



City of Fort Bragg

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Meeting Minutes Special City Council

*THE FORT BRAGG CITY COUNCIL MEETS CONCURRENTLY AS
THE FORT BRAGG MUNICIPAL IMPROVEMENT DISTRICT NO. 1
AND THE FORT BRAGG REDEVELOPMENT SUCCESSOR
AGENCY*

Wednesday, September 1, 2021

6:00 PM

Via Video Conference

Special Meeting

CALL TO ORDER

Mayor Norvell called the meeting to order at 6:00 PM, all Councilmembers appearing via video conference.

ROLL CALL

Present: 5 - Mayor Bernie Norvell, Vice Mayor Jessica Morsell-Haye, Councilmember Tess Albin-Smith, Councilmember Lindy Peters and Councilmember Marcia Rafanan

DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS

Councilmembers Albin-Smith and Peters disclosed that they had conversations with Simeon Evans; Vice Mayor Morsell-Haye and Mayor Norvell also disclosed discussions with Simeon Evans.

1. PUBLIC HEARING

- 1A.** [21-464](#) Receive Report, Conduct Public Hearing, and Consider Upholding or Denying the Appeal of the Planning Commission's Decision to Deny Minor Use Permit Application 1-21 (MUP 1-21) for a Cannabis Dispensary at 144 N. Franklin Street

Vice Mayor Morsell-Haye recused herself from hearing this matter citing a conflict of interest because she owns a business within 500 feet of the subject property. She left the meeting at 6:05 PM.

Mayor Norvell noted that this public hearing was continued at the August 9, 2021 meeting, and reopened the hearing at 6:05 PM.

City Attorney Collins explained the process on the issue before the Council tonight. Associate Planner Gurewitz presented the staff report for this agenda item. Appellant's attorney, Gina Austin, made a presentation to Council on behalf of appellant/applicant Brandy Moulton. Public Comments in support of Sunshine Holistic's cannabis dispensary were received from Michael Katz, Jen Brown, Kyla Miller, Daniel Schultz, Barbara Counterman, Jude Thilman, and "Megan" (no last name given). Public comments in opposition to the cannabis dispensary were received from Gene and Dianna Mertle, Jay Koski and Jacob Patterson.

Mayor Norvell closed the public hearing at 7:17 PM.

The Councilmembers held deliberations regarding security issues, job opportunities, noticing,

the location of the project, neighbors' objections, consistency with the General Plan, CEQA, the City Ordinance regarding cannabis dispensaries, and the Planning Commission's decision to deny the permit. Two motions were made and seconded, one to uphold the appeal and one to deny the appeal. Both motions failed for lack of a majority.

A motion was made by Councilmember Peters, seconded by Mayor Norvell, that the Resolution upholding the appeal and overturning the Planning Commission decision on MUP 1-21 be adopted. The motion failed by the following vote:

Aye: 2 - Mayor Norvell and Councilmember Peters

No: 2 - Councilmember Albin-Smith and Councilmember Rafanan

Recuse: 1 - Vice Mayor Morsell-Haye

Enactment No: N/A

A motion was made by Councilmember Albin-Smith, seconded by Councilmember Rafanan, that the Resolution denying the appeal and upholding the Planning Commission's denial of MUP 1-21 be adopted. The motion failed by the following vote:

Aye: 2 - Councilmember Albin-Smith and Councilmember Rafanan

No: 2 - Mayor Norvell and Councilmember Peters

Recuse: 1 - Vice Mayor Morsell-Haye

Enactment No: N/A

ADJOURNMENT

Mayor Norvell adjourned the meeting at 8:06 PM.

BERNIE NORVELL, MAYOR

June Lemos, CMC, City Clerk

IMAGED (_____)