

City Council Minutes
Thursday, May 6, 2021

Special Meeting
Via zoom

Thursday, May 6, 2021
6:00 p.m.

The special meeting was called to order by Mayor Michele Daniels. The city clerk called the roll:

Councilor Goss-present
Councilor Morin-present
Mayor Daniels-present

Councilor Ferris-present
Councilor Phanthay-present

Mayor Daniels declared a quorum present. City Manager Stephen Bost and City Solicitor Jonathan Pottle were also present.

Mayor Daniels led members of the council and others present in reciting the pledge of allegiance to the flag of the United States of America.

Mayor Daniels read the notice for the special meeting.

TO: Joseph Ferris, Jerry Goss, Michele Daniels, Soubanh Phanthay and Jenn Morin MEMBERS OF THE BREWER CITY COUNCIL you are hereby notified a special meeting of the City Council will be held on Thursday, May 6, 2021 at 5:30 p.m. virtually, via zoom to consider and act on the items on the attached agenda.

s/Michele Daniels
Mayor and Chairman of the City Council
Or _____
Majority of the City Council

a true copy, attest: s/Vincent P. Migliore
City Clerk

OFFICER'S RETURN

I have on the date(s) and time(s) indicated given notice of this meeting by giving in hand of by leaving at the usual dwelling place of the within named an attested copy of this notice of meeting:

Given/Delivered to:	by (person delivering)	Title	Date	Time
Michele Daniels			05/04/21	
Soubanh Phanthay			05/04/21	
Jerry Goss			05/04/21	
Joseph L. Ferris			05/04/21	
Jenn Morin			05/04/21	

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With the shift to remote meetings, we have modified how we receive public comments. At this time, the Brewer City Council is accepting written public comments in place of in-person participation. Written public comments must be e-mailed to City Clerk Vincent Migliore at vmigliore@brewermaine.gov or mailed to Public Comments, City Hall, 80 North Main Street, Brewer ME 04412. Public Comments must be received in writing by 4:00 PM on the date of the Council meeting in order to be provided to the City Council in advance of the meeting. Any public comments received will become part of the permanent record of the meeting. If e-mailing, please note "Public Comment" and the meeting date in the subject field.

CITY COUNCIL SPECIAL MEETING
Thursday, May 6, 2021 5:30 P.M.

Virtual Meeting via Zoom due to the ongoing COVID-19 pandemic
Physical attendance by the public at City Hall is not permitted

General Public Link:

https://us02web.zoom.us/webinar/register/WN_mHj248zsQFGVUfkvgNpFjg

- I. Call to Order** (Mayor Daniels)
- II. Roll Call** (City Clerk)
- III. Pledge of Allegiance to the Flag of the United States of America** (Mayor Daniels)
- A. Minutes** (None)
- B. Awards, Petitions and Public Comments**
 - 1. State and Federal laws and Regulations Governing Marijuana, City Solicitor Jon Pottle
 - 2. Brewer Ordinances Governing Marijuana, City Planner Linda Johns
 - 3. Public Safety Perspective, Public Safety Director Jason Moffitt
 - 4. Overview of Other Communities
 - 5. Discussion on Working-Draft Ordinance Amendments
 - 6. Focused Council Discussion on Policy Questions
 - 7. Public Comment
 - 8. Next Steps
- C. Consent Calendar** (None)
- D. Monthly Reports** (None)
- E. Nominations, Appointments, Elections** (None)
- F. Unfinished Business** (None)
- G. New Business** (None)
- H. New Items with Leave of Council** (None)
- I. ADJOURN**

- A. Minutes** (None)

There were none.

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B. Awards, Petitions and Public Comments

1. State and Federal laws and Regulations Governing Marijuana, City Solicitor Jon Pottle

City Solicitor Jon Pottle presented on State and Federal Laws and Regulations Governing Marijuana. Councilor Ferris asked if State Law placed minimum distance requirements from churches, schools, and daycares for marijuana establishments. The City Solicitor said he believes State law requires 1,000-foot minimum distance, though municipalities can authorize a 500-foot minimum.

2. Brewer Ordinances Governing Marijuana, City Planner Linda Johns

City Planner Linda Johns presented on Brewer Ordinances Governing Marijuana.

3. Public Safety Perspective, Public Safety Director Jason Moffitt

Public Safety Director Jason Moffitt presented on the Public Safety Perspective of marijuana. The Public Safety Director noted that marijuana is legal for adults to possess according to State law, but that there are costs associated with opting-in for adult-use marijuana. The Director cited studies linking marijuana and psychiatric problems. The Director noted that high-potency edibles are of particular concern, and that adolescents are more susceptible to permanent damage. The Director cited studies showing illegal diversion to minors has been an issue where marijuana has been legalized, and that there are significant negative effects to public safety overall. The Director noted evidence of known drug-dealers bringing heroin and cocaine into the State of Maine and returning to their states with high-potency marijuana.

