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**CITY OF CARLISLE COUNCIL – WORK SESSION MINUTES**

**Tuesday, February 28, 2023**

**CARLISLE COUNCIL CHAMBERS - CARLISLE, OHIO**

Mayor Winkler called the Carlisle, Ohio City Council Work Session of Tuesday, February 28, 2023, to order at 6:00pm in the Council Chambers at the Carlisle City Hall building, 760 Central Avenue, Carlisle, Ohio with the following members in attendance:

***Council Attendees:***

Mr. Tim Humphries

Mr. Chris Stivers

Mr. Michael Kilpatrick

Mr. William Bicknell

Mrs. Debbie Kemper

Mr. Jason Faulkner

Mr. Randy Winkler, Mayor

Staff members present:

Finance Director Ryan Rushing

Zoning Administrator Cathy Walton

Code Enforcement Officer Jim Wahlrab

Clerk of Council Jennifer Harover

**Discussion Items:**

**Marijuana Moratorium**

Mr. Rushing asked Council for a discussion on this issue as the current moratorium will be expiring at the end of May.

Key points brought to Council for consideration:

- Ohio Revised Code Section 3796.29 grants cities the authority to limit the number of, or outright prohibit, medical marijuana cultivators, processors, or retail dispensaries. The City has the authority, using its zoning power, to enact further standards and requirements.
- Ohio Revised Code Section 3796.30, medical marijuana uses must be 500 feet from the boundaries of a parcel of real estate containing a school, church, public library, public playground, or public park.
- In 2017, the City did entertain discussions with a cultivator that was interested in obtaining land in the back of the Carlisle Business Park. This was a contingent purchase for the business to obtain a license through the State of Ohio which were very limited. The business did not obtain a license.
- At the time, Council decided to put legislation in place to prohibit all medical marijuana businesses within the City. An annual moratorium has been in place since and the current legislation will be expiring at the end of May.
- So that emergency language is not necessary, Council would need to begin its three-reading cycle by the end of March so that a 30-day enactment period could begin by the end of April, taking effect by the end of May when the current moratorium expires.
- A map was shown depicting the current areas, outside of residential areas, where a marijuana business could not be placed within the City based on ORC 3796.30. (PowerPoint slides attached for reference)
- Council has the ability to prohibit all cultivators, processors or retail dispensaries, any combination thereof or any one individual marijuana business. Council may also require them to be a conditional use and be subject to prior approval of Planning Commission to meet specific requirements within specifically zoned districts/uses.

General discussion was made by Council. Key points made included:

- Neighboring cities such as Franklin have banned it outright. Monroe has three dispensaries and Lebanon has one dispensary.
- Business Park could be a potential location for a cultivator or dispensary as well as an existing facility on Industry could be a dispensary, unlikely, but it would fit in terms of current zoning.
- A Bill was passed last year in the House of Representatives but it is questionable now at the State level. Scott Lipps has mentioned that local entities could see revenue from these types of business. However, he has not been able to come educate Council on this issue as of yet.
- A Conditional Use Application would give the City a double-check before allowing a business to come into the City.
- Current dispensaries in Monroe and Lebanon have not seen any uptick in crime related to their opening.
- Protection of the community and possible medical benefits versus any potential financial gain is a fine line of debate.
- Comparisons with the use of alcohol and the use medical marijuana was considered as well as their differences.

Mr. Rushing stated it appears that the majority of Council would be in favor of banning these businesses. He will have staff work on an ordinance to ban all three types of marijuana businesses within the city. The legislation will come before Council at their next regular scheduled meeting.

### **Chickens within the City**

Mr. Rushing explained this is continuing discussions from the last work session based on Mr. Kilpatrick's desire to amend the current ordinance regarding poultry/chickens.

Key points brought to Council for discussion:

- Staff would like direction on two possible scenarios related to the keeping of chickens:
  - Sale of chickens, eggs or any other chicken related product
  - Potential killing of chickens of personal consumption
- Staff has worked on a red-line ordinance drafted by Mr. Kilpatrick and, thus far, are in agreement with the working draft.

