

RESOLUTION NO. 048-17

A RESOLUTION EXTENDING A PREVIOUSLY IMPOSED TEMPORARY MORATORIUM ON MEDICAL MARIJUANA CULTIVATION, PROCESSING, AND RETAIL DISPENSARY FACILITIES WITHIN THE CITY OF NAPOLEON, OHIO; AND DECLARING AN EMERGENCY

WHEREAS, on June 8th, 2016 Governor John Kasich signed H.B. 523 into law making Ohio the 25th state to adopt a workable medical marijuana law; and

WHEREAS, H.B. 523 became effective September 8th, 2016 and the law's rules, policies, and procedures are yet to be fully implemented; and

WHEREAS, H.B. 523 created Ohio Revised Code Section 3796.29 which allows a municipal corporation to adopt a Resolution to prohibit, or limit the number of cultivators, processors, or retail dispensaries licensed under the new law; and

WHEREAS, the City of Napoleon currently has a moratorium in place to specifically address medical marijuana cultivators, processors, or retail dispensaries; and

WHEREAS, City Staff requires time to thoroughly vet all options available to the City to address in implementation of H.B. 523; and

WHEREAS, City Council is being asked to enact a six (6) month extension to the previously enacted temporary twelve (12) month moratorium on medical marijuana cultivation, processing, and retail dispensaries in order to more fully review the rules, policies, and procedures created by the Ohio Department of Commerce and the State Medical Board and to thoroughly vet the options presented under O.R.C. 3796.26 with the City of Napoleon Planning Commission and City Council; and

WHEREAS, this Resolution should be passed as an emergency measure under suspension of the rules in accordance with Rule 6.3 of the Rules and Regulations of City Council, City of Napoleon, Ohio, in order to continue to have the Moratorium in place while the City reviews it's options; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Napoleon, Ohio, and its citizens, and to provide for the efficient daily operation of all City Departments of the City of Napoleon, Ohio, City Council of the City of Napoleon, Ohio, finds that an emergency exists regarding the aforesaid, and that it is advisable that this Resolution be declared an emergency measure which will take immediate effect in accordance with Rule 6.3 of the Rules and Regulations of City Council, City of Napoleon, Ohio, upon its adoption; and,

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO:

Section 1. That the City Council of the City of Napoleon, Ohio, hereby imposes an extension on it's Moratorium on medical marijuana cultivation, processing, and retail dispensary facilities within the City of Napoleon; said Moratorium to include the submission, consideration, or approval of all applications for special permits, use permits, building permits, any plans, or any other applications or permits which are or may be filed for permits from the Planning or Zoning Departments for the cultivating, processing, and retail dispensing of medical marijuana;

Section 2. That this Moratorium shall become effective on the date of this Resolution, following its passage by City Council, and signed by the President of City Council, and shall remain in effect for six (6) months following the date upon which it became effective and, thereafter, upon a majority vote of City Council, may be continued in effect, if City Council finds such continuance is required to allow sufficient time for the Planning Commission or other City departments, committees, or commissions to complete the research and recommendation of what action, if any, the City of Napoleon should take to safeguard the public health, safety and welfare through the provision of adequate planning, zoning, land-use, or other regulatory controls that are specifically applicable to medical marijuana cultivation, processign, or retail dispensary facilities or the Moratorium may be continued for additional time if City Council so chooses in order for City Council to make its decision whether or not to adopt a Resolution pursuant to ORC 3796.29;

Section 3. That this Moratorium suspends and tolls any time periods, prescribed by law, within which the Planning Commission, or any other official body, of the City of Napoleon is required to take action upon an application for a special permit, use permit, building permit or site plan approval, or the like, for facilities cultivating, processing, and retail dispensing of medical marijuana that is or may be pending before the Planning Commission, or any other official or official body of the City of Napoleon on the effective date of this Moratorium; and that no such application shall be deemed to be approved by the failure of the Planning Commission, or any other official or official body to approve or deny said application during the time when this Moratorium shall be in effect;

Section 4. That the Law Department and Planning Commission may begin research and return to City Council recommendations the City of Napoleon should take to preserve the public health, safety and welfare through the provision of adequate planning, zoning, land-use, or other regulatory controls that are specifically applicable to the cultivating, processing, and retail dispensing of medical marijuana facilities, this recommendation will be prepared and provided to the Planning Commission for review and subsequent recommendation to City Council;


