

MINUTES

MINUTES OF THE WORK SESSION OF THE MAYOR AND COUNCIL OF THE CITY OF BISBEE, COUNTY OF COCHISE, STATE OF ARIZONA, HELD ON TUESDAY, APRIL 19, 2011, AT 6:00 PM IN THE BISBEE MUNICIPAL BUILDING, 118 ARIZONA STREET, BISBEE, ARIZONA.

THE MEETING WAS CALLED TO ORDER BY MAYOR PORTER AT 6:00 PM.

ROLL CALL

COUNCIL

Councilmember Boyd Nicholl, Ward I
Councilmember Bennie Scott, Ward III Excused
Councilmember Luche Giacomino, Ward II
Mayor W.J. "Jack" Porter
Councilmember Anna Cline, Ward III Late, arrived at 6:05 p.m.
Councilmember Ransom Burke, Ward II, Mayor Pro Tempore
Councilmember Ken Budge, Ward I

STAFF

Stephen J. Pauken, City Manager
Gloria P. Gonzalez, City Clerk
John Charley, Community Development Director

CITY ATTORNEY

John A. MacKinnon

THE FOLLOWING ITEM WAS DISCUSSED AND/OR CONSIDERED AT THIS MEETING:

1. Discussion Regarding Registered Non-Profit Medical Marijuana Dispensaries to the Bisbee Zoning Code as an Emergency Measure.
John Charley, Community Development Director

Mr. Charley provided a detailed overview regarding the Registered Non-Profit Medical Marijuana Dispensaries and advised that this emergency measure would be included in the Bisbee Zoning Code. The amendments addressed the location of medical marijuana dispensaries, the application process, standard conditions for medical marijuana dispensaries and the operation of a registered caregiver. Mr. Charley indicated that the majority of the oversight and guidelines regarding the dispensaries would fall under the Arizona Department of Health Services.

Mr. MacKinnon clarified that the caregiver in this context could grow only 5 plants per patient and could only have a maximum of 5 patients, and possibly could also be a patient. He explained that the plants would need to be in a locked or closed facility provided it met the standards and did not cause any off sight impacts. He also added that this was not a commercial retail operation nor was it a manufacturing operation.

Councilmember Burke asked who would monitor all the rules and regulations and if there would be revenue to the City. Mr. Charley replied that the Arizona Department of Health Services. Mr. Charley commented that tax revenue might be potential revenue, but there was no direct category that the City would receive revenue other than the normal building permits, development plan fees.

Councilmember Giacomino asked about the restrictions regarding churches and schools. Mr. Charley explained that the main restriction from the State is 500 feet from a school and after that it was up to each municipality to develop its own set of community standards.

Mr. Charley commented that one of the reasons the City did not have an extensive list of restrictions was because if one was going to operate a dispensary, the Special Use Permit (SUP) needed to get approval from the P&Z Commission and eventually the City Council. The SUP would allow for the regulation of that site, its location and the complete packet that would be submitted to the State.

Councilmember Nicholl asked who would monitor the Special Use Permits (SUP). Mr. Charley replied that the responsibility primarily fell under the Community Development Department and any violation of an SUP was grounds for immediate withdrawal by the City. Councilmember Nicholl had concern with the City (Community Development, Police Department) not receiving revenue for the utilization of man hours and time spent on citations, if applicable. Mr. Charley elaborated on the SUP and explained how the medical marijuana dispensaries would not be different from any other business that violated the City Code.

Councilmember Budge asked if the City did not have a dispensary in the City, would the public / patient be allowed to grow their own medical marijuana and not be under the C1, C2, C3. Mr. MacKinnon explained that patients would be allowed to grown their own as long as there was not another dispensary within 25 miles. He indicated that if there was one dispensary in Sierra Vista or Douglas, Bisbee could be precluded by this rule.

Mr. Charley clarified that a dispensary would not be permitted in residential or mixed-use zoning and pointed out that Cochise County was projected to have six dispensaries.

Mr. Charley explained the caregiver card process and that the applications would be processed on April 14th. The issuance of these cards during this timeframe was because dispensaries would not be in place.

Councilmember Budge asked if SUPs would be reviewed periodically and for the process to revoke should this be the case. Mr. MacKinnon explained that there would be a substantial economic investment in these permits and that people would rely on the permits. He commented that there was a requirement if the usage changed or differed from the application, the permit would require amendment and essentially be the same process for obtaining a new permit.

Councilmember Budge asked if there were many complaints from an area, would that be justifiable reason to bring the SUP back for review. Mr. MacKinnon replied that if any complaints were well-founded to be inconsistent with either State regulations or the terms of the SUP would be cause to address and/or terminate the SUP.

Mayor Porter asked Mr. MacKinnon to explain why the Ordinance was being addressed as an emergency Ordinance. Mr. MacKinnon explained that the emergency was to ensure that a process was in place to address a future application. The State rules are effective now and the permits would be dispensed in early June. In order to make sure that the City has the appropriate land use regulation in place, this Ordinance needed to be adopted as an emergency matter under Bisbee City Charter.

MOTION: Mayor Porter moved to adjourn the meeting.

SECOND: Councilmember Nicholl

MOTION: PASSED UNANIMOUSLY

ADJOURNMENT: 6:25 PM

W.J. Porter, Mayor