

MINUTES – ORDINANCE COMMITTEE
November 20, 2018

The Standing Committee on Ordinances and Rules was called to order at 6:30 p.m. by Councilor Sullivan with Councilors Sullivan, Cruise, Monahan, Rodrigues, and Farwell present.

Meeting held at the Arnone School Cafeteria due to broken elevator.

The Committee first considered the following:

1. An Ordinance to Establish Licensing and Regulation for Adult Use Marijuana Establishments. (Postponed from November 7, 2018 Ordinance Meeting).

Invited to attend:

City Solicitor Philip Nessralla
Attorney Megan Bridges
City Planner, Rob May

Attorney Nessralla, City Planner Rob May appeared

Comments by CFO Jay Condon,
(vote would be needed refund, need to state purpose, need to be in the order,
taking money out is the same as stabilization majority in, 2/3s out,

Comments by Councilor Monahan
(re fees and purpose in Host Agreement)

Comments by CFO Jay Condon,
(receipts, need to be voted to get into special stabilization fund, \$280k from last
year, fiscal year 19 \$200k estimate, part of general fund appropriates for fiscal
year 2019)

Comments by Councilor Rodrigues
(re the process to set up stabilization fund for marijuana receipts)

Comments by CFO Jay Condon,
(beginning of next calendar year as an Order)

MOTION

Marijuana Establishment: Grounds for Denial of Initial Application for License 1.018

Motion by COUNCILOR RODRIGUES, 2nd by COUNCILOR MONAHAN to strike the word “or” at the end of 1.018(5), add the following language as subsection 1.018(6) “The Applicant does not have provisional or final approval of its license by the CCC; or” and renumber the existing 1.018(6) to become 1.018(7).

Motion Carried.

Minute Recess called by Committee Chair Councilor Sullivan

MOTION

Marijuana Establishment License: Grounds for Denial of Renewal Applications, Suspension and Revocation 1.020

Motion by COUNCILOR FARWELL, 2nd by COUNCILOR MONAHAN to interest the words “state or local” before the words law or regulation in subsection 1.020(3);

Motion Carried.

MOTION

Hearings and Appeals of Actions on Licenses 1.021

Motion by COUNCILOR CRUISE, 2nd by COUNCILOR MONAHAN to strike the word “after” in insert “with” after the words License Commission in subsection 1.021(1), to strike the word “of” and insert in its place “to” in the same subsection; to strike the entirety of subsection 1.021(2)(a) and insert in its place “Intentionally omitted”; to insert the words “License Commission with a copy to the” in subsection 1.021(2)(b)(1) before the words Brockton City Council; to strike the words “Brockton City Council” in subsection 1.021(2)(b)(2) and insert in its place “License Commission”; to insert the words “, after reasonable notice and hearing,” and “License Commission finds” and striking the words “Brockton City Council proves by a preponderance of the evidence” in subsection 1.021(2)(b)(3) and striking the words “Hearing Officer” and inserting in its place “License Commission”; to insert the words “License Commission with notification to the” in in subsection 1.021(2)(b)(4)(a) before Brockton City Council; and strike the words Brockton City Council and inserting in its place “License Commission” in subsection 1.021(2)(b)(4)(c).

Motion Carried.

MOTION

Hearings and Appeals of Actions on Licenses 1.021

Motion by COUNCILOR CRUISE, 2nd by COUNCILOR MONAHAN to insert the words “License Commission with a copy to the” before Brockton City Council in subsection 1.021(2)(C)(1); to strike the words “Brockton City Council” in subsection 1.021(2)(c)(2) and insert in its place “License Commission”; to insert the words “, after reasonable notice and

hearing,” and “License Commission finds” and striking the words “Brockton City Council proves by a preponderance of the evidence” in subsection 1.021(2)(c)(3) and striking the words “Hearing Officer” and inserting in its place “License Commission”; to insert the words “License Commission with notification to the” in in subsection 1.021(2)(c)(4)(a) before Brockton City Council; and strike the words Brockton City Council and inserting in its place “License Commission” in subsection 1.021(2)(c)(4)(c).

