

**PLANNING BOARD MEETING**

TIPP CITY, MIAMI COUNTY, OHIO December 13, 2016

Meeting	Chairman Stacy Wall called the meeting of the Tipp City Planning Board to order at 7:30 p.m.
Roll Call	Roll call showed the following Board members present: Stacy Wall, Andrew Thornbury, Jamie DeSantis, Vonda Alberson and Jeff Sebor.  Others in attendance: Nancy Bowman, Wendy Moeller, Matt Spring, City Planner/Zoning Administrator, and Dawn Gross, Board Secretary.
Approval of Minutes – November 8, 2016	Mr. Thornbury said a change was needed on page 3 of the minutes. The word “open” needs to be removed from the minutes. Mr. Thornbury <b>moved to approve the changed minutes of the November 8, 2016 meeting.</b> Mrs. DeSantis seconded the motion. Motion passed 5-0.
Items Not on the Agenda	There were no comments on items not on the agenda.
Administration of Oath –	Mrs. Gross administered the oath to anyone that was wishing to speak during the public hearing.
<u>New Business</u>	Mr. Thornbury motioned to open the Public Hearing. Mrs. Wall seconded the motion. Motion passed 5-0.
Public Hearing: City of Tipp City – Comprehensive Plan	Mr. Spring presented the following staff report to the Planning Board.  On November 15, 2016, the Tipp City Zoning Administrator set a Public Hearing for this evening regarding a request from the City of Tipp City to consider the adoption of the new Comprehensive Plan. Staff notes that this Public Hearing was set administratively with public notice published pursuant to law.
	<u>Charter Requirements</u> Regarding the Comprehensive Plan, the Charter of Tipp City States:  Code 8.02 COMPREHENSIVE PLAN:  (A) CONTENT: The Council shall have the authority to adopt a comprehensive plan setting forth in graphic and textual form policies, laws, and regulations to govern the future physical development of the municipality. Such plan may cover the entire municipality and all of its functions and services, or may consist of a combination of plans governing specific functions and services or specific geographic areas which together cover the entire municipality and all of its functions and services. This plan should be reviewed, and if necessary, modified on a periodic basis; such review shall take place at least every ten years.  (B) ADOPTING: Upon receipt from the Manager of a proposed comprehensive plan or proposed modification of an existing plan, the Council shall refer such proposal to the Planning Board which shall, within a time specified by the Council, report its recommendations thereon. After receipt of the recommendations of the Planning Board, the Council shall hold a public hearing on the proposed

comprehensive plan or modification thereof and shall thereafter adopt it by ordinance, with or without amendment.

(C) EFFECT: The Comprehensive Plan shall serve as a guide to all future Council action concerning land use and development regulations, urban renewal programs, and expenditures for capital improvements.

### General

In late 2015, the City of Tipp City began work on a new Comprehensive Master Development Plan for the city entitled "Imagine Tipp City"; the first comprehensive update since 2003. To assist in the process, the city contracted with consultant Wendy Moeller, AICP, of Compass Point Planning in Cincinnati. Ms. Moeller's team also included assistance from Paul Culter of Jacobs. The purpose of the plan is to serve as a long-term planning tool that identifies the city's policies and strategies related to the physical, economic, and social development of Tipp City. The contents of the plan was driven by input from residents, property owners, and business owners who had multiple opportunities to identify issues and suggest opportunities for the future that truly required the participants to imagine what Tipp City should be in 10 to 20 years.

The development of this Comprehensive Plan included an extensive amount of public outreach that included not only traditional public meetings, but also creative and targeted outreach focused on ensuring that everyone had an opportunity to provide their say into the future of Tipp City. In late 2015, the City and consultants facilitated planning activities at both the annual Yuletide Winter's Gathering and the Chamber of Commerce's Winter Gala. City staff went out into the community to meet with senior citizens as well as high school students to talk about what they love about Tipp City and what they would like to see in the future. This information was supplemented by interviews with stakeholder groups, and online survey and several public meetings where participants engaged in hands-mapping and issue identification activities that ultimately led to the major elements of this comprehensive plan.

In addition to the purposeful public outreach, the Imagine Tipp City project utilized a 12-member Steering Committee (comprised of business owners, residents, and representatives from City Council, Planning Board, and the Restoration Board). The committee helped by providing direct feedback on specific language in the plan as well as serving as champions of the process and encouraging their fellow citizens to be involved in the Imagine Tipp City planning process. Ms. Moeller will attend this evening's meeting and provide additional insight, and be able to answer any specific questions that may arise.

Mrs. Wall invited Ms. Moeller to address the Board.

