

Economic Development Committee Minutes

Honorable Council
City of Newark
September 26, 2017

There was a meeting of the Economic Development Committee in Council Chambers on Monday September 25, 2017 after Service Committee with these members present:

Jeremy Blake
Jeff Rath
Jonathan Lang
Bill Cost Jr
Mark Fraizer

We Wish to Report:

1. **Ordinance No. 17-40** amending article 44: LB Limited Intensity Business District and article 60: DC Downtown District of the Zoning Code of the city of Newark, Ohio was considered.

Mr. Mangus- as you all know back in June debated whether or not we would enact a moratorium regarding medical marijuana dispensaries and in the end that was voted down and we all pretty much agreed we needed to move forward and in the last few weeks push has come to shove. September the 8th the State released its' final regulations regarding medical marijuana. They set their rules and regulations. We have the opportunity to go beyond if we see fit what the State has already dictated for medical marijuana dispensaries. Unfortunately starting November 3rd of this year the State is going to begin accepting applications for medical marijuana dispensaries and there is basically an 11 day window November 3rd through November 14th where potential medical marijuana owners or operators must notify the State where they intend to locate their dispensaries. I have spoken to some administration officials; I've spoken with Mr. Sassen and Mr. Morehead and zoning people. I believe we need to do more as a City Council to protect our residents. Unfortunately this is something that we have no idea what is going to happen in the end. We don't know if it is going to bring more people as more traffic, we don't even know if Newark will be one of the three sites. The district we are located in which includes Morrow County, Delaware County, Licking and Know County is allowed a grand total of three medical marijuana dispensaries and where the State ends up putting those we have no idea but we need to have something on the books. There has been some discussion in the past whether or not we should have fees for the medical marijuana dispensaries, a licensing fee here in Newark, what requirements we will have as far as communications with the city. Frankly in my own opinion that is something we can deal with later but right now for licensing

issues we need to have zoning on the books. I can defer to Mr. Sassen if he so desires but in conversations with him he has lead me to believe that zoning is a separate issue from licensing requirements and those sorts of things and that is why that is not here. My concern is zoning and where medical marijuana dispensaries are going to be located. I have spoken with many residents in my own Ward and other people across Newark and my general take on this with the people I have spoken with is that the vast majority of people in Newark want the medical marijuana dispensaries they just don't want them in their own backyard. I am proposing under this ordinance that we limit medical marijuana dispensaries to basically General Office Zoning area and that we also put into the Zoning Code a regulation that no medical marijuana dispensaries can be within 500 feet of any residential zoned area. The State requirements already require other stipulations which the ordinance as written requires the medical marijuana dispensaries to meet. They can't be within 500 feet of a school, church, public playground, Public Park, an addiction center that helps people deal with addictive issues. This ordinance as written also adds the downtown area. To be honest I am somewhat divided over whether or not we should limit it from the downtown area. I personally have an issue with telling people that they can't put it downtown because we like the downtown and are trying to improve it. I have had a few people tell me that is one of the reasons that it shouldn't be downtown. Personally from my perspective the reason that it shouldn't be downtown is because of parking issues. We clearly have some parking issues downtown and we don't know how many people are going to come even if Newark gets a medical marijuana dispensary. We also have an issue with the State requirement regarding the Courthouse grounds that has been officially deemed an arboretum. I would have to defer to other people is an arboretum deemed to be a public park? If it is 500 feet out greatly limits where a medical marijuana dispensary could be and so in the end I was willing to add to the legislation that the downtown area would be exempted because of a potential traffic issues and the Courthouse grounds. Basically this is a starting point. I do think that we need to move forward very quickly with zoning because again I can defer to Mr. Sassen if he desires but once applications are awarded it puts us in a little bit dicier legal situation in that they have already submitted their application and have said this is where they want to have their medical marijuana dispensaries and it has been awarded based on the State's zoning regulations not the City of Newark's. What sort of legal jeopardy does that put us in? We could always fight it, hopefully we would win but if we could have this done by the end of November we would have a much firmer legal standing. From Committee of course if it is voted out this evening it would go to full Council on Monday then if City Council approves it then it goes to Planning Commission for a 30 day hearing then it would come back to Council for final approval which would put us in late November in all likelihood with the application deadline ending November 14th. That is basically where we stand.

Mr. Blake- Director Sassen your name was mentioned a few times do you want to make any clarification remarks.

