

**BUILDING & BUILDING CODES COMMITTEE MINUTES
NOVEMBER 15, 2022**

The Building & Building Codes Committee meeting was held on November 15, 2022, at North Royalton City Hall, 14600 State Road. The meeting was called to order at 6:53 p.m.

PRESENT: Committee Members: Chair John Nickell, Vice Chair Dawn Carbone-McDonald, Joanne Krejci; **Council:** Paul Marnecheck, Linda Barath, Mike Vos, Jeremy Dietrich; **Administration:** Mayor Larry Antoskiewicz, Fire Chief Robert Chegan, Police Chief Keith Tarase, Economic Development Director Tom Jordan, Finance Director Jenny Esarey, Law Director Thomas Kelly; **Other:** Kate Nelson, Michael McDonald, Jim Kulikowski, Joel Spatz, Jessica Fenos.

APPROVAL OF MINUTES

Approval of October 18, 2022 Building and Building Code Committee minutes. Moved by Ms. Krejci, seconded by Ms. Carbone-McDonald. Vote: Yeas: 3 Nays: 0 **Motion carried.**

UNFINISHED BUSINESS

1. Economic Development

- **Proposed legislation – Gray Matter Holding Inc. CRA completion extension date**

Mr. Jordan advised that Gray Matter Group is present this evening. They are a crypto mining company located in the Industrial Park. They are renting space, as they are building a new building. They were delayed on construction. In the contract, they had a specific date to start and complete on, whereas they did not meet those goals. We are extending the completion date to next February. The latest delay was due to a supply chain issue. They have to have a very specific type of cooling system, which will not be fully installed until early next year. Essentially, we are requesting an amendment to the Gray Matters CRA agreement to extend the completion date for the construction of the building.

Mr. Jordan spoke of the Community Development report that was distributed. He noted that as some may be aware, there were some outages today and the report would be sent electronically tomorrow morning. Within his report, it was shown that Kent Corporation entered into a CRA agreement as well. He stated that we had hoped to have their amended agreement for Council, however, they have not received approval regarding the wetlands issue. The company was unable to provide us with a new start date at this time. Mr. Marnecheck raised question if they have to buy some credits. Mr. Jordan indicated that they had applied for approval to the federal government to fill in. He did not feel it was as simple as whether they can afford to do so, but whether they have permission or not.

We are still working on the Abbey Road Sewer Project. They anticipate to go out to bid late this winter, which would extend the sewer lines down Abbey Road, which would facilitate the expansion of the industrial area on that side of Abbey Road. We are still working with the private developers to make some additional land available; on Abbey Road and the interior of the park. Mr. Divots Sports Bar is for sale. We still have a number of interested buyers, in which there is no agreement currently. This is a non-confirming use inside, in it's current use; it is currently zoned research office as noted previously, which is a commercial zoning. Mr. Vos raised question about its non-confirming use, when and if someone were to purchase it with the intention to continue it as it is now. Mr. Jordan explained that it would remain that way as long as it is continued. Mr. Vos asked if it were something that required rezoning, whether it would have to go to the vote of the public. Mr. Jordan clarified that it would.

As discussion ensued, Mr. Nickell wanted to know what happens if someone wanted to put add a drive through window to that use. Mr. Jordan explained that would be up to the Planning Commission. Mr. Nickell wanted to know what if they wanted to redo the putt-putt and make it a nicer attraction. Mr. Jordan indicated that if

they were just refurbishing the area and making slight modifications, that would not be an issue. Mr. Dietrich stated that we are being too difficult and wanted to know why there cannot be more leeway regarding this. Mr. Jordan clarified that, in comparison, it is the same as if you owned a house in a commercial district. He went on to say you have a non-conforming use; you cannot expand it. Mayor Antoskiewicz pointed out that no one is saying that some things cannot get done, however, there are rules through our ordinances and charter that we must follow when we come across those scenarios. Mr. Jordan added that since it was originally built, one of the most expensive housing developments surround it. It is a unique use and does need investment. Mr. Nickell inquired if someone wanted to rezone it, whether that request would go to a vote of the people. Mr. Jordan was unsure at this time, however, he would get back to Council and e-mail that answer, as requested by Mr. Nickell. Mr. Dietrich also felt that would be important information.

Mr. Wos raised question pertaining to the tax extension for Gray Matter. He was aware of their plans with their servers. He asked if anyone has heard what is happening with the Crypto industry. Mr. Jordan was aware and he believed that the project may have been ended; the project went quiet for many months. However, the company still exists and there are new investors involved, which we met on site. They were granted a certificate of authenticity to use the office portion of the building.

Mr. Nickell inquired about Fire 45 Grille. Mr. Jordan advised there has been a lot of activity there and they are still making slow progress. He continued that the Bank of America will be open by the end of the year. Carrie Cerino's is for sale. They have a \$1 M listing on the property. He noted that the adjacent owner purchased it and has shown conceptual drawings to extend it; perhaps into an office complex of some sort. Tonight Tonight has had a little bit of a turn, whereas they did not file for a demo permit. We are proceeding under the assumption that they are not going to take it down. However, there might be other circumstances, which we will not have to proceed, however, we must assume that they are not taking enough action.