Motion Carried.

MOTION

Hearings and Appeals of Actions on Licenses 1.021

Motion by COUNCILOR CRUISE, 2nd by COUNCILOR MONAHAN to strike the entirety of Subsection 1.021(2)(e) and insert in its place “Intentionally omitted.”

Motion Carried.

MOTION

Hearings and Appeals of Actions on Licenses 1.021

Motion by COUNCILOR CRUISE, 2nd by COUNCILOR RODRIGUES to insert a “,” after the word suspension, to strike the first use of “or” before the word revocation, to insert a “,” after the word revocation and to insert the word “or” before the denial in subsection 1.021(2)(d)(2)

Motion Carried.

MOTION

Fines 1.022

Motion by COUNCILOR CRUISE, 2nd by COUNCILOR MONAHAN to strike the entirety of Subsection 1.022(1)(a),(c), and (e) and insert in its place “Intentionally omitted.”

Motion Carried.

MOTION

Non-Conflict with Other Laws 1.023

Motion by COUNCILOR CRUISE, 2nd by COUNCILOR MONAHAN to strike the entirety of Subsection 1.023(1) and insert in its place “Intentionally omitted.”

Motion Carried.

Comments by Councilor Sullivan

(thank you to Councilors Eaniri, Nicastro, and Beauregard for attending)

Comments by Councilor Cruise

(thank you to attorneys, Mr. May, Attorney Megan Bridges and committee re getting this done)

Comments by Councilor Sullivan

(re vetting for big endeavor, thank you for service to City of Brockton)

Comments by Councilor Farwell

(re clean version of ordinance with amendments)

MOTION by Councilor Cruise to Recommend FAVORABLE AS AMENDED, 2nd by Councilor Monahan, motion carried unanimously.

Next, the Committee considered the following

2. An Ordinance Amending Chapter 27 of the Revised Ordinance of the City of Brockton concerning the regulations and taxation of Marijuana be it ordained by the City Council of the City of Brockton. Article III. General Regulations and Permitted Modifications, is hereby amended by adding the following Section 27-24.4 Adult use of marijuana. (Postponed from November 7, 2018 Ordinance Meeting).

Invited to attend:

City Solicitor Philip Nessralla
Attorney Megan Bridges
Chief Financial Officer, Jay Condon
City Planner, Rob May

Comments by Councilor Farwell

(Zoning will need to go to Planning, 2 public hearings, one by Planning, one by BCC, publication, reminder that political is the art of compromise, need 8 votes, 4 people can put this to the vote, keep open mind, comment re 40R)

Comments by Councilor Sullivan

(re 750 buffer, see how it works out, re title to match medicinal)

Comments by Councilor Farwell

(re different for this class of special permit, I Zones, contiguous with Residential)

Comments by City Planner Rob May

(Permitted Principal Use in Industrial, not retail, like the "Fort Knox" not public access)

Comments by Councilor Farwell

(treated differently than recreational, consistent with statute for special permit, not sure about cultivation near a residential zone)

Comments by Councilor Monahan
(like any other person going in the I-1 zone)

Comments by Councilor Cruise
(same licensing process)

Comments by Councilor Farwell
(recreational sale shop in front of ZBA, large cultivation wouldn't need to be through special permit)

Comments by Councilor Nicastro
(concern re Ward 4, traffic)

Comments by City Planner Rob May
(special permit for retail, more foot traffic, non invasive facility)

Comments by Councilor Monahan
(interested in this section as is, re permitted use)

Comments by Councilor Cruise
(still application process)

Comments by Councilor Beauregard
(Ward 5, individual in front of ZBA for other agricultural products of that nature)

Comments by City Planner Rob May
(can't grow/cultivate at that location)

MOTION

Section 27-24.4 Adult use of marijuana

Motion by COUNCILOR FARWELL, 2nd by COUNCILOR RODRIGUES to insert the following language at the end of subsection 27-24.4(3)(a): "Notwithstanding the aforementioned, the location shall not be considered a Principal Permitted Use if the location is within one hundred (100) feet of a residential use, in which case the use shall only be allowed under Section 27-24.4(3)(b) Special Permit."

