

CITY OF ALBANY
CITY COUNCIL
Council Chambers
Wednesday, March 26, 2014
7:15 p.m.

MINUTES

CALL TO ORDER

Mayor Sharon Konopa called the meeting to order at 7:15 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

Konopa led the pledge of allegiance to the flag.

ROLL CALL

Councilors present: Councilors Rich Kellum, Bill Coburn, Bessie Johnson, Ray Kopczynski, Dick Olsen, and Floyd Collins.

Councilors absent: None.

PROCLAMATIONS

National Service Recognition Day.

Konopa read the National Service Recognition Day proclamation.

Konopa said, the Parks & Recreation Department coordinates the Foster Grandparent Program. The City is proud to host the program.

Child Abuse Prevention and Awareness Month.

Konopa read the Child Abuse Prevention and Awareness Month proclamation.

Konopa said there is a representative from the ABC House, Karen Scheeler, in the audience. Konopa said the ABC House is a wonderful organization.

Scheeler thanked the Council for the proclamation. Scheeler represents the Linn County Committee For the Prevention of Child Abuse, which is a group of many nonprofits. She said she has been an advocate for children all of her life, and over the last 11 years particularly those who have been abused. There are many events in the community across the county. The Day of Hope is on Tuesday, April 1, at 7:00 p.m. It is a ceremony to recommit to protecting children and honoring children who have passed away due to abuse, and to learn new ways as parents, grandparents, and community members to raise children. She said, it is an ugly subject but if we are not educated, we cannot help eradicate abuse. Statistics have gone down but her experience is that they will go back up. Children deserve a lifetime of happiness, not just a few years. Child abuse follows them their entire life. They can recover and become successful citizens, but they need help.

Scheeler said that on Thursday, April 3, Lebanon is hosting a similar event, where they will be turning their town blue. Interested people can contact the ABC House or Linn County Court Appointed Special Advocate (CASA) to buy lights and ribbons for \$5. Scheeler said the point is to open up conversations with neighbors about child abuse. People can also attend training at ABC House and Linn County CASA to learn how they can help educate adults and protect children.

On April 19 at the Heritage Mall, Scheeler said they will be collecting shoes for kids in foster care. They have been doing this for five years. There are over 400 children a year in Linn County in foster care. Many come with the clothes on their back and many of those clothes don't fit. This is one small way that people can help. She said that there are also a lot of teens in foster care who need shoes also.

On April 30, Scheeler said there will be a meeting at the Samaritan Center in Lebanon to discuss an educational forum which will bring people from all over Linn County. All are invited to attend. She also suggested reaching out to nonprofits, law enforcement, and the Department of Human Services (DHS.) Those people work hard but it can't be left just to those agencies; child abuse is an epidemic.

Scheeler said that one in every four girls and one in every six boys will be sexually abused before they reach age 18. That statistic has stood for many years, and includes only the children that they know about. When abuse is kept secret, it is very powerful and very damaging. She said, as adults, we owe it to the kids in our community to be educated.

SCHEDULED BUSINESS

Business from the Public

Konopa asked for a show of hands for those in the audience who wished to comment on medical marijuana. Konopa asked the audience to consider if someone has already made the point they want to make, to please not repeat the same point, taking into consideration that there are many who wish to speak tonight.

Konopa asked for a show of hands in the audience for those that do not live in the city limits of Albany. She noted that the Council can enact City policies and that if a person lives outside the city limits, they are affected by Linn County rules and regulations.

There were several comments related to medical marijuana on the dais: an email from Bob Brendle; an email from Casey Costa; an email from Diana Sutherlin; an email from Lucy Diamond; an email from Rhea Graham; an email from John McAnally; a letter from Rhea Graham; an email from Tim J. Spencer; an email from Marcy Cardwell; an email from Jill Morgan; and an email from Bessie Ludhal (see agenda file).

Greg Bechtel, 978 Ferry Street SW, said he didn't know this was child prevention awareness month. He said a couple of months ago he was approached by Bikers Against Child Abuse to ask if they could put brochures at his business, Albany Alternative Health Solutions at 820 Pacific Boulevard. He said folks should come to his business to get a brochure.

Bechtel said the Council is considering two ordinances, one a moratorium as authorized by Senate Bill (SB) 1531 and the other would amend the Albany Municipal Code. Bechtel said Deputy City Attorney Sean Kidd was mistaken at a previous meeting when he said the ban is the only ordinance that has a deadline of May 1. According to SB 1531, additional regulations have no due date. Bechtel said if the Council is trying to decide which way to go, the regulations allow more time.

Bechtel said there was also concern about the form marijuana is used in. The City has the purview to require a pharmacy on call or on site, which he thinks is a regulation they could add instead of doing a ban. The ban removes all access, not just the "bad" access. Bechtel said the Council recently heard from neighbors about the proposed redemption center, and 7-9 people in the audience dissented. The Council voted not to allow the redemption center and when asked why, said it was because of public opinion. Bechtel pointed out that there are more than 7-9 people in the audience tonight. It was also mentioned at the Work Session that 21 out of 242 cities in Oregon have banned medical marijuana. Albany would only be the 22nd city to ban it. He said, if you do, you owe an explanation as to why people cannot have safe and local access. Marijuana provides a way to get off of opiates. He thinks the Council's choice is simple.

