

Minutes
Clifton Town Council – Special Session
March 4, 2021
2:00 p.m.

IN-PERSON ATTENDANCE AT PUBLIC MEETINGS HAS BEEN SUSPENDED UNTIL FURTHER NOTICE

THIS MEETING WAS HELD BY REMOTE PARTICIPATION ONLY

PUBLIC PARTICIPATION IN THE MEETING:

Members of the public are encouraged to participate in the meeting via the following options:

Zoom Conference – Meeting ID: 847 2412 7675

Passcode: 1415

1. Computer:

<https://us02web.zoom.us/j/84724127675?pwd=WDcvelExaHBuK01WSy9RdkhNTElIdz09>

2. Telephone: Dial: One of these listed phone numbers:

+1-669-900-6833

+1-346-248-7799

+1-929-205-6099

+1-253-215-8782

+1-301-715-8592

+1-312-626-6799

3. On Smart Device/Zoom App

4. *Submitting questions and comments:* email castaneda@townofclifton.com

**Minutes
Clifton Town Council
Special Session
March 4, 2021
2:00 P.M.**

Members Present

Mayor Luis Montoya
Vice-Mayor Laura Dorrell
Council member Anthony James
Council member Ray Lorenzo
Council member B. Waddell Reyes
Council member Ray West
Council member, Vacant

Quorum Present

Call to Order: The meeting was called to order by Mayor Luis Montoya at approximately 2:10 p.m.

Public Hearing

Ordinance 01-2021: An Ordinance Of The Mayor And Common Council Of The Town Of Clifton, Arizona, Declaring The Document Entitled "Town Of Clifton Recreational Marijuana Updates" As A Public Record; Adopting The "Town Of Clifton Recreational Marijuana Updates" By Reference, Amending The Town Code Of The Town Of Clifton, Arizona, Title XV Land Usage, Chapter 156 Zoning Code, Chapter 1.08 Definitions By Adding New Section 1.08.386 Recreational Marijuana Terms; Chapter 1.12 Supplementary Requirements And Procedures Applicable Within Zones By Adding New Section 1.12.380 Recreational Marijuana Facilities; And Amending Chapter 1.60 Cc-1 Central Commercial Zone, Section 1.60.040 Conditional Uses; All Related To The Regulation Of Recreational Marijuana Including Establishing A Purpose; Setting Forth Definitions; Prohibiting Marijuana On Public Property; Regulating Marijuana Establishments And Marijuana Testing Facilities; Establishing Regulations For Personal Use At An Individual's Primary Residence; Imposing Fees; Providing For Repeal Of Conflicting Ordinances; Providing For Severability; Providing For Penalties; And Declaring An Emergency.:

(Requests to comment were received from the following individuals: Zae Perez; David Sanchez; Thomas J Marlowe and Tom Connelly).

Mayor Montoya called on each individual to comment. No response was heard from Mr. Perez and Mr. Sanchez.

Although no comments were heard directly addressing the content of proposed ordinance, comments were focused on the property ownership form required by each applicant to the Arizona Department of Health Services as part of their licensing process.

Mr. Marlowe’s comment/question was to inquire about when the town would be issuing the Arizona Department of Health Services (ADHS) required form known as “Adult Use of Marijuana Program Documentation of Property Ownership” since the ADHS filing deadline is March 9, 2021.

Mr. Thomas Connelly questioned how the town would determine which licensed ADHS applicant would be eligible to lease town owned buildings.

Jared Mackin’s comment informed those present that ADHS would only be issuing 2 recreational marijuana licenses in Greenlee County.

Town Attorney, Trish Stuhan explained that the Town Manager would not be signing any of ADHS required forms until after the proposed ordinance 01-2021 has been formalized by the Clifton Town Council.

There being no further comments, Mayor Montoya closed the Public Hearing at approximately 2:20 p.m.

New Business:

Discussion and/or action regarding the recommendation from the Town of Clifton’s Planning and Zoning Commission to the Clifton Town Council regarding Ordinance No. 01-2021 “Adopting The “Town Of Clifton Recreational Marijuana Updates: Planning and Zoning Chairman, John Freida was present to provide Council with the Commission’s recommendation. He explained that initially, the proposed ordinance provided for “dual licensee” only. Currently Greenlee County is only allowed one Medical Marijuana License. During the Public Hearing held during the Planning and Zoning Commission, several participants commented on the limitation to potential business opportunities this option would impose on them in addition to loss of revenue to the town. Chairman Freida continued to explain that the Commissioners were in agreement with the change to eliminate the “dual licensee” requirement and therefore recommend the ordinance as presented.

Motion to accept the recommendation as presented by Chairman John Freida was made by Council member Ray West. Second to the motion was made by Council member Ray Lorenzo.

Voting in favor of the motion were Council members West, Lorenzo, Dorrell, James, Reyes and Montoya. Motion carried.

Discussion and/or action to modify Ordinance No. 01-2021; Section 1.12.380 Recreational Marijuana Facilities Regulations B. 4 (a) Public Places: Town Manager, Rudy Perez explained that several proposals have been presented regarding leasing town properties to establish Recreational Marijuana establishments. However, the proposed ordinance prohibits the use, sale, cultivation, manufacture, production or distribution of marijuana or marijuana products on town owned property. Town Manager, Rudy Perez recommends amending this section of the proposed ordinance to allow the sale, cultivation, manufacture, production or distribution of marijuana or marijuana products only with a valid lease issued by the Town of Clifton.

Motion to modify Ordinance No. 01-2021; Section 1.12.380 Recreational Marijuana Facilities Regulations B. 4. (a) Public Places to allow the sale, cultivation, manufacture, production or distribution of marijuana or marijuana products only with a valid lease issued by the Town of Clifton was made by Council member B. Waddell Reyes. Second to the motion was made by Council member Ray West.

Voting in favor of the motion were Council members Reyes, West, Dorrell, James, Lorenzo and Montoya. Motion carried.

Discussion and/or action to adopt Ordinance No. 01-2021: Motion to adopt Ordinance No. 01-2021 was made by Vice-Mayor Laura Dorrell, second to the motion was made by Council member Anthony James.

Voting in favor of the motion were Council members Dorrell, James, Reyes, West, Lorenzo and Montoya. Motion carried.

Discussion and/or action to lease town property to a recreational marijuana establishment: Mr. Perez reported that potential recreational marijuana applicants have expressed interest in leasing town property, particularly the two buildings on Chase Creek St. At this time, applicants to the Arizona Department of Health Services are applying for two of the available licenses and must provide an address of the proposed establishment.

Mr. Perez recalled that previous action from the Council was to sell the buildings. After a failed attempt to receive any interest in the sale of the buildings, he is proposing that these properties could be leased for a reasonable rental fee. The suggested rental fee could be determined by each property's square footage. Other suggested lease options were discussed.

Motion to authorize the Town Manager to negotiate lease agreements for 234 and 236 Chase Creek Street for recreational marijuana establishments was made by Mayor Luis Montoya. Second to the motion was made by Council member Ray West.

Voting in favor of the motion were Council members Montoya, West, Dorrell, Reyes, James and Lorenzo. Motion carried.

Adjournment: Meeting adjourned at approximately 3:16 p.m.