



TOWN OF HUACHUCA CITY

The Sunset City

**MEETING MINUTES OF THE
HUACHUCA CITY TOWN COUNCIL WORK SESSION
January 14, 2021 AT 6:00 PM
COUNCIL CHAMBERS
500 N. GONZALES BLVD.
HUACHUCA CITY, AZ 85616**

AGENDA

A. Call to Order – Mayor 6pm

- a. Pledge of Allegiance
- b. Roll Call and Ascertain Quorum

Any prayer/invocation that may be offered before the start of regular Council business shall be the voluntary offering of a private citizen, for the benefit of the Council and the citizens present. The views or beliefs expressed by the prayer/invocation speaker have not been previously reviewed or approved by the Council, and the Council does not endorse the religious beliefs or views of this, or any other speaker. A list of volunteers is maintained by the Town Clerk's Office and interested persons should contact the Town Clerk's Office for further information.

Roll Call.

Present: Johann Wallace, Donna Johnson, Cynthia Butterworth, Christy Hirshberg, Jean Post, Suzanne Harvey (Not voting), Brandye Thorpe (Not voting), Thomas Benavidez, Attorney (Not voting).

Absent: Debbie Trate.

Debbie Trate arrived a 6:02pm

B. Call to the Public – Mayor

A.R.S. 38-431.01 states the Public Body may make an open call to the public during a public meeting, subject to reasonable time, place and manner restrictions, to allow individuals to address the public body on any issue within the jurisdiction of the Public Body. At the conclusion of an open call to the public, individual members of the Public Body may respond to criticism made by those who have addressed the Public Body, may ask staff to review a matter or may ask that a matter be put on a future agenda. However, members of the Public

Body shall not discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action.

C. New Business Before Council - Mayor

Public comment will be taken at the beginning of each agenda item, after the subject has been announced by the Mayor and explained by staff. Any citizen, who wishes, may speak one time for five minutes on each agenda item before or after Council discussion. Questions from Council Members, however, may be directed to staff or a member of the public through the Mayor at any time.

C.1 Discussion [Dr. Jim Johnson]: Discussion concerning preparation of an ordinance regarding State Proposition 207 authorizing cultivation and sale of marijuana for recreational purposes. Dr. Johnson will address the Town's current regulations for cultivation and sale of marijuana for medicinal purposes as well the Council's options for regulating marijuana cultivation and sale for recreational use."

Dr. Johnson advises of the Town's options regarding Prop. 207. He provides information about what can and can't be prohibited.

Individuals Primary Residence for Personal Use (Cannot be Prohibited)

- An individual living at a residence is allowed up to 6 marijuana plants. Two or more individuals living at a residence is allowed up to 12 plants.
- Plants are for personal use only. No sale of marijuana or products can be conducted from the residence.
- Regulations would outline where the plants can be located, emissions into the environment, cultivation areas secured from access by minors and cultivation sites hidden from public view.

What is a Marijuana Establishment?

It is an entity licensed by the State of Arizona Department of Health Services to operate:

- A single retail location where marijuana and marijuana products can be sold to consumers, marijuana can be cultivated, and marijuana products can be manufactured.
- A single offsite cultivation location where marijuana can be cultivated and processed and marijuana products can be manufactured, but they cannot be sold from the location.
- A single offsite location where marijuana products may be manufactured, packaged and stored, but they cannot be sold from the location.

What is a Marijuana Testing Facility?

The State of Arizona Department of Health Services or another entity that is licensed to analyze the potency of marijuana and test marijuana for harmful contaminants.

Is a Marijuana Establishment the same as a Medical Marijuana Dispensary?

No, a dispensary is a nonprofit entity licensed by the State of Arizona Department of Health Services to distribute marijuana for medicinal purposes only. No retail sales are permitted.

A marijuana establishment is also licensed by the State but allows for the sale of recreational marijuana and marijuana products for a profit, as well as the cultivation of marijuana and the manufacture of products.

The Town approved the use and regulations for Medical Marijuana in 2010. At present, there are no dispensaries located within the Town limits. A medical dispensary and a recreational establishment can be combined into a single location if the Town chooses this option.