Rhea Graham, 1440 Lawnridge, owns Canna Kitchen & Research. She wants her business to be grandfathered in to any changes the Council makes. She was granted a permit two years ago and has been working diligently and legally to help others; she said she can't imagine having to stop. She said she has not made any money doing what she does, and has taken several thousand dollars in equity out of her home in order to do the work. She said the reason is to help others get well and to stop poisoning themselves with pharmaceuticals. She said, the Council worries about marijuana getting into the hands of children; but it is already easier for them to get marijuana than alcohol. At stores where other medicine and other deadly items like alcohol and cigarettes are sold, those items can be regulated; when you keep marijuana sales on the streets and out of the stores, it will be in the hands of youth even more.

Graham encouraged the City to get funding from the Oregon Medical Marijuana Program (OMMP) for the dual enforcement they seek. She said there are funds given to other Oregon Health Authority (OHA) programs instead of the OMMP, where she said they should fall. She said according to the state, the OMMP is funded entirely by fees generated by the program. She gave a breakdown on funds given to other OHA programs. She said the majority of the patients in the OMMP are senior citizens' programs and yet senior citizens are allotted just \$5,000. She said there will be nine million in excess and she hopes the Albany City Council will ask for some of that.

Karen Chambers, 3472 College Loop SE, said her son broke his collar bone when he was a teen and the next day his friends called to buy his prescription drugs from him. She also has a friend with an addiction to opiates. She said, opiates are a serious issue and they are killing a lot of people; cannabis does not. She asked the Council to consider how they would feel if a doctor gave their child or grandchild a death sentence, and they were presented with an alternative, albeit controversial, treatment that at best had been shown to contain effective cancer-treating properties, and its worst could provide pain relief and comfort. She said in 2006 her 19 year old nephew, Levi, was diagnosed with a soft tissue cancer that is quite rare. There were only 200 other known cases in the United States (US). He was given a bleak prognosis, that he would be dead in three months. His father is a store manager, and was approached by his pharmacist and encouraged to pursue medical cannabis as a treatment. They live in Colorado and it was legal for medicinal use. He started using it in various forms, from ingesting to tincture and smoothies, to vaporizing. She said Levi eventually succumbed to the cancer but the cannabis allowed him to eat, reduced the cell destruction that is the result of chemotherapy, and in between chemotherapy rounds he experienced cell regeneration. It helped him to function during the most difficult time of his life and were they not able to access it locally and purchase it legally, they would not have had the additional three years they had with Levi.

Chambers said she has a close friend who was diagnosed with esophageal cancer. The day of his diagnosis he started a daily dose of Rick Simpson oil (RSO), and four weeks later was cancer free. As a positive side effect of using RSO, he had decades-old scars slough off and reveal new skin. He won't stop taking the oil because of its positive effects.

Chambers said she had another friend suffer from Post Traumatic Stress Disorder (PTSD) as result of an attack. The medical marijuana helps to keep her PTSD in check. She still has bad days but they are fewer and further between and she knows she has access to some relief for her crippling symptoms. Prior to the attack this person was outgoing and vivacious, and after the attack she did not want to leave her home and had panic attacks. Through the use of cannabis she has become closer to the person she used to be although she will be forever changed.

Chambers said she assumes the Councilors each know someone who is an OMMP patient but they probably haven't disclosed it because of the stigma, or don't want to be categorized as a "stoner" that just wants to smoke legally. She said, as a community we need to move past that mentality and not lump OMMP patients in the stoner or drug abuser category. She said, we are not talking about recreational use, but patients that who suffer from a myriad of ailments. It is about patients and their ability to access medication legally and locally. The OMMP community is asking to be able to legally access the medication that works for them at a local, licensed, regulated facility. They have chosen not to use synthetic medication for many reasons, including all the negative side effects. Dispensaries are a necessary part of the OMMP. When patients get a card they often do not have a grower, or the grower relocates. It is more effective when it is used regularly. Some patients are unable to eat or move or leave home without it. She said if she had known then what she knows now, she would have given it to her father after his cancer diagnosis. She said, you don't have to agree with or participate in OMMP, but we are asking you to not make a decision that would negatively impact countless people who have benefited so greatly from this legal, medicinal approach to medical issues, based on false information.

Corwin Brown, 440 Churchill Downs, is an OMMP patient and a disabled veteran. He is an advocate for his fellow veterans. One friend, a mentor who was in Special Forces, took a mortar round to his hip. Brown said that when he went into Special Forces this friend told him that when he is done, if he needs to go to the Veteran Administration (VA), to be very careful. His friend is slowly dying and has seen other veterans who are loaded up on opiates. Brown said when his father returned from the Air Force and Vietnam, his mother became a nurse in the US. Brown said he was brought up being told what not to do because it is bad for you. He said, I believe that if it is your body, do what you want. He does not smoke and doesn't drink often. He said it is all about stigma.

Brown said after he got out of the military it was like a car that was going 40 mph and suddenly stopped. He had an injury to his lower back. He didn't want opiates because he has seen what they do. He did research and since April he has been an OMMP member. He wanted something natural. He also has a kidney disease and he is now pain free, able to sleep at night, has lost weight, and is gaining his strength back. It takes time but it was his choice to pay for his OMMP card. Like the others in the audience, he said he chose a more natural path rather than an opiate path. His doctor said he qualified for OMMP. He said Israel uses marijuana for their military and for treating cancer.

