

**CITY OF MASON
COUNCIL MEETING
JANUARY 22, 2018**

The meeting was called to order at 7:00 p.m. Pastor Jeff Heslop opened the meeting in prayer. All those present recited the Pledge of Allegiance.

ATTENDANCE

The following members of Council were present: Diana K. Nelson, Barbara Berry-Spaeth, Ashley Chance, Kathy Grossmann, Michael E. Gilb, T.J. Honerlaw, and Victor Kidd.

APPROVAL OF MINUTES

A motion to approve the January 8, 2018 Council Meeting Minutes was made by Councilmember Chance, seconded by Vice Mayor Spaeth. VOTE: ALL YEAS.

CITY MANAGER’S REPORT

A motion to not request a public hearing for a D5I liquor permit for Station of Main LLC at 5948 Snider Road was made by Councilmember Chance, seconded by Councilmember Nelson. VOTE: ALL YEAS.

A motion to not request a public hearing for a D5A and D6 A TRFO liquor permit for Star Alliance Hospitality LLC at 5579 A & 5589 S SR741 was made by Vice Mayor Spaeth, seconded by Councilmember Chance. VOTE: ALL YEAS.

Mason Parks and Recreation Foundation, in partnership with Mason City Schools, is hosting “Comets for Common Ground” on Saturday, January 27. Proceeds from this exhibition game between Mason City School staff and the Cincinnati Royals wheelchair basketball team will benefit Common Ground Playground. The game takes place at Mason Middle School with Mike Dardis from Channel 5 News as emcee. There will be quarter and half-time performances by school clubs and organizations, music by a DJ, raffles, giveaways, and concessions.

COMMITTEE REPORTS

Councilmember Chance, Mason Park Board Member, encouraged attendance to the Wheelchair Basketball Exhibition Game. Three Para Olympians, traveling from out of town, will be playing on the Cincinnati Royals basketball team.

RECOGNITION OF VISITORS

Perry Schwartz of 6309 Tarton Fields Lane wanted to know what communities surrounding Mason are doing regarding medical marijuana dispensaries.

Lelle Lutts Hedding, Deerfield Township Board of Trustees President, stated Deerfield Township passed a resolution in December 2016 prohibiting the cultivation, processing, and retail sale of medical marijuana in the Township. She requests the City of Mason do the same in the best interest of the Mason-Deerfield community.

ORDINANCE 2017-139 PUBLIC HEARING: AMENDING CHAPTER 1171 OF THE ZONING CODE OF THE CITY OF MASON, OHIO, REGARDING REGULATIONS FOR THE CULTIVATION, PROCESSING, AND RETAIL DISPENSARIES OF MEDICAL MARIJUANA

A motion to read by title only was made by Vice Mayor Spaeth, seconded by Councilmember Nelson. VOTE: ALL YEAS.

Eric Hansen stated an amendment to the City's zoning code is allowed by the State of Ohio as part of their action to legalize medical marijuana. The effect of this proposed amendment to the zoning code bans cultivation, processing, and dispensaries of medical marijuana within the City of Mason. He explained the City can control the zoning, but the State ultimately awards licenses and regulates the use of medical marijuana.

Public Hearing opened at 7:15 p.m.

Dr. Jeff Beery of Hillsboro, Ohio was introduced by Councilmember Grossmann. Dr. Beery is the Highland County Coroner and stated the Ohio State Coroners Association unanimously passed a resolution in 2015 opposing legalization of marijuana. He said marijuana is a drug of death and the Ohio Department of Health Vital Statistics Bureau shows 40% of homicide victims had marijuana in their system in 2012. He shared additional scenarios supporting the belief that marijuana is a gateway drug leading to violence and death. Dr. Beery raised questions regarding the conflict of medical marijuana with federal law and encouraged the City of Mason to simply follow federal law.

