



## *Council Minutes*

**February 12<sup>th</sup>, 2014**

**ROLL CALL:** Mayor Don Ware called the meeting to order at 7:00 p.m. with Councilors Shepherd, Boyanovsky, Gerber, Cole, Van Sandt, and Chambers present. City Administrator Scott McDowell, Administrative Assistant Tammi Morrow and Public Works Superintendent Karl Frink were also present.

**PUBLIC:** Patty Linn, Times Reporter, Charlie Stoakes, Marty Cross, J. Munnison, Doug Block, Kevin Rogers, Glenn Reinemer, Josh Kometz, Dan & Dee George, Mickie Morrow, Jannea Deaver, Sharon McCoy, Jamie Kampfer, Dot Marsh, Chenowith Robertson, Richard Dominguez, Marilyn & Robbie Grimes, Carine Jeffery, Steve VanSandt, Karly Geider, Linda Simms, Steve Chambers, Marilee Frasier, Cindy Thibedeau, Cheryl Haworth, Don Andrews, Mari Vanderstelt, Norman Simms, Kaye Fox, Dale Middlestadt, Donald Lyon, Wes & Laura Meckle, Caryn & Bob Shepherd, Bob Anderson, Joni Spencer-Dorsey, Richard Layman, Wesley MacDonald, Gian Mercurrio, Max Peschel, Roger & Alice Tetamore, Elizabeth Coleman, JoAnn Neddeau, Randy & Gail Simpson.

The pledge of allegiance was recited.

### **PUBLIC HEARINGS OR PRESENTATIONS:**

***Medical Marijuana Dispensary*** – City Administrator Scott McDowell thanked everyone for coming. He indicated there is a sign in sheet going around. He informed the audience that Council will be hearing public comment tonight regarding the possibility of locating a medical marijuana dispensary downtown. Mr. McDowell made the following statement:

#### ***Opening Statement***

Thank you for attending this Special Session of Council.

Tonight, Council is taking public comments regarding a recent change to State Law that allows Medical Marijuana Dispensaries.

**Below are facts leading up to this public session that everyone should know.**

To date, Council has not taken a public position on this issue.

- ▶ Council received a letter from the Linn County District Attorney and other members of the Linn County law enforcement community at the November 2013 Council meeting.
- ▶ Council learned, the Wednesday before the January 2014 meeting, that Mr. & Mrs. Simpson were planning on opening a facility here in town.
- ▶ The Simpson's were invited to the last Council meeting to brief Council on their plans.



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After the last meeting, Council decided to "listen" for any public comment surrounding this issue.

The Albany *Democrat-Herald* ran a story on February 1<sup>st</sup>, 2014. The City was contacted by multiple media outlets the following Monday asking about Council's position on this issue.

The Brownsville Municipal Code does not prohibit the proposed use, however the City Attorney indicated that the City has a right to request an official, certificate to prove that they are operating in accordance with State Law.

The State will begin receiving applications on March 3<sup>rd</sup>, 2014 at 8:30 a.m. P.S.T.

There have been two distinct responses State-Wide to this issue. The City of Medford does not issue business licenses to businesses who are not in compliance with Local, State & Federal law; which by definition prohibits a dispensary. The City of Ashland modified their business license language to allow for dispensaries. This pattern is repeating all over the State of Oregon.

**Senate Bill 1531** – Currently with the Senate Judiciary Committee...  
Read highlighted sections of the KATU Article.

Council's purpose tonight is to listen to discussion around this topic and to discuss what is in the best interest of Brownsville.

Mayor Don Ware cautioned the audience that a civil attitude will be maintained, and no outbursts will be tolerated. Council will grant two (2) minutes to each person that would like to speak, and 5 minutes will be afforded to Randy and Gail Simpson for their information. Council will hear from the proponents first, and the opposition next. Council will then hold their discussion. Mayor Don Ware requested that as each person speaks, they first begin by stating their name and address for the record.