Brown said he had met Sanjay Gupta. Gupta has two documentaries: *Why I Changed My Mind on Weed*, and *Doubling Down on Weed*. He is one of the most sought after neurosurgeons in the world and is Chief Medical Officer for CNN. In 2009, he said weed has no medical benefits and CNN sent him around the world for a year; he looked through the past 300 years of laws and records, traveled extensively to study, and ultimately apologized to American people that he didn't look further and do more research. He said the US government has been lying to the people for the last 70 years about its benefits. Brown suggested the Council learn more about Gupta. Brown is an advocate for veterans. He is living proof that marijuana can turn the clock around.

Lisa Grisham, 1505 Walnut Street, said thank you to the Council for listening to public comments. She was unaware the Child Abuse Prevention and Awareness Month proclamation was on the agenda; OMMP is an emotional issue so she was going to be factual in her presentation. However, the proclamation triggered a response because she is a survivor. Grisham said she is neither a cardholder nor a business person. She supports the regulation of medical marijuana, not a ban. She said all have heard about its medicinal value. There are other options, such as regulating it for six months and then doing a progress check; or do nothing and wait to see what happens. She said it is a moving target. They could also tax and regulate it. Colorado has shown that it is an economic boom and they have made over one million dollars in taxes in the first month alone. She said the Umatilla County Commissioner said in the newspaper, that either way, it is a difficult decision.

Michael Holloway, 620 Peachtree, a veteran, said if marijuana were legal more people would have probably stayed in the military. Alcohol and pills are big problem. Cannabis would solve a lot. In his current job he sees a lot of negative things and being an OMMP cardholder helps. He had serious injuries and they wanted to give him pills. He didn't take them. He said, one bong hit would do the same thing as the pills. He wishes the pharmacies had to follow the same rules that OMMP does. He asked the Council, why wouldn't you want to do this? He said, as a taxpayer and a voter, you are on watch and you will lose my vote. Please don't support organized crime and a bunch of corporations getting rich. The VA offered him pills, which he declined; they even offered to mail them to him if he changed his mind. The police have better things to do. He said that when he travels it is hard to

find it; he wishes he could just get it legally, so that it is not laced and it is purchased from the right people rather than organized crime. He wants the money out of their pockets and into the community.

JD Harris Jr., 1537 SE Salem, has been here for 30 years. He is from an area in California that is a drug haven. He has been smoking marijuana since age 16. He played sports, was in lots of fights, was in a lot of pain, and under stress. Drugs are dangerous for all. He doesn't see a better avenue than to allow this regulation to happen. He said it would minimize crime, and help kids who are too young to understand what they are doing. He said this is a lost world. He is not trying to say drugs are good. He said, we need them for certain things but when a person takes too much of a synthetic drug, it is not good for our bodies. He said, God gave us this plant, marijuana, for our own use. He said, we judge without understanding. He said, we have been trying opiates and other drugs for so many years for many reasons but they are causing more problems. They need to take a real look at this. There have been so many hypocritical ideas and lies for so long and now people think that is just the way it is.

Harris said, open your minds and thoughts to where we are now, where we are headed, and where we come from. He knows there are drug problems out there, but education is what they need. He used to work for a company that made pharmaceutical drugs and he has seen the solvents used. They destroy the body and are not natural. He said, let's open our hearts to what is natural and true instead of the superstitious lies. Don't block something that will benefit people. It is good for the air too because marijuana uses carbon and produces oxygen. He said, we need to be more open and look at the situation instead of closing our eyes to it.

Konopa asked the audience to please keep comments germane to the two ordinances before the Council tonight; one is for regulating dispensaries and the other is for a moratorium.

Wendy Trent, 30762 SW Larsen Road, Lebanon, is a veteran with service over 20 years. Her father is a veteran as well and did two tours. She said she may be one of the first veterans that have marijuana on their medical records as something to take for pain. The reason she has it is because she followed the rules. She did physical therapy, medications, etc, everything they asked her to do. She said marijuana is not addictive, it's habituated. This is the first time in three years that she has been out of her house to a social event, and first time ever to a political event. She has PTSD anxiety, but she is here because this is really important. She said, while we are chatting people are dying or just died, but they were able to eat before they died because people donated cannabis so they could make it through the last moments of their lives.

Trent said she suffers from tremendous anxiety and her weight goes up and down. Her PTSD made itself known after 30 years, and affected her and her family. There were weeks that she couldn't get out of bed, and her dogs and friends suffered too. She didn't know about this City Council meeting, and if not for her OMMF friends, she would not be here tonight. She is glad the City Council recognized child abuse awareness; it is incredibly important. The reason she is here is about the moratorium or restrictions. For restrictions, she said it sounds like the Council would be making it almost impossible for people to find a location that meets all the criteria. She said that is very smart if you are anti-medical marijuana. A moratorium is a year of someone's life, and some don't have a year. Some don't have three months or even a day. She doesn't think they are clear on what they are doing and why. She said, they don't have time to sit around and make a decision because people are dying. Even if she had children she would not have a problem having a dispensary near her house. She wonders about testing, where it originated, and why. Konopa said that testing is not part of the ordinances. In summary, Trent said she is a veteran and supports the veterans, she did everything they told her to do when she got out of the military and none of it worked until she tried medical marijuana, she is now 90% pain free. It is much safer, she knows where it comes from, and she trusts the people who process it. People need the help and they don't have the time.