General discussion was made by Council. Key points made included:

- Processing/killing of chickens can be messy and should not be allowed.
- Keeping of chickens should be for personal use only and not a business of selling eggs. The reason behind this issue was to allow families to provide food for their families.
- Selling of eggs from personal property was discussed as being similar to a personal garage sale, which are limited to 4 per year, or not allowed. Sharing extra eggs with your neighbors would not be considered "selling" eggs for personal gain.
- A permit for chickens, with no fee, would help to regulate the health/safety of personal properties and surrounding areas as well as size/placement of any coop. Any coop/structure to house chickens that is over 200 square feet would need to follow applicable building standards. A coop/structure to house chickens that is smaller than 200 square feet would need a zoning permit. Any permit for chickens will have a policy for the Code Enforcement Officer to make scheduled site visits for compliance.

- Any ordinance approved by Council needs to be enforceable by staff.
- Existing coops would need to meet the regulations of any approved ordinance and will not be “grandfathered” in nor be considered “lawfully compliant”. Compliance would need to happen within a specified amount of time.

Mr. Rushing will have staff make revisions to the draft ordinance that will not allow killing/processing of chickens. Public sales of eggs or chicken products will be prohibited. An enforcement clause will be added so that our Code Enforcement Officer has the ability to cite property owners keeping chickens who do not follow regulations. This portion of the code does fall under the general offenses so it is not required to go to Planning Commission for approval. Once the legislation is ready, it will be presented to Council for approval with three public readings and a thirty day enactment period.

**Parade Permits**

The City has received their first parade permit. During Council’s budget work session, it was mentioned that they may have a potential fee put in place for parades given the fiscal situation with the police fun. Before this parade application was processed, he would like Council’s direction of whether or not a fee should be collected.

Key points of recommendation:

- Fees for parades were conceptual in nature.
- Fees have been charged in some years and then not for others. Most recently, there has not been a charge for parades.
- There is a direct cost to the City for parades between the Police Department and Service Department. There are contractual obligations for Police overtime. Generally speaking, it could be between \$1,000 - \$2,000.
- Currently, there are approximately three parades requested each year.
- Most of the organizers for parades are non-profit and have very little extra funds. Parades are done for the kids and not for the adults. Parents/volunteers for these organizations work hard to keep activities moving forward.

Council agreed to continue with no fee for a parade permit. If, at some time in the future, the amount of parades increases, they can have further discussions.

**Adjournment:**

With no further business, Council adjourned the meeting by voice vote with all in favor.

Meeting adjourned at 7:01 p.m.

Date: 3-14-23

Randy Wibley  
Mayor

Attest: [Signature]  
Clerk of Council

- Ohio Revised Code Section 3796.29 grants cities the authority to limit the number of, or outright prohibit, medical marijuana cultivators, processors or retail dispensaries. Further, the City has the authority, using its zoning power, to enact further standards and requirements. For example, some communities treat these uses as conditional uses requiring public hearing and board approval. The only zoning restrictions required by state law concern spacing between medical marijuana uses and other uses.
- Per Ohio Revised Code Section 3796.30, medical marijuana uses must be 500 feet from the boundaries of a parcel of real estate containing a school, church, public library, public playground, or public park. Additionally, there's a restriction in Ohio Administrative Code Rule 3796:6-3-02 which states that "a dispensary shall not be located within five hundred feet of a community addiction services provider as defined under section 5119.01 of the Revised Code."

1



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OHIO LEGISLATIVE SERVICE  
COMMISSION  
DOCUMENT #247191

### Ohio Revised Code

Section 3796.29 Limitations on number of cultivators, processors, or retail dispensaries by localities.

Effective: September 8, 2016

Legislation: House Bill 523 - 131st General Assembly

The legislative authority of a municipal corporation may adopt an ordinance, or a board of township trustees may adopt a resolution, to prohibit, or limit the number of, cultivators, processors, or retail dispensaries licensed under this chapter within the municipal corporation or within the unincorporated territory of the township, respectively.

