
Marijuana Advisory Committee Minutes

Monday, November 9, 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 7:07pm.

II. ROLL CALL

Present: Levi Albertson, Joseph D'Arienzo, Andrew Hames (arrived at 7:14), Kitty Sopow, Darrell Windsor, Steven Eisenbeisz, Bob Potrzuski

Absent: Dr. Myron Fribush (excused),

Staff: Municipal Attorney Robin Koutchak, Paralegal Reuben Yerkes

III. AGENDA CHANGES: None

IV. APPROVAL OF MINUTES – M-Sopow/ S-Windsor, passed unanimously

V. PERSONS TO BE HEARD/CORRESPONDENCE:

Jay Stelzenmuller wanted to draw the Committees attention to samples of packaging of Marijuana from Washington State.

Aaron Bean commented on 500 foot restrictions and the need for exceptions.

VI. REPORTS:

Potrzuski stated that he met with the President of the School Board, who was unaware that a seat had been made available to the School Board. He indicated that the School Board may be interested in that seat.

VII. UNFINISHED BUSINESS:

Windsor stated that based on his research, the State permitting process seemed so exhaustive that if the City were to add an additional permit, the process would be prohibitive for applicants. Potrzuski said that he would be in favor of limiting the number of permits available. Eisenbeisz stated that he would be concerned with a monopolized market for permits in Sitka if there were a limited number. D'Arienzo said that he agreed that having a permit process would be overly burdensome to potential applicants. Sopow said that she thought there should not be any municipal licensing fee and there should be no cap on number of permits.

Chair Albertson stated that he was in support of a local permit so that the Municipality would have options in the event enforcement recourse becomes necessary. Chair Albertson asked what the City has available to it when a given business is recalcitrant in its business obligations.

City Attorney Koutchak said that it is up to the municipality to recover taxes and fees from business. She said the existing processes that are available to the Municipality are somewhat weak. She also stated that the best way to get the Assembly and the City to get on board with the objectives of the Committee is by selling the fact that it brings in money. She recommended that the Committee keep the number of producers less than the number of dispensaries.

Chair Albertson stated the unique nature of potentially seizing stock of marijuana, given the perishable nature of marijuana. City Attorney Koutchak said that in the context of a collections process, there is no reason a marijuana establishment would be held to a different standard than an alcoholic establishment or a restaurant.

M-Sopow, no additional licenses or fees be required to do business in Sitka other than those required by the State of Alaska.

Eisenbeisz stated that he felt the best way to get the intent of this motion done is for the Committee to do nothing. Hames stated that he was concerned about the ambiguity of the word “fees”, that it could be misapplied to taxes later on.

Sopow withdrew her motion.

Chair Albertson asked if the Committee takes no action on permitting, does that allow the State to come in later and limit municipal permits. Attorney Koutchak said that it is stronger for the Municipality to have a predetermined number of permits. Potrzuski recommended that the Committee not take a number to the Assembly, because then the number becomes the issue.

City Attorney Koutchak asked if any Committee members are concerned that the State might take a position that imposes significantly fewer permits than the Municipality wants. Eisenbeisz recommended language to include “the ability to issue not less than”, while not requiring a certain number of permits.

Break: 7:55PM
Resume: 8:04PM

Hames asked if the committee could say that the number of permits in Sitka will be determined by market demand and the local regulatory authority. Eisenbeisz stated that it’s important to stick to language that has “the ability to issue” and then include a “not less than” provision. Chair Albertson pointed out that because the Committee had decided not to recommend any municipal permits, the language being considered lacked a vehicle by which it could be presented. Hames asked if the Committees time is well-spent in anticipation of invasive State law when it is already dealing with issues that are considered illegal in the eyes of the Federal Government.

Chair Albertson asked if the Assembly could say that it has the ultimate decision making power on the number of permits. Potrzuski pointed out that the problem is that the State is the only entity currently charged with issuing permits.

Staff informed the Committee that the motion 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 licenses marijuana activities would need to be put before the Planning Commission by means of the existing Planning Code Change application process.

Chair Albertson stated that if the Planning Commission process helps improve the public vetting process then he is in favor. The Committee agreed that staff should proceed with the Planning Code Change process regarding the previous meetings motions.

VIII. NEW BUSINESS

Chair Albertson asked if anyone has any questions about the City Zoning map. Potrzuski stated that he is waiting for the State regulations to be finalized, to really formulate positions and opinions.

Eisenbeisz pointed out that the ordinance designating the Committee as the LRA is going before the City Assembly tomorrow night. He recommended members of the Committee be in attendance.

IX. PERSONS TO BE HEARD:

Jay Stelzenmuller pointed out that Dr. Fribush hadn't been in attendance on a number of occasions.

X. ADJOURNMENT

A. Agenda items for next meeting.

- Taxation and Finance discussion.

B. Set next meeting date.

- Monday November 16 at 7PM

M – Windsor/S – D'Arienzo, moved to adjourn at approximately 9:04pm. Motion carried unanimously.

Attest:
Reuben Yerkes, Paralegal