

## SPECIAL REVIEW & OVERSIGHT COMMITTEE MINUTES

MARCH 6, 2018

A special Review & Oversight Committee meeting was held on March 6, 2018, at North Royalton City Hall, 14600 State Road. The meeting was called to order at 6:05 p.m.

**PRESENT: Committee Members:** Chair Dan Kasaris, Vice Chair Paul Marnecheck, Dan Langshaw; **Council:** Larry Antoskiewicz, John Nickell, Gary Petrusky, Cheryl Hannan; **Administration:** Mayor Robert Stefanik, Law Director Thomas Kelly, Stormwater Foreman Mike Lung, City Engineer Mark Schmitzer; **Other:** Lou Krzepina, Amy Kuntz, John Thompson, Susan Thompson.

### APPROVAL OF MINUTES

Moved by Mr. Langshaw, seconded by Mr. Marnecheck to **approve the September 5, 2017 Review & Oversight Committee minutes**. Yeas: 3. Nays: 0. **Motion carried.**

### NEW BUSINESS

#### 1. **Medical Marijuana**

Mr. Kelly said that in 2016 the State of Ohio passed HB 523 authorizing a medical marijuana program for the state. The bill set specific rules and guidelines for the Department of Commerce, the State Pharmacy Board, the State Medical Board and other state agencies with regard to establishing rules and regulations for the cultivation, processing, testing, distribution, etc. of medical marijuana and for rules and regulations for physicians with regard to patients who will be eligible for the purchase and consumption of this product. The legislature determined that all of these things had to be in place by September of 2018. They are currently on schedule for this to happen. The Department of Commerce has already begun issuing provisional licenses to cultivators, processors and dispensaries. The most recent list of all of these applications and licenses that have been approved are listed on the Ohio Medical Marijuana Control Program website. This website provides up to date, transparent information on all the applicants, scoring methodology, etc.

Mr. Kasaris said that we have a moratorium in place that expires on March 31, 2018. Because of this, he felt that it would be prudent to discuss what we as a Council want to do with regards to this moratorium. Do we want to extend it, do nothing, or vote to ban it. Regarding the moratorium option, Mr. Kasaris asked what are the general standards for granting a moratorium. Mr. Kelly said that the use of a moratorium in the legislative context has always been a means of trying to provide breathing room for reflection and the opportunity to gain information and education on whatever question is the subject of the moratorium. Often times these situations come up fast and don't give an effective opportunity to reflect on what needs to be done. In this instance the state legislature built in to the original legislation the right for municipalities to call for moratoriums for this reason. Moratoriums are not generally favored in the law, but in this instance a specific exception was made so that there would be an opportunity for time to become educated on the subject and allow for a thoughtful, rational and reflective determination on what is best for the community. Mr. Kasaris said that we have had moratoriums in the past. How long should a moratorium exist and what should be considered when looking at extending a moratorium. Mr. Kelly said that the concern he has would be at what point does the moratorium amount to an unlawful taking. Any time you enact a moratorium you are depriving a person(s) of the right to develop their property and this has a financial repercussion. This is why they are not favored in the law. They generally serve to deprive someone of the right or opportunity to make money and develop their property in a manner they think is appropriate. His concern as the Law Director is whether or not this moratorium puts us at risk. He said in this case it does not because these moratoriums are permitted by the state legislature with the objective of not depriving any person(s) to earn money, but to allow for an opportunity for a reflective determination as to whether or not this is a good thing for North Royalton.

Amy Kuntz, 6751 Queens Way, addressed Council. She said that she is the coalition director for the Partnership for a Healthy North Royalton. Her directive is to bring the community together to talk about the things we are concerned about with a focus on youth drug prevention. She said that she is a parent with children in the school district and is here tonight as someone who is not only well versed in the devastating effects of drug and

substance abuse disorder, but also as an advocate for her community and her family. Over the span of the last 12 months she said that she has been approached by only one member of Council to proactively seek information regarding medical marijuana in our city and the potential devastating effects, including the medical uses. She finds this very disheartening as someone who is a resource and has the knowledge to provide information needed to make an informed decision. She said that if you think that substance use disorder only applies to the opiate epidemic, you have not done your research on marijuana and the harmful effects of the addiction to THC. The attitude that "it's only marijuana" is very antiquated and if we don't put that to rest, our town will suffer. Ms. Kuntz asked Council where they have done their research. She said that the moratorium was put in place to allow for information gathering and would like to know which sites, books, doctors, etc. that Council has used to gather their data so that we can look at the sources of this data. She would like to take this data and apply it to the coalition and what she does for them and the community. She said that Officer Karl has made a presentation to Council and provided information regarding the impact that this will have going forward. She said that she does not believe that the term "medical marijuana" should exist because right now it is just marijuana that is being used for medicinal purposes and is the same drug that is being used illegally and it is still a Schedule 1 drug. She would like to see the foundational information that the city has regarding revenue that this will generate for the city and the advantages that they talk about. She doesn't think this is possible because she has looked and it is not there. She has spent the last two years researching this to where she has become an expert in these drug addiction substances. She said that Council has had 12 months to fact find and make a case to present a compelling argument and she wants to know where this data comes from and what makes Council think this will be OK. How much tax revenue is worth exposing our children and families to this drug. How much tax revenue is worth a life if someone gets behind the wheel of a car. Whether they are using it medicinally or illegally, they still have the potential to cause devastating harm. How many more tax resources will you give the Police Department, the Fire Department and the schools to make sure that these drugs do not invade our safe spaces. Will the cost of the resources outweigh any sort of benefit we might experience as a community or will it negate it dollar for dollar. Ms. Kuntz said that in the end, she stands for hope in a world where our kids and our future leaders will be able to make decisions not based on what we tell them to do, but by their own voices. She said that she does not want to send them the wrong messages. She said that she cannot and will not tell her children that this is ok because it is not. We are not doing what is in the best interest of our community or our kids if we push this forward. She asked Council to please join her in preventing this from happening and do what is right.

