

## CASTLE ROCK CITY COUNCIL

### SPECIAL MEETING

Location: Castle Rock Elementary School

June 1, 2011

### **CALL TO ORDER/PURPOSE OF MEETING**

Mayor Paul Helenberg called the Special Meeting of the Castle Rock City Council to order at 7:05 p.m., followed by the Pledge of Alliance. Purpose of the meeting: to take testimony on a proposed ordinance to impose a six-month moratorium on medical marijuana collective gardens within the city limits. Public input will be taken into consideration during council's deliberation of the proposed ordinance, along with evaluation of findings of fact as required by RCW 35A.63.220.

### **ROLL CALL**

The following Councilmembers were present: Ray Teter, Glenn Pingree, Earl Queen, Jack Reilly and Mike Mask. Also present was city attorney, Frank Randolph.

City Attorney Frank Randolph provided ground rules for the meeting, asking that all participants identify themselves and address comments directly to the mayor.

#### Those providing testimony included:

Jim Worl, Castle Rock property owner, sympathized with those needed medical assistance for pain, however he spoke in support of the moratorium. He felt the current system for distribution of medical marijuana is flawed and subject to abuse. He also voiced concern over security issues.

Dianne Swanson, CARE Coalition Director. Certified prevention/intervention specialist in the field of adolescence substance abuse for over twenty-one years. Distributed a handout entitled, "Arguments Against Marijuana Legalization and/or Decriminalization Form A Prevention Standpoint." Spoke in favor of the moratorium. Stated marijuana is more potent now than it was in years past. Noted that when the perception of acceptance increases, the perception of harm decreases- and youth perceive it to be OK. In response to Councilmember Mask's question, Swanson stated past abuses by teenagers have been alcohol, however based on 2010 data, marijuana is now surpassing alcohol.

Russell Barnes, Castle Rock area resident; spoke in favor of a medical marijuana dispensary; citing the pain relief that his mother experienced when using marijuana. In response to Councilmember Mask's question, Barnes stated his mother obtained her marijuana from a backwoods network. He noted that teenagers can now get marijuana anywhere they want; the same as alcohol.

Dianna Watenpaugh, Castle Rock area resident; voiced concern over the impact to children in the community. Watenpaugh stated she has discussed her concerns with one of the medical marijuana proponents and she has contacted 47 medical marijuana clinics in the State of Colorado. All of those clinics initially began by one dispensing medical recommendation, and have since expanded to selling marijuana. She stated marijuana is federally illegal and should not be used. She stated her research shows that marijuana, if taken daily has the same negative effects as cigarettes.

John Weslan, Castle Rock resident; spoke of the medical benefits of marijuana and stated he supports a co-op.

Mayor Helenberg reminded attendees that the issue is on collective gardens, not co-ops.

Jeff Wilson, Longview resident; spoke against the proposed ordinance. He felt this ordinance would do damage to the community by dividing neighbors. He noted that the ordinance only is directed toward collective gardens and does not address any other state-approved medicines. He stated he is also a parent, and noted that children should be taught the difference between legal and illegal drugs. In response to Councilmember Mask, he stated that children abusing/using drugs illegally should be punished. Laws should be honored. Mayor Helenberg stated the proposed ordinance is limited to a six month period and allows the city time to hold public hearings to develop the best possible plan regarding siting of the collective gardens. Wilson felt that the city already has existing ordinances that could be used to 'piggyback' from; eliminating the need for the moratorium.

Cheryl Gaze, Castle Rock resident. Felt that a community garden would take high security to guard. She felt that medical marijuana has its place. Does not feel children should be exposed to it. Felt that other substances, such as oxycontin, are being abused by children who get it from their parents. She felt that it is the responsibility of the user to keep their drug out of the hands of children. She hopes the marijuana will be available to those who need it and be kept out of the hands of children.

Kenneth Dent, Castle Rock area resident. In answer to Mr. Dent's question, Mr. Randolph, city attorney, stated that Washington State legislatures recently passed a bill to permit marijuana collective gardens, as of July 22<sup>nd</sup>. However the statute does not include any provisions for control. The proposed moratorium would allow the Planning Commission time to study the statute and develop a recommendation to city council. Dent stated that it is against federal law, to have, use or possess marijuana and he asked if council was putting themselves in jeopardy by breaking federal law to allow such use. Mr. Randolph stated it was correct that federal law prohibits it and does not make any separate distinction for medical use of marijuana; and that

was part of the problem. However, in 1998 Washington State authorized medical marijuana for certain patients under certain circumstance. This creates a regulation issue. Fourteen other states, including Washington D.C. have laws allowing medical marijuana use. Randolph said that the state legislators left it up to the individual communities to adopt regulations.

