

# Town of Selbyville

## Marijuana Advisory Committee

### October 17, 2023

The Marijuana Advisory Committee meeting was called to order by Commissioner Hudson, Chairman of the Committee, at 3:30 p.m. The following committee members were in attendance: Commissioner Gary Steffen, Town Administrator Stacey Long, Chief Brian Wilson, Captain Brian Parsons, and resident Susan Kirsch.

The meeting was properly posted.

Chairman Hudson stated that Mayor Duncan appointed this committee to investigate whether the town should adopt an ordinance to prohibit recreational marijuana shops in town limits. Many of the towns in Sussex and Kent Counties have adopted some type of ordinance to prohibit this use. The purpose of this meeting is to discuss permitting or prohibiting marijuana cultivation facilities, product manufacturing facilities, testing facilities, retail stores and smoking lounges. One of the items that needs to be considered is the many schools, daycares and churches located within the town limits. The town would have the right to limit which zoning districts to allow these uses in if permitted. As the code reads presently, any use not specifically listed is prohibited in all zoning districts. This could be left up to interpretation given that in the commercial districts, "retail stores" are listed. It doesn't specifically state what types of retail stores are permitted. That is why the law states that the towns have the right to pass an ordinance prohibiting these specific uses. Town Administrator Stacey Long explained the process moving forward if the Committee Chairman recommends prohibiting this, and the mayor and council vote to accept the recommendation:

1. During the November meeting, the committee will inform the Mayor and Council of their recommendation.
2. Mayor & Council vote on their recommendation
3. If the Mayor & Council accept their recommendation, they would then set a public hearing for the next meeting.
4. A public hearing could take place at the December meeting.
5. The Mayor and Council vote to approve or deny the ordinance as presented.

Town Administrator Stacey Long also presented the committee with a PowerPoint presentation from the Delaware League of Local Governments monthly meeting on Land Use Implications of the Delaware's Marijuana Control Act.

Therefore, the question is, does the town want to adopt an ordinance that closely monitors these uses or adopt an ordinance that prohibits these uses?

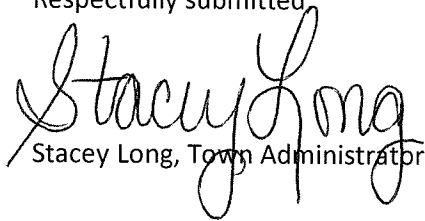
After much discussion among the committee members, a motion was made by Susan Kirsch to prohibit the following marijuana related operations in town: cultivation facilities, product manufacturing facilities, testing facilities, retail sales, and smoking lounges. The motion was seconded by Captain Brian Parsons and carried by all. **It is the recommendation of this committee that the Mayor & Council approve the prohibition of marijuana related uses based on the following reasons:**

**Town of Selbyville**  
**Marijuana Advisory Committee**  
**October 17, 2023**

- Many towns are adopting ordinances to prohibit these uses.
- This does not promote the health, safety, and welfare of the residents of the Town.
- In speaking with many residents, they are against permitting these uses.
- The odor associated with these uses.
- Drugs bring crime.
- These uses are permitted within the county jurisdiction which has more land area for these types of operations.
- No increased revenue for town besides an annual business license fee
- Short staffing in the police department makes it difficult to keep up with more security and monitoring at and around these facilities.
- If it is a permitted use, all the individuals from the surrounding towns that prohibit this would be driving to Selbyville which will lead to increased traffic on our already overcrowded roads and the possibility of increased vehicle collisions and moving violations.
- Delaware League of Local Governments strongly opposed HB1 and we support all their reasons (Letter of Opposition attached)

Town Administrator Stacey Long made a motion to adjourn the committee meeting. The motion was seconded by Councilman Steffen and carried by all.

Respectfully submitted,

  
Stacey Long, Town Administrator



## DELAWARE LEAGUE OF LOCAL GOVERNMENTS

P.O. BOX 484, DOVER, DE 19903-0484  
 Phone: 302-678-0991 | Email: msscott@udel.edu

*President Lew Killmer*

*Executive Director Marcia S. Scott*

January 23, 2023

Representative Minor-Brown/Members of the House Health & Human Development Committee  
 Legislative Hall  
 411 Legislative Avenue  
 Dover, DE 19901

RE: Opposition to HB 1 and Proposed Amendment to HB 2 (if HB 1 is passed)

Dear Representative Minor-Brown and Members of the House Health & Human Development Committee:

The Delaware League of Local Governments (DLLG) respectfully would like to go on record to **strongly oppose** [HB 1](#) – Legalization of Recreational Marijuana and, if HB 1 is passed, propose an amendment to [HB 2](#).

