A Special Meeting of the Common Council of the Town of Clarkdale was held on Tuesday, November 16, 2010, at 3:00 PM at Clark Memorial Clubhouse, Men's Lounge, 19 N. Ninth Street, Clarkdale, Arizona.

CALL TO ORDER- Meeting was called to order at 3:03 p.m. by Mayor Von Gausig.

Town Council:
Mayor Doug Von Gausig — Councilmember Curtiss Bohall
Vice Mayor Richard Dehnert — Councilmember Bill Regner
Absent: Councilmember Patricia Williams

Town Staff:
Town Manager Gayle Mabery
Community Development Director Sherry Bailey
Police Chief Pat Haynie
Utilities Director Wayne Debrosky
Public Works Director Steve Burroughs

PUBLIC COMMENT – The Town Council invites the public to provide comments at this time. Members of the Council may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. §38-431.01(G), action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date. Persons interested in making a comment on a specific agenda item are asked to complete a brief form and submit it to the Town Clerk during the meeting. Each speaker is asked to limit their comments to five minutes.

There was no public comment.

NEW BUSINESS

WORKSESSION ON MEDICAL MARIJUANA ZONING ORDINANCE DEVELOPMENT

Community Development Director Bailey explained that the more she reviewed what was voted on, the more complicated the topic was.

The Arizona voters have approved Proposition 203, the Medical Marijuana Initiative. As a result, communities are trying to establish zoning to accommodate the non-profit dispensaries, the cultivation district, and the production facility district. The League of Cities and Town along with planning groups, attorneys and public safety members have been working on a model ordinance that could give guidance to communities that may be faced with requests for facility location within their jurisdiction. If communities have not adopted regulations addressing placement of these facilities there is no way to regulate where they are located. The model ordinance developed by the League proposes that the following criteria could be addressed in a zoning ordinance:

- Location limited to certain kinds of standardized zoning such as C-2 or C-3. Dispensaries may be treated like adult oriented businesses, tattoo parlors, etc.

depending on the zoning categories of the city or town.
- Distance requirements from churches, schools, etc. (The initiative prohibits dispensaries from locating within five hundred feet of a public or private school in existence at the time of the application.)
- Cities that have a general business license may require the dispensaries to acquire one as with any other retail business.
- Requirement of a security plan. (The initiative requires an on-site alarm system and limit of only one locked entrance.)
- Limit on hours of operation.
- Maximum square footage.
- Sign regulation. (There may be some advantage in actually having some signage present so customers will know where the dispensary is located and will not be annoying other businesses in search of it.)
- Dispensaries must be located in a permanent structure.
- Drive-through and off-site delivery prohibited.
- No on-site seating or on-premises consumption allowed.

In reviewing Clarkdale's zoning ordinance, we could amend either the commercial or industrial zones to accommodate the uses and do so under the conditional use permit application process.

Cities and town can zone appropriately for the three different uses that are included in the state law which are dispensaries, cultivation, and manufacturing (infusion). The commercial, industrial, and the central business district zoning was looked at.
If the Council, for example, chose to allow a dispensary in the central business district and required a 000 foot separation between dispensaries, the zoning would only allow one dispensary. If the commercial district was chosen it would allow for more dispensaries due to the size of the district.

The law provides for individuals that have their patient call them or who is an agent or care giver, to have up to 12 plants for their own use for care giver and up to 5 plants for patient use, if they are 25 miles from the nearest dispensary. Cultivation could be a required conditional use with security and confidentiality requirements and could be in residential zoning. Cultivation areas for dispensaries could be limited to industrial zoning areas.

If we do nothing, we have the ability for agricultural use to go in the R1L zone, a grower could come in and grow anywhere in the R1L district unless we adopt some type of regulation that puts specific standards for medical marijuana manufacturing.

Theft of crops is a security issue which has not been covered sufficiently in the new law.

Mayor Von Gausig thought to limit dispensaries to commercial zoning and growing on behalf of a dispensary would be a commercial operation. Growing on behalf of a caregiver could be residential or commercial, depending on the number of plants, and by conditional use in residential. Growing for personal consumption could be in residential areas by conditional use.

A Conditional Use Permit approach could be utilized for the caregiver which would allow the surrounding property owners a chance to express any concerns they might have. Individuals growing for their own use are less of concern then the more commercial growers.

Police Chief Haynie feels the law provides only for cultivating in an enclosed structure and feels enforcement by zoning would be sufficient.

Dispensary security needs to be worked on with the fire district regarding access, which would need to be written into the ordinance.

Mayor Von Gausig stated that the general direction is the voters have spoken, they consider medical marijuana a viable medicine and our ordinances need to reflect that desire and the public needs to have input regarding the ordinance.