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COMMISSION  
DOCUMENT #250444

**Ohio Revised Code**

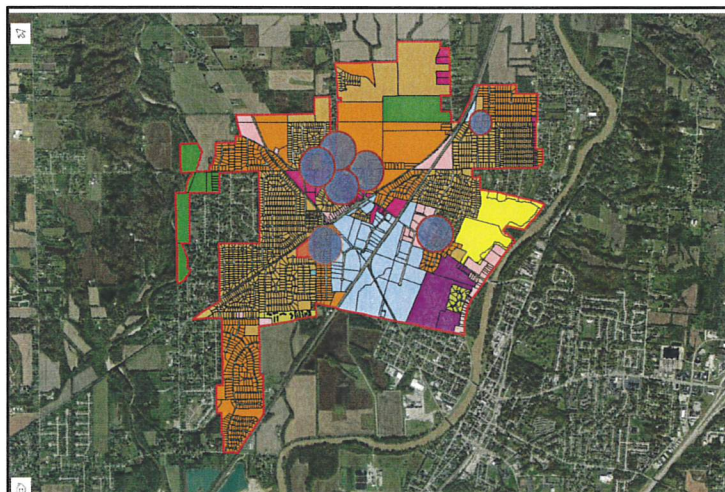
**Section 3796.30 Activities prohibited near schools, churches, libraries, playgrounds or parks.**

Effective: September 8, 2016

Legislation: House Bill 523 - 131st General Assembly

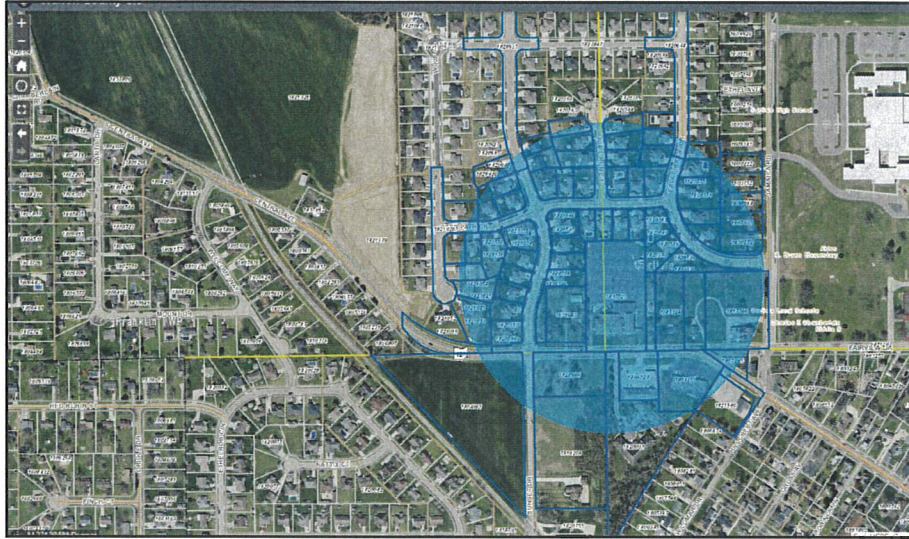
(A) Except as provided in division (B) of this section, no medical marijuana cultivator, processor, retail dispensary, or laboratory that tests medical marijuana shall be located within five hundred feet of the boundaries of a parcel of real estate having situated on it a school, church, public library, public playground, or public park.

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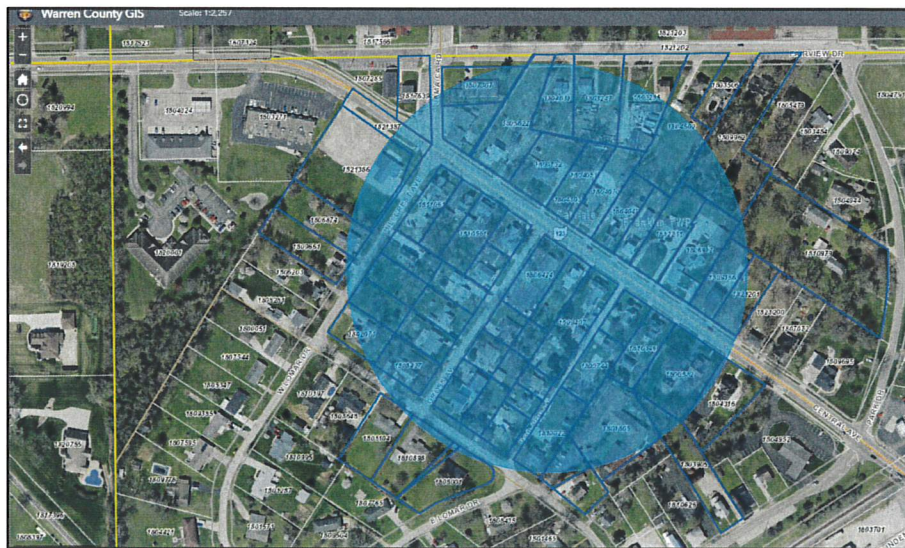
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### Hillcrest Baptist Church



