
MUNICIPALITY OF CARLISLE COUNCIL MINUTES
REGULAR MEETING OF COUNCIL
November 28, 2023 – 7:00 P.M.
760 CENTRAL AVENUE, CARLISLE, OHIO

Mayor Randy Winkler called the Carlisle, Ohio City Council Regular Meeting of Tuesday, November 28, 2023 to order in Council Chambers at the Carlisle City Hall building, 760 Central Avenue, Carlisle, Ohio. The meeting was opened at 7:00 p.m. with the Pledge of Allegiance.

Roll Call:

Mr. William Bicknell	present
Mr. Jason Faulkner	present
Mr. Tim Humphries	present
Mrs. Debbie Kemper	present
Mr. Michael Kilpatrick	present
Mr. Chris Stivers	present
Mayor Randy Winkler	present

Staff members present: City Manager, Chris Lohr
 Finance Director, Kristina Cooper
 Alex Ewing, Law Director
 Council Clerk, Elayna Myers

The Work Session Meeting Minutes of November 14, 2023, were presented to Council for review. Mr. Faulkner made a motion to approve the minutes, seconded by Mrs. Kemper.

Roll Call:

Mr. Faulkner	yes
Mrs. Kemper	yes
Mr. Bicknell	yes
Mr. Humphries	yes
Mr. Kilpatrick	yes
Mr. Stivers	yes
Mayor Winkler	yes

The Work Session Meeting Minutes of November 14, 2023, were approved as presented.

The Regular Meeting Minutes of November 14, 2023, were presented to Council for review. Mr. Kilpatrick made a motion to approve the minutes, seconded by Mr. Faulkner.

Roll Call:

Mr. Kilpatrick	yes
Mr. Faulkner	yes
Mr. Bicknell	yes
Mr. Humphries	yes
Mrs. Kemper	yes

Mr. Stivers yes
Mayor Winkler yes

The regular meeting Minutes of November 14, 2023, were approved as presented.

Public Forum:

No audience guests wished to address the Council. Mayor Winkler closed the public forum and moved on to Council Reports.

Council Reports:

Mr. Kilpatrick:

1. The Historical Society has the home tour this Saturday and his home is on it. He is excited to bring folks in and show them what is going on. He is sure Debbie has more information about that.

Mr. Bicknell:

1. We have officially hit wintertime. Just a reminder, check your waterspouts outside, unhook your hoses and make sure you have that covered so when spring comes you don't spring a leak, or bust a pipe.
2. With this cold weather, just make sure we check on our olde neighbors. Make sure their heat is working and check on them.
3. The banners on the football field are very nicely done. It is a great representation. Something to add to the school as it continues to grow. Fall sports have begun.
4. He hopes everyone had a great Thanksgiving last week.

Mr. Stivers:

1. He wants to commend the work that was done on the railroad on 123. He knows it backed things up for a while, but going over the tracks is smoother than ever. A good job by the railroad crew.
2. His neighborhood has a gentleman who dresses as the Grinch every year. Each year it gets more popular. Mr. Stivers would like to commend him. He lives at 302 Deep Woods and posts each time he goes out. It does not matter how cold it is, or if it is snowing, if he says he will be out, he will be out. He will stay out until every person who wants to interact with him has. That is more than a love of Christmas, that is a love of community. We need more of that here in Carlisle. It is very easy to bite at each other on social media, even at the local level. We need more Grinches.

Mrs. Kemper:

1. Santa came last night. A lot of community came out. We did our Christmas tree lighting. She wants to thank the service department for getting the lights up around the building. They did an amazing job. Also, thank you to the Fire and JEMS department for getting Santa here safely. She would also like to thank the ladies at the Community Church for taking care of the crafts, cookies, and hot chocolate. A lot of smiles on the kids' faces. Also, a thank you to Leslie Holt who organized the music during the event.
2. Our Holiday home contest has started. You can go to the Carlisle Facebook page and enter your home in the contest. The nominations started on the 25th, until December 14th. If you see someone in your neighborhood and think they should enter, tell them to visit the Facebook page. You can also email your photos. We have lots of prizes for most traditional, most festive, best business and best overall.
3. Wanted to mention the Holiday Historical Home Tour. It is on Saturday from 1pm-5pm. Michael's home and the Community Church are both on the tour, along with the Historical Society. They have baskets for drawing. If you purchase the tickets ahead, they are \$20 at Country Peddler. If you buy them at the door, they are \$25. It is a great event with the Franklin and Carlisle Historical Society working together. That is on Saturday.
4. The Lions Cub has Santa breakfast on December 9 from 9:30am-11:30am. They have a box to mail letters to Santa. It is \$8 for adults, \$5 for children who are 3-10 years old. 2 and under are free.

