

TOWN OF SPRINGERVILLE PLANNING AND ZONING COMMISSION

SPECIAL MEETING MINUTES

August 24, 2021, at 6:00 PM

Springerville Town Council Chambers-418 E. Main St., Springerville, AZ 85938

Attendees: Chairman-Don Scott, Vice Chairwoman-Terry Shove, Commissioner-Teresa Becker, Commissioner-Trinity Raymer, Commissioner-Will Sands, Tim Rasmussen-Interim Community Development Director/Zoning Administrator, Stormy Palmer-Administrative Assistant

1. **CALL MEETING TO ORDER**: Chairman Don Scott called the meeting to order at 6:00 PM.
2. **ROLL CALL**: Administrative Assistant Stormy Palmer completed a roll call: Chairman Don Scott-Present, Vice Chairwoman Terry Shove-Present, Commissioner Theresa Becker-Present, Commissioner Trinity Raymer-Present, Commissioner Will Sands-Present. A quorum is present.
3. **CONSENT ITEM**: Vice Chairwoman Shove motioned to approve consent items a) regular meeting minutes from August 10, 2021, Commissioner Becker seconded. Chairman Scott called for the vote; motion passed unanimously, 5-0.
4. **PUBLIC PARTICIPATION**: None at this time.
5. **PUBLIC HEARING**: Vice Chairwoman Shove motioned that the Commission go into a Public Hearing regarding item 5a; Commissioner Becker seconded. Chairman Scott called for the vote; motion was approved unanimously, 5-0. Public Hearing was conducted as follows:
 - a. Public Hearing speakers are listed in order that they were called:
 - i. Barry Williams: Administrative Assistant Stormy Palmer read aloud for the record written correspondence from Mr. Williams that was submitted for the July 13, 2021 meeting that was cancelled. Mr. Williams wrote that he does not agree with marijuana businesses being allowed within the Town, he also made statements about possible excise tax being added to sales within the Town as well as possibly making citizens register their plants grown at home with the Town.
 - ii. Teri Candelaria: Ms. Candelaria stated that she is the owner of Springerville Smoke. She is in support of allowing the sales of marijuana in Town. Stating that allowing the sales would help the economy in town; bringing in more tourism thus helping the small businesses in the area and then bringing in other businesses. She explained that the sales of marijuana are highly regulated, and that security requirements of the facilities are mandated by State law. Ms. Candelaria also explained some of the changes/variances she would like to see added to the proposed ordinance.
 - iii. Monica Boehning: stated that she has been an area resident for 40 years. She read from a five-page document that she had typed up and wanted to enter for public record and distributed to the Commission, she has also given a copy to the Town Clerk. She has concerns, thinks that the Commission should seek other proposed ordinances other than this one, so that they can make an informed decision. She cited some of the areas of concern that she has but stated that they are more detailed in the document she has submitted. She also stated that she takes issue with the previous speaker stating that it is highly regulated; she has spoken to the Arizona Dispensary Association and that they only monitor

sales in regards to tax purposes, and that there is no law enforcement oversight at the State level.