Robert Ryan, Executive Director of the Ohio Patient Network, distributed information to Council regarding the effects of marijuana on property values, crime, opioids, and politics. He stated the American Legion passed a resolution in support of medical marijuana, the Federal Government ships out tins of medical marijuana to patients and has done so for decades, and the National Academy of Medicine published a report in 2017 on health effects of cannabis including conclusive evidence of some health benefits. Mr. Ryan stated studies suggest marijuana has no real effect on crime, property values, and the use of medical marijuana may help people get off of opioids.

Tom Grossmann, Warren County Commissioner, stated the FDA reviewed all research regarding marijuana's Schedule 1 Drug Status and in August 2016 determined not to change the drug's status. The FDA and the Center for Drug Evaluation and Research have determined the drug has no medical purpose, is dangerous to prescribe, and is highly subject to abuse. He said there is no evidence that marijuana use would reduce opioid related deaths or help patients with PTSD. There is a legitimate process for approving drugs, and without FDA approval 70% of doctors in Ohio will not prescribe marijuana.

Michelle Schultze of 8524 Beckett Pointe in West Chester, shared her son's medical history of dealing with seizures and stated his condition could benefit with medical marijuana treatment.

State Representative Paul Zeltwanger of 4607 White Blossom Boulevard, stated the Ohio Medical Marijuana Commission has designated three locations in Hamilton County and one in Butler County for the cultivation, processing, and retail dispensaries of medical marijuana. He believes dispensaries will affect property values and supports the zoning ordinance banning them in the City of Mason.

Wayne Davis, former Mason resident currently living in Lebanon and Mason business owner, shared his experience with seizures and believes the residents of Mason should have the opportunity to vote on the issue of dispensaries in Mason.

Jim Jennings, American Legion Post 184 Commander, explained American Legion Resolution 2016-11 and Resolution 2017-28 passed in support of cannabis development research, the reclassification of marijuana as a Schedule 2 Drug, and approves VA medical providers the authority to discuss with veterans the use of medical marijuana and recommendation of its use where legal.

Sarah Willoughby of 4340 Spring Field Lane read a letter from Jerry and Charlene Pelfrey which shared Ms. Pelfrey's experience with cancer. When considering the negative impact medical marijuana has had on communities in states where legal, they encourage Council to vote yes on Ordinance 2017-139.

Tracy of 606 Wayne Madison Road in Trenton, a cancer patient, came forward as a "face" of someone who would benefit from medical marijuana treatment.

Don Prince of 4573 White Blossom Boulevard opposes medical marijuana in Mason and is concerned about the potential misuse by minors. He shared an unhappy memory of three college students losing their lives because of impaired judgement while caving. The students were using marijuana. He asked Council to declare their position on the topic and to take a vote.

Chris Skinner, President and Founder of the Rock Star Recovery Foundation, is a recovering opioid addict. He stated 150 people die each day of drug overdoses and the state of Colorado has seen an 85% reduction in drug overdoses since the legalization of marijuana.

Robert Balen, retired Federal Prosecutor, stated the manufacturing and distribution of marijuana is in violation of Federal Law and he supports the ordinance to block it in the City of Mason.

Jeff Heslop of 5111 Fieldshurst Court believes that drug use destroys lives and asks Council to approve the ordinance prohibiting marijuana in the City of Mason.

Kevin Shew of 222 Van Buren Drive would like convenient access for patients where medical cannabis use has been proven beneficial. He shared his wife's personal story and how she has suffered through current medication treatments. She has one of the 21 conditions approved for

medical marijuana use and the side effects of medical marijuana are nonexistent compared to the long list of side effects of the drug she is currently taking.

Randy Warwick of 4915 Laurelwood Court questioned what was learned from the 180 day moratorium and the risk to our youth.

Christy McAffe of 219 Van Buren shared that she has 3 conditions approved for medical marijuana use and would like to reduce her opioid use with something more natural. She would like the convenience of a dispensary in Mason.

Ray Warrick of 5466 Grand Legacy Drive in Hamilton Township encouraged Councilmembers to address the issue. He believes there is money to be made in the medical marijuana business because there is a larger market outside of patients with valid medical needs.

