

THE CITY OF STREETSBORO, OHIO
SPECIAL SERVICE COMMITTEE MEETING MINUTES

Monday, April 22, 2024

This Special Service Committee Meeting was called to order on Monday, April 22, 2024 at 9:15 p.m. by Anthony Lombardo, Chairman.

PRESENT: Justin Ring, Anthony Lombardo, Jon Hannan, Lisa McDaniel, Marianne Glenn, Jennifer Wagner

ABSENT: Steve Michniak

ALSO PRESENT: Glenn Broska, Mayor
David Nott, Law Director
Patricia Wain, Police Chief
Rob Reinholz, Fire Chief
Matt Miller, Finance Director
Bill Miller, Service Director
Justin Czekaj, Municipal Engineer
John Cieszkowski, Planning Director
Patrick O'Malia, Economic Development Director
Shawna Lockhart-Reese, HR Manager
Matt Coffman, IT Network Administrator
Melissa Procop, Mayor's Executive Assistant
Max Rieker, Attorney
Caroline Kremer, Clerk of Council

MOTION: TO EXCUSE MR. MICHNIAK DUE TO WORK COMMITMENTS.

Moved by Mr. Ring, seconded by Mrs. Glenn. Upon voice vote, **motion carried.**

Special Business

T-7599 Zoning Text Amendments Relating to Marijuana Dispensaries and Establishments Selling Unregulated Psychoactive Substances

Mr. Cieszkowski said this was recommended text amendments approved by the Planning Commission at their April 9, 2024 meeting. Included in the amendments were definitions relative to dispensaries and non-prescription and prescription drugs sold at retail. Mr. Cieszkowski summarized the dispensary related and drug sales related provisions: they were putting into place a one mile separation between dispensaries; a 1,000' separation distance from schools, churches, playgrounds, and public parks; they were removing the state licensure that was currently in the Zoning Code that was needed prior to receiving a zoning certificate for a dispensary because it set up a "chicken and the egg" situation, so it was removed to avoid that impasse/conflict; they added a number of days for the zoning certificate to expire for dispensaries if the use had not commenced to prevent speculative acquisition of properties and then tie them up for any future uses.

Mr. Cieszkowski also summarized the “smoke shop” provisions: they proposed to limit it to three such facilities in town; 1,000' separation between such facilities; and added a definition of such facilities.

Mr. Ring asked why the zoning certification was only valid for a certain number of days when zoning certificates for other facilities were valid for one year. Mr. Cieszkowski said other facilities needed to start construction within a year and commence use within two years; this limitation was intended to prevent people from acquiring properties, being speculative, and then just sitting on them for possible future dispensary use.

Mr. Ring said he completely disagreed with all of these changes, 100%. He said the 1-mile separation was not in the Ohio Revised Code (ORC), it was a proposed rule for licensure and could be changed at any time by the Ohio Marijuana Commission (it was not a law). He said the City did not need to match the state rules because the state would not license a facility that was not more than one mile from another facility because that was the licensing board’s rule. If the State rule changed, the City would not have to change its laws if the City did not put this into the Zoning Code. He thought this provision in the Streetsboro Code was over legislating.

Mr. Ring said the last time this topic was discussed City Council was very clear that people should have the opportunity to open up to two dispensaries in the City. If someone opened a facility at the old Leather Shop with the 1-mile separation requirement and 1,000' separation from schools, parks, etc. there would be no location available within the remaining B Zoning District, except maybe next to the Walmart. So he felt this was an attempt to skirt Council’s desire to have up to two dispensaries in town. That was why Council had taken out the Integrated Development Plan and the multi-tenant locations in a previous discussion, so two could fit in town. Mr. Ring was fine with the 2,000' distance between facilities because the City did not want them real close to each other. But the way it was written now, it effectively cut the entire City out, once one goes in, and he thought that was the intention of this proposal and he was not happy about that. So, he was opposed to these two regulations.

