

# **“SPECIAL MEETING”**

**(CITY COUNCIL MEETING)**

**August 12, 2024**

**Time: 6:31pm**

The Special Meeting of Mansfield City Council met on Monday, August 12, 2024 at 6:31pm in the Council Chambers of the City Building.

The business conducted at this meeting will be for the business of discussing **Bill 24-125, Bill 24-126, Bill 24-157 and Bill 24-158.**

The Pledge of Allegiance was recited by the audience.

Eleazer Akuchie led the audience in prayer.

**ROLL CALL:** The following answered were present at roll call: Burns, Meier, Akuchie, Diaz, Mount, Zader, Falquette, and Scott. *(Daley – Excused Absence: 7-0)*

Since this a Special Meeting, we will not have the reading of the Journal and Correspondence.

**PRESIDENT PHIL SCOTT:** Mayor, do you have anything for council this evening?

**MAYOR PERRY:** Not at this time.

**PRESIDENT PHIL SCOTT:** Director Andres.

**DIRECTOR LOUIE ANDRES:** Not at this time.

**PRESIDENT PHIL SCOTT:** Director Porch.

**DIRECTOR KEITH PORCH:** No Sir.

**PRESIDENT PHIL SCOTT:** Director Harper?

**DIRECTOR ROELIFF HARPER:** Nothing to add.

**PRESIDENT PHIL SCOTT:** Thank you.

## **SUSPEND RULES**

**ELEAZER AKUCHIE:** I move with respect to all bills that come before council this evening that the rule requiring reading on three different days be suspended and that each Bill be read one time by title only. Seconded by Mrs. Zader. A voice vote was taken and resulted as follows: Ayes: 5, Nays: 2 *(Nays: Akuchie, Mount)*

## PUBLIC COMMENTS:

**PRESIDENT PHIL SCOTT:** We shall proceed with Public Comment. And when you come, please come up, if you've not been here before, please come up to the microphone, push it on, then give your name and address please. Wally Toward. I failed to mention, you have three minutes.

**WALLY TOWARD:** (1520 Silver Lane, Mansfield Ohio) Thank you. Please bear with me. I am on a medication that, give me extremely dry mouth. I'll be sipping this (water) every five words I think. My name is Wally Toward. I've been a small businessman of Mansfield for almost fifty years now. I'm a non-smoker, non-drinker, non- drug user who's a strong supporter of the marijuana legislation. The reason being, I personally have witnessed at least five people being brought back by NorCal. I personally witnessed two people dying of fentanyl. It's something I hope I never see again. And, I attended both funerals, one was 34 and one was 33. The reality is if they don't have their, people are gonna to use marijuana, their gonna use other drugs. If they don't have a clean source, their going to die. It's no more complicated than that. And to me, having them to be able to be alive, and have another day to be able to get themselves cleaned up is worth it. That's number one. The other reason I'm here, is a personal, may call mercenary reasons. I understand that they want to limit where the stores is located to a B-2 area. The reality is many people don't want the stores near them. And, I understand that. But I understand the urgency and the need also to find a safe and reasonable place for the people to conduct business. I am requesting that when you do the zoning location, you would consider other zoning besides just B-2. The reason being, I have a building that I have been contacted by several times, by people who are hoping to locate in this facility. If you know where the DairyLand is on Springmill Street, if you pull in it to get one of their great sandwiches, and you look to the right where they have their picnic table, across there on Longview Avenue you'll see a building I own. It is 2,500 square foot office building on 1.6 acres. It sits by itself. It's an I-2. And I am hoping the legislation would allow me to have the opportunity to at least be in the running to have a facility. It solves many of your concerns. Here's no schools, no daycare centers. It's isolated, it's right near the interstate. Security is excellent. And I have had actually three of the people contact me about it. So, all I'm asking is that you consider not just a B-2, but consider a place that wouldn't normally be considered. Where you would think would not be considered an I-2. But, I am unique in that, there are two other buildings unique also. Thank you very much for your time and consideration.

**PRESIDENT PHIL SCOTT:** Next, we have Tammy McQuillen.

**TAMMY MCQUILLEN:** Thank you for allowing me to speak today. My name is Tammy McQuillen. I live at 806 Straub Rd W, Apt. 36, Mansfield, Ohio 44904. Recreational marijuana dispensaries are brand new for Mansfield. And the city must get his right the first time. I respect the Mayor and the Law Director for consulting with an experienced Columbus attorney to make sure the zoning and other regulations are correct. Mansfield cannot afford any more costly debacles like the old YMCA and the West Park Shopping Center left by previous administrations. While some members of council are inpatient to get things going because potential investors are blowing up their phones, I would say those investors need Mansfield more than we need them. Mansfield has to do what is best for all of Mansfield. I have seen the proposed zoning and city regulations for dispensaries, and they look pretty good. I especially like the idea of limiting them to four (4). Other communities surrounding Mansfield have voted against recreational dispensaries and they will be watching Mansfield closely to see how things go. Mansfield must get this right. Thank you for your attention and keep up the good work that you have been doing to make Mansfield a better place to live. And, I mean that sincerely. Thank you.

**PRESIDENT PHIL SCOTT:** Thank you. Next, we have Tom Haren. H-A R-E-N? Sorry for the mispronunciation.

**ATTORNEY TOM HAREN:** (200 Public Square, Suite 3000, Cleveland, Ohio 44114) Good evening members of council. My name is Tom Haren. I am an attorney at Franz-Ward, base out of Cleveland, Ohio. I represent RJK Holdings, LLC, which has a site approved as a what we would call a 10-B dispensary here in Mansfield. No apologies on the name. My wife's maiden name is Provenzano. And I told her that more people will mis-pronounce Haren than they ever mis-pronounce Provenzano because you never have to stop to think about it when you say it. In any event, I'm here to talk obviously about the marijuana legislation. Hundred percent of my practice is representing cannabis companies, primarily here in Ohio. And so, I've had an opportunity over the last six years to work with a number of municipalities on their approach to marijuana dispensaries, cultivators and processors. And, my client asked me to be here, to share some perspective on the proposed legislation. And the first thing that I will say, is there is a pretty well-developed body of case law that where you have state-wide regulatory frame work. That state-wide regulatory frame work takes certain decisions out of the hands of local governments to the extent they change or conflict with the state-wide system. And under the new adult-use statue, there's an express provision that prevents local government from otherwise prohibiting what is authorized under state law. So, in particular, I'd like to talk about RJK's proposed site at the old Ace Hardware. The zoning proposed legislation requires that all dispensaries be at stand-alone buildings, and outside of I think their called mixed-used buildings. RJK's proposed location is in a shopping plaza. My understanding is it's in a shopping plaza where there is a head shop, not far from it that is actually selling intoxicating hemp products that will have these same or similar potency right now, how be it, unregulated. To the products that would be sold at RJK's legal regulated marijuana dispensary. And one of the things we've seen in other communities is attempts to focus zoning specifically on certain locations that have been approved by the state. Often times, we see that as a result of a competitor whose got a friendly voice in a local community whose says, "Well, I want you to craft a zoning regulation in such a way that my competitors can't be here, but I'm ok." I'm not saying that's what happened here, it's just some perspective. A lot of our clients are in multi-tenant shopping plazas, without any issue. If you've followed the news about the roll-outs of dual use sales over the last several days, you may have noticed it's been relatively quiet. My dispensaries throughout the state have not had long wait lines, you've not heard stories about big concerns with parking, including in places where there are multi-tenant buildings where dispensaries are located. And one of the reasons why Ohio law requires certain decisions to be made at the state level including all decisions surrounding licensing, all decisions around security protocol and the regulatory operational requirements for dispensaries, cause you want to ensure a uniformed application of those laws throughout the state. Not just for business owners in the industry, but also for consumers, and for patients when they are looking to make a purchase at a regulated dispensary. So, on behalf of my client, our ask is that the postponing regulation be amended to remove the requirement that dispensaries have to be in stand alone buildings and cannot be in with the resolution or the ordinance refers to as mixed-use facilities to ensure that people like RJK who have a state-approved site can locate the license that they expect to receive from the state and I also just want to caution council that there are a number of cities that are doing lots of different things as it relates to ordinances relating to marijuana facilities. Many of them will end up in litigation where those ordinances conflict with or change what happens at the state level. We certainly hope to avoid that scenario here in Mansfield. We don't want to see Mansfield lumped in with those cases. My client unfortunately couldn't be here tonight but they are looking forward to working collaboratively with the Mansfield City government. They hope to be a good partner with the city. You probably have seen that 3.6% of every single adult-use cannabis transaction goes right back to the local government under the initiated statue. So, their hoping that this will be a jointly and mutually beneficial relationship here with the city of Mansfield. That's all that I have. Thank you so much for the time.