Mr. Humphries:

1. The safety of our Residents is priority for them. As you come into Carlisle on Carlisle Pike or St Rt 123, where the spaceships are, there are a house and trees on a property that continues to get hit by vehicles of all sizes all times of day. He sat down with the City Manager and asked that we revisit this with our Engineer to see what things we can do differently to possibly impede this from happening. He has seen it before on the news where a person dies in their bedroom because a person was running from the cops or is distracted while driving. We must understand the safety of the people in the house, just as much as those coming into the community. Hopefully sometime soon we have a better answer how to work with ODOT and the neighboring township to make it safer to come into Carlisle.

Mr. Faulkner:

1. He thinks pursuant to the City Manager's contract, he is owed a review as we approach six months. He asked we add an executive session to the next meeting. Mayor Winkler said he just spoke to Mr. Lohr about that this past week. Mayor Winkler said we can do it as a work session or an executive session. Mr. Faulkner said however Council decides.

With that, Mayor Winkler closed the Council Report and moved on to the Mayor's Report.

Mayor's Report:

1. He would like to thank everyone who came out for the arrival of Santa. Thank you to the church who does a great job every year and supplies the cookies and hot chocolate to everyone who comes to the tree lighting. It is an amazing thing they do to support the community.
2. He had a call last week from a woman who knows of a 94-year-old resident who is trying to pick up her leaves, mow her grass and take care of her yard. She is struggling, according to the woman. The woman will not ask for help. There is not a program that Mayor Winkler is aware of,

that could help. Mr. Lohr said that was correct. Mayor Winkler told her he would make an announcement during the meeting to see if there was anyone in the community who may step up to help the elderly residents in the community. If there is anyone who would like to get involved, his phone number is on the city website and feel free to reach out. He will supply the information he was given.

3. He wanted to discuss the second meeting of December because it falls on the 26th. He would like to know if the council would like to reschedule the second meeting, cancel, or have two meetings on the same night. He knows we have some options but doesn't think anyone wants to be there. Mr. Faulkner asked Mr. Lohr if we need the meeting for a reading. Mr. Lohr said we do not. Mr. Faulkner said we should omit. Mrs. Kemper agreed. Mr. Bicknell asked if we needed a motion to do this. Mr. Lohr said that was correct. Mayor Winkler said at the next meeting we can decide. He just wanted to give everyone a couple weeks' notice to think about what they wanted to do.

Mayor Winkler closed the Mayor's Report and moved on to the City Manager's Report.

Manager's Report:

1. The service department closed the restrooms at Roscoe Roof Park until April when it is warm enough to open it back up.
2. He sent information last week about the Ohio Benefits Cooperative. It looks promising to join. He had a meeting with the brokers earlier and the plans look great and are good quality health insurance plans. This offers savings for the city and the employees. This will be a good change for the city. Assuming the board of directors approves our membership, we would bring legislation in early December to join the OBC.
3. More good news – we did get approved for a CDBG Grant to help offset the costs of the Lower Carlisle Road main extension project. It is not a huge portion, because it is 1.9 million, but very but helps. There is another funding opportunity through the state that he and Ms. Ingle will be pursuing in December.

Mr. Humpries said that it has been a practice in the past that there is a port-o-john at Roof Park because the park is not closed, and people still use it. The reason we close is for preventative maintenance and not to blow the pipes in the winter. He asked Mr. Lohr if there are plans to do this again, this year. Mr. Lohr said this was not discussed with the Service Department but will follow up and make sure that happens.

With that the Mayor closed the City Manager's Report.

Committee Report:

None

Old Business:

None

New Business:

None

Mayor Winkler closed the Community Reports and moved on to First Readings of Ordinances and Resolutions.

First Reading of Ordinances and Resolutions:

ORDINANCE 29-23 IMPOSING A MORATORIUM RELATED TO RECREATIONAL CANNABIS

Mayor Winkler asked Mr. Lohr if there was any further discussion.

Mr. Lohr asked Mr. Ewing to give an overview.

