

A special meeting of the Troy Planning Commission was held in Council Chambers, City Hall, Wednesday, Nov. 20, 2024, at 3:30 p.m. with Chairman James McGarry presiding. ATTENDING: Members – McGarry, Westmeyer, Wolke, Oda, Titterington, Ehrlich and Emerick; Development Staff – A. Eidemiller, T. Bruner and Andrew Burgei, and Development Director Davis; Law Director Grant Kerber; Council President Rozell, Council members Marshall and Whidden.

REVIEW OF PRIOR RECOMMENDATION TO COUNCIL – PROHIBITION OF ADULT USE CANNABIS OPERATORS. The Community and Economic Development Committee of Troy City Council asked the Commission to review the video of the November 13, 2024 meeting of the Committee, and, based on that information, consider of the Commission's prior recommendation to prohibit Adult Use Cannabis Operators would be changed. The Commission was provided a great deal of background information including:

- Commission's original recommendation
- A summary of citizen comments from a public hearing on November 4
- The 47 written citizen comments submitted by email
- A letter from members of the Miami County Drug-Free Coalition
- Background materials submitted by two November 4 speakers
- An article discussing hospital ER trends
- The actual November 7, 2023 Issue 2 ballot language
- The Community and Economic Development Committee status report from their November 13 meeting (including the Chairman's written statement and a recent study report regarding the effects of marijuana use)

In response to Mr. McGarry, staff stated the recommendation of staff to establish the prohibition was unchanged.

Mayor Oda and Mr. Westmeyer stated they supported the original recommendation.

In response to Mrs. Ehrlich, Mr. Kerber stated that if Council does not affirm the Commission's recommendation, or enact a provision to provide for Adult Use Cannabis Operators in the Zoning Code, then the Zoning Administrator would be tasked with identifying the most similar use in the Zoning Code and allow an operator in that district or districts. Mr. Kerber further stated the most similar use would be a tobacco retailer and noted the districts where that use is permitted.

In response to Mr. Wolke, Mr. Kerber indicated Council can prohibit the sale of marijuana by a regulation in the zoning code but cannot just enact legislation saying there is no sale of marijuana in the City as that would not comply with state law.

It was commented that it seemed there may be some willingness by Council to allow an operator as long as the operator was not located in the downtown area.

Mrs. Ehrlich indicated she understood why the process started with the Commission providing a zoning code recommendation to Council, but it is her opinion that it is now Council's job to make the decision and respond to their constituents, and not now ask the Commission to reconsider the recommendation of the Commission, noting that Council does not have to accept the recommendation of the Commission.

Mr. McGarry commented that the Commission does not have legislative authority, so the decision must be that of Council.

Mr. Emerick questioned if the Commission had looked at all options, if all the research has been done as to any districts where location of a cannabis operator may be acceptable, noting that recreational marijuana had been approve by a state-wide vote.. Mr. Titterington commented he did not know how much more research could be done, the Commission followed the Comprehensive Plan, and looked at the zoning districts in a non-political forum.

Mr. McGarry did note that the subject could be looked at in the future should there be a reason to do so.

In response to Mr. McGarry asking if the Commission wished to make a motion, there was no comment. The Commission's initial recommendation on the subject stood.

There being no further business, upon motion of Mr. Titterington, seconded by Mr. Westmeyer, the meeting adjourned at 3:58 p.m.

Respectfully submitted,

_____Chairman

_____Secretary