Mr. Langshaw thanked Ms. Kuntz for her remarks and advocacy in the community. He provided Council with a packet of information and research that he did on this matter, a copy of which is attached to these minutes. He said that he is the Councilman Ms. Kuntz mentioned earlier that reached out to her for information and research. He said that she is a phenomenal resource and the amount of information out there is overwhelming. He said that he has researched this as well and has enough information to back up his position of being against medical marijuana being available in North Royalton. He said that sometime you have to take a lone position and as far as he is aware he is the only person on Council on this side of this issue. He said that back in October of 2017 he introduced legislation to ban medical marijuana cultivators, processors, dispensaries and it was overwhelmingly defeated by Council with a 1 to 6 vote. Mr. Langshaw said that a recent Royalton Post article states that Mr. Kasaris agrees with Mr. Langshaw on this issue, but he did not join him in voting against it which he said was disappointing. He said that Mr. Nickell has also made it very clear that he is pro-state's rights and supports this issue, but he thought we had moved on from this. He said that seeing now that the state's program is such a mess based on what his research shows, and as he predicted it would be, it does not give him hope that this can be done safely and he does not want it in our community. He thinks that we have better things that we can do economically. If there are some members of Council who have changed their minds on this issue because of the information that is now out there, then maybe we need a second look at this. He stressed that he is against any more moratoriums. He has voted no on the last two out of three. He does not think that it is lawful for us to continue with the moratoriums. He said that we need to make a decision, vote on this and move on. He said that it is getting to the point where it is becoming dysfunctional.

Mrs. Hannan wished to answer Ms. Kuntz's questions regarding what research she has done. She said that she read the entire process before this became the law including all of the committee meetings that were held. She said that the reason this became the law was because there was a proposed amendment to the constitution to pass both recreational and medical marijuana. This did not pass, but Columbus was concerned that something would

pass and therefore they decided to pass something over which they would have control and the ability to regulate. In January 2016 the state put together a task force which consisted of doctors, pharmacists, law enforcement, voters and other lawmakers to determine what is the best thing to do moving forward to protect and do what is best for Ohio. During this process, she said that there were several legislators that traveled throughout the state meeting with people in town hall meetings to see what was the best thing for Ohio. They used this feedback and introduced the house bill. There were nine separate committee meetings over the course of several months. She said that she read all of the meeting minutes. In these meetings, there were people who were against it as well as people who had medical conditions who appeared before the committees. She said that there was one account of a person who had Multiple Sclerosis who came to a committee meeting and lined up every pill bottle of medicine he had to take and explained that these are all strong narcotics and the research has shown that medical marijuana is a plant based medicine that has been shown to be helpful. Mrs. Hannan said that there were also people who had cancer, epilepsy, etc. She said that a larger body than us decided as a state what the best thing is to do. After these nine committee meetings they voted and the vote passed the House 71 to 26. It then went to the Senate. The Senate held their own committee meetings. She said that she read all of these committee minutes as well. She saw that there were doctors, pharmacists and law enforcement who were neutral on this matter because the idea was that we don't want it on the streets or want our kids to smoke it. The Senate made a few changes to the legislation to include the State Medical Board and the Pharmacy Board in this process, and they sent it back to the house. It was voted out of the house. She is also a parent and has concerns as well, but this has already happened. We don't get to decide whether medical marijuana is going to be used within our city limits. The only thing we can decide is if we will allow it to be grown or dispensed. We cannot legislate against medical marijuana.

Mr. Kasaris said that his position has always been that it should be prohibited because it is a Schedule 1 drug on the same level as heroin, ecstasy and LSD. Whether this is right or not is a different debate. The fact that it is now available for medical purposes does not change the fact that it is a Schedule 1 drug. He voted for the moratorium last time because a colleague asked him to and he saw no difference between the moratorium and voting no; it had the same effect by prohibiting marijuana from being grown or sold in North Royalton. He said that we have a moratorium that expires at the end of the month and he felt that we must now decide if we want to let it expire, do we enact another moratorium or do we want to vote to ban it.

Moved by Mr. Langshaw, seconded Mr. Marnecheck to **recommend legislation be prepared to ban medical marijuana cultivation, processing, and retail dispensing and presented to Council**. Roll Call: Yeas: 3. Nays: 0. **Motion carried.**

Mr. Kasaris said that the R&O meeting scheduled for March 20, 2018 will be cancelled.

