

Robert Landon, Chair Rick Huddle, Member Debbie Blevins, Member

Marion City Council
Legislation, Codes & Regulations
June 4, 2018 @ 6:40 PM

Roll Call

Minutes of May 22, 2018 and February 5, 2018 (All minutes are current.)

Old Business:

Item 1. LIQUOR PERMIT (NEW): Tommy's Creations (no ownership disclosure available); 141 E. Center Street

New Business:

Item 1. AMENDED ORDINANCE REGARDING 943.02 SERVICES PROVIDED BY MUNICIPALITY BILLED TO PROPERTY/PARCEL OWNER

Items not on the agenda

February 5, 2018

Members present: Mr. Landon, Mr. Huddle

Members absent: Ms. Blevins

With a quorum present, Mr. Landon called the meeting to order at 7:22PM.

Minutes of December 19, 2017 were read; Mr. Huddle moved to approve, Mr. Landon 2nd. Roll call: Ayes all, motion carried.

Minutes of December 19, 2017 are approved.

Item 1. ORDINANCE PROHIBITING MARIJUANA CULTIVATORS, PROCESSESSORS OR RETAIL DISPENSARIES FROM LOCATING OR OPERATING WITHIN THE CITY OF MARION, OHIO, ENACTING MARION CITY CODE SECTION 606.28 AND DECLARING AN EMERGENCY

Mr. Schaber stated that the prohibition of marijuana was going to be discussed by Legislation Codes and Regulations last year and it was not. The moratorium was put on council agenda by three council members, but the prohibition was not. He thought the issue should be discussed in committee or with the majority of council to decide what type of community that we want to be in regard to marijuana.

Law Director Russell explained that through the vote of people medical marijuana was allowed throughout the state of Ohio and that municipalities and governing bodies were going to have to make decisions in 2017 about whether they wanted to allow dispensaries in their jurisdiction. The former Clerk of Council had sent out a memo early in 2017 regarding this issue for council response. No action was taken.

He continued that administration came to council in June or July of 2017 regarding this issue that needs to be addressed. Administration indicated a need to act on this if we were going to put in a prohibition. Council couldn't find that they had a majority to prohibit dispensaries. No action was taken.

Later in October 2017, the issue was presented to council and they did not have a majority that would be willing to adopt a prohibition against dispensaries for medical marijuana. There was some discussion that maybe we just need to take a time-out like other communities have and adopt a moratorium and revisit this in 6-12 months and see how this settles out across the state. Law Director Russell stated that council did not find that they had a majority sufficient to pass a moratorium to take a time-out. No action was taken.

He explained that in November, the state had established certain deadlines for those people who wanted to create a business by having a site to dispense marijuana. Advocates were at council meetings in October and November because those applications were due. Those business people before the council at that time had to make a decision and needed to know if the city of Marion was going to adopt a prohibition against dispensaries. The council – through its actions -- indicated no.

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A handful of applicants went on to apply with the zoning inspector and asked if they would be prohibited by any code in Marion from establishing a dispensary at a particular address – specifically E. Center Street and Delaware Avenue. They were making a business decision because they needed to know on their application that was due in November whether they could these addresses within Marion city; or that needed to use an address in the township. There were no restrictions in place.

That is important because council did not act before that application deadline. The applications went to Columbus and are pending for approval in Columbus with Marion city addresses.

There is no distinction between a moratorium and a prohibition against dispensaries because either one would have told them don't make your application or don't use a city address because the council or city had established a moratorium or adopted a prohibition. That is important because we have created liability now if we do enact a prohibition against dispensaries, specifically to those who had filed an application in Columbus with that November 2017 deadline. There are a lot of things in play. Some may have followed along with office holders in Columbus talking about that we may have found an expert that was used who may have had some particular bias and one state public official stated that he may be moving to scrap the whole application process. So, there are other variables.

Law Director Russell stated that he would highly recommend that council does not adopt a prohibition against discrepancies because we will have created liability in regards to anyone who made an application in regards to the November deadline.

Mr. Josh Ross, 419 Forest, made comments. To say that you can't have a dispensary or a cultivator or processor, we are talking about jobs. People came in and shared plans. We heard all that. It's settled down. These are low tech job and low-tech salaries. That is not to say that these are going to be all over Marion, but we are talking about jobs that could be created and I do not want to stop something from being created. I do not want to have a section of any industry prohibited from building here and creating jobs.

Councilman Daniels commented that there's the world that we live in and the world we would like to live in. We have to make decisions based on the circumstances of the world we live in. There are two sides of this issue. He feels that he has previously made his position clear about abuse of any substance. He understands the position of someone who would come from law enforcement. They have spent their entire life committed to fighting illicit material, whether it be heroin, cocaine, methamphetamine, or marijuana. He understands their apprehension towards where this may lead or where they believe it will lead.

