



City of Broken Arrow

Special Minutes City Council Meeting

City Hall
220 S 1st Street
Broken Arrow OK
74012

Mayor Craig Thurmond
Vice Mayor Scott Eudey
Council Member Johnnie Parks
Council Member Debra Wimpee
Council Member Christi Gillespie

Wednesday, September 9, 2020

Time 5:30 p.m.

Council Chambers

1. Call to Order

Mayor Craig Thurmond called the meeting to order at approximately 5:30 p.m.

2. Roll Call

Present: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

3. Pledge of Allegiance to the Flag

Mayor Thurmond led the Pledge of Allegiance to the Flag.

4. General Council Business

- A. 20-1088 Consideration, discussion, and possible approval of a settlement agreement for litigation involving Stronghand, LLC v. COBA Tulsa County District Court No. CJ-20-1738, Tiger Hill Soldier Pile Retaining wall, Contract No. 171703, Bid 19.121, including resolving potential claims, litigation or other actions against Great American Insurance Company**

Assistant City Attorney John Bowling reported a settlement had been brokered as followed: 1) Broken Arrow would rescind the termination of the contract and allow Stronghand to complete the work; 2) Great American Insurance Company (GAIC) would oversee the work performed; and 3) Work would be performed to Dr. Steve Ford's specifications. He reported the complete settlement agreement had been forwarded to the City Council Members. He stated Stronghand and GAIC agreed to implement the settlement conditions. He indicated Stronghand has asked for 150 days from the Notice to Proceed to complete the project if the settlement were approved. He stated he believed the Notice to Proceed would be sent out next week if the settlement were approved.

City Manager Michael Spurgeon asked about the completion date and the Notice to Proceed. Mr. Bowling explained the project was required to be completed 150 days from the issued Notice to Proceed. He noted the terms of the original contract would continue to apply; therefore, weather delays could occur. He noted there was a liquidated damages clause of \$1,000 dollars per day.

Council Member Debra Wimpee asked if the project would have constant oversight. Mr. Bowling responded in the affirmative. He noted this settlement would be implemented through a Change Order.

Assistant City Manager over Operations Kenny Schwab agreed. He explained the Change Order would come before City Council on September 15, 2020 and the Notice to Proceed would be issued immediately following approval of the Change Order. He noted there would be a slight delay in the start of work due to the wait for materials; however, the 150-day time limit would still be in effect.

Council Member Wimpee asked if Stronghand could work on the backfill while waiting for the materials to be delivered. Mr. Schwab responded in the negative; it was too dangerous to work on the backfill until the steel wall was in place.

City Manager Spurgeon indicated the Council would be regularly updated regarding the progress of the project.

Mr. Bowling stated to expedite the process, the Change Order could be authorized at this Meeting. Discussion ensued regarding authorizing issuance of the Change Order through the motion to approve the settlement.

Vice Mayor Eudey explained multiple meetings had been held in the past regarding this topic in closed session due to the nature of litigation including a confidential memo outlining the terms of the settlement. He wanted the public to understand this subject had been thoroughly researched and considered by the City Council.

Mr. Schwab recommended adding a direction to Staff to issue the notice to proceed with today's motion.

MOTION: A motion was made by Scott Eudey, seconded by Debra Wimpee.

Move to approve and execute the settlement agreement with Stronghand, GAIC, and the City of Broken Arrow and direct Staff to take appropriate action to rescind the termination of contract No. 171703 and implement the settlement agreement through Change Order including the issuance of the notice to proceed at the next possible date

The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

City Manager Spurgeon commended Mr. John Bowling and Mr. Tim Robbins for the work done in relation to the Stronghand issue.

B. 20-1068 Consideration, discussion, and possible presentations by City staff regarding the status of medical marijuana in the City of Broken Arrow and possible updates and changes to Ordinance Nos. 3540 and 3542 establishing regulations for medical marijuana

City Manager Spurgeon reported over the last thirty days he had individual conversations with each of the City Council Members regarding tonight's discussion. He indicated there were a number of questions from the City Council Members which were assembled and distributed to the City Council at this Meeting. He stated he believed a brief history and a question and answer session was the best way in which to proceed.