Mayor Stefanik commended Council for not turning this into a political issue, and using the moratorium in order to allow time to study both sides of the issue and base your decision on the facts. There is nothing scarier than one issue people who want to push their thoughts on you at any cost. He felt that this is important to keep in mind as we move forward throughout the year.

### **ADJOURNMENT**

Moved by Mr. Langshaw, seconded by Mr. Marnecheck to **adjourn the March 6, 2018 special meeting**. Yeas: 3. Nays: 0. **Motion carried.**

**Meeting adjourned at 6:30 p.m.**

THE CITY COUNCIL OF  
NORTH ROYALTON, OHIO

ORDINANCE NO. 17-101

INTRODUCED BY: Langshaw

AN ORDINANCE PROHIBITING CULTIVATORS, PROCESSORS AND RETAIL DISPENSARIES LICENSED UNDER CHAPTER 3796 OF THE OHIO REVISED CODE WITHIN THE CITY OF NORTH ROYALTON, OHIO, AND DECLARING AN EMERGENCY

WHEREAS: Council previously adopted Ordinance 16-128 and Ordinance 17-18 which established and reestablished a moratorium on the acceptance of any application for, or the granting of, any zoning certificate for any building, structure, use, expansion of use, or change of use that would enable the cultivation, processing, distribution or sale of medical marijuana in the City of North Royalton under Chapter 3796 of the Ohio Revised Code for a period of six months in order to study the effects of such business on the city; and

WHEREAS: Section 3796.29 of the Ohio Revised Code gives Council the authority to pass an Ordinance to prohibit, or limit the number of cultivators, processors, or retail dispensaries licensed under Chapter 3796 of the Ohio Revised Code within the city; and

WHEREAS: Council has determined to end the moratorium and pass this Ordinance to prohibit all cultivators, processors, or retail dispensaries licensed under Chapter 3796 of the Ohio Revised Code within the city.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH ROYALTON, COUNTY OF CUYAHOGA AND STATE OF OHIO, THAT:

Section 1. Pursuant to the authority granted to this Council by Section 3796.29 of the Ohio Revised Code, this Council hereby determines to prohibit all cultivators, processors, or retail dispensaries licensed under Chapter 3796 of the Ohio Revised Code within the city.

Section 2. In the event the United States Congress amends federal law to legalize medical marijuana then Council shall conduct a review of this Ordinance at such a time.

Section 3. This Ordinance shall supersede all previously adopted Ordinances in direct conflict herewith.

Section 4. It is found and determined that all formal actions of this Council concerning and relating to the adoption 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 all legal requirements.

Section 5. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the city, and for the further reason that it is immediately necessary to prohibit, or limit the number of cultivators, processors, or retail dispensaries licensed under Chapter 3796 of the Ohio Revised Code within the city

THEREFORE, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

\_\_\_\_\_  
PRESIDENT OF COUNCIL

APPROVED: \_\_\_\_\_  
MAYOR

DATE PASSED: \_\_\_\_\_ DATE APPROVED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
DIRECTOR OF LEGISLATIVE SERVICES

First reading September 5, 2017  
Second reading September 19, 2017  
Third reading October 17, 2017  
DEFEATED October 17, 2017

YEAS: Langshaw

NAYS: Antoskiewicz, Nickell, Petrusky,  
Mamecheck, Hannan, Kasaris

Exhibit A

# Medical marijuana debate lights up again

## With moratorium expiring, council will discuss topic March 6

City council continues to debate whether or not to allow medical marijuana cultivation and dispensaries in the city. Ward 6 Councilor Dan Kasaris scheduled a Review and Oversight Committee meeting March 6 ahead of the lapsing moratorium. File photo

BY JAIME ANTON - THE POST STAFF WRITER

**NORTH ROYALTON** – For the fourth time in 18 months, medical marijuana will be discussed with the third consecutive six-month moratorium set to lapse March 31.

A Review and Oversight Committee meeting has been scheduled for 6 p.m. March 6 to discuss the topic at length at the request of Ward 6 Councilman Dan Kasaris, who chairs the committee.

He said with the moratorium scheduled to lapse, it's prudent to decide what council wants to do with the issue.

"We can do another moratorium if we want and if there is cause, we can do nothing or we can ban it. We will talk about it on the 6th and if we need legislation, we will have legislation for the 20th. But because it is lapsing on the 31st, it behooves us to discuss it again to figure out what we want to do with it," Kasaris explained.

Back on Oct. 3, council opted to enact this latest six-month moratorium that is expiring. Ward 3 Councilman Dan Langshaw, chair of council's Safety Committee, had been pushing council to ban the substance outright, but several colleagues were reluctant to do so at the time stating that they would prefer to wait on the state to finalize its processes first before making a decision one way or the other.

Langshaw has stated several reasons why he is against medical marijuana: it is classified as a Schedule 1 drug and is illegal in the eyes of the federal government, though the Department of Justice has indicated it will not interfere with states that choose to legalize it; a lack of trust in the state to properly regulate it; and that he believes there is not enough research to determine the effects marijuana has on the body.

