

## RECORD OF PROCEEDINGS

*Minutes of*      **Greenfield Township Trustees**      *Meeting*

July 10, 2024 - Held 6:00 PM

The Greenfield Township Trustees met in regular session at the Greenfield Township Firehouse. Trustee Searle called the meeting to order and led the group in the Pledge of Allegiance. Kent Searle, Dave Cotner and Lonnie Kosch were present.

Trustee Searle presented the amended June 12, 2024 Trustee Meeting Minutes. The amendments were necessary in order to include the resolutions that were passed at that meeting. Trustee Kosch made a motion to approve the amended minutes as written; Trustee Cotner seconded the motion.

ROLL CALL: Searle: Yes      Cotner: Yes      Kosch: Yes      Motion Passed 3-0

Trustee Searle presented the June 26, 2024 Trustee Meeting Minutes. With no corrections noted, Trustee Cotner made a motion to approve the minutes as written; Trustee Kosch seconded the motion.

ROLL CALL: Searle: Yes      Cotner: Yes      Kosch: Yes      Motion Passed 3-0

Trustee Searle presented the July 1, 2024 Special Meeting Minutes when the Board met with legal counsel. With no corrections noted, Trustee Cotner made a motion to approve the minutes as written; Trustee Kosch seconded the motion.

ROLL CALL: Searle: Yes      Cotner: Yes      Kosch: Yes      Motion Passed 3-0

Trustee Searle recognized the crowd in attendance at the meeting, which he attributed to the swearing-in of two full-time firefighters. The swearing-in proceeded with Trustee Searle administering the oath as follows:

“I Jon Bainter & Hadyn Ashby (each stated their names) do solemnly swear that I will support the constitution of the United States of America, and the constitution and laws of the state of Ohio, and the rules and regulations of the Greenfield Township Fire Department, and I will faithfully discharge the duties of the office of firefighter paramedic for Greenfield Township Fire Department, Fairfield County, Ohio, to which I have been appointed according to law and to the best of my ability, so help me God”.

Congratulations were shared and pictures taken to record the event.

### **FLOOR:**

Kaiden Bergert was the first speaker and he came to share his Eagle Scout project. Mr. Bergert explained he had come to the Board in May to present his project and get approval to work on his project. He and his family and friends were able to document 1,089 headstones, and transcribed 898 of them. They were not able to transcribe all of them because many were so old they were unable to read them. He also worked on Hooker Cemetery, Hopewell United Brethren, and Graybill Cemeteries. He was also contacted by a lady who needs assistance in finding her father and grandfather in Franklin Hills Cemetery in Canal Winchester, so he is currently working on that issue.

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He also reported that his project has helped 1,164 people locate their ancestors, and he is also trying to get Baugher Cemetery, Carroll Cemetery and Dumontville Cemetery recorded. He asked for a signature from Trustee Searle on his project so he can finalize it, and thanked the Board for their time and being allowed to present. Mr. Bergert also confirmed that he plans to document the other three cemeteries/headstones.

David Day, 3050 Lithopolis Road, was the next speaker. Mr. Day explained he was in attendance to check on any progress that had been made with bringing the property at 3015 into compliance with the zoning code. Trustee Searle stated that the BZA had approved the minutes from the public hearing; however, since the Zoning Inspector was not in attendance at the Trustee meeting, he wasn't sure what else could be reported. Mr. Day expressed his concern about the brush that is continuing to be brought to the property, and stated the BZA had deemed the property a nuisance property. He stated the BZA had ordered that the property be brought up to code by the end of the month. He also noted the Stebelton's had not watered the property down one time since ordered to do so. It was questioned whether or not the order was effective on May 31, 2024 or not. Mr. Day again expressed his concern regarding the dust coming from the property to his property, and stated the silica dust is affecting the health of himself and his family. Mr. Day asked the Board to report the situation to the Prosecuting Attorney's Office. Trustee Searle confirmed that he would do so tomorrow. He also acknowledged that the Zoning Inspector is in the process of transitioning out of his position, so his activity on the issue has been limited since the initial actions. In addition, the Board has not dealt with a situation like this before, so they are determining the next steps. Mr. Day continued to discuss what he plans to do to pursue other legal action as a result of the situation not being resolved, and asked the Board to do their job.