Community Development Director Larry Curtis reported currently in the City of Broken Arrow there were 26 licensed dispensary facilities, 7 licensed growing facilities and 4 licensed processing facilities. He indicated there were 7 dispensaries, 2 growing facilities and 2 processing facilities undergoing the licensing application process.

Council Member Wimpee asked if the facilities undergoing the application process were operational. Mr. Curtis responded in the negative. Council Member Wimpee asked if the licensed facilities were operational. Mr. Curtis responded in the affirmative.

Mr. Curtis displayed and discussed a map which illustrated the locations of the currently operating and licensed facilities. He displayed and discussed a map which illustrated the potential locations of the facilities who were in the application process. He noted City Council asked how Broken Arrow compared to similar cities regarding medical marijuana facilities. He indicated Staff compared Broken Arrow to ten similar cities across the State of Oklahoma. He displayed and discussed a chart which illustrated how Broken Arrow measured up to these other cities; Broken Arrow was ranked #7 in terms of number of dispensary facilities (6 of the 10 cities had more dispensaries than Broken Arrow). He commented Broken Arrow had a comparatively low number of dispensaries as compared to her sister cities with only 3 dispensaries per 10,000 residents while Oklahoma City had 6 dispensaries per 10,000 residents, Edmund had 7 dispensaries and Stillwater had 8 dispensaries per 10,000 residents. He noted Oklahoma City had 374 growing facilities, Tulsa had 253, Norman 103 and Broken Arrow had 31 growing facilities; Broken Arrow was #8 in terms of number of growing facilities (7 of the 10 cities had more growing facilities than Broken Arrow). He explained a number of Broken Arrow's facilities were outside city limits, but technically had a Broken Arrow address, which was why his report listed 2 growing facilities; only 2 of the 31 growing facilities were in the City limits of Broken Arrow. He reported Oklahoma City had 217 processing facilities, Tulsa had 124, Norman had 40 and Broken Arrow had 15 processing facilities; Broken Arrow was #6 in terms of processing facilities (5 of the 10 cities had more processing facilities than Broken Arrow).

Mr. Curtis noted the next question he would address was how Broken Arrow's Ordinance compared to other communities' ordinances. He reported he compared Broken Arrow Ordinance to five other cities in the State of Oklahoma. He noted Oklahoma City did not make any zoning changes regarding medical marijuana; Oklahoma City interpreted current zoning and allowed medical marijuana in appropriately zoned areas (for example allowing dispensaries in commercially zoned areas, processing in industrial and growing in agricultural). He stated Oklahoma City did not have a licensing program; Oklahoma City required medical marijuana businesses to comply with OMMA requirements and obtain a certificate of compliance from the City associated with a fee. He reported Tulsa made a zoning change in response to medical marijuana and only required a certificate of compliance, similar to Oklahoma City. He noted Norman changed zoning and created a licensing program; Edmund did not change zoning but created a licensing program. He noted Tulsa was similar to Broken Arrow except in two areas; specifically, Tulsa had a distance requirement of 1,000 feet from any other dispensary and Tulsa did not allow drive through dispensary windows. He stated Norman had a tier rating system for medical marijuana: rolling of medical marijuana cigarettes was considered tier 1 and was permissible in commercial zoning districts; cooking/baking of marijuana was considered tier 2 and was also permissible in commercial districts; oil extraction was considered tier 3, etc. He stated Norman had a licensing program; however, it did not require a business/operation plan, nor did it require notarization of permission from the property owner to allow medical marijuana

business on the property as did Broken Arrow. He stated Edmund had a licensing program very similar to Norman.

Mr. Curtis noted the bulk of work involving medical marijuana revolved around PUD applications; however, there was a fee associated with PUD applications to recuperate some cost.

Vice Mayor Scott Eudey stated in general, aside from the drive through window allowance, it sounded as if Broken Arrow was as restrictive, if not more restrictive, than every other City Broken Arrow was compared with.

Mr. Curtis stated in comparison with other cities, Broken Arrow had a lower number of medical marijuana businesses; Broken Arrow was more restrictive by current ordinance than other cities, other than Tulsa with its 1,000-foot distance from other medical marijuana facilities requirement.

