



City of Maricopa

Meeting Minutes - Final City Council Work Session

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Tuesday, April 6, 2021

5:00 PM

Council Chambers

1. Call to Order

The City Council Work Session was called to order at 5:08 p.m.

2. Roll Call

Present: 7 - Councilmember Henry Wade, Councilmember Vincent Manfredi, Councilmember Rich Vitiello, Mayor Christian Price, Vice Mayor Nancy Smith, Councilmember Amber Liermann, and Councilmember Bob Marsh

3. Agenda Items

- 3.1 [WSPRES 21-01](#) The Mayor and City Council will discuss the voter approved Proposition 207, Marijuana Legalization Initiative, that was approved by the voters on November 3, 2020.

Mayor Price opened the presentation and gave background information and explained that this was the next step in the process after approving an ordinance that allowed for local control. He stated the local ordinance side was different from the specific restrictions set forth by the voter approved proposition. He explained the question and comment format for the meeting and turned it over to Special Projects Manager, Josh Bowman.

Mr. Bowman gave a PowerPoint presentation. He gave background on the legalization process of marijuana. He explained what Proposition's 207 does and listed the sections of the City Code that currently address marijuana, Section 8.40 Recreational Marijuana and Section 18.120.160 Medical Marijuana. He detailed some of the things that Prop 207 does not authorize, including smoking marijuana in public or open spaces, operating motorized form of transportation while impaired to the slightest degree, consuming it while operating or riding in the passenger compartment of any motorized form of transport, nor providing it any persons under 21 years of age. He stated Prop 207 authorized cities to enact reasonable ordinances or rules that generally govern the time, place and manner of marijuana establishments and testing facility operations. He added that they could not restrict the ability of a nonprofit medical marijuana dispensary and an establishment at a shared location nor can the restrictions be more restrictive than a comparable ordinance or rule that applies to nonprofit medical marijuana dispensaries. He gave a zoning overview and provided a visual of a current zoning map. He explained that zoning allowed protection of vulnerable populations and sensitive properties such as schools, daycare facilities, recreation and parks facilities, religious facilities, treatment facilities, and care facilities. He discussed current zoning and stated that medical dispensaries were

currently zoned for 250 feet from residential and 500 feet from vulnerable populations. He provided a visual map of current zoning for dispensaries. He stated that current tobacco-oriented retailers were zoned 1,000 feet from schools and daycares and stated the same could be considered for consistency. He stated other items up for consideration were the number of marijuana facilities per number of residents, the number of facilities per square mile area within or outside the City limits, and the number of facilities per amount of pharmacies. He discussed signage and advertising and stated that Chapter 18.115 laid out standards and sub-section 18.120.160.g.3 addressed medical marijuana. He discussed the operation of regulated businesses and detailed special requirements up for consideration for marijuana facilities. He listed the regulations already in code for medical dispensaries and stated they would apply to recreational with dual licensing. He stated other operational items to consider were consumption in stores, seed to sale security and odor control requirements. He stated that Prop 207 regulated personal cultivation such as the amount of plants, areas where it can be cultivated inside the home, security to prevent access by minors and so on. He further explained that Prop 207 did not establish regulations for commercial cultivation and detailed the current code for medical marijuana. He stated items to consider for commercial cultivation were the number of facilities within city limits, security, transportation, water run-off and burning. He discussed taxation as established by Prop 207 and noted that cities could not assess any additional taxes beyond what was allowed under state statutes. He discussed the regulations of public use outlined by Prop 207 and noted that the current code only prohibited smoking marijuana. He suggested considering changing working to "use or consume any marijuana related product." He opened the floor for questions.

Vice-Mayor Smith asked about signage and whether signs could include marijuana leaves, a green cross, flashing or neon lights, sign spinners and more details in general. Mr. Bowman responded that current sign code addressed lit signs, placement, and sign spinners and permits were required for any promotional signs. City Manager Horst elaborated on current allowable signage.