Mr. Ewing stated he was the Law Director for the city, and he brought along his colleague Bobby Mumma, who is an associate with Frost Brown and has been helping many government service clients with this issue. As everyone is aware, Issue 2 passed on election day, decriminalizing recreational use marijuana. There are different components of Issue 2, including and allowing for the sale of recreational marijuana, decriminalization of use and possession and the ability to have public use of marijuana. The problem with this is that it is a significant change and something that is still regulated by federal law. Carlisle is not alone, and every other community is trying to figure out what to do with Issue 2. If you read the Issue 2 ballot carefully, you would see it is different than other laws that we have had, that are typically yes or no. This is a lengthy issue that has had several different legislative components as part of it and adding another chapter to the Ohio Revised Code. However, it is a legislative amendment, so it is subject to the legislative process. The Ohio General Assembly is working on legislation to work out where all the details are not present in the Issue 2 language. Issue 2 language goes into effect December 7. The legislature has at work putting together some of the changes. Mr. Mumma may give some overview of what some of the general changes have been coming across. Nothing has been signed off on yet, so right now we are looking at this December 7th date, which is in effect by law, and that is the intent of the moratorium. He asked Mr. Mumma to talk more about the legislation and give a little more background about it and then we can talk more about the specific moratorium.

Mr. Mumma said that essentially what is going on right now is they are trying to plan out tax rates. Right now, the tax rate is 10%, but there are proposals to make it 20% and how they are distributing that 20% is up to some debate, as well. Currently 36% are going to municipalities that have dispensaries within their boundaries, but some want to cut that down. Others say what the municipality can use their 36% of funds for. Whether that be police, some think it should go to police funds, others are saying it should go to people who were convicted under previous laws that criminalized marijuana. The legislators are trying to figure that out right now. Beyond that, they are talking about potency limits and prohibitions on cannabis usage on indoor and outdoor, because there is some ambiguity in the law about that. Trying to make it safer, like putting child proof laws on that and preventing advertising, to keep it away from kids. Mayor Winkler asked if the law states a homeowner can grow up to six plants per adult in the household. Mr. Mumma said with a maximum of twelve plants. One of the bills, bill 541, which is being proposed, is attempting to strike that provision. Mr. Mumma said there is a maximum possession of two and a half ounces. If someone has more than two and half ounces on their person, they can be convicted under the state statute for possession of a controlled substance. That is one of the things being contested, right now. Mayor Winkler asked if they allow it to grow in the home, how do you protect it from the kids. He stated that was a tough issue. Mr. Mumma answered and said it is in the law that it must be kept from the children, but that will be difficult. Mr. Ewing added that it is almost a contradiction because if you can have up to six plants in your home, you are probably in possession of

more than two and a half ounces. He said that this bill is a good example of a little bit of knowledge is a dangerous thing. The people who thought through this thought enough to make it detailed, but not enough to think about these other situations. That is what the legislators are really working on right now.

Mr. Ewing said what we have proposed with the legislation we drafted puts a moratorium on any adult use dispensaries being open in the City of Carlisle. There are a couple of different options we have here. We are allowed to permit adult use dispensaries; we are allowed to prohibit them, or we are allowed to have a moratorium. Most jurisdictions that we are aware of are making a moratorium and that is what we are recommending. The reason why is because we don't know what is coming out, yet, from the legislature. Even if it is not done before December 7th, there will be changes to this. In addition to the legislative changes, there may be more regulatory changes from when the law is being implemented. The intent here is to wait and see, over the next year. Mr. Ewing asked Mr. Mumma if they plan to have many of these changes made by next year. Mr. Mumma said that on December 7th, possession is legal. But marijuana shops won't be able to be open, most projections are saying for another nine months. Part of the reason is that on December 7th there will be something created called the Division of Cannabis Control and that oversees creating the licensure process for all dispensaries. It does not have a way of getting funded, so the general assembly will have to put funds into that and then go through a process called the Chapter 119 Rule Making Process. So, you won't see adult use dispensaries for a long time.

Mr. Stivers said he was not pro marijuana by any means, but he did have questions. He asked if the moratorium for one year, but dispensaries can be open in nine months. He looks at the marijuana issue as a revenue issue. He does not like it, does not smoke it, but he does like the revenue it may bring in. His only concern is with a one-year moratorium do we shoot ourselves in the foot to possibly have a stream of revenue. Mr. Kilpatrick asked if we could change this at any point. Mr. Ewing said correct, yes. We can amend our ordinance later if we need to. He said that is a great point and the question on revenue is a policy decision. Mr. Ewing said, like Mr. Mumma said, they may change the tax rate and become a point where it is advantageous to license dispensaries and that is a policy decision that no one voted for him to make. Mrs. Kemper said it is like they got it passed and now the legislative is like okay, what do we do now? She added it could take who knows how long. Mr. Ewing said that if the council would decide anytime in the next three-hundred and sixty days that they would like to allow dispensaries, we can amend this ordinance. He thinks this is an important thing to keep in mind and we want to have flexibility. It will be wait and see because the legislator may change this in December and in March come up with something completely different, it is up in the air. Mr. Ewing said the one thing that is not up in the air is that individual possession will be legal on December 7th and that issue is the second part of the moratorium on the enforcement. We have discussed this with the Police Chief. We do have several ordinances that conflict with the updated state law, so instead of repealing those ordinances altogether, we think a moratorium makes sense. Mr. Ewing stated there are still ordinances on controlled substances and we are only talking about marijuana. There are still state statutes in place regarding possession we can enforce. This is not free reign, but we do want to make sure our criminal code follows the state law. Our concern there is that there is such a direct contradiction and the evidence from the referendum is that this intends to supersede local ordinances, so we don't think it is an issue we have authority to override those laws. Again, we are recommended the moratorium.