**PRESIDENT PHIL SCOTT:** Thank you. Next, we have Norm Shoemaker.

**NORM SHOEMAKER:** (67 Walnut Street, Mansfield Ohio) I'm not here to talk about the marijuana or put in my two-cents worth. Nearly 60% of the voters passed it. It's going somewhere. If it doesn't go here in Mansfield, it's gonna go into Ontario, Shelby, Bellville. So, somebody's gonna get it. What I'm here to talk about is local labor. I look around the city of Mansfield, and I'm wondering where are economic boom is. You look south, you got Intel. You look east, you got the battery plant. You look north, Ford. And, there is a project getting ready to start out west. It's all around us, but it's not here. We're losing talent, including my son who drives 50 minutes away to make a lot more money than I do, doing basically the same thing. We got to get the manufacturing back here in Mansfield. And speaking of manufacture back here in Mansfield, the unions that we have here, right now, for years that I can think about, I've been on the council for twenty-five years. And I know, I've looked back at brochures dating back to the sixties and fifties. We put on the Labor Day Parade, and we are pretty proud of our parade. We put thousands and thousands of dollars in the parade to give back to the community. We hold a celebration where everything is free to the public. And, I've never had such an issue trying to get my permit done as I did this year. For years, we've brought up the fact that it is a national holiday and that the last administration waived the fee. This year we were charged the fee. \$125.00 is not going to break labor. It's just the idea the stuff we had to go through to get this parade permit. It shouldn't happen like this, for what we give back to the community. So, what I'm asking is, I'm hoping that this council is supportive of local labor. The things we do for the community is beyond belief. I'm very proud of the labor. Eight years I've been President, we give to all local charities. I know my local union gives around \$70,000-\$75,000 a year to local charity, along with the company. I know another local union, they are up in the fifties. So, we give all the time. If a local charity needs a stove or something, we go out of our way to help them out. If you go out 42, you'll see a little school house out there that was built. The Wetland's project was built by labor. So, we do these things to give back to the community. And we do this parade to give back to the community. And all we're asking is that we feel a little more support, and that's with you guys. You guys got to give us that support and make it feel like you guys want us here and want us to do the parade. Because I have seven counties. I don't want to take your parade somewhere else. It's been here for as long as I can remember. I want it to stay here. So, I appreciate the time, thank you.

**PRESIDENT PHIL SCOTT:** Thanks Norm. Next, we'll call on, by zoom, the attorney from Columbus. There she is.

**ATTORNEY AMY BLANKENSHIP:** Yes, Hi -Good Evening. My name is Amy Blankenship. I am an attorney with Bricker – Graden. I'm located out of our Warren county office actually in Lebanon, Ohio. Not in our Columbus office, but certainly we are one in the same. We work it up pretty closely. I'm happy to be here tonight, happy to answer any questions that you might have or give you an update on the status of where from my involvement in it. With these text amendments, you know how much work we've had a chance to do on them so far. I can take it in whatever direction you'd like. And I apologize. From zoom, I can't see the council, I can only see the audience. So, feel free to jump in and interrupt me if you want to say something and I'm rambling on. Ah, somebody done something magic.

**PRESIDENT PHIL SCOTT:** Mrs. Zader.

**STEPHANIE ZADER:** I think if we, if it's ok with everyone, we move forward with this, we might ask questions of her as we go. I don't know that I have any questions up front specifically for her. Ut, we can put it on the floor and then discuss it.

**PRESIDENT PHIL SCOTT:** I would be in favor of that. Normally, we do not have discussion, questions during public comment. So, if you could just kind of hang in there and then while we're discussing the bill. If council members have questions, then at that time, maybe you could answer them.

**ATTORNEY AMY BLANKENSHIP:** Sure, absolutely. That works for me. So, just to give some background on my involvement on this then while we're still at this point in the meeting. I received, and I'm hoping that your Law Director and maybe your Planning Director are both in the room tonight. But, I received the draft, maybe about two weeks ago now. And, amended the draft a little bit. Changed it to, not just have a zoning code amendment, but also have a zoning and a business regulatory section amendment. So that, some of the business rights ended up in that section of your codified ordinances and not I the zoning code. And, I have not, I apologize, I have not to this point, had an opportunity to have a conversation with your Law Director or your Planning Director about some of these changes. And so, we can certainly have a robust conversation about all of that tonight if those folks are in the room.

**PRESIDENT PHIL SCOTT:** And they are.

**ATTORNEY AMY BLANKENSHIP:** Right.

### **LEGISLATION**

**PRESIDENT PHIL SCOTT:** Ok, we will then proceed with legislation. And we'll call up first bill, Bill 24-125, Miss Mount.

**DEBORAH MOUNT:** Thank you Mr. President. Bill 24-125 at the last meeting, was voted to be considered on August 20<sup>th</sup>. So, what action are we looking to take? For discussion?

**PRESIDENT PHIL SCOTT:** Place it on the floor for discussion.

**DEBORAH MOUNT:** Initially, a point of order, the suspension of the rules vote was 5-2. That did not meet the three quarters necessary to suspend the rules, just FYI. According to rule H3 of the council rules. With regard to Bill 24-125, I move that it read and placed on the floor for discussion.

**STEPHANIE ZADER:** Second.

**PRESIDENT PHIL SCOTT:** It's been regularly moved and seconded. The clerk will read Bill 24-125.

**LACONIA ROSS:** Repealing Chapter 769 of the Mansfield Codified Ordinances of 1997 concerning prohibiting medical marijuana cultivation, processing, and retail distribution within the City of Mansfield.

**PRESIDENT PHIL SCOTT:** Is there any discussion on Bill 24-125? Mr. Falquette.

**DAVID FALQUETTE:** Yes, I would like to add the emergency clause on Bill 24-125. If we can make an amendment tonight, I move that properly worded emergency clause be added. So, that when it is passed, it takes effect immediately.

**STEPHANIE ZADER:** Second.

**PRESIDENT PHIL SCOTT:** It's been regularly moved and seconded that we add the emergency clause to Bill 24-125. Is there any discussion on the motion? Miss Mount.

**DEBORAH MOUNT:** I would be in favor of doing what we needed to do to vote on it, if we can somehow guarantee that there will not be a lapse in time between when it takes effect and when the recreational takes effect. So, if we can amend that somehow to make sure that it occurs on the same day.

**PRESIDENT PHIL SCOTT:** Miss Zader.

**STEPHANIE ZADER:** Just to be clear, we are not amending to take a vote on it. We're adding an emergency clause that doesn't really affect the voting. It's adding the clause or not adding the clause to that. Which means instead of it taking 30 days to take affect after the bill does pass, then it takes effect immediately. That does not dictate when we vote on it.

**PRESIDENT PHIL SCOTT:** Very good clarification. Thank you. Is there any other discussion on the motion? Hearing none, we will call roll on the motion. (*Voice Vote – Yes: 5, No:2 {Akuchie, Mount}*) That the portion(clause)will be added to the bill. Is there any other discussion on Bill 24-125? Mayor?

**MAYOR JODIE PERRY:** I just want to add, both in the conversations with Attorney Blankenship and I had a conversation earlier today with the Department of Commerce. I think that these, whenever they're voted on, these bills should be looked at concurrently. Because, if we were to lift the moratorium, we are definitely opening ourselves up there. So, I just wanna, I know we've said that, we kind of took the time in between the meetings to just affirm that to make sure everything was correct on that. I don't know if the attorney has anything to add on that, but I just think that's just very important for everyone to understand.

**PRESIDENT PHIL SCOTT:** Ms. Zader.

**STEPHANIE ZADER:** I think that was the intention of this meeting was to try to get all the information together at once, so that we could discuss and we have time before the next meeting, so that we weren't discussing zoning and everything all at once. At least, that was intention as one of the members of calling this meeting. I don't want to speak for the other two members, but that was our intention was to get everything all out in the open and get it discussed so we can move forward all at once.

