



MINUTES

Coburg CITY COUNCIL

Work Session

September 8, 2015 – 6:00 P.M.

Coburg City Hall

91136 North Willamette St., Coburg

COUNCIORS PRESENT: Mayor, Jae Pudewell. Councilors, Sharyl Abbaspour, Jerry Behney, Patrick Kocurek, Don Nelson, Ray Smith, Steve Stearns, (showed up at 6:20 p.m.)

STAFF PRESENT: Petra Schuetz, Gary Darnielle

RECORDED BY: Robin Adair

- 1. CALL TO ORDER:** Mayor Pudewell called the work session to order at 6:00 p.m.
- 2. ROLL CALL:** Robin Adair called the roll.
- 3.** Mayor Pudewell explained the purpose for a work session and told the audience not to confuse this with a Town Hall Meeting. The purpose is to enable Council to have a better discussion and dialogue. One thing everyone will learn is that Council must follow very descriptive types of rules and procedures. He went on to explain Roberts Rules, and said the City follows a simpler version of these. For those in the audience who signed up to speak, Mayor Pudewell said we welcome your opinions. Our typical action with public comment is to listen and if there is a direction that must be given to staff the Mayor will give that direction and if Councilors need to ask questions they will. Everyone will have 3-minutes to speak and Mayor Pudewell said we will not be addressing state rights versus federal rights or legitimacy of house bills. The topic tonight is recreational marijuana not medical.

Terry Larkin, 91130 Austin Street, Coburg. Mr. Larkin thanked Councilors and the Mayor for the time and effort they give and not making this personal. Mr. Larkin said we need to talk about how we can bring the City of Coburg to together moving forward. Some practical

suggestions: If we delay selling recreational marijuana in medical dispensaries this would buy us some time. We can restrict the time place and manner of where this is done, example not right next to a park or residential area. Over the next few months it would be good to sit down and put safe guards in place in case this is allowed. I would like to see this put to a vote in 2016. A vote is a win-win and the people can feel like they had input.

Camille Larkin, 91130 Austin Street, Coburg. Ms. Larkin said she wanted to give a word from her heart and recited from the bible. She asked Councilors to think about what she read; there is a lot you don't see that may come forward from you decision.

Steven Wilhite, 91070 Oak Crest Road, Eugene. Mr. Wilhite told Councilors this marijuana thing is a total hoax and is helpful to an extreme few who need it but it harms everyone who smokes it. You have a drug here that has a minimal usefulness; he added he won't say it's totally useless; it may help some in the final days. This has never gone through FDA which determines what real drugs are. Medical is the same as recreation because what is given is a prescription so it is used as recreational. If there is medical facility here you will not get one sell here a month that is helping a person that means everyone else who buys it is using it recreational. It is against federal law to do what the state is doing and the only reason the federal authorities aren't coming down on states is they do not want to fight this battle. From a legal point of view you have no standard; banks won't even finance these types of businesses. He finished with there is no need for this city to have marijuana and citizens have the right to object.

Sharon Walker, 91151 Triple Oaks Drive, Eugene. Ms. Walker said from the beginning of this marijuana issue, she thought it was a bad idea to bring it to town and she has learned more facts about this and recited from some news articles she found on the subject; Colorado Pot Study Finds..., Hash Oil Explosions, Hazy Heads, Disturbing News on Colorado Pot Use, Pot Death, Teen Finds a New Use for E-Cigs, plus articles on children and fetal brains, etc. She concluded with all the research out there she feels we should ban all marijuana usage.

Linda Kocurek, 91096 Austin Street, Coburg. Ms. Kocurek said last time here she spoke of the dangers marijuana had towards citizens, especially children and spoke of Colorado. She told Councilors she asked then and is asking again for the City to pass an ordinance to prevent any sale of marijuana. This town does not have the resources to deal with the problems that will come with the sale of marijuana.

Frank Walker, 91151 Triple Oaks Drive, Eugene. Mr. Walker said he stands in support of Attachment B. The rules from this are point on and quite clear. Attachment D will give citizens the right to vote. Mr. Walker had research materials which he referenced (on file with City Recorder).

Petra Schuetz followed up saying tonight we are talking about recreational marijuana and whether we want to enact an ordinance that will ban medicinal marijuana facilities from selling recreationally until the November 2016 election, if so we need to do this before October 1st. Other issues can wait until February. A lady from the audience asked if the City could amend an existing ordinance and Schuetz yes but we don't have a current ordinance on this subject.

Mr. Darnielle said Milo Mecham outlined a number of options available to City Council and the most time pressing is how you treat medical marijuana dispensaries. The City has options to levy tax. Councilors and staff talked about tax outlined in Tab A. There are still uncertainties on the tax rules. There was discussion on how much the City would get from recreational and medicinal sales tax. Councilor Smith asked if we pass an interim ban will that permanently kick the City out of revenue sharing and Mr. Darnielle said no. There was more discussion on the tax structure; if the City would lose out on medical marijuana tax if they ban recreational and percent the City would receive; 20% for medicinal and 17% for recreational with an additional 3% on the retail sale of marijuana items. Schuetz said the revenue sharing pool is very nominal, only a few hundred a year.

There was discussion on Reasonable Time, Place and Manner Restrictions. The HB 3400 allows cities to impose reasonable restrictions on recreational marijuana facilities. What is reasonable is not defined. The City can also pass an ordinance that would allow a medical dispensary for a period and then phase the facility out, example in five years.

HP 3400 gives cities there authority to enact laws prohibiting recreational marijuana facilities, and any future medical marijuana facilities. These laws will become effective immediately as long as:

1. The cities give notice to the OLCC and Oregon Health Authority, and;
2. The city refers the measure to the voters at the next statewide general election (November 2016).

Councilor Nelson stated since this violates Federal Law why can't a group file in Federal Court, Federal Law must be followed so the whole thing would get thrown out. Mr. Darnielle said you can go to Federal Court and someone could ask for an injunction, some

cities won't allow anything into their city that violates State or Federal Law. Nelson stated we are in violation because of our oath and so is Mr. Darnielle.

Councilor Kocurek asked if the ordinance passes will the applicant be grandfathered in and Schuetz yes but only for medical marijuana sales.

Mayor Pudewell asked Councilors if the consensus is leaning towards prohibition and all Councilors said yes except Councilor Abbaspour who said she is not afraid to have a medical marijuana dispensary in town. It is almost hypocritical because we can buy legal drugs at the market (alcohol) and establishes can serve it. She added alcohol does a lot worse to families and children and Councilor Smith said he agreed with what she is saying; alcohol and marijuana mesh together and the issue is do we have the resources to deal with it.

The meeting adjourned at the hour of 7:18 p.m.

APPROVED by the Mayor and City Council of the City of Coburg this 13th day of October, 2015.



Jae Pudewell, Mayor

ATTEST:



Sammy L. Egbert, City Recorder