City of Fairborn
Office of the City Manager

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March 19, 2025

FAIRBORN CITY COUNCIL:

SUBJECT:

The Mayor has directed me to notify you of a Special Council Meeting to be held Friday, March 21, 2025, at 12:00 Noon at the Fairborn Holiday Inn, located at 2800 Presidential Drive, Fairborn, Ohio 45324, for the purpose of considering the following Resolution:

Resolution 10-25 - Extending the Marijuana Moratorium on the Issuance and Processing of any Permits within the City of Fairborn, Ohio to August 31, 2025.

This notice is being issued in accordance with Section 2.12 of the Fairborn City Charter and Fairborn Codified Ordinances, Section 111.01 and 107.05.

Robin M. McClure
Acting City Manager

City of Fairborn
Special City Council Meeting Agenda
March 21, 2025, at 12:00 Noon
Holiday Inn, Fairborn
2800 Presidential Drive

I. Call to Order — Mayor Dan Kirkpatrick

II. Roll Call — Julie Taylor, Clerk of Council

III. New Business

1. **Resolution 10-25** — Mike McNamee, City Solicitor
   Extending the Marijuana Moratorium on the Issuance and Processing of any Permits within the City of Fairborn, Ohio to August 31, 2025

IV. Adjournment

FUTURE COUNCIL MEETING DATES:

Citizen's Forum - Monday, March 24, 2025 – Fairborn Senior Center, 325 N. Third Street
Council Work Session – Monday, April 7, 2025, at 5 p.m. – Fire Training Room
Council Meeting – Monday, April 7, 2025, at 6 p.m. – Council Chambers

RESOLUTION NO. 10-25

EXTENDING THE MARIJUANA MORATORIUM ON THE ISSUANCE AND PROCESSING OF ANY PERMITS WITHIN THE CITY OF FAIRBORN, OHIO TO AUGUST 31, 2025.

WHEREAS, Chapter 3780 "Adult Use Cannabis Control" of the Ohio Revised Code, which legalizes recreational marijuana usage, cultivation, processing, and sales in the State of Ohio, was adopted by initiative petition on November 7, 2023; and

WHEREAS, for the purposes of this Resolution, "adult use cannabis operators" are given the same definition as is found in Chapter 3780 of the Ohio Revised Code; and

WHEREAS, Article 18 of the Ohio State Constitution grants authority to municipalities to exercise all powers of local self-government, including the ability to limit land use; and

WHEREAS, an initial moratorium of six (6) months and additional three (3) months thereafter on adult use cannabis cultivators, processors, or retail dispensaries in the City was previously passed to allow City Council and staff time to accomplish the City's goals stated herein and will help ensure the public peace, health, safety, and welfare of its citizens; and

WHEREAS, the City and this Council have now performed its additional due diligence; and

WHEREAS, due to the introduction of Senate Bill 56 and the Ohio Governor's proposed budget which does not account for the host-cannabis fund distributions that were accounted for in the initial legislation—36% of the 10% excise tax—approving

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adult-use cannabis, it is unclear whether there will be an monetary benefit to the City if it allows adult-use cannabis within its jurisdiction; and

WHEREAS, due to the uncertainty at the State level, the City believes it is in the best interest to extend the moratorium until these issues are clarified at the state level; and

WHEREAS, the General Assembly typically reviews, amends, and must approve the proposed budget on or before June 30th of each calendar year; and

WHEREAS, it is in the City's best interest to extend the moratorium until the budget is approved as proposed by the Governor or amended to account for the host-cannabis fund distributions; and

WHEREAS, Staff is recommending that the previously executed moratoriums be extended through August 31, 2025.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF FAIRBORN HEREBY RESOLVES:

SECTION 1. Council hereby extends the moratorium on the issuance and processing of permits for adult use cannabis cultivators, processors, or retail dispensaries in the City of Fairborn through August 31, 2025. The purpose of the extension is to allow the General Assembly and the Governor to determine and clarify whether the host-cannabis fund distributions will be dispersed as approved in the original legislation or will be discontinued and rerouted to other line items in the State of Ohio's budget.

SECTION 2. Council hereby directs and orders that there shall be no issuance or processing of permits for adult use cannabis cultivators, processors, or retail dispensaries by the City of Fairborn prior to August 31, 2025.

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SECTION 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

SECTION 4. That this Resolution shall take effect immediately upon its passage.

_____
MAYOR

PASSED:

EFFECTIVE:

ATTEST:

_____
CLERK, CITY OF FAIRBORN, OHIO

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