He noted that the ORC required 500' between dispensaries and churches, schools, parks, etc. and wondered why Streetsboro was proposing 1,000'. Mr. Cieszkowski said it was the wishes of Planning Commission for the better protection of children. Mr. Ring was against this; he felt it was against Council’s desire to have two dispensary locations in town. He had measured it out on Google if there was a dispensary at the old Leather Shop and with one mile between dispensaries and 1,000' from parks, churches, schools, etc. there would be no where in the B Zoning District to put a second dispensary except maybe by Walmart, but there may be a park too close.

Mayor Broska said the proposed State rules allowed communities to prohibit dispensaries in their communities. He felt people would still be able to buy marijuana in a nearby community if Streetsboro only had one (or none) dispensaries. Mr. Ring said Council already limited it to two in town and not right next door to each other. Mayor Broska said he really did not want dispensaries at all because he didn’t think that was the image the City of Streetsboro wanted. Mr. Ring stated 64% of the Streetsboro voters voted Yes to making recreational marijuana legal. Mayor Broska said it

would be available to them; they could go to another community to get their legal marijuana if they wanted, or at one location in town. Mr. Ring said he knew that's why the changes were requested because Council wanted to allow dispensaries in retail plaza areas but the Mayor did not want any. The 1-mile distance and 1,000' from parks, church, schools got the Mayor what he wanted with no more than one dispensary in town and Mr. Ring thought it was crappy to try to skirt Council's wishes. He thought these regulations effectively banned dispensaries without saying that Streetsboro would ban dispensaries, and that was shady. Mayor Broska didn't want Streetsboro to be branded "the pot capital of the world." The dispensaries were not completely prohibited, they were allowed at least one. Mayor Broska noted that Aurora and Hudson would not allow dispensaries. He said this is not the image Streetsboro was trying to build; "we were trying to build a family type community." Mr. Ring then asked if Streetsboro should limit the distance between bars too. Mr. Ring said marijuana was a legal product and Streetsboro should allow a little competition, and allow people to invest into the City if they want to build a building or take an empty spot in a plaza to create a business; it may not be a lot of tax money, but it was a legal business in town and the patrons may visit our other businesses (gas stations, restaurants, etc.). Mayor Broska said it will not have a monetary benefit to the City, but the bars do have a monetary benefit because they had employees that worked there. Mr. Ring said he disagreed with this proposal completely. Mayor Broska wanted to hear from the rest of Council.

Mr. Hannan said he was one of the first ones to ask how to limit the dispensaries and smoke shops, but he didn't want to set a precedent to start limited everything, like pizza shops and chicken places. He thought competition would probably self-limit the number of businesses. He was fine with keeping the 2,000' distance from parks, churches, schools, etc. because the City had just set that a couple of months ago. He was also OK with the 1,000' per the ORC. Mr. Hannan said he didn't smoke marijuana, but he didn't want to limit it completely when it was passed by the voters statewide. Mr. Ring said Streetsboro shouldn't limit it completely, but limiting it to two dispensaries in the City was still pretty restrictive, but this proposal pretty much limited it to one dispensary. Mr. Hannan didn't think Streetsboro should ignore the election results and did need to allow dispensaries, but limiting it to a couple was fine. Mr. Ring didn't want to change what had just been set a couple months ago. Mayor Broska felt the Streetsboro law should mirror the state cannabis commission rules, so Streetsboro wouldn't have to change its law every time the cannabis commission changed its rules. Mr. Ring felt Streetsboro didn't have to do that because the state would not license somebody if they didn't meet the cannabis commission rules, no matter what the Streetsboro laws were; their rules would govern that. Mayor Broska said as a Charter City, Streetsboro could make laws that were stricter than the State, but could not make laws that were less strict than the State. Because this was not in the ORC, the City could make its own laws. Mr. Ring wouldn't mind if a dispensary was 2,000' from another one because it was limited to two in town. Mr. Lombardo asked the Mayor if he thought two dispensaries was too many and Mayor Broska said two was adequate if they could find a place to put it.

