

CITY OF NORTHGLENN
MARIJUANA LICENSING AUTHORITY MINUTES
February 22, 2016

CALL TO ORDER Mayor Downing called a meeting of the Northglenn Marijuana Licensing Authority to order on Monday, February 22, 2016 at 7:30 p.m. in the City Hall Council Chambers, 11701 Community Center Drive, Northglenn.

ROLL CALL Present were: Mayor Downing, Mayor Pro Tem Dodge, Council members Snetzinger, Mullica, Sauers, J. Brown, Whitman, and Esquibel.

ABSENT Council member B. Brown.

STAFF PRESENT Acting City Manager Willett, City Attorney Hoffmann, and City Clerk Small.

APPROVAL
OF MINUTES:
January 25, 2016

MOTION TO PASS Council member Mullica **MOVED** and it was **SECONDED** by Council member Sauers to approve the minutes of the January 25, 2016 meeting as presented.

MOTION PASSED There was no discussion and the motion **PASSED**.
IN FAVOR - Downing, Dodge, Snetzinger, Mullica, Sauers, J. Brown, Whitman, Esquibel.
OPPOSED - None.
ABSENT - B. Brown.

NEW LICENSE
APPLICATION:

Washington Point
Management, LLC dba
Growhouse Northglenn

Mayor Downing opened the public hearing on the new retail marijuana business license application filed by Washington Point Management, LLC d/b/a Growhouse Northglenn for the premises at 11919 Washington Street, and read a statement regarding the jurisdiction and procedures of the hearing. There were no objections to the jurisdiction or form of proceedings.

Attorney Hoffmann provided a summary of the new retail marijuana business license application and spoke about the applicant's burden of proof to show there is a need for an additional retail marijuana business in the City.

Individuals intending to provide testimony were placed under oath by the City Clerk.

Mr. Craig Clark, Washington Point Management, LLC, provided sworn testimony regarding his background and professional experience as an attorney and owner of marijuana businesses. Mr. Clark stated the values of his company are compliance, community and culture, and spoke about how the business' practices will comply with these values. Mr. Clark presented a petition and asked that it be entered into the record as evidence. Mr. Clark stated the petition contains 100 signatures in support of the business and noted 15 people declined to sign the petition. Mr. Clark stated the property is currently undeveloped and unkempt and the issuance of a license will improve the use of the land. Mr. Clark testified he has met with City staff regarding the use of the property and spoke about the plans to improve traffic flow and add parking for the business.

There were questions from the Authority regarding the process for circulating the petition, traffic flow, ingress and egress related to the Post Office property, and whether the business will offer products unique to the City of Northglenn. Mr. Clark spoke about how the petition was circulated. Mr. Clark offered to have a traffic study performed to mitigate traffic concerns and stated the business will offer Boulder Marijuana Company (BMC) products, THC and flower products not currently found in Northglenn, and unique edibles. He stated they will not cultivate marijuana and will purchase a wide variety of products to offer customers at the retail store.

Mayor Downing called for any person wishing to speak against the application to come forward.

Ms. Sally Adam, 11913 Quam Drive, spoke about current traffic concerns in the area.

Mr. William Miller expressed concern about traffic at the Post Office, and stated he would support the issuance of the license if the applicant had a traffic study performed for the area.

Mr. Chester Adam, 11913 Quam Drive, stated traffic is a concern and he does not feel another marijuana business is needed in the City.

Mayor Downing called for any other person wishing to speak against the application to come forward. There was no response.

There were questions from the Authority regarding the City's control of traffic concerns on the Post Office property and whether a comparison of products offered could be performed.

Attorney Hoffmann provided information about the Authority's options regarding approving the application contingent upon a traffic study being performed. Attorney Hoffmann stated traffic issues must be linked to the marijuana business and not due to other businesses in the area.

Mr. Bobby Gibson provided testimony regarding the petition that was circulated. Mr. Gibson spoke about how he circulated the petition and stated the people who signed the petition were individuals who frequent the area where the business would be located.

Ms. Adam asked the Authority if 115 people is a fair sampling of the neighborhood. Mayor Downing stated the petition is typical of different surveys the Council receives.

Mr. Clark provided rebuttal evidence addressing his role as an investor in the property, traffic, and the burden of proof. Mr. Clark stated he purchased the property for \$510,000 and spoke about his plans to improve the property. Mr. Clark stated the property is zoned for retail and the previous development plan for the property was for a fast food restaurant. Mr. Clark stated a marijuana business will have less of an impact on the surrounding neighborhood than other uses. Mr. Clark stated 100 out of 115 people signed the petition in favor of the business and he believes the 100 signatures outweigh the testimony in opposition to the application based on traffic or to an overall abhorrence of marijuana. Mr. Clark stated he was required to pay for notices of the application and public hearing to be sent to over 1,750 residents within a one-half mile radius of the property and none of those residents have appeared to speak against the application. Mr. Clark urged the Authority to approve the application based on the zoning eligibility, the need shown, and his willingness to invest in and improve the property. Alternatively, Mr. Clark encouraged the Authority to approve the application with the condition that a traffic study is performed, or to continue the application to allow a traffic study to be performed and additional evidence to be presented.

