

CANNABIS ADVISORY COMMISSION
REGULAR MEETING
AUGUST 25, 2016

Session 16-07, a Regular Meeting of the Cannabis Advisory Commission was called to order by Chair Aryn Young at 5:30 p.m. on August 25, 2016 in the Cowles Council Chambers located at City Hall 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS HARRIS, SARNO, REYNOLDS, CLARK, ROBL, STEAD, AND YOUNG

ABSENT: COMMISSIONERS CARROLL AND LEWIS (EXCUSED)

STAFF: DEPUTY CITY CLERK KRAUSE
CITY PLANNER ABBOD

APPROVAL OF AGENDA

Chair Young requested a motion to approve the agenda.

- SO MOVED.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENT

Jeremiah Emmerson, not a city resident, commented on the Planning Commission reviewing applications and the established policies, he appreciated the recommendations on objecting to the background checks and advocated for that to be a condition of the persons probation and release. He appreciated the CAC's efforts and work that they do. He also noted that the ASCA will be managing a counter campaign to the borough opt out vote and anyone interested in helping out with that would be great.

VISITORS/PRESENTATIONS

RECONSIDERATION

ADOPTION OF CONSENT AGENDA

(Items listed below will be enacted by one motion. If separate discussion is desired on an item, that item may be removed from the Consent Agenda and placed on the Regular Meeting Agenda at the request of a Commissioner.)

A. Meeting Minutes for the July 28, 2016 Regular Meeting

Chair Young called for adoption of the Consent agenda.

REYNOLDS/STEAD - MOVED TO ADOPT THE CONSENT AGENDA AS PRESENTED.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

REPORTS

City Planner Abboud commented on the Borough Opt Out Ban on Marijuana and that it will be up to the Assembly to determine if they will have a Special Election or wait until next October.

PUBLIC HEARINGS

PENDING BUSINESS

NEW BUSINESS

A. Draft Ordinance 16-XX, Outlining the Regulatory Responsibilities of the Commission regarding Applications

Correct title according the Draft ordinance submitted by the City Attorney: Amending Homer City Code 21.62.040, Currently Entitled Pre-Application Conference” to Authorize the City Planner to Recommend to the State of Alaska that it Deny an Application for a Marijuana Establishment that Does Not Comply with Homer City Code and Authorize the City Planner to Recommend that the State Impose Conditions to Approval When Necessary to Ensure Compliance with the Homer City Code.

There was a bit of confusion to bringing the ordinance to the floor for discussion or making a motion to approve. City Planner Abboud stated he could provide a report on the ordinance. Chair Young yielded the floor.

City Planner Abboud stated that this ordinance was very simple and amended Title 21 putting the applications under his review. Since it is amending Title 21 this will have to go before the Planning Commission for review, Public Hearing and approval before going to Council and he has not finalized the next Planning Commission agenda so he can get it on that for the next meeting.

Commissioner Harris wanted to postpone this ordinance until after the new council is elected.

Commissioner Clark commented that he saw no reason to move this forward that it is pretty straight forward. Commissioner Reynolds agreed and recommended sending this to Planning Commission that everything is so up in the air that there is no reason to withhold action on it now.

Commissioner Harris expressed concerns with expediency in reviewing and approving applications received by the city. City Planner Abboud responded with the time requirement that is already imposed in state regulations regarding local opposition. He did not believe it would take much time to review and resubmit to the state.

Commissioner Harris expressed clarification on her concerns that existing membership on Planning Commission would try to change the rules from the time an application is received and approval. City Planner Abboud noted that under the proposed regulation the Planning Commission would not be involved unless the applicant appealed his decision. He further noted that his recommendations would fall under existing requirements. He further noted that reviewing an application within 10 or 15 days is doable.

Commissioner Harris further explained that she would like to see a date within this ordinance that current regulations as of this date to make sure that no regulations change in the meantime.

Discussion and points made by the commission ensued on the following:

- 10-15 day limit is appropriate
- the application will be coming from the state to the city planner
- to change current city code will require two meetings at the planning commission and two meetings at the city Council level and will also require at least two weeks to get on the agenda.

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- lack of public involvement in the zoning changes because they fall under the public's radar
- notice requirement by the state gives the city the notice required to make changes in building requirements and codes
- preference to have a review board other than the planning commission review an application especially those applications that have been denied

REYNOLDS/YOUNG - MOVED TO AMEND LINE 45 TO ADD WITHIN 15 DAYS OF RECEIPT OF APPLICATION.

Discussion ensued in clarification of intent of the motion was to amend the ordinance to provide the 15 day time limit for review and approval with or without recommendations. The intent for the paragraph to read as follows:

b. The City Planner shall be responsible for reviewing all applications filed with the State of Alaska under AS 17.38 for the operation of marijuana establishments in the City of Homer once those applications have been submitted to the city for its review by the State of Alaska. The City Planner or his or her designee, shall recommend to the State of Alaska, WITHIN 15 DAYS OF RECEIPT OF AN APPLICATION, denying an application that does not comply with this code or he or she may recommend approving the application with conditions that, if adopted, will result in compliance with this code.

City Planner Abboud stated that he does have staff available to act in his absence in response to a question by the commission.

Chair Young called for the vote.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Commissioner Reynolds recognized that the City Planning Department has a responsibility to follow and apply the guidelines and regulations that are imposed and she has never seen a bias previously. Commissioner Sarno echoed those sentiments and further stated that City Planner Abboud has shown professionalism and believes that any application they received would get a fair hearing.

Commissioner Sarno inquired if any zoning changes were proposed to revise code that affect marijuana businesses would this (Cannabis Advisory) commission get a chance to review these changes before going to Council?