Director Sassen- I can answer any questions if you have them but Mr. Mangus's interpretation of our conversation is fairly accurate.

Mr. Mangus- I would add one other thing, and I could have Brian come up, I met with Brian regarding if we put a 500 foot extension beyond that a medical marijuana dispensary can't be within 500 feet of any zoned residential that will limit us to about 4 or 5 places in the city; North 21st Street by the Super Wal- Mart and Deo Drive, along those major corridors. Tamarack out on the west end with the industrial and medical areas there and then on the far east end would seem to be the most likely places for a medical marijuana dispensary by the Longaberger basket there is quite a bit of an area there away from residential areas. My major concern with the residential areas is one we don't know the traffic. What don't know what traffic this is going to bring. There are requirements listed by the State about lighting and those sorts of things and the last thing I would want is a big bright light shining in my bedroom window because the medical marijuana dispensary backs right up to my home. Medical Marijuana is highly debated. My sense was from the earlier meetings that we have had regarding this during committee and Council meetings is that most of us see that there could potentially be some medical benefit to medical marijuana. There's studies that have been done just recently that were released that has more of a placebo effect when it comes to pain that it doesn't have an actual true effect but I would argue that a placebo effect is better than no effect. It is still highly debated but I found it very interesting in the State ordinance that it talks about on the packaging for medical marijuana that medical marijuana dispensaries have to list that this product may cause impairment or when eaten and swallowed the effects and impairments caused by this drug. I am concerned about if someone happens to walk to the medical marijuana dispensary and gets their medical marijuana in whatever form and use that medical marijuana what are the liability issues as well for if they are walking across your property to get back to their own home. These are all issues we don't know. I don't think the State knows. I don't think that medical professionals necessarily know and we have a duty to protect the residents of Newark, protect our citizens, and protect property values and those sorts of things.

Mr. Blake- Mr. Rath I know our Health Commissioner is here and he wanted to say a few words on this legislation. I want to give him the leeway and then we will take questions.

Mayor Hall- I just wanted to say something real quick. I want to introduce Joe from this perspective. Joe reached out a couple of weeks ago and we set up a meeting with him to talk about health and all policies. The Health Department for the city used to be in this building so I think passing in the hallways things were discussed and done but now of course they are in the facility up on Price Road and have done a great job there but there is a slight disconnect because of the distance. Joe has offered the concept of health in all policies that their department will look at our legislation upcoming. It may blossom to much more than that but at least at this point and see if there is a health related comment on it to help us make some decisions.

Joe Ebel, Licking County Health Commissioner- as the Mayor mentioned we met and talked with him and his cabinet about health and all policies. That is really a movement going on nationally; even at the State level there is a bill that is looking at that. Being

Economic Development you are probably familiar with the Common Sense Initiative at the State where any piece of legislation gets submitted to the Common Sense Initiative for review and they say what is going to be the economic business impact so the lawmakers can then weigh that with the benefits of the legislation. This is fairly similar you look at legislation or a policy through a health and equity lens. An example is if you are a law maker and you live in Cleveland and you would like to get to Columbus faster you think raising the speed limit on the interstate makes a lot of sense because you are only looking at it as it will save me 15 minutes on my drive but then the highway patrol comes in and says here are the statistics if you raise the speed limit by 10 MPH this many more deaths are going to occur at that speed compared to a lower speed. Then it is up to the legislator to decide what they want to do but at least they have both sides of that information to weigh the benefits. Health and all policies is looking at it through that health lens to try to make sure something that is proposed doesn't have a negative health and also make recommendations of things that might actually be able to be done that might provide a health benefit. It is looking at things that don't typically fall within the public health. We are always working on things like obesity and smoking and immunizations and all those things but those account for less than half of your actual health status. The big part of your health status is connected to your socioeconomic status, your education, income, where you live, what neighborhood are you in, do you have a community that is supportive, do you have a network of support, and do you have all the things you need to achieve your optimal health? They have a huge impact on health but they aren't things we think about when you think about health department topics. This piece of legislation came across and I looked at it and thought does it have a health impact or not? Reducing the area that a dispensary can be in has no negative health impact. I thought this might be an opportunity to use that health in all policies to bring up the idea of looking at significant tobacco retailers or vaping shops, tobacco pipes and paraphernalia re-salers that aren't really used for tobacco that would go along with medical marijuana somewhat. If you're looking at what makes sense in that downtown zoning district perhaps those would be some other health related things that you could look at to say we don't want a bunch of vape shops downtown. We don't want our kids that are coming downtown to enjoy the revitalization to see either tobacco or medical marijuana that will normalize what we hope is not a behavior that we are trying to advance for our communities.

