

**City of Fairfield
Minutes
Regular Meeting of City Council
May 28, 2024**

Council-Manager Briefing

Cannabis Legislative Update

Vice Mayor Brill called the briefing to order at 6:00 PM. Councilmembers present: Dale Paullus, Debbie Pennington, Adam Kraft, Tim Meyers, Matt Davidson and Gwen Brill.

Staff members present: Scott Timmer, Greg Kathman, Steve Wolterman, Alisha Wilson, Steve Maynard, Ben Mann, Carol Mayhall, Laurie Murphy, Chris Hacker, Erin Lynn, Mandi Brock, Tom Lakamp and Adam Sackenheim.

Development Services Director Kathman presented an update on cannabis legislation in the State. Council and staff discussed next steps and Council requested more information from staff regarding potential options for the City to consider. See attached slides.

Business Meeting Call to Order

Vice Mayor Brill called the meeting to order at 7:10 PM.

Prayer/Pledge of Allegiance

Councilmember Adam Kraft led in prayer and Pledge of Allegiance.

Roll Call

Councilmembers present included:

Attendee Name	Title	Status	Arrived
Tim Meyers	Councilmember, At-Large	Present	
Matt Davidson	Councilmember, At-Large	Present	
Gwen Brill	Councilmember, At-Large	Present	
Leslie Besl	Councilmember, 1st Ward	Excused	
Dale Paullus	Councilmember, 2nd Ward	Present	
Debbie Pennington	Councilmember, 3rd Ward	Present	
Adam Kraft	Councilmember, 4th Ward	Present	
Mitch Rhodus	Mayor	Absent	

Councilmember Paullus, seconded by Councilmember Pennington, moved to excuse Councilmember Besl. Motion carried 6-0.

Agenda Modifications

None.

Executive Session Requests

None.

Special Presentations

None.

Citizen Comments

None.

Council Reports

Public Hearing(s)

None.

Approval of Minutes

The Regular Meeting Minutes of May 13, 2024 were approved as written and submitted.

OLD BUSINESS

None.

NEW BUSINESS

Councilmember Paullus, seconded by Councilmember Meyers, moved to read all New Business by title only. Motion carried 6-0.

Development Services

City Manager Scott Timmer - Report

Councilmember Matt Davidson

Motion to Suspend Second and Third Readings

Mark Koehler, managing partner of PNDE, gave a brief overview of the company and their need for expansion.

Councilmember Davidson presented the first reading of this ordinance.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Matt Davidson, Councilmember, At-Large
SECONDER:	Tim Meyers, Councilmember, At-Large
AYES:	Meyers, Davidson, Brill, Paullus, Pennington, Kraft
EXCUSED:	Besl

Ordinance to authorize the City Manager to execute a Community Reinvestment Area Agreement and a Community Reinvestment Area School Compensation Agreement, which will provide property tax incentives for Professional NDE Services Group, LLC and Koehler Properties, LLC, to include an expansion of its campus located on Port Union Road and declaring an emergency.

Recommendation:

It is recommended that City Council suspend the rules requiring a second and third reading of this ordinance and pass as an emergency.

ORDINANCE NO. 67-24. APPROVED 6-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Matt Davidson, Councilmember, At-Large
SECONDER:	Tim Meyers, Councilmember, At-Large
AYES:	Meyers, Davidson, Brill, Paullus, Pennington, Kraft
EXCUSED:	Besl

Motion to Suspend Second and Third Readings

Economic Development Manager Nathaniel Kaelin and Jason Gibson with Anchor Associates presented an overview of the proposed project. See attached slides.

Councilmember Davidson presented the first reading of this ordinance.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Matt Davidson, Councilmember, At-Large
SECONDER:	Dale Paullus, Councilmember, 2nd Ward
AYES:	Meyers, Davidson, Brill, Paullus, Pennington, Kraft
EXCUSED:	Besl

Ordinance to authorize the City Manager to execute a Development Agreement with Blaze Properties Fairfield LLC, and any and all documents necessary to carryout the purposes thereof, relative to the redevelopment of 7051 and 7075 Dixie Highway in the Route 4 corridor, and declaring an emergency.