He feels that it is important to try to understand both sides, including the side that a person is not on. He has not been in support of medicinal marijuana his entire life. Previously, he had nothing good to say about it and he would not allow himself to think of it as an alternative. My step mother died of cancer and the last two months she used that product and it gave her relief of fear. She had not previously been an advocate of it. Based on that sole assumption, I began to research the product and changes my viewpoints about how it could be beneficially used.

Mr. Daniels continued. Regardless of what side you represent, the product will be used and these businesses will exist. If you even banned it in the city of Marion, it very likely will end up in the township. There are three trustees that support it, including one who is a nurse. A facility

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will end up in the Southland Mall or on the east side. Whatever business is set up around that to serve those people who have come to buy medicinal marijuana will also be in the township. Township views it as an economical tool. If you prohibit in city limits and it ends up across the street in the township, you have taken away all of our ability to regulate that business whenever the state gives us the permission to do so. You would have absolutely no regulatory power. Even if I was on the prohibition side, I would at least want to put it in a position so that I could regulate it to some degree.

Mr. Daniels stated that when we begin to make business decisions based on 2-year life expectancy because of a change in power, you set up an environment that business doesn't want to deal with. It doesn't matter what issue it is. If they feel that you can change the law at will and you are willing to do that every two years with a change in power, then they do not have long-term security.

Mr. Huddle shared that he had just came back from Arizona where he saw dispensaries, only because they were specifically pointed out to him. The location was similar to the Servex Mall and the business was not recognizable. He believes that over time, that is the way it would be here too. That town is full of judges, lawyers, and entrepreneurs, and most of the population is 50-100 years old. He hears that there are a lot of concerns that people who use medical marijuana will turn to opiates, but does not believe that to be true in most cases.

Law Director Russell stated that if the committee members feel there is no benefit to passing this, the proper things would be to let it die. No motion to send it on to council would allow the measure to die in committee.

NO ACTION TAKEN DUE TO LACK OF MOTION.

Items not on the agenda:

There being no further business, Mr. Landon adjourned the meeting at 7:38 PM.

Chairman Landon

Clerk of Council

May 22, 2018

Members present: Mr. Landon, Mrs. Blevins

Members absent: Mr. Huddle

With a quorum present, Mr. Landon called the meeting to order at 6:45PM.

Mrs. Blevins moved to approve minutes of April 17, 2018, Mr. Landon 2nd. Roll call: Ayes – Mr. Landon, Mrs. Blevins.

Minutes of April 17, 2018 are approved (2-0).

Item 1. LIQUOR PERMIT (NEW): 740 Restaurant Ventures (Brad Hampu/Craig Johnson); 143 W. Center Street Unit B

No concerns indicated by Fire Chief, Police Chief, or Law Director.

Mrs. Blevins moved to take no action, Mr. Landon 2nd. Roll call: Ayes – Mr. Landon, Mrs. Blevins

COMMITTEE VOTED TO TAKE NO ACTION RE 740 RESTAURANT VENTURES (2-0).

Item 2. LIQUOR PERMIT (NEW): 717 JL Enterprises (Lagbir Singh/Lakhwinder Singh); 717 Delaware Avenue

No concerns indicated by Fire Chief, Police Chief, or Law Director.

Mrs. Blevins moved to take no action, Mr. Landon 2nd. Roll call: Ayes – Mr. Landon, Mrs. Blevins

COMMITTEE VOTED TO TAKE NO ACTION RE 717 JL ENTERPRISES (2-0).

Item 3. LIQUOR PERMIT (NEW): Tommy's Creations (no ownership disclosure available); 141 E. Center Street

Law Director Russell recommended that the committee make no decision on this permit until the city can clarify ownership disclosure information. Matter can be addressed at council meeting as needed. There is a 05/29/2018 due date on response.

NO ACTION WAS TAKEN ON TOMMY'S CREATION PENDING OWNERSHIP DISCLOSURE INFORMATION.

Item 4. LIQUOR PERMIT (TRFO): transfer from Michael Deskins DBA Third Base Drive Thru to Reds Drive Thru (Gloria Daphne Mullins); 1129 S. Prospect Street

No concerns indicated by Fire Chief, Police Chief, or Law Director.

Mrs. Blevins moved to take no action, Mr. Landon 2nd. Roll call: Ayes – Mr. Landon, Mrs. Blevins

May 22, 2018

COMMITTEE VOTED TO TAKE NO ACTION RE REDS DRIVE THRU (2-0).

There being no further business, Mr. Landon adjourned the meeting at 6:49 PM.

Chairman Landon

Clerk of Council

**NOTICE TO LEGISLATIVE
AUTHORITY**

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

8980080 PERMIT NUMBER		NEW TYPE	TOMMYS CREATIONS LLC	
ISSUE DATE		DBA TOMMYS CREATIONS		
04 25 2018		141 E CENTER ST		
FILING DATE		MARION OH 43302		
D1 D2		PERMIT CLASSES		
51 044 B		B92094		
TAX DISTRICT		RECEIPT NO.		