John Marshall of 5564 Richmond Park Drive said 66% of Mason residents voted against medical marijuana in 2016 and Council should execute the will of the people.

Gary Pflieger of 7907 Yellowwood Drive shared the impact legal marijuana has had on businesses in Colorado. He expressed his concerns, after speaking with realtors in Colorado, that fire, police, and insurance costs will rise while property values fall.

David Borgemenke of 4520 Wilderness Way works for an inner-city hospital in Dayton and sees a lot of drug related deaths. He said marijuana use usually has some relationship with other drugs causing death.

Steve Jones of 913 Leslie Court said he is concerned legalization of medical marijuana leads to the legalization of recreational marijuana.

Sheriff Larry Sims of Warren County stated youth are the largest population of medical marijuana users in states where it is legal.

Jackie Quigley of 4696 Saddletop Ridge Lane in Deerfield Township stated residents in this area do not want it here.

Public Hearing closed at 9:15 p.m.

ORDINANCE 2017-139 SECOND READING: AMENDING CHAPTER 1171 OF THE ZONING CODE OF THE CITY OF MASON, OHIO, REGARDING REGULATIONS FOR THE CULTIVATION, PROCESSING, AND RETAIL DISPENSARIES OF MEDICAL MARIJUANA

Vice Mayor Spaeth said she believes it is misleading to say “the people of Mason have already decided” on this issue because statewide Issue 3 to legalize marijuana was defeated in 2016. This is an issue that the citizens of Mason have the right to decide.

A motion to refer Ordinance 2017-139 amending Chapter 1171 of the zoning code of the City of Mason, Ohio, regarding regulations for the cultivation, processing, and retail dispensaries of medical marijuana to the electors of the City of Mason at the May 8, 2018 primary election was made by Vice Mayor Spaeth, seconded by Councilmember Chance. Law Director Jeff Forbes explained in order to be adopted; this motion to refer the issue to the electors would require five affirmative votes by Council. Councilmember Gilb stated Mason citizens could referendum the issue if Council adopts Ordinance 2017-139. Councilmember Grossmann said she would not be in favor of the issue being taken to the voters because the language would be confusing. She stated we need time as a Council to come to a consensus and feels like it is being rushed. Councilmember Nelson responded to Councilmember Grossmann by stating we have a moratorium in place and if she feels we are rushing through this and need more time as a Council we could table it. Councilmember Grossmann said that although she has been frustrated with the absence of a scheduled work session to discuss, Council has had ample opportunity to consider and discuss the issue and should be prepared to vote tonight.

VOTE: 4 YEAS (Nelson, Spaeth, Chance, Kidd), 3 NAYS (Grossmann, Gilb, Honerlaw).
MOTION FAILS.

A motion to adopt was made by Councilmember Grossmann, seconded by Councilmember Gilb. Vice Mayor Spaeth said that although she believes patients can benefit with the use of medical marijuana, she feels it is too new, conflicts with Federal law, and she would not like to see cultivation, processing, and dispensing allowed in the City of Mason at this time. Councilmember Honerlaw stated that although he is sympathetic for the people who need medical marijuana, he is in support of a zoning ordinance restricting medical marijuana businesses in Mason. Councilmember Chance said he has had conversations with about 50 people concerning opioid, heroin, and methadone addiction, has listened to their personal stories, understands their suffering, and does not support a ban in the City of Mason. Councilmember Nelson expressed disappointment that Council did not allow Mason citizens to decide this issue and encourages a referendum on the issue so that voters can have the opportunity to make this decision, but will vote tonight for the ban on medical marijuana in the City of Mason because she feels it is the most conservative approach. Councilmember Gilb clarified that a process is in place for citizens to be heard on this issue through referendum. Councilmember Grossmann expressed empathy for patients suffering and wants them to have the comfort care they deserve and need through safe and proven treatment, but studies show a clear and present danger associated with marijuana. She is concerned the approval of medical marijuana will lead to recreational use, marijuana is a gateway drug, and with revenue directed to the state level - any benefit from medical marijuana businesses in Mason will be outweighed by the risks. She read a statement by Dr. Paul Keck, President and CEO of Lindner Center of Hope, supporting the FDA's position listing marijuana as a Schedule 1 Drug and until FDA approval, should not be recommended for medical use. Mayor Kidd shared his perspective on this highly emotional issue. He said that while he is grateful for his personal health, he has witnessed the pain and suffering of others with health issues, and understands their intense desire to find relief from pain which is sometimes accompanied with debilitating addictions. One of Mayor Kidd's greatest missions in life is to follow and place his faith in the divine healer which has led him into ministry working with many people in an effort to alleviate suffering. He has had a variety of experiences as part of this ministry including his most recent work with heroin addicts and the establishment of a non-profit organization that addresses the needs of recovering addicts and