Recommendation:

It is recommended that City Council suspend the rules requiring a second and third reading of this ordinance and pass as an emergency.

ORDINANCE NO. 68-24. APPROVED 6-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Matt Davidson, Councilmember, At-Large
SECONDER:	Dale Paullus, Councilmember, 2nd Ward
AYES:	Meyers, Davidson, Brill, Paullus, Pennington, Kraft
EXCUSED:	Besl

Motion to Suspend Second and Third Readings

Councilmember Davidson presented the first reading of this ordinance.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Matt Davidson, Councilmember, At-Large
SECONDER:	Tim Meyers, Councilmember, At-Large
AYES:	Meyers, Davidson, Brill, Paullus, Pennington, Kraft
EXCUSED:	Besl

Ordinance to authorize the City Manager to execute a Development Agreement with Number One 1688, LLC relative to facade improvements at 5104-06 Pleasant Avenue within Fairfield's Town Center area, and declaring an emergency.

Recommendation:

It is recommended that City Council suspend the rules requiring a second and third reading of this ordinance and pass as an emergency.

ORDINANCE NO. 69-24. APPROVED 6-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Matt Davidson, Councilmember, At-Large
SECONDER:	Tim Meyers, Councilmember, At-Large
AYES:	Meyers, Davidson, Brill, Paullus, Pennington, Kraft
EXCUSED:	Besl

Motion to Suspend Second and Third Readings

Councilmember Davidson presented the first reading of this ordinance.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Matt Davidson, Councilmember, At-Large
SECONDER:	Adam Kraft, Councilmember, 4th Ward
AYES:	Meyers, Davidson, Brill, Paullus, Pennington, Kraft
EXCUSED:	Besl

Ordinance affirming the designation of the Community Improvement Corporation of Fairfield as the City's agency for development in the City and authorizing grants totaling \$3,300,000 to be made to the Community Improvement Corporation of Fairfield for public purposes, and declaring an emergency.

Recommendation:

It is recommended that City Council suspend the rules requiring a second and third reading of this ordinance and pass as an emergency.

ORDINANCE NO. 70-24. APPROVED 6-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Matt Davidson, Councilmember, At-Large
SECONDER:	Adam Kraft, Councilmember, 4th Ward
AYES:	Meyers, Davidson, Brill, Paullus, Pennington, Kraft
EXCUSED:	Besl

Public Safety

Councilmember Dale Paullus

Simple Motion: Motion to/not request a hearing regarding a liquor permit application in the name of Philo-Kitchen Limited dba Wado African Restaurant & Bar, 6600 T Dixie Highway, Fairfield, OH 45014 (Permit Class D1 & D2).

Recommendation:

It is recommended that City Council request, by simple motion, that **no hearing be held** on the liquor permit application in the name of Philo-Kitchen Limited dba Wado African Restaurant & Bar, 6600 T Dixie Highway, Fairfield, OH 45014 (Permit Class D1 & D2).

SIMPLE MOTION NO. 12-24. APPROVED 6-0.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dale Paullus, Councilmember, 2nd Ward
SECONDER:	Debbie Pennington, Councilmember, 3rd Ward
AYES:	Meyers, Davidson, Brill, Paullus, Pennington, Kraft
EXCUSED:	Besl

Public Works

City Manager Scott Timmer - Report

Councilmember Adam Kraft

Motion to Suspend Second and Third Readings

Councilmember Kraft presented the first reading of this ordinance.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Adam Kraft, Councilmember, 4th Ward
SECONDER:	Debbie Pennington, Councilmember, 3rd Ward
AYES:	Meyers, Davidson, Brill, Paullus, Pennington, Kraft
EXCUSED:	Besl

Ordinance to authorize the City Manager to enter into a contract with Fishbeck for improvement design for the Fairfield Extension of the Great Miami River Trail (GMRT) and declaring an emergency.