**PRESIDENT PHIL SCOTT:** Attorney Blankenship, do you have anything to add to that?

**ATTORNEY AMY BLANKENSHIP:** Sure, so yes, we did have some conversation, email conversation about this last week. When you repeal these sections, the 769, whenever you repeal your prohibition, then when the repeal of the prohibition takes effect, then the uses are available to an applicant could apply to open one of these uses in the city and they would be treated. Typically, what ends up happening, they are treated as a whatever a similar use would be under your zoning code. So, for example, dispensaries, medical dispensaries are usually treated as pharmacies. These new adult-use dispensaries would likely be treated as retail uses. Which is how most communities have been looking at them. And, then of course there is processors and cultivators to consider as well, which is a point I'd like to make too about these text mimets when we get to that portion of discussing the more robust text amendments. There's, we need to make sure we clarify dispensary processor and cultivator intentions. Because, you know, this repeal is for all the types of uses. And, the regulations that you have in front of you tonight, the zoning regs focus specifically on dispensaries. They do not address cultivators and processors in terms of where they would be located. So, if there's an intent in the city to zone them into particular areas, and those uses tend to be larger. Processors tend to be more industrial use, of course cultivators as well. You know, sometimes zonings work takes care of itself where those uses are concerned and they tend to only end up in the areas and the districts that would really be most appropriate. But, it's not specifically spelled out in the zoning amendments that are in front of you tonight.

**PRESIDENT PHIL SCOTT:** Okay, thank you. Mr. Akuchie.

**ELEAZER AKUCHIE:** Question for Ms. Blankenship. A little clarification. Are you saying that if we repeal the medical marijuana without the zoning approved, and there will be, people can put the business somewhere that is not really required to be?

**ATTORNEY AMY BLANKENSHIP:** So, if these zoning amendments, if the intent, if the will of council is to allow for, let's speak specifically to adult use or recreational dispensaries, if the intent of council is to allow dispensaries in the city only in the B-2 district, then these zoning regulations that you're going to discuss tonight need to be in effect when you repeal, whenever that may be, whenever your prohibition comes off, your zoning regs need to be in effect. Otherwise, then an applicant could just find some type of similar zoning argument and see if they could open a dispensary somewhere other than B-2. So, the most solid way to regulate these of course, is to that the zoning in effect concurrent with or prior to the repeal of the prohibition. And, I am at a little bit at a disadvantage in terms of, in that I don't know the in's and out's, the nuisances of the Mansfield Charter, and the way your ordinances take effect. I hear tonight that the rules have not been waived and I believe I am understanding that to mean that you won't be voting on anything tonight, please correct me if I'm wrong on that. So, if you don't want that gap in time, that open window, and several of our Mansfield clients have had that open window just taken the risk, if you will, of well, "our moratorium has expired or our prohibition has been repealed." And now, someone could come in open their business here and we may might not have our local regulations in place. Of course, the state has regulations in place for all of these uses, but not at the same level that you would be looking at especially through the zoning lenses. Then you got to make sure you've got your time lines straight. And, I can certainly pull up a time together for you, if that would be useful in terms of you know when you would repeal verses the enactment of your zoning, of our text amendments. And again, I apologize that I don't know the answer to this as well. Typically, text amendments to the zoning code need to go through Planning Commission. But your ordinances may operate differently in terms of your text amendments.

**ELEAZER AKUCHIE:** Thank you.

**PRESIDENT PHIL SCOTT:** And, I guess at this point and time, I look at the Law Director on advice as to should we just consider this as a first read or go ahead and vote on these tonight?

**DIRECTOR ROELIFF HARPER:** It's my opinion, that we should repeal and replace tonight.

**PRESIDENT PHIL SCOTT:** On Bill 24-125 and 24-126?

**DIRECTOR ROELIFF HARPER:** And, I'm gonna go with an opinion from the attorney on the screen.

**PRESIDENT PHIL SCOTT:** Ok. Ms. Zader.

**STEPHANIE ZADER:** Mr. Scott, I think I can take care of that for you. Because I would like to put a motion on the floor to amend this legislation to pass on August 20<sup>th</sup>.

**DAVID FALQUETTE:** Second.

**PRESIDENT PHIL SCOTT:** Thank you Ms. Zader. It's been regularly moved and seconded that we...restate your motion again.

**STEPHANIE ZADER:** To amend Bill 24-125 for final passage to be August 20<sup>th</sup>, 2024.

**PRESIDENT PHIL SCOTT:** Ok. To amend Bill 24-125 for final passage on August 20<sup>th</sup>. It's been moved and seconded. Is there any discussion on the motion? Miss Mount.

**DEBORAH MOUNT:** That's exactly how we left it at the last meeting, so...

**PRESIDENT PHIL SCOTT:** Pretty much, yes.

**DEBORAH MOUNT:** So, I don't know that we would need to amend it, because that's exactly how at last week we stood.

**PRESIDENT PHIL SCOTT:** Ms. Zader.

**STEPHANIE ZADER:** Well, the current legislation in front of us says for passage tonight, so that's why I was clarifying. Cause, what we have in front of us says tonight. And I understand that that's why we left it, but things got a little shaken up a little bit with this Special Meeting because we wanted to see the zoning ahead of that meeting. So, I think, my thought was we clarify it for the record that what is here in front of us is being amended to August 20<sup>th</sup> cause right now it says August 12<sup>th</sup>.

**PRESIDENT PHIL SCOTT:** Any other further discussion? Ok, with that, we will call the role on the motion. (*Voice Vote – Passes Yes: 7, No:0*)  
(END OF DISCUSSION)

**PRESIDENT PHIL SCOTT:** So, now we will move on to Bill 24-126. Miss Mount.

**DEBORAH MOUNT:** Thank you Mr. President. I move that Bill 24-126 be read and placed on the floor for discussion.

**STEPHANIE ZADER:** Second.

**PRESIDENT PHIL SCOTT:** It's been regularly moved and seconded. The clerk will read Bill 24-126.

**LACONIA ROSS:** Repealing Section 1167.15 of the Mansfield Codified Ordinances of 1997 concerning prohibiting medical marijuana cultivation, processing, and retail distribution within all zoning districts of the City of Mansfield.

**PRESIDENT PHIL SCOTT:** Is there any discussion on Bill 24-126? Mr. Falquette.

**DAVID FALQUETTE:** Thank you Mr. President. I move that on Bill 24-126 that it be properly worded emergency clause be added so it takes effect immediately when and if it is passed.

**STEPHANIE ZADER:** Second.

**PRESIDENT PHIL SCOTT:** It's been regularly been moved and seconded that we also add the emergency clause on Bill 24-126. Is there any discussion on the motion? Hearing none? We will do a role call vote. (*Voice Vote – Passes Yes: 6, No:1 {Mount}*)  
Ok, is there any further discussion on Bill 24-126? Mr. Falquette or Miss Zader, whichever. I don't care.

**STEPHANIE ZADER:** I would like to place a motion on the floor to amend Bill 24-126 for final passage on August 20<sup>th</sup>, 2024.

**DAVID FALQUETTE:** Second.



**PRESIDENT PHIL SCOTT:** It's been regularly been moved and seconded that we amend Bill 24-126 for passage on August 20<sup>th</sup>. Is there any discussion on the motion? Hearing non, we will proceed with a voice roll call vote. (*Voice Vote – Passes Yes: 7, No:0*)

END OF DISCUSSION

**PRESIDENT PHIL SCOTT:** Ok, moving on to Bill 24-157, Miss Mount.

**DEBORAH MOUNT:** First, as a point of order? Are we in caucus, or are we in council?

**PRESIDENT PHIL SCOTT:** Council.

**DEBORAH MOUNT:** Ok. For us to consider this in council, it would have to be first brought to the floor at a regularly scheduled caucus meeting, according to the rules of council.

**PRESIDENT PHIL SCOTT:** Law Director? Can council vote to waive that requirement? I guess, I would say before council if we had a motion to wave the rules.

**STEPHANIE ZADER:** So, moved.

**DAVID FALQUETTE:** Second.

**PRESIDENT PHIL SCOTT:** It's been regularly moved and seconded. We waive the rules of council for it to be heard at caucus prior to council. Is there any discussion on that motion? Hearing none, we will vote on by roll call voice vote. (*Voice Vote – Passes Yes: 6, No:1- Mount*)  
Ok, with that, we proceed back to you, Miss Mount.