- iv. Scott Hamblin: Has concerns that marijuana benefits have not been rigorously tested. He also stated that he sees, on a professional level, the issues with marijuana being a gateway drug. Through his counseling work with the church has seen the effects of drugs and alcohol in young people. He believes that opening a dispensary would open the flood gates of mis-advertising and mis-messaging, and his opinion there are too many risks associated with recreational marijuana
- v. Shannan Latham: She is with the Apache County Youth Council, and worries about the impact on youth, and has already had questions from local kids she works with about marijuana sales in area. She worries that a decrease in perception of use (that it's ok), will mean an increase of use in kids. She also has concerns that if we "opt in" and allow a dispensary, we cannot "opt out" in the future, but if the Town wait, they can always "opt in" at a later time if they wish to.
- vi. Kay Dyson: Would like to encourage the Commission to not recommend the ordinance, she does not think it is for the betterment of the Town. She stated that 58% of the people in Town voted no on Proposition 207. She does not think that this is "who we are, or what we stand for." She also submitted for the record, lists of names of people in the community who are against sales and cultivation of marijuana in the community.
- vii. Bob Dyson: Read statements made by the Roman Catholic Church regarding marijuana use, and summarized statements that conclude that marijuana is a detriment. He also submitted a letter written by him, and Kay Dyson about the legal issues with the ordinance. He stated that it says in State statutes that there is an option to not allow any marijuana businesses in town. And that he is requested clarification from the Town Attorney regarding this and was told that an existing medical marijuana facility cannot be limited against having recreational marijuana. He stated that since there is no existing facility in Town that we can decide to allow it or not.
- viii. Mitch Udall: Stated that he is a father of four very young children, and he is at the meeting on their behalf and is against the dispensary. He feels that there would be harmful effects against his, and other children. He realizes that there would be money made but that there would be so much more lost.
- ix. Pele Fisher: Stated that she is an attorney with Peacock Legal, on behalf of Divine Holdings and Apache County Dispensary. She wanted to point out a possible technical issue with the proposed ordinance in Section 4-B, she stated that the zoning is C1-Commercial, she has seen other jurisdictions get more specific about where sales are allowed in zoning provisions. She also wanted to call out for the expansion of the square footage allowed to 5,000 square feet to help with better security and flow of dispensaries. She also asked the Commission to reconsider the prohibition of drive-thru services (Section 4-1), she stated that there are benefits to drive-thru services for disabled and elderly

patrons, and they do not impede the flow of traffic. She also stated that drive-thru services are permissible by the law, and do allow for better security with someone not physically coming into the dispensary.

- x. Randy Nicoll: Expressed concerns that to allow the sales of marijuana would have an impact on the community as a whole. That a dispensary would attract people and businesses of a “different” kind than what is wanted to the area. He understands that the Town would receive money, but thinks it would be detrimental to the community and that the economy in the area will suffer instead.
- xi. Kerry Nedrow: Wanted to recommend to the Commission that there be no cultivation of marijuana and no sales of marijuana in the Town. Stated that the Town has a certain character, and thinks that allowing marijuana businesses would change the character, and not for the better.
- xii. Scott Poche: He stated that he believes in people’s rights to own businesses and rights to get medications that they need but as to this issue he stated that as to this type of business “not in my town”. He further explained his roles in the community with his church, as a coach, and as the manager of Little Colorado Behavioral Health Center. He stated that a drug is a drug, and that marijuana is a drug and has adverse effects, and makes people make poor decisions that can affect the whole community. He stated that he does not think it should be allowed in “our town.”
- xiii. Gabriel Candelaria: Wanted to state that he disagrees with previous speakers that stated that sales are not highly regulated, stated that the industry is highly regulated in regards to sales and keeping records. He spoke of the economic impact for Springerville; he has noticed that restaurants are not open as late or as many days as they used to be, he believes that this is because they cannot find the help that they need and then cannot pay the help. That the allowance of a dispensary would bring more people to the area, thus bringing more business to the local businesses as well as possibly bringing more people to the area to work at these businesses. He wanted to clarify that dispensaries are not “serving” marijuana but “selling” marijuana products, similar to how other businesses (i.e., Western Drug and Safeway) sell hard alcohol. He stated that research shows that crimes involving marijuana have actually gone down in Colorado where it has been legalized, freeing up law enforcement to focus on other issues. He also wanted to remind everyone that in doing research, a person can always find research that backs up their opinion.
- xiv. Tom Candelaria: Introduced himself as the manager of Springerville Smoke, and that he understands the reservations of people regarding this matter. He also stated that there are going to be two dispensaries going in in Apache County, and that the Town should look at the opportunities and revenue a locally owned dispensary would bring to the area. He stated that other entities running dispensaries are big corporations and not locally run businesses like theirs. He also mentioned other products that can be made utilizing hemp and marijuana besides it just being utilized recreationally. He stated that he has been a

marijuana user for a long time, and that the assumptions of users are wrong. He also stated that marijuana will exist in town whether or not there is a shop, and that there will be a huge loss of revenue to the town without a dispensary.