Langshaw was the sole no vote against the latest moratorium. Council voted against Langshaw's legislation, which would have banned the cultivation and dispensary of medical marijuana, during the Oct. 17 meeting. Langshaw was the sole vote in favor of the ban then.

Council members said at the time they weren't ready to permanently close the door on something that hasn't been fully formed and implemented and could be of medical benefit.

Fast forward six months, and the word "ban" is being tossed around again, which has Langshaw scratching his head.

"Nothing has changed. I think the chairman (Kasaris) may have forgotten that council had a vote back in October of 2017 on my ban of medical marijuana in the city and it was overwhelmingly rejected by council by a vote of 1-6 with me being the sole yes vote," he said. "It is further disappointing that the chairman did not join me in voting yes especially since he has claimed he is against it too yet his recorded vote says something completely different."

Kasaris said he supported the moratorium because it had the same effect as a ban – it prohibited the substance in the city. He said the city is so late in the game with cultivation and dispensary permits already issued that even if North Royalton wanted to allow medical marijuana to be grown and dispensed here, it is too late.

"I did not forget how I voted. Whatever council decides to do they do, but it's time to talk about it because the moratorium is expiring. Personally, I'm a law enforcement officer, and this is a Schedule 1 drug and I don't support it. It's classified the same as heroin, the same as ecstasy, but I'm not out here pushing my view on other people. My agenda is to find out what the rest of council thinks is in the best interest of the residents of the city of North Royalton," Kasaris said.

Medical marijuana was legalized last year via Ohio House Bill 523, creating the Ohio Medical Marijuana Control Program that will allow Ohioans with certain medical conditions to obtain a recommendation for medical marijuana, purchase it from a licensed dispensary and consume it.

The creation and implementation of specific rules and guidelines regarding the cultivation, processing, testing, dispensing and medical use has been the task of the Ohio Department of Commerce, the State of Ohio Board of Pharmacy and the State Medical Board.



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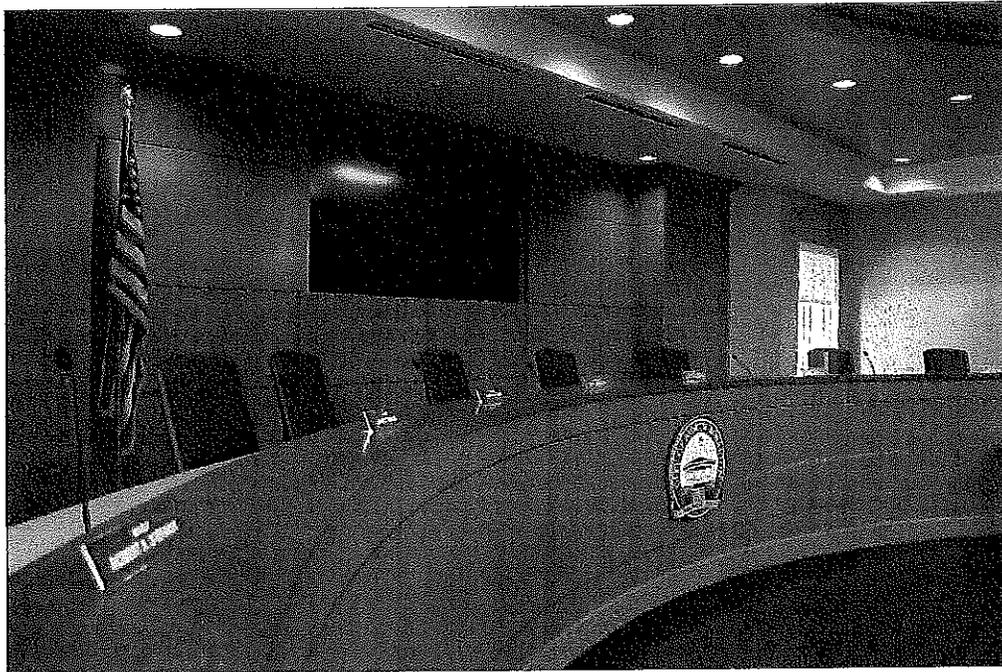
MARCH 3, 2018

[http://www.thepostnewspapers.com/north\\_royalton/local\\_news/councilman-s-proposed-medical-marijuana-ban-goes-up-in-smoke/article\\_c3beb83d-f179-5eee-a377-24eed9d45757.html](http://www.thepostnewspapers.com/north_royalton/local_news/councilman-s-proposed-medical-marijuana-ban-goes-up-in-smoke/article_c3beb83d-f179-5eee-a377-24eed9d45757.html)

## Councilman's proposed medical marijuana ban goes up in smoke

Council votes down Langshaw's legislation during Oct. 17 meeting

By JAIME ANTON The Post staff writer Nov 4, 2017



City council nixed Ward 3 Councilman Dan Langshaw's proposal to ban medical marijuana stating it wanted more time to gather additional information on the issue before making a final decision.

File photo by JAIME ANTON

NORTH ROYALTON – Two weeks after instituting another six-month moratorium, city council has voted down a councilman's proposal to ban the cultivation and dispensary of medical marijuana in the city.