Setbacks from Certain Uses

- At present, Medical Marijuana Dispensaries are required to be located within B/C or C-2 Zoning Districts. Cultivation sites require a C-2 or C-3 Zoning.
- They cannot be located within 1000 feet of a preschool, kindergarten or educational facility, childcare center, places of worship, public park or the same type of use or another dispensary.
- Dispensaries currently do not have a setback required from a residential district. ***If a distance restriction is applied, this would basically zone the entire Town out.***

SAME RESTRICTIONS TO BE PLACED ON RECREATIONAL MARIJUANA

Several choices available for Recreational Marijuana Establishments and Testing Facilities

1. Prohibit all Recreational Marijuana Establishments **AND** Testing Facilities
2. Allow both Recreational Marijuana Establishments **AND** Testing Facilities
3. Allow Recreational Marijuana Establishments, **BUT** Prohibit Testing Facilities
4. Allow Testing Facilities, **BUT** Prohibit Recreational Marijuana Establishments

MUST CHOOSE ONE

Prohibit all Recreational Marijuana Establishments and Testing Facilities

This would basically mean that the Town remains at a status quo. The availability for a Medical Marijuana Dispensary would remain, but no retail establishment or testing facility for recreational marijuana would be allowed.

This would also mean that the Town would not benefit from any sales tax revenue from the sale of the recreational marijuana or products

Allowing a Recreational Marijuana Establishment

- Town benefits from sales tax revenue from the sale of marijuana and products.
- Regulations would be placed on the establishment to govern location, building type and size, number allowed in Town, operating hours, disposal requirements, security of building and storage areas, ventilation and air filtration.
- Any regulation placed on a Marijuana Establishment cannot be more restrictive than those placed on a Medical Marijuana Dispensary, but they can be the same. The medical dispensary regulations have not been updated since implementation. They should be updated to meet suggested regulations for recreational establishments.

Additional Decisions are Required for a Recreational Marijuana Establishment

1. Require a Recreational Marijuana Establishment be combined with a Medical Marijuana Dispensary in a shared building as a Dual License; **or**
2. Allow a Dual License, but not require the Marijuana Establishment and Dispensary occupy the same building; **or**
3. Allow a Marijuana Establishment to operate as a separate entity

MUST CHOOSE ONE OF THE ABOVE

- Also, how many Marijuana Establishments/Testing Facilities should be allowed to operate within the Town?

RECAP OF DECISIONS TO BE MADE

- Whether to allow or prohibit Recreational Marijuana Establishments and Testing Facilities
- If allowing Establishments, should dual license with Medical Dispensaries in a shared building be required
- How Many Establishments and/or Testing Facilities should be allowed in Town

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Councilmember Trate asks about allowing cultivation.

Dr. Johnson advises that the Town's Ordinance already allows for cultivation.

Mayor Wallace asks about Grant funding and if allowing this would prohibit us from getting grants.

Attorney Benavidez advises that it will not as long as we maintain a drug free workplace.

Sergeant Thompson advises from a Police Department perspective that this will be an increased amount of work for the Police Department and will require more training and possibly more officers.

Mayor Wallace: Bad people are going to do bad things and good people are going to do good things. I saw this as making the Police Department's job easier. It refines what has to be looked for.

Manager Harvey: I wanted to remind everyone that we can not increase our taxes or charge dispensaries differently and the operating hours are 9am-5pm. Sierra Vista and Bisbee have already approved it.

D. Adjournment

Motion: 6:55pm, Action: Adjourn, Moved by Johann Wallace, Seconded by Jean Post. Motion passed unanimously.

Approved by Mayor Johann R. Wallace on January 28, 2021.

Mr. Johann R. Wallace
Mayor

Attest: _____
Ms. Brandy Thorpe,
Town Clerk

Seal:

Certification

I hereby certify that the foregoing is a true and correct copy of the Minutes of the Meeting for the Huachuca City Town Council held on January 14, 2021. I further certify that the meeting was duly called and a quorum was present.

Ms. Brandy Thorpe,
Town Clerk