Mayor Thurmond asked if Broken Arrow could also ban drive-through window establishments and required a 1,000-foot separation between medical marijuana businesses or would this bring a lawsuit against the City.

City Attorney Trevor Dennis indicated the changes the Legislature made in 2019 were beneficial and now allowed cities to make such changes; he believed it was legally supportable to enforce boundary offsets between businesses and also to ban drive-through lanes. He noted; however, "if you have \$75 and can get to the courthouse you can sue anyone for anything."

Mayor Thurmond stated he understood. He noted while the City might be challenged regarding these changes, he believed the City could defend against any such challenge. Discussion ensued regarding the precedent of distance requirements between businesses.

Vice Mayor Eudey thanked Mr. Curtis for his comparisons; he felt it was important to understand how Broken Arrow compared to other cities. He noted he wished to discuss how to handle the PUD applications; this seemed to be the primary issue City Council most often had to address. He stated he wished to establish an ordinance which might universally address the medical marijuana/PUD situation.

Mr. Curtis responded City Council had the ability to enact an ordinance which indicated if a PUD was established after a specific date the PUD could allow for the use to be permissible in the PUD as long as the underlying zoning district supported the use. Vice Mayor Eudey noted creating this type of ordinance would still require medical marijuana businesses to follow all pertinent laws and licensing requirements by the City and State. Mr. Curtis concurred. Vice Mayor Eudey stated he felt as if too much time was being spent sorting through which PUDs should be amended to allow medical marijuana businesses.

Council Member Parks stated he had difficulties with this; he explained in all the years he spent teaching in prisons he learned marijuana was a drug which encouraged the use of other more toxic drugs; however, he understood the State of Oklahoma approved and Broken Arrow had its own ordinances regarding medical marijuana. He agreed too much time was being spent deciding whether a medical marijuana business was appropriate in certain PUD areas. He indicated this was not the place of City Council; the City made decisions regarding licensing of medical marijuana businesses.

City Attorney Dennis stated City Council had the power to set the zoning and choose where medical marijuana would be permitted in the City through zoning. He noted City Council could also change licensing requirements; City Council had the power to create policy to be carried out by City Staff.

Council Member Parks stated he agreed creating an ordinance which retroactively allowed medical marijuana businesses in PUD areas which had the correct underlying zoning would be beneficial; however, he would vote against allowing medical marijuana in general. He thanked Mr. Curtis for the comparison of Broken Arrow to other cities. He stated he appreciated hearing how Broken Arrow compared. He stated he liked the idea of a 1,000-foot distance between medical marijuana businesses requirement. He stated he was also in favor of banning drive through medical marijuana businesses.

Discussion ensued regarding drive through medical marijuana locations, currently there being no medical marijuana businesses utilizing drive through windows in Broken Arrow and banning medical marijuana drive through windows through ordinance.

Vice Mayor Eudey stated he agreed with Council Member Parks; he did not approve of medical marijuana in general; however, he felt City resources were being wasted on the topic which could be addressed while keeping in compliance with State Statute and City Ordinance. He noted if a use was permitted by a PUD, said use was still required to comply

with all other State and City laws and regulations; a PUD permitting a use did not guarantee said use. He indicated an ordinance which retroactively changed PUDs to allow the uses permitted in the underlying zoning simply brought said PUDs into compliance with current zoning laws.

Council Member Gillespie asked if a retroactive ordinance were created in this instance what would happen in such situations as just occurred with the Theater Arts School (Theater Arts being made aware of the PUD amendment negotiated with the landlord to prevent a medical marijuana business from entering the plaza while it was a tenant). She noted if the PUD had allowed medical marijuana businesses as a use, the Theater Arts School would not have chosen the plaza for its location.

Mr. Curtis explained the ordinance would not change the PUDs which specifically excluded medical marijuana. He indicated the ordinance would be crafted to read if a PUD were drafted prior to 2018 and did not have any language associated with medical marijuana it would be retroactively altered to allow medical marijuana as a use if the underlying zoning allowed medical marijuana as a use. He stated business owners always had the right to negotiate with the property owner/leasing agent; the ordinance did not take away this right. He explained if a business owner was informed a medical marijuana business was being considered near a location, said business owner had the right to negotiate.

