

PLANNING AND ZONING COMMISSION
MEETING MINUTES
August 17, 2023

1. Chairperson Liddle called the meeting to order at 4:00pm with the Pledge of Allegiance. Commission Members Curran, Sigvardson, Maly and Nicholson were in attendance. Planning, Zoning & Development Director Ken Cimino, Town Engineer Jim Lober, Town Solicitor Veronica Faust, Planner Jill Oliver, and Town Clerk Donna Schwartz were also in attendance. The meeting was held at 32 West Avenue.

2. **APPROVAL OF AGENDA**

A motion was made by Mr. Curran, seconded by Mr. Sigvardson, to approve the agenda. The motion was carried unanimously 5/0.

3. **APPROVAL OF MINUTES**

A motion was made by Mr. Maly, seconded by Mr. Sigvardson, to approve the minutes of July 20, 2023. The motion was carried unanimously 5/0.

4. **NEW BUSINESS**

- A. **P-345 Ordinance Review** – An Ordinance amending the Town of Ocean View Code relating to use regulations as set out in Chapter 140, Land Use and Development, prohibiting certain marijuana activities.

Mr. Cimino read the synopsis of the ordinance change. He said the purpose of this ordinance is to prohibit cultivation facilities, marijuana product manufacturing facilities, marijuana resting facilities, retail marijuana stores or marijuana smoking lounges within the Town of Ocean View. The Delaware Marijuana Control Act specifically provides that a municipality may prohibit cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, retail marijuana stores through the enactment of an ordinance or through an initiated or referred measure.

Ms. Faust explained the change in the ordinance, to define what is in the Delaware code.

Mr. Maly commented that this is something that should not be in a small town. He doesn't support recreational sales in Ocean View.

PUBLIC COMMENT

Ms. Zoe Petchell, Dover, read a prepared statement. She supports cannabis and asked the Commission to reconsider the ordinance.

Mr. Curran offered a statement in response to Ms. Petchell. He said that Ocean View has been the safest town in the state for the last four years. He said the only smart decision was to allow the town to decide for themselves.

Ms. Alexandra Miller, West Avenue, stated that she is a small business owner that consumes cannabis personally. She wants the Commission to say no to the ordinance. Ms. Miller stated the cannabis brings with it funds, employment, new business. The stores are more secure than liquor stores. There are laws and rules and regulations for cannabis.

PUBLIC COMMENT CLOSED

Mr. Sigvardson asked if the code allowed liquor stores. Mr. Cimino replied it is not a permitted use in the town.

Mr. Maly stated that he was in agreement with the ordinance amendment proposed by the Planning Department to clarify the ordinance's meaning. I move to recommend that the Council adopt an ordinance amending the Town of Ocean View Code relating to Use Regulations as set out in Chapter 240, Land Use and Development Code to amend section 140-27 by adding thereto those matter underlined and deleting thereto in section 140-27 to read as follows: The operation of a marijuana facility, a marijuana product manufacturing facility, a marijuana testing facility, a retail marijuana store, each as defined in Title 4, Section 1302 of the Delaware Code, or a marijuana smoking lounge shall be prohibited within the municipal boundaries of Ocean View.

A motion was made by Mr. Maly, seconded by Mr. Curran, to recommend the ordinance be considered by Council. The motion carried unanimously 5/0.

5. ADJOURNMENT

A motion was made by Mr. Curran, seconded by Mr. Sigvardson to adjourn the meeting at 4:18pm. The motion was carried unanimously 5/0.