Ms. Carbone-McDonald wanted to inquire about when the building becomes a hazard, and commented about the staircase that is falling. Mr. Jordan indicated it has active violations against it, which is why we are taking them to court. We were told by the broker that they had solicited three bids to demo it; they had performed the environmental work required before a demo. However, we just learned today that they do not seem to be intending to move forward. The Building Commissioner is citing them. He went on to say that if there is a feature on the building that becomes a public hazard, the City has an option to go ahead and remediate the condition itself. Mr. Dietrich asked if it was being filed tomorrow. Mr. Jordan concurred.

Mr. Jordan reported on Tanglewood Drive, whereas there are some still criminal proceedings pending concerning the address; we are holding off. He realizes that Council still gets questioned about it. As soon as we get cleared, we will pursue the owner to maintain the residence. Pertaining to Martin Drive, the owner agreed to demolish the home. They have filed for some interior repairs under permit, however, there are a number of active violations on the exterior. He added there is discarded concrete down the back of the hill; there are a number of issues on the exterior.

Mr. Nickell asked about the building next to Pic Quick Deli. Mr. Jordan clarified that it is owned by an elderly owner and it has a series of active violations on it. Years ago, we got it in some compliance, however, the owner operated a small business there and it is closed; it does not appear that it will be reopened. Mr. Nickell commented on the number of years, which was fourteen. Ms. Barath questioned the other, older gas station on Wallings Road and State, in which she noticed a for sale sign. Mr. Jordan explained that the owner and the City have been in contact for a number of years. He believes the daughter is now listing it. The owner had operated on a very part time basis. We assisted with some environmental work that was done on the site; there were tanks with a leak. There was some further environmental work that needs done. Hopefully, that will move forward. Mr. Nickell inquired whether the tanks were removed. Mr. Jordan indicated that the owner had conveyed that those were empty. For a period of time, the owner believed the tanks were dry and could not leak, however, there had been a leak unfortunately. Gas stations are required to have insurance for that, which he did not have insurance during that period. Mr. Nickell mentioned that there had been some kind of grant funds in past years and we helped take out tanks. Mr. Marnecheck pointed out that was Clark Station.

Mr. Jordan explained that you cannot give them money to remediate it when the person that did the quote contamination still owns the site. We did give him grant money to test to verify if there was contamination, in which we verified that there was. We could not award him any money to clean it up. He continued that if it were to change ownership, we would assist. Ms. Barath inquired about how much he is selling it for. Mr. Jordan agreed to get that information.

Mr. Wos brought up the former Christopher Norris property, whereas it is continuously a problem and he receives complaints. He believed there were a few violations served recently. Mr. Jordan concurred and had no updates on that. Mayor Antoskiewicz believed that it is in the foreclosure process possibly. However, we did also cite them to clean up. In his discussions with Mr. Smerek, we want to keep citing people no matter what process things are in and follow through with these; until something is done. He believes they owe roughly \$49,000 in back taxes. Mr. Jordan stated that in this type of situation, we have to let the wheels play out. The hope would be for someone to buy it in foreclosure; a responsible party. It was noted that not long ago, that was one of the most attractive buildings in the City.

Mr. Dietrich spoke about the corner of State and Wallings Road, where the gas station is; across the street from the property in question. He wanted to know why it is not open. Ms. Barath and the Mayor clarified that it is an electrical issue, whereas they had to dig underneath, from the station to the pumps. Mr. Dietrich felt that the City should be getting involved and step in at this point. Mayor Antoskiewicz commented that prior to the electrical issue, it some supply problems. Mr. Dietrich mentioned that even though it does not reflect on us as a City, it has been there vacant for a long time. He expressed that it is ridiculous and we should perhaps step in; he felt that they are dragging their feet. Ms. Barath stated that she does not assume he got insurance money, as Mr. Dietrich had noted. Mayor Antoskiewicz added that gas station was the busiest gas station in North Royalton when it was operating. He believes the owner is trying to do everything that he can. He knows the owner and believes he is very anxious to get the gas station open. Mr. Dietrich asked if we could have an update for the next Building and Building Codes Committee meeting on this property. Mr. Jordan mentioned that the City is installing a GIS (Geographic Information System), which is a community mapping tool that allows residents and everyone to identify various properties in the City. It can share zoning and ward information, owner information, parcels, and most cities do have it. We hope to have this active and live within the month. We are also going to integrate it in a way so that people can identify available commercial properties for sale.

Mr. Jordan advised us to look for some proposed amendments for the TCD Zoning section. The new City Planner has started the process to update that section of the zoning code; in the realization that retail will not be the anchor for that section of town. We are in the final stages of organizing the commercial files that have been taking years, however, we will have some of the road plans electronically available and online; rather than just relying on the paper versions. At one time, that department had files stacked from the floor to ceiling that no one had gone through. We have gone through all of the Planning Commission, Building, Engineering, in which they have all been reorganized and indexed. He indicated that for residential, there is only one that we are aware of, moving toward the Planning Commission; Sprague and State Road. There are three smaller residential developments that are in the Planning stage. In regards to the Store Front program, there has not been much change. We still have interested parties and there is still money available.

2. Memorial Park Update/Splash Pad

Mr. Jordan reported that we are still waiting for the final draft agreement on the grant for \$200,000 from the State; that will be used toward the All Purpose Trail. We are going to apply. There will be a public meeting concerning a \$50,000 grant from Cuyahoga County to also assist the City in paying for the All Purpose Trail. He recapped that we did receive the \$1 M from Cuyahoga County toward all of the improvements inside Memorial Park. Tomorrow we are planting approximately 60 trees in the park. We utilized the \$33,000 tree grant from Cuyahoga County. The Splash Pad still remains unfinished. At this point, he hopes they do not finish this year, because the warranty will start from the day, we close out the project; which will be early next Spring.