their families. Mayor Kidd stated he has studied the medical marijuana issue extensively and his informed decision to make medical marijuana accessible to those who need it is consistent with his life's mission. He does not believe medical marijuana will be harmful to our community with stringent Ohio Revised Code regulations in place. Far more dangerous drugs are sold in our local pharmacies and marijuana has the potential to relieve the pain of those suffering, with far less side effects. He also is hopeful that marijuana could be a possible remedy to the opioid epidemic.

VOTE: 5 YEAS, 2 NAYS (Kidd, Chance).

ORDINANCE 2018-8 APPROVAL OF THE COLONIAL ACRES REPLAT NO. 2

A motion to read by title only was made by Councilmember Chance, seconded by Councilmember Gilb. VOTE: ALL YEAS.

Kurt Seiler stated this replat for a church on Tylersville Road includes expansion plans for a new sanctuary, vestibule, restrooms and the addition of 45 new parking spaces. The area is in the City of Mason and approval will consolidate the two parcels into one. With the expansion, an existing waterline will need to be relocated and the new easement is shown. Planning Commission recommends approval of the replat.

A motion to suspend the rule and allow for adoption after the first reading was made by Councilmember Nelson, seconded by Councilmember Chance. VOTE: ALL YEAS.

A motion to adopt Ordinance 2018-8 was made by Councilmember Nelson, seconded by Councilmember Gilb. VOTE: 6 YEAS (Vice Mayor Spaeth absent for the vote).

ORDINANCE 2018-9 AUTHORIZING THE CITY MANAGER TO EXPEND AN AMOUNT NOT TO EXCEED \$400,000 AND EXECUTE THE TERMS OF A JOINT AGREEMENT RELATED TO THE STRAIGHTENING OF COX-SMITH ROAD EAST OF SR741 (SPECTRUM)

A motion to read by title only was made by Councilmember Gilb, seconded by Councilmember Chance. VOTE: ALL YEAS.

Kurt Seiler said this follow-up to Ordinance 2016-119, an agreement for the straightening of two 90-degree bends on Cox-Smith Road, is east of SR-741 and the office park entrance. Currently on the City's Thoroughfare Plan, the 2018 budget included \$400,000 for the City's portion of the roadway improvements. Spectrum Retirement will bid and complete the work and once construction is complete will dedicate the right-of-way and invoice the City for 50% of the actual costs up to \$400,000.

A motion to suspend the rule and allow for adoption after the first reading was made by Councilmember Nelson, seconded by Councilmember Honerlaw. VOTE: ALL YEAS.

A motion to adopt Ordinance 2018-9 was made by Councilmember Gilb, seconded by Councilmember Nelson. VOTE: ALL YEAS.

OLD AND NEW BUSINESS

Councilmember Grossmann thanked staff for providing zoning maps. They have been most helpful.

RECOGNITION OF VISITORS

Steve Jones of 913 Leslie Court thanked Council for the public forum to discuss medical marijuana. It was most enlightening. He also thanked Mayor Kidd for his transparency and allowing us to see a glimpse of his heart on the issue.

ADJOURN

A motion to adjourn was made by Councilmember Chance, seconded by Councilmember Nelson. VOTE: ALL YEAS. TIME: 10:10 p.m.

Clerk of Council

Mayor