
Marijuana Advisory Committee Minutes

Monday, December 28, 2015 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**

I. CALL TO ORDER

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

II. ROLL CALL

Present: Levi Albertson, Joseph D'Arienzo, Pamela Ash, Darrell Windsor, Steven Eisenbeisz,
Absent: Bob Potrzuski (excused), Andrew Hames (excused)
Staff: Municipal Attorney Robin Koutchak, Paralegal Reuben Yerkes

III. AGENDA CHANGES: None

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

V. PERSONS TO BE HEARD/CORRESPONDENCE:

Marge Esquiro asked about the minutes being posted online.

Aaron Bean stated that there was nothing in the ballot measure that says that marijuana will be regulated like alcohol.

Karen Christener stated that there was no premise in ballot measure 2. She stated that space was not specified in the ballot measure.

VI. REPORTS:

Stelzenmuller stated that if the municipality doesn't get something done, the legislature has a history of reversing and altering citizen's initiatives. He added that the State legislature will be allowed to alter ballot measure 2 in two years.

VII. UNFINISHED BUSINESS:

Potential Survey Questions:

Stelzenmuller stated that the survey may be pointless at this late of a date, given that the initiative has already passed. Ash and D'Arienzo agreed.

Eisenbeisz stated that he did not feel that there was a need to have the survey. Chair Albertson agreed.

Review and revise draft resolution regarding State setback requirements:

Eisenbeisz questioned the need to bold lines 37 of the proposed draft. Chair Albertson agreed. Stelzenmuller stated that he felt that it was his perception that the group wanted to emphasize that local planning and zoning regulation would have the authority determine the buffer zone.

M - Eisenbeisz / S - Stelzenmuller, not bold the last provision of line 38. Motion passed unanimously.

Public Comment: None

Committee Discussion:

Stelzenmuller stated that he is in favor of putting the resolution before the Assembly. Windsor agreed.

Windsor stated that with regard to lines 14 and 15, the ballot measure did not state that marijuana would be regulated like alcohol. Chair Albertson stated that line 29 also should be considered for removal. City Attorney Koutchak stated that Cynthia Franklin herself has used that language as the chair of the marijuana control board.

Chair Albertson agreed that the State has used that language, but that the State has the discretion to do that, while being in no way obligated to act on its implied meaning. He continued that for purposes of regulation, no one is actually treating marijuana like alcohol.

Stelzenmuller cited section 17.38.090(a), stating that regulations should not make the operation of marijuana establishments unreasonably impracticable.

Chair Albertson stated that the State will likely retort that they are not impeding marijuana establishments from existing. He suggested removing the lines in question to remove that simple retort.

M - Windsor/S - Stelzenmuller, motion to eliminate lines 14, 15. Motion passed unanimously.

Public Comment: None

Committee Discussion:

Chair Albertson stated that revision of line 29 would also be a good idea. D'Arienzo offered possible language. City Attorney Koutchak stated that lines 31, 32 and 33 could be revised as well.

M - D'Arienzo/S - Stelzenmuller, motion to amend line 29 to read "Whereas licensed liquor establishments operate under a 200 ft. setback per AS 04.11.410(a)". Motion passed unanimously.

Public Comment: None

Committee Discussion:

Eisenbeisz would like to see the specific state statute citation included. And add "licensed" establishments. D'Arienzo agreed with suggestions as a friendly amendment.

M - Stelzenmuller /S - Windsor, strike 31-33 and add language from 17.38.090(a) to read, "such a requirement stands in direct contradiction to 17.38.090(a), thus making implementation of the law unreasonably impracticable". Motion passed unanimously.

Pub Comment:

Marge Esquiro asked what unreasonably impracticable meant. City Attorney Koutchak stated that the point was to make use of the State language so that there is less confusion about where the issue was.

M - Stelzenmuller/S – Eisenbeisz, motion to remove “to more accurately reflect the will of the voters” from line 9. Motion passed unanimously.

Public Comment: None

Stop: 7:57

Start: 8:10

M- Stelzenmuller / S – Windsor, motion to pass resolution as amended to Assembly for consideration. Motion passed unanimously.

Public Comment:

Marge Esquiro stated that she is confused by what unreasonably impracticable means. She continued that 500 ft. should remain the same. Peter Esquiro stated that he was opposed to removing the 500 ft. buffer zone.

Committee discussion:

City Attorney Koutchak pointed out that this resolution does not remove or recommend making any buffer zone less than 500 ft. She added that it only seeks to allow the local planning and zoning commission to tailor buffer zones to conditions specific to the geography and zoning challenges in the municipality.

Testing Facilities and Protocol:

Eisenbeisz stated that testing in Sitka is going to be very difficult given what the State is requiring. He also stated that their requirements are not unreasonable. Chair Albertson stated that safety to the consumer was the most important priority, so testing for pesticides, mold and impurities like were of paramount importance to him. He felt that THC content, while important, was second to those things that threaten the safety to consumers. D’Arienzo stated that he felt that THC would likely be one of the most important things to test for. Stelzenmuller cited page 53 of the revised regulations, under subsection d. Eisenbeisz pointed out that it was the applicant’s responsibility to provide the requisite testing results to the State.

Chair Albertson asked with regard to subsection d, if it would make sense to suggest to the Assembly a minimum of what the Committee would like to see tested for in the Municipality. City Attorney Koutchak stated that the more the municipality sets forth what it wants then the better chance it has in gaining that. She added that it was always a good idea to get people thinking about what the Committee determined to be particularly critical.

Windsor asked if the State was going to issue any cultivation licenses if there is no testing facility in Sitka. Chair Albertson stated that technically marijuana could be transported to another city for testing.

Eisenbeisz pointed out that municipalities are permitted to apply for licenses, and thus the City and Borough of Sitka could potentially be a testing entity for the municipality. Windsor

mentioned that the local hospital has a lab that might also be able to lend a hand. Eisenbeisz stated that he was ok with the municipality doing the testing, he was highly skeptical of the hospital doing the testing. Windsor stated that he felt it was a natural fit for the municipality to provide the testing capability.

VIII. NEW BUSINESS: None

IX. PERSONS TO BE HEARD:

Aaron Bean stated that his biggest concern with having a dispensary in Sitka is the testing requirement. He continued that Benjamin Mattes, a PhD from Fairbanks was the only person he had met who had the requirements to open a lab. He estimated at 500 to 700 thousand dollars to start the requisite lab. He added that the minimum would be mold and pesticides and strain identification. He suggested discussing allowed dosage amounts.

Marge Esquiro stated that the minutes are now posted on the City website. She stated that on-site consumption was not part of the ballot measure, because there can be no public consumption. She stated that the municipality should go with the State regulations rather than reinvent rules that have already been created.

Pete Esquiro stated that he believed in high scientific standards and that he had over thirty years of experience in seafood testing. He stated that he would not like to see the City financing the testing facility. He recommended that the industry itself pay for testing facility requirements.

X. ADJOURNMENT:

A. Agenda items for next meeting.

Planning Department presentation and answer questions.

Aaron Bean presentation on testing regulations, protocols and other regulations.

Discussion of potential new topics and framework.

B. Set next meeting date.

Monday January 4, 2016 at 7PM

M - Windsor/S - Ash, moved to adjourn at approximately 9:04pm. Motion carried unanimously.

Attest:
Reuben Yerkes, Paralegal