- xv. Maria Nugent: Explained that she has lived in the area for a long time and that she has a medical nursing background. She understands that the bottom line of the issue is money, but does not want marijuana here, for the good of the community. She stated that people can get pot other places if they need it, or want it, that it does not need to be sold here. She stated that drugs, no matter what they are, are not good. She worries about the security of dispensaries, citing examples of other places in town that have “good” security that have been broken into. She again stated that people needing to get their marijuana prescriptions filled can go to Show Low to get them, that they do not need to get it here.
- xvi. Daniel Nicoll: He does understand that not everyone at the meeting is opposed to the sale of marijuana in town, but does believe that 80% or better of the attendees, including him, are opposed to the sale in town.
- xvii. Whitney Wiltbank: He wanted to state that he appreciates the peaceful and respectful way that the meeting has gone so far. He also stated that as a business owner himself, he does not want to shut down anyone else’s business, and take away from their livelihood, but he does have concerns with this type of business. He told a story about how, when he was a kid, Marlboro wanted to film a commercial at his family’s ranch, but his mother turned them down. He explained being upset because of the loss of such a large amount of money, but that his mother explained that what Marlboro sold was not part of their family’s character, and that character shouldn’t be compromised for money. He does not want the town to think in the short term of getting money, but of the long term “pain and suffering” that having a business like this in the community will cause. He also wanted to add that personally, drug like marijuana, and alcohol have caused issues in his own family.
- xviii. Jerry Campeau: Stated that he has medical issues (COPD), and that years ago doctors told him that smoking cigarettes was ok, not knowing the health issues that it caused. He stated that we have no idea beyond “psychosis and mind-altering capabilities” what marijuana does to the human body. He also spoke of the previous dispensary being robbed and the possibility of guns and other drugs besides marijuana being found in there. He stated that property crimes go up dramatically with having a local dispensary, and that there is an impact on the community. He stated that the dispensaries can check out other locations in the County, but he stated it does not belong in town.
- xix. Dayson Merrill: He introduced himself as the Chief of Police and stated that the Police Department is against having a dispensary in town. Stated that marijuana is still federally illegal. He stated that prior to becoming Chief, he worked for the Apache County Sheriff’s Office for 13 years, and in that time took many calls for service involving juveniles who were addicted to marijuana and other substances. He stated that he does believe that marijuana is a “gateway” drug.

And that many of those juveniles have gone on to use harder drugs, and some have even died from overdoses. He stated that he took a call earlier in the day, where a person's house had been broken into, and five pounds of marijuana were stolen and the person's marijuana plants were smashed and broken. He stated that people will break into places and steal to get their drugs, and that marijuana is addictive and does cause and increase in crime rates.

- xx. Donna Hauser: Stated that she is part of CARE AZ (Community Awareness Resource Entity of AZ) and that they have a substance abuse resource center in St. Johns. She just wanted to let everyone know that the effects of marijuana on youth is real, and that her son became addicted to marijuana in high school. She also stated that 90% of the people that are seeking help for addiction, started with marijuana, that addiction is real and it is happening in our area.

Chairman Scott had inquired if there was any further discussion on the item for Public Hearing; Vice Chairwoman Shove had motioned to go out of public hearing, Commissioner Raymer seconded. The motion was stayed when final speaker Donna Hauser requested to speak. After Ms. Hauser spoke Chairman Scott inquired if anyone else wished to speak, no one else came forward. Already having a motion on the floor, Chairman Scott called for the vote, motion passed unanimously, 5-0. The Public Hearing portion was closed and the regular Public Meeting reopened.

