
Marijuana Advisory Committee Minutes

Monday, February 8, 2016 7:00pm
Sealing Cove Business Center

Committee Members:

**Levi Albertson, Andrew Hames, Joseph D'Arienzo,
Pamela Ash, Darrell Windsor, Steven Eisenbeisz,
Bob Potrzuski, Jay Stelzenmuller, Lindsay Evans**

I. CALL TO ORDER

Chair Albertson called the meeting to order at approximately 7:05pm.

II. ROLL CALL

Present: Levi Albertson, Joseph D'Arienzo, Andrew Hames, Pamela Ash, Darrell Windsor, Bob Potrzuski, Lindsay Evans, Jay Stelzenmuller

Absent: Steven Eisenbeisz (excused),

Staff: Municipal Attorney Robin Koutchak, Paralegal Reuben Yerkes

III. AGENDA CHANGES: None

IV. APPROVAL OF MINUTES: M - Albertson/ S - Windsor, motion passed unanimously as amended.

V. PERSONS TO BE HEARD/CORRESPONDENCE:

VI. REPORTS:

Potrzuski stated that he had looked at a moderately priced testing kits that he had found online. He felt that it was reasonable, and that such a kit would afford the city an alternative that may still meet State testing standards.

VII. UNFINISHED BUSINESS:

Planning and Zoning Discussion, the Committee opted to table until next meeting. Local Regulatory Authority (LRA) duties and final report

Chair Albertson asked about the scope of the LRA. City Attorney Koutchak stated that the State was willing to give over some authority to the LRA if the LRA had sufficient rules and regulations in place, such as regulations on zoning and associated issues. She added that with regard to the LRA in Sitka specifically, the City Clerk is inquiring as to if the MAC intends to continue as the LRA or would prefer a permanent group be designated by the Assembly. Hames stated that he was in favor of the Assembly designating a permanent LRA as soon as possible.

Potrzuski stated that he would seek a second sponsor to introduce an ordinance to designate a permanent LRA. Stelzenmuller stated that the Marijuana Advisory Committee is currently the LRA and that nothing was required to become the LRA. Chair Albertson stated that he felt that the current LRA was established as a stop-gap measure with the intention of the Marijuana Advisory Committee recommending to the Assembly who and what the LRA should be. Stelzenmuller stated that he agreed with the City Attorney.

City Attorney Koutchak stated that she could see the logic either way. She added that the majority of the members would have to decide how they intended to proceed. D'Arienzo stated that he felt that action by the Assembly would be warranted.

Chair Albertson stated that he favored making the recommendation to the assembly that a permanent LRA needs to be established. D'Arienzo stated that his understanding was that ordinance 2015-56 in A, B, C and D (SGC 7.20.050 A-E) outlined pretty well what the LRA duties were. Chair Albertson stated that he agreed but he felt that in their final report they should make reference to those guiding points. He felt that he would recommend the establishment of a permanent LRA and make reference to the points in the ordinance.

Windsor stated that he felt that the planning department would need to be involved. And that language should include staff support from Planning. Hames stated that he felt that the tasks outlined in the ordinance were very general. He added that it was a very different thing to break ground on the end of the prohibition of a substance and the effective administration of that industry going forward into the future. Hames recommended that when a license application comes in, the LRA schedule a meeting, otherwise it would not meet. Windsor stated that he favored a bimonthly schedule. He added that a liaison to the Assembly would be able to report to the Assembly as needed. Chair Albertson asked if the Committee would agree with recommending the composition of the LRA. Potrzuski stated that the Assembly would likely provide a liaison.

Potrzuski stated that enforcement tasks should be shared by the LRA with other city entities as well, such as the Assembly. City Attorney Koutchak stated that it was anticipated that the LRA would be more regulatory than advisory in nature. She added that per the State language, the entity was called the Local Regulatory Authority, and that it may well be involved in more than just advisory tasks. She added that the Committee would need to determine what kind of tasking it wanted to impart to a future LRA. Chair Albertson stated that he was in favor of the future LRA having the ability to do more than just advise. Hames asked if there were other regulatory body's that needed to go before the Assembly for authority. City Attorney Koutchak stated that there were instances where this happened routinely. She added that some of those groups did have adjudicatory authority as well. She added that an LRA could easily be an adjudicatory and regulatory group, in addition to an advisory role. She added that the existing groups like this also benefit from appellate rights to the Assembly as well. Windsor stated that was why he favored the conditional use permit process because it allowed the opportunity for the authorities to intervene when problems arise.

Stop: 7:59

Start: 8:12

Chair Albertson asked how the committee envisioned the LRA going forward. D'Arienzo stated that he envisioned it as an advisory committee because the Assembly would always have the final say anyway. Potrzuski stated that he felt that it may be a good idea to have a work session with the Assembly. He added that this would afford the Assembly the opportunity to express how they envisioned things going. Chair Albertson stated that he agreed. Chair Albertson stated that he thought that the Committee staff should inquire as to how to set that up.

Regarding the MAC final report, Chair Albertson recommended removing the third bullet

point on the list regarding buffer zones. Potrzuski stated that he felt that the taxation issue hadn't been settled and that he would like to provide input on that topic. Potrzuski stated that there should be inclusion in the final report of what the electric and water departments had stated on the record. City Attorney Koutchak stated that she felt that would be very helpful.

Chair Albertson stated that additionally it might be good to mention in the final report that the electric department has established procedures to deal with new businesses that are anticipated to have high electricity demand, and that no special requirements need be applied to marijuana businesses. Windsor stated that he would like to hold off on this until next meeting. Chair Albertson stated that he would like to insert into the final report language to the effect of, "As no foreseeable undue burden would be placed on the water or wastewater departments, the Marijuana Advisory Committee recommends regular commercial rates for any marijuana related businesses". The Committee was in agreement.

VIII. NEW BUSINESS:

IX. PERSONS TO BE HEARD:

Marge Esquiro stated that she wondered if the testing kits discussed earlier were the home style kits that she had heard about. She added that Cynthia Franklin believed that marijuana businesses will be able to ship marijuana by sea or air for testing. She cited the Cole memorandum from the United States Department of Justice.

Dr. Myron Fribush stated that there was nothing in the regulations that prevented a person from having six plants in their home, with no more than three that were flowering. He reminded that was outside the regulations that the Committee was considering.

X. ADJOURNMENT:

A. Agenda items for next meeting.

Packaging and Serving Size, State Potency Limits
Planning and Zoning update
Gary White presentation
Continued LRA discussion

B. Set next meeting date.

Monday February 15, to be confirmed.

M - D'Arienzo /S - Ash, moved to adjourn at approximately 8:45pm. Motion carried unanimously.

Attest:
Reuben Yerkes, Paralegal