Ross Broffle, 2920 Railroad Street, has lived at that address since 1991. He was a drug addict and lived in a halfway house. He went to treatment so he could get his life back in order and be productive. His wife also has PTSD and can't do much of anything; he said he has lost her. The last things he ever thought would come back into his life was drugs because he had been through it before; but he started looking at marijuana. He eventually found people who donate marijuana starts at Oregon Green Free (OGF). He started growing it for his wife and donated the extra back to OGF. Often there is moldy marijuana which can make people sick, so he has to make sure his is really clean; this is where the dispensaries can help. He said, regulations and restrictions have to be done with anything. Marijuana is not as evil as alcohol. Having dispensaries away from schools makes sense, but restricting them to within 350 feet of residential areas doesn't because Canna Kitchen is just 150 feet away from another house. He moved to Albany for its schools and to find jobs. He doesn't think Albany is a town that just sits on its laurels, yet a moratorium would be just that. He doesn't care what other counties are doing; this is where he wants to live. He said if they choose a moratorium, to consider grandfathering in Canna Kitchen and other similar businesses. If they mess up, then they would know it won't work. There is a lot of risk in growing pot yourself. There are a lot of people that are passionate about this.

Scott Pierson, 1908 NW Cascade Heights, said he wasn't going to speak, but he knows people here and is a close friend to Karen Chambers. He knows their stories and the pain they have had. It is hard to listen to their individual stories. At the same time, he does not believe this is a debate on crime, opiates, marijuana, or healthcare; those decisions are made by other individuals or agencies. The fact is the state of Oregon has passed a law for medical marijuana. He said, this is a tough decision and you can't win either way; the decision will be unpopular no matter what. Management has to make tough decisions. He said, this is a business decision. From a

business point of view, to figure out what is in the best interest of Albany as a city, you must give significant weight and gain an understanding of the issues.

Pierson posed several questions for the Council to consider: Do they have enough information and facts to make a decision regarding the ramifications to the community, youth, businesses, neighborhoods, law enforcement, etc.? Is there a sense of urgency? Does Albany need to be an early adopter before other sister cities in the area? Is there a critical city need in Albany not being addressed? Is there a sizable need or hardship created for citizens seeking legalized medical treatment? Is there a stable legislative environment? Pierson said the political landscape will change in next 12-18 months. There will likely be a marijuana proposition on the November ballot. At the federal level in two years there will be a new president, and possibly a new Attorney General, so a lot could change. Pierson recalled that the City Attorney talked about legal ramifications and wording; this also needs to be considered. Pierson said, this is an emotional group testifying before the Council, and he feels for them because he knows many and knows their stories. At the same time the Council has a tough business decision - a business decision - and he encouraged them to weigh it with their heart and mind. Sometimes the unpopular is the best decision. He said, you are not stopping people if you choose to have a moratorium, and you are not stopping them from seeking medical aid. You are not stopping crime and you are not causing people to die; you are just saying you are not going to create a business opportunity in our city.

Roland Smith, 3133 North Shore Drive, said he has a daughter-in-law who used medical marijuana for scoliosis. He said, the question is if cannabis is a real medication. If it is, then why was it made illegal? He researched it and found out that there are two types: cannabis that is used for medical and can be ingested; and industrial cannabis. In the 1920-30's it was common for doctors to prescribe cannabis for various diseases and it was distributed through pharmacies. In the early 1930's, Andrew Mellon, Treasurer for Dupont Paint Company, later became the US Secretary of the Treasury but was still heavily invested in Dupont. Mellon appointed Harry Anslinger to the Federal Bureau of Narcotics. As soon as Anslinger was appointed he put together a massive film program for the schools in the nation on the evils of the "reefer." The films told kids that if they smoked marijuana they will become violent, evil, sex-driven scoundrels.

Smith said that during the same period, William Randolph Hearst began a printed campaign against marijuana. Smith said Dupont was pushing it because they had come up with a substance called nylon that was in direct competition with hemp rope. They went after medical marijuana because they couldn't go after the industrial marijuana. Hearst had extensive timberlands and he was in competition with industrial marijuana because they had found out they could make paper pulp cheaply out of industrial marijuana, and he was concerned about his timber holdings. He asked, why don't doctors still use marijuana? In 1937 the federal government passed a marijuana tax against doctors and pharmacies that were prescribing and supplying it. Along with the tax was a great deal of paperwork, so the doctors and pharmacies just quit. Smith said this is the reason that marijuana is illegal. It doesn't have to do with people smoking it, it's because people went after the industrial, not the medical marijuana.

Konopa noted that there has been one hour of testimony so far with eleven people speaking. For the rest that wish to speak, she asked that they keep their testimony short and indicate if they are for or against the ordinances.

Vernon Forty, 2485 Columbus Street, said he lost son to suicide not long ago. Forty had been on a lot of drugs and just started the OMMP program. It has helped and he would not be here otherwise. He asked the Council to look at this closely.

Bonnie Wilkens, 1010 14th Avenue, said she is for land to grow this on to make people feel better. She said she is living proof. One year ago opiates had brought her to rock bottom. She was taking large doses of oxycotin and went to rehab to get off of them. Her back pain finally got better with marijuana. Wilkens said her mom went blind and is a diabetic; she tried marijuana and her eyesight came back. She said it cannot be said that marijuana does not cure things because she has seen it work. She said, give us the land to make the medicine.

