
Marijuana Advisory Committee Minutes

Friday, November 6, 2015 7:00pm
Sealing Cove Business Center

Committee Members:

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

I. CALL TO ORDER

Chair Albertson called the meeting to order at approximately 7:03pm.

II. ROLL CALL

Present: Levi Albertson, Joseph D'Arienzo, Andrew Hames, Kitty Sopow, Darrell Windsor, Steven Eisenbeisz

Absent: Dr. Myron Fribush (excused), Bob Potrzuski (excused)

Staff: City Attorney Robin Koutchak (absent, excused), Paralegal Reuben Yerkes

III. AGENDA CHANGES: None

IV. APPROVAL OF MINUTES: M - Windsor/ S - Hames, motion passed unanimously

V. PERSONS TO BE HEARD/CORRESPONDENCE:

Aaron Bean asked that the Committee try to keep it a free market in Sitka, so that anyone who wants to get into the business in the city can do so.

VI. REPORTS:

Windsor stated that the Planning Department is going to make some maps for the Marijuana Advisory Committee showing the 500 ft. buffers on all churches, schools and playgrounds.

Chair Albertson cited a letter sent to the Federal Government from the Alaska State Department of Law specifying the policy of the Alaska Marine Highway with regard to the conflict between State law and Federal law regarding marijuana legalization. He stated that Representative Kreiss-Tomkins had not heard any reply from the Federal Government.

VII. UNFINISHED BUSINESS:

VIII. NEW BUSINESS

Zoning and Permitting:

Sopow stated it would be interesting to hear from the public regarding what people are expecting regarding the number of permits, will it be unlimited or will there be a cap.

Chair Albertson stated that he felt that any limiting of licenses will hamper the market. He stated that if the State were to relax the regulations on permits once they have been issued for a period of time, having an artificial cap on the number of allowed permits would impede potential new comers to the industry.

Windsor stated that first the Committee would need to distinguish between zoning types, such as retail vs. cultivation. Chair Albertson corrected that while potentially rare, such an arrangement could exist.

Windsor stated that R1 zoning does allow for small home businesses that don't have a sign. CBD is "Central Business District". Windsor stated that it is a very business centric zoning. He stated that there is also commercial zoning, which has more liberalized limitations placed on things like sounds and smells. D'Arienzo said that he felt the easiest would be to afford permits in CBD and commercially zoned area.

Eisenbeisz stated that it is important that the Assembly receive four things from Committee, permitting on CBD, Commercial and Industrial zoning and water front. The only one he could see operating in a residential zone is a broker.

Chair Albertson suggested the Committee start with retail zoning, permitted or conditional use. Windsor stated that a conditional use permit is in perpetuity, that it continues with the property from owner to owner.

Eisenbeisz stated that he had heard from the GPIP director Gary White that many people had expressed interest in the GPIP site for marijuana operations.

Break at 7:37

Resume at 7:44

Starting with R1 and R2 Chair Albertson stated that in CBD the only problem would be a full cultivation license may want to be a CUP because the potential problem with smell or odor. Sopow said that State law states that it is illegal for smell to escape, personal use and growing.

Eisenbeisz stated that he felt that all zones should be permitted uses. Excluding R1 and R2. Island should be CUP, with recommendations submitted to the Planning department. D'Arienzo stated that he also endorsed that idea.

M - Eisenbeisz/S - D'Arienzo, recommend to the assembly to allow as a permitted use in Central Business District, Water Front, Industrial, Commercial C1 and C2 and Gary Paxton Special Zone all legally allowed uses of licensed marijuana activities. Motion passed unanimously.

Committee directed staff to draft something to the assembly.

M- Sopow/ S- D'Arienzo, allow marijuana businesses to operate in zones residential, Island, large Island

Jay Stelzenmuller commented that he didn't agree with the residential zone permitting of the motion.

Eisenbeisz stated that it may be too early to consider the residential permitting yet. He felt

that public perception is not yet ready for that kind of liberalization.

Sopow withdrew motion.

M-Sopow/ S- D'Arienzo, allow marijuana businesses to operate under Conditional Use Permit in zones Large Island and General Island. Motion passed unanimously.

M- Eisenbeisz/ S- Sopow, amending the previous motion to include the words "legally permitted". Amendment to the motion passed unanimously.

Committee directed staff to include this with the previously directed ordinance drafting.

Chair Albertson stated that he was in favor of "shall" as opposed to "may" with regard to permitting by the City. Eisenbeisz stated that brought up the issue when a given business is in arrears with back taxes or payments for utilities, is the City still required to issue a permit. Chair Albertson stated that he felt that the City should have a permitting process in addition to the State because it would lend itself to the goal of enforcement. Windsor agreed, based on his perception of the deficiencies with the Planning Department. Chair Albertson stated that the City could get around the "shall" issue by using wording such that anyone wanting a permit would have to be in good standing. In such an instance, the City "shall" issue a permit. Until the permittee is in good financial standing with the City, the permit will not be granted.

IX. PERSONS TO BE HEARD:

Aaron Bean said that he doesn't support a City permit for marijuana operation.

X. ADJOURNMENT

A. Agenda items for next meeting.

Planning department representative regarding permitting
Continue with Permitting discussion.

B. Set next meeting date.

Monday 11/9 at 7pm.

M-Eisenbeisz / S- Windsor, to meet once weekly on Mondays.

Jason Anderson from the public stated that he felt that once a week was more logical to be productive.

Judy Bixby from the public stated that once a week made sense so the public can keep up.

Motion passed 4 to 2.

M - Sopow/S - Eisenbeisz, moved to adjourn at approximately 9:02pm. Motion carried unanimously.

Attest:
Reuben Yerkes, Paralegal