**DEBORAH MOUNT:** Thank you Mr. President, but I will not be this moving this forward for discussion this meeting. Somebody else can do that.

**STEPHANIE ZADER:** Mr. President, if I may. I move with respect to Bill 24-157 that it be read and placed on the floor for discussion.

**DAVID FALQUETTE:** Second.

**PRESIDENT PHIL SCOTT:** It's been regularly moved and seconded. The clerk will read Bill 24-157 for discussion.

**LACONIA ROSS:** Enacting Chapter 771, "Cannabis Facilities" of the Mansfield Codified Ordinances of 1997, which defines the process for applying for and obtaining a business license for a Cannabis Facility (as defined by ORC 3780 or ORC 3796) in the City of Mansfield and declaring an emergency.

**PRESIDENT PHIL SCOTT:** Is there any discussion on Bill 24-157? Mr. Diaz.

**AURELIO DIAZ:** Thank you Mr. President. And Thank you Attorney Haren for speaking. Just to be upfront, I struggle with the concept of having dispensaries in non-stand-alone buildings. But, until you mentioned there's a smoke shop there, I'm like wait a minute there is this in there. But speak to some folks, that's kind of a big concern of mine. The dispensaries I visited and seen recently, they are stand alone. And, I know this is a quantum jump for us as a city. And, as Ms. McQuillen said, to do it right.

And, that is my one hesitation, seeing dispensaries, even though it is not near a school or a church, I just want to make that clear to the public. Thank you for coming forth and sharing your input.

**PRESIDENT PHIL SCOTT:** Ms. Zader.

**STEPHANIE ZADER:** That is a question that I have for the attorney, who, Ms. Blankenship. You know, we're looking at, we're talking about doing this right. And one of the things I've heard continually is that we want to avoid litigation. We don't want to be sued. So, if we pigeon hole these people into a specific thing, and you see things like this when regulation changes. Does end up in litigation at lot of times. How much more are we likely to end up in litigation because we try to pigeon hole them into one specific thing, or a kind of specific thing, verses allowing them to locate when they are locating in those in other states, in other areas of our state. I guess I'd like your feedback on that.

**ATTORNEY AMY BLANKENSHIP:** Sure. As a preliminary matter, right now we are looking at Bill 24-157 I believe. And Bill 24-157 is the licensing section of the legislation we are looking at tonight. And that language about a stand-alone building that's in the zoning code text amendment which is the next bill up for consideration.

**STEPHANIE ZADER:** Yes, I was just asking because it was brought up right now.

**ATTORNEY AMY BLANKENSHIP:** Absolutely, I just wanted to make sure we're keeping these, for housekeeping purposes, keeping the two things separate in our minds that this is the regulatory section about licensing, and the next one is the zoning section. So, the issue of local zoning for these marijuana dispensaries, or these adult-use marijuana facilities in terms of zoning, a dispensary to a B-2 district. The city is well within it's right to do that. And, I think it is unlikely that you would face any legal challenges about your zoning issues. Is it impossible, of course not? Nothing is ever impossible. But in terms of the cities right to zone them for two particular districts. As long as it is done in a reasonable manner, the risk or exposure on the part of the city to that issue is relatively minor. In terms of the concern, about it being a stand-alone building, that's a new issue to me. It's not one I've looked at before. Mr. Haren raised that in his statements during public comment you would want to spend a little time looking at that in terms of, there is language of course in the adult-use, state statues that speak to what local authority has, what local authority you have has a municipality. And, whether or not you would have legal exposure there for restricting these uses to stand alone buildings. I can't say for sure that I necessarily see that being the slam-dunk closed case issue that Mr. Haren sees it to be. But, I would want an opportunity to look at that a little more closely. And also, part of this too, like all zoning text amendments, the reasoning that goes into, zoning is not one size fits all, every community in the state approaches it differently because every community is different. So, what the issues might be that render that would be appropriate for Mansfield, I can't speak to without a little further review and consideration. But again, these text amendments, unless there's something I'm missing in your ordinances, based on my reading of your ordinances, the text amendments are going to have to go through Planning Commission before they will come to council for consideration, the zoning amendments. And so, that issue, that stand-alone building issue is in the zoning code zone change. And that would be a consideration that we would want to have further discussion about.

**STEPHANIE ZADER:** Okay. Director Ackerman, I know we are off the legislation, but question and you may not have the answer to this and I probably should have sent this to you ahead of time. But, I just thought of it. If you don't mind coming up for a minute for me please. As far as the available locations inside the B-2 zoning that does not fall within an area that they're not allowed to be in? What is the likelihood of them being able to locate a stand-alone verse a multi-use property?

**DIRECTOR ADRIENNE ACKERMAN:** That will probably be better suited if we share the map once we get to that zoning portion. Because, we have inclusion sites and it will highlight...

**STEPHANIE ZADER:** So, when we get to that, is that information included in there though? As far as to what's a stand-alone and what's not? And, what's a multi-use?

**DIRECTOR ADRIENNE ACKERMAN:** On the zoning, no. We would have to look at the overhead there. It would kind of bog down the map to try and identify those specifically. But, this will at least give you the buffer zones that are required from the other sites and you can get a good aerial view of what would be available then.

**STEPHANIE ZADER:** Thank you. Mr. President, I do have questions specific to this bill, and the licensing stuff, if I may ask those questions.

**PRESIDENT PHIL SCOTT:** Proceed.

**STEPHANIE ZADER:** Thank you. So, my first question is about the \$1,000 non-refundable provisional and then the \$2,000 operating licenses. So, I looked at all of our other licensing fees in the city as far as opening up shop somewhere, or whatever it is they have to come pull a permit for. And, none of them come close to that cost. And, I understand the state cost are also quite high. I'm not looking to open one anytime soon, that's for sure. So, I was wondering why we went so high with those compared to other permits and such in the city.

**DIRECTOR ADRIENNE ACKERMAN:** So, of course with the discussion, well the email, with Ms. Blankenship, we did have a discussion about the fees that were in there. We have to be able to reasonably justify our cost going into this. And, I know we've talked about that a lot, making sure that we are recovering our cost. Due to the amount of review that is required, police department review for security plans, zoning review, there's multiple steps of this process. We can reasonably justify those fees based on the number of hours we anticipate putting in. Of course, we do not know just how long this going to take us, especially starting off and the amount of time we're going to put in to each application and each review. This is just a rough estimate based on what our staff time cost the city to put into these detailed reviews for these ordinances.

**STEPHANIE ZADER:** So, when I do the \$3,000, I think our average loaded cost for employee is about \$35.00. So, that's over 85 hours of work that we're going to put into processing these?

**DIRECTOR ADRIENNE ACKERMAN:** These are actually, mostly, if you look at whose reviewing. It's the Chief of Police, It's me, it's the Safety Service Director. So, it's not the average employee that's looking at them. It is your directors that do have higher than that, cost.

**STEPHANIE ZADER:** Ok. Thank you.

**MAYOR JODIE PERRY:** I just wanted to add, \$1,000 is just the first year when they apply. Then the \$2,000 is the annual. I wanted to make everyone knows.

**DIRECTOR KEITH PORCH:** Can I add something, Councilwoman?

**STEPHANIE ZADER:** Sure.

**DIRECTOR KEITH PORCH:** So, and also, with the potential of inspections throughout the year, involving Codes and the Police Department, would cover personnel costs there.

**STEPHANIE ZADER:** And, that is one of my other questions that I have in here. But one of the big ones I see is, I looked in our Codified Ordinances and I didn't find this and any other thing where we have the Permit & Development Department, the Safety Service Director and The Mayor, all being able to require any other information that they decide they see fit in order for one of these to open. And, I have not seen it anywhere else in the code, where we require that of any other business. And, I was wondering why we would have all those different offices, when really the Permit & Development office is the office that oversees this.

**DIRECTOR ADRIENNE ACKERMAN:** If I'm not mistaken, that was taken...you know we reviewed a lot of other agencies. I mean, we don't know what we might need as we start doing these completely. There's no way to know what could possibly come up. We don't reasonably expect there to be anything else that could be needed. But, there could be scenarios that we have not looked at, and I think that's why other cities have also included that. I don't think we had any comment on that when that was reviewed.