Kathy Srp, 4870 NW Fir Place, said, we all did pledge allegiance to the flag; the last section was *to one nation under God, indivisible, with liberty and justice for all*. She said, to pass an ordinance for a moratorium to stop a law that was created by state, is putting a divide between people. It is also taking liberties away from a certain section of people. She wonders how far away from residences or schools they have to be. It is easy for a kid to go into a store and steal alcohol and cigarettes; with the dispensaries, they would be required to have a vault to store the medication and have to have 30 days of film based on state regulations. The OHA also has rules. In her opinion the City should let it be as it is and see what happens. She is against fees and more regulations. Some people have already been here doing business and there has been no trouble. With a regulated dispensary industry it helps people getting their OMMP card find access to a local grower. She asked that the Council not put more stumbling blocks in the way.

Michael Dee, 927 20th Avenue SW, has lived here for eight years. He is a disabled veteran and also has stories about how marijuana has helped him medically. His concern is the moratorium or more restrictions. He said the only harm that comes from marijuana is young people using it. It is harmful for teenagers to use it unless it is for a medical reason. He doesn't think that dispensaries will have an effect on the availability of marijuana to kids. If kids want it they can get it at school or other places. They know who to talk to. He doesn't like how some people think of dispensaries as a recreational establishment like a bar; he is offended by that. It is the same as a pharmacy except the state has segregated marijuana to be separate until the laws change. His concern is that the

medicine should be available to the over 1,500 OMMP patients in Linn County. They need access. The state has supplied the rules necessary to keep businesses safe. He said heroin addicts got started because of their opiate addiction which began at a pharmacy. They get cut off from the pain pills and then move to heroin. Marijuana is a better alternative. Dee is against both ordinances.

John Randle, 156 Cherry Lane, moved here from Florida 18 months ago because his brother was diagnosed with leukemia. They had to figure out what to do to help him. Randle is a disabled veteran. It is also illegal in Florida but because he couldn't take pain pills for 20 years he needed to find marijuana; he had to buy it at crack houses. He said if the Council chooses the moratorium they will be turning all the people who jumped through the state's hoops to get OMMP cards into criminals.

Mickey Fluckiger, 3030 Oxford Avenue SE, said she is not a card-holder but a caregiver for cardholder. Her husband has been through 30 years of prescription medicine, but people can't do that forever. She said they fought over whether he should try medical marijuana for years. She read the City of Albany vision statement. She noted that the City also recognized the National Service Recognition Day. She commended all the people in the room because the medical marijuana laws have required that most of the work be done on a volunteer basis, so they are providing a needed service.

Fluckiger is opposed to a moratorium; it is a legal medication in the state. All the cardholders have paid their dues and got their cards, so should be treated as legal citizens and should have access to a service that is legal in state of Oregon. Fluckiger supports some restrictions. She thinks having a business fee makes sense, and it is important that the dispensaries are inspected. The fee should cover the hours and time for the people to inspect them. She said there were doctors that asked her husband if he wanted to go the medical marijuana route, and they started researching it and had a steep learning curve because they had to go to Salem, Eugene, or Portland for information. Having a service like this in the local community would be wonderful, especially for those who are newly diagnosed, so they would have access to good information. She does not support the moratorium, but does support reasonable regulations.

Chad Smith, 1105 Bain Street, said he is a caregiver for a patient. He said the Council is trying to put a ban on what is essentially the pharmacy for medical marijuana patients. It will put further financial hardship on people. Most patients have already paid thousands in medical bills. He said, now you are asking us to travel further away, which will cost more. He is opposed. He said it is time to stand up and do what is right.

Joseph Munoz, 4035 Spring Avenue NE, said that representing young adults and having lived here for eight years, the dispensaries will not be introducing students to marijuana. It has always been here. The argument against the dispensaries that the kids will be around, it is a faulty argument. It is already around and easy to get.

Coquille Rex, 575 Burkhart Street, said she is against the moratorium and does support some reasonable regulations. Because of medical marijuana she was able to get off of massive painkillers and is able to work 20 hours a week as a tutor. She is able to get up in the morning and be a positive, influential member of society. She said if it weren't for the medical marijuana she wouldn't be able to get up in the morning. She doesn't smoke anything anymore now that she can use medibels. Her life has changed.

Jim Clausen, 1403 15th, said he doesn't have a problem with medical marijuana. It does have benefits. He has a problem with dispensaries and that is because they do an end run around the normal route for dispensing drugs. Prescription drugs are regulated, and marijuana is regulated too in that it is against the law. It is the only prescription drug out there that has no regulation for its use, such as taking a certain amount at a specific time; instead it is up to the person how much and how often they use it. He thinks it should be handled by pharmacies rather than dispensaries. As to the business aspect, is the City's response to its future use. It is against the federal law; he asked, so which federal laws does the City Council obey and which laws do they not obey? He thinks that is the crux of the whole matter.

Clausen said Lars Larson did an interview with Doctor Mike Nelson, the head of Oregon State University Forestry Department. Nelson spent the last 20 years looking at wetlands, fish, and creeks. In higher elevations where the water is cold the fish were smaller and fewer, and in lower altitudes the fish were bigger and adapted to the warmer water. Clausen said he thought of sewer plant and the one degree rise in temperature. Clausen said that Nelson said that over the past 20 years the fish have adapted very well unless the change is extreme. He thinks they could have saved the money that was spent on the Talking Waters Gardens.