FROM **04/27/2018**

PERMIT NUMBER		TYPE	
ISSUE DATE		FILING DATE	
PERMIT CLASSES		TAX DISTRICT	
RECEIPT NO.			

05/24/2018 - ROBIN TRENT, TOMMY TRENT - THERRON 614-644-3155



MAILED **04/27/2018**

RESPONSES MUST BE POSTMARKED NO LATER THAN. **05/29/2018**

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES **B NEW 8980080**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD IN OUR COUNTY SEAT. IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

CLERK OF MARION CITY COUNCIL
233 W CENTER ST
MARION OHIO 43302



City of
Marion
Ohio

Clerk of Council
Marion City Hall
233 West Center Street
Marion, Ohio 43302
Phone: 740.387.4935

May 24, 2018

Ohio Division of Liquor control
6606 Tussing Road, PO Box 4005
Reynoldsburg, OH 43068

Re: Liquor Permit #8980080 (Tommy's Creations LLC)

On behalf of the City of Marion, I am requesting a 30-day extension to allow our council the opportunity to review documents related to this application. We were just provided ownership disclosure information today by phone.

Thank you.

Sincerely,

A handwritten signature in black ink that reads "Tarina Rose". The signature is written in a cursive style with a large, looped "R" and a long, sweeping underline.

Tarina Rose

Clerk of Council

TX Result Report

P 1
05/24/2018 16:07
Serial No. A4Y4011011380
TC:00055724

Addressee	Start Time	Time	Prints	Result	Note
16146443166	05-24 16:07	00:00:32	001/001	OK	ORG

Result OK : Communication OK S-OK : Stop Communication Busy : Busy No Ans : No Answer TEL : RX from TEL Refuse : Receipt Refused
Cont : Continue LOVR : Receiving Length Over SOVR : Exceed Broadcast No. M-Full : Memory Full
NG : Other Error IL-PJL : PJL Error MDN-ER : MDN Resp. Error DSN-ER : DSN Resp. Error LGN-ER : Login Error

Note TMR : Timer TX PC : PC-Fax POL : Polling Call : Manual TX
FWD : Forward Fcode : F-Code BUL : Bulletin I-FAX : Internet Fax ORG : Original Size



City of
Marion
Ohio

May 24, 2018

Ohio Division of Liquor control
6606 Tussing Road, PO Box 4005
Reynoldsburg, OH 43068

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Thank you.

Sincerely,

Tarina Rose
Clerk of Council

Clerk of Council
Marion City Hall
233 West Center Street
Marion, Ohio 43302
Phone: 740.387.4935

OWNERSHIP DISCLOSURE INFORMATION

This online service will allow you to obtain ownership disclosure information for issued and pending retail liquor permit entities within the State of Ohio.

Searching Instructions

Enter the known information and click the "Search" button. **For best results, search only ONE criteria at a time.** If you try to put too much information and it does not match exactly, the search will return a message "No records to display".

The information is sorted based on the Permit Number in ascending order.

To do another search, click the "Reset" button.

SEARCH CRITERIA

Permit Number	<input type="text" value="8980080"/>
Permit Name / DBA	<input type="text"/>
Member / Officer Name	<input type="text"/>

[Wait](#)[Reset](#)[Main Menu](#)

Member/Officer Name	Shares/Interest	Office Held
Permit Number: 8980080; Name: TOMMYS CREATIONS LLC; DBA: DBA TOMMYS CREATIONS; Address: 141 E CENTER ST MARION 43302		
AROMMY L TRENT JR		VICE PRES.
ROBIN TRENT		PRESIDENT

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- [Ohio Department of Commerce](#)

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§ 943.02 RULES AND REGULATIONS.

Currently reads

(A) The Safety/Service Director is authorized and directed to make such rules, regulations and changes with reference to the handling, collection and disposal of domestic refuse, rubbish, household trash and other solid waste as may be necessary, proper or convenient to facilitate their collection and disposal. Such rules and regulations shall detail the services provided and prescribe the size, type and location of containers.

(B) All domestic premises or households should be liable for implied services provided by the municipality. Unless otherwise notified, the municipality will bill the property owner for services provided. ('70 Code, § 943.02) (Ord. 1985-93, passed 12-9-85; Am. Ord. 1995116, passed 11-13-95)

Proposed Change

(A) The Safety/Service Director is authorized and directed to make such rules, regulations and changes with reference to the handling, collection and disposal of domestic refuse, rubbish, household trash and other solid waste as may be necessary, proper or convenient to facilitate their collection and disposal. Such rules and regulations shall detail the services provided and prescribe the size, type and location of containers.

(B) All domestic premises or households should be liable for implied services provided by the municipality. ~~Unless otherwise notified,~~ **The** municipality will bill the property/*parcel* owner for services provided.

Changes in billing shall become effective for all account changes made after September 1, 2018 or by June 1, 2019 (whichever occurs first).

('70 Code, § 943.02) (Ord. 1985-93, passed 12-9-85; Am. Ord. 1995116, passed 11-13-95)