Commissioner Stead responded that they would not, he is not the expert but any proposed changes to zoning falls under the purview of the Planning Commission and there is no requirement to notify this commission. He also stated that to suggest that members of the Planning Commission are nefarious and feels that those acts would be a criminal, he cannot think that the commission in how it acts and works together today would do that, they do their very best to put personal feeling aside and he is a bit affronted at the implication but appreciates it is Commissioner Harris' personal opinion and she is entitled to her opinion. Commissioner Stead appreciates the other commissioners supportive comments and believes City Planner Abboud does his very best to be fair in his recommendations.

HARRIS/REYNOLDS - MOVED TO AMEND THE DRAFT ORDINANCE TO INCLUDE ADDITIONAL WHEREAS ON LINE 16 THAT STATES CONDITIONAL USE PERMITS WILL BE APPROVED ACCORDING TO EXISTING ZONING REGULATIONS AS OF THIS MONTH.

Commissioner Reynolds cited that there is no precedent to set a zoning map and regulations in place. She understands that it is confusing but does not think there is a way to lock the zoning into place. Further discussion on the time frame for approval within 15 days and additional limits would be onerous.

VOTE. NO. ROBL, STEAD, YOUNG, SARNO, REYNOLDS, CLARK

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VOTE. YES. HARRIS.

Motion failed.

REYNOLDS/ROBL - MOVED TO FORWARD THE DRAFT ORDINANCE TO THE PLANNING COMMISSION.

There was no discussion.

VOTE. YES. CLARK, REYNOLDS, SARNO, YOUNG, STEAD, ROBL.

VOTE. NO. HARRIS.

Motion carried.

B. Election of Chair and Vice Chair.

Chair Young summarized the actions required from the commission on electing a vice chair and chair.

The commission elected to vote by a show of hands or voice vote.

Chair Young called for nominations of vice chair and opened the floor by nominating Commissioner Stead.

Commissioner Harris nominated Commissioner Reynolds.

Chair Young closed the nominations and called for a show of hands for Commissioner Stead for Vice Chair. He received 5 votes. Commissioner Reynolds received 2 votes. Congratulations were expressed from the commission to Commissioner Stead and Chair Young turned the meeting over to Vice Chair Stead.

Vice Chair Stead opened the floor for nominations for Chair. Five hands shot up.

Commissioner Harris nominated Commissioner Reynolds.

Commissioner Sarno nominated Commissioner Clark. Commissioner Reynolds seconded that nomination.

Deputy City Clerk Krause stated that there were no rules against nominating a person who was not present.

Vice Chair Stead closed the nominations for chair and called for a show of hands for Commissioner Reynolds for Chair. There was one vote. Vice Chair Stead then called for a show of hands for Commissioner Clark for Chair. There were 4 votes.

Clarification was requested on a nomination for Commissioner Carroll. She was not nominated officially. Commissioner Young cast her vote for Commissioner Clark bringing the total to 5.

Congratulations were expressed for Commissioner Clark and the gavel and meeting was turned over to newly elected Chair Clark.

D. Next Meeting Deliverables, Agenda Items

Chair Clark asked for items that the commission would like for the September agenda. Commissioner Young noted that if they thought of something before the agenda closed they can email the Clerk and add it to the agenda.

INFORMATIONAL MATERIALS

A. 2016 Meeting Schedule and Packet Processing Deadlines

B. 2016 Commission Attendance at Council Meetings

Chair Clark requested volunteers to attend the Council meeting on the

COMMENTS OF THE AUDIENCE

Bryan Zak, resident, complimented Commissioner Young for chairing an efficient meeting and congratulated Commissioner Clark on being selected as the new Chair. He commented that it was nice to see young people getting involved and sitting on these commissions. He shared that at the last AML meeting the Director of the Marijuana Control Board, Cynthia Franklin spoke and pointed out the nine different applications and the website page where you can see all the applicants for the various licenses and included the information for the rest of Council. This was a good meeting. It was nice to see that the commissioners did not have fangs and horns.

COMMENTS OF STAFF

Deputy City Clerk Krause had no comments.

City Planner Abboud commented on the record that the planning staff would be more than happy to assist in the processes of getting a permit for any business including marijuana and the planning commission whether they were pro-marijuana or not tried the best they can to do the best they can for the community and that the opportunity to have looser regulations or going in the opposite direction is always there, they do try to put their personal feelings aside in reviewing these things in regards to code compliances.

COMMENTS OF THE CHAIR

Chair Clark appreciated everyone's faith in him and promise to step up to the plate to perform the job expected of him. He appreciated everyone showing up for the meeting and the comments received. Thank you everyone for a quick and easy meeting.

COMMENTS OF THE COMMISSION

Commissioner Robl announced he will miss the September meeting and when he gets back from vacation his schedule will firm up and he will be able to attend a council meeting or two.

Commissioner Harris wished him well hunting and hoped he got a big one.

Commissioner Stead, Young, no comments.

Commissioner Sarno congratulated Chair Clark.

Commissioner Reynolds will be in attendance for the next commission meeting although she will miss the Council meeting. She congratulated Chair Clark and Vice Chair Stead. Thanked everyone for participating.

ADJOURN

There being no further business to come before the Commission, the meeting adjourned at 6:39 p.m. The next regular meeting is scheduled for THURSDAY, SEPTEMBER 22, 2016 at 5:30 p.m. in the City Hall Cowles Council Chambers located at 491 E Pioneer Avenue, Homer, Alaska.

Renee Krause, CMC, Deputy City Clerk

Approved: _____