- 6. **ZONING ADMINISTRATORS REPORT:** Mr. Rasmussen spoke of upcoming meeting dates, the next regular meeting in reference to a Conditional Use Permit Application will be held on September 14, 2021 at 6:00 PM, and the second public hearing will on this matter will be held on September 21, 2021 at 6:00 PM.
- 7. **LIAISON REPORT:** Vice Chairwoman Shove spoke stating that the Council voted to allow the subdivision on North Becker Lake Road.

OLD BUSINESS

- 8. None.

NEW BUSINESS

- 9. Vice Chairwoman Shove motioned to continue the item; Commissioner Becker seconded. Discussion regarding proposed ordinance were conducted as follows: Commissioner Sands stated that he has been in the area for about four years, and he does not see marijuana as a problem, he states that we have opioid epidemic, a meth epidemic, and a child poverty epidemic, but not marijuana. Statistically speaking alcohol is related to most crimes. He sees no problem with a retail business for adult use. Chairman Scott stated that he just wanted to clarify that when speakers had stated that 58% of the town's residents had voted no on Prop. 207, that this translated into only one vote being the deciding vote. Vice Chairwoman Shove stated that she is glad there is going to be a second hearing as she would like to hear more from the citizens of our town. She understands that there were a lot of speakers from our community this evening but not many were from our town. She also stated that she would like to keep the distance requirements the way that they are from schools, residences and churches. Vice Chairwoman Shove also stated that last fall when Eagar was having their meetings regarding a similar situation that she had spoken with Mayor Hamblin who told her that due to the footage requirements that a dispensary could not have gone in Eagar at any rate, even if they had passed an ordinance, due to locations being either too close to residences, schools or churches.

She feels like she came in with an open mind, and she has heard some of the speakers here tonight speak on other occasions regarding marijuana and children, and she has concerns about this as well. She also stated that she does know people that medical marijuana has helped. She wishes that the State had not written the proposition in such a way that it is all or nothing, not allowing towns to decide if they only want to keep medical marijuana without the adult use. She is not sure if we should go forward and approve the ordinance, thinks that if not approved we are always able to go back and revisit the issue later, maybe if it becomes federally legal or if there are changes on the State level. Commissioner Becker inquired about how someone could differentiate between medical and recreational use. Commissioner Sands stated part of it is age, to utilize medical one needs to be at least 18 years of age, and have a prescription from a doctor to buy, whereas a person would need to be 21 to purchase for recreational use. Ms. Pele Fisher also stated that in adult use, a person is only allowed to have 1 ounce on their person, where with medical a person could have up to 2.5 ounces. Ms. Palmer asked a question on if amounts bought are tracked by the retail store. Ms. Fisher stated that they are kept track of by each individual store, but at this time there is not a database keeping track in between stores. But that legally you cannot consume marijuana products in public, or in your vehicle, much like open container liquor laws, and that consuming outside of a private residence, driving under the influence of, or having more than the legal amount on your person does subject a person to the possibility of criminal charges. Commissioner Sands wanted to reply on the topic of children, and them having more available access if there is a dispensary, is that it would be easier for someone to go into Circle K or Safeway and steal alcohol than it would be for them to go into a dispensary, where IDs are checked at the door and without proper ID, and being of age, you are not even getting into the dispensary. He also stated that kids have access everyday to things that are not good for them, that people in general have access to things that are toxic or unhealthy, it is up to us to guide our kids and talk to them and help them understand what is for them and what is not. Commissioner Becker stated that she has concerns about things like gummies being enticing for kids. Commissioner Sands stated that part of Prop. 207 is that things like gummies cannot use cartoon characters or other images that would be considered marketing toward children and that in most cases items like gummies come in medicine type containers. Commissioner Becker stated that she does have concerns about how a dispensary would affect the character of the Town, and with people being able to grow plants in their residence or to go over to Show Low and buy it, isn't really sure that we need a dispensary in our town, that it feels like it is only about the money and not the character of the town. Chairman Scott inquired if there was a dispensary in Taylor, and if anyone had heard anything detrimental about Taylor such as a rise in crime rates etc., since putting the dispensary in. No one on the Commission had heard anything adverse about Taylor and their dispensary. Commissioner Sands spoke about the process of going into a dispensary to purchase products, and how the whole process is on camera and that it is much more secure than like going to a convenience store. Commissioner Becker does agree that she does not think it will increase crime rates. Commissioner Sands discussed how a dispensary would help the town economically, including added jobs to the area. Cindy Henderson asked if she could speak, stated that she lives near the airport where the previous marijuana farm was going to go, she stated that situation was a "nightmare" that divided the community. She hopes that the Town will do things regarding this matter in a slow and thoughtful manner. She stated that the way

