (because it will happen) take advantage of the system - the ones that will get the prescription and then head to the corner and sell it outright. I think it's all of the things I still think will illegally happen behind the scenes that will outweigh those that this can truly benefit. For, me, that's where my biggest concern is. Experiential type things like this, as long as it's in those controlled environments, coming from a certified and reputable doctor, not somebody that just opens up shop on the corner - I definitely think there's merit to that. And, again, you can search for those cases where high expert doctors are saying there are benefits, and then there are those who are saying that they're not. For some people chemotherapy works and for some people it kills them. So, I think that jury's still out. I'm glad it's medical marijuana rather than recreational marijuana, because I think that can be controlled more. But, it's all of those factors that are not controllable that I think outweigh any type of benefit that this possible could create.

President: And, for clarification, this legislation doesn't prevent the doctor from setting up the shop to issue the prescription. It's just a matter of whether they can get that prescription within the City limits, or if it could be grown in the City limits, or it could be processed in the City limits. This legislation doesn't address the irreputable doctor that might try to set up shop.

The President announced that Mr. Roskovics moved, Mr. Hamrick seconded to prepare a secondary form of legislation outlawing everything but the dispensing of medical marijuana. On the roll call: Mrs. Misener (nay), Mrs. Cook (nay), Mr. Hamrick (yea), Mr. Roskovics (yea), Mr. Pugliese (yea), Mr. Ducro IV (nay). The motion FAILED due to a 3 to 3 tie vote. The Solicitor confirmed the motion's failure.

MISCELLANEOUS

None

GENERAL PUBLIC DISCUSSION

Ms. Ann Thome, Jefferson Avenue: reported she was advised to come to City Council to ask if there was anything City officials could do to help her. She said she has lived at the end of Jefferson Avenue, a dead end street, for over 40 years. She is continually bothered by cars coming up to the end of this dead end street, all hours of the day and night. She said when she calls the police they ask her to secure the license plate numbers.

She said she is not going out at 2:00 a.m. and 3:00 a.m. to get license numbers because she believes she will be shot or that something else might happen. She said she has called the City Manager's office to repeatedly ask that something be done. She said what has been done is two "dead end" signs have been erected clear down by West 59th Street on both sides of the poles, which she said does nothing. She said there is a stop sign in the middle of the road that goes past her driveway, but it doesn't do any good because it is eight to ten feet in the air; and that cars go to the right and to the left of the signs, all hours of the day and night. She asked if a barricade could be placed at the end of her driveway to get this activity to cease. She said motorists go up the hill, back down the hill, and get into her driveway and hit her flowers, while almost hitting the utility pole that has a light on it - which has actually happened quite a few times during winter months. She said the garbage truck has stopped and gotten stuck there. Ms. Thome reported snow plowers have told her they can only come up her hill on one side because the plow is too big. She said she looks out her window and sees that both sides of West 58th Street is plowed but not her road. She said when her road is plowed a large mound of crusty snow is left in front of her driveway for her to remove.

The City Manager asked her to provide him with her contact information so he may look into her concerns.

CLOSING REMARKS

None

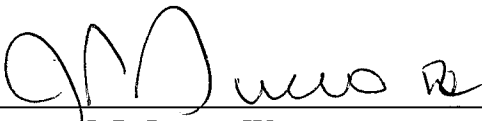
EXECUTIVE SESSION

None

ADJOURNMENT

Hearing no further business to come before this Council, the President issued a reminder to "Remember to Keep Believing in Ashtabula", and adjourned the meeting at 8:17 p.m.

DATE APPROVED: November 7, 2016

ATTESTED BY: 
J. P. Ducro IV
President of Council

ATTESTED BY: 
LaVette E. Hennigan, MMC
Clerk of Council