Recommendation:

It is recommended that City Council authorize the City Manager to enter contract with Fishbeck to design the improvements for the Great Miami River Trail Extension and further recommends that City Council authorize funding in the amount shown in the Financial Impact section.

ORDINANCE NO. 71-24. APPROVED 6-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Adam Kraft, Councilmember, 4th Ward
SECONDER:	Matt Davidson, Councilmember, At-Large
AYES:	Meyers, Davidson, Brill, Paullus, Pennington, Kraft
EXCUSED:	Besl

Motion to Suspend Second and Third Readings

Councilmember Kraft presented the first reading of this ordinance.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Adam Kraft, Councilmember, 4th Ward
SECONDER:	Tim Meyers, Councilmember, At-Large
AYES:	Meyers, Davidson, Brill, Paullus, Pennington, Kraft
EXCUSED:	Besl

Ordinance to authorize the City Manager to execute and file the Electric Vehicle Charging Station Grant Application and Agreement through OKI for multiple public locations and declaring an emergency.

Recommendation:

It is recommended that City Council authorize the preparation of legislation, with rules suspension and emergency provision, authorizing the City Manager to execute and file the application for financial assistance, and enter into an agreement for a grant to fund the majority portion of the Electric Vehicle Charging Station Grant Application through OKI's Carbon Reduction Program funding.

ORDINANCE NO. 72-24. APPROVED 6-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Adam Kraft, Councilmember, 4th Ward
SECONDER:	Debbie Pennington, Councilmember, 3rd Ward
AYES:	Meyers, Davidson, Brill, Paullus, Pennington, Kraft
EXCUSED:	Besl

Finance & Budget

City Manager Scott Timmer - Report

Councilmember Gwen Brill

Motion to Suspend Second and Third Readings

Councilmember Meyers presented the first reading of this ordinance.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Tim Meyers, Councilmember, At-Large
SECONDER:	Adam Kraft, Councilmember, 4th Ward
AYES:	Meyers, Davidson, Brill, Paullus, Pennington, Kraft
EXCUSED:	Besl

Ordinance to amend Ordinance No. 166-23 entitled "An Ordinance to make estimated appropriations for the expenses and other expenditures of the City of Fairfield, Ohio, during a period beginning January 1, 2024, and ending December 31, 2024."

Recommendation:

It is recommended that City Council suspend the rules requiring a second and third reading of this Ordinance and adopt the appropriations listed above.

ORDINANCE NO. 73-24. APPROVED 6-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Tim Meyers, Councilmember, At-Large
SECONDER:	Dale Paullus, Councilmember, 2nd Ward
AYES:	Meyers, Davidson, Brill, Paullus, Pennington, Kraft
EXCUSED:	Besl

Motion to Suspend Second and Third Readings

Councilmember Meyers presented the first reading of this ordinance.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Tim Meyers, Councilmember, At-Large
SECONDER:	Matt Davidson, Councilmember, At-Large
AYES:	Meyers, Davidson, Brill, Paullus, Pennington, Kraft
EXCUSED:	Besl

Ordinance to amend Ordinance No. 166-23 entitled “An Ordinance to make estimated appropriations for the expenses and other expenditures of the City of Fairfield, Ohio, during a period beginning January 1, 2024, and ending December 31, 2024.”

Recommendation:

It is recommended that City Council suspend the rules requiring a second and third reading of this Ordinance and adopt the appropriations listed above.

ORDINANCE NO. 74-24. APPROVED 6-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Tim Meyers, Councilmember, At-Large
SECONDER:	Dale Paullus, Councilmember, 2nd Ward
AYES:	Meyers, Davidson, Brill, Paullus, Pennington, Kraft
EXCUSED:	Besl

Meeting Schedule

Clerk Wilson read the following meeting schedule:

- A. Monday, June 10 - Council-Manager Briefing, 6:00 PM; Regular Meeting 7:00 PM
- B. Monday, July 8 - Council-Manager Briefing, 6:00 PM; Regular Meeting 7:00 PM
- C. Monday, August 12 - Council-Manager Briefing, 6:00 PM; Regular Meeting 7:00 PM

Executive Session of Council (if needed)

None.

