

I. CALL TO ORDER; ROLL CALL

The meeting of the Matanuska-Susitna Borough Marijuana Advisory Committee was called to order at 6 p.m. by Chair Williams for the purpose of conducting a special meeting.

Board members present and establishing a quorum were:

Ms. Sara Williams, Chair
Ms. Peggy Mulligan
Ms. Crystal Nygard
Ms. Savon Duchein
Ms. Lisa Albert-Konecky
Mr. John Norris (*arrived at 6:01 p.m.*)
Ms. Ronda Marcy
Ms. Rebecca Rein
Ms. Delena Johnson
Mr. Joseph Schmidt

Staff in attendance were:

Ms. Brenda J. Henry, CMC, Assistant Clerk
Mr. Alex Strawn, Development Services Manager

II. APPROVAL OF AGENDA

Chair Williams queried if there was any changes to the agenda.

GENERAL CONSENT: The agenda was approved as presented without objection.

III. APPROVAL OF MINUTES

Chair Williams noted that there were no minutes to approve and that Madam Clerk had advised that they will be on the next meeting agenda.

IV. AUDIENCE PARTICIPATION

The following person spoke to concerns with prohibiting cultivation facilities in the core area and to concerns with the definition of marijuana being unconstitutional: Mr. Don Hart.

The following person spoke in support of commercial marijuana, noted the funds being expended to get his marijuana facility operational and noted the proposed location of his facility: Mr. David Straub.

The following person spoke to concerns with the public process: Mr. Eugene Carl Haberman.

The following person spoke in support of a public hearing on what is a residential area, in support of providing for land use regulations, and to concerns with No. 7 in the Options Table, and in support of a 90-foot setback from rights-of-way and 25-foot set back from roads: Mr. Tim Hale.

V. ITEMS OF BUSINESS

A. Marijuana Advisory Committee Resolution No. 16-02 regarding staff and Planning Commission suggestions to the Assembly regarding Ordinance Serial No. 16-003

Chair Williams:

- advised the Committee that it is not necessary to vote whether to do the resolution, as it was directed that they do so by the Assembly;
- stated that the Committee will take up each item in the options table consecutively; and
- queried if there was any objection.

There was no objection noted.

No. 1 – Options Table

Chair Williams queried if there was any objection to approving No. 1 on the Options Table as presented.

There was no objection noted.

No. 2 – Options Table

Chair Williams queried if there was any objection to approving No. 2 on the Options Table as presented.

There was no objection noted.

No. 3 – Options Table

MOTION: Ms. Marcy moved to retain the language as proposed to be stricken in the Options Table.

The motion was seconded.

VOTE: The motion passed without objection.

No. 4 – Options Table

Chair Williams queried if there was any objection to approving No. 4 on the Options Table as presented.

There was no objection noted.

No. 5 – Options Table

Chair Williams queried if there was any objection to approving No. 5 on the Options Table as presented.

There was no objection noted.

No. 6 – Options Table – MSB 17.60.150(B)

MOTION: Ms. Albert-Konecky moved to retain the language that is proposed to be stricken.

The motion was seconded.

VOTE: The motion failed (tie vote) with Ms. Nygard, Ms. Albert-Konecky, Mr. Norris, Ms. Johnson, and Mr. Schmidt in support and Ms. Williams, Ms. Mulligan, Ms. Duchein, Ms. Marcy, and Ms. Rein opposed.

MOTION: Ms. Marcy moved to approve the bold and underlined language as proposed in the Options Table.

The motion was seconded.

VOTE: The motion passed without objection.

MOTION: Ms. Johnson moved to amend No. 6 in the Options Table, MSB 17.60.150(B)(1) by striking “500” and inserting “1,000” and by inserting “500” before each other location to read: “(1) Within 1,000 feet of school grounds, 500 feet of a recreation or youth center, 500 feet of a building in which religious services are regularly conducted, or 500 feet from a correctional facility.”

The motion was seconded.

VOTE: The motion passed with Ms. Mulligan, Ms. Nygard, Ms. Albert-Konecky, Mr. Norris, Ms. Johnson, and Mr. Schmidt in support and Ms. Williams, Ms. Duchein, Ms. Marcy, and Ms. Rein opposed.

No. 6 – Options Table – MSB 17.60.150(C)

MOTION: Ms. Albert-Konecky moved to retain the language proposed to be stricken in MSB 17.60.150(C), that reads: “Separation distances referenced in (B) of this section are measured in a direct line between the closest point of the facility within which the marijuana facility is located, and the closest point on the lot or parcel of land upon which any of the above itemized uses are located.”