Mr. Fraizer- how do you feel about medical marijuana for medical treatments as a health professional?

Joe Ebel- I'm sure it has positive health applications, the concern is what you have seen in other states like what we say here with the pill mills there are people who will give you a prescription and dispense pain medication and you'll have the same problems with medical marijuana. The State is really going to have to police that.

Mr. Fraizer- there is a distinct difference from addiction to opiates and marijuana abuse. Correct?

Joe Ebel- right.

Mr. Fraizer- when we talk about the pill mills and the opiate epidemic it is vastly different than medical marijuana for 20 illnesses in the State of Ohio correct?

Joe Ebel- right

Mr. Fraizer- that's not a fair comparison to have you are kind of lumping it in with the opiate epidemic where medical marijuana is regulated by the State.

Joe Ebel- I really saying that you shouldn't get a prescription for pain medication if you don't have pain but the State didn't really keep an eye on that and it got out of hand. That would be the same thing here.

Mr. Blake- let's get back to the intent of this legislation, you're suggesting that in Article 60 of this legislation you think we should add tobacco stores, vaping stores and places that sell pipes. This would be additional items that should be listed as things not allowed in the downtown area that is really your purpose of being here tonight. We could debate those things that Mr. Fraizer is bringing up later, what you are discussing is these things should be added here.

Joe Ebel- obviously we want to help the community we are doing a lot of things to get people out and to move to downtown but also to try to change the culture in our community to be more healthful. This would be something to possibly consider if you're making amendments to that zoning and at least think about it.

Mr. Rath- my only comment was that you started talking about pipes and bongs and things of that nature and associating it with medical marijuana and I thought you were saying that one had a correlation with the other but really it does not.

Joe Ebel- if you're banning medical marijuana dispensary then the assumption is you probably don't want a paraphernalia shop going in that same area

Mr. Rath- paraphernalia has absolutely nothing to do with medical marijuana because there are paraphernalia associated with combustible recreational marijuana and medical marijuana has nothing to do with that there is no combustible marijuana there is not smoking of marijuana for medical purposes.

Joe Ebel- I think in other states there is

Mr. Rath- there may be but we are talking about Ohio and Newark and in Ohio there is no combustible form of medical marijuana it is all oil based.

Joe Ebel- I'm not familiar with that.

Mr. Rath- I understand trying to keep the downtown healthy and getting away from paraphernalia shops and getting away from Jim Bob's tobacco stores and things of that nature it's just the two of them aren't related in that form.

Ms. Hall- if there are three locations that is possible does the City of Newark have a say in which one of those? Somebody brought up the Longaberger area. If there are companies going in to the Longaberger building and this already exists there then what?

Brian Morehead- we didn't identify a specific parcel where it can happen. We looked at the map and were eyeballing where the areas are where you could get 500 foot radius being in the proper zoning without having residential within 500 feet of you. There are probably several parcels in each of those areas we didn't identify 1234 East Main Street is the place. Those were just the general areas where it could happen.

Mr. Fraizer- what is the purpose of a Limited Intensity Business District and the definition of the zoning? Isn't it to act as a buffer between residential areas and business areas?

Brian Morehead- sure

Mr. Fraizer- we have a 500 feet restriction and a zoning classification that is built for a specific reason to protect residency so instead that indicative that it should probably be a Medium Intensity Business District instead of Limited Intensity Business District?

Brian Morehead- I don't have an opinion on that honestly. It was strictly looking at the map to find where those districts are and you could put it in any of several districts.

Mr. Blake- I want Mr. Sassen to correct me if I'm wrong, the committees actions here would be one if we wanted to amend something here tonight we could, two we could send it to full Council and they would send it to the Planning Commission and then the Planning Commission would have their proceedings and if they recommended any changes that would come back to full Council as well is that correct in me saying that?

Director Sassen- that is all correct

Mr. Blake- we could vote to send this on to Council and they will send it to Planning Commission or if you have changes we could do that tonight too. I just want to make sure that is said clearly so everyone understands.