Mr. Mumma said public use is a minor misdemeanor under Chapter 3780. It cannot be used in public and that is in the law that is enacted December 7th. It is illegal to sell if you do not have a license. You can be in possession of it, but you cannot acquire it if it's not from a licensed facility. Mr. Kilpatrick said he saw something that said you can gift a plant to someone else. Mr. Mumma said that is something that was worked around and it was a medical marijuana thing that you weren't selling, you were gifting, he is guessing.

Mr. Stivers asked if they were suggesting we cease enforcing if police pull someone over and they have more than the allowed limit, they're not in trouble for that. Mr. Mumma answered and said they would not be charged under the Carlisle ordinance; you would be charged with the state ordinance. Mr. Stivers asked if this means we need two motions for two moratoriums or is it under the same umbrella. Mr. Mumma said it was all in the same ordinance. Mr. Ewing said they have been looking into different zoning restrictions, and they intend to work with Mr. Lohr and make sure if there is anything council wants to do on this, or change their mind, we can work toward it. He said right now, there is way too much confusion on what the requirements are. Mayor Winkler said for us, this is a great option until the state figures out what they are going to do and what they are going to allow and like Mr. Ewing said we can put this on for a year and it is just a moratorium, and we can change it at any time.

Mr. Bicknell said personally he agrees, and at no time will he ever be okay with it. For him, it is not a money thing and right now there are police in every jurisdiction wherever there is a vape shop working behind the scenes to keep that out of our children's hands. He does not want to open a candy store for our children to be able to go through and add to it. He wants to keep the community as clean as he can. It can be permanent for all he is concerned. He said money is not a derivative in his opinion, for what it helps financially for the city. He is good with a moratorium. Mrs. Kemper said she is good with it, as well.

Mayor Winkler asked for a motion to suspend the rule requiring three readings, have one reading by title only. Mr. Bicknell made a motion, followed by Mrs. Kemper.

Roll Call:

Mr. Bicknell	yes
Mrs. Kemper	yes
Mr. Faulkner	yes
Mr. Humphries	yes
Mr. Kilpatrick	yes
Mr. Stivers	yes
Mayor Winkler	yes

The motion for single reading has been approved.

AN ORDINANCE IMPOSING A MORATORIUM OF THREE HUNDRED AND SIXTY DAYS ON THE CULTIVATION, PROCESSING, AND RETAIL SALE OF "ADULT USE" CANNABIS WITHIN THE CITY OF CARLISLE AND IMPOSING A MORATORIUM OF THREE HUNDRED AND SIXTY DAYS ON THE ENFORCEMENT OF CARLISLE CITY ORDINANCES WHICH CONFLICT WITH R.C. 3780 AND DECLARING AN EMERGENCY.

With no further discussion, Mayor Winkler asked for a motion to adopt. Mr. Faulkner made a motion, followed by Mrs. Kemper.

Roll Call:

Mr. Faulkner	yes
Mrs. Kemper	yes
Mr. Bicknell	yes
Mr. Humphries	yes
Mr. Kilpatrick	yes

Mr. Stivers	yes
Mayor Winkler	yes

Ordinance 28-23 has been adopted.

Second and Third Readings of Ordinances and Resolutions:

ORDINANCE 26-23 ADOPTING THE 2024 BUDGET FOR THE CITY OF CARLISLE (SECOND READING)

Mayor Winkler asked if there was any further discussion. Mr. Lohr requested council waive the third reading of this ordinance and pass it tonight for us to have it in effect by January 1st. Mr. Kilpatrick stated for the thirty days. Mr. Lohr said yes, and, in the future, we will need to get this before the finance committee either in late September or the first part of October to get the required readings. We just did not make that this year. Mr. Lohr said prior to council voting that he wanted to highlight a few changes he made. Some are from input from the last council meeting and others are items they realized needed adjusted. He said we had discussed the OPERS and OP&F contributions, that was initially included we would pick up the employee pension. We decided not to do that and we have adjusted those OPERS and OP&F numbers.