that things were previously handled really hurt the town. Vice Chairwoman Shove asked Tim Rasmussen to explain to the Commission, the way that he explained to her, the process regarding these public hearings. Mr. Rasmussen explained that due to the fact that we have an existing ordinance, we need to have the public hearings before rendering a recommendation to the Council. That the Council will have final approval on whether to amend the current ordinance or not. He also stated that the Town consulted with attorney Frank Cassidy in writing the proposed ordinance, and that the proposed ordinance was also forwarded to the current Town Attorney Tosca Henry, who also reviewed and supported the proposed ordinance. And that what is trying to be accomplished is cleaning up the existing ordinance. Ms. Pele Fisher spoke stating that she believes there is a legal misunderstanding, stating that if medical marijuana was allowed that you cannot be more restrictive than the State in allowing adult use. She stated that allowing medical "opened the door" and now the Town has to figure out how to fit in recreational. Vice Chairwoman Shove stated that is only true if you have an open dispensary, which the Town does not have at this time. She also stated that we can choose to have no marijuana at all. Ms. Fisher stated that the town needed to consult with their attorney as she really couldn't help us with legal advice. Mr. Kerry Nedrow spoke stating that just because we have an ordinance that was written years ago, we can now vote and say we do not want any marijuana at all. Ginger Harding spoke and wanted to address the statement that Chairman Scott made earlier in reference to their only being one vote that was the deciding vote on Prop. 207; she wanted to point out that there was not a single speaker in favor of the ordinance that was not a marijuana business person. That people who are in favor of allowing a dispensary in town are not at these meetings, not having their voices heard, but the ones who are against a dispensary are here and speaking. Ms. Teri Candelaria spoke stating that early on the Town signed applications, a lot of applications, for the adult use licenses available in Apache County; and that she is sure that the State assumed with the signed applications that these businesses would be supported. Mr. Doug Henderson spoke, requesting clarification that the applications signed were all told that they met setbacks and were correct, but now we are finding out they were not correct? That many could be null and void? Mr. Rasmussen responded stating that all he could say is that there were applications signed stating that they met the setbacks allowed in the current ordinance. Ms. Bridgette Laney spoke, asking if the proposed ordinance is modifying the current ordinance. Chairman Scott stated that yes, it is a modification to clean up the language to allow for a dispensary for medical and recreational. Vice Chairwoman Shove responded that according to Prop. 207 if you have medical you have to allow recreational, you cannot have one or the other, or get rid of all use. Mr. Dan Torryes (sp?) spoke stating that he had an unrelated question, he thought this meeting was about the possibility of a swimming pool. Vice Chairwoman Shove told him it was not, but she knew about that matter and could speak to him after the meeting. Chairman Scott inquired if there was any further discussion regarding this matter, no one came forward. With a motion to continue already on the floor, Chairman Scott called for the vote. Motion to continue was passed unanimously, 5-0.

- 10. ADJOURNMENT:** Vice Chairwoman motioned to adjourn; Commissioner Raymer seconded. Chairman Scott called for the vote; motion passed unanimously, 5-0. Meeting was adjourned at 7:43 PM.