Ms. Moeller started by complimenting the Steering Committee for championing this process forward especially with the online survey. The focus of this plan was to simplify the things that were really important to Tipp City. The previous plan looked at the study area of the entire Township, her plan focuses more on two elements to the land use plan. First being the priority of growth area. What we heard the most from people during the public outreach was to concentrate on what we have now, but realistically there are certain areas around the City that could fairly easily be served if sewer and water were extended. The other area where focus changed was the single land use category we looked more at the character of the areas. The Thoroughfare Plan was incorporated, which the City has already adopted, but we thought it was important to tie it all into one document. Finally, we

tried to outline some very specific implementation strategies. The positive that we would suggest Tipp City do to implement the many goals and guiding principles are already being done, such as the Park and Recreation portion of the Capital Improvement Plan. We tried to streamline it for easier navigation. It should be used by the Restoration Board, Planning Board and City Council for numerous decisions and not just zoning, which is usually what these plans are primarily used for.

Mrs. Wall asked Ms. Moeller if she was pleased about the amount of input she received from the community, she is aware that it is sometimes a struggle for governments to get actual input when time is needed. Ms. Moeller replied, to some degree it was better than expected partially due to the on-line survey.

Mrs. Wall then asked if she could point out anything that was a big/major change from the last Plan to this one. Ms. Moeller said the biggest change is growth.

Mr. Sebor asked, about the existing Land Use Pie Chart shows vacant land, is this land that is vacant within the City boundary? Ms. Moeller said yes, it only includes land within the City boundary.

Mrs. Alberson commented, this seems to be a very usable document. It will be very interesting and attractive to people who are pursuing housing or business relationship with the City.

Mrs. Wall asked for any further questions or discussion, there was none.

Mrs. Wall motioned to close the Public Hearing. Mr. Sebor seconded the motion. Motion passed 5-0.

Mrs. Wall asked for discussion by the Board.

Mrs. Wall had a comment, she stated, these documents tend to be completed and then set to the side and not looked at again until it is time to update them again. She feels the hardest part of the document is continuing to check in with it.

Mrs. Wall asked for further Board discussion, there was none. She then asked for a motion to make a recommendation to forward the Comprehensive Plan to City Council.

Mrs. DeSantis **moved to give a positive recommendation to City Council on the proposed Comprehensive Plan**, seconded by Mr. Thornbury. **Motion passed 5-0.**

Public Hearing:  
City of Tipp  
City Zoning  
Code  
Amendment  
154.04(F)(2)(d)  
Prohibited

Mrs. Wall motioned to open the Public Hearing. Mr. Thornbury seconded the motion. Motion passed 5-0.

Mr. Spring presented the following staff report to the Planning Board.

On November 16, 2016, the Tipp City Zoning Administrator set a Public Hearing for this evening regarding a request from the City of Tipp City to review proposed requirements

Uses

regarding medical marijuana. Staff notes that this Public Hearing was set administratively with public notice published pursuant to law.

Existing Moratorium

On August 1<sup>st</sup>, 2016, the Tipp City Council adopted Ordinance 15-16 which enacted a 180-day moratorium on the issuance of permits for the establishment of retail dispensaries, cultivators, and processors of medical marijuana to preserve the public peace, health, safety, and welfare of the citizens of Tipp City, Ohio.

As a part of Ordinance 15-16, City Council also requested an investigation and review of proposed comprehensive regulations regarding retail dispensaries, cultivators, and processors of medical marijuana within the one-hundred and eighty day period of the moratorium.

General

On June 8, 2016, Ohio passed H.B. 523 allowing marijuana to be cultivated and distributed in Ohio for medicinal purposes. The Bill provided a means for communities to prohibit these activities from occurring by allowing them to specifically prohibit them in their Zoning Codes.

At the direction of the City Manager, it is recommended that growing, processing, and distributing marijuana within the Tipp City corporate limits is not appropriate. Medical marijuana is prohibited to be consumed by smoking under state law, however it can be consumed in other ways (ex. cookies, candies, and oils). If a resident seeks to achieve health benefits from consuming medical marijuana, that they should not be prohibited from doing so, so long as they have a proper prescription.

It is important to note that the proposed legislation would not restrict the use of medical marijuana by legal means within a home, but simply prohibits the cultivation, processing, and dispensation of the product within the corporate limits.

Mrs. Wall asked if there were any questions for Mr. Spring, there were none.

Mrs. Wall asked for any further questions or discussion, there was none.

Mrs. Alberson motioned to close the Public Hearing. Mrs. DeSantis seconded the motion. Motion passed 5-0.

Mrs. Wall asked for Board discussion.

Mrs. Alberson inquired of Mrs. Wall, "Stacy, you have been involved in discussions about this a lot I know in your day job, is this similar to what the legislation that you are seeing in other Municipalities?"

Mrs. Wall replied, almost everyone that she is aware of passed the moratorium for six months, the problem is the State has yet to put out their regulations and guidelines. The

law has been enacted, but the State has up to five years to come up with all the regulations. There are some guidelines as to how many can get a license and become a cultivator. In most attorney's minds it is still very open ended because the regulations have yet to be established. The one regulation that has been implemented by the State is you cannot have it within 500 feet of a public school or park.