### **CITIZEN COMMENTS:**

**In Favor:** *Randy Simpson, 29025 Sheephead Road*, spoke first. He stated that he has secured a location at the old bank building for a medical marijuana dispensary and intends to file an application for this facility with the State of Oregon on March 3<sup>rd</sup>, 2014. He addressed several community concerns, including proximity to the Sharing Hands Preschool, security requirements, etc., and stated that this operation is clearly allowed within the rules that he passed out tonight. *Gail Simpson* listed medical conditions that marijuana could help, and stated that these conditions could affect many people. *Donald Lyon, 352 Kirk*, spoke next. He stated that he did not see the distinction between marijuana and tobacco or alcohol. He believes marijuana is less addictive than either one of the other drugs. *Marilyn Grimes, 721 Oak*, stated that she is in favor of a dispensary in Brownsville. This facility would be operated by local people, and that their marijuana is organic, and can be very medically necessary. *Laura Meckle, 25375 Gap Road*, stated that she considers prescribed medical marijuana as medicine. She was particularly concerned with veterans need for this medicine. *Bill Sattler, 618 Spaulding*, spoke in favor of medical marijuana. It was the only thing that helped his wife during her battle with cancer. *Gian Mercurio, 620 Oak*, stated that she is a caregiver, and as such is able to enter medical marijuana dispensaries. She stated that the environments are much like doctor's offices. Patients go back, get their medicines and leave. She



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thinks the dispensary will bring people to town. *Max Peschel, 620 Oak*, stated that he has been a cardholder for the last 10 years. Thirty years ago he had a kidney transplant, and marijuana has worked for him and a lot of other people. He also stated that there are lots of people growing marijuana in town, probably right next door to all of us! *Wes McDonald, no address given*, stated that he feels this dispensary will bring jobs and tourists to the town, and that it would be good for the local economy. *Steve VanSandt, 213 Bishop Way*, stated that he is a pharmacist, and sees many other highly addictive drugs as much more dangerous than marijuana; he has never heard of anyone overdosing on marijuana. *Rick Layman, PO Box 396*, stated that he was impressed with Randy and Gail Simpson, and that he thinks a dispensary would be good for the town.

In Opposition: *Joni Dorsey, 234 Galbraith*, stated that she has had four back surgeries and could be a cardholder if she desired. She stated that Brownsville doesn't need this kind of business. Her husband is a fireman and he goes out on all kinds of drug related calls, and this kind of facility will not be good for the community or emergency services including police and fire departments. *Bob Anderson, 315 Stanard*, stated that he has been a city resident for 35+ years. He stated that he is not for or against marijuana; his concern is more about what's good for Brownsville. He has 4 downtown storefronts, and is worried about filling the one empty one, and maintaining his tenants in the three rented buildings if the moratorium comes to town. He said that Council needs to take a good hard look at what we want the downtown business core to look like, and as a small city he doesn't believe we can afford to fight this battle. *John Morrison, Brownsville Chamber of Commerce President*, stated that there are currently more than 60 businesses in town, some are represented here tonight. He said that Chamber's main concern is that the children and schools of the community are protected, and that tattoo parlors, etc., don't come to town. How rational is this thinking? He does not know. *Rob Shepherd, Gap Road*, summarized his concerns stating that he was not for or against marijuana. He does, however, have a lot of unanswered questions. What kind of people will this dispensary bring to town; will Brownsville be able to maintain their small town feel? He is afraid a medical marijuana dispensary will change that. *Linda McCormick, 37994 Highway 228*, as the Facebook Administrator of the Chamber, she shared some comments that have come through the website. Concerns ranged from the size of Brownsville being too small for such a dynamic endeavor, to people misunderstanding what a dispensary entails, and many people felt that Brownsville is not the place to start a dispensary. Ms. McCormick is also in charge of the Stand By Me Celebration that happens annually in town, and is concerned about retaining the many visitors that come to town for this event. *Kaye Fox, 203 Kirk*, stated that her neighbors have been cited for the manufacture and distribution of marijuana. They currently have 15 people living in one house, and the police show up at their house regularly for domestic calls, etc. She is concerned about her family's exposure, and is against having a dispensary anywhere in our town. *Charlie Stoakes, 515 Fisher*, stated that he has very mixed emotions on this topic. Does the City want to imply our support for a dangerous drug dispensary? *Mari Vanderstelt, 208 Washburn*, stated that as a downtown business owner, she does not get a lot of business from folks that visit the liquor store, tavern, etc. She does share consumers with the knitting shop, and those kinds of businesses. She feels that the bigger cities should fight this battle, and Brownsville should wait to see what develops. *Ray Bubak*, was not present, but submitted a letter declaring his opposition to this facility in Brownsville. *Pastor Kelly Williams, Brownsville Assembly of God*, also submitted a letter stating her opposition to this facility. She volunteered to be part of a committee seeking further information about such a facility and what it would mean to the town.