Mr. Jordan pointed out that at the last meeting, Mr. Dietrich brought up a business retention program, in which he and the Mayor are still discussing how they will fund it and what that will look like; we will have that for the next meeting. Pertaining to NOACA, they are supposed to install a charger here at the edge of the park at their expense. Mr. Nickell reiterated his previous point, in which he wanted to make sure that residents are not paying for anything pertaining to the charging station. Again, it was confirmed that they are not. Mr. Nickell wanted to know why we cannot use the NOACA money for something more useful than to charge vehicles. Mayor Antoskiewicz pointed out that this is specifically used for charging stations.

3. Solar Panels

Mr. Jordan indicated that he did receive some communication from Council members indicating that they are okay with the changes as described.

Mr. Nickell moved to draft legislation as the exhibit is written for solar panels, seconded by Ms. Krejci. Vote: Yeas: 3 Nays: 0 Motion carried.

4. Senior Center

No update at this time.

NEW BUSINESS

1. Agricultural District Renewal Application – 19345 Ridge Road – PPN 486-11-004

Mr. Nickell moved to approve the Agricultural District Renewal Application, seconded by Ms. Carbone-McDonald. Vote: Yeas: 3 Nays: 0 Motion carried.

2. Medical Marijuana

General Manager of Ohio for Acreage Holdings, Kate Nelson, (15335 Madison Road, Middlefield) is present, as well as, Mr. Musgrave (3865 Lakeside Avenue, East Cleveland).

Ms. Nelson shared that her goal was for this to be a discussion. She began her report by pointing out that medical marijuana is a new industry in Ohio, as we know. However, we have had a couple of years now to understand the way these businesses operate. She has been somewhat involved in the medical marijuana industry in Ohio for the last six years. She had the pleasure of working with the Ohio Senate group that was originally going on the listening tour for medical marijuana legislation. Originally, her background in school was law and public policy. She was intrigued by the fact that cities and states continue to pass legislation in direct disagreement with what the federal government communicated relating to medical cannabis. She knew that was the area of law she wanted to pursue. It really hit home for her when she had a family member whom she was caring for, her grandmother, who was diagnosed with stage four bone cancer. Unfortunately, she was not able to alleviate the symptoms of bone cancer with traditional pharmaceuticals. Ms. Nelson once lived at Sprague Road and West 130th Street, just on the outside of North Royalton in Strongsville. She saw firsthand, the need that there was in this state. When they spoke to the oncologist for her grandmother about medical marijuana as an option, he had said it was not legal in Ohio, and even if it was, he did not know much about the interactions that it could have; therefore, he could not recommend it. Her grandmother was a rule follower, so she was not about to break the law. In about one month, after she passed away, is when the Ohio Senate announced going on this listening tour. Everyone that she knew submitted public testimony, because we did not think that medical marijuana could cure all of the problems, or solve all of the issues that every patient had. However, we thought it should be an option. Following that, we ended up seeing legislation passed, which House Bill 523 was signed in May of 2016. Then Ms. Nelson was faced with a decision; does she now go to law school, or does she have an interest in operating in the medical cannabis base, now that we know it is

coming to Ohio. She wrote a business plan on her kitchen table, not having any idea what this business truly could operate as. Now they have the pleasure of actually operating Ohio's largest, vertically integrated cannabis operator, with five retail dispensaries. She spoke of their manufacturing and cultivation facility in Middlefield, whereas they employ roughly 200 people. She is very committed to this industry and specifically this program in Ohio, as well as, passionate about what they get to do.

Mr. Musgrave indicated that he is the pharmacist at the Cleveland Botanist location. Ms. Nelson explained that Ohio's program was initially led by three separate regulatory bodies; the Board of Pharmacy, who oversees the retail stores and products, the State Medical Board that oversees qualifying conditions, and also physicians; and you have the Department of Commerce that oversees the manufacturing facilities. For them, it was hugely important that their business was built on the pharmaceutical motto, because they knew the Board of Pharmacy was really overseeing this program. They wanted to make sure that this product was truly treated as a pharmaceutical product.

Ms. Nelson continued that their business ended up becoming large, as they were acquired in October 2021 by a publicly traded company called Acreage Holdings. Acreage's vision is to really believe in the transformation power that the cannabis can have in changing the world; not just each person that visits their stores or consumes their product, but also the people that get to work there as well. It was a big change going from a local business that she began on her kitchen table, to now being a part of a Corporate Organization, with dispensaries in nine states. However, at the same time she was promoted into a role of Senior Vice President for the Midwest to Northeast. She currently oversees operations in Ohio, as well as their dispensaries in Illinois, Connecticut, Maine, and Massachusetts. They want to be the best and most trusted organization in cannabis by their consumers, communities, employees, and partners. They do not view these dispensaries as only serving people that come in the door, but as the community at large, and the people that work for them. At this time, they have a tremendous amount of cultivation square footage retail stores. They took what was very small and operating in Ohio, and got to do it on a much larger level. Their stores are award winning. Their Cleveland store won the Best Medical Cannabis Dispensary in Cleveland for the last two years; as long as the award has been around for. Their products are available in 250 dispensaries across each of the states that she oversees; in addition to New York, New Jersey, and Pennsylvania.

