

**Policy Committee Meeting
February 25, 2021**

*NOTE: Due to COVID-19, this meeting was held virtually (via ZOOM),
and was live streamed on the City's website*

Committee Chair, Councilor John McCurry, Jr. called the meeting to order at 5:20 p.m.

Roll Call: Councilors John McCurry, Jr., Norman Belanger and Doris Ortiz; Committee Members Renee O'Neil and Nathan Bean

Staff Members present: Carmen Morris, City Clerk, Mathew Eddy, Planning & Development Director; Keith Jacques, Esq., City Solicitor

There were no adjustments to the agenda.

Acceptance of Minutes: November 19, 2020

Motion by Councilor Belanger, seconded by Councilor Ortiz to accept the minutes as printed.

Vote: Unanimous.

Discussion/Approval: Amendment/Ch. 22, Businesses/Various Sections/Add Marijuana Facilities Licensing Requirements

Councilor McCurry feels that this item should have been reviewed by the City Solicitor before it had been sent to the Council on February 2, 2021, but unfortunately, it had not. He is in favor of the licensing requirement in order to make odor control consistent for all facilities.

Councilor Belanger is not convinced that adding another layer of compliance by adding a licensing requirement is the right way to go. If odor is the issue, then the zoning ordinance should be amended to deal with this issue and make it consistent for all facilities. He noted that the City needs to figure out what the issue is that needs to be addressed; and then figure out who is the appropriate body to be making decisions when there is a violation; and also, what is the process when there are complaints and at what stage does the issue get appealed somewhere else.

Councilor Ortiz agrees with Councilor Belanger and does not necessarily think a licensing requirement is needed. She agrees with all three areas that Councilor Belanger highlighted that need to be addressed. She also brought up the question of what to do with existing facilities and how any ordinance changes will affect them. She thinks maybe coming up with an odor ordinance for the whole City to be enforced for all types of businesses (and not just marijuana facilities) is the way to go.

City Solicitor, Keith Jacques explained that if licenses are granted moving forward, it could revert back to the conditional uses already granted to existing facilities. He believes that we need to define what is odor – whether in the Land Use ordinance or in the licensing ordinance – as well as what odor violations mean when enforcing the ordinance. He also brought up the fact that the process needs to be defined and a policy established for dealing with violations.

He assured the committee that marijuana facility applicants are currently not being held up, so this process should be done deliberately and effectually.

Councilor Belanger would like this issue to go back to Staff so that a stand-alone odor ordinance can be drafted; one that would pertain to all businesses and not just target one certain type of business. He thinks this type of ordinance would probably fall within the Land Use ordinance.

Councilor McCurry agrees with Councilor Belanger in regards to having an odor ordinance drafted; and he would also like get the proposed licensing language cleaned up and brought back to the Policy Committee.

Solicitor Jacques suggested that both an odor ordinance and a marijuana licensing requirement ordinance be drafted and submitted, and then either the Policy Committee or the Council can decide if they want both or just one.

Keith suggested that as far as timing, Staff should be able to submit something in early April. The Committee was in agreement with this timing.

Keith got a sense from the members that the number 3 is a good amount for the number of incidents that trigger enforcement. Councilor Belanger suggested 3 offenses, within a certain period of time. Also, if there is ultimately a revocation of a license, should it be through the Planning Board or the Council? It was suggested that revocation start at the Planning Board, with an appeal process going to Council. Councilor Ortiz is not entirely in favor of this process, but is willing to review and consider ordinance language that Staff submits.

Motion by Councilor Belanger, seconded by Councilor Ortiz to adjourn.
Vote: 5:53 p.m.