

CITY OF SUTHERLIN
Special City Council Meeting
Sutherlin Civic Auditorium
Monday, April 22, 2015 – 6:30pm

COUNCIL MEMBERS:

MAYOR: Tom Boggs, Frank Egbert, Wayne Luzier, Karen Meier, Forrest Stone, Wes Anderson
Todd McKnight

CITY STAFF: City Manager, Jerry Gillham
City Recorder/HR Manager, Debbie Hamilton
Deputy City Recorder, Diane Harris
Community Development Director, Vicki Luther
Public Works Utilities Superintendent, Brian Elliott
Chief of Police, Kirk Sanfilippo
Interim Fire Chief, Rich LaBelle
Acting Attorney, David Doughman (Skype)

Audience: John Stall, Mike Meier, Rizae Pfiefler

In absence of Mayor and Council President, City Recorder, Debbie Hamilton, called meeting to order at 6:30pm, asking all to rise for flag salute.

Flag Salute:

Note: Councilor Stone arrived at 6:32pm, taking his place on the dais as Council President in Mayor McKnight's absence.

Roll Call: Excused – Mayor McKnight and Councilor Anderson

Introduction of Media: None present

PUBLIC COMMENT (agenda items only)

- Resident, Rizae Pfiefler – Spoke against proposed ordinance – marijuana dispensary prohibition stating a family member diagnosed with severe autism and high spectrum Asperger's has been prescribed medical marijuana, with amazing results. Personally sees nothing wrong with medical marijuana, agree there should be restrictions. Nothing to be gained by prohibition and shoving it outside of City limits. Would like Council to seriously consider their decision tonight.

ACTION ITEMS/GENERAL BUSINESS

- **Ordinance – Marijuana Dispensary Prohibition (first reading, by title only).**

Deputy City Recorder, Diane Harris, provided first reading, title only of Ordinance - "An ordinance adding a new Chapter 8.14 to the Sutherlin Municipal Code requiring compliance with the U.S. Controlled Substances Act, and declaring an emergency."

Staff Report – Acting City Attorney, David Doughman, stated City Attorney, Chad Jacobs, prepared staff report for Council packet and issues involved with Council's request for the ordinance. As long as this ordinance is adopted and in effect, Ordinance No. 1042, adopted at last Council meeting specifying dispensary location, would be shelved. However, if ordinance before Council tonight was to be repealed due to legal ramifications or choices made by future Councils then Ordinance No. 1042 would take effect. Council President Stone – What is the estimated cost for defense if there is litigation? *Doughman – Could be 10's of 1,000's of dollars, (explained potential process, costs and time involved).* Should potential cost be considered during the budget process? *If City has had anyone threatening or a sense of a lawsuit, would advise possible consideration of that. If lawsuit is filed against City, both parties could discuss*

case, and possible resolving the issues. Plaintiff does have ability to direct their own litigation, out come not guaranteed.

Councilor Meier – If adopted, would dispensary prohibition be effective now until courts make their decision. *Yes, this has an emergency clause, will be in effect immediately [May 1, 2015] after second reading and adoption. If it is ruled there is no legal right to ban dispensaries, Counsel would recommend repealing ordinance on prohibition, therefore City would have in effect Ordinance No. 1042 with regulations in place regarding location of dispensaries.*

Council President Stone – Since this is a federally controlled act, would this effect City’s grants? *It could, possibly in the police realm regarding federal grants. In regards to federal law, if cities allow dispensaries, could be violating terms of the grant. After state of Washington and Colorado passed their recreational program, the Department of Justice sent out a memo basically stating they could sue these states. However, decided to let this play out, but reserved right to file a lawsuit if states are not following their set of eight guidelines. If City is awarded a grant that requires City to fully comply with Federal Controlled Substance Act, and dispensaries are allowed, this could be violating the terms of the grant.*

MOTION made by Councilor Meier to approve first reading, title only Ordinance – Marijuana Dispensary Prohibition as presented; second by Councilor Egbert.

Discussion: None

In Favor: Councilors Luzier, Egbert, Boggs, Meier

Opposed: Council President Stone

Motion passed.

PUBLIC COMMENT –

- None

ADJOURNMENT –

With no further business meeting adjourned at 6:50pm.

Respectfully submitted,

Diane Harris

Diane Harris, Deputy City Recorder

Approved:

Jerry Gillham

Jerry Gillham, City Manager

Todd McKnight

Todd McKnight, Mayor

APPROVED BY COUNCIL MAY 11, 2015