**STEPHANIE ZADER:** Umm, and again, I am just asking questions about things that I saw that concern me. The other thing was inspection without notice by the city. And, it's an extensive list. I mean there's vehicles, and all of that stuff. And my concern was, you know, due process. When we're searching things, usually we have to have a reason and we have to give notice if we are going into someone's property or something. But, this removes that. And, again, I looked in our code and I did not see that anywhere in there. So, I was wondering why this was put into this, and if that was specific to, if it's required by the state or what?

**DIRECTOR ADRIENNE ACKERMAN:** To my knowledge, it is not required by the state. There are certain provisions with building code, in our building code ordinance that does state that other businesses will comply with that. Of course, people do still refuse. That's the route we would take then to get a warrant to go into the property. But, reasonably our building code is built and the state code is actually built in building code that they are supposed to allow us to enter in at all times, reasonable to do an inspection.

**STEPHANIE ZADER:** I just did not, I mean I searched that language in our code and I didn't see it anywhere...

**DIRECTOR ADRIENNE ACKERMAN:** It's a building, it's state code. A building code that gives us that authority.

**STEPHANIE ZADER:** Okay. That might just be about it. My legislation, or my paperwork here got cut off for some reason. So, there is something here. Let me go back to email, sorry. And, if someone wants to jump and ask something, while I look this up, feel free. It's not my show.

**PRESIDENT PHIL SCOTT:** While Miss Zader is looking for further information, is there any other discussion? Sounds like we are waiting on you Ms. Zader.

**STEPHANIE ZADER:** Ok. You know, it was the same question I asked before about the any other information. It just got cut off for some reason in Adobe when I was looking at that. So, I think that was it for that bill. So, thank you.

**PRESIDENT PHIL SCOTT:** Is there any other further discussion on Bill 24-157? Ms. Zader.

**STEPHANIE ZADER:** Ok, I did have one other question. The location change. I had a question about that, because it says if they change locations, basically they have to start the process all over. So, there's

like no transferring that. Does their fee transfer? Sounds like they have to re-pay all those fees all over again because they move to a new retail location, or to a new location.

**DIRECTOR ADRIENNE ACKERMAN:** We also have to review the site in its entirety to be sure it that it meets the same security plan, zoning code. We'll have to completely review it which is why that's in place. Just because we do have to start over from our stand point. Not that many things will change within the business itself may change, but the location change requires different, completely new review on the zoning part and the security plan because that will change.

**STEPHANIE ZADER:** But, don't they have to go through all those approvals through the state all over again? So, it's almost redundant. And, I get that there's been some approvals that they haven't fallen right by the state. They approved some locations and stuff. But are we really going to putting in all, duplicate all those efforts all over again?

**DIRECTOR ADRIENNE ACKERMAN:** Most likely, yes. Because, we will still have to do the zoning review to make sure it meets this code, the stand-alone code that we are putting in place. And, the security plan could be different based on the location. The input could be different based on traffic review. Could be storm water reviews, depending on what they are doing? Different things like that would have to be a part of that zoning process.

**STEPHANIE ZADER:** Ok. And, I have question for the attorney, one last question for her if I may? Miss Blankenship, again, going back to the litigation side of this. You know, none of us want to be sued. So, in your opinion, are there anything's in here that you see that jump out to you that could land us there? Could the fees being, are those fees confrontable to other municipalities that have done this? Could that be something that land us there? Are there any other things in this that you think that could get us take to court essentially?

**ATTORNEY AMY BLANKENSHIP:** At the risk of sounding flippant, anything can get the city sued. It's hard to know. It is hard to know what could potentially be the focus of some type of challenge. I have not, in terms of the fees, local fees for licensing for dispensary uses. We went through all of this with all of our municipal and township clients back in several years ago, you know when medical rolled out. And, there are communities around the state that are charging exorbitant local fees for these licenses. Typically, we've advised all of our clients to make sure they are reasonable, make sure the fees can be tied to the process that the city is going to go through to process the applications. Is this fee reasonable? I can tell you that it is certainly in line with a lot of other communities. It's higher than some. It's significantly lower than some. But, I am not aware of, frankly Mr. Heran right there in the room, working on the side of these, representing these businesses, might be more aware of any legal challenges that have actually been filed in court to these fees. I am not aware of any. None of the clients that we work with on these matters have been sued for their fees.

**STEPHANIE ZADER:** Thank you. I am well aware that anything can land us in there. But, the entire purpose of hiring your firm was to help eliminate that risk. So, that's why I was asking. So, thank you.

**PRESIDENT PHIL SCOTT:** Is there any other discussion on Bill 24-157?

**ATTORNEY AMY BLANKENSHIP:** Can I ask a question? I am so sorry to interrupt. With what you've done in tonight in terms of the motions and where your moving this to, is the intent that these ordinances, that this ordinance specifically, will be voted on at the August 20<sup>th</sup> meeting? Is that what the intent is at this point?

**STEPHANIE ZADER:** That is the motion that I'm getting ready to put on the floor.

**PRESIDENT PHIL SCOTT:** Yes.

**ATTORNEY AMY BLANKENSHIP:** As well as the two before it...

**PRESIDENT PHIL SCOTT:** Correct. Is that an issue?

**ATTORNEY AMY BLANKENSHIP:** Not to my knowledge, but I will be spending more time with your charter and ordinances and I'd love to see those rules of council as well if possible. And perhaps, obviously between now and the 20<sup>th</sup>, I'll have more extensive conversations with staff about all of these amendments.

**PRESIDENT PHIL SCOTT:** Thank you. Ms. Zader.

**STEPHANIE ZADER:** With that Mr. President, I'd like to put a motion on the floor to amend Bill 24-157 for final passage on August 20<sup>th</sup>, 2024.

**DAVID FALQUETTE:** Second.

**PRESIDENT PHIL SCOTT:** It's been regularly moved and seconded that we amend Bill 24-157 to approve for a final vote for approval on August 20<sup>th</sup>. We will proceed with a voice roll call vote. (*{Voice Vote – Passes Yes: 6, No:1- Mount}*)  
Moving on to Bill 24-158, I guess Miss Mount, are you still...

**DEBORAH MOUNT:** Correct Mr. President, I will not be moving it forward tonight.

**PRESIDENT PHIL SCOTT:** So, Ms. Zader, you want to proceed with this one?

**STEPHANIE ZADER:** Mr. President. First, I would like to make a motion to suspend the rules of council in order to allow this. Cause, we did this for the last bill, correct?

**PRESIDENT PHIL SCOTT:** We did not ...

**STEPHANIE ZADER:** So, first I would like to put a motion on the floor to suspend the rules of council and allow Bill 24-158 to proceed in council tonight.

**DAVID FALQUETTE:** Second.

**PRESIDENT PHIL SCOTT:** It's been regularly moved and seconded that we waive the rules of council to be able proceed with Bill 24-158 this evening. Any discussion? Hearing none, we will once again call for a voice roll call vote. (*{Voice Vote – Passes Yes: 6, No:1- Mount}*)  
Ok, Ms. Zader.

**STEPHANIE ZADER:** Mr. President, I move with respect to Bill 24-158 that it be read and placed on the floor for discussion.

**DAVID FALQUETTE:** Second.

**PRESIDENT PHIL SCOTT:** It's been regularly moved and seconded. The clerk shall read Bill 24-158.

**LACONIA ROSS:** Enacting Chapter 1190, “Cannabis Facilities,” of the Mansfield Codified Ordinances of 1997, establishes appropriate locations and reasonable restrictions for a Cannabis Facility in the City of Mansfield, and declaring an emergency.

**PRESIDENT PHIL SCOTT:** Any discussion on Bill 24-158? Mr. Diaz.

**AURELIO DIAZ:** Thank you Mr. President. Sadly, I missed the last meeting, doing a lot of catching up here. But also, I jumped the gun when speaking to Attorney Heran. Also, wanted to clarify, as one of five council people who vote against the ban, it’s still something I still stand by. I understand, I don’t want to hinder anyone’s businesses, the Ace family, the owners and stuff like that. But, I think when we’re having these conversations, we need to have further conversations with these neighboring businesses as well. And, I know it is a little bit different than having a business that is separate and adjacent, but I think that when they are conjoined, it’s a huge concern with some folks. So, I just didn’t want to rain on your parade.