The motion was seconded.

VOTE: The motion passed with Ms. Mulligan, Ms. Nygard, Ms. Albert-Konecky, Mr. Norris, Ms. Johnson, and Mr. Schmidt in support and Ms. Williams, Ms. Duchein, Ms. Marcy, and Ms. Rein opposed.

No. 6 – Options Table – MSB 17.125.010

MOTION: Ms. Marcy moved to approve the definitions as proposed in the Options Table.

MOTION: Ms. Rein moved a secondary amendment to strike the definition of “recreational facility.”

VOTE: The secondary amendment passed without objection.

VOTE: The primary amendment passed as amended without objection.

(The meeting recessed at 7:12 p.m. and reconvened at 7:22 p.m.)

No. 7 – Options Table – Prohibit Cultivation Facilities from residential areas.

MOTION: Ms. Marcy moved to approve Option No. 3 under No. 7 of the Options Table.

The motion was seconded.

[Clerk’s note: Ms. Rein made and withdrew two secondary amendments; there was no objection.]

MOTION: Ms. Rein moved a secondary amendment to amend the definition of residential area to read: “Residential area means any subdivision of four or more lots where at least 75 percent of the lots are restricted by private covenants upheld by an active Home Owners Association (HOA). The definition of an active HOA being an HOA that has met to conduct business in accordance with their bylaws.”

MOTION: Ms. Johnson moved to postpone the secondary amendment to the next meeting.

The motion was seconded.

VOTE: The motion to postpone passed with Ms. Mulligan, Ms. Albert-Konecky, Mr. Norris, Ms. Rein, Ms. Johnson, and Mr. Schmidt in support and Ms. Williams, Ms. Nygard, Ms. Duchein, and Ms. Marcy.

The Committee unanimously requested that a public hearing on the secondary amendment be conducted at the next meeting.

No. 8 – Options Table – Prohibit retail facilities from residential areas

MOTION: Ms. Rein moved to postpone taking up No. 8 on the options table to the next meeting.

The motion was seconded.

VOTE: The motion passed without objection.

No. 9 and No. 10 - Options Table – Require demonstration of compliance with state law and other changes recommended by staff

MOTION: Ms. Marcy moved to postpone taking up No. 9 and No. 10 on the options table to the next meeting.

The motion was seconded.

VOTE: The motion passed without objection.

VI. COMMITTEE AND STAFF COMMENTS

Mr. Schmidt spoke in favor of No. 7 through No. 10 being postponed to the next meeting.

Ms. Johnson noted her agreement with Mr. Schmidt.

Ms. Albert-Konecky:

- opined that the body should be individually engaging the public about what a residential area is; and
- noted that there are two sides to the marijuana issue and it would be helpful to hear more from both sides.

Ms. Marcy:

- spoke to her disappointment with the approach of the Assembly when it comes to marijuana;
- opined that the same information is being rehashed over and over again;
- noted that there is already marijuana being cultivated in residential areas because personal use laws exist; and
- spoke to her frustration with the Assembly's legislation referral process.

Ms. Duchain:

- opined that public hearings should be held after Committee discussion and not before;
- opined that the lack of communication between the Assembly and the Committee is irreprehensible because they are making decisions without consulting the so-called advisory committee;
- opined that the Committee has not achieved anything;
- spoke in support of Mayor Halter's veto of the marijuana moratorium;
- opined that the Assembly holds utter contempt for the Committee; and
- opined that the Committee should be disbanded.



Ms. Williams:

- noted that she disagrees with Ms. Duchain, as the Committee has made recommendations to the Assembly that are within their purview;
- spoke in support of the public process;
- opined that it may be frustrating to the public to have to hear the bickering that occurs between members but that in the long run, it brings forward good discussion;
- spoke in support of the varying views of the members of the Committee;
- provided an update where the State is at with their regulations; and
- encouraged the public to provide comment to the State if they are interested in or have concerns regarding on-site consumption.

VIII. ADJOURNMENT

The meeting adjourned at 8 p.m.

MATANUSKA-SUSITNA BOROUGH
MARIJUANA ADVISORY COMMITTEE



SARA WILLIAMS, Committee Chair

ATTEST:



BRENDA J. HENRY, CMC, Assistant Clerk

Minutes Approved: 06/23/16