

SPONSORED BY: MAYOR DOWNING

COUNCILMAN'S RESOLUTION

RESOLUTION NO.

No. CR-22  
Series of 2013

\_\_\_\_\_  
Series of 2013

A RESOLUTION MAKING FINDINGS OF FACT IN SUPPORT OF THE DECISION TO DENY THE MEDICAL MARIJUANA CENTER LICENSE APPLICATION OF EMERALD CITY ORGANICS, LLC

WHEREAS, the City Council of the City of Northglenn, acting as the local licensing authority as defined by Section 18-14-5 of the City of Northglenn, conducted a public hearing on February 11, 2013, pursuant to Section 18-14-7(f) of the City of Northglenn Municipal Code to consider the application for a new medical marijuana center license for premises located at 10575 Melody Drive, Suite 101, Northglenn, Colorado 80234, filed by Emerald City Organics, LLC dba Emerald City Organics (“Emerald City”);

WHEREAS, the City Council at the February 11, 2013, hearing took evidence regarding whether Emerald City was entitled to and met the criteria for a new license pursuant to Section 18-14-7(h) of the Northglenn Municipal Code; and

WHEREAS, after hearing the evidence and deliberating on the evidence, the City Council directed in accordance with Section 3-7-11 of the Northglenn Municipal Code that findings of fact be drafted to deny the application for a new medical marijuana center license based on Emerald City’s failure to submit adequate evidence in support of its application, and based on the moral character of the applicant pursuant to Sections 18-14-7(h) and 18-14-12 of the Northglenn Municipal Code.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. The recitals set forth above are hereby incorporated herein by this reference.

Section 2. The City Council hereby makes the following findings of fact:

- A. Emerald City did not make any showing within the meaning of Section 18-14-7(h) of the Northglenn Municipal Code regarding the number, type and availability of medical marijuana outlets and other pertinent factors as set forth in the Colorado Medical Marijuana Code, C.R.S. § 12-43.3-101, *et seq.*, and Article 14 of Chapter 18 of the Northglenn Municipal Code which would allow for the issuance of a new medical marijuana center license. Instead, the only evidence presented in favor of the application was the applicant’s statement that he would run a “clean business”, and other witnesses testified regarding the convenience to

employees of a new location, but no competent evidence was presented regarding the need for another medical marijuana outlet in Northglenn; and

B. The City Council finds and determines that Mr. Bagi is not of good moral character satisfactory to the City Council acting as the licensing authority based on the fact that (i) Mr. Bagi previously pled guilty to operating a medical marijuana center without a valid transfer of a medical marijuana license in the Northglenn Municipal Court; and (ii) based on evidence presented in proceedings in front of the City Council acting as the licensing authority conducted on December 17, 2012, that Mr. Bagi continued to operate a medical marijuana center in Northglenn without a valid license even after pleading guilty to such a violation.

Section 3. Based on the findings of fact in Section 2 above, the City Council therefore determines to DENY the application for a new license for medical marijuana center for the premises located at 10575 Melody Drive, Suite 101, Northglenn, Colorado 80234.

DATED at Northglenn, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
JOYCE DOWNING  
Mayor

ATTEST:

\_\_\_\_\_  
JOHANNA SMALL, CMC  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
COREY Y. HOFFMANN  
City Attorney