**FISCAL OFFICER:** Jessica Kull, Fiscal Officer, reported on the following items:

The bank reconciliation for the month of June has been completed. She asked for a motion to pay the bills with warrants numbers 3361 to 3373, and electronic debits 118-2024, and 131-2024. Trustee Cotner moved to approve these payments; Trustee Kosch seconded the motion.

ROLL CALL: Searle: Yes Cotner: Yes Kosch: Yes Motion Passed 3-0

Fiscal Officer Kull asked for a motion to pay the purchase orders. Trustee Kosch moved to approve the purchase orders; Trustee Cotner seconded the motion.

ROLL CALL: Searle: Yes Cotner: Yes Kosch: Yes Motion Passed 3-0

Fiscal Officer Kull raised the issue of an outstanding balance due to Burnham & Flower, the entity who carries the HRA plan membership. When reviewing the second quarter invoice, it showed an outstanding balance of \$895. Upon investigating this further, there were four invoices that had not been paid, and they were for second quarter, third quarter and fourth quarter of 2023, as well as first quarter of 2024. She was able to

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speak with Burnham & Flower to get the late fees removed, but the total amount due at this time is \$1,130, with \$895 being overdue. The \$895 should have come out of the 2023 budget, but it did not. It will not make a difference in the line item for the Road and Fire Departments, but it will be cutting it close by the end of the year since they were not expecting to pay that extra amount. She suggested paying the bill out of the General Fund where there is money in the miscellaneous fund. Trustee Searle questioned the fact that a bill was not paid, and whether or not Burnham & Flower had actually submitted the bill(s). Fiscal Officer Kull noted there was no way to know, and stated she received the current bill in the form of an email. These should be bills that are received quarterly. After discussion, the Board agreed to pay this bill from the General Fund.

Fiscal Officer Kull reported she is in the process of finalizing the budget paperwork that needs to be sent to the Auditor's Office. There are some extra forms they are now requiring, so this will be finalized over the weekend and sent to the Board for their review. It will be submitted by the due date.

Fiscal Officer Kull reported there was one applicant for the Zoning Officer position; however, the person wants a full-time position, and that is not feasible under the 2025 budget. The person was asked if they would be willing to consider part-time; however, they did not wish to do so. The ad has been submitted to the Town Crier and will be coming out in the next edition.

**ZONING DEPARTMENT:** Tom Erlenwein, Zoning Inspector, was not in attendance in the meeting; however, Trustee Searle raised the following issue. Nick Babamov submitted information on Monday regarding concerns with some properties he owns, as he believes one had been rezoned. Fiscal Officer Kull was able to find documentation from the Zoning Commission in 2014 where they held a public hearing and made a recommendation on one parcel to the Trustees for consideration. Another set of minutes from August 13, 2014 was found where it appears that during a regular Trustee meeting, they made a motion and approved the rezoning of that one parcel from an R1 to an R3. He noted it is confusing because they were unable to find documentation where a formal public hearing was held; it appears they held it at a regular meeting. Trustee Kosch had suggested the issue be referred to the Prosecutor's Office. Trustee Cotner stated the property was not big enough for an R3, as it is only 1.02 acres. It was pointed out that the current Board members were not Trustees at that time, so it is unknown exactly what happened at the time. Mr. Babamov will be reviewing his documentation to find out what he can share regarding this situation.