Ms. Nelson provided a small overview of who they are in Ohio. They had the pleasure of opening the first dispensary in Ohio in January of 2019; it was a different program back then. There were about 30,000 patients, whereas today they have roughly 150,000-160,000 patients state wide. When they opened "team arctic", there were 500 people outside in the middle of January in a blizzard, that were driving as far as Cincinnati, just to see if there could be an alternative to the tradition pharmaceuticals that they were consuming. People made a lot of sacrifices to operate and get products that they knew were safe; she was proud to say the program has made a lot of advancement since then. They also opened the Wickliffe dispensary in February of 2019; shortly after. Then came Cleveland, Columbus, and Akron locations all opening in the fall. They have been able to grow and watch as Ohio's program has advanced, and changes have been made to that program to allow to be more accessible for the patients here. Ohio's initial dispensary licenses were awarded in a competitive application process. Out of 376 applicants, they had the top 5 scores, but at least 10 differentials. They were very strong in the way they wanted to operate this business. Things are scored, such as their security, operations plan, how training would be planned etc. They scored highest, not only in operations, but also in security and every section of the application. They are fully compliant with the Board of Pharmacy, and also the Department of Commerce.

As far as the current state of medical marijuana in Ohio, there are currently 23 operating cultivators; there are level one cultivators, the larger of the two sizes, and fourteen level 2 cultivators. There are 58 operating dispensaries, with 73 new licensees that are on their way; those 73 were not awarded through a competitive application process. However, through a lottery where any number of applicants were able to submit, and its applicants was pass or fail. Fortunately, they know where all of those new dispensaries are going to be located; that is a key reason we are here today. They want to be in a community where they know there is a need. On this side of Cuyahoga County, there has been a need. There are 155,000 active patients in the public

data that they were able to pull. Ms. Nelson believed that within a twenty-mile radius of North Royalton, there are roughly 18,000, and counting, active patients in this area. Right now, they are all forced to shop at dispensaries that are not in the immediate vicinity here. She thinks the closest one may be in Garfield Heights. People in this area are actually traveling roughly 20 miles to visit dispensaries currently. Since the program launched, there have been 133,000 pounds of cannabis, and 10 M units sold in the program. Ohio did not have the quickest uptake of its program. If we compared to Pennsylvania, it grew much quicker. They have seen from Ohio if these products have been in the market, and it has been pretty well controlled. There have not been incidents of product making it to the black market, or other back door sales etc. The way Ohio structured this program based on the pharmaceutical motto, meant that these products are only in the hands of those who need it. There have been 7 M transactions thus far in Ohio since 2019.

Currently, there are 23 qualifying conditions for medical marijuana. A physician has to recommend cannabis for someone that has been diagnosed previously with a qualifying condition. That physician can determine the amount of time that patients can consume medical marijuana; they can set it for a three-month, six months, or so on before they have to be reseen again. All of the purchases that someone makes at a dispensary are reported to someone's prescription monitoring profile to ensure there are not drug interactions or concerns. It is all full visibility to pharmacists, as well as physicians. They currently have the third highest selling edibles in the state; manufactured out of the facility in Middlefield Ohio. Their program has served 250,000 patients since it opened. There are only 155,000 active patients as mentioned. One of the reasons for that is the distance of traveling to dispensaries, the cost of products, and some things that are complicated about their program that may make some people not want to renew their card. This is something on them as operators, that they need to continually work on to improve. Their operational efficiency and safety measures have been established and modeled and are now something that new operators are following established with the state; to make sure there are no problems that arise with these operations. In their stores alone, over 50,000 patients have been served since opening. Currently there are about 40,000 that are active patients. Once patients come in, it is likely they continue to shop with us although they are not required to do so. Some states require that you register with one dispensary; that is not a requirement in Ohio. Their products are carried state wide, therefore, 95% of the dispensaries in the state carry their products; however, in their stores, they carry the largest breed of their products.

Things that are important to them is making sure from a traffic perspective, that this is not an undue burden on the surrounding businesses, nor traffic coming into the store. They also make sure that safety and security are the most important things to their guests and to their staff. All of their stores have multiple cameras to cover each and every inch that a transaction was to occur. There are entry and exit man traps into the facility, and overhead doors. They have backup generators for any possible power outages, also that would make sure all of their security measures stay in place. They have a lot of policies and procedures specifically around product quality control and safety, making sure that they can pull history any time a police officer or physician asks for it; everything is tracked. There are financial controls as well. There were a lot of concerns around the industry and safety regarding any cash that is on site, however, as the program has matured, the access to banking has improved. Since they have been operating, they have had access to bank accounts etc., to make sure there is not too much risk at any one location at one time.

Ms. Nelson asks the question, "why North Royalton?" In their first year, the estimation is about \$12 M in net revenue. The economic advantages for a town are the jobs created; their average staff is roughly 25-30 people. Their stores are overseen by pharmacists, and their Director of Retail Operations is a pharmacist; making sure that our staff has the appropriate training to do what they need to do. The average payroll taxes from one of their locations is in the neighborhood of \$200,000-250,000 per year. They are best in class when it comes to operational compliance; that is their commitment. Also, their consumer engagement and the experience for their guests. They do not want an experience to be one where people feel uncomfortable in any way, it is meant to be as inviting and welcoming as possible for their guests and for their family members. They are not only here as an operator, but they are also here to educate the public and make sure this program is here and exists; to ensure there are safe options and to know what you are getting. Ms. Nelson was open to any questions.