Ward 3 Councilman Dan Langshaw, vice chair of council's safety committee, had been pushing council to ban the substance outright, but several colleagues have been reluctant to do so stating that they would prefer to wait on the state to finalize its processes first before making a decision one way or the other.

During the Oct. 3 meeting after a lengthy discussion, the third, consecutive six-month moratorium was enacted with Langshaw the sole no vote against it. His proposed ban was left tabled in the safety

committee. Council pulled this legislation out of committee during the Oct. 17 meeting and voted it down. Langshaw was the sole vote for the ban.

Council members say they just weren't ready to permanently close the door on something that hasn't been fully formed and implemented and could be of medical benefit.

"Since the state has not finalized all of its processes, I think North Royalton is at a good spot with the moratorium and come March, we should know more at that point," Ward 2 Councilman Gary Petrusky, safety's chair, said, after the meeting.

Council President Larry Antoskiewicz agreed.

"All the rules and regulations have not been finalized. We know most of the cultivators and dispensaries have applied for their facilities, I really think it doesn't hurt us to take additional time to continue to gather more information to see what direction we want to go," he said, after the meeting.

Langshaw has stated several reasons why he is against medical marijuana: it is classified as a Schedule 1 drug and is illegal in the eyes of the federal government, though the Department of Justice has indicated it will not interfere with states that choose to legalize it; a lack of trust in the state to properly regulate it; and that he believes there is not enough research to determine the effects marijuana has on the body.

He said it's unfortunate his legislation was unsuccessful and that he has done all he can do on this issue.

"However, I respect the fact that council had a vote on it, and the overwhelming majority, by voting it down, made it clear that medical marijuana dispensaries and cultivators should be allowed in the city of North Royalton. Once the current moratorium ends on March 31, 2018, it will officially be legal in our city," Langshaw said, after the meeting.

Council still has the ability to lift the moratorium or choose to ban medical marijuana at any point in the future.

When the moratorium, which acts as a temporary ban, expires, cultivators and dispensaries would be allowed to apply for a site in the city, however, it has been reported only 18 proposed dispensaries will be allowed in northeast Ohio, at least initially. Of the 18, just five will be allowed in Cuyahoga County, and some cities have already claimed those spots, like Parma, officials have said.

Medical marijuana was legalized last year via Ohio House Bill 523, creating the Ohio Medical Marijuana Control Program that will allow Ohioans with certain medical conditions to obtain a recommendation for medical marijuana, purchase it from a licensed dispensary and consume it.

The creation and implementation of specific rules and guidelines regarding the cultivation, processing, testing, dispensing and medical use has been the task of the Ohio Department of Commerce, the State of Ohio Board of Pharmacy and the State Medical Board. The program is not yet in place.

Jaime Anton



# THE CITY COUNCIL OF NORTH ROYALTON, OHIO

ORDINANCE NO. 16-128

INTRODUCED BY: Mayor Stefanik  
Co-Sponsor: Langshaw, Antoskiewicz, Kasaris

AN ORDINANCE IMPOSING A MORATORIUM OF SIX MONTHS ON THE ISSUANCE AND PROCESSING OF ANY PERMITS ALLOWING RETAIL DISPENSARIES, CULTIVATORS, OR PROCESSORS OF MEDICAL MARIJUANA WITHIN THE CITY OF NORTH ROYALTON, OHIO, AND DECLARING AN EMERGENCY

- WHEREAS: Substitute House Bill 523, which is the Bill legalizing the cultivating, processing, and dispensing of medical marijuana in the State of Ohio, becomes effective September 8, 2016; and
- WHEREAS: For the purposes of this Ordinance, the definitions of "cultivators," "processors," and "retail dispensaries" are given the same definitions as those found in Substitute House Bill 523 and Chapter 3796 of the Ohio Revised Code, which Chapter is effective September 8, 2016; and
- WHEREAS: Ohio Revised Code Section 3796.29 authorizes a municipality to limit the number of, or entirely prohibit, cultivators, processors, or retail dispensaries licensed under Ohio Revised Code Section 3796.29 in the City of North Royalton; and
- WHEREAS: Council of the City of North Royalton seeks time to study whether to limit or entirely prohibit the cultivation, processing and/or retail dispensing of medical marijuana; or, alternatively, to develop and implement regulations regarding the possible location and operation of medical marijuana-related businesses within the City of North Royalton, including medical marijuana-related businesses for retail dispensaries, cultivators, and processors; and
- WHEREAS: The Administration will require additional time to review and make recommendations on zoning, prohibition and/or limitations of medical marijuana so that any necessary regulations conform to goals of the City of North Royalton and help ensure the public peace, health, safety, and welfare of its citizens; and
- WHEREAS: A moratorium of six months on the granting of permits for medical marijuana-related businesses in the City of North Royalton will allow Council time to accomplish the city's goals and help ensure the public peace, health, safety, and welfare of its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH ROYALTON, COUNTY OF CUYAHOGA AND STATE OF OHIO, THAT:

Section 1. The Council of the City of North Royalton hereby imposes a moratorium of six months on the issuance and processing of permits for cultivators, processors, and retail dispensaries of medical marijuana. The purpose of this moratorium is so that the Administration may study the new law and the related issues and then determine whether to limit or entirely prohibit cultivators, processors, and retail dispensaries in the City of North Royalton and to prepare any necessary, related regulations.