16. ADJOURNMENT

The Regular Meeting adjourned at 7:39 PM.

ATTEST:

Clerk of Council

Mayor's Approval

Date Approved_____



Cannabis Legislation Update

Council-Manager Briefing
Tuesday May 28, 2024

Attachment: Cannabis C-M Briefing may 24 (3982 : Cannabis Legislative Update)

Medical Marijuana

- In 2016, the State of Ohio created a Medical Marijuana Control Program
 - ✓ ORC 3796
 - ✓ Permits 4 types of marijuana-related businesses:
 - Cultivators, Processors, Testing Laboratories, Dispensaries
- In 2017, Fairfield City Council passed a prohibition on all types of marijuana businesses in the city
- Today in Ohio, there are ~135 medical dispensaries, ~37 cultivators, ~47 processors



Adult Use (Recreational) Marijuana

- Issue 2 on November 7, 2023 ballot
- Final vote tally:
 - ✓ State of Ohio – 57.0% For, 43.0% Against
 - ✓ Butler County – 57.02% For, 42.98% Against
 - ✓ City of Fairfield – 57.86% For, 42.14% Against (34 of 38 precincts voted For)
- Law took effect on December 7
- Fairfield City Council passed a 9-month moratorium on December 4
- Law passed as an initiated statute, not a constitutional amendment
 - ✓ State legislature can change or even repeal law
 - ✓ Does not appear to be consensus in Columbus



Division of Cannabis Control

- A division within the Ohio Department of Commerce
- Has been developing rules for licensing and for operations
- ORC 3780
- Initiated Statute contained two deadlines
 - ✓ June 7 – Deadline for accepting applications for licenses
 - ✓ September 7 – Deadline for starting to issue licenses
- Two types of cannabis licenses
 - ✓ Dual Use license – to allow existing medical cannabis businesses to also sell adult use products
 - Most existing cultivators, processors, and dispensaries are expected to apply for dual use
 - Licenses are expected to be issued as early as July
 - ✓ 10B license – new adult use cannabis businesses
 - Division expects to issue 180-200 new 10B licenses
 - Will be a phased site selection and inspection process
 - Licenses expected to be issued as early as September



Dispensaries

- Estimated 300+/- licensed dispensaries in Ohio by end of year
- State location rules:
 - ✓ Must be located at least 500 feet from a school, church, public library, public playground, or public park
 - ✓ Must be located at least 1 mile from another facility - To limit business failures and limit too much concentration in one area
- Other rules:
 - ✓ Lot of rules around ownership, financial interest, and control
 - ✓ Lot of rules around financial responsibility
 - ✓ Visitors must be 21+ and show a state-issued ID
 - ✓ Hours of Operation – not earlier than 7:00 am or later than 11:00 pm
 - ✓ Rules that allow drive up windows and curbside pickup
 - ✓ Lots of rules around minimum security and surveillance requirements
 - ✓ Other rules for employee training, waste disposal, sales procedures, etc...
 - ✓ Statewide indoor smoking ban applies



Dispensaries (cont'd)

- State will handle all licensing and inspections
- Phased site selection process:
 - ✓ State will review applications for accuracy and completeness
 - ✓ State will check for local prohibitions/moratoriums
 - ✓ Will likely require a local community sign off form
(500 foot rules, local zoning rules, etc...)
 - ✓ State will check the full build out for compliance with rules
(security, surveillance, employee-only areas, etc...)
 - ✓ Other local codes (zoning, building, fire) still apply
- 2 year restriction on new licenses after initial round
- Social Equity licenses
 - ✓ Program being developed by Ohio Department of Development
 - ✓ Expected to create up to 100 new licenses, including small cultivators and dispensaries



Attachment: Cannabis C-M Briefing may 24 (3982 : Cannabis Legislative Update)