Mr. Lang- I have a question for Mr. Mangus, you mentioned General Office in your testimony earlier

Mr. Mangus- I meant General Business if I said General Office

Mr. Lang- I just wanted to make sure there wasn't an error

Mr. Mangus- there was a spoken error. Regarding the Limited Business District, Limited Business Districts allows grocery stores and in essence we are talking about a retail establishment. My difficulty with this particular retail establishment whether you want to call it a medical retail establishment or just a retail establishment because no prescriptions are being given by doctors, doctors are just saying someone could benefit from it we don't know what is going to happen. It is easier to be stricter early on than later. The last thing I want to do is have somebody's life completely disrupted by having a medical marijuana dispensary in their back yard if their designated residential property backs up to a Limited Business area. I think the reason why Mr. Sassen included Limited Business is because I said any place retail is allowed. Are we going to single out this particular business and say you can't be in a Limited retail area at all or are we going to say you can be there but we are going to protect our residents at the same time. That was my main rationale for the 500 feet and it goes along with school and the other things that are listed. I am more than open to amendments I just think we need a starting place and I think zoning is the most important thing we need to be doing right now. These other issues about fees and licensing all can be done at a later date but with the application procedure basically starting 5 weeks from now concluding 6 weeks from now we need to be moving forward with something now. We can't postpone this until next year, we can't postpone this until December this is something we need to move forward with now which is why I have proposed what I proposed for all those other reasons as well. As far as tobacco shops and all of that I would be very open to considering limitations on those I'm not sure that it should be in this legislation either. I think there are some differences between the two, medical marijuana and tobacco so I would personally prefer that to be in another piece of legislation.

Mr. Rath- I'm curious about your impairment analogy, you talked about a warning label that was on the medical marijuana and the city's liability.

Mr. Mangus- not even the city's liability the citizen's liability. If someone trips on my sidewalk and breaks their leg do I have to pay because of a potential impairment caused by the medical marijuana?

Mr. Rath- isn't there also warning labels, disclaimers or statements on most medication you get from a pharmacy?

Mr. Mangus- yes there is

Mr. Rath- that prohibits you from or recommends you don't operate heavy machinery or even drive or things like that? How is that different than any other medication?

Mr. Mangus- sure and I take a few of those medications. To be entirely honest with you Mr. Rath I think the major difference is even the State of Ohio has made this a legal drug at least for medical purposes, it's still a tier one drug that is not deemed legal by the Federal Government which isn't deemed legal for recreational use and the State has basically forced us the City of Newark to be in this sort of limbo land, we don't know what is going to happen in the end so that would be my argument, that is the difference. There have been quite a few studies done that medical marijuana is beneficial to people and I'm not denying that it is.

Mr. Rath- I don't know if we are in a position to or qualified to or even if it is right for us to even begin to debate the effectiveness of medical marijuana. I don't think anybody in this room is qualified to answer that question.

Mr. Mangus- I agree

Mr. Rath- I think we have to go by there has been research and studies done and the State has come out and said yes I think there is a benefit and the citizens of Ohio could benefit from this therefore we are making it legal.

Mr. Mangus- that could very well be but at the same time we are in this unchartered territory and what I think we have to do first and foremost is make sure that our residents are protected and one way to protect them is to limit where medical marijuana dispensaries are. It's possible that a medical marijuana dispensary moves in next door to you and your property values go through the roof but I also think it is a possibility property values will decline. We have safety and liability issues. We have inconvenience issues with the various restrictions put in place regarding lighting that is required around medical marijuana dispensaries that the State has to enforce. I think this 500 Feet distance meets a nice middle ground where our residents are protected, their property values are protected, safety issues are much less likely at least in someone's own backyard and that we are doing our job as a City Council in the end.

Mr. Lang- you mentioned a couple of times the notice requirements is something we could address later. I also notice that we are only dealing with dispensaries and not cultivators or processors. I want to understand why we can't accomplish all of that with one piece of legislation now?

Mr. Mangus- I would defer that to Mr. Sassen if he is willing to speak on it. Generally zoning is kept separate from the other issues.

Director Sassen- I wouldn't think there would be any issue with one piece of legislation that addressed dispensaries, cultivators and processors all in one piece of legislation because it all addresses the zoning aspect of those three phases of the process. I'm not comfortable with the same piece of legislation including practical provisions such as

what additional information the city might want in an application processor fees. I'm not comfortable with that being a part the same zoning legislation. They take two different paths from a parliamentary procedure. They are kind of separate issues. I think those issues can all be addressed and best addressed in a separate piece of legislation but your comment regarding cultivators and processors certainly could be in the same piece.