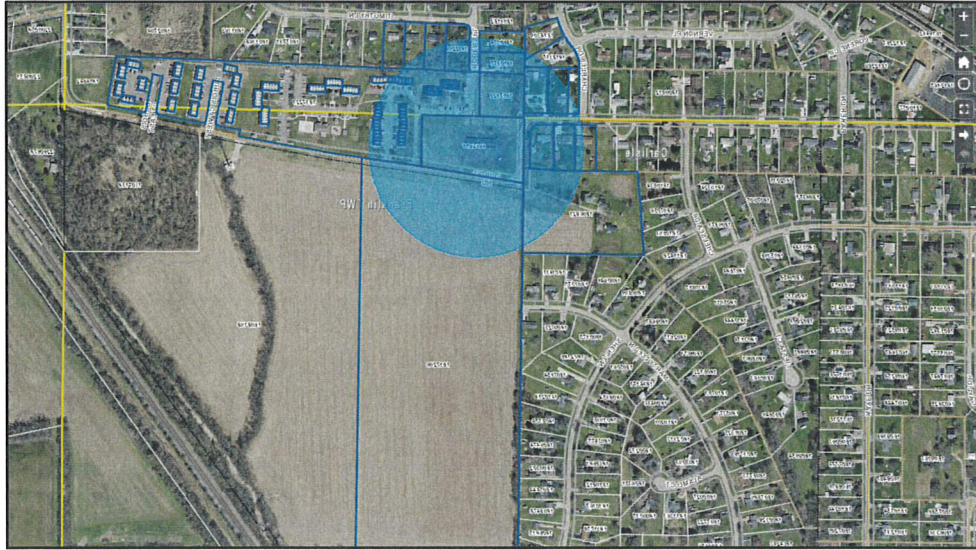
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### Church in the Village



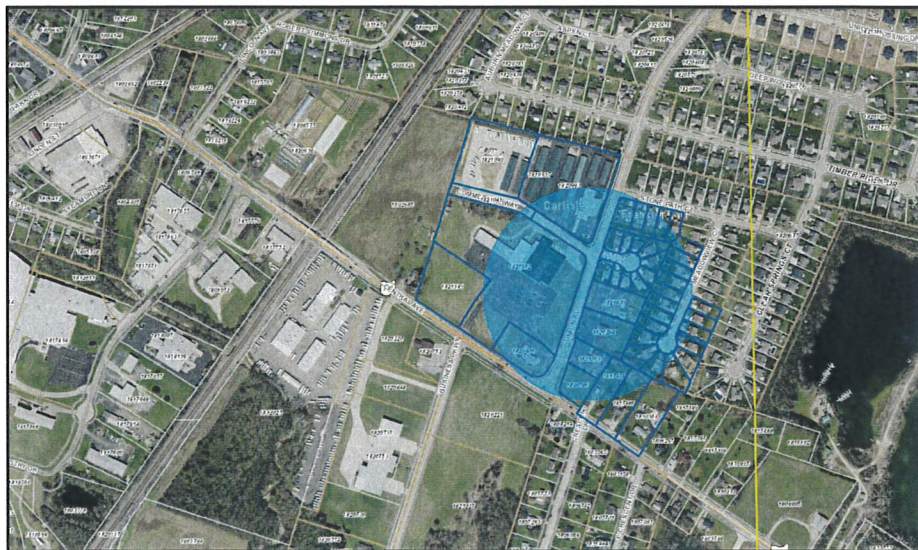
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## Village Preschool