Once we have a draft ordinance in December, it needs to go to Planning Commission for public hearing in January, and then recommendation to the Council in February.

WORKSESSION ON COUNCIL PROCEDURES AND PRACTICES – A worksession to discuss the Council's procedures and practices.

In June, 2004, the Council established a practice of holding an "orientation" as soon after the completion of a normal election cycle and seating of a new Council as possible. The orientation is meant to provide information and discussion regarding issues from Council meeting procedures, roles of the Mayor, Council, appointed officials and Town staff, relationships among those groups, appointment and interactions with Board and Commission members.

Some of the specific topics listed for discussion are outlined in other documents such as the Clarkdale Town Code and the Clarkdale Public Service Handbook:

a) Meeting and Worksession Procedures
b) Mayor and Council Member Roles
c) Council/Manager/Attorney/Staff Relationships
d) Communication/Interaction with Boards and Commissions
e) Council Member Interactions in Appointed Capacity to Outside Entities
f) Communication/Interaction with the Public, the Media and with Other Entities
g) Strategic Planning Priorities

Item A: Meeting and Worksession Procedures – This item will give the Council Members the opportunity to review the requirements for meeting procedures that are outlined in the Town Code, and to discuss how those procedures and other practices are implemented at our Regular and Special Council Meetings and during Council worksessions. - Town Code Chapter 2

Item B: Mayor and Council Member Roles - This item will give the Council Members the opportunity to review the duties prescribed in the Town Code for the Mayor, Vice Mayor and Council Members and to discuss how those procedures and other practices are implemented in the day-to-day role for persons in those positions. - Town Code Chapter

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Item C: Council/Manager/Attorney/Staff Relationships – Discussion under this item will focus on the importance of the relationships between the Council, the Town Manager, the Town Attorney and other members of the Town Staff, the references to these relationships in the Town Code, and how these relationships have been handled in the day-to-day functions of the Town. – Clarkdale Public Service Handbook

Item D: Communication/Interaction with Boards and Commissions – This item will give the Council the opportunity to review the information contained in our Public Service Handbook, and discuss issues relating to communication and interaction with Board and Commission Members.

Item E: Council Member Interactions in Appointed Capacity to Outside Entities – Various Council Members serve as representatives appointed by the Council to represent Clarkdale to outside organizations. Although our official guidelines have adopted regulations with regard to Council interactions with these various agencies, this worksession gives the Council the opportunity to discuss best practices in these situations, and the practical aspects of the importance of these communications.

Item F: Communication/Interaction with the Public, the Media and Other Entities – Although none of our official guidelines have adopted regulations with regard to communications and interaction with the public, media and outside entity, this agenda item will give Council members the opportunity to discuss best practices in these situations, and the practical aspects of the importance of these communications.

Item G: During this discussion, the Council may wish to discuss the timelines for the annual Strategic Planning Sessions, as well as the importance that the strategic planning process has in guiding the activities at the staff level from year to year. It is also important to discuss expectations about mid-year decisions or priority adjustments relative to previously established priorities.

Mayor Von Gausig asked if the Council was comfortable on how he was conducting his office. Councilmember Bohall stated he was comfortable with all his work.

The Town Manager stated that written reports from Council were very helpful for minutes and that if they were available, could be included in the packet.

Vice Mayor Dehnert wanted clarification regarding attending other board and commission meetings as a listener. Mayor Von Gausig stated that councilmembers could not be prohibited from attending those meetings, but generally discourage attendance. If attended, councilmembers should sit in the back and not join the discussions or give opinions. Councilmembers should be cautious when discussing or requesting topics with board and commission members.

Councilmember Regner wanted clarification regarding the council appointed/liaison positions in other organizations and reporting. Town Manager Mabery stated that open

meeting laws had changed a few years ago to limit reporting at meetings on events to the Mayor and Town Manager, but would check to see if the law had changed.

EXECUTIVE SESSION - The Council may vote to discuss the following matters in executive session pursuant to §38-431.03(A)(7) Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property. The executive session will be held immediately after the vote and will not be open to the public.

(A) Proposal from Verizon Wireless to Lease Town of Clarkdale Property for a Microwave Relay Pole and Equipment Storage Building.

Councilmember Bohall moved to adjourn and reconvene to executive session Motion seconded by Vice Mayor Dehnert at 4:53 p.m. Motion approved unanimously.

Without opposition, the Council adjourned the Executive Session at 5:14 p.m.

ADJOURNMENT

Without any further business, the Council adjourned at 5:15 p.m.

APPROVED:

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Doug Von Gausig, Mayor

ATTESTED/SUBMITTED:

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Kathy Bainbridge, Town Clerk