Mr. Mangus- and I personally don't object to that. A cultivator in all likelihood is not going to be in as much of a business district or retail location. They are going to tend to be in a more isolated locations not on the main drag of 21st street sort of thing. To respond to Dee's question earlier to Mr. Morehead, there are actually other areas of Newark which would allow for medical marijuana dispensaries. Personally if I was a business owner they wouldn't be locations necessarily where I would put them. There's quite a bit of area around Owen's Corning. It is off a main drag, you don't have a lot of retail business there, and you are going to want your dispensary somewhere where it is more likely to be accessible. I don't want you to think that there are just these three areas previously. I have asked Mr. Morehead to draw up a map showing exactly where these locations would be created and established and we are in the process of doing that now.

Motion by Mr. Cost to send to full Council, second by Mr. Blake

Mr. Fraizer- there are some fundamental issues I have with this legislation. Yes we should zone but we should zone appropriately, we should zone comprehensively. I don't know it is weird on Monday I made the announcement that I would be drafting up legislation and sending it to the Law Director's office to find a comprehensive all-inclusive approach to this. What I recommended was a Medium Intensity Business. If we zone appropriately we don't need a residency requirement for past 500 feet. If zoned appropriately we don't spot zone, it's within the four business districts, it provides a buffer automatically because it's not Limited Business District and we're able to effectively communicate that this is where we are going to do business. The other struggle that I have is what we are trying to protect. The State gives us a pretty detailed outline of what to protect and we are talking about schools, playgrounds, parks and churches. My recommendation is to extend that another 500 feet and make it a thousand feet so that way we have additional protections in the city in case the State of Ohio decides to change that or update that. Then we have it in our zoning to make sure we understand and that people will be here for the long term success of their business. It has been a very painful conversation listening to this. When it comes to what we need to do as a community, we need to set a mechanism in place that permits people to do business here but also requires them to communicate to us so we understand what is in their application and we understand where they are going to put their business, we can update our safety force to make sure they know this is coming and plan accordingly. I get that we need two pieces of legislation I know you have been busy and maybe the Law Director hasn't seen the email yet but if we have to break it down into two different pieces of legislation that is fine. Doing something that is wrong just because we need to do it fast is not the way that we should go. We should look at it, find the approach for

long term and do it right. Limited Intensity Business is not the right zoning. The residency restriction is adding additional restrictions that are unnecessary and we are not effectively setting up a long term solution for people who have already applied to be cultivators and also the framework to have processors has not been defined as well. The legislation that I plan on bringing forward is a zoning change in order to update cultivators and processors to a Limited Industrial District and then to have dispensaries fall under the category of Medium Intensity District in order to protect the interest of residential neighborhoods by effective zoning not by restriction. Other than that I will shoot out the email once I get that legislation. When it comes to the tobacco issue I understand it's really not appropriate for a medical marijuana and tobacco conversation it is more of a downtown zoning conversation is what you are looking for, I'd love to have that with you. I big concern is with establishments like UDF that falls within the district that sells tobacco goods and how do we not negatively impact the businesses that are already here?

Jen Kanagy- what is the difference between medium and what Mike has proposed?

Mr. Blake- I think Mr. Morehead started to talk about that earlier.

Mr. Fraizer- do you want me to answer that? The biggest difference between Limited Intensity and Medium Intensity is zoned for Health buildings and health facilities which I feel based on the use that we are going to see is a lot more active than the Limited Intensity which typically evolves around very few people coming in and out of there and so by zoning it Medium Intensity it further restricts the residential areas as well as set the foundation in order to have a larger traffic patterns to support the business.

Mrs. Floyd- Medium Intensity is much broader and includes all the uses in General Office and Limited Business, general service offices like advertising agencies, employment agencies, photographic things, municipal governmental, public utility offices, health and medical clinics, banks, saving and loans, credit unions, restaurants and other eating establishments, home furnishing sales, laundry mats, automobile repair shops, gas stations, quick lubes, tire stores, car washes, automobile sales and leasing, veterinarian office, funeral homes, drive in, drive thru service and sales, pawn shops, recycle collection points.

Mr. Fraizer- Carol can you read what the purpose of the Limited Intensity District is?

Mrs. Floyd- the purpose of the Medium Intensity District is to provide for the orderly development of retail and office land uses of limited size.

Mr. Fraizer- and what is the purpose of Limited Intensity District?

