

Regular Meeting

January 9, 2013

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CALL TO ORDER

A Regular Meeting of the Planning and Zoning Commission of the City of Coolidge was held in the Council Chambers, 911 S. Arizona Boulevard, Coolidge Arizona. Chairman William Pertzborn called the meeting to order at 7:00 p.m. Those present were Chairman William Pertzborn, Don Williams, Norma Jean Polee-Muhammad, Jesse Cañez, Billie Jo Garcia, Brent Kempton. Also present was GM Director Rick Miller.

PLEDGE OF ALLEGIANCE

Chairman Pertzborn led the Pledge of Allegiance.

APPROVAL OF MINUTES:

Commissioner Williams **moved** to approve the minutes of the December 5, 2012 regular meeting, Commissioner Polee-Muhammad **seconded**, motion passes unanimously.

PRESENTATIONS:

NONE

OLD BUSINESS

NONE

NEW BUSINESS

COOLPZ 12-12-02 ZA: An Amendment to the City of Coolidge Zoning Ordinance to amend Article X, Section 1008, Subsection D.6, by removing the provision “All medical marijuana uses shall Not provide offsite delivery of medical marijuana to qualified patients”. **Public Hearing, Discussion and Action**

GM Director Miller spoke about the delivery restriction imposed by the City’s zoning code only applies to a dispensary within the City of Coolidge, and does not prevent marijuana delivery within the City from other sources. Director Miller also stated he felt there would be greater accountability from a dispensary delivery service than other options. Director Miller also mentioned he had spoken with the Chief of Police and they felt this would enhance our current code, recommending Growth Management staff proceed with the

amendment. Commissioner Williams asked if the Police Chief had any security concerns related to the dispensaries delivery marijuana. Director Miller stated that the Chief felt it was better for the dispensaries to delivery than just anybody with a caregiver card. Commissioner Garcia wanted confirmation that allowing the dispensary to delivery did not preclude others from delivering as well, with Director Miller stating that was correct, noting that other dispensaries outside the City of Coolidge can currently deliver within the City. Commissioner Kempton stated that the staff report indicated the delivery restriction put the dispensary in Coolidge at an economic disadvantage, with Director Miller stating that was true but that he viewed it more as an accountability issue. Chairman Pertzborn asked if the dispensary did not open in Coolidge, would one opening in Eloy or Casa Grande disallow caregivers from growing in Coolidge. Director Miller said as he understands it, if you are within 25 miles of a dispensary you can not grow your own marijuana. Director Miller stated his belief that Coolidge will get a dispensary, whether it be the current approved applicant or a subsequent applicant. Commissioner Garcia wanted clarification on how the "vending machine" method detailed by the dispensary at a previous meeting works in a delivery situation, Director Miller stated the "vending machine" scenario only applied to patient who physically visited the dispensary and alternative methods would be used for delivery, as determined by the dispensary and the State of Arizona. Commissioner Kempton stated he did not understand how the program works with respect to caregivers obtaining marijuana by proxy for qualified patients. Director Miller said as he understands it, you can be a caregiver for 5 other patients, and obtain marijuana for yourself and all your designated patients. There was inaudible

comment from the audience. Commissioner Cañez stated that the responsibility for compliance falls on the caregiver and/or dispensary and they are subject to consequences for failure to comply with applicable regulations, as determined by the State. Director Miller stated that the responsibility of the City was to determine whether proposed locations for dispensaries within the City were appropriate, and the City was no responsible for regulating the operation of the dispensaries, noting that is done at the State level. Commissioner Kempton asked if we could structure the ordinance such that there was a higher level of scrutiny place on delivery operations. Director Miller strongly recommended against such a course, citing the HIPPA privacy concerns associated with the law. Commissioner Williams asked if once the dispensary comes into Coolidge if the caregivers go away. Director Miller stated they do not, however they would no longer be allowed to grow. Commissioner Garcia asked why the delivery restriction was in the ordinance in the first place, noting the City should not tell people how to run their business. Commissioner Williams said it might have stemmed from a desire not to see trucks with marijuana leaves painted on the side parked and being used as a defacto sign. Director Miller stated he would recommend being very careful in attempting to regulated content of signage as to not interfere with anyone's 1st amendment rights. Commissioner Garcia asked if the State had any regulations related to marijuana delivery, with Director Miller noting the State does not restrict deliver by dispensaries and the City's ordinance was somewhat unique in that aspect.

Chairman Pertzborn opened the public hearing. A member of the public 'Jim' spoke, but would not go to the microphone.

He said he was currently delivering marijuana to qualified patients and that they don't serve anyone without a card. He further spoke about the methods he used in delivery. No other members of the public wished to speak. Chairman Pertzborn closed the public hearing.

MOTION was made by Commissioner Cañez to approve **COOLPZ 12-12-02 ZA:** An Amendment to the City of Coolidge Zoning Ordinance to amend Article X, Section 1008, Subsection D.6, by removing the provision "All medical marijuana uses shall Not provide offsite delivery of medical marijuana to qualified patients". Motion was **SECONDED** by Commissioner Williams. Motion passes unanimously.

**REPORTS FROM THE
CHAIRMAN/GROWTH
MANAGEMENT DIRECTOR**

Chairman Pertzborn said he had attended the Airport Fly-in, which is the first Saturday of the month, with almost 300 people in attendance.

GM Director Miller stated he had also attended the fly-in, and what a great activity that was. He commended the Lions Club for the great job they do at the fly-ins. He invited others to come out and see what it was all about. He then mention the General Plan newsletter that was included in the Planning and Zoning packets, noting the meeting dates were listed on the back. Director Miller spoke about how important the General Plan was and the upcoming kick-off meeting. Director Miller then mentioned staff will bring a PAD amendment to the Commission next month.

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CALL TO THE PUBLIC

No members of the public wished to speak.

ADJOURNMENT

MOTION was made by Commissioner Kempton to adjourn the meeting. ***SECONDED*** by Commissioner Williams **Motion carried.** Meeting adjourned 7:40 pm.