**PRESIDENT PHIL SCOTT:** Ms. Zader.

**STEPHANIE ZADER:** One thing. I don’t really know if we need to make an amendment for it. Marijuana is spelled wrong in the legislation. So, we may want to correct that...it’s written that way in the state? Ok, well, that’s not how we generally spell it, but we will leave that one alone then. So, the only other thing I have is I do struggle with the stand-alone building and I know we are going to look at the GIS and such, but I really struggle with pigeon holding any business and to a specific type of location. And you do see these. All across the Midwest, I’ve seen them all over the place. In strip malls, in multi-use locations and such. And we do have a business that is pre-approved by the state for lack of a better term for that, to opening one. So, the state doesn’t see any issue with it and I will refrain from asking if we might get sued for it this time. That seems like it’s something that could open us up to litigation. So, I’m not gonna jump the gun, but I think if, I might end up putting a motion on the floor to eventually remove that from here. Because, it is the glaring thing that I see. You know, as you saw I had a lot of questions about the previous one and that was the major one I saw in this one that I just don’t necessarily agree with.

**MAYOR JODIE PERRY:** I just kind of wanted to set a couple things here. So, we met shortly after the meeting in June when the moratorium was voted down. We met internally and then we met with the Law Director’s office and kind of talked through all of these things. And the thinking, specifically on the stand-alone, is the fellow tenants in that property, you know someone coming in that they don’t want to be co-located with. There’re pretty extensive things they have to do to the building to comply with the state’s standards. That’s beyond just what we’re doing. And so, most of the one’s that I have actually seen in Ohio have been in stand-alone buildings. We felt that that was the best option. To just keep it on its own property. I don’t think there’s going to be any issues on those sites. I don’t know what the possibilities are but we just thought it was cleaner to keep it in its own facility. I will just add one other quick thing. Based on my conversation with the Department of Commerce today, the company in question tonight, will have the opportunity to submit a different site. So, should this go through as it is written, it doesn’t, to my understanding, and again, he’s a lawyer-I am not an expert. But, this is from a higher up at the Department of Commerce that there will be a point in time where they can pin another site on the map. And, there are certainly other sites in that area of Lexington Avenue that could work.

**PRESIDENT PHIL SCOTT:** Ms. Zader.

**STEPHANIE ZADER:** And I appreciate that the Department of Commerce will allow them to look at other locations that does, you know we talked previously about another thing. Talking about delays in opening and how that can cause issues. You gave a list of things for economic development that matter.

And one of those is speed. So, here we are limiting this, but being asked not to limit that. It doesn't necessarily make sense to me. For that, as a property owner, and someone who has owned property, commercial property, rented out to businesses in addition to residential tenants. I think that's kind of my job, as a landlord, to make sure that my tenants are happy. I don't think that's a regulatory issue for a city to tell me what I can and cannot put in my property. And, that's where I struggle with it. Both on the side of the dispensary and as a property owner, I don't want you to tell me. You know, we had heard from Wally (Toward) whose been a property owner here in Mansfield for a long time. And, he is saying the same thing. I think as a property owner, I don't want the city telling me you can't locate that there. What's the difference between that and you saying that about anything else? I think it's a slippery slope. So, I really do struggle with that. But, I do appreciate the fact that you did the research and looked into whether they'd be able to change that location and such, so thank you for that. The only other question I have, and I did see this is, the state changed their hours to 7:00am to 9:00pm. They were looking at doing 7:00am – 11:00pm, but it looks like they changed it to 7:00am to 9:00pm. And our hours, we restrict that even further than the state does. So, I guess I was wondering what the logic was behind that. Because, I don't see. You know, if someone wants to stop on their way to work to pick up their gummies so they can go to bed at night, I don't care if they do that. So, I guess I was looking at the logic behind that.

**DIRECTOR ADRIENNE ACKERMAN:** I think that's also one of those that we were mimicking state at the time, and that had not been decided. That's pretty much where that landed.

**DAVID FALQUETTE:** If we're gonna mimic the state, can we strike it, then we mimic the state, right? Is that a possibility?

**DIRECTOR ADRIENNE ACKERMAN:** We could. A lot of what is written in that, the 500 feet, that does mimic state code. We did find that a lot of other locations or other cities do the same thing, mimic the code just to make it perfectly clear. Whether that is necessary or not, I wouldn't think so. But, at least it is written locally what we expect.

**PRESIDENT PHIL SCOTT:** Mayor, you had a ...

**MAYOR JODIE PERRY:** Well, I don't want to cut... I just was gonna say at some point I think it would be helpful to look at the map because that might give even before you would take a vote on just the stand-alone. Just give some clarity of what, what does what we proposed put on the table? And, if there is changes, what does that look like. So, and I believe Adrienne, Director Ackerman sent this out. So, council, you know, you should have the ability to take a look at this after the council meeting as well. And if you have changes on it, we're be happy to facilitate that.

**PRESIDENT PHIL SCOTT:** Miss Mount.

**DEBORAH MOUNT:** Just a quick thing while we are on the topic of the stand-alones and neighbors inside a strip mall. As consideration is given to the potential liability, consideration probably should also be given to liability of the neighbors taking action, because of what occurred that they didn't have any control over.

**PRESIDENT PHIL SCOTT:** Ms. Zader.

**STEPHANIE ZADER:** I just wanted to say that I agree with Councilman Falquette. The redundancy of putting in here what the state has already spelled out, just creates more work for directors and city council in the future. It seems like to me, if those change and we want to amend those, I don't see why we need to have those spelled out in there. If we can just defer to the state. And if it is not addressed in there, that is



how it works. It falls to the state regulations. I don't see the need for the redundancy, because we're just gonna keep changing it as that changes. In my opinion.

**PRESIDENT PHIL SCOTT:** I saw Mr. Akuchie,

**ELEAZER AKUCHIE:** Thanks Mr. President. It makes sense to me that the stand-alone be in there. Because we don't know the people that are going, if you put it in there, especially the place in Lexington Avenue, you got all the other business right there. And, your going to deal with the parking spaces the people will be sharing. Being a stand-alone, on its own, we have clear regulation that will keep anything else that is not the business there. And, besides that too, other states, other cities do change-make their own decision, based upon their city, based upon what's going where they live, where they are. The state has given the general overview. Like Royalton and other cities has 1,000 feet from, instead 500. There are some other cities that have more than 1,200. So, its not that the state did not give us the latitude to recognize our own city. The things that are for the best interests of the citizens that live in our city. And I believe that as the Mayor and administration have looked at it, including Mrs. Blankenship. Looking at it all together, we're safe. People can sue you for anything. They can sue you for coffee. I mean it's just crazy here what people can sue about. So, we are, I am in favor of B-2 and stand alone. And, I will also recommend that we make it 1,000 feet, rather than 500. Because we are not the only people that have done that. Other than that, those are some of the issues that I wanted to bring up.

**PRESIDENT PHIL SCOTT:** Ms. Zader.

**STEPHANIE ZADER:** So, trust me as a landlord, I'm not going to chase my tenants out. It's not going to happen. And maybe that's on us. But pigeon holing someone into having to be in a stand-alone, because we're worried about what someone might think, seems over reaching as a government. It's over regulatory in my opinion. As a landlord, you're not going to allow someone to move into your property and chase all the other tenants out. And if codes gets a call from one of those tenants, and reaches out to the landlord, as a landlord I would say," Oh wait, shoot no one told me that they felt that way. Let me check in with my tenants." And, I'm gonna call them, and I'm gonna check in with my tenant. And, I'm gonna make sure I'm not gonna three tenants because one tenant moves in. That's not good business. And, that's what landlords are in. They're in the business of making money. They're not going to risk losing all of their tenants because they don't like the guy in the strip mall. It's just not going to happen.