Mrs. Floyd- the purpose of the Limited Intensity District is to provide for the orderly development of retail and office land uses of limited size. This district may serve as a buffer between residential uses and more intensive commercial uses.

Mr. Blake- my understanding is that this would go to Planning Commission which are a group of people that would deal with this and make recommendations for changes.

Mr. Lang- it would go to Planning Commission before it would go to Council?

Mr. Blake- it would go to full Council for a first reading and then be forwarded to Planning Commission and then Mr. Rhodes can deal with it.

Mr. Cost- as it stands now has the administration weighed in on this what so ever as to how they feel about what has been proposed because I haven't heard?

Director Rhodes- thank you for the question. We have had considerable conversation on this with Councilman Mangus and we are very supportive of the way it is written. When it goes to Council, Council has the opportunity to amend, it will go to planning Commission and another 5 people will get their eyes on it. Planning Commission will have a public hearing and we will see what the public has to say to it and then ultimately it comes back to full Council with an opinion from Planning Commission. This was a document put together with a lot of communication, work and debate and a lot of give and take.

Mr. Lang- I have trouble supporting this legislation being that we are missing the cultivators and processors piece. I think that this particular legislation needs to be a more collaborative process. I was disappointed to see Mark had commented that we are working on legislation and then there didn't seem like there was communication back and forth and then we had legislation in front of us that didn't seem to reflect any of the notes that I had seen from Mark already. That gives me trouble with how we are proceeding with this. I hope Mr. Fraizer can do this in a more collaborative way, send out notices to all Council and let everyone comment so that we can get something in front of us that meets with everybody's requirements and it needs to address all of the discussions we've had. Notices and license requirements are almost as important as a piece as the zoning itself because we need to be notified as soon as folks are making those applications. As we have discussed at previous meetings that is missing from the State legislation.

President Ellington- correct me if I'm wrong but we are talking about this November deadline, from the time that it goes from us to the Planning Commission which will take at 30 days maybe 60 days so we won't probably see this until January or somewhere in that vicinity. How is the administration going to handle this November deadline if someone applies?

Director Sassen- I think part of that discussion was generated by comments that I had made with regard to issues surrounding a property owner or a dispensary permit holder making a grandfather clause. If they make an application in November for a dispensary in the City of Newark at that time there will be no zoning restrictions in place specifically addressing medical marijuana dispensaries. At some point in time it is fairly clear there will be, we don't know when that will be but there will be some form of zoning restrictions imposed. We don't know when these licenses are going to be issued by the State. Is that going to take 48 hours, I don't think the State does anything in 48 hours. Is it going to take 48 weeks, probably not? How long is it going to take? I don't know. There is a second window we have to look at, what if a person extends themselves financially from a business stand point to open a business. Having filled out their application but not yet received a permit are they in a different legal standing via this grandfather argument without any zoning legislation in place. I think they could make that argument, I'd rather have the cities side of that argument, I don't know how Mr. Lang feels about that one but I think they could make the argument that I have extended myself here with the expectation that I can do this in the City of Newark and there are no zoning code provisions and now you are going to come in and impose them on me. The third phase of that process is that they have now received a permit from the

State of Ohio if we don't have zoning provisions in place now they may make an even stronger argument that now I have not only extended myself from a business standpoint, I received a license from the State to do business in this location with the understanding that there are no zoning regulations and now you are trying to impose them on me. Their grandfather argument is a little stronger than it would be otherwise. It's still not as strong as the traditional grandfather argument that I have a business running here you can't change the rules on me which is what we all know the traditional rule to be. If they get themselves in the third spot and we still don't have a zoning regulation but they are now holding a permit from the State of Ohio does that strengthen their argument? New ground, I don't know what the answer is. I'd rather not have the argument. I'd rather get these done as soon as possible even though we know we are not going to get it done by November 4th that's fine we should still get it done as soon as possible.

Director Rhodes- as you guys are all aware when it comes to the Council level you can make amendments to the legislation, you can make amendments at the Council level too and at committee, those are good times to make amendments. You can come to the Planning Commission and offer amendments and we can send it back amended and then it comes back to Council again so this is the beginning of a path is what I would say.

Mr. Blake- this is a vehicle to continue discussion.

Director Rhodes- absolutely and I think everyone is open to look.

Motion failed by a vote of 2 (Blake, Cost)-3 (Lang, Rath, Fraizer)

Jeremy Blake, Chair