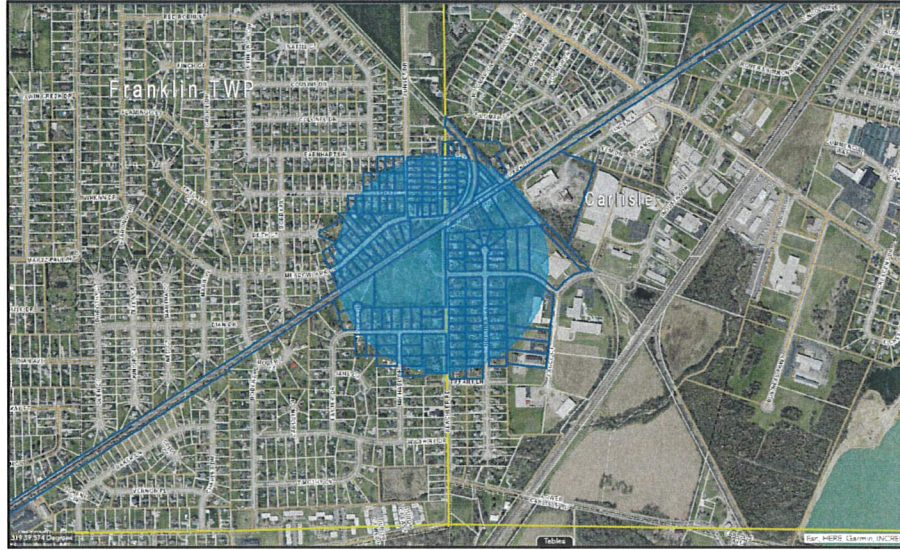
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## Carlisle Early Learning Center



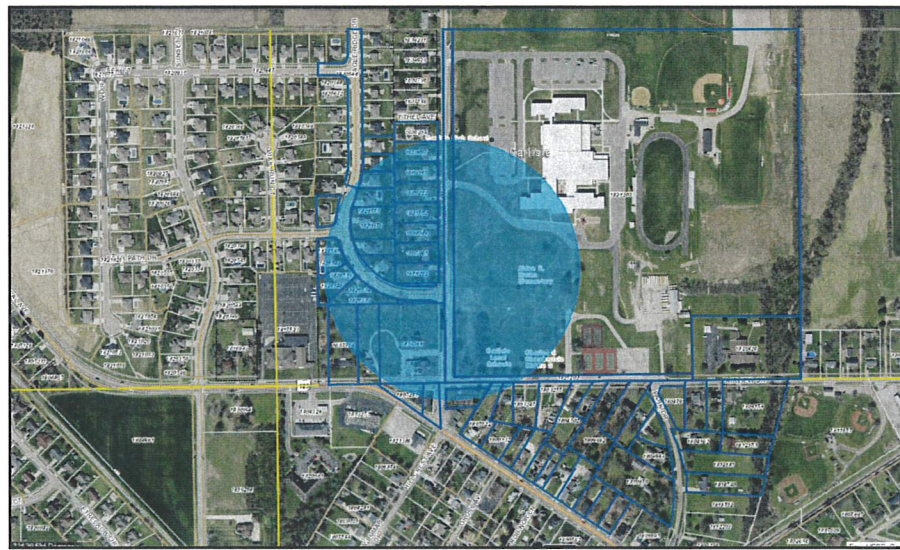
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### Roscoe Roof Park



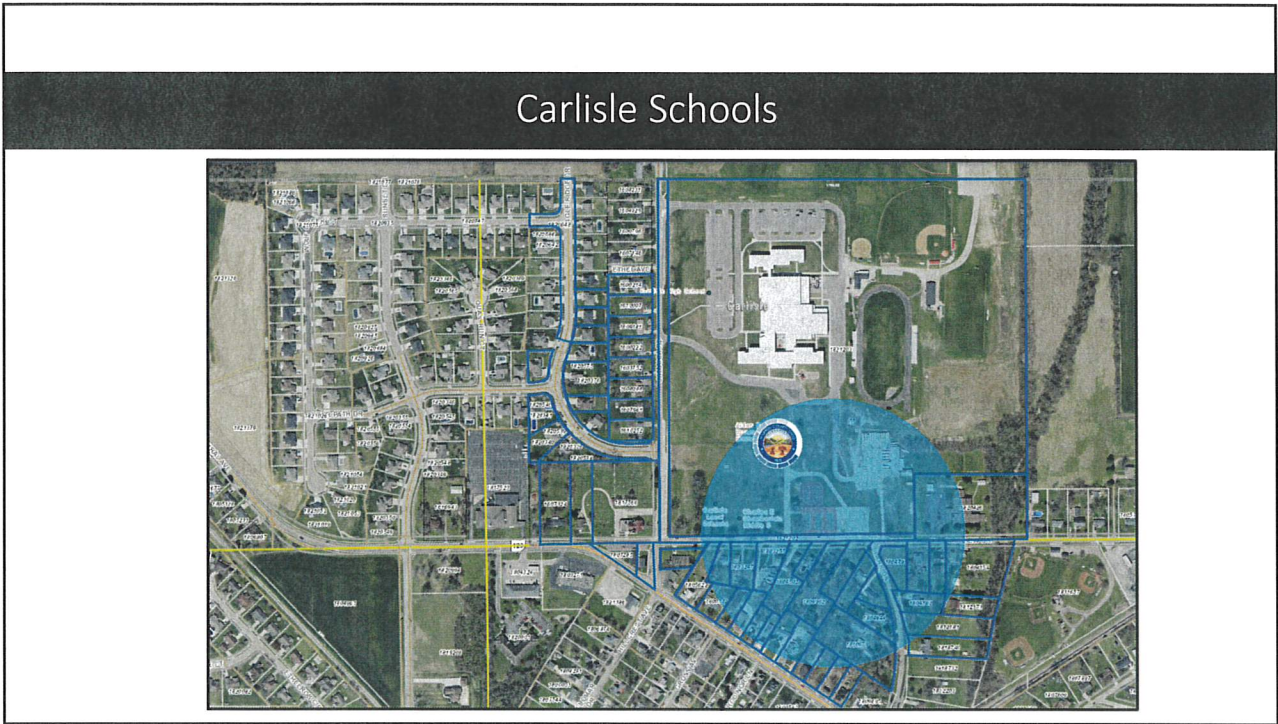
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### Carlisle Schools