**ELEAZER AKUCHIE:** Mr. President, I believe the reason we have codes in this city is to regulate things. And, the landlord can choose to rent to somebody or not rent to somebody. That's on their own discretion. But, I'm not going to say because the landlord has a latitude and has an ability to bring anybody into his or her own property. For that reason, we just leave it open and say ok, the landlord will take care of it. That is not concerning our own city. You might be a landlord, you can rent to anybody and the codes, your houses, your businesses, they're all regulated. It's not over reached. The government is not over reaching, it's not telling you that you cannot put your businesses. You can put it wherever you want to. But, we're saying, for the sake of the community, the sake f the people, what we need is what we're going to present to whoever is coming in. They need us more than we need them. So, we're not going to bend down and crawl under the carpets, so that we can welcome somebody, because we are dying of money, we're lacking or we just want business. We want business at all cost? I'm concerned that what we are deciding in this particular council will have effect in the next 10,15, 20 years. So, we have to get it right. That's my concern Mr. President.

**STEPHANIE ZADER:** You ready Adrienne?

**PRESIDENT PHIL SCOTT:** Is there any other discussion? Pardon me?

**ATTORNEY AMY BLANKENSHIP:** I'd just, I'd like to take the opportunity to comment here if I can. This particular ordinance, what you're looking at tonight, let me make sure I have the correct Bill number in front of me. Bill 24-158, the amendments to the zoning code. This will have to go to Planning Commission before it can come to council for vote. And, Planning Commission will hold Public Hearing on it. So, like I said, unless there is some nuance in your code, in the Mansfield code, that I am unaware of, my reading of Chapter 1161 takes this amendment to Planning Commission before it comes to council for vote.

**DIRECTOR ADRIENNE ACKERMAN:** Ms. Blankenship, we actually created this based on recommendations from Planning Commission. So, we may need to discuss further, if we need to have another Planning Commission meeting to discuss it or ...

**ATTORNEY AMY BLANKENSHIP:** Ok.

**DIRECTOR ADRIENNE ACKERMAN:** Maybe we can set something up to clarify that in the next couple days.

**ATTORNEY AMY BLANKENSHIP:** Right.

**PRESIDENT PHIL SCOTT:** Ms. Zader.

**STEPHANIE ZADER:** At the end of the day, it's gonna come back her regardless. So, these discussions are going to be had eventually. So, it's good to be having them now.

**PRESIDENT PHIL SCOTT:** Mayor?

**MAYOR JODIE PERRY:** I just wanna walk through the map. So, you know we have the B-2 zoning in green, which obviously does not cover lots of the city. But, B-2 zoning is usually the higher traffic locations. So, Park Avenue, Fourth Street, Ashland Road, Lexington Avenue, certainly the area down by 71 and 13. By the way, shout out to Blair McClenathan from our awesome Engineering Department, because he's done all this work on this. And, it was a lot of work to put it all together. So, then what he has put on there are the prohibited facility buffers. So, those will be schools, churches, libraries and parks is what is showing up on there. To the best of our knowledge, and you know we went off the Auditor's website for those things. Then did some additional taking a look at things. For things we may know on top of that. So, that is with the 500-foot buffer. Correct, is what's showing now. So, for fun, can you show the 1,000 foot?

**DIRECTOR ADRIENNE ACKERMAN:** Absolutely.

**MAYOR JODIE PERRY:** So, that really starts to minimize what is left. And to be honest with you, when we first had these internal discussions, our intention as the administration, was to come back with something more than 500-feet. And, after taking a look at that, we said, well, you know, I am trying to abide by the spirit of what council voted on. Which is we want to have this in our community. So, that felt to me, you know that I was worried, that you would consider that to be, you know, just ruling it out through zoning, in other words. So, I think there was one other option, which is 750-feet that we looked at. Again, you will kind of be able to look at these, because for everyone in the audience you can't see any of it. On these screens, I do understand that. That's still limiting it, but it's opening a few other options up. So, I just kinda wanted to make sure everyone see's what we're looking at. B-2 is not very prevalent, because it's the busier business zones. If it were to go B-1, you are a lot closer to residential. Those are just all things we are trying to limit how much, maybe friction there would be between folks that want it and folks that don't. We thought B-2 seemed to be the best.

**PRESIDENT PHIL SCOTT:** Thank you. Ms. Zader.

**STEPHANIE ZADER:** So, I-2 was mentioned earlier in public comment. And then by the attorney, Ms. Blankenship, it was mentioned that we haven't addressed the cultivation and processing. I guess my question is, I-2 would be something that could fall into. Have we considered looking that and addressing that before we open this up or are we just gonna let it be open? We're not interested in cultivation and processing, cause the likelihood of that locating in a B-2 is not likely. It's just not.

**MAYOR JODIE PERRY:** Well, so this wouldn't actually constrain cultivation and processing. So, we would need to come back with separate zoning on that. Once we repeal the moratorium though, I think what she was pointing out is we are potentially open to someone coming in for that. Now, I have received no calls on that. Director Ackerman, have you?

**DIRECTOR ADRIENNE ACKERMAN:** Neither have I.

**MAYOR JODIE PERRY:** It is something though that I think we should not delay on. But, when we were kind of talking about this over the last month, the dispensaries are the ones that right now have shown the interests.

**STEPHANIE ZADER:** And the cultivators and processors are most likely already located. Because, that was the entire purpose of this, the ban, being put in place back in 2017, I think it was. But, I just feel like it doesn't address that, either it doesn't address it at all or pigeon-holes them into that B-2. So, it seems concerning to me that you may want to look at that.

**MAYOR JODIE PERRY:** Yeah, and that's totally fair. We did have some discussion about I-2, right was I-2, is that what we talked about?...

**DIRECTOR ADRIENNE ACKERMAN:** I-1 or I-2, because typically you can do a B-2. I-1 & I-2, it will be a back and forth a little bit.

**MAYOR JODIE PERRY:** And we ultimately, it didn't open up a lot more places. Now, Mr. Toward's building, notwithstanding. And we thought it was better to keep it away from the larger employers. We just thought that, you know, there was some concerns that we had received from the community during the initial discussion about impact on the workforce. So, we just, I mean that can certainly be changed. I don't know if I-2 is on here...Blair...

**DIRECTOR ADRIENNE ACKERMAN:** Blair's adding it right now.

**MAYOR JODIE PERRY:** So, that way you can see what it changes.

**DIRECTOR ADRIENNE ACKERMAN:** And, I think, primarily our I-1's and I-2's are far north of the city that doesn't have a lot of retail traffic, so it almost seemed counterproductive. Processing that should make more sense.

**PRESIDENT PHIL SCOTT:** Mr. Falquette, you had your hand up.

**DAVID FALQUETTE:** Thank you, Mr. President. Despite all the rules, once their done, there's still petition able that a person could go to Planning Commission and say," Hey, can I get an exception?" Is that still a possibility? I mean it would still have to go to Planning, and have to come back to council, lot of hurdles. But, we do that? Yes or no?

**DIRECTOR ADRIENNE ACKERMAN:** We have not built in any provisions to stray from what is in this ordinance, to my knowledge.

**DAVID FALQUETTE:** Okay.

**MAYOR JODIE PERRY:** I'm curious. Ms. Blankenship. If you have any comment on that? I mean to your knowledge...

**ATTORNEY AMY BLANKENSHIP:** Are we speaking about the B-2 district or about the stand-alone building?

**MAYOR JODIE PERRY:** Specifically, I think the district more less. Is that what your saying? If there was a variance in the zoning? Could someone go to Planning Commission and appeal that?

**ATTORNEY AMY BLANKENSHIP:** I would need to check in your code, or maybe Director Ackerman or your Law Director could speak to whether or not you and the City of Mansfield, whether you allow use variances?

**DIRECTOR ADRIENNE ACKERMAN:** We do. We did not build them into this section. They are built into each zoning classification, if I'm not mistaken. And, they're not built into here.

**ATTORNEY AMY BLANKENSHIP:** I'd want to look at that a little bit closer to determine for sure whether or not someone could seek a use-variance even without this contemplated new section 1190, referencing it. That certainly is a possibility. I'd need to spend some time with our code to determine that.

**DAVID FALQUETTE:** Thank you.

**PRESIDENT PHIL SCOTT:** Any other discussions?

**DIRECTOR ADRIENNE ACKERMAN:** For reference, we did update the map to include, orange is I-1, and pink is I-2.

**PRESIDENT PHIL SCOTT:** Miss Mount.

**DEBORAH MOUNT:** Several things. First, some discussion has been had in the past whether the prohibited facilities would include daycares and treatment centers. And, I just wondered specifically on daycares, if that is already included in any of the prohibited facilities already in Section 1190.02h?