Section 2. Council seeks to limit the duration of the moratorium and to instruct the Mayor and Administration to immediately undertake a review of the new law and related issues; the Administration will then recommend new regulations regarding the cultivation, processing, and retail dispensing of medical marijuana.

Section 3. Council hereby directs and orders that no permits for cultivators, processors, or retail dispensaries of medical marijuana shall be issued or processed by the City of North Royalton during the 6-month moratorium.

Section 4. It is found and determined that all formal actions of this Council concerning and relating to the adoption 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 all legal requirements.

Section 5. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the city, and for the further reason that it is immediately necessary to impose a moratorium of six months on the granting of permits for medical marijuana-related businesses in the City of North Royalton in order to allow Council time to accomplish the city's goals as stated above.

THEREFORE, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

/s/ Larry Antoskiewicz  
PRESIDENT OF COUNCIL

APPROVED: /s/ Robert A. Stefanik  
MAYOR

DATE PASSED: September 6, 2016

DATE APPROVED: September 7, 2016

ATTEST: /s/ Laura J. Haller  
DIRECTOR OF LEGISLATIVE SERVICES

First reading suspended  
Second reading suspended  
Third reading September 6, 2016

YEAS: Antoskiewicz, Nickell, Petrusky, Langshaw,  
Marnecheck, Muller, Kasaris

NAYS: none

**THE CITY COUNCIL OF  
NORTH ROYALTON, OHIO**

ORDINANCE NO. 17-18

INTRODUCED BY: Antoskiewicz, Kasaris

AN ORDINANCE AMENDING ORDINANCE 16-128 IMPOSING A MORATORIUM OF 6 MONTHS ON THE ISSUANCE AND PROCESSING OF ANY PERMITS ALLOWING RETAIL DISPENSARIES, CULTIVATORS, OR PROCESSORS OF MEDICAL MARIJUANA WITHIN THE CITY OF NORTH ROYALTON, OHIO, BY EXTENDING THE MORATORIUM FOR AN ADDITIONAL 6 MONTHS, AND DECLARING AN EMERGENCY

WHEREAS: Council adopted Ordinance 16-128 which placed a 6 month moratorium on the granting of permits for medical marijuana-related businesses in the City of North Royalton to allow Council time to accomplish the city's goals and help ensure the public peace, health, safety, and welfare of its citizens; and

WHEREAS: This moratorium became effective on September 6, 2016 and is due to expire on March 5, 2017; and

WHEREAS: Council desires to amend Ordinance 16-128 to extend this moratorium for an additional 6 months with said extension becoming effective on March 6, 2017 and expiring on September 5, 2017.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH ROYALTON, COUNTY OF CUYAHOGA AND STATE OF OHIO, THAT:

Section 1. Council hereby amends Ordinance 16-128 imposing a moratorium of 6 months on the issuance and processing of any permits allowing retail dispensaries, cultivators, or processors of medical marijuana within the City of North Royalton, Ohio, by extending the moratorium for an additional 6 months with said extension becoming effective on March 6, 2017 and expiring on September 5, 2017.

Section 2. This Ordinance shall supersede all previously adopted Ordinances in direct conflict herewith.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption 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 all legal requirements.

Section 4. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the city, and for the further reason that it is immediately necessary to amend Ordinance 16-128 imposing a moratorium of 6 months on the issuance and processing of any permits allowing retail dispensaries, cultivators, or processors of medical marijuana within the City of North Royalton, Ohio, by extending the moratorium for an additional 6 months with said extension becoming effective on March 6, 2017 and expiring on September 5, 2017.

THEREFORE, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

/s/ Larry Antoskiewicz  
PRESIDENT OF COUNCIL

APPROVED: /s/ Robert A. Stefanik  
MAYOR

DATE PASSED: February 7, 2017

DATE APPROVED: February 8, 2017

ATTEST: /s/ Laura J. Haller  
DIRECTOR OF LEGISLATIVE SERVICES

First reading suspended  
Second reading suspended  
Third reading February 7, 2017

YEAS: Antoskiewicz, Nickell, Petrusky,  
Marnecheck, Hannan, Kasaris

NAYS: Langshaw

THE CITY COUNCIL OF  
NORTH ROYALTON, OHIO

ORDINANCE NO. 17-105

INTRODUCED BY: Petrusky

AN ORDINANCE AMENDING ORDINANCE 16-128, AS AMENDED BY ORDINANCE 17-18 IMPOSING A MORATORIUM OF 6 MONTHS ON THE ISSUANCE AND PROCESSING OF ANY PERMITS ALLOWING RETAIL DISPENSARIES, CULTIVATORS, OR PROCESSORS OF MEDICAL MARIJUANA WITHIN THE CITY OF NORTH ROYALTON, OHIO, BY EXTENDING THE MORATORIUM UNTIL MARCH 31, 2018, AND DECLARING AN EMERGENCY

WHEREAS: Council adopted Ordinance 16-128 which placed a 6 month moratorium on the granting of permits for medical marijuana-related businesses in the City of North Royalton to allow Council time to accomplish the city's goals and help ensure the public peace, health, safety, and welfare of its citizens; and

WHEREAS: Ordinance 17-18 amended Ordinance 16-128 by extending the moratorium until September 5, 2017; and

WHEREAS: Council desires to extend this moratorium through and including March 31, 2018.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH ROYALTON, COUNTY OF CUYAHOGA AND STATE OF OHIO, THAT:

Section 1. Council hereby amends Ordinance 16-128, as amended by Ordinance 17-18, imposing a moratorium of 6 months on the issuance and processing of any permits allowing retail dispensaries, cultivators, or processors of medical marijuana within the City of North Royalton, Ohio, by extending the moratorium through and including March 31, 2018.