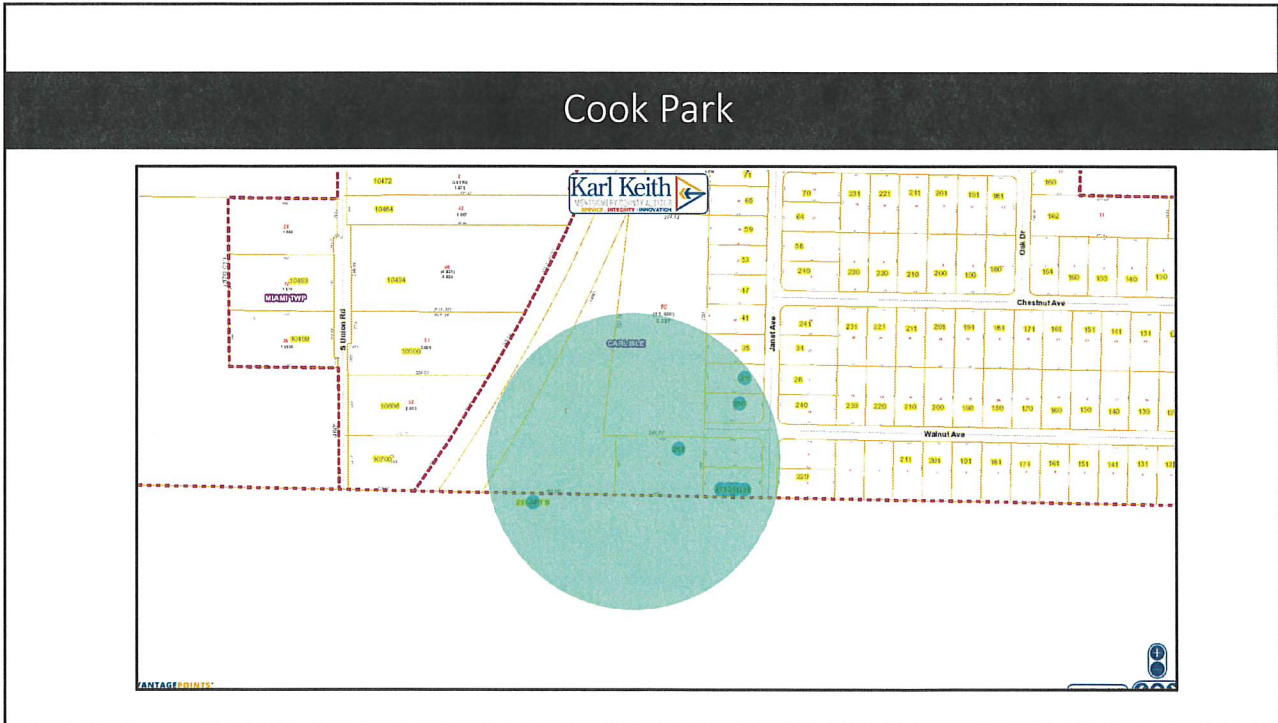


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12