MOTION TO PASS

Council member J. Brown **MOVED** and it was **SECONDED** by Mayor Downing to continue the hearing on the new retail marijuana business license application filed by Washington Point Management, LLC dba Growhouse Northglenn to April 25, 2016.

MOTION PASSED

There was discussion and the motion **PASSED**.
IN FAVOR - Downing, Mullica, Sauers, J. Brown, Whitman.
OPPOSED - Dodge, Snetzinger, Esquibel.
ABSENT - B. Brown.

**TRANSFER OF
OWNERSHIP
APPLICATION:**

Cheri Hackett and
BotanaCare, LLC
dba BGood

Mayor Downing opened the public hearing on the transfer of ownership application filed by Cheri Hackett pertaining to the medical and retail marijuana licenses held by BotanaCare, LLC dba BGood, and read a statement regarding the jurisdiction and procedures of the hearing. There were no objections to the jurisdiction or form of proceedings.

Attorney Hoffmann provided a summary of the transfer of ownership application, the evidence the Authority may consider regarding the character and qualifications of Ms. Hackett, and stated the Authority's options include approving the application or setting a public hearing on the application.

Individuals intending to provide testimony were placed under oath by the City Clerk.

Ms. Cheri Hackett provided sworn testimony about the application stating she has been the owner of the business for the past five years. Ms. Hackett spoke about the court case she was involved in regarding the ownership of the business and spoke about the operation of the business since 2012. Ms. Hackett spoke about her business relationship with Mr. Pfeffer of BGood Ventures, LLC and stated she is currently appealing the Court's ruling regarding the ownership of BotanaCare, LLC. Ms. Hackett testified she did not disclose the court case to the Authority previously because the judge told her not to. Ms. Hackett spoke about her character and stated she would appreciate the Authority awarding her 20% of the ownership of BotanaCare, LLC.

There were questions from the Authority regarding Ms. Hackett's answer to the question on the application regarding whether she has held a marijuana license previously and what her involvement will be in the business. Ms. Hackett stated she answered no to the question because she never owned a marijuana business prior to Northglenn. Ms. Hackett testified she is hopeful to be involved in the business, but at this time Mr. Pfeffer will not allow her to work in the business.

Mayor Downing called for anyone wishing to speak against the application to come forward.

Mr. Chin Song, 1423 W. 111th Place, spoke against the application. Mr. Song stated his family owns commercial properties and they are

landlords for BGood. Mr. Song spoke about his business relationship with Ms. Hackett and the owners of BGood in Federal Heights. Mr. Song stated Ms. Hackett was found by a Court to be fraudulent and he is concerned about doing business with her because of her lack of moral character. Mr. Song stated he is not opposed to marijuana businesses as long as they are operated by people who follow regulations and asked the Authority to consider the facts of the application.

Attorney Hoffmann stated the Court had recognized that any orders it entered regarding the ownership of the licenses had to be subject to the licensing authority and the Court cannot force a licensing authority to make findings about transfers. Attorney Hoffmann provided information about the Authority's actions related to Ms. Hackett's appeal.

Ms. Hackett stated she looks forward to working in Northglenn again.

Mr. Richard Pfeffer, BotanaCare, LLC dba BGood, came forward and was placed under oath. Mr. Pfeffer stated he cannot voluntarily speak about the transfer application, but stated he is able to answer questions from the Authority and he is required to be truthful since he is under oath. There were no questions of Mr. Pfeffer.

MOTION TO PASS

Council member J. Brown **MOVED** and it was **SECONDED** by Mayor Pro Tem Dodge to direct the Attorney for the Authority to prepare a draft resolution for action on March 14, 2016 approving the transfer of ownership application filed by Cheri Hackett pertaining to the medical and retail marijuana licenses held by BotanaCare, LLC dba BGood.

MOTION PASSED

There was no discussion and the motion **PASSED**.

IN FAVOR - Downing, Dodge, Mullica, Sauers, J. Brown,
Whitman, Esquibel.

OPPOSED - Snetzinger.

ABSENT - B. Brown.

ADJOURNMENT

The meeting adjourned at 8:57 p.m.

JOHANNA SMALL, CMC
City Clerk

JOYCE DOWNING
Mayor