

REPORT – ORDINANCE COMMITTEE
September 6, 2018

The Standing Committee on Ordinances and Rules to which was referred the following reports as follows:

1. An Ordinance to Establish Licensing and Regulation for Adult Use Marijuana Establishments.

Councillor Cruise motioned to postpone to next Ordinance committee meeting and was properly seconded by Councillor Monahan. Motion carried by a hand vote.

MINUTES – ORDINANCE COMMITTEE
September 6, 2018

The Standing Committee on Ordinances and Rules was called to order at 6:25 p.m. (due to lock out) by Councilor Sullivan with Councilors Sullivan, Monahan, Cruise, Farwell, and Rodrigues present.

Meeting held at the War Memorial due to broken elevator.

The Committee first considered the following:

1. An Ordinance to Establish Licensing and Regulation for Adult Use Marijuana Establishments.

City Solicitor Philip Nessralla, Assistant City Solicitor Megan Bridges, City Planner Rob May all appeared.

Comment by Councilor Farwell

(lots to do to get license, cultivation and hemp issues different from retail/dispensary, different concerns, should we tackle all at one, would like to handle these separately)

Comment by Councilor Rodrigues

(3 sectors as he sees it, retail, cultivation, distribution, need to look at how they differ)

Comment by Councilor Cruise

(lots of moving pieces, retail first, business interest in retail)

Comments by Assistant Solicitor Bridges

(handouts provided to committee, one for a proposed application, 4 page overview, one document for license overview for CCC, one for quota breakdown from ABCC, our process would be parallel/identical to CCC process, CCC, ZBA, planning included, special permit, site plan review)

Comments by Councilor Cruise

(Question re: is application based on draft ordinance being vetted, Assistant Solicitor Bridges confirms)

Comments by Councilor Sullivan

(Re: sponsored by Councilor Sullivan and Councilor Rodrigues, comments re process of submitting through ordinance as opposed to as an order)

Comments by Councilor Farwell

(Inquiry re: bifurcation of ordinance, ie. Cultivation from retail)

Comments by Councilor Cruise

(doesn't see need for separation ordinance, we can have subparts if we impose separate regulations)

Comments by Assistant Solicitor Bridges

(regulations largely the same, perhaps changes are small, seems more zoning separation recommend if we regulation cultivation differently from retail, this can be done through zoning)

Comments by Councilor Farwell

(wants to debate retail and cultivation separately, interest in comments by fire department and police department, to name a few)

Comments by Councilor Rodrigues

(explains involvement of City Council under proposed regulations, City Council responsible for grant/denial of license, day to day by license commission)

Comments by Councilor Cruise

(much more comfortable with process as explained, comments re: suspension v. revocation, will get notice from license commission)

Comments by Councilor Sullivan

(need to clean up section 1.021)

Comments by Councilor Farwell

(Re: response by Brockton Police Department, concerns and complains always communicated to councilors)

Comments by Councilor Cruise

(Brockton Police should make report to License Commission to take politics out; City Council is not enforcement of laws)

Comments by Councilor Farwell

(unique, not federally approved, where to refer outside/agency complaints)

having considered the same, MOTION by Councilor Farwell, 2nd by Councilor Cruise to strike “Hearing Officer” 1.021(2)(b)(3), and 1.02(2)(c)(3) and replace with “Brockton City Council”, motion carried unanimously.

having considered the same, MOTION by Councilor Cruise, 2nd by Councilor Farwell to amend section 1.021(2)(e) to strike “Hearing Officer” and replace with “Brockton City Council” in each instance, motion carried unanimously.

Comments by Assistant Solicitor Bridges
(Re: appeal of license commission order to City Council)

Comments by Councilor Cruise
(license commission is a public body as well, transparent)

Comments by Assistant Solicitor Bridges
(suggestions to add minor infraction clarity, add section provisions throughout)

Comments by Councilor Cruise
(suspension v. revocation clarity needed)

Comments by Councilor Rodrigues
(can appeal suspension order to the City Council under the proposed language)

Comments by Councilor Monahan
(if there is a need for a suspension order, City Council can hold a special meeting)

Comments by Councilor Farwell
(call a special meeting if it happens, hope it doesn't)

having considered the same, MOTION by Councilor Cruise, 2nd by Councilor Monahan to add “before the Brockton City Council” to language in 1.016(3) and 1.017(3), motion carried unanimously.

having considered the same, MOTION by Councilor Cruise, 2nd by Councilor Monahan to add language to subsection of 1.021(2)(a) to strike “a Hearing Officer determined by”, motion carried unanimously.

Comments by Councilor Farwell

(Business regulations, buffer zones like Colorado & Washington, 1000 foot buffer, can't go to ZBA to challenge a business regulation)

Comments by Councilor Cruise

(Re: schools, day care, not sure about religious establishments)

Comments by Councilor Farwell

(Re: chapter relative to alcohol)

Comments by Assistant Solicitor Bridges

(even that chapter allows for a variance in the state regs. for 500 feet)

Comments by City Planner Rob May

(in process of developing map to show buffers, expected to have that by end of September)

Comments by Councilor Rodrigues

(Re: established/licensed day care center)

Comments by Councilor Sullivan

(timeline for passage of ordinance)

Comments by Councilor Beauregard

(registered licensed day care center, strong support of 1000 feet buffer)

Comments by Councilor Rodrigues

(not a family licensed day care center)

Comments by Assistant Solicitor Bridges

(Re: background check from CCC, copy should be required in the ordinance)

having considered the same, MOTION by Councilor Cruise, 2nd by Councilor Monahan to amend section 1.006 to substitute “two” for “four”, and to insert the following so the sentence reads: “an Application of Intent packet, a Management and Operations Profile packet, a copy of the Cannabis Control Commission (“CCC”) Background Check Application and confirmation, and a copy of the Community Host Agreement, motion carried unanimously.

having considered the same, MOTION by Councilor Rodrigues, 2nd by Councilor Cruise to amend section 1.003 to expand “RMD” to say “Registered Medical Dispensary (“RMD”), motion carried unanimously.

Comments by Assistant Solicitor Bridges
(adding language to 1.009)

Comments by Councilor Sullivan
(Re: language in 1.009, next meeting finish the licensing regs. and then work on zoning, let him know who to invite to the meeting)

having considered the same, MOTION by Councilor Cruise, 2nd by Councilor Monahan to POSTPONE until the next Ordinance Meeting, motion carried unanimously.

MOTION by Councilor Rodrigues, 2nd by Councilor Cruise to adjourn, motion carried unanimously.

The meeting was adjourned at 8:05 p.m.