Mr. Marnecheck shared that he had the opportunity years ago to tour a facility and it was very eye opening; it really helped him to better understand an evolving industry. His feeling when he walked in, was like a spa, a laboratory in Fort Knox; all rolled into one. It was incredibly regulated, with time allowance when they opened. He referenced a location where you would not have known it was a dispensary, it was very non-descript. He feels a lot has changed since we last looked at this. He asked if more could be discussed regarding “bankable business”, and what has changed.

Ms. Nelson explained that banking isn’t easy, it is one of the complex parts of this business. There may be some operators in Ohio that still struggle with access to banking. The challenge is due to the fact that it is federally illegal activity still and banks are federally insured. It means the banks have to be comfortable with some level of risk and also the likelihood of getting audited if they work with cannabis businesses. Since the program has continued to mature here in Ohio, there have been more and more banks that have opened up to allow cannabis businesses to bank with them. Currently, we bank with a local community bank; having banked with them since the beginning. Their fees are probably pretty A Typical, that no other business would be subjected to. However, it is the way that we make sure our employees get a pay check just like anyone else. It is still a cash business, meaning that you have to have cash in order to purchase products; we do have an ATM on site. There are also other options for digital payment; a couple of mechanisms that are cannabis specific. We work like any other business. We are there as a company that comes and picks up the cash on an irregular basis, change their routes, and make sure nothing is trackable. But as far as banking goes, while there are challenges, many aspects of the cannabis industry are challenging, and it is one more thing you just have to have a plan for how you will interact, and even a back up bank account. They make sure that all of our documentation is key so that when they get audited, they do not have anything that will pose a risk.

Mr. Marnecheck inquired about their hours. Ms. Nelson indicated that they are open 10 a.m. to 8 p.m.; seven days a week. When originally opened, they were more restrictive, however, as the program expanded, they wanted to make sure people had an opportunity to pick up their medicine at the end of the day if needed. Mr. Marnecheck asked if the employees were full time, in which Ms. Nelson concurred. Mr. Marnecheck inquired about the estimation of \$200,000-250,000, wondering if that was payroll or what was an estimate that the City would receive. Ms. Nelson clarified that yes, that is what the City would receive. Mr. Marnecheck noted that when he visited, she had conveyed that her main vault was stronger than the banks vault. Ms. Nelson agreed; it is a DEA Class I vault, which is more than any traditional pharmacy would have also. These are welded concrete panels, which weigh about 80,000 lbs. It has a 3-hour rating; even if you had torches, it would take 3 hours to penetrate the vault. There is also a day gate inside of that vault. There are motion detectors throughout. The vault is separately armed. In addition to the building alarm, there is a separate alarm for the vault, as well as a separate one in the server room. The vault is the safest place for anyone to be if there were to ever be a problem.

Mr. Marnecheck inquired about the time frame that it takes to build a dispensary. Ms. Nelson indicated they have had some dispensaries be constructed in less than five months. Ideally, they look for existing buildings; the Wickliffe store is in a strip mall. These businesses are intended to blend in. They make all of the interior modifications to make sure its suits the needs; such as a separate entrance and exit area. Mr. Marnecheck asked what kind of investment it involves. Ms. Nelson clarified that it is a significant investment. The build out for these facilities is not inexpensive. She pointed out that their partnership with the National Organization has helped. An average dispensary at approximately 5000 square feet of space, in which they have about 73 cameras. There is nothing you can do there that is not seen by at least one camera.

Ms. Carbone-McDonald wanted to know how far away do they have to be from facilities such as schools. Ms. Nelson indicated the according to state law, they have to be at least 500 feet away from parcel line to parcel line of any school, daycare, library, church, park, or substance abuse treatment facility. She reiterated that they would be looking for an existing building. It is beneficial for the community when they can rehab existing old empty buildings; whether in a plaza or free-standing building.

Mr. Dietrich asked about her research. He pointed out that North Royalton does not have a ton of retail. He wanted to know if there was a place within her research for the City. Ms. Nelson clarified that there is. She said it was important to speak with the landlord before she has any conversation pertaining to it. There is a property that they have spoken to, which they believe would be compliant. They are confident that there is a space here in North Royalton. Mr. Dietrich asked if this presentation has been done at any other city in the West Side, in which Ms. Nelson indicated that it has not. She noted that she has family in North Royalton. She felt that this City is a community where there would be a need. They think there are people in this area that have a need and their goal was to make sure they can provide access to that need. Mr. Dietrich raised question about money. He went on to say that we have a really good Finance Director. The \$250,000 projection seemed questionable to him and he asked for more clarification. Ms. Nelson explained that she pulled that information specifically from one of their locations. They can look into it further, however, that was from 2021. Mr. Marnecheck asked if she was comfortable sharing the payroll. Ms. Nelson was uncertain off the top of her head, as to what that amount was. She can dive into it a little more, as this was not her area of expertise, however, they were reviewing this and their payroll taxes for one location was that number. Mr. Dietrich hoped that she could get information to our Finance Director. Ms. Nelson agreed to do so.