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**COUNCIL COMMENTS:** Council addressed several questions to the Simpsons. How many cardholders in the State? Currently there are 1600 cardholders, with 500 cardholders in between Salem and Eugene. Where do they get their marijuana? If they know growers, that's where they get it. The older folks have a hard time driving that far (Eugene or Salem) to get their drugs. The Simpson's also commented that with a facility in Brownsville these folks won't be tempted to use it and then drive home impaired. It is unknown how many people will use the facility on a daily basis. How many licensed/certified growers in Oregon? There are 60,000 patients (medical Marijuana cardholders) and 30,000 growers. Can transactions be done by a delivery system? No, all transactions must be done in a store. Council then asked Mr. McDowell for input; any information that he has gathered that is relevant. If we allow this dispensary, will it affect any federal grant funding in the future? Mr. McDowell stated that he had no answer for the federal funding question; at this time they are not cracking down, but they well could in the future. He said there is really no way to determine that at this time. He said another interesting fact is that 60% of Americans think that there is a place for medical marijuana, and that attitudes in general may be changing. Councilor Shepherd stated that he felt a one (1) year moratorium on the issue would be a great idea, and Council could wait to see what shakes out in other cities, see what rulings come down the line, etc. Councilor Cole concurred with Councilor Shepherd and commented on the article "Communities Statewide Seek Option to Ban Medical Marijuana" that indicated that there is no clear pathway yet. She stated that she would hate to see the Simpsons have them establish a business, and spend considerable funds and not be able to continue the business in town. Councilor Cole would rather see Council follow a more cautious, conservative approach. She is a little concerned about what effect a dispensary will have on Historic Brownsville. Perhaps the Mayor could appoint an ad hoc committee and come back in six (6) months to a year and revisit the issue. Councilor Gerber commented that she respects all the opinions offered and is not making a comment on marijuana's use. She also is concerned about the need of this type of facility in this small of a town. She is worried about the proximity to the preschool, and thinks a little extra time for Council to make an informed decision would be a good thing. Councilor Van Sandt commented that as a nurse, she has seen the medical benefits of marijuana. Her biggest issue is the question of do we want this in Brownsville? It's a very polarizing issue, she is in favor of a moratorium. Councilor Chambers agreed that we really don't know enough yet, the legislation is unknown, etc. She also agrees with the moratorium approach. Councilor Boyanovsky stated that he had talked with a doctor, and found few studies have been done on this issue. He stated that the good of the many needs to outweigh the good of the few. Councilor Boyanovsky also stated that he likes the small town feel of Brownsville, and he is in agreement with the moratorium idea. Councilor Gerber asked Council if they thought a six (6) month window would be enough. Councilor Cole responded that she feels it will take the larger cities at least a year to work through all the legalities. *Councilor Shepherd made a motion to enact a one (1) year moratorium to study the medical marijuana facility issue, and instructed Staff to form proper legislation for the next Council meeting. Councilor Chambers seconded the motion, and the motion passed unanimously.*

**ADJOURNMENT:** *Councilor Shepherd moved to adjourn, with Councilor Gerber seconding the motion. The meeting was adjourned at 8:22 p.m.*

  
City Administrator S. Scott McDowell

  
Mayor Don Ware