Taxation

- 10% state excise tax on adult use cannabis, collected at point of sale
- State excise tax distribution:
 - ✓ 36% to Host Community Cannabis Facility Fund
 - ✓ 36% to Cannabis Social Equity and Jobs Fund
 - ✓ 25% to Substance Abuse and Addiction Fund
 - ✓ 3% to Division of Cannabis Control and Tax Commissioner Fund
- Local governments cannot collect additional special taxes on cannabis
- Regular sales tax, property tax, income tax all still apply
- Host Community Cannabis Facility Fund (ORC 3780.23):
 - ✓ For the benefit of municipalities or townships with adult use dispensaries
 - ✓ May use such funds for any approved purpose
 - ✓ Distributions shall be based on the percentage of adult use tax attributable to each municipality or township



Local Governments

- Can prohibit or limit new adult use licenses
- Cannot prohibit existing medical licensees from applying for dual use
- Cannot prohibit home grow operations within defined statute limits
- Current law provides for enforcement of limitations on public consumption
- Can ban or restrict on public lands and property
- Can enforce local ordinances (zoning, building, fire, etc...)
- As an employer, can still prohibit and enforce drug free policies



Potential City of Fairfield Options

- Extend prohibition and observe statewide roll out
- Allow Cultivators and/or Processors:
 - ✓ Limit locations to M2 General Industrial zoning district
 - ✓ Conditional Use – requires planning commission approval
 - ✓ Include large setbacks from residential, schools, churches, etc...
 - ✓ Other rules as developed and approved by Council
 - ✓ Requires changes to zoning code
- Allow 10B Dispensaries
 - ✓ Limit locations to C3, C3A, and SE zoning districts along Route 4
 - ✓ Conditional Use – requires planning commission approval
 - ✓ Consider larger and/or additional setbacks than state location minimum rules
 - ✓ Limit the max number of dispensaries (may not be necessary due to state location rules)
 - ✓ Requires changes to zoning code and possible new local licensing program