Council Member Gillespie asked if a contract/lease agreement was in place, what recourse did a business owner have if a medical marijuana business was being permitted. She asked if such a business owner could legally be released from said contract. Mr. Curtis responded in the affirmative; if a business owner included a medical marijuana ban in its contract, then said business could legally be released from the contract upon entry of a medical marijuana business.

Council Member Gillespie explained in many situations, contracts would not contain any reference to medical marijuana as medical marijuana previously was not permitted. She stated Theater Arts was a business which catered to children and she believed medical marijuana should not be permitted within 1,000 feet of such a business because it was about the children, not about a school; a school was just a building, it was the children which should be the priority. She stated she worried retroactively changing ordinances would cause difficulties for other businesses which catered to children.

Mr. Curtis responded there were more strip malls located outside of PUDs than inside PUDs; therefore, there was no "protection" for any business located in a strip mall outside of a PUD.

City Attorney Trevor Dennis stated private businesses had the right to enforce agreements through District Court. He stated he believed if a tenant had a problem with a neighboring tenant due to medical marijuana, it was no different than any other number of landlord or tenant disputes. He stated from the City's perspective, the City had the tools in place to make decisions regarding which zoning areas medical marijuana would be permissible and to enforce the licensing and regulations to ensure the business would not be a public nuisance. He stated he understood Council Member Gillespie's point; however, the City's focus was on the policy perspective, implementing the will of the Council, and regulating this industry in a way which made sense for the City in a safe and responsible manner.

Vice Mayor Eudey stated part of the challenge was private contractual relationships between parties were outside the scope of anything City Council had a right to enforce.

Council Member Gillespie noted instituting a retroactive ordinance changing PUDs would be changing the private contracts. Vice Mayor Eudey disagreed. Discussion ensued regarding whether or not changing the PUD effectively changed the terms of a private contract. Council Member Gillespie stated it was unfair to business owners who established businesses in a PUD area knowing medical marijuana was not included as a permitted use in said PUD to retroactively change PUDs to allow medical marijuana as a use. She stated if Theater Arts had not been made aware of the possibility of a medical marijuana dispensary going in next door thanks to the PUD amendment, and a medical marijuana dispensary had moved in, Theater Arts and the children would have suffered. She commented medical marijuana businesses often caused a smell and the ordinance to prevent the smell often was not properly enforced. She stated she knew this thanks to complaints from Broken Arrow residents. She stated she would rather go through each PUD individually than allow medical marijuana businesses to be located near a facility which catered to children.

Discussion ensued regarding property owners having the right to speak against medical marijuana being permitted as a use in a PUD when filing for an amendment, tenant business owners not having a right to object, and tenant business owners investing in the leased locations.

Council Member Gillespie noted if a tenant who invested money in a certain location were to choose to break a contract and move to a different location, said business owner would be forced to reinvest in the new location and may not be able to afford to do so.

Council Member Wimpee stated she saw both sides; Vice Mayor Eudey was saying legally the City Council was supposed to be considering zoning and policy only; Council Member Gillespie was speaking morally and ethically. Council Member Wimpee agreed with Council Member Gillespie regarding Theater Arts; if the property owner had not been forced to apply for a PUD amendment, Theater Arts would most likely have a dispensary as a neighbor. She stated she believed if a business catered to children, said business should not have a medical marijuana business in close proximity.

Council Member Gillespie stated she would like to hear the crime statistics as related to medical marijuana businesses.

Vice Mayor Eudey stated he wished it to be understood, his position did not lack morals or ethics. He stated he did not approve of the statute which allowed medical marijuana, he was against marijuana and he did not vote to approve the statute. He stated 60% of the residents in Broken Arrow voted in approval; however, he did not. He stated, this being said, the oath he took was to uphold the laws of the State whether he approved of said laws or not. He indicated he did not appreciate his position being referred to as amoral or unethical.