Ms. Carbone-McDonald inquired about the possibility of needing additional police officers; watching the area, etc. Ms. Nelson explained that they have been in business for a couple of years now, and she can safely say that these facilities are actually a benefit to the Police Department; because the exterior cameras are so good. It is often times that we are providing footage of certain incidents outside, such as hit and runs, or catching a street nearby. They have not had many incidents where Police intervention was required. They have multiple alarm systems and back ups to those alarm systems, however, there is a system in place if there were ever a false alarm, there is a call tree that it goes through to make sure that the Police do not have to respond in that instance. Ms. Nelson confirmed that in their existing locations, it has not been a burden to police forces.

Mr. Nickell asked about the process when arriving, whether you are buzzed in, etc. Ms. Nelson noted that the door is locked at all times. One of the security guards come up to the door and welcome their guests inside. In the dispensary, you are actually required to scan a person's photo I.D., as well as their medical marijuana card. Those scans happen in real time into a state system and must match. Otherwise, they are not able to allow you into the facility at all. They are not allowed to let anyone in the dispensary unless they have been approved in advance by the state. There is a seven-day advance approval window that they have to submit a photo I.D. of any visitors during the time that they will be in the space. She went on to say that they cannot be in when there are patients in the space. The state maintains discretion to allow or disallow visitors as they see fit. Mr. Marnecheck recalled his experience while visiting a store, that he was escorted out; due to not being able to be inside when there was a patient there. Ms. Nelson commented that the state is very concerned about making sure the patient confidentiality and privacy is protected. She mentioned pictures cannot be taken inside on media devices, etc.

Ms. Krejci questioned if there was a photo of the outside of one of the dispensaries available. Ms. Nelson was able to provide an example of the Wickliffe store, the Botanist; in a strip mall setting. She indicated they are not able to have any exterior signage; their signs cannot be illuminated and they cannot have signage that is not affixed to the building.

Mr. Marnecheck was curious about the type of people that come in as customers; the customer base. Ms. Nelson indicated that the average age of a patient in Ohio's program is 56 years old, in which many patients come in because of chronic pain. For many users, it is their first-time experience with cannabis products. Ohio does not allow smoking of cannabis. If anyone has a joint or any glassware with cannabis residue, that is not a compliant way to consume products in this program. It has to be vaporized, because smoking is not viewed as a medical application of any type of products. The patients are in debilitating pain. They see people in wheel chairs and across all walks of life; a wide spread of people.

Ms. Carbone-McDonald raised concern of whether there are ever lines waiting outside the door. Ms. Nelson would say, perhaps in their peak hours; especially in their busier locations. There are times of the day that you

could see a wait outside. However, even as people are waiting outside, they have no product, and they are waiting out doors. With the 73 new dispensaries online, it was the state's goal to prevent and make sure there was not too much traffic at any one location. She expects that when we see these new stores opening, that we will see some of that heavier traffic peak hours decreasing. They do allow and encourage people to place online orders so they can have a reservation window; that is a quicker method of pick up. Also, it depends on how the store is structured. Locations do have waiting rooms; on occasion there may be people outside.

Mayor Antoskiewicz asked about the average time that a person spends inside the dispensary. Ms. Nelson explained that their goal is under 15 minutes; ideally under 12 minutes. This can depend on whether they are a new patient; which they have a pharmacist available to sit down with new patients. For your average patient who is not new, under 12 minutes is the goal.

Mr. Nickell stated that the sad fact is, 20% percent of middle schoolers have already tried some type of drugs, alcohol, or marijuana. Also, they are saying that 40% of highschoolers have already sampled regular marijuana. He felt there are risks for everything; there is a risk of taking too much aspirin. A line out the door is not going to encourage kids to try to get something. He felt that they can find it through other sources.

Mr. Dietrich shared that he has a sibling that works at Buckeye Relief over on the east side. He spoke positively about how very safe it is. He shared a personal story about a good friend that has used medical marijuana for his pain and not for recreational use; for medical issues. He felt there was a need for this and he is not opposed to it. He asked the process of Ms. Nelson's ownership. Ms. Nelson indicated that they originally wrote a business plan, however, even to have the ability to apply for these licenses it was very expensive. Therefore, they partner with two local business owners in Cleveland who took their idea, their concept and business plan. They agreed to take this on and conveyed they wanted her to be the first employee. The company had the capital to be able to apply. Ms. Nelson clarified that their growth right now is Middlefield, that Mr. Dietrich inquired about. He wanted to know if that was where all of the product comes from in Ohio. Ms. Nelson indicated that they are able to purchase from any vendor state wide; Buckeye Relief is actually outside of their own products. Mr. Dietrich asked about getting the product from point A to point B, as to whether there have ever been any issues in transportation. Also, if so, when such things occur; what part of the day. Ms. Nelson commented that is actually the manufactures responsibility to coordinate those deliveries and submit them to the state for approval. They have a number of security requirements as well; such as GPS tracking in real time. There have not been any issues with transportation to date, with any product or any cash in any of Ohio's dispensaries. Mr. Dietrich wanted to know about a possible visit from some of Council, whether that was possible. Ms. Nelson encouraged a visit. They want it to be as much of a community thing as possible and they want to educate. They have attended ward meetings and spoken. They have a Chief Medical Officer that would be happy to come in and speak on the medical side, as to the way this product works and how it interacts with the body. They are happy to educate people. Ms. Carbone-McDonald also liked that idea.