Section 2. This Ordinance shall supersede all previously adopted Ordinances in direct conflict herewith.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption 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 all legal requirements.

Section 4. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the city, and for the further reason that it is immediately necessary to amend Ordinance 16-128, as amended by Ordinance 17-18, imposing a moratorium of 6 months on the issuance and processing of any permits allowing retail dispensaries, cultivators, or processors of medical marijuana within the City of North Royalton, Ohio, by extending the moratorium through and including March 31, 2018.

THEREFORE, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

/s/ Larry Antoskiewicz  
PRESIDENT OF COUNCIL

APPROVED: /s/ Robert A. Stefanik  
MAYOR

DATE PASSED: September 19, 2017

DATE APPROVED: September 20, 2017

ATTEST: /s/ Laura J. Haller  
DIRECTOR OF LEGISLATIVE SERVICES

First reading suspended  
Second reading suspended  
Third reading September 19, 2017

YEAS: Antoskiewicz, Nickell, Petrusky  
Marnechcok, Hannan, Kasaris

NAYS: Langshaw

## Ohio senator seeks review of medical marijuana program after error

By Julie Carr Smyth, The Associated Press

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Marijuana plants ready to be harvested. Associated Press file

COLUMBUS >> A state lawmaker moved Thursday to force a thorough review of Ohio's medical marijuana program as questions pile up over its process for selecting grower applicants.

Republican Sen. Bill Coley, of Cincinnati, proposed legislation that would require State Auditor Dave Yost to conduct and release a performance audit of the program. The bill holds up grower, processor and tester licenses until program flaws can be addressed.

Ohio's medical marijuana law, passed in 2016, allows people with any of 21 medical conditions, including cancer, Alzheimer's disease and epilepsy, to buy and use marijuana if a doctor recommends it. It doesn't allow smoking.

The program was supposed to be up and running by Sept. 8. Coley said his bill would not affect that timing.

"As a human endeavor, there's going to be mistakes made," he said. "The question in somebody's character is what do you do when you find out about it."

The Ohio Department of Commerce acknowledged last week that a scoring error led to one company's inadvertent exclusion from the list of the dozen big marijuana growers receiving provisional licenses.

The agency said it identified the mistake after Yost expressed concern that two employees had complete access to the scoring data.

The department offered to put the program on hold, but Yost said in a letter to the agency sent Wednesday that it's too late for that. Spokeswoman Kerry Francis said Thursday that the department hadn't yet seen the legislation so was unable to comment.

The acknowledged error in scoring has been accompanied by additional allegations of mistakes by others.

A lawsuit filed by some unsuccessful applicants earlier this week claims state regulators failed to follow their own rules when awarding provisional licenses for growing facilities late last year.

Several groups allege various failures in the licensing process, including “scoring errors, undisclosed conflicts of interest, and undisclosed loopholes in the security of information.” They ask a judge to revoke the licenses and prevent the department from issuing operators’ permits to the companies.

Yost, a Republican running for attorney general, said Thursday that he and his staff will review Coley’s legislation and work closely with him and the Legislature “to take the steps necessary to ensure Ohioans have confidence in the medical marijuana program.”

He said his office also is continuing to review processes and controls at the Commerce Department to identify any additional system weaknesses.

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## Ohio medical marijuana program headed in wrong direction, former advisory committee member says

Updated Feb 8; Posted Feb 7

COLUMBUS, Ohio -- A member of Ohio's medical marijuana advisory committee who quit last week warned that the new program won't work as legislators intended.

Ted Bibart, a Columbus-area attorney who was appointed to represent patients on the committee, said the advisory panel has had little opportunity to help craft rules and regulations for the program.

"My fear is that, in the absence of a strong commission of the type originally contemplated by House Bill 523, the Ohio program is headed the way of New York and Illinois, programs debilitated by bureaucracy that have failed to provide adequate patient access and physician participation," Bibart wrote in his resignation letter to House Speaker Cliff Rosenberger.

New York and Illinois are frequently cited as examples for having programs with restrictions that limit the eligible patient population, which makes products harder to get and more expensive for patients.

When the medical marijuana bill passed the House in 2016, it created a commission to set up and regulate the program for patients, marijuana businesses and physicians. But the Senate wanted existing state agencies to develop the program.

The final version of the bill compromised by dividing the work among three agencies -- the Ohio State Medical Board, Board of Pharmacy and Department of Commerce -- and establishing an advisory committee to provide feedback to regulators.