Peggy Button, Castle Rock area resident. Asked if the council has educated themselves on the benefits of medical marijuana. She felt that many collective gardens are needed in our community and asked who the sick are supposed to turn to. She supports both collective gardens and dispensaries. Councilmember Pingree suggested that Button contact her State legislators regarding the issue of dispensaries. The city can only address collective gardens, which recent legislation will be allowing. Councilmember Pingree asked if a person holds a medical marijuana card; couldn't they grow the substance in their own home? Button asked council to define what a collective garden was in relation to the proposed moratorium. Mr. Randolph stated the moratorium does not change the existing law. The moratorium only addresses collective gardens and does not affect a qualified person to grow their own product. Button stated that the new legislation limits collective gardens to only 45 plants, shared between ten people. Currently people can grow 45-60 plants for two people. She felt the new legislation will be limiting resources to those with medical needs. She also noted that the new legislation does not include any regulations to protect the quality of the product.

Julian Robinson, Castle Rock area resident. He does not accept or endorse the proposed ordinance. He felt the ordinance takes away voter-established rights. He asked why the council did not become active when the State legislature was considering the bill. He stated that bureaucracy have placed barriers keeping sick people from obtaining their medicine. He did not feel the city council has been responsive to his efforts to provide dialog on the issue of medical marijuana. Robinson announced that he has filed a suit against the city and he will not withdraw his suit as long as the city takes a position that they will infringe upon the state issued rights that he has. That would also include the rights of the medical marijuana patients that he represents. Councilmember Mask asked those who opposed the use of medical marijuana to stand. Robinson stated he considered this a poll and felt that his rights had been violated. Mayor Helenberg restored order, noting that the purpose of the meeting was not to debate medical marijuana use. Councilmember Mask offered an apology to those attending.

Mayor Helenberg stated he is not opposed to Mr. Robinson's business. The city's intent is only to obtain public testimony on a proposed moratorium to allow for zoning of collective gardens. Additional public hearings will be held during that process. The mayor suggested that those with strong feelings in support of the use of medical marijuana should be working on the federal government level to legalize it.

Kirk Kightlinger, Castle Rock resident. Felt that the industry of medical marijuana will

eventually self-regulate themselves, if given a chance. He stated that the federal government does not recognize medical marijuana; however in 2003 the federal government obtained a patent on the medical use of cannabis. He felt this all needs to be changed on the federal level. He does not support the proposed ordinance.

James Barber Sr, Washington State resident. Suggested the council familiarize themselves with the American Disabilities Act. He cited RCW 98.35.021(f) as a basis for his point. He stated he needs medical marijuana on a daily basis to survive. Prescriptions are currently offered at the local pharmacy; however he cannot use those substances. He felt that the proposed moratorium is an act of violence, thus making it criminal. Barber stated he has already sent information to the city attorney and he suggested councilmembers address this with the attorney.

Steve White, Castle Rock resident. Stated that those speaking felt that the moratorium would pose a threat that would prohibit people from obtaining their medical marijuana. He did not feel this was an issue with this moratorium. The moratorium does not make changes to anybody's access through the current marijuana sources that they have now. It does allow time for city leaders to make educated decisions on management of grow operations allowed by recent legislation. He encouraged council to pass the moratorium and take time to do what is best for the city. In response to Councilmember Mask's question, White felt that mistakes would be made if decisions are based on pressures imposed by different interest groups. He does not argue that medical marijuana has benefits for some people. White stated the city does not need to have a grow operation to provide this access; it is already available. He thanked the city council for taking time on this issue.

Kevin Gorman, Castle Rock area resident. Described his personal medical ailment and how the use of medical marijuana has helped him. He is not in favor of the moratorium.

Lorie Baker, Castle Rock area resident. Stated she lives and works in this community. She is also a member of the CARE Coalition. Spoke in favor of the moratorium to provide time for council to make decision. This is a new law and care should be taken.

Eddie Huguniot, new Castle Rock resident. In support of moratorium. Hopes that the state and federal government would use the wisdom to make marijuana a regulated medicine. If this would be done, those who need the drug could have access and decisions would not need to be made on a local level.

Joel Royce, representing Castle Rock Ministerial Association and the CARE Coalition. Spoke in favor of moratorium. Felt it was wise to take time when making decisions regarding planning issues. He presented a petition to councilmembers signed by over 130 persons opposing dispensaries within Castle Rock.

Dick Huguniot, Castle Rock resident. Stated he has been associated with Castle Rock for over 40 years. He voiced concern over the social implications for our community and supports the moratorium.