### **DLLG Opposition of HB 1**

As noted in a 2020 report on *Effects of Marijuana Legalization on Law Enforcement and Crime*<sup>1</sup>, the legalization of recreational marijuana may impact public safety/law enforcement (and related costs), including:

- Traffic safety and higher incidences of drug-impaired driving;
- Increasingly complex and time-consuming nature of investigations related to cannabis-involved DUI incidents/arrests;
- Extent of law enforcement lost time due to blood-draw search warrants for suspected marijuana impairment investigations;
- An increase in THC-positive drivers who are involved in fatal automobile accidents;
- A possible relationship between neighborhood recreational dispensaries and violent crime;
- An increase in EMS calls for medical assists through overdoses, or psychological episodes due to the higher-grade marijuana;
- Possible correlation between legalization of recreational marijuana and shifts in calls associated with “welfare checks;”

---

<sup>1</sup> Stohr et. al., (2020, July). *Effects of Marijuana Legalization on Law Enforcement and Crime*. Retrieved from <https://www.ojp.gov/pdffiles1/nij/grants/255060.pdf>

- Increased difficulty for police to “interdict illegal marijuana” and address new forms of the black and gray markets that may arise and/or persist.

### **Proposed Amendment to HB 2 (if HB 1 is passed)**

While DLLG opposes the legalization of recreational marijuana, the League agrees that a regulatory framework is needed. Should HB 1 be passed, DLLG is requesting an amendment to [HB 2](#) to address public safety/law enforcement impacts. The League requests that the equivalent of a 3% sales tax to be set aside for municipal and county revenue, with the remaining 12% going to the state, as follows:

- **1.5% to municipalities** – formula to mirror the two factors for the distribution of Municipal Street Aid (MSA):
  - Population (certified by the U.S. Bureau of Census or Delaware Population Consortium)
  - Mileage as verified by the Data Collection Unit
- **1.5% to counties** – formula to mirror the distribution of funding for the statewide paramedic program

### **Recreational Marijuana Local Revenue Sharing in Other States**

Most states with legal recreational marijuana sales include local government revenue in their marijuana tax system. Some states allow localities to raise revenue through the already existing local sales tax, while others specifically include a local marijuana tax. [The Urban Institute](#) has a helpful summary of state and local marijuana taxes by state. As detailed below, 11 out of 13 states that have legalized recreational marijuana provide revenue sharing with local governments.

1. CA - State retail sales tax applies (7.25% plus local taxes)
2. CO - Retail Tax of 15% (10% before July 2017) - local government receive 10% of this tax. (2.9% retail sales tax before July 2017). Local Option Retail Tax up to 8%.
3. CT - 6.35% retail sales tax plus 3% municipal sales tax
4. IL - Retail Excise Taxes
  - 10% on marijuana with THC level of 35% or less
  - 20% on cannabis-infused products
  - 25% for marijuana with THC level above 35%
  - Local option tax up to 3% [effective 7/1/2020]
5. MA - 6.25% Retail Sales Tax applies Local Option Excise Tax of up to 3% is permitted (initially 2% on ballot)
6. ME - Retail sales tax of 10%
7. MI - 6% State Sales Tax (effective February 6, 2020)
8. NJ:
  - The ballot measure would apply the state sales tax (6.625 percent) to recreational marijuana but prohibit additional state sales taxes.
  - The state Legislature would be authorized to allow local governments to enact an additional 2 percent sales tax on recreational marijuana.

9. NV - Sales tax imposed 6.85% (plus local)
10. NY - A Retail Tax of 9% plus a statewide 4% local tax
11. OR - Local Option sales tax up to 3%
12. VA - Retail sales tax of 21% for all products sold through Marijuana stores; A 3% local options sales tax may also apply
13. WA - 6.5% Retail Sales Tax (plus local tax)

Again, should recreational marijuana be legalized in Delaware, the Delaware League of Local Governments requests that the equivalent of a **3% sales tax to be set aside for municipal and county revenue**, with the remaining 12% going to the state.

Thank you for your consideration to this issue of critical importance to Delaware local governments and local law enforcement agencies in Delaware.

Sincerely,



Marcia Scott  
Executive Director  
Delaware League of Local Governments

Cc: DLLG Executive Committee  
DLLG Legislative Advocacy Committee  
Lincoln Willis, Principal, The Lincoln Willis Group, LLC  
Jeff Horvath, Executive Director, Delaware Association of Chiefs of Police



TOWN OF SELBYVILLE  
MEETING SIGN-IN SHEET

Marijuana Advisory Committee

Type of Meeting

Date: October 17, 2023

	Name (Please Print)	Representing
1.	Monroe Hudson	Selbyville
2.	Stacey Long	"
3.	Chief Wilson	"
4.	Capt. Parsons	"
5.	Gary Steffen	"
6.	Susan Kirsch	"
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		