Mr. Lohr said we increased funds in lands and buildings to accommodate one dry well repair. Since we received word that we would get that \$75,000 from CDBG, we made sure to make sure that was included as an expected revenue and expenditure. Because we were pulling funds from a couple TIF districts for that project, we reduced that expenditure from those TIF districts because we are going to get those grant funds.

Mr. Lohr said he realized we needed to increase funds for the police cruiser outfitting. There was also an obligation with the axon cameras, and we needed to include that in there. Mr. Faulkner said the police chief was pushing back on that because the cost kept going up and it sounded to him that he did not want to do it and asked if the police chief changed his mind. Mr. Lohr said there was a contract signed earlier in the year and we are on a three-year contract. Mr. Kilpatrick asked where the disconnect came from the original over the phone conversation and was it different than the contract. Mr. Lohr said he was not sure. He thinks there was an expectation on the part of the staff. He thinks staff believed it was a clear understanding of what was expected and when we got to implementation it was different. Mr. Kilpatrick, if legal should review that type of contract in the future. Mr. Lohr said they could do that, but they would yield to us to decide the actual terms of what we are getting. He is not sure what happened, but we will work to avoid this issue in the future. Mr. Stivers said contracts protect both parties, so wouldn't there be a price lock that states we are not going to pay more than this. Mr. Lohr said yes, there is a specific amount we are obliged to pay and that is what we have budgeted for. In terms of getting what we thought we were getting from the contract he is not sure it spells out everything, but it is something to investigate further. Mr. Stivers asked if it is worth having the police chief sit down with the law director and explain to him what is going on there. Mr. Lohr agreed. Mr. Faulkner said he thought we were already doing that. Mr. Lohr said we should be reviewing agreements with the law director before we sign them, and he assumes that happened, but he isn't sure because it was earlier in the year. Mr. Bicknell said this would have happened during interim time.

He said it may be a moot point to go through the effort and extra hours with the law director when more than likely what we are paying is what is in the contract and was not reviewed like it should have been. Mr. Faulkner asked if there is an end date on the contract. Mr. Lohr said he believes it is a three-year agreement.

Mr. Lohr said those were all the changes they made to the budget and Mrs. Cooper is here tonight if there are further questions. Again, he is asking to waive the third reading and approve the budget tonight.

With no further discussion, Mayor Winkler asked for a motion to waive the third reading. Mr. Kilpatrick made a motion, followed by Mrs. Kemper.

Roll Call:

Mr. Kilpatrick	yes
Mrs. Kemper	yes
Mr. Bicknell	yes
Mr. Faulkner	yes
Mr. Humphries	yes
Mr. Stivers	yes
Mayor Winkler	yes

With no further discussion, Mayor Winkler asked for a motion to adopt. Mr. Bicknell made a motion, followed by Mr. Faulkner.

Roll Call:

Mr. Bicknell	yes
Mr. Faulkner	yes
Mr. Humphries	yes
Mrs. Kemper	yes
Mr. Kilpatrick	yes
Mr. Stivers	yes
Mayor Winkler	yes

Ordinance 26-23 has now been adopted.

ORDINANCE 27-23 ADOPTIONG THE PAY PLAN FOR THE CITY OF CARLISLE (SECOND READING)

Mr. Stivers asked if this was going to need to waive the third reading requirement. Mr. Lohr said this is not necessary to skip the third reading requirement because it is not vital for it to be in effect before January 1st.

With no further discussion, Mayor Winkler started this ordinance will be on for a third and final reading at our next meeting December 12th.

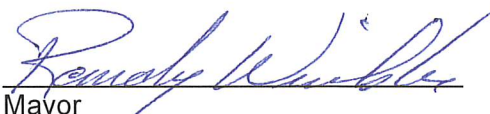
Mayor Winkler stated that is all they have on the agenda this evening and asked for a motion to adjourn. Mr. Faulkner made a motion to adjourn, seconded by Mr. Kilpatrick.

Roll Call:

Mr. Kilpatrick	yes
Mr. Faulkner	yes
Mr. Bicknell	yes
Mr. Humphries	yes
Mrs. Kemper	yes
Mr. Stivers	yes
Mayor Winkler	yes

Meeting adjourned at 7:41 p.m.

Date: 12/12/23



Mayor

Attest: 

Clerk of Council