**ROAD DEPARTMENT:** Tom Shafer, Road and Cemetery Superintendent, reported on the following business:

**Liberty Township Chip Seal Agreement:** Dave Keller, Road Supervisor at Liberty Township, had presented a copy of the chip/seal contract that Greenfield has with Liberty every year. Tom noted that Greenfield is not going to do any chip/sealing this

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year due to other obligations. Tom will review last year's contract for the stone box and the tar distributor figure and speak with Fiscal Officer Kull. She will be compiling the spreadsheet with the current hourly rate, overtime rate, insurance rates, OPERS, etc. and Liberty Township will use this as the guide for their employees. Tom asked the Board to sign and date the contract, if they wish, so he can get it back to Liberty so their Trustees can sign it. Then, he can get the rate schedules done for both employees and equipment. Tom also wants to be available for the contractors who will be doing the work for Greenfield Township this summer. He also stated he would have the rate schedules done between now and the next Trustee meeting. It was noted the Township does make money from the contract with Liberty. Trustee Kosch expressed his concerns with how much time would be needed for Tom and the Department to make sure things were done and ready to be used, and how many man hours would be needed, as well as the equipment being used and being sure it was working properly. Tom estimated it would require a day's worth of work from Greenfield, and this will include Tom and both Road employees. He also noted Liberty has been charged a clean-up fee in the past. With no further discussion, Trustee Searle moved to approve the agreement between the Board of Trustees at Greenfield Township and Liberty Township for tar and chip; Trustee Cotner seconded the motion.

ROLL CALL: Searle: Yes      Cotner: Yes      Kosch: Yes      Motion Passed 3-0

**Truck Cab and Chassis Purchase:** Tom explained that the funds would need to be appropriated back into the Capital Project Fund and have the Auditor's blessing to do that. Fiscal Officer Kull went on to explain that the change in the Fire contract also required a change in appropriations, so it made more sense and was easier to process both of these actions at the same time. It can then be purchased this year and receive any savings that are available. She confirmed that there are funds available. She stated she would need a motion to allow the adjustment of the appropriations so the purchase can be made. Trustee Seale made a motion to adjust the appropriations through the Auditor's Office for purchase of the cab and chassis for the Road Department. Trustee Cotner seconded the motion. Trustee Kosch asked whether the cab and chassis needed to be separate line items and it was confirmed that they were. With no further discussion, roll call was as follows:

ROLL CALL: Searle: Yes      Cotner: Yes      Kosch: Yes      Motion Passed 3-0

Tom noted the Township can take advantage of a percentage of decrease depending upon how the deposit is done, or whether all is paid up front. He stated by paying the deposit in full, or at 50 percent, it has the potential to save approximately \$3,000. The total cost is \$72,645, which includes the plow, spreader, bed, hydraulic and emergency light package. The total would be \$69,739.20 with a four percent discount. Tom stated Debbie at Krieger Ford is just waiting for a purchase order but the appropriation needed to be done. Discussion continued as to the pros and cons of making this purchase now, and/or whether to appropriate the total amount now so the purchase can be made by December 31, 2024. The Board determined this item would be tabled until the next

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meeting, and that would give Tom time to calculate the cost savings based on paying 100 percent vs. 50 percent, and report back.

**Cemetery Grants:** Tom reported there was \$104,000 available in the state of Ohio, and he had completed the grant for Baugher and Carroll cemeteries; he will start on Greenfield tomorrow. There will only be a maximum of \$2,500 awarded per cemetery, and it can be used for such things as labor, maintenance, projects in the queue, replacement of headstones, which Tom would like to do in Baugher Cemetery. He noted there were some stones that were laying in the back west fencerow that he would like to get righted, even if it was some kind of memorial. He included this in his grant description, as well as pictures and budget numbers.

**FIRE DEPARTMENT:** Chief Brad Smith reporting on the following items:

**EMS Billing:** He noted he and Fiscal Officer Kull are still working through a few roadblocks related to the new company.

**Employee Updates:** Jack Schumacher is back to full duty. He was released by the BWC doctor and physical therapist. Lee Hayes will return to full duty next Wednesday, July 17, 2024.