Council Member Wimpee asked if Vice Mayor Eudey was considering the Citizens of the City in his decision making. Vice Mayor Eudey responded in the affirmative; he most definitely was taking into consideration the Citizens of Broken Arrow. Council Member Wimpee stated she was as well.

Council Member Gillespie stated she was speaking on behalf of the business owners who were not speaking out for themselves, who felt as if they did not have any recourse and could not defend themselves.

Council Member Wimpee asked how many PUDs were left into which a dispensary could be permitted due to underlying zoning but had not yet been changed or considered. Mr. Curtis responded approximately 167 PUDs.

Council Member Gillespie stated she was willing to review each of the 167 PUDs individually. She stated she felt it was not about the law, it was about the individual businesses and giving said businesses the right to object. She indicated she believed restricting medical marijuana businesses from opening within 1,000 feet of each other would help the situation.

City Attorney Dennis stated Broken Arrow could not make changes which would entirely prevent retail marijuana establishments within the Community. He stated within this, however, there were a broad range of policy choices. He stated under the new regulatory scheme, if there was a desire to have additional policy directives or zoning directives related to businesses which primarily catered to children, City Council had the power to propose such a policy. He stated if Council Member Gillespie were worried about businesses which catered to children, Council Member Gillespie could consider proposing a policy which prevented medical marijuana establishments from being located within 1,000 feet of such a business. He indicated this would be acceptable as long as said policy did not completely prevent retail medical marijuana establishments in the City of Broken Arrow. He stated he was not recommending policy one way or the other, but the legal perspective was, as long as it did not entirely prevent retail marijuana establishments within the City, and the policy was not arbitrary and capricious, typically the court would look at the Council's decisions and give legislative deference and determine if the decisions were fairly debatable in terms of zoning decisions.

Council Member Gillespie asked if it would be possible to include a clause in the ordinance which required property owners to notify tenants of a contract change and give tenants the right to opt out of a lease contract.

Mr. Curtis responded in the negative; City Council could put policy into place which prevented retail marijuana from being located within 1,000 feet of each other. He asked if Council Member Gillespie wished to also see retail marijuana prevented from being located within 1,000 feet of something else. He noted this could be done as long as it did not negate the possibility of retail marijuana businesses from ever being located within the City of Broken Arrow by right.

Council Member Wimpee noted the State almost passed a Statute placing a 1,000-foot buffer around all daycares. Mr. Curtis stated City Council had the right to be more restrictive through ordinance than the State; City Council could choose to put a 1,000-foot buffer in place around daycares before the State chose to do so.

City Attorney Dennis stated the Oklahoma Supreme Court had given guidance which enabled cities to create restrictive policy as long as there were still places retail marijuana businesses could be established in the city. He stated when Broken Arrow Ordinance was created it was purposely created to be conservative and in line with State Statute. He noted there was always a risk when a more restrictive action was taken.

Vice Mayor Eudey commented Broken Arrow was already one of the most restrictive cities in the State of Oklahoma. City Attorney Dennis concurred.

Council Member Parks asked if City Council could create an ordinance which would prohibit medical marijuana businesses from being located within 1,000 feet of daycare centers and other such businesses.

City Attorney Dennis responded in the affirmative; however, it would have to be part of standard planning and zoning procedures, and there would have to be an articulable basis to justify the ordinance, and as long as retail marijuana was still permitted within the City, the ordinance was likely to be upheld in court. He noted it would probably draw challenges but would likely be upheld in court.

Council Member Parks stated he felt this would be an excellent policy, but the difficulty would be in defining the terms correctly. He noted it could not just read an establishment where children were present but should be defined as some type of school for children.

Council Member Gillespie agreed. She noted she was not talking about an individual who taught piano lessons from home, but a daycare center or dance studio for children, businesses which catered primarily to children daily. She stated she was not including soccer fields in which children practiced in the evenings as this was not an everyday, all day occurrence.

City Attorney Dennis noted no other community had taken this approach for medical marijuana, liquor stores, or pharmacies. He stated if City Council wished, an ordinance of this type could be drafted, but he believed the ordinance would be challenged, and he could not guarantee it would be upheld.