Mr. Wos asked a legal question, as to what would be the process to undo things, when it comes to the moratorium. Mr. Nickell asked if anyone had any questions pertaining to the store itself. Ms. Barath had concern about security. She mentioned being able to get a card on "Groupon", and wanted to know whether it is that easy in signing up for this. Ms. Nelson explained that a physician has to have a certificate to recommend, which means they have taken some course work in the state; learning about cannabis. After they have taken that certificate to recommend course work and have received that certificate to recommend, it is really their discretion and responsibility, as someone licensed under the State Medical Board, to be following the state's rules. The state's rules for this specifies that you must have been diagnosed with a qualifying condition; a written record that says the patient has this condition. There is also language that there needs to be a bonified relationship between that doctor and physician. Therefore, what it should not be is, you being able to walk in for the first time saying you want to get a card, and the physician writes a recommendation. She cannot speak to how every doctor follows those laws, it can vary; however, the State Medical Board has been active and taking away certificates to recommend to doctors that they think may be abusing the program, or not following it. There is a help line and an e-mail address if there are ever concerns about a specific doctor

group, which can be submitted anonymously; then the state can investigate as they see fit. As a dispensary, they cannot have a partnership or relationship with any recommending physician. If you were to call their store and ask where you should get your card, all she could refer a person to, is the state's website; where all of the physicians are listed.

Chief Tarase spoke to the concern of Police resources for this type of business. He had the opportunity to visit the Wickliffe store, which was one of the most secure businesses he has ever seen; more so than some of our banks and pharmacies. He did talk to the Chief of Police in Wickliffe, and he had relayed that they have been operating for four years with zero complaints, and zero calls for service related to the business. As far as security goes and our resources, the Chief did not believe there was any reason to be concerned. Mr. Marnecheck felt there was nothing special about this and that it is perhaps, like any other business to the Police force here. Chief Tarase concurred.

Mr. Nickell made reference to the current ordinance that precludes these businesses. He wanted to know if the general consensus was that we would want to repeal Ordinance 18-31 and update it to allow such a business; just as an idea. Mr. Marnecheck asked for him to clarify whether he means to repeal and put in language about the zoning that this would be permitted in. Mayor Antoskiewicz stated that he had wanted Ms. Nelson to come to see whether there is a general interest from Council to continue to pursue repealing this legislation, to allow a dispensary in the City. As discussion ensued regarding what could be done with the legislation, Mr. Kelly noted that he has reviewed other legislation in other cities.

Mr. Dietrich noted that he was "partially" interested; because of the finances. He commented that we are talking about getting rid of a ban, with potential back lash and more explaining, which is fine. However, is it worth the City's while to do so. Also, the concern of moving forward with the legalities on it and other dispensaries. He felt that it would have to be approved by Council for any dispensary; however, that language is going to be implemented. His fear involved the feedback of North Royalton.

Mayor Antoskiewicz reminded everyone that we have not gotten into all of the logistics. However, because of the way the rules are with the state, as far as where you can be within 500 feet, there are not a lot of places in North Royalton in his mind; he was unsure. Mr. Dietrich stated that based on what the requirements are, he was thinking of one area particularly as well. The Mayor added that we are not going to get flooded with dispensaries. Ms. Barath added that it is controlled by the state. Mr. Nickell pointed out that other cities allow them.

Ms. Nelson clarified that the state controls the number of dispensaries in any one district. The district that was in is one county; Cuyahoga County alone. She went on to say that you cannot relocate a dispensary outside of the county where that license was awarded. Therefore, the only people that could ever potentially even be interested, are people that are already in this County. The state recently expanded like as mentioned; there are 73 new licensees coming online. They have already locked in their addresses; they are not able to move. They have to build out those new spaces and have to be operating for at least a year before they can even submit a request to move. When they submit a request to move, the state actually has the ability to review that request and determine if there are too many dispensaries in the area; they would not allow someone to relocate there. They are not able to actually open up to allow additional dispensaries for another 2 years from now. We can see right now, how many operators there will be in Cuyahoga County in its entirety; she believed it was 9. Currently, there are five, and four new licensees coming online. There are two in Cleveland, one in South Euclid, and one in Whitmer; they know that is where everyone is right now. The only other people that could ever look at moving, would be anyone that has already been operating in Cuyahoga County. However, as the state would have the ability to review the application, if there was already one in North Royalton, it is much less likely that they would allow additional dispensaries to move here. Therefore, even if we got through all of this and this legislation was revised to allow a dispensary, the state still maintains the discretion that they could halt it at the last stage.

Mr. Dietrich brought up that the Mayor talked briefly to our Law Director about perhaps just amending some of those things; like the dispensary. He brought up previous discussion about how things were transported and driven. He wanted to know if that affected her facility. Ms. Nelson noted that it is in Middlefield. Mr. Dietrich asked if they are ever going to look to expand that as well. Ms. Nelson talked about the amount of investment that goes into a manufacturing facility; therefore, it would be Middlefield. Mr. Dietrich wanted to know if they would ever try to put anything like that in North Royalton. Ms. Nelson clarified, no they would not. She believed that the manufacturing facility's location is a little less important; you can drive a delivery van anywhere. It is the retail space where the public is coming to, and that is where you have to make sure there is sufficient access; to be honest, that is why the state added these 73 new licensees.