### **FROM THE TRUSTEES:**

**Cannabis Resolution:** Trustee Searle raised the issue of the Ascend Cannabis Dispensary who had sent an email to the Township informing them that they had received a provisional dual license to sell both medical and recreational marijuana. The Township had already prohibited recreational marijuana sales in the Township. The Township contacted the Prosecutor's Office and Ascend was told they could not sell recreational marijuana. However, due to the way the law is written in the state of Ohio, anyone with a medical marijuana license who applied for a recreational license was automatically issued a provisional license. It was not separated out as to whether a Township had previously prohibited any sale. This means, even if the Township had already passed a resolution prohibiting the sale, they would need to create a new resolution to prohibit the sale, and then it puts the site/dispensary on notice, and they have 60 days to get referendum signatures on the November ballot. They will likely miss the first week of August deadline to be on the November ballot. Also, the law states the issue needs to be on a primary election, which will bump them back to November of 2025. Even if the Township is successful in prohibiting the sale, Ascend will have the ability to sell recreational marijuana until the issue is voted upon in November 2025. That is conditional on them getting enough signatures and getting it submitted to the Board of Elections by the deadline. Lengthy discussion ensued as to whether or not recreational vs. medical marijuana could be dispensed and sold in the Township, and in what form. Fiscal Officer Kull stated she had spoken to Amy Brown-Thompson in the Prosecutor's Office, who told her that once the new resolution is signed, she should get it to Amy who will then get it to Ascend's legal counsel and

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start handling it from there. The issue was raised regarding the business on Ety Road that sells various products. Fiscal Officer Kull had spoken to the Prosecutor’s Officer about this shop, and was informed that they are selling products that are below the legal threshold for THC - below 0.3 percent - that would require being regulated by the Board of Pharmacy; however, any new businesses that would come into the Township will be banned from selling. Trustee Cotner reiterated that he had spoken to the owner of Ascend on several occasions, and they want to work with the Township on the issue; but - they will go to court to fight the issue if they are prohibited from selling recreational marijuana.

Fiscal Officer Kull presented Resolution number 2024-07-10 which states:  
**GREENFIELD TOWNSHIP BOARD OF TRUSTEES**

Fairfield County, Ohio

The Board of Trustees of Greenfield Township (the “Board”), Fairfield County, Ohio (the “Township”) met in regular session on July 10, 2024 at 6:00 p.m., at Greenfield Township Fire Station, with the following members present:  
Kent Searle, David Cotner, and Lonnie Kosch, Sr..

**RESOLUTION NO. 2024-07-10**

**A RESOLUTION TO PROHIBIT BCCO, LLC FROM OPERATING AN ADULT USE DISPENSARY WITHIN THE UNINCORPORATED TERRITORY OF GREENFIELD TOWNSHIP**

WHEREAS, on November 7, 2023, voters in Ohio approved State Issue 2, which enacts new Chapter 3780 of the Ohio Revised Code, effective thirty days from the date of the election; and

WHEREAS, Chapter 3780 authorizes and regulates recreational adult use cannabis in the state of Ohio; and

WHEREAS, R.C. 3780.25 authorizes townships to prohibit or limit the number of adult use cannabis operators (as defined in R.C. 3780.01) within the unincorporated area of the township; and

WHEREAS, on November 29, 2023, via Resolution No. 2023 11 29 02, the Board of Trustees unanimously passed a resolution prohibiting adult use cannabis operators from operating within the unincorporated territory of the Township, pursuant to the power granted to it by Ohio Revised Code 3780.25; and

WHEREAS, at the time the Board passed its resolution, BCCO, LLC was operating a cannabis dispensary as Ascend Cannabis Dispensary located at 3560 Dolson Ct. NW B, Carroll, OH 43112 under a medical marijuana license issued on October 1, 2021, by the Ohio Division of Cannabis Control; and

WHEREAS, on June 21, 2024, BCCO, LLC sent notice to the Board and the Fairfield

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County Sheriff's Office that BCCO, LLC had received its provisional Dual Use License from the Ohio Division of Cannabis to begin dispensing adult use cannabis in addition to dispensing medical marijuana; and,