Motion Carried.

Comments by Councilor Farwell
(re 2nd floor requirement)

Comments by Councilor Cruise

(30% cost of improvement of assessed value for ADA compliance)

Comments by City Planner Rob May

(C3 is downtown, add value to building, get out of cars, street traffic for sales downtown)

Comments by Councilor Farwell

(if they want to invest in ground floor, good for them)

Comments by Councilor Rodrigues

(throughout the City)

Comments by Councilor Cruise

(no flashy signs, concerned about visibility on ground level, no curb appeal on ground level, limited by law, unintended consequence, example re In Good Health)

Comments by Councilor Sullivan

(can't mandate ADA compliance to the person who owns it)

Comments by Councilor Farwell

(we can regulate the signs, customers will know where to go)

Comments by City Planner Rob May

(glass, openness into these buildings, row of windows, then blank wall, no windows, can't see in to it)

Comments by Councilor Rodrigues

(should be both 2nd Floor and ADA compliant)

Comments by Councilor Farwell

(concerned about access to retail locations)

Comments by Councilor Farwell

(Walgreens pharmacy on north Montello)

Comments by Councilor Cruise

(re current equipment)

Comments by City Planner Rob May
(at the time of re-licensing,)

Comments by Councilor Farwell
(re notification for addressing issue)

Comments by City Planner Rob May
(Nuisance, board of health)

Comments by Councilor Sullivan
(re code enforcement money)

Comments by Councilor Farwell
(re order drilling for well to hook up)

Comments by Councilor Cruise
(sell them City Water)

Comments by Councilor Farwell
(wind, butting smell)

Comments by Councilor Sullivan
(re secure solid waste disposal)

Comment by City Planner Rob May
(disposal in dumpster)

Comments by Councilor Cruise
(why not Board of Health for solid waste disposal)

Comments by Councilor Sullivan
(re septic 5 system, only reviewed by Board of Health)

Comments by Attorney Nessralla
(Board of Health)

Comments by Councilor Sullivan
(change to pre-school, not kindergarten)

Comments by Councilor Rodrigues
(re state license day care center)

Comments by Councilor Farwell
(school district in Colorado, large district, submitted 2-page documents with graphs for the record, showing higher contact with students for marijuana offenses, compromise for 750 foot buffer, new industry, interested in including libraries, can always lower it if we need to)

Comments by Councilor Cruise
(okay with 750 proposal, prefers 500, but doesn't think 750 is too restraining, but the data from Farwell is incomplete)

Comments by Councilor Monahan
(500 to 750 doesn't appear to provide much of a difference, downtown should be 500, it's a smaller area, not sure there is space for 2 with a 750 buffer)

Comments by Councilor Sullivan
(cart blanche, needs to universal, still needs to get to the full City Council)

Comments by Councilor Rodrigues
(still walking by the facilities, interested in 625, because of downtown location, don't want to push to outskirts)

Comments by Councilor Farwell
(1000 foot buffer, other states said it was important, 750 compromise as less restrictive)

Comments by City Planner Rob May
(750 buffer, 500, 1000 map)

Comments by Councilor Eaniri
(500 feet fine for liquor/beer wine)

Comments by Councilor Farwell
(1500 buffer for adult entertainment)

Comments by Councilor Sullivan
(stamped plans)

Comments by Councilor Farwell
(days of the week)

Motion to POSTPONE by Councillor Cruise, 2nd by Councillor Monahan

Motion by Councilor Cruise to report POSTPONED until next Ordinance Meeting, 2nd by Councilor Monahan. Motion Carried.

Motion by Councilor Cruise to adjourn, 2nd by Councilor Rodrigues.

The meeting was adjourned at 8:55 p.m.