June Buechting, 2487 40th Avenue, does not support the moratorium. Her sister is a patient and she is her caregiver. She said, when you get your OMMP card you are supposed to list a grower but if you aren't involved in the culture you don't know who to write down. So she had a friend take them to a back door dispensary in Portland because her sister needed to get off narcotics. From there they had to look around to find others but not being in the culture they didn't know the lingo. She gave examples. She decided to grow it herself. It took 3-6 months to produce flowers that can be used, and two years to produce enough to make cannabis oil. If there were a dispensary, it would be much easier to access quality medicine. If someone has cancer, they don't have the time to find a grower or learn to grow, etc. She supports the Canna Kitchen due to the service it provides for smokeless medication. Buechting doesn't think it is a dispensary and should not go under those rules. She is a caregiver, grower, and now a patient, and she does not support either ordinance.

Danielle Dye, 5202 Jackson Street SE, said she has been in Albany since last year and an OMMP patient since 2006. When she got her card, she didn't know what to do. She ended up meeting a back shop doctor from Bend in a hotel. Since then there have been changes in leaps and bounds with OHA and OMMP. As to regulations, there is a packet they receive to make sure they are being legal. Dye said her daughter has epilepsy and is a minor. About five years ago she started having seizures. They saw several pediatricians and tried different pharmaceutical medicine but she continued to have seizures. While under the care of a medical doctor and using several pharmacies they learned she was having seizures as a result of the specific anti-seizure medication that had been prescribed. This had gone on for two years. She has never given cannabis to her daughter, however because of pharmaceuticals her daughter now has severe vision problems, her IQ has suffered, and she is now in special education. Dye said it has been a nightmare going through the legitimate medical avenues because there is a stereotype about cannabis. She is offended that someone said medical marijuana is not regulated, because there are so many rules they have to follow. They want to be the ones to set a good example.

Konopa called for a short recess.

RECESS

The Regular Session recessed for a short break at 9:08 p.m.

RECONVENE

The Regular Session reconvened at 9:18 p.m.

First Reading of Ordinance

Konopa said the first ordinance they will look at is declaring a moratorium.

Konopa explained to the audience what an emergency clause in an ordinance does.

- 1) Declaring a moratorium on medical marijuana facilities and declaring an emergency.
- or**
- 2) Imposing local restrictions on medical marijuana facilities and declaring an emergency.

Deputy City Attorney Sean Kidd read the ordinance declaring a moratorium for the first time in title only: AN ORDINANCE OF THE CITY OF ALBANY, OREGON DECLARING A MORITORIUM ON MEDICAL MARIJUANA FACILITIES AND DECLARING AN EMERGENCY.

MOTION: Councilor Bessie Johnson moved that the ordinance be read for a second time in title only and Councilor Rich Kellum seconded it. The motion failed 4-2, with Councilor Dick Olsen and Councilor Bill Coburn voting no. It takes a unanimous vote of the Council for a second reading in the same meeting. This item will come back the next Regular Session.

Kidd said they cannot adopt the ordinance tonight because it was not read a second time, but they can discuss it.

Kellum said he has a cousin who uses marijuana for glaucoma. The state has a law that went on top of the federal law, and people can still grow a limited number. He said that most of the audience probably drove to the meeting tonight. Medical marijuana will be available in dispensaries in Corvallis. The bottom line is that when the dispensaries open people can go to Corvallis or Salem. He said, we don't know where this will go; the legislature is divided on the issue. He wants to get past November because it may then be moot. He doesn't want to start something and then have to stop it. Patients can get their medical marijuana the way they got it before, or go to a dispensary in another city. He is in favor of moratorium.

Councilor Ray Kopczynski read a statement he had prepared:

"I just don't know how we can look folks straight in the face and tell them we do not want them to be allowed to have local, safe access, but it's perfectly acceptable to go back underground to a totally unregulated process and/or drive to another town. It just seems a classic NIMBY reaction – Not In My Back Yard.

The state of Oregon says it is perfectly acceptable to allow folks to kill themselves via assisted suicide, and that is being very compassionate and caring, yet we're saying that is unacceptable to allow folks to alleviate their pain via a local, safe, regulated process. The irony and hypocrisy are palpable to me.

To my peers on the dais, I suggest you try and look into the eyes of every constituent in the audience and tell them they do not deserve the right to locally acquire state-approved and medically proven remedies for their suffering. I believe taking that position is unconscionable and morally indefensible."

Councilor Floyd Collins said four years ago he lost a daughter to cancer. She lived in a different state and he doesn't know if she tried a form of medical marijuana or not. That said, he has great sympathy when a drug has medical benefits and people need to find access. He is very upset that the federal and state government has

shoved this to the local level. Ideally, he would make it a controlled substance approved by the Food and Drug Administration and distribute it through pharmacies and doctors, with a Quality Assurance/Quality Control program, and it would be a legitimate, regulated drug. People would have access to it and doctors would know what the uses are and patients would benefit.

Collins said on the other hand, in 2010 the question of marijuana was put before the voters. He said 56% of Oregonians said no and 48% said yes. Specifically in Linn County 63% said no and 33% said yes, and in Benton County 50.40% said no and 49.60% said yes. Collins said, in 2010, Oregon voters spoke; yet after that the legislature stepped in and made the waters very muddy. As he reads the paper, he sees that Salem and Eugene have been approved and Corvallis has five dispensaries pending. There are 21 cities with moratoriums and 14 with regulations; and two counties with moratoriums and more considering them.

Collins also considered the fact that every one of the local law enforcement officials and the District Attorney have asked for the moratorium. The moratorium is until May 15, 2015; he doesn't know what is going to happen after that, but something will happen in November, in his opinion. In the very least, they will have some experience with the dispensaries by then in whatever communities they are in. He said, if we have reasonable standards, he prefers they be based on actual performance, not speculation. In this instance, he does not think the City of Albany should be on the cutting edge; he thinks they should have a moratorium until at least after the first of the year, see what happens in November, and then monitor the situation to see what the effect is.

