
Marijuana Advisory Committee Minutes

Tuesday, October 20, 2015 6:30pm
Sealing Cove Business Center

Committee Members:

**Levi Albertson, Andrew Hames, Joseph D'Arienzo, Dr. Myron Fribush,
Don Jones, Kitty Sopow, Darrell Windsor,
Steven Eisenbeisz, Bob Potrzuski**

I. CALL TO ORDER

Legal Assistant Yerkes called the meeting to order at approximately 6:35pm.

II. ROLL CALL

Present: Levi Albertson, Joseph D'Arienzo (telephonic), Dr. Myron Fribush, Don Jones, Andrew Hames, Kitty Sopow, Darrell Windsor (left the meeting at 7:04pm), Steven Eisenbeisz, Bob Potrzuski.

Staff: Municipal Attorney Robin Koutchak, Legal Assistant Reuben Yerkes, Deputy Clerk Melissa Henshaw

III. AGENDA CHANGES - None

IV. APPROVAL OF MINUTES - None

V. PERSONS TO BE HEARD/CORRESPONDENCE

Aaron Bean thanked the Committee and addressed his concerns regarding the potential requirement for Commercial vendors to have to send samples of their products to labs throughout the State for testing. He expressed interest in getting into the business and mentioned concern with apparent exclusion of Clubs from current state regulations. Albertson said that he had contacted Representative Jonathan Kreiss-Tomkins office on the issue of Clubs and would share information when he heard back.

VI. REPORTS - None

VII. UNFINISHED BUSINESS - None

VIII. NEW BUSINESS

A. Election of Officers

Members gave a brief introduction of themselves. Jones clarified that Assembly members are voting members of the Committee. Municipal Attorney Koutchak reminded the Committee that this is an advisory board that would make recommendations to the Assembly, and she was staff support for and a non-voting member.

M - Fribush/S - Potrzuski moved to nominate Levi Albertson as Chair. Motion carried unanimously.

M - Potrzuski/S - Windsor moved to nominate Andrew Hames as Vice-Chair. Motion carried unanimously.

B. Overview and Objectives

Municipal Attorney Koutchak provided information on the objectives of the Committee. Specifically the “When, Where and How of Dispensaries, Clubs and Manufacturing”. She explained the importance of designating a local regulatory authority (LRA) to allow for the collection of a one half of all licensing fees paid to the State board. Chair Albertson explained that he had called 20 municipalities throughout Colorado and Washington, and the LRA often seemed to be the Municipal Planner, or Planning Department.

Potrzuski expressed that he could not find regulations on Clubs. Chair Albertson had researched this and stated that Clubs are not allowed unless permitted. The wording is “No on-site consumption”. Eisenbeisz had concerns with not allowing for Clubs would create more consumption in the streets. His understanding was that Clubs are banned unless otherwise permitted. He said that summer visitors would need a clear and solid process to follow. D’Arienzo agreed, stating that if the State does not determine, then municipalities take it on.

Chair Albertson felt that fundamental to the on-site consumption equation was a zoning issue, namely the issue associated with the 500 foot set-back provision of State regulations.

Municipal Attorney Koutchak explained that there was limited to no case precedence, recommended that the Committee put in place what they felt the community wanted and worry about defense afterward. She said that November 24th is the deadline for the State board to adopt regulations, and ultimately the Assembly would have the final say.

Eisenbeisz reiterated the importance of establishing the LRA as soon as possible, preferably at the next meeting.

Chair Albertson raised the question as to if there should be a “shall issue” or a “may issue” clause in the regulations that establish the LRA. If this goes to a “must issue” clause, he felt comfortable with a City Planner or any other single position taking on the responsibility. If they decide to go with a “may issue” clause, he felt it should be delegated to a board, comprised of multiple designees.

Fribush expressed that how product would get to a lab for testing was outside the purview of the City and Borough of Sitka (CBS). Municipal Attorney Koutchak agreed. Chair Albertson said that he felt that CBS should have guidelines that specify what product should be tested. If the State does not get organized, CBS could have something in regulation that required specific testing. Eisenbeisz stated that he felt that testing for THC levels would be a necessity. Municipal Attorney Koutchak agreed, reiterating the importance of having specific items on labels for consumer protection.

Chair Albertson referenced an article regarding Ketchikan and the 500 foot set-back issue.

D’Arienzo stated that a boat could be sent to these communities to render testing services and recommended that if the State is going to have stringent testing requirements, they provide testing capability.

Eisenbeisz recommended the Committee stick to the agenda, and have these issues as an agenda item at a future meeting.

Chair Albertson stated that of the 20 municipalities that he contacted, five in Washington and two in Colorado that have no commercial sales. There are zero municipalities collecting sales tax over and above what the State collects in Washington. In Colorado they collect anywhere from 2% tax up to a 10% tax. There is one municipality (Trinidad City, CO) that had a 5% tax on all marijuana related sales, consumables and paraphernalia. He asked the Committee to recommend a municipal tax to the Assembly.

IX. ADJOURNMENT

A. Agenda items for next meeting.

Planning and Community Development Director Maegan Bosak agreed to attend the Friday, October 23 meeting at 6:00pm.

- Discuss options for and designate a Local Regulatory Authority
- Set regular meeting days

B. Set next meeting date.

M – Sopow/S - Fribush moved to meet on Friday, October 23 at 6:00pm. Motion carried unanimously.

Eisenbeisz recommended that the Committee consider meeting frequency. Joseph D'Arienzo said that the first Monday of every month is not good for him.

M – Potrzuski/S - Sopow moved to adjourn at approximately 8:28pm. Motion carried unanimously.

Attest:
Reuben Yerkes, Paralegal