

MINUTES

HEARING OF THE NAVAJO COUNTY PLANNING AND ZONING COMMISSION

April 18, 2013

ATTENDANCE P & Z Commissioners

Attended:

1. Carol Davis
2. Chuck Teetsel
3. Randy Murph
4. Ruth Ann Smith
5. Robert Black
6. Evelyn Meadows
7. Wendell DeCross (Telephonically)

Absent:

Bill Rawlings
Bob Hall
Fred Shupla
Jason Hatch
Joel Lawson
Rick Slone

Staff Attendance:

Homero Vela

Peggy Saunders

Robin McCormick

Meeting held at the Navajo County Board of Supervisors Chambers, Holbrook, Arizona – Time: 6:00 p.m. to 7:04 p.m.

CALL TO ORDER

Vice-Chairman Ruth Ann Smith called the meeting of the Navajo County Planning & Zoning Commission to order at 6:00 p.m., and led the pledge of Allegiance. Ms. Smith introduced Navajo County's new Deputy County Attorney Brandt Clark; she also explained the housekeeping and meeting rules for the benefit of the public in attendance.

ITEM #1 – Case # 13-06: SPECIAL USE PERMIT: Request by Overgaard Compassion Care for a Special Use Permit to operate a Medical Marijuana Dispensary on Assessor Parcel Number (APN): 206-31-001F, a.k.a. a portion of Section 2, Township 12 North, Range 18 East G&SRM, Navajo County, Arizona, approximately 11.6 miles northeast of Overgaard.

Homero Vela presented the staff report and gave an overview of the project.

Applicant: Jeff Quinn was in attendance to answer any questions from the Commission or the public.

In Favor: 0

Opposed: 0

Commissioner Teetsel asked for a review of the procedures for an individual to receive a medical marijuana prescription card. **Deputy County Attorney Brandt Clark** explained that a patient would need to see a qualifying physician and obtain a medical marijuana card. **Commissioner Teetsel** asked if an individual walked into the dispensary without a medical marijuana card would they be turned away. **Jeff Quinn** responded by saying that individuals cannot gain entrance to the dispensary without a medical marijuana card. **Commissioner Teetsel** then asked about the non-profit status of medical marijuana dispensaries. **Mr. Clark** responded that the state statutes require this business to be run as a non-profit.

Commissioner Meadows asked who the oversight would be to ensure that all the county's stipulations are adhered to. **Mr. Vela** stated that Navajo County would oversee the stipulations relating to the County Planning & Zoning Department, like the septic, signage, and appearance of the building and the Arizona Department of Health Services would oversee the operation of the business. **Commissioner Murph** asked if the dispensary was a corporation. **Mr. DeCarlo** stated that the dispensary will be a LLC. **Commissioner Murph** then inquired as to the security of the business. **Mr. Quinn** stated that the security is mandated by the state. **Commissioner Teetsel** asked to confirm who owned the business. **Mr. DeCarlo** stated that he was the sole owner and Mr. Quinn is head of operations. There is also a team of people helping to run the business. **Commissioner Davis** asked whether the Special Use Permit was transferrable with the sale of the property. **Mr. Vela** stated that it was non-transferable.

Motion to approve: Commissioner Teetsel, the motion was seconded by **Commissioner Black**. The vote was (6-1) to recommend approval to the Board of Supervisors. **Commissioner DeCross** voted against the recommendation to approve.

ITEM #2 – POSSIBLE APPROVAL OF MINUTES FROM THE COMMISSION HEARING OF MARCH 21, 2013.

Motion to approve: Commissioner Black, the motion was seconded by **Commissioner Murph**. The vote was unanimous (7-0)

ITEM #3 – DISCUSSION AND POSSIBLE ACTION TO APPROVE ELECTION OF OFFICERS PROCEDURE

Brandt Clark gave a brief explanation of the procedure of election of officers. He stated that serving as the Vice-Chairman does not automatically require the individual to serve as Chairman the following year. **Mr. Clark** recommended that a Chairman and Vice-Chairman be elected on an annual basis. **Commissioner Murph** asked what the procedure should be for Commission members who do not regularly attend meetings; can those individuals be asked to step down. **Mr. Clark** suggested that a member should attend at least 75% of the meetings; this was based on Robert's Rules of Order and other sources. **Commissioner Murph** asked if that ruling could be written into the by-laws for the Commission. **Mr. Clark** responded that it should be made as a suggestion and not a by-law. **Commissioner Meadows** stated that Trent Larson has spoken with her and asked if she was willing to continue serve on the commission. She made it known that she would be willing to continue to serve if the Supervisor for her district would like for her to do so. **Homero Vela** spoke to the fact that Mr. Larson has been canvassing all Commission members as to whether they'd like to continue service. Only one current Commissioner has asked to be replaced. **Mr. Vela** then asked for further explanation on when an alternate is able to vote from Mr. Clark. **Mr. Clark** stated that an alternate would not be able to serve as an officer due to the fact that they would not be needed for a vote if both regular Commissioners from their District were present and the quorum had been fulfilled. **Vice-Chairman Smith** asked if in the case of the Commissioner who wished to resign if they would be automatically replaced by the alternate for that District and a new alternate be appointed. **Mr. Vela** affirmed that this was the case. **Vice-Chairman Smith** asked if the election of officers should then be tabled until a new Commissioner had been appointed. **Mr. Clark** recommended that the election be tabled until a new Commissioner had been appointed.

Motion to have staff compile a template of by-laws for election of officers: Commissioner Teetsel, the motion was seconded by **Commissioner Murph**. The vote was unanimous (7-0)

Commissioner DeCross nominated Ruth Ann Smith for Chairman. **Commissioner Meadows** seconded the motion. **Commissioner Smith** declined the nomination.

ITEM #4 – ELECTION OF OFFICERS

Motion to table the election until the next meeting: **Commissioner Teetsel**, the motion was seconded by **Commissioner Meadows**. The vote was unanimous (7-0). After the vote was completed, **Commissioner DeCross**, who participated telephonically, asked to be excused from the remainder of the meeting. Since there was still a quorum present, Commissioner DeCross was excused.

ITEM #5 – COMMISSIONER’S COMMENTS AND/OR DIRECTIONS TO STAFF.

Commissioners may use this time to offer additional comments regarding any item on this agenda, or any other topic; and the Commission may direct staff to study or provide additional information on topics of the Commissions’ choosing.

Homero Vela presented information on Met Towers that was requested at the last meeting. He stated that a more thorough report would be made at the next meeting.

ITEM #6 – REPORT FROM STAFF TO THE COMMISSION.

The Commission reserves the right to change the order of any Agenda item.

The Commission reserves the right to adjourn into executive session when needed pursuant to ARS §38-431.03(A) (3) for legal consultation on the above-described agenda items.

With there being no further business to bring before the Commission a motion to adjourn was made by **Commissioner Black**, and seconded by **Commissioner Teetsel**.

The vote was unanimous (**6-0**), and the meeting was adjourned at 7:04 p.m.

NAVAJO COUNTY PLANNING COMMISSION

Vice-Chairman, Ruth Ann Smith

ATTEST:

Robin McCormick