Olsen said he had similar experience to Smith as a youth. He also watched the "reefer madness" movies in middle school. Over the years he has been curious about marijuana but has never tried it. However, in researching why marijuana is so bad, he came across an article that explained the role William Randolph Hearst and Dupont played in making marijuana illegal because hemp pulp was cheaper than wood pulp for making paper, and that was a financial threat. He passed out the article (see agenda file).

Olsen said he also learned how when Richard Nixon got in trouble, he thought it was because of the "hippies", so to get rid of the hippies he decided to get rid of their marijuana. He appointed the Shafer Commission to study it and come back with a report. Olsen said the report said it's not so bad and should be legalized. Nixon didn't like that and started the war on drugs. Olsen said, we have the most people in jail anywhere in the world percentage wise.

Olsen is opposed to the moratorium. If worse comes to worse, there is a move to legalize it anyway. He said the prohibition of alcohol in the 1920s benefited organized crime. The country finally got rid of the prohibition, then law enforcement sided with Dupont and Hearst, and started going after marijuana. He thinks it should be legal and supports those petitions. He is opposed to the moratorium and is also against charging a fee.

Coburn said it is a tough decision. When posed with a difficult decision, he likes to get all the information and sort out the facts from opinions. Coburn said that when Kellum was speaking and there was an outburst from the audience, it demonstrated the challenge the Council has. On one hand they have been aware of this issue since November, but he is still not sure he has as much information as he needs or if he has had the opportunity to absorb it. There is a new letter on the dais that he wants to read, and he wants to watch some of the programs on *YouTube* that were mentioned. He is also unaware of the "testing issue."

Coburn said he got a call from Representative Andy Olson who explained the program has been around 16 years and seems to be working at some level of success. Coburn said he won't say he understands the pain some folks are in, because he has no idea and has been blessed with fairly good health. He thinks it may be easier for some folks to go to a dispensary in Corvallis than what they are currently doing, but perhaps that is not true. Going to Corvallis will certainly be easier than going to Portland. There is a value in a moratorium because it gives the Council an opportunity to get more information. Coburn said that Olson said is a mess with consequences; the legislature rushed into it and now it needs sorting out. Having more time would allow them to see what happens at the state level. Coburn is also curious to see how things go in Corvallis. He is not opposed to a dispensary, but he is opposed to the unintended consequences which they only find out when it's too late. He recalled an occasion when the City allowed a bar to operate across the street from a house as an example of unintended consequences.

Coburn hopes things go well in Corvallis and that there aren't any problems, or that some things could be tweaked to make it better. Or it could be a disaster, and Albany would be glad the averted a disaster. Coburn said he talked to Kidd because he wants to figure out a way to keep Canna Kitchen in business. He thinks he understands the sense of urgency for the audience, but the Council still needs to be careful. If they do a moratorium to gather more information, would that include Canna Kitchen? If so, that would not be his intent, but having more time to make sure exactly what the consequences would be is helpful. He noted the Council doesn't have to wait a year, as it just takes four votes of the Council to take action and change a previous decision. He thinks they do need more time, if nothing else for him personally to absorb all the information. The more information he gets, the better educated decision he can make for the entire City.

Johnson said when she first brought this up in November and that she wanted to be proactive rather than reactive and find out what this issue was all about.

Johnson read a statement she had prepared:

“I don't believe any of this Council wants more regulations, but in this case I feel it is the best thing available to address this issue. A few years ago, the Legislature passed a law that allowed medical marijuana dispensaries even after the voters said no in the prior election. All of the counties in Oregon except Multnomah County voted down the Measure. In the recent past, this Council has been chastised for not listening to the voters and yet the Legislature did this and no one says a word. During the 2014 session, the Legislature gave local governments the opportunity to place moratoriums to ban the dispensaries until May of 2015. This was an important move by the Legislature because the law allowing dispensaries is not real clear and most local governments asked for the chance to get the clarification needed to see which way they will proceed. The City of Corvallis has received at least five applications for dispensaries and if their Council does not vote for a moratorium, we will be able to observe them and other cities and Counties who follow suit to see how the dispensaries fare. We will then be able to make a more educated decision as to how to proceed. One thing that must be brought up is that if a moratorium is passed tonight, we will not be taking anything away from medical marijuana card holders. They will be able to continue as they have been. I have talked with many people since our Monday's Work Session and 99% agree the moratorium is the best thing for now. I will be voting for the first Ordinance. No one knows what will happen in the future but as for now in my opinion, it is the right thing to do.”

Konopa explained that it takes four votes of the Council to decide a question. The moratorium ordinance will be come back to the April 9, 2014, Regular Session.

Konopa stated her opinion. She said, it is our duty is to see how we want the City of Albany to grow, how to revitalize areas, how new neighborhoods should look, how commercial and industrial should look, etc. Her main concern is to keep dispensaries in commercial zones and not next to residential zones. She said, we need to keep neighborhoods livable; there are lots of citizens that don't want a dispensary in their neighborhood. The Council has to find a balance for all citizens.

Konopa said the compliance fee was for the Police Department so they can randomly go into a dispensary to make sure they are following state law, not for testing the marijuana. For example, there are communities that have head shops and if we don't want those in our community to possibly distribute marijuana in the future, then the only tool the City has is zoning. Konopa said most people don't want to come forward and state their opinion, but she has heard from hundreds of citizens on the other side of this issue. The Council needs to make the decision about what will work in this community. It is not an easy decision and no matter what, people will be displeased.