The 14-member committee included physicians, pharmacists, a nurse, a county sheriff and representatives for patient and caregiver communities. The committee did not draft rules and regulations and had no authority to make changes.

Bibart was one of the more outspoken and critical members of the committee. He said committee members didn't receive meeting materials in advance and didn't have any working sessions to discuss or debate proposed details of the program.

"The end result is that this strong group of interdisciplinary experts has been left with a forum that is ill-equipped to consider, discuss and develop substantive policy recommendations for presentation to the regulators," Bibart wrote.

In an interview, Bibart said Ohio's program should have been shaped by learning from what's worked and what hasn't worked in other states. He said that hasn't happened with the state's three-pronged approach to writing the rules and regulations.

The Department of Commerce is "responsible for standing up a safe, patient-centered, transparent and sustainable program as outlined in House Bill 523," a spokeswoman said in response to Bibart's opinion of the program.

The law sets a Sept. 8 deadline to get the program up and running, but when legislators passed the law, they anticipated it would be operational before then.

The Department of Commerce awarded provisional cultivation licenses to 24 companies in November. The Pharmacy Board will award licenses to up to 57 dispensaries statewide; Bibart and others have questioned whether that's enough to serve patients.

*Mobile readers, [click here to read the resignation letter](#).*

## Ohio auditor: It's too late to 'pause' medical marijuana program rollout

Updated Feb 21; Posted Feb 21

COLUMBUS, Ohio -- Ohio Auditor Dave Yost says it's too late to hit the pause button on Ohio's medical marijuana program despite mounting concerns about how state regulators graded cultivator license applications.

The Department of Commerce issued provisional cultivator licenses to 24 companies in November 2017. Yost's office began examining the department's scoring process following reports that the agency had hired a felon and consultants who had a possible conflict of interest with applicants to help score applications.

The department offered last week to "pause" any portion of the program Yost deemed necessary, Director Jacqueline Williams wrote in a letter to Yost.

Yost replied Wednesday: "Unfortunately, the window to 'pause' has probably closed." Yost wrote in a letter to Williams that the provisional licensees have made "substantial investments" to build grow facilities and meet the obligations of the license.

Yost also noted the department has two fewer months now than in November to meet the law's Sept. 8 deadline for the program to be operational, and patients have already been waiting almost two years for that start date.

"Weighing the multiple process flaws against the harms caused by 'pausing' the program at this late date seems to me to favor allowing the program to move forward and allowing the program flaws to be addressed through the administrative appeals process or other litigation," Yost wrote.

He advised the department to seek the advice of Ohio Attorney General Mike DeWine's office, which will defend the department in lawsuits challenging the process. Two lawsuits have been filed, and 69 applicants have requested administrative hearings to appeal their scores.

The department did not immediately answer questions Wednesday afternoon about whether it planned to pause part or all of the program or why it sought Yost's permission to stop licensing marijuana growers, testing labs and product manufacturers.

In December, Yost and other state officials advised the department to put the program on hold pending a full investigation of the scoring process. The department forged ahead.

On Feb. 12, Yost alerted the department to a security loophole that could have allowed two state employees to log in as scorers to an online application review portal and change scores or application materials. Yost told Ohio Public Radio's Statehouse News Bureau that he would renew his call to freeze the program.

Three days later, the department admitted an employee's scoring error prevented an applicant from receiving a license. Yost changed his mind over the weekend after thinking about the broad impact a freeze would have on patients and businesses, he said in an interview Wednesday.

*Mobile readers, [click here to read Yost's letter](#).*

## Mary Taylor's chief of staff has new job with Ohio's medical marijuana program

*Updated Feb 23; Posted Feb 23*

COLUMBUS, Ohio -- A longtime Kasich administration staffer has a new job advising Ohio's nascent medical marijuana program, but few details were available Friday about what he will do in the new role.

Mark Hamlin, Lt. Gov. Mary Taylor's chief of staff, will take a senior policy position at the Ohio Department of Commerce, which is one of three state agencies overseeing the Ohio Medical Marijuana Control Program, Taylor spokesman David Hopcraft confirmed Friday. The Department of Commerce is responsible for the cultivation, testing and processing portions of the medical marijuana supply chain.

The department has come under fire in recent months over reports it unknowingly hired a felon with a drug conviction to help score applications and for how it handled that and other concerns about the scoring process. Last week, six unsuccessful cultivators sued the department, alleging it did not follow its own rules during the scoring process.

Hamlin was the lead staff person on Kasich's "common sense initiative," a state effort to work with businesses and state agencies to cut red tape in rules and regulations. Much of Ohio's medical marijuana program is detailed in those agency rules instead of state law.

It was unknown Friday how big of a role Hamlin will play in the program going forward.

The Department of Commerce did not reply Friday afternoon to questions about the move. A spokesman for Gov. John Kasich referred cleveland.com to the Commerce Department, which is a governor's cabinet agency.

Hamlin will start his new job March 5, Hopcraft said. Emily Kaylor, the director of the common sense initiative, will serve as interim chief of staff.

Hamlin has worked in the lieutenant governor's office since 2011. He was promoted to chief of staff in March 2017, after several predecessors served only months-long stints in the position.