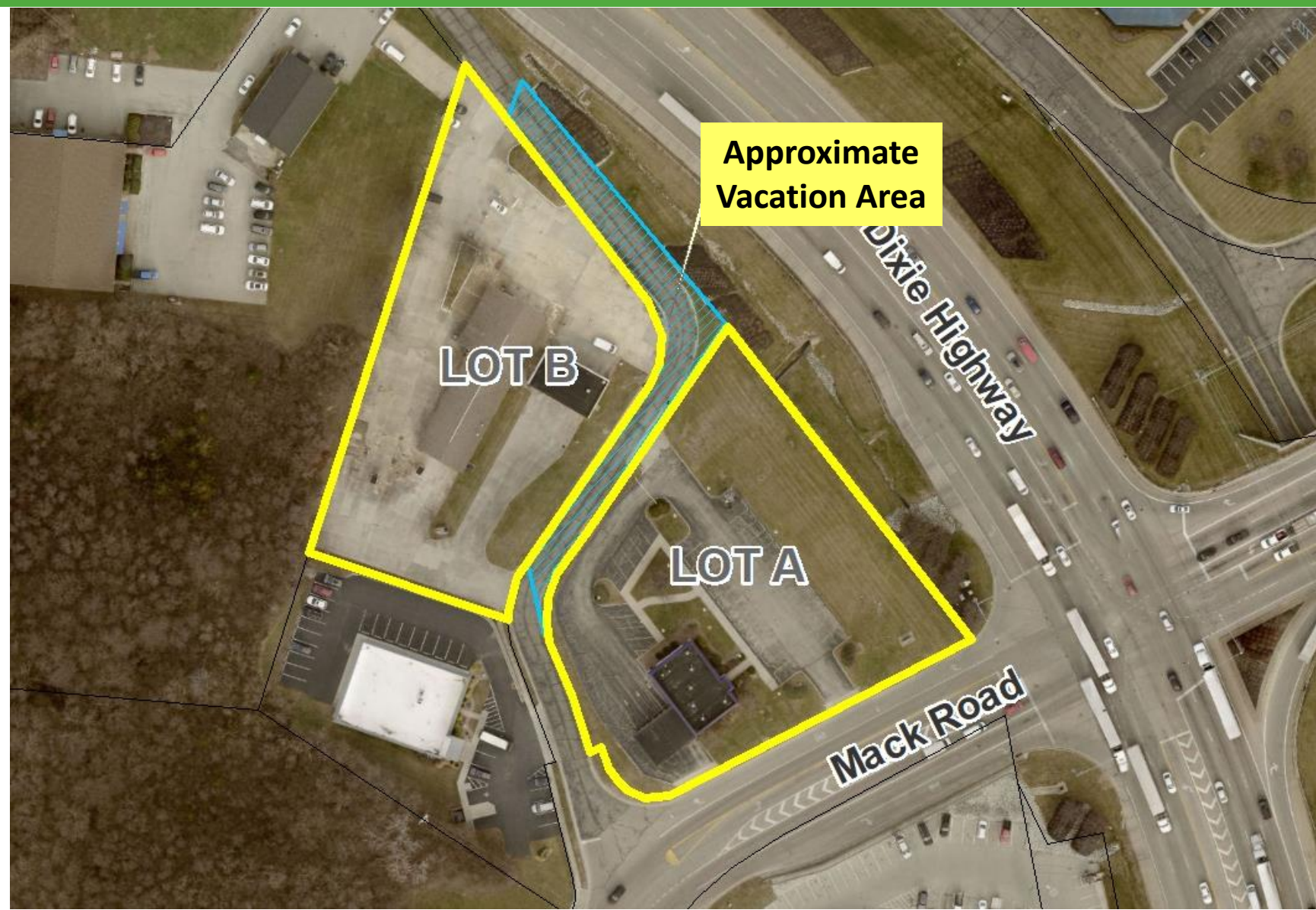
Discussion



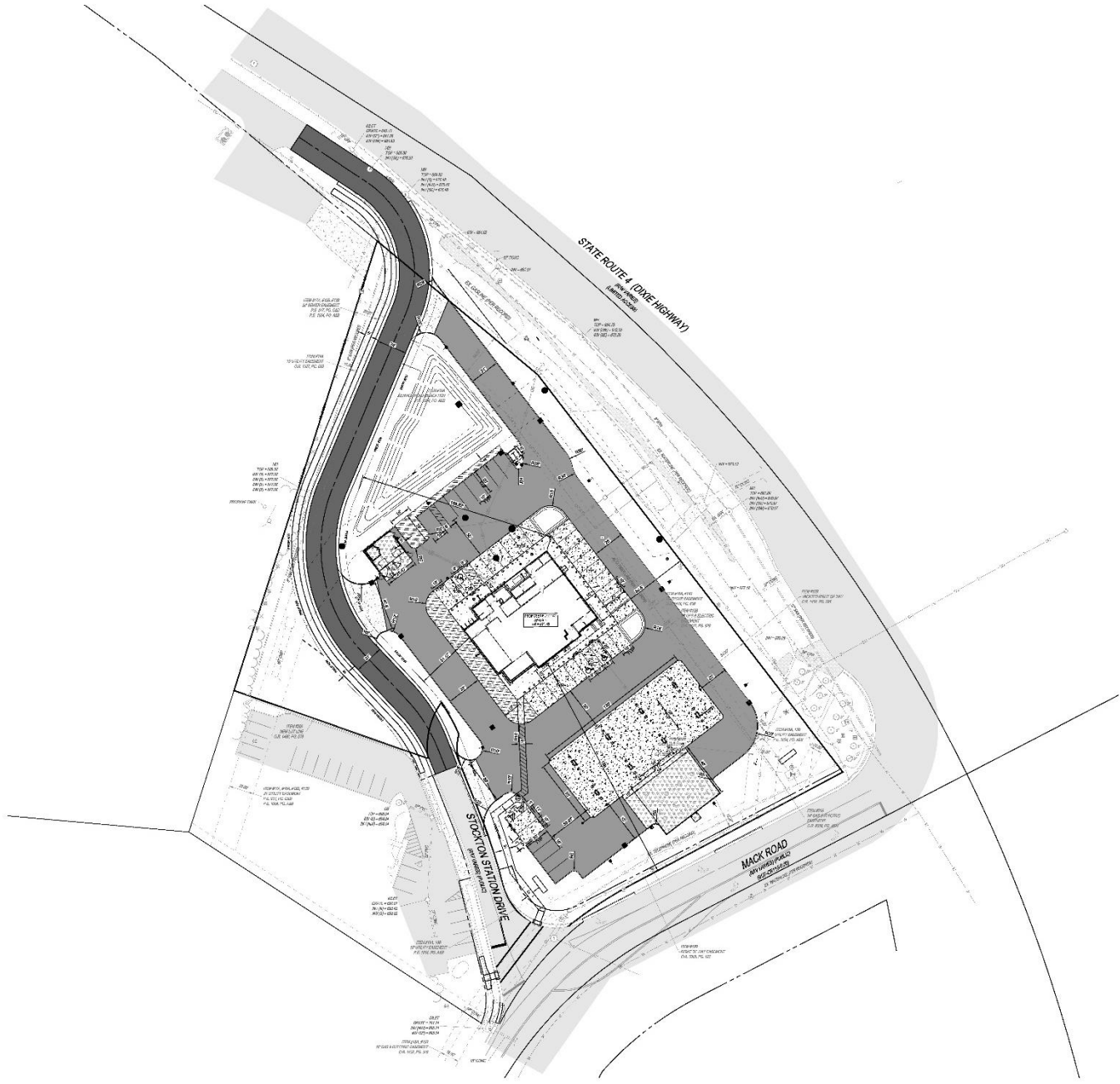
City Council
May 28, 2024

Attachment: Council Slides - May 2024 (68-24 : Mack & Route 4 Development Agreement)





INSPIRED PEOPLE CREATIVE DESIGN TRANSFORMING COMMUNITIES



PROPOSED LEGEND

- CURB INLET/STITCH BARR
- HEADWALL
- STORM STORM C/P FANOUT
- STORM MANHOLE
- SANITARY SEWER CLEANOUT
- SANITARY SEWER MANHOLE
- HEAVY DUTY CONCRETE
- STANDARD DUTY CONCRETE
- WALKWAY ASPHALT PAVEMENT SECTION
- CONCRETE SIDEWALK
- ROADWAY PAVEMENT
- PROPOSED PROPERTY LINE

PARKING REQUIRED	36 SPACES
PROPOSED PARKING	
STANDARD	36 SPACES
HC ACCESSIBLE	2 SPACES
EX. COVERAGE	2 SPACES
TOTAL	41 SPACES
BIKEWAYS PARKING	5 SPACES
EXISTING DRIVEWAYS	GENERAL EASEMENT (2-3)

FLOOD DATA: SUBJECT SITE IS LOCATED IN ZONE X-1 (AREAS DETERMINED TO BE OUTSIDE OF THE 1% ANNUAL CHANCE FLOODPLAIN PER FEMA'S NATION FLOOD INSURANCE PROGRAM WITH AN EFFECTIVE DATE OF 10/18/2018).

NOTES:
1. ALL UNDERGROUND UTILITIES ARE PLOTTED FROM A COMPARISON OF AVAILABLE RECORD INFORMATION AND SURVEY. LOCATIONS OF UNDERGROUND UTILITIES AND DEPTHS OF ALL UTILITIES ARE NOT GUARANTEED.
2. THE DISTANCE OF ANY UNDERGROUND UTILITIES LOCATED IS NOT GUARANTEED.
3. THE DISTANCE OF ANY UNDERGROUND UTILITIES LOCATED IS NOT GUARANTEED.
4. THE DISTANCE OF ANY UNDERGROUND UTILITIES LOCATED IS NOT GUARANTEED.