Mr. Nickell deferred back to legal conversations, whereas he would ask for consensus; whether there are five members of Council interested. Mr. Kelly agreed. Mr. Nickell has no problem with it and felt that the public perception has changed; based on Ms. Nelson's presentation. The security questions were addressed well. Mr. Jordan commented that municipalities under which they operate, also put additional regulation. He does not think that the Mayor finished his thought; but if voted, we have to repeal the ban. The City can place additional regulations on the operation of the center. We have researched what other cities have done. However, as the Mayor indicated, we did not want to take it a step further until we understood there was some interest on Council's part to pursue legislation.

Ms. Barath was open to it; however, she still wants to see the numbers as to the amount that was estimated to come into the City. Ms. Krejci spoke of her father, whereas having medical marijuana would have been wonderful. She would be willing to consider it based on everything that was heard. She felt that it is a very well protected business, and if the Chief does not have concerns, she is okay with this. Mr. Marnecheck added that if the Chief does not have concerns, he is okay with it as well. He still wanted a better idea where the 500 feet could be in terms of a prospective location. Mr. Dietrich expressed he was okay with the whole concept of the business. He has the same view as Ms. Barath; he wanted those numbers given to our Finance Director. If those numbers check out, Mr. Dietrich would also consider lifting the ban. Ms. Carbone-McDonald stated that as of right now, hypothetically speaking, she would have to vote no, because she wants to put it out to the residents a little bit more; educate them. She does not have an interest. Mr. Wos also felt that if we saw the numbers, he would be okay with taking the existing legislation and amending it. He felt that was put in place when this was illegal everywhere, and if the State of Ohio says that it is okay, then he is okay with it as well. As discussion ensued, Mr. Marnecheck indicated that starting in 2016, we had a moratorium a couple of times; with some extensions as well. Mr. Wos indicated that he would be interested. Ms. Carbone-McDonald reiterated that she does not feel comfortable at this time until we make the residents more aware.

Mr. Nickell moved to have legislation drafted to permit a dispensary, seconded by Ms. Krejci. Yeas: 2. Nays: 1; Ms. Carbone-McDonald. **Motion carried.**

Mr. Nickell apologized to Mr. Wos and Ms. Carbone-McDonald for how he had previously responded to them.

ADJOURNMENT

Moved by Mr. Nickell, seconded by Ms. Krejci **to adjourn the November 15, 2022 meeting.** Vote: Yeas: 3. Nays: 0. **Motion carried. Meeting adjourned at 8:18 p.m.**

COMMUNITY DEVELOPMENT REPORT

Industrial

- The new 12,000 square foot building for Gray Matter will be given partial occupancy this month. Due to supply chain issues the remaining space should be completed by the end of February. The extension of the tax agreement is before council.
- Kent Corporation delayed the start of their project. They have been unable to provide a new start date for project.
- The city is still working with private developers to make additional land available for industrial development.
- The Abbey Road sewer project will go out to bid in late winter.
- The city and private developers are working to add additional industrial land open for development.

Commercial

- Mr. Divots is for sale. It has been listed at just over \$2M. Several entities have expressed interest. The land is zoned Research Office and current use is non-conforming.
- Fire 45, after a long break, is moving towards opening this year.
- Bank of America will be opening by the end of year. We have not yet received plans for the office building that was planned for the rear of the building.
- Carrie Cerino's is for sale. The listing price is \$1M. We have had many inquiries on this property. The land is zoned General Business.

- The vacant property at the corner of Wallings Road and Ridge Road has been sold. The owner will be sending in conceptual plans for this property.

Building Code Enforcement

- The Tonight Tonight building located at 7375 Royalton Road has several open violations. The owner has not filed a demolition permit. The city is proceeding with moving the violations to court.
- 19230 Tanglewood: City has suspended code enforcement while the criminal proceedings are still pending.
- 15484 Martin: the owner has agreed to demolish the home.
- 8300 Oak Knoll: The owner has pulled a permit for interior plumbing repairs. There are a few active violation notices still pending.

Planning

- GIS is a community mapping tool that allows residents and developers to easily access information on parcels such as zoning, ward information, owner information, and parcel information. The city should be able to launch the new public GIS program within the month.
- The Master Plan recommended updating the TCD zoning section. The new city planner has started this process.
- The city is in the final stages of organizing commercial files. The Planning Commission, Engineering and Building Department paper files will be properly indexed and organized. The sewer plans for the NEORS and the NRSD, will also be electronically scanned and be available electronically.

Residential

- We are awaiting a new planning commission submission on single family cluster development proposed at Sprague and State roads.
- 3 other smaller residential developments are in various stages of planning.

Storefront Program

- To date, we have approved \$64,706 in Storefront Program funding. We currently have \$10,623 left in the Storefront Program budget.

Memorial Park

- The city received a \$200,000 grant for the All Purpose Trail at Memorial Park. The state is drafting the final grant agreement. Once the agreement is finalized a designer will be hired. The city has a conceptual design.
- The city is going to apply for a \$50,000 grant for the All Purpose Trail development.
- The city has received the \$1,000,000 grant from Cuyahoga County for the park improvements.

Splash Pad

- The splash pad should project will not be closed out until next spring.

Tree Canopy Grant

- We received a \$33,000 tree canopy grant from the Cuyahoga County Healthy Tree Canopy Program. We will be installing trees at Memorial Park. Trees are scheduled to be planted tomorrow morning.

NOACA EV Charger Grant

- The date to install the charging station at Memorial Park has been pushed back. By NOACA.

Business Retention Program

- The city is considering a new program and will announce the new program at next months meeting