Mr. Thornbury asked, has anyone heard of any extensions that other places are proposing instead of banning it in its entirety? Mrs. Wall responded, nobody has done that yet, but only because the six months is not up yet. If anyone decides to continue the moratorium, it will be extended in January. Mrs. Wall has yet to hear of a community that has said they will allow it. Mr. Thornbury said they do not have to pass an ordinance to allow it, Mrs. Wall responded with "that is correct".

Mrs. Wall said there are a couple of positions. One side views it that it could be an economic tool and the other side asks, do you want that to be your economic development? The bigger issue comes from employers, will an employer be able to prohibit an employee from using medical marijuana during work? Allowing the dispensary makes it more difficult for employers to continue to enforce the work rules.

Mrs. Wall asked, has there been any inquiries from anyone wanting to cultivate or dispense in Tipp City? Mr. Spring responded, No, not at all.

Mr. Thornbury asked, "Has there been any kind of citizen comments at all? Mr. Spring responded, I have not heard anything.

Mrs. Wall spoke with Wyoming (Ohio) when they passed their Amendment and they stated they did not have any comments or opposition at all.

Mrs. Wall asked for further discussion. Mr. Thornbury said he feels this is a kind of "putting the cart before the horse" type of scenario. Without seeing what the final output from the State is going to be, he feels having an outright ban it closes a door for a potential use. Mrs. Wall added, that if we go along and see that it is working in other parts of the State, the Code could at that time be amended to allow it. Mrs. Wall said she feels cities are in a tight position because they don't want to keep continuing a moratorium to find out what happens.

Mrs. Wall again asked, with this meeting being a public hearing and having to be advertised, has anyone called to inquire. Mr. Spring responded "No."

Mr. Sebor commented, without having an education about how one would obtain medical marijuana if they had a prescription. Would you be able to go to CVS to get it once the rules are in place, and if so, would we then be prohibiting establishments such as CVS to conduct business? Mrs. Wall said, from her understanding you have to be a licensed distributor by the State, not just any pharmacy will be able to dispense such a prescription. Further, only a doctor specialized in medical marijuana will be able to write the prescription. Mr. Sebor feels it does seem a little premature however, this will create a stop gap and put a rule in place that we could change at a later date.

Mr. Thornbury added, he fears that anytime we try to legislate something before it happens it is a lot harder to pull back the reigns if it is already in motion. His personal opinion is to not forward a positive recommendation. Mrs. Wall said another option would be to recommend that the moratorium be continued for another six months to see what happens. However, her personal opinion is that we will not know any more in the next six months then we do right now. Mr. Thornbury would hate to cut off any potential means for a business to invest or want to grow within the City. Mrs. Wall added, this is a tough issue for her particularly because of the criminal side of her job, and there is a lot of argument that

this is a slippery slope for all the other drugs, including the massive heroin problem we are currently facing. She does not see an issue with banning it at this time and if evidence comes down the road that it is completely ok or safe or we would want to allow cultivation then we could look at a zoning amendment.

Mrs. Alberson said, she feels with the specificity in wording, *Cultivation, Processing, Dispensation*, it is specific enough that one of those could be changed at some point in the future. Mrs. Wall added, if the statute is written this way it is very specific in the State Law for cultivation, processing and dispensaries the only exemption that will apply to this is for an educational institution doing research.

**Mrs. Wall moved to forward a positive recommendation to City Council on the proposed Ordinance, seconded by Mrs. DeSantis. Motion passed 4-1. Mr. Thornbury voted No.**

Old Business

There was no old business to discuss.

Miscellaneous

City Council  
Reports –

November 21,  
2016

Mr. Thornbury reported there was nothing that related directly to the planning board.

December 5,  
2016

Mrs. Wall reported, Council took action on the re-zoning of N. Sixth Street and Crane Street from 2 family to a legacy development. Council reviewed funding for the new water tower project. Council entered into an enterprise zone agreement with Gateway Plastics, Inc. A modification to the code for off-street parking and standard for industrial use.

Upcoming City  
Council  
Meetings –

December 19,  
2016

Mrs. Alberson will attend the December 19, 2016 City Council Meeting.

City Council  
Assignments

City Council Meeting dates were divided amongst the Planning Board members as follows:

Tuesday, January 3, 2016 – Mr. Thornbury

Tuesday, January 17, 2016 - Mrs. Wall

Monday, February 6, 2016 – Mrs. Alberson

Tuesday, February 21, 2016 – Mr. Sebor

Monday, March 6, 2016 – Mrs. DeSantis

Monday, March 20, 2016 – Mrs. Wall

Monday, April 3, 2016 – Mr. Thronbury

Monday, April 17, 2016 – Mr. Sebor

Board Member  
Comments

Mr. Thornbury thanked Mr. Spring, the Steering Committee, and the citizens for all their help on the Imagine Tipp City Plan. It was a lot of months of time and effort put in to make it successful. It is greatly appreciated.

Adjournment

Mr. Thornbury **moved the meeting be adjourned**. Mrs. DeSantis seconded the motion. Ms. Wall declared the meeting adjourned at 8:09 pm.

  
Stacy Wall, Planning Board Chairman

Attest:   
Dawn Gross, Board Secretary