



AGENDA
CITY COUNCIL
Work Session – September 19, 2016, 5:00 p.m.
Council Chambers

1368 Research Park Dr
Beavercreek, Ohio

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF AGENDA
- IV. DISCUSSION ITEMS
 - A. Critical Incident Overview
- V. INFORMATIONAL ITEMS
 - A. Lofino Plaza Update
 - B. Medical Marijuana
- VI. COUNCIL COMMITTEE/EVENT UPDATES
- VII. ADJOURNMENT

Memo

JMC 9/15/16

To: Mike Cornell, City Manager
From: Kim Farrell, CPRP, Parks Superintendent
Date: September 15, 2016
Re: Lofino Plaza

Levin Porter is finalizing the bid packet for the Lofino Plaza expansion project. While we are not going for a LEED certification, we have asked the project manager to work on energy efficiencies with that certification in mind. Levin Porter has placed requirements for energy efficiencies for mechanical, electrical and windows as part of this project. As staff reviews the bid packet, we will assess and ensure these efficiencies are included.

The following is the energy information that will be a part of the bid packet and requirements:

- Overall Average R Value of walls = R 30 (insulation is 6" batt with 2" EIFS continuous)
- Overall Average R Value of Roof Insulation (continuous above deck) = R25
- Window Assembly average U Value = .24
- Glass – will be equal to PPG Solarban 60, bronze tint. U Value = .27, Shading Coefficient = .32

Our timeline has also been updated:

- 9/23/16 Final Review Set to City Staff (Architectural/Structural 99%, PME 85%)
- 9/30/16 Comments from City/100% docs
- 10/7/16 Bid Issue/Issue to City for Permits
- 10/13/16 Suggested Pre-bid Date
- 10/20/16 Proposed Bids Due

MEMORANDUM
Personal & Confidential
Attorney/Client Privilege

TO: Michael A. Cornell, City Manager

CC: Dennis Evers, Police Chief
Jeffrey M. McGrath, Planning Director

FROM: Stephen M. McHugh, Law Director 

DATE: September 15, 2016

RE: Specific Requirements for Obtaining Licenses to Cultivate, Process, and Dispense Medical Marijuana

As required by the Moratorium resolution, a detailed review of the Sub. H.B. 53 was undertaken. Unfortunately, the bill places much of the regulation and control of medical marijuana on two state agencies, the Department of Commerce and the Board of Pharmacy.

As of now, there is not much information regarding what will be required to obtain a license to cultivate, process, dispense, etc. medical marijuana in Ohio because those regulations do not yet exist. However, there are some requirements that we do know at this time that are listed below.

- Use, possession, and administration of medical marijuana on federal land located in Ohio is prohibited.
- A cultivator, processor, retail dispensary, or laboratory is prohibited from being located or relocating within 500 feet of a public park, public playground, public library, school, or church.
- An entity seeking a license to cultivate, process, or test medical marijuana must submit an application for licensure to the Department of Commerce; an entity seeking a license to dispense medical marijuana must file an application for licensure with the Board of Pharmacy.
- An application for a cultivator, processor, or laboratory license will need to be submitted in accordance with the rules adopted by the Department of Commerce; an application for a retail dispensary license will need to be submitted in accordance with rules adopted by the Board of Pharmacy.
- Each entity will need to submit a separate application for each location where it intends to operate.

- The following are conditions that must be met in order for an applicant to be issued a license:
 - The report of the criminal records check conducted shows that the people subject to the check are not disqualified because of a conviction or guilty plea specified in the rules;
 - The applicant demonstrates that it does not have an ownership interest, investment interest in, compensation arrangement, or share any corporate officers or employees with a laboratory licensed under the chapter or an applicant for a license to conduct laboratory testing;
 - The applicant demonstrates that it will not be located within 500 feet of a school, church, public library, public playground, or public park;
 - The information provided to the Department or Board of Pharmacy by the Ohio Department of Taxation demonstrates that the applicant is compliant with state tax laws; and
 - The applicant meets all other licensure eligibility conditions established by the Department or Board in rules.
- An administrator or other person responsible for the daily operation of an entity and an owner, prospective owner, officer, prospective officer, board member, or prospective board member of an entity applying for a license must complete a criminal records check. **If one of those individuals fails to complete the check, the Department or Board must deny the application.**
- Each person seeking employment with a licensed cultivator, processor, laboratory, or retail dispensary must complete a criminal records check and they cannot be hired if they do not comply and/or they are disqualified because of a conviction or guilty plea for an offense listed in the rules.
- The Department and Board must each issue not less than 15% of the licenses to entities that are owned or operated by individuals who are members of one of the following groups: Blacks or African-Americans; American Indians; Hispanics or Latinos; or Asians. If no applications or an insufficient number of applications are submitted by entities meeting this condition, then the licenses are issued according to usual procedures.

Other than what is listed above, the requirements for obtaining a license for the cultivation, processing, testing, and retail dispensing of medical marijuana are unknown. The Department of Commerce and the Board of Pharmacy have **ONE YEAR** from September 8, 2016 to promulgate those rules. While many of the details are unknown, there are still areas of inquiry that should be pursued. As it is likely the marijuana will be grown indoors, issues associated with such facilities should be explored and changes made to the zoning code based on the experience in other states. The same analysis applies to processing. Even if Council decides to

prohibit cultivation, processing, and retail sale in Beaver Creek, it would still be prudent to review and update the zoning code where necessary. A legal challenge to the bills' prohibition is likely and in the event that provision is found to be unconditional, the City will want to have regulations. Council could also determine to allow retail sale as an example while prohibiting cultivation or processing.

What convictions will disqualify a person from applying for a license or working in one of the facilities will also not be known until the rules are released. There remain many questions on how the law will be implemented. A work session with Council, I believe, is the next step. If there is anything additional you would like me to do, please advise.



1368 Research Park Dr
Beavercreek, OH 45432

**Joint Work Session with Township and County
September 20, 2016 5:00 p.m.
Council Chambers**

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF AGENDA
- IV. DISCUSSION ITEMS
 - A. U.S. 35 Superstreet
- V. ADJOURNMENT

DRAFT



CITY COUNCIL
Regular Meeting – September 26, 2016 6:00 p.m.
Council Chambers

- CALL TO ORDER
- I. ROLL CALL
- II. PLEDGE AND PRAYER/MOMENT OF SILENCE – Council Member Litteral
- III. APPROVAL OF AGENDA
- IV. APPROVAL OF MINUTES
- V. PRE-SCHEDULED PRESENTERS
 - A. Douglas Knight, Commissioner, CALEA (The Commission on Accreditation for Law Enforcement Agency)
 - B. Gussie Jones, Owen's Place
- VI. ORDINANCES, RESOLUTIONS AND PUDS
 - A. Ordinance 16-20 PUD 16-2 Creekstone (Third Reading)
 - B. Resolution 16-19 Accepting Amounts and Rates and Certifying them to the County Auditor
 - C. Resolution 16-20 Agreement with ODOT for Bridge Inspections
 - D. Resolution 16-21 FOP Contract Extension
- VII. LIQUOR PERMITS
 - A. Chipotle Mexican Grill of Colorado LLC (New)
 - B. Samibrothers Inc., DBA Factory Drive Thru (Transfer)
- VIII. CITY MANAGER'S REPORT
- IX. MAYOR'S REPORT
- X. COUNCIL TIME
- XI. CITIZEN COMMENTS
- XII. ADJOURNMENT

DRAFT