Councilmember Vitiello inquired how city would track taxation. City Manager Horst explained that taxes were collected by the state and elaborated. Councilmember Vitiello asked whether there were any indicator from other states that proved the legalization of marijuana slowed down drug trafficking. Maricopa Police Department (MPD) Chief, James Hughes responded there was no current evidence and elaborated.

Councilmember Wade inquired about the community's expectations. City Manager Horst stated that code already set that all current regulations for medical marijuana would apply for recreational marijuana. He elaborated on the items that remained to be considered such as dispensaries, and cultivation.

Mayor Price read a comment submitted online by Al B in opposition of allowing dispensaries in the City. City Manager Horst stated that Prop 207 passed for the use and dispensaries for recreational marijuana.

Edward Michael asked for clarification on the emergency ordinance and final date. Mayor Price stated the date to establish an emergency provision was April 1st. City Manager Horst clarified that Council had the right to amend the ordinance at any time in the future.

Mayor Price read a comment submitted online by Dallas in opposition of 207.

Bill Robertson commended the public comment process. He stated the community

was not looking for their personal beliefs, but for the city to enforce and provide a safe and regulated means for the industry to engage in Maricopa if they choose to.

Mayor read a question submitted online by Liana B on how the smell was going to be addressed. Chief Hughes elaborated on residents right to privacy and stated Council would have to address how to handle offensive odors. City Manager Horst stated there was a nuisance provision in city code and elaborated. He emphasized that the nuisance had to be at a significant standard.

Tina Dugan stated that she was not a marijuana user but supported the will of the voters. She stated the dual licensing requirement was too restrictive and did not agree with it. She stated the Council has always taken a business-friendly approach but in this case, it was made so restrictive that they would not come. She stated medical and recreational marijuana dispensaries should be able to operate without dual licensing. She stated that Pinal County was the site of a big cultivation and that information could be garnered from that.

Mayor Price read a comment submitted online by Real Estate Agent, Bea L. She stated she was working with a client looking for a location to open a dispensary, and that there was no indication that the city would allow such a lawful business to operate within city limits. City Manager Horst responded that dispensaries were allowed, and that Council could decide whether to separate the licensing or not. He elaborated.

Mayor Price asked the City Attorney to elaborate on the differences between what was passed in 2010 for medical marijuana dispensary licenses and Prop 207 for recreational. Discussion ensued, it was explained that there were approximately 60 licenses left for establishments either dual or recreational. Discussion ensued regarding available licensing. Mayor Price stated he would also like to hear more about the discrepancy between the requirements for tobacco establishments and marijuana dispensaries. City Manager Horst explained that the discrepancy might have been due to medical marijuana requiring prescription, and noted that with recreational use the Council could make the final decision. Councilmember Vitiello asked for clarification on state licenses. Discussion ensued on the number of licenses available. Councilmember Manfredi spoke in favor of not requiring dual licensing. Discussion ensued.

Mayor Price discussed touring and meeting with business associates who have a dispensary/cultivation business. He discussed the process and market. Councilmember Manfredi reiterated his support for separating the licensing requirement. Discussion ensued.

Gary Metivier stated that parts of the code seemed to be administrative over-reach such as dictating to residents to which purpose any room of their house may be used. City Manager Horst stated that issue raised was regulated by state statute and the City Council had no authority over it. Discussion ensued regarding Prop 207 state regulations. Mr. Metivier asked Chief Hughes about enforcement. Chief Hughes replied. Mr. Metivier urged the Council to cut back on some of the restrictions and listen to the people.

Mayor Price read a comment submitted online by Rachel L that stated the following considerations; no facility should be located within 5 miles of a pre-k through 12th schools, operating hours should not extend beyond 6 a.m. to 10 p.m., marijuana should only be consumed in homes by individuals 21 or over, no consumption in public places or private facilities, deliveries should be in inconspicuous packaging, additional

patrol around marijuana businesses, businesses should provide armed security, no police harassment of marijuana business patrons, and limiting manufacturing cultivating and dispensaries to rural or industrial areas.