Section 5. If any section, phrase, sentence, or portion of this Resolution is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof;

Section 6. This City Council finds and determines that all formal actions of this

City Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon, Ohio; and,

Section 7. That, for all the reasons stated herein, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

08/21/2017

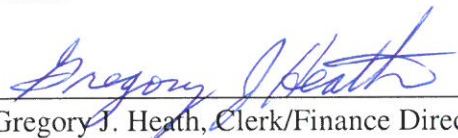

Travis B. Sheaffer, Council President

08/21/2017

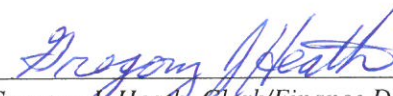

Jason P. Maassel, Mayor

VOTE ON PASSAGE 6 Yea 0 Nay 0 Abstain

Attest:


Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 048-17 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 28th day of August, 2017; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.


Gregory J. Heath, Clerk/Finance Director

STATE OF OHIO
COUNTY OF HENRY

Kimberly Imm, being first duly sworn, states that she is the Assistant Publisher of The Bryan Publishing Company, owner of The Northwest Signal, a daily newspaper, published and of general circulation in the county of Henry aforesaid, and that the annexed notice was published in one issue in said paper, on the 28th day of August 2017.

Kimberly Imm
Kimberly Imm

Subscribed and sworn to before me this
28th day of August, 2017

Beverly Griteman
Beverly Griteman
Notary Public,
State of Ohio
My Commission Expires
February 13, 2021

Printer's Fee: \$177.60

Notary Fee: \$1.50

**Summary of Ordinance No.(s) 050-17 and
Resolution No. 048-17, 049-17**

(PURSUANT TO ARTICLE II, SECTION 2.15 OF THE CITY CHARTER, CHAPTER 121 OF THE CODE OF ORDINANCES AND COUNCIL RULE 6.2.4.1, AS WELL AS APPLICABLE PROVISIONS OF ORC CHAPTER 731)

NOTICE

A copy of the complete text of the above named Ordinance(s) and Resolution(s) are on file in the office of the City Finance Director and may be viewed or obtained during business hours of 7:30 AM to 4:00 PM, Monday through Friday, at the office of the Finance Director, the location being 255 West Riverview Avenue, Napoleon, Ohio. A copy of all or part of the above named Ordinances and Resolutions, or any item mentioned in this notice, may be obtained from the City Finance Director upon the payment of a reasonable fee therefore.

Ordinance 050-17

AN ORDINANCE AUTHORIZING THE FINANCE DIRECTOR TO MAKE APPROPRIATION TRANSFERS FROM RESPECTIVE FUNDS, DEPARTMENTS AND CATEGORIES TO OTHER FUNDS, DEPARTMENTS AND CATEGORIES PURSUANT TO OHIO REVISED CODE (ORC) SECTION 5705.40 FOR THE FISCAL YEAR ENDING DECEMBER 31, 2017 AS LISTED IN EXHIBIT "A"; AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon authorized the Finance Director to make appropriation transfers from the Information Systems Machinery and Equipment Fund to the Police/Safety Services Machinery and Equipment Fund.

Resolution 048-17

A RESOLUTION EXTENDING A PREVIOUSLY IMPOSED TEMPORARY MORATORIUM ON MEDICAL MARIJUANA CULTIVATION, PROCESSING, AND RETAIL DISPENSARY FACILITIES WITHIN THE CITY OF NAPOLEON, OHIO; AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon extended the current temporary moratorium regarding medical marijuana for an additional six (6) months.

Resolution 049-17

A RESOLUTION AUTHORIZING THE CITY MANAGER TO UPGRADE POLICE DEPARTMENT CAD SOFTWARE TO INCLUDE CIVICA LICENSE FEES FOR CAD AND MOBILE CAD, ALONG WITH MANAGED SERVICES FOR BOTH; AUTHORIZING THE EXPENDITURE OF FUNDS IN EXCESS OF TWENTY FIVE THOUSAND DOLLARS (\$25,000.00), AND ELIMINATING THE NECESSITY OF COMPETITIVE BIDDING; AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon authorized the purchase of CAD software upgrades for the City Police Department from Civica, eliminating the necessity of competitive bidding for said purchase.

All of the above summaries are approved as to form and correctness by Billy D. Harmon, City Law Director