

City of Montgomery
City Council Public Hearing Minutes
April 3, 2024

Present

Brian Riblet, City Manager
Terry Donnellon, Law Director
Tracy Henao, Asst. City Manager
Gary Heitkamp, Public Works Director
Maura Gray, Finance Director
John Crowell, Police Chief
Kevin Chesar, Community Development Director
Paul Wright, Fire Chief
Matthew Vanderhorst, Community and Information Serv. Dir.
Connie Gaylor, Clerk of Council

City Council Members Present

Ron Messer, Mayor
Sasha Naiman, Vice Mayor
Lee Ann Bissmeyer
Chris Dobrozsi
Craig Margolis
Catherine Mills-Reynolds
Ken Suer

City Council convened its Public Hearing for April 3, 2024 at 5:45 p.m. at City Hall with Mayor Messer presiding.

Mayor Messer requested a moment of silence in memory of the late Brigid Kelly, Hamilton County Auditor.

Mayor Messer asked for a motion to dispense with the roll call as all Council Members were present.

Mr. Margolis made a motion to dispense with the roll call. Vice Mayor Naiman seconded. City Council unanimously agreed.

NEW BUSINESS

Planning Commission Request for the Prohibition of Recreational Marijuana Sales within the City of Montgomery

Mr. Chesar explained that following the passage of Issue 2, Recreational Marijuana has gained approval for both consumption and sale within Ohio. Under this legislation, local cities have been granted Home Rule authority to oversee and potentially restrict the operation of marijuana dispensaries, cultivators, and processors within their jurisdiction, mirroring the framework established for the Medical Marijuana Program sanctioned in 2018. After a thorough evaluation by the Planning Commission in 2018, City Council passed the recommendation to modify the Zoning Code, thereby prohibiting the establishment of Medical Marijuana-related businesses or any associated home occupations within the City. Given the authority vested in the City through the enactment of Issue 2, the question arose regarding whether Recreational Marijuana sales should likewise be prohibited as a sanctioned activity within the City limits. City Council recommended that Planning Commission study and review the issue to determine if a zoning amendment would be recommended in accordance with Chapter 150.22 of the Zoning Code.

Mr. Chesar stated that regulations regarding licensing still require development at the State level. He stated that it is anticipated that cultivation or processing of Recreational Marijuana may not align with permitted uses within the City, as these activities resemble more of a manufacturing or commercial nature, which currently is not recognized under the existing Code. Any regulatory measures would not entail a complete ban on marijuana use but would rather focus on limiting the presence of dispensaries or home occupation sales.

In closed, Mr. Chesar explained that the Planning Commission met on February 19, 2024, to consider the question of whether retail sales should be prohibited within city limits. After discussing the options, the Planning Commission voted unanimously to recommend a prohibition of retail sales of recreational marijuana within city limits to the City Council with the intent that the Law Director prepare the appropriate code language.

Mrs. Bissmeyer stated that she felt this recommendation would go along with the prohibition on medical marijuana businesses or home occupations in the City. She stated that since there has been no response from

58 residents or attendance to any of the meetings that she would defer to Planning Commission's recommendation to
59 prohibit retail sales of recreational marijuana in the city.

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61 Mrs. Mills-Reynolds stated that she agreed with Mrs. Bissmeyer to keep the marijuana issues consistent in
62 prohibiting the sales of medical marijuana and recreational marijuana in the city.

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64 Mr. Dobrozsi stated that he supports the recommendation by the Planning Commission.

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66 Vice Mayor Naiman asked Mr. Chesar to provide a review of the process of the Planning Commission.

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68 Mr. Chesar explained that in 2018 a survey of our large institutions in the city was done to gauge support for the
69 sale of medical marijuana. He stated that the Planning Commission relied on that research during the discussion of
70 this issue. He stated that their thought was to be consistent with medical marijuana. He reiterated that this
71 recommendation would not prohibit the use of recreational marijuana or home growing of the plant, just the ban
72 on retail sales within the city.

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74 Vice Mayor Naiman asked if the two CBD establishments in the city were contacted as they may want to have
75 retail sales.

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77 Mr. Chesar replied that they were not specifically contacted. He added that reports from the State are that a
78 business that is not a medical dispensary would likely not be granted a license to sell recreational marijuana.

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80 Vice Mayor Naiman confirmed that this prohibition would have no impact on individuals who want to use
81 recreational marijuana or grow it.

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83 Mr. Chesar confirmed that was correct.

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85 Mr. Donnellon added that not every detail is totally confirmed at the State level yet. He stated with that in mind, it
86 is good to affirm the Planning Commission position as in the future it would be harder to pull back legislation as
87 opposed to taking a position now and see how the final details are decided.

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89 Mr. Margolis stated that he supports the Planning Commission recommendation as there were no advocates
90 known for an opposing position.

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92 Mr. Margolis made a motion to accept the recommendation of the Planning Commission to prohibit recreational
93 marijuana sales within the City of Montgomery. Mrs. Bissmeyer seconded. City Council unanimously agreed.

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95 Mayor Messer asked if there was any further business to be heard in the Public Hearing. There being none, he
96 asked for a motion to adjourn from the Public Hearing.

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98 Vice Mayor Naiman made a motion to adjourn. Mr. Dobrozsi seconded. City Council unanimously agreed.

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100 The meeting was adjourned at 5:56 p.m.

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Connie Gaylor, Clerk of Council