Collins said there was additional testimony before the legislature, and at that time they said there would be less than 5,000 applications for OMMP cards, yet now there are over 60,000. He has no problem with people who have a legitimate need, but he does with people who are abusing the system. There are people writing prescriptions who should not be, and for those in the audience and community that want to have a legitimate process, they should ask the legislature to tighten down on the physicians that are allowing abuse of the system. Ultimately, it is that abuse that generates the fear in the community.

Coburn wants staff to consider language in the ordinance to allow Canna Kitchen to continue operating. He asked to have that information at the April 7, Work Session. In his opinion Canna Kitchen helps a lot of people.

Kellum said that Canna Kitchen does not grow it; rather they take other people's marijuana and convert it. That is something to take back to a legislative body and ask them to differentiate between growers and distributors, and those who just convert it. Olsen disagrees; he thinks often there are questions best left unasked. He considers Canna Kitchen to be a kitchen.

Kopczynski said some of the Councilors said they need more information, so he hopes they tour a real dispensary.

Konopa said that since this is not a quasi-judicial item, citizens can contact the Council between now and the April 9, 2014 meeting to make comments. At the meeting, Konopa said usually the second reading is taken before Business from Public. Discussion followed.

Adoption of Resolution

Authorizing the City Manager to execute and record a restrictive covenant for park purposes.

MOTION: Collins moved to adopt the resolution and Kopczynski seconded it.

Parks & Recreation Director Ed Hodney said this is the area in a subdivision at the end of 53rd Avenue. The subdivision is surrounded by green space. All the land came to the City via donation over several years from a developer who was required to donate, set aside, and protect the land as his mitigation requirements related to filling of wetlands in the subdivision. It is Stu Stone's Oak Creek Park Development. This kind of restrictive covenant has applied to every tract that Stone donated to the City with the exception of one tract, Tract N. Hodney thinks it was an oversight by Department of State Lands (DSL). DSL asked Stone to ask the City if we

would accept and then file a restrictive covenant on the only remaining tract. It is basically clean up from DSL's perspective.

VOTE: A vote was taken on the motion and it passed 6-0 and was designated Res. No. 6312.

Adoption of Consent Calendar

- 1) Approval of Minutes
 - a) January 22, 2014, City Council Regular Session.
- 2) Accepting the Albany Transit System 2014 Title VI program. RES. NO. 6313
- 3) Adopting the Strategic Plan for FY2014 through FY2018.

Collins asked Finance Director Stewart Taylor about the public safety facility bond measure mentioned in the Strategic Plan (SP). Taylor said that goal has been in the SP for a couple of years and the target date had been March 2015; and that the goal had been satisfied in November 2013 with the measure that was referred to the voters. Collins asked, so that date is not there to predispose the recommendation coming from the Public Safety Facility Task Force? Taylor said that is correct. Taylor said the dates in the SP are generally target dates.

MOTION: Collins moved to adopt the Consent Calendar as presented and Kopczynski seconded it. The motion passed 6-0.

BUSINESS FROM THE COUNCIL

Kellum said he is glad the Council can disagree without being disagreeable.

Collins said at the Metropolitan Planning Organization (MPO) meeting, they had a presentation from folks doing environmental assessments about the options from the South Jefferson exit to Highway 20. He requested that the City Council ask Public Works Director Mark Shepard to schedule time at a Work Session to bring forth what the current environmental assessment is considering and the implications to the City of Albany. Collins said when the Council adopted the Transportation System Program they passed a resolution addressing the potential closure of Airport Road; the resolution said the Council would not support anything that routed additional traffic through North Shore Drive and South Shore Drive. They are aware of that, but things are moving along significantly that may deal with Airport Road and Collins thinks the Council should be brought up to date.

Collins said there was an email from the federal highway administration that said they spent all the money in the trust fund. Collins said they can probably expect cut backs to the states and ultimately to the MPOs. It may defer construction of major projects within the state and within the local area, and could also impact the availability of funding for transit systems. Konopa said the I-5 study group was supposed to convene a meeting last fall and did not.

Collins said, we are extremely fortunate to have Amy Ramsdale in the regional office; she understands our concerns and does a great job representing our interests to the design engineers.

Coburn asked if they planned on using Bain Street. Collins said, they backed away from that because of Title 6, which is a federal requirement that says if you impact significantly a lower income housing group to benefit the greater community, it then involves property acquisition, displacement, and reimbursement. The state doesn't want to do that so there is another plan being proposed to cul-de-sac Airport Road, sending all the southbound traffic out to the freeway. Discussion followed.

Shepard said one issue they discussed when talking about those concerns is adding an extra lane between the South Jefferson interchange and the Santiam Highway interchange, and between Knox Butte and Santiam Highway, adding a fourth lane southbound to facilitate people getting on and off the freeway. They are looking at other mitigations too. Collins asked staff to get an expanded map to show how it might work. He described how the state is proposing to route the traffic.

NEXT MEETING DATE: Work Session April 7, 2014
 Regular Session April 9, 2014

ADJOURNMENT

There being no other business, the meeting was adjourned at 10:20 p.m.

Respectfully submitted,

Mary A. Dibble, MMC
City Clerk

Reviewed by,

Stewart Taylor
Finance Director