Mr. Hannan asked if a dispensary opened and then a park was built, would the dispensary have to close. Mr. Cieszkowski said, No, it was grandfathered and not retroactive.

Mrs. Glenn said a couple months ago Council authorized two dispensaries in the City, but now it seemed this legislation would limit it to one with a 1-mile distance between dispensaries. Mr.

Cieszkowski said he had not measured the distances to confirm it would limit it to one dispensary, but that was the distance the State was looking at, so that's why he was comfortable mirroring the City Code after the States regulations. Mrs. Glenn had an issue with changing it to one dispensary since the City had just authorized two dispensaries in town.

Ms. Wagner commented that if the Splashpad playground at the City Center was built this year, it would be a problem for the old Leather Shop location. Mr. Ring said if the license was already issued, they'd be fine, if not, then the old Leather Shop won't be a dispensary. If another dispensary opened closer to the center of town, then there would be no other locations in town. Mayor Broska said the site plan for the old Leather Shop was already approved.

Mr. Ring didn't want to limit the free market system. He understood the limitations on the car washes and hotels because those buildings were very specific and very difficult to repurpose if they went out of business. But with the "smoke shops" if ten came to town and only 3 or 4 can survive, they were only taking up what was empty retail space and someone made some money from renting those spaces for a few months if they don't survive. The market would ultimately dictate what survived and how many were too many. He also didn't want to get into the precedent of government just limiting things it didn't want, that was not government's role. Mr. Ring intended to vote No to pass this legislation on to City Council because he didn't like any of it. He said if the rest of Council wanted to pass it on to City Council, he recommended removing all the marijuana changes and leave the "smoke shop" regulations as is.

Mrs. Glenn agreed with the Mayor that she did not want ten smoke shops in town; it was not the image Streetsboro wanted to promote. She supported matching the ORC.

MOTION: TO REVISE THE ORDINANCE TO REMOVE ALL CHANGES TO THE MARIJUANA DISPENSARIES AND LEAVE IN THE LIMITATIONS TO THE "SMOKE SHOPS" AT THREE RETAILERS.

Moved by Mr. Ring, seconded by Mr. Hannan. Mayor Broska said if this went to first reading tonight, the administration could amend the ordinance to leave the limitations on the "smoke shops" in time for the second reading. Upon voice vote, **motion carried.**

Mr. Cieszkowski said it seemed clear that Council didn't want any changes made to the separation distances, but he recommended the legislation continue to include the language to remove the requirement that the facility have a State license before issuing a zoning certificate; without removing that the City was at an impasse (the State won't issue a license and the City won't issue a zoning certificate without fixing this). It was noted that someone would have to be a cultivator to get a dispensary license.

MOTION: UNDER 1151.32 (b)1 TO LEAVE IT CROSSED OUT AND TO REMOVE (b)3, HOWEVER (b)2 WILL GO BACK TO THE OHIO REVISED CODE LANGUAGE INSTEAD OF 1132 AND RETAIN THE LIMITATIONS ON SMOKE SHOPS.

Moved by Mr. Ring, seconded by Mr. Hannan. Upon voice vote, **motion carried.**

MOTION: TO SEND THE AMENDED VERSION TO TONIGHT’S REGULAR COUNCIL MEETING FOR FIRST READING.

Moved by Mr. Hannan, seconded by Mrs. Glenn. Upon voice vote, **motion carried with Mr. Ring opposing the motion.**

Announcements

There will be a Regular Council Meeting immediately following this meeting.

There being no further business to be addressed by this Committee, and upon motion by Mr. Hannan, seconded by Mrs. Glenn, this meeting adjourned at 9:47 p.m.

ATTEST:

Caroline L. Kremer, Clerk of Council

Anthony Lombardo, Chairman