THE KLEINGERS GROUP
CIVIL ENGINEERING
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LANDSCAPE ARCHITECTURE

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WAWA FAIRFIELD
CITY OF FAIRFIELD
BUTLER COUNTY, OH

PROJECT NO. 2019001-001
DATE 05-15-2024
SCALE 1" = 30'

SITE LOCATION PLAN

SHEET NO. 1 OF 1

Attachment: Council Slides - May 2024 (68-24 : Mack & Route 4 Development Agreement)



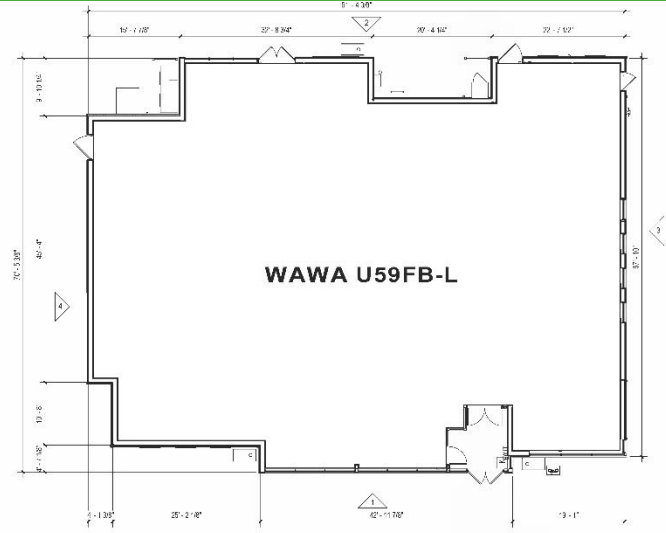
1 FRONT ELEVATION
3/16" = 1'-0"

GLAZING CALLS - FRONT ELEVATION		MATERIAL CALLS - FRONT ELEVATION	
TRANSPARENT GLAZING - 315 SQFT	20%	BRICK - 333 SQFT	21%
SPANDREL GLAZING - 125 SQFT	8.8%	COMPOSITE SIDING - 428 SQFT	28%
TOTAL GLAZING - 541 SQFT		STUCCO EIFS - 826 SQFT	40%
		TILE - 50 SQFT	8%
		METAL AWNING - 76 SQFT	5%
TOTAL BUILDING MATERIAL (541+1,555)= 2,096 SQFT		TOTAL - 1,555 SQFT	
GLAZING - 541/2,096 = 25.8%			



2 REAR ELEVATION
3/16" = 1'-0"

GLAZING CALLS - FRONT ELEVATION		MATERIAL CALLS - FRONT ELEVATION	
TRANSPARENT GLAZING - 59 SQFT	3.2%	BRICK - 656 SQFT	37%
SPANDREL GLAZING - 139 SQFT	6.8%	COMPOSITE SIDING - 578 SQFT	32%
TOTAL GLAZING - 204 SQFT		STUCCO EIFS - 444 SQFT	26%
		TILE - 67 SQFT	3.6%
		METAL AWNING - 45 SQFT	2.6%
TOTAL BUILDING MATERIAL (204+1,750)= 1,954 SQFT		TOTAL - 1,750 SQFT	
GLAZING - 204/1,954 = 10%			



3 FLOOR PLAN
1" = 10'-0"

MATERIALS:

1a BRICK-1

2 COMPOSITE SIDING

3a EIFS OR STUCCO

4a ROOF: TITANIUM

5 TILE

8 PANEL: COMPOSITE COLOR: CEDAR

7a METAL OVERHANG ATAS #17 BRITE RED

EXT. ROOF VENT PACKAGE: BRICK-1



①_00_Perspective Back Left



②_00_Perspective Back Right



Attachment: Council Slides - May 2024 (68-24 : Mack & Route 4 Development Agreement)



THANK YOU

Nathaniel Kaelin
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