



Council Minutes

March 11th, 2014

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

PUBLIC: Elizabeth Coleman, Randy and Gayle Simpson, Marilyn and Robbie Grimes, Kaye Fox, Jennifer Moody, Amy Addison, Bill Cover and Max Peschel.

The pledge of allegiance was recited.

PUBLIC HEARINGS OR PRESENTATIONS:

Medical Marijuana Dispensary – Mayor Ware stated that the public is welcome to speak at this hearing, but comments must be limited to a two minute time frame. Mayor Ware asked that the speaker come to the podium and state their name and address before they begin their public comments. *Gayle Simpson, 29025 Sheep Head Road*, stated that if anyone is scared that the mafia and black market are coming to town regarding medical marijuana, they are "already here and thriving!" She claimed that the medical marijuana dispensary can change that. Their intention is only to provide marijuana as medically needed as a pain killer.

LEGISLATIVE:

1. **Ordinance Establishing a Temporary Moratorium on Medical Marijuana Facilities and Declaring an Emergency.** *Councilor Gerber made a motion to read O 743 by title only. Councilor Shepherd seconded the motion and it passed unanimously.* McDowell reported that after Council's Special Session held on February 12th, 2014, several things changed. Council directed Staff to call another Special Session of Council once the State Legislature made a decision regarding Senate Bill 1531. The proposed Senate Bill 1531 changed a number of times and was finally passed by both the Senate and the House on March 7th, 2014. The legislation allows cities and counties to establish a moratoria that will be retroactive to March 1st, 2014. If Council chooses to enact a moratoria, the ordinance is required to be sent to the Oregon Health Authority by May 1st, 2014. Mr. McDowell has checked with the City Attorney and the League of Oregon Cities and has been assured that the Governor is *not* going to veto this legislation. The City Attorney recommended proceeding if Council so desires. Mayor Ware stated that since this is the action that Council requested at the February 12th, 2014 meeting, if no Councilor wished to change their stance, the City would go forth. Councilor Gerber questioned if this meeting would now be considered the first reading of the Ordinance. Mr. McDowell assured her that was true, and that the second reading would happen at the next regularly scheduled Council meeting, March 25th, 2014. At that time Council could declare this Ordinance an emergency and it would take effect immediately, waiving the normal thirty (30) day waiting period in order to get it on file with the Oregon Health Authority. Councilor Van Sandt stated she just wanted to make a few comments. As a hospice nurse, she has seen marijuana help a lot of terminally ill people. She stated that marijuana had a lot of other benefits as well. She is trying



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to speak up for her patients. Councilor Van Sandt stated that it had been talked about changing the location, and really wouldn't it be better for the facility to be within close proximity of the Sheriff's substation instead of perhaps on the fringes of town and out of sight? She declared that when the vote comes at the end of the month, she is likely to vote against the moratorium, and hopes that everyone still loves her! Councilor Cole weighed in with stating that she is absolutely not against medical marijuana in any way. In her opinion, declaring a moratorium is just simply to give Council and the City time to see how things shake out, and that Council can change their decision at any time as they so. Mr. McDowell assured her this was correct. The thing that bothers Councilor Cole mostly is the process piece. Cole stated that "...we, as Councilors, took an oath of office to fulfill our duties as City Councilors. This oath does indeed state that "we will solemnly swear to support the laws of the Constitution and the laws of Oregon." Councilor Cole feels in direct conflict here as a responsible Councilor not to vote for the moratorium. Her conscious says to her that she wants to go ahead with the moratorium while taking an active role in figuring out what the medical marijuana dispensary in Old Town Brownsville would be. She would also like to address the situation of taking an oath, and seemingly going against it if she were to vote for the dispensary. Councilor Gerber thanked Councilor Cole for her comments and stated that she concurred with Councilor Cole's position. Mr. McDowell stated that this issue also includes two strong issues that have nothing to do with medical marijuana, 1) is the oath of office concern as addressed by Councilor Cole, and 2) an on-going concern about local control versus State mandate.

ADJOURNMENT: *Councilor Shepherd moved to adjourn, with Councilor Gerber seconding the motion. The meeting was adjourned at 7:14 p.m.*

A blue ink signature of S. Scott McDowell, consisting of stylized initials "SM".

City Administrator S. Scott McDowell

A blue ink signature of Don Ware, written in a cursive style.

Mayor Don Ware