4. Overview of Other Communities

City Planner Linda Johns presented an overview of other Maine communities and marijuana. The City Solicitor added that the State of Maine Office of Marijuana Policy website has helpful information about municipalities and marijuana.

5. Discussion on Working-Draft Ordinance Amendments

City Planner Linda Johns presented conceptual language for potential ordinance amendments addressing all four areas of adult-use marijuana. Councilor Ferris asked what the zoning restrictions for marijuana currently are in Brewer, the City Planner advised that medical marijuana dispensaries are currently permitted in the Professional Business Zone only, and if the Council decides to opt-in for adult-use marijuana, they can stipulate what zones it will be permitted in. Councilor Goss asked if it was true that the number of marijuana establishments could not be limited, the City Solicitor answered that there are many policy tools to regulate and manage marijuana establishments, but requirements cannot be arbitrary. Councilor Ferris asked if Brewer decided to opt-in, and marijuana stores opened, would it then be possible to then opt-out, the City Solicitor answered that ordinances could be amended, but in land-use terms, existing establishments would then be “grandfathered”. Mayor Daniels asked for thoughts from the Council. Councilor Ferris said if opting-in for adult-use marijuana, it should be permitted in the

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general business zone and the professional business zone, Councilor Morin agreed. Mayor Daniels asked if all four areas of adult-use marijuana should be permitted, Councilor Morin said she would not be in favor of cultivation (growth and manufacturing) for concerns about possible odor. Councilor Ferris said opting-in would be more attractive if the City could share in sales tax and excise tax at the local level, and asked the City Manager for his insight on the topic. The City Manager said the Legislature is currently in session, and there are numerous bills attempting to do that. The City Manager said he would put out feelers to the Legislature and share his findings with the Council. Councilor Goss said that if Brewer looks at opting-in he hopes the Council will “do it’s homework”, take time to understand the issue and get it right. Mayor Daniels made note that, in light of the Council’s conversation, there is interest in considering retail and testing areas of adult-use marijuana. Councilor Goss asked the City Planner if she could forward examples of good municipal marijuana ordinances in Maine to the Council, the City Planner agreed to do so. Councilor Ferris asked what is the policy purpose behind minimum distance requirements, the City Planner answered incompatible uses, and the safety of minors.

6. Focused Council Discussion on Policy Questions

City Planner Linda Johns presented a series of questions to the Council concerning the possibility of opting-into adult-use marijuana. Mayor Daniels said she would like to consider minimum-distance requirements between marijuana establishments. Mayor Daniels said that fees and licensing should try to offset the cost of regulating the industry especially where we are not receiving any tax revenue. Councilor Goss suggested that there should be significant financial penalties to make sure establishments follow the rules. Councilor Morin pointed out that minimum-distance requirements between marijuana establishments could crowd-out serious business owners in favor of inferior businesses that open up shop first. Councilor Ferris said he would want to review minimum-distance requirements to make sure they were not unreasonable. Councilor Phanthay said that minimum-distance requirements might be helpful in guiding business owners.

7. Public Comment

Charlie Langston Managing Director of Wellness Connection of Maine spoke, and expressed his appreciation in working with the City of Brewer. Mr. Langston noted that State regulation has mostly focused on the adult-use side of marijuana, leading to lower quality standards on the medical side. Mr. Langston said that Wellness Connection would like to convert to adult-use as a matter of access for its customers. Brewer resident and former City Councilor Bev Uhlenhake spoke citing two marijuana questions she often hears as a commercial real estate broker: 1) Are houses of worship included in the minimum-distance requirements for marijuana establishments? and 2) Are minimum-distance requirements measured lot-line-to-lot-line, or door-to-door? Bangor resident Matt Dubois spoke as a representative of marijuana caregivers, disagreeing with Mr. Langston’s comments on the drawbacks of medical marijuana. Mr. Dubois said that legal changes could go into effect to add restriction and oversight, that current restrictions are effective, and that adding regulations could be overly burdensome to small businesses.

8. Next Steps

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No discussion.

C. Consent Calendar (None)

There was none.

D. Monthly Reports (None)

There were none.

E. Nominations, Appointments, Elections (None)

There were none.

F. Unfinished Business (None)

There was none.

G. New Business (None)

There was none.

H. New Items with Leave of Council

There were none.

I. ADJOURN

ACTION: Councilor Goss moved that the meeting be adjourned. Councilor Phanthay seconded the motion. The motion passed by a unanimous vote. The meeting was adjourned at 7:03pm.

ADJOURNED, ATTEST: _____ Vincent P. Migliore
City Clerk

A TRUE COPY, ATTEST: _____ Brewer, Maine