Mayor Price read a comment submitted online by Kelle G. She stated that she moved from Washington where marijuana was legalized. She stated she was first against it but has seen the benefits. She stated it was treated as a DUI when operating vehicles. She stated the state benefited from the sales and tax and elaborated.

Mayor Price read a comment submitted online by Pat L. stated the City was too small and not ready. She stated it would cost more money for police, youth were vulnerable and suggested putting it off and watch how bigger cities handle it. Chief Hughes responded that he did not foresee an egregious impact on MPD. Councilmember Wade asked how it would be treated as a DUI. Chief Hughes elaborated on the difference between sobriety testing for alcohol and other substances. Discussion ensued.

Mayor Price read a comment submitted online by Leo S. in opposition of dispensaries in Maricopa.

Mayor Price read a comment submitted online by Frank W. in opposition of recreational use of marijuana.

Jelani E. asked for clarification about dual licensing. He stated that marijuana helped with his Post-Traumatic Stress Disorder (PTSD) and that many veterans also benefit from it. He discussed the stigma of mental health disorders. He encouraged the Council to reconsider the dual licensing requirement for dispensaries. He discussed racial injustice and stated it was the cause of his PTSD.

Mayor Price read a question submitted online by Nicole P. about dual licensing. He reiterated the response.

Vice-Mayor Smith elaborated on the emergency ordinance to allow for local control.

Gary Metivier asked about the growth process. Mayor Price provided explanation and a brief discussion ensued.

Councilmember Wade stated that he encountered a group smoking marijuana at Copper Sky, and asked Chief Hughes to elaborate on enforcement. Chief Hughes stated that smoking in public places was in violation and police could act. City Manager Horst elaborated. Discussion ensued.

Mayor Price read a question submitted online by Kenny R. who asked if all cultivation would happen indoors. City Manager Horst responded that currently it was required to be indoors by the code, but the ultimate decision would be made by Council. He reiterated on items to consider.

Mayor Price read a question submitted online by Thomas D. reiterating about rules for smoking inside the home or backyard and how it would be enforced.

Bill Roberts stated Councilmember Wade's experience showed marijuana use was already happening. He inquired about consumption of edibles in public places. He stated it needed to be addressed clearly and added that "in public" and "public places" needed to be defined as well. He discussed a dispensary in the city of Gilbert.

Priscila stated she lived in Portland, Oregon and her neighbor smoked. She spoke in opposition of the odor and expressed concerns with grow sites.

Mayor Price elaborated on the process and stated that it would take time to systematically tackle each item for consideration before the item was voted on.

Mayor Price read a question submitted online by Misty M. regarding security plans for facilities. Chief Hughes elaborated that state law regulated some of the security. City Manager Horst stated security plans were already required for big box stores and it was not new for the city.

Mayor Price read a question submitted online by Nawal B. regarding smell from smoking and growing marijuana. Vice-Mayor Smith stated that manufacturing could emit an odor and elaborated. Discussion ensued on indoor manufacturing.

Councilmember Wade thanked everyone who participated and encouraged participation. Vice-Mayor Smith stated she appreciated the feedback as well, and added she needed more detail and information before voting on it. Councilmember Manfredi reiterated his stance on recreational dispensaries without dual licensing and directed the community to contact the Council at citycounciloffice@maricopa-az.gov.

Mayor Price thanked everyone for their patience and elaborated on the complexity of the issue. He thanked everyone for the input and highlighted the importance of local control.

The Presentation was heard.

4. Adjournment

A motion was made by Councilmember Vincent Manfredi, seconded by Councilmember Henry Wade, to Adjourn at 7:08 p.m. The motion carried unanimously.

Certification of Minutes

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the work session of the City Council of Maricopa, Arizona, held on the 6th day of April, 2021. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 20th day of April, 2021.

Vanessa Bueras
City Clerk