Mandy Henderson, Castle Rock area resident. Stated she has never used any illegal drug. However she supports the right for medical marijuana to be available to those who need it. She encouraged awareness of the need and effects.

Sharon Gorley, Castle Rock area resident. Felt time was needed to think over the issue. Stressed caring for each other, and the community. She stated, that in discussions with incarcerated women, she has been told that marijuana was their gateway drug.

Aaron Kightlinger, Kelso resident. Felt it was a responsible thing to do to take time. Asked if anyone knew how many collective gardens already exist in the city. This would be an opportunity to not only identify their locations, but also to regulate their locations. He is sympathetic to the concerns with children. However he felt that it would be better to know where the medical marijuana came from and to see if it was authorized. He also does not see any issues with dispensaries.

Erin Hoffman, Castle Rock area resident. Spoke in opposition of siting a medical marijuana collective garden in Castle Rock. She felt it was dangerous to children. She felt that it would be better if the medical marijuana was regulated like other prescriptions and not in a community garden.

Tami Roberts, Castle Rock area resident. Provided testimony on how marijuana is a gateway drug and how it has ruined her son's life.

Glen Nelson, Castle Rock resident. Stated he is a cardiology patient and that marijuana helps with his medical issues.

Courtney Contrell, no residence noted. She spoke in favor of allowing access to medical marijuana to ease pain and asked councilmembers what they would do if their family members could not take medically prescribed pills and needed an alternative drug. Councilmember Mask stated he suffers daily pain from a medical condition and must take prescription medication. Mask stated the issue is consideration of a moratorium on collective gardens, not on the use as an alternative drug.

Nancy Murphy, Castle Rock area resident. Those on prescriptions normally get their drugs from a drug company. Marijuana grown for distribution does not come from a drug company. Those

people who need the marijuana are already getting it now and she questions why we need this issue.

Doug Perry, grew up in Castle Rock. Felt that collective gardens will make marijuana more available to the youth and would be very destructive to our lives. He has used the drug and knows the effects. He is currently drug free and counsels recovering addicts.

Annette Barnes, no residence stated. Provided testimony on her son, Darren Barnes who is currently a drug addict. She felt that he began his addiction while living in this community and from using prescription drugs that had been prescribed to her. She spoke in favor of allowing collective gardens and stressed that parents need to be more diligent with management of prescriptions obtained from pharmacies. She felt it is the pills that should be of concern, not the marijuana.

Dallas Carroll, Castle Rock resident. Stated he is a chemical dependency counselor, working with youth. He is a medical THC advocate, however not in favor of collective gardens. Patients and caregivers are already growing it for their own use. He also does not support dispensaries. One problem with medical THC is the perception that it no longer is a drug. It does have positive healing properties, but should not be accessible through a collective garden or dispensary.

Brooke Hoffman, Castle Rock area resident. High school student, opposing community gardens. Has experienced family members that have lost everything due to drug use.

Mayor Helenberg closed testimony at 8:28 p.m. and resumed regular special session. He stated that councilmembers need to discuss findings of facts as a result of testimony provided to determine whether or not to proceed with a six-month moratorium on collective gardens.

Councilmember Mask apologized to the audience and to the council for his earlier comments.

Councilmember Mask made a motion, seconded by Reilly to accept the moratorium for six months on collective gardens to oversee and to determine what we will be going for in the next six months. Mayor Helenberg reiterated the motion; to pass an Ordinance to establish a moratorium on collective marijuana gardens as described in State law 2011 C 181 S 403 (RCW 69.51A.040 within the city of Castle Rock.

Discussion: Councilmember Pingree asked what would be the next step in this process regarding the planning commission. He would like to be assured that the planning commission is ready to address this issue. City Planner T.J. Keiran stated he would like to prepare a work program to be presented to council at their next regular meeting, which would outline how the planning

commission proposes to work toward developing a recommendation.

Councilmember Teter would like to see that patients are able to obtain their prescription in a controlled and safe way. He supports the six-month moratorium to allow time to understand both sides of the issue. Mayor Helenberg agreed with Councilmember Teter.

Vote on the motion: unanimous 'Aye'.

City Attorney Randolph stated this is the first of two readings for the ordinance. He summarized that the council's finding of fact, by consensus, included the need to have a six-month period to allow time to study the issue and to figure out how to correctly regulate this use.

Julian Robertson asked if this moratorium included indoor and outdoor gardens. He stated these gardens already exist.

It was suggested that everyone needs to work together and that patients could be asked for input.

Mayor Helenberg thanked everyone for attending the meeting. Meeting was adjourned at 8:35 p.m.

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Mayor Paul Helenberg

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Clerk-Treasurer