WHEREAS, pursuant to Ohio Rev. Code 3780.25(B)(3), dispensaries, or owners of dispensaries, who have a certificate of operation, and who are not co-located on the same parcel or contiguous parcels with a cultivator or processor that has a certificate of operation, as of the effective date of this section, shall also be authorized to operate as an adult use dispensary without any township prohibitions upon receiving a license from the division of cannabis control, unless a majority of township trustees in a township affirmatively pass a resolution, after the license is issued and within one hundred and twenty days from license issuance, prohibiting the operation of the adult use dispensary within the municipal corporation or within the unincorporated territory of the township;

and

WHEREAS, the Board has decided to prohibit BCCO, LLC, from operating as an adult use cannabis operator under Ohio Rev. Code 3780.25(B)(3) as there is no cultivator located on the same or contiguous parcel.

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NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF GREENFIELD TOWNSHIP TRUSTEES, COUNTY OF FAIRFIELD, STATE OF OHIO:

Section 1. The Board hereby prohibits BCCO, LLC from operating as an adult use cannabis dispensary in the unincorporated territory of the Township pursuant to Ohio Rev. Code 3780.25(B)(3).

Section 2. BCCO, LLC shall cease adult use cannabis dispensary operations within 60 days unless BCCO, LLC successfully files a petition within that 60-day timeframe with the Fairfield County Board of Elections, in compliance with Ohio Rev. Code 3780.25(C), to put the issue of whether the adult use dispensary shall remain open as long as the adult use dispensary is licensed pursuant to Chapter 3780 on the ballot for the next authorized general election.

Section 3. If BCCO, LLC successfully petitions the Fairfield County Board of Elections within 60 days of the passage date of this resolution to put this question on the next authorized general election ballot, the dispensary may continue to operate under its Dual Use License until the matter is decided by the electors of Greenfield Township.

Motion by Kent Searle. Seconded by Lonnie Kosch, Sr. that the Resolution shall be adopted. Motion carried by the following votes:

YEAS: 3 NAYS: 0 ABSTENTIONS:0

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Trustee Searle moved to approve this resolution; Trustee Kosch seconded the motion. With no further discussion, the roll call was as follows:

ROLL CALL: Searle: Yes Cotner: Yes Kosch: Yes Motion Passed 3-0

The three Board members signed the resolution at this time.

**Eastern Cottontail Solar Project Letter:** Trustee Searle raised the issue of the letter that was discussed at the last meeting regarding this project. Fiscal Officer Kull stated all three Trustees had signed the letter earlier in the day. The letter will be mailed out tomorrow morning to the Ohio Power Siting Board, and a copy will be kept for the record. Jeff Williamsen asked for a copy, and a copy will be emailed to him.

**Zoning Commission - Amendment:** Trustee Seale stated an email had been received from the Zoning Commission. They held a public hearing, and recommended that the Board of Trustees approve an amendment to the Zoning Resolution, Section 415.03 which deals with breezeways. The Board has 30 days to hold a public hearing on the amendment, and they received the notice from the Zoning Commission on July 4, 2024. It was determined to hold the public hearing on Wednesday, July 31, 2024 at 6:00 p.m. at the Greenfield Township Firehouse. Trustee Searle will coordinate the public notices of the public hearing with Zoning Inspector Erlenwein.

Trustee Kosch raised the issue of meeting with Marshall McCormick, and he is available to meet next week. After discussion, it was determined to schedule the meeting on July 17, 2024 at either 3:00 p.m. or 4:00 p.m. depending on Mr. McCormick’s schedule, and it will be held at the Greenfield Township Administrative Office. Trustee Kosch will be in contact with him to determine the time, and advise everyone.

Trustee Cotner made a motion to adjourn; Trustee Kosch seconded the motion.

ROLL CALL: Searle: Yes Cotner: Yes Kosch: Yes Motion Passed 3-0

Meeting adjourned at 7:12 p.m.