**ATTORNEY AMY BLANKENSHIP:** That would include prohibited facility, church, school, yes. So, that reference to 3796.30, and the reference to, let me make sure I am not speaking out of turn and make sure we got the right section to the revised code. That uses the definition of *school* to include a childcare center, as defined yet in another section of the revised code which would take us to a definition that would include a daycare center. Does that answer your question?

**DEBORAH MOUNT:** Yes, thank you. And then also, this may be handled just in a general B-2 zoning. But, do we have any protection for buffering against neighborhoods. Because, like along Lexington Avenue and Park Avenue, some of the B-2 areas, there still right up against houses just to keep traffic from being on their properties.

**DIRECTOR ADRIENNE ACKERMAN:** I did include copies of the requirements for B-2 and other retail establishments in their B-2 zoning. Now, whether we could force the buffer zones on the properties

that are already existing and don't have the ability to add it, I don't think we could do that. But, if it is a new facility, a new build, something like that, we would require them to meet those requirements.

**DEBORAH MOUNT:** Thank you on that. And then, once discussion is completed, I will have a motion.

**MAYOR JODIE PERRY:** I just want to say, under 1190.0543, it's not exactly what you are meaning Councilwoman Mount. But just for everyone else's purposes, we do say outside storage areas shall be screened from adjacent, residential and business uses by an obscuring fence or green bell in accordance with several sections. So, there is some attempt at that, but again for existing facilities a little different.

**PRESIDENT PHIL SCOTT:** Ms. Zader.

**STEPHANIE ZADER:** Blair can correct me if I'm wrong on this probably, because he's the smart guy in the room. But, what I see in the I-2, I-1, is a lot of our floor plane that's not being used right now. And, we're going to limit business that can go to that? Doesn't seem like a good idea to me. If they can make use of that area, seems like maybe we should let them.

**PRESIDENT PHIL SCOTT:** Any other discussion on Bill 24-158? Mr. Falquette.

**DAVID FALQUETTE:** I'd first like to make a motion to strike 1190.0544, which is hours of operations.

**STEPHANIE ZADER:** Second.

**PRESIDENT PHIL SCOTT:** It's been regularly moved and seconded that we waive section pertaining to operations. Is there any discussion on the motion? Miss Mount.

**DEBORAH MOUNT:** Could Ms. Blankenship possibly address whether this something other cities do and how other cities have handled this?

**ATTORNEY AMY BLANKENSHIP:** Are we talking about hours of operations? Sure, some cities have limited it. Again, a lot of this context is based on the medical dispensaries. But, certainly, some cities have limited the hours to be more restricted from what's been allowed by state code. I have not seen that challenged anywhere. But the vast majority of communities that I have worked with on this drafting, have relied on the state hours.

**PRESIDENT PHIL SCOTT:** Any questions? Mrs. Meier?

**CHERYL MEIER:** I'm just curious whether it makes a difference to the chief. Do the hours of operation make any difference to you?

**PRESIDENT PHIL SCOTT:** Any other questions on the motion? Mr. Diaz.

**AURELIO DIAZ:** Thank you, Mr. President. So, with that said, are we proposing a specific time?

**STEPHANIE ZADER:** I believe 7:00am to 9:00pm.

**PRESIDENT PHIL SCOTT:** We will concur with state guidelines. Any other discussion? Mr. Akuchie.

**ELEAZER AKUCHIE:** Wanted to ask if we can limit to three dispensaries instead of four?

**MAYOR JODIE PERRY:** I also think that is in the licensing section, is the limit. That was in the previous legislation.

**ELEAZER AKUCHIE:** Right. That's what I am looking at.

**PRESIDENT PHIL SCOTT:** But, right now we need to stay focused on the motion. Hearing no other discussion on the motion, we will proceed with a voice vote. (*{Voice Vote – Passes Yes: 6, No:1- Mount}*) Is there any other discussion on Bill 24-158? Mr. Falquette.

**DAVID FALQUETTE:** Mr. President, I'd like to make a motion to strike 1190.03C, which is the stand-alone structure restriction.

**STEPHANIE ZADER:** Second.

**PRESIDENT PHIL SCOTT:** It has been regularly moved and seconded to strike the stand-alone section which is 1190.03C. Is there any discussion on the motion? Mr. Diaz.

**AURELIO DIAZ:** Thank you, Mr. President. So, we're voting, I'm sorry, I'm having a moment because I haven't eaten yet. We're voting to get rid of that, period, the stand-alone? Ok, cool.

**PRESIDENT PHIL SCOTT:** Any other questions on the motion? Miss Mount.

**DEBORAH MOUNT:** Just a feedback that I've gotten so far from constituents, is that they would want it to be a stand-alone structure, so as to contain whatever happens to that structure and not effect neighbors. So, I will vote no.

**PRESIDENT PHIL SCOTT:** Any other discussion? Hearing none, we shall proceed with a voice vote. (*{Voice Vote – Fails Yes: 3, No:4- Burns, Akuchie, Diaz, Mount}*) Is there any other discussion, Mr. Falquette?

**DAVID FALQUETTE:** I move that this be set-up for final passage on August 20<sup>th</sup>.

**AURELIO DIAZ:** Second.

**PRESIDENT PHIL SCOTT:** It's been regularly moved and seconded that this Bill be set for passage on August 20<sup>th</sup>. Is there any discussion on the motion? Hearing none, we shall proceed with a voice vote. (*{Voice Vote – Passes Yes: 6, No:1- Mount}*) I believe, Miss Mount?

**DEBORAH MOUNT:** Thank you, Mr. President. I would like to make a motion that we amend 1190.03E, regarding the number of feet a parcel needs to be from a prohibited facility. Constituent feedback I have gotten so far has been greater than 1,000 feet, they prefer 2,000 feet. But, in the effort of finding an in-between zone, I'd like to change the motion to change that motion to 1,000 feet.

**ELEAZER AKUCHIE:** Second.

**PRESIDENT PHIL SCOTT:** It's been regularly moved and seconded that we change the section of the code requiring feet from 500 to 1,000. Is there a discussion on the motion? Mr. Falquette.

**DAVID FALQUETTE:** Real quick. My only feeling here is looking at the map, the size of Mansfield, anything in excess of 500 feet will overly burden the availability of property for. And, I just think it is overly restricted. That's my comment. Thank you.

**PRESIDENT PHIL SCOTT:** Ms. Zader.

**STEPHANIE ZADER:** I agree with Mr. Falquette. And I think that we've heard a lot of talk of trusting the administration's judgement and research and the Mayor sat here and said today that they looked at those things and they considered those things, but they considered it overly restrictive as well. So, I stand by the 500 feet.

**PRESIDENT PHIL SCOTT:** Mr. Diaz.

**AURELIO DIAZ:** Thank you Mr. President. This is the second occasion that when Councilwoman who I deeply respect has made a motion and has been ridiculed, laughter and such. And, I just want to remind people to not do that. It's really rude and she represents her constituents the best way that she can. So, thank you.

**PRESIDENT PHIL SCOTT:** Is there any other discussion on this motion to change the requirement from what is now 500 feet to 1,000 feet? Ok, we shall proceed with a voice vote.

*(Voice Vote – Fails Yes: 2, No:5- Burns, Meier, Diaz, Zader, Falquette)*

Is there any other discussion, questions for caucus this evening? Ms. Zader.

**STEPHANIE ZADER:** Again, I'm gonna say you know I'm the one that spoke the most against this. And it wasn't in an effort to hurry this, or to do anyone's bidding or anything like that. But it was because we've been talking about this for a long time. And, I really appreciate the administration and the Law Director's office for getting it in, including all of the administration, especially Adrienne's office, and the Chief's office for working on this and getting this to us for this Special Meeting. No, it was not something that was initially on the books. So, I just wanted to thank everyone hustling and getting everything ready for us, so that we could hold this tonight.

**PRESIDENT PHIL SCOTT:** Is there anything else to come before this Special Meeting of Mansfield City Council? Being none, I will accept a motion.

**STEPHANIE ZADER:** So, moved.

**AURELIO DIAZ:** Second.

**PRESIDENT PHIL SCOTT:** We are adjourned.

*(Meeting closed at 8:11pm. Stephanie Zader – Motion to Close, Aurelio Diaz – Seconded)*

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Laconia Ross  
Asst. Clerk of Council

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Phil Scott  
President of Council