Council Member Wimpee stated she felt it would be a good idea to establish an ordinance which prevented retail marijuana businesses from being located within 1,000 feet of each other. She indicated Broken Arrow was not the most restrictive City; Tulsa had a 1,000 feet buffer between retail marijuana businesses and prohibited drive through marijuana establishments. She asked why Broken Arrow was considered more restrictive than Tulsa. Mr. Curtis responded Broken Arrow had a much more restrictive licensing program; Tulsa did not have a licensing program.

Vice Mayor Eudey stated this was his point: it did not matter what the PUD said, it did not matter what zoning said, if an applicant did not qualify for a license through the City of Broken Arrow the business would not be permitted. He explained this was where Broken Arrow had stringent policy. He noted for every PUD in the City there were 100 lots for which the zoning permitted medical marijuana; the City enforced its rules through the licensing program. He stated his only concern was if City Council chose to create an ordinance prohibiting medical marijuana businesses from being established within 1,000 feet of a business which catered to children, the City had to be very careful and very clear in its definition of a business which catered to children. He stated if this could be done, he was in favor, but this would be a challenging endeavor. He indicated he was unsure how this could be defined.

City Attorney Dennis agreed. He discussed the challenges of these types of ordinances. He noted depending upon the definition of a daycare, prohibiting retail marijuana within 1,000 feet of a daycare would very quickly cover a lot of ground in the City.

Council Member Parks stated it might be difficult to define, but he was in favor of this type of ordinance if it could be defined. He agreed it was important to avoid lawsuits. He asked for the terminology to be defined clearly enough to avoid lawsuits.

Council Member Gillespie asked about public school policy regarding medical marijuana. City Attorney Dennis indicated he could not speak to public school policy. Council Member Gillespie commented children who had medical marijuana cards were not permitted to bring medical marijuana onto school grounds.

City Attorney Dennis noted licensed childcare facilities were not considered schools by definition for the purposes of the 1,000-foot buffer.

Council Member Gillespie felt licensed childcare facilities should be considered schools. City Attorney Dennis stated if Broken Arrow chose to pursue this, it could become an expensive proposition.

Council Member Wimpee asked for Police Chief Brandon Berryhill to speak regarding medical marijuana and the Community of Broken Arrow.

Police Chief Brandon Berryhill reported he was given a list of medical marijuana facilities in Broken Arrow by Mr. Larry Curtis. He explained he took this list, went back, and reviewed the calls for service over the past two years on the addresses of these businesses. He explained a marijuana related accident or crime which happened a block away from a medical marijuana business would not be included in his statistics because he had no definitive way to prove the accident or crime was directly related to the nearby business. He reported his list of calls included calls for alarms, burglary, embezzlement, disturbances, vandalism, etc. He stated he could not say whether there was an increase in crime directly related to marijuana businesses. He commented marijuana was still federally illegal, and because schools received federal funds, he believed this was why medical marijuana was prohibited from public school grounds.

Mayor Thurmond stated City Council agreed regarding the addition of the 1,000-foot prohibition of marijuana businesses from each other and the marijuana drive through prohibition. He asked if City Council wished to create an ordinance which would define other education facilities.

Vice Mayor Eudey stated he wished to have an ordinance which addressed the PUD issue to review. He noted no ordinance could be passed without giving the public the opportunity to speak. He stated PUD amendments continued to take time and resources to review and consider. He indicated the discussion being held did not focus on the law, it focused on underlying issues which were, in his opinion, outside his scope of power to change. He indicated it was within his scope of power to give any individual who chose to do business in Broken Arrow an understanding of the uniformity of what to expect; this was what he was trying to accomplish. He noted he personally did not agree with medical marijuana, but it was not his job to agree; this did not mean he did not care about the children of Broken Arrow. He noted he had two children of his own and he cared deeply about the children in Broken Arrow. He indicated he did not have the right to interfere with contractual business relationships; however, he did have the right to set zoning rules. He stated he agreed with the 1,000 feet between medical marijuana businesses and the drive through medical marijuana business prohibition. He stated if City Council wished to explore defining what constituted a school it was well worth the discussion; he was likewise concerned about children walking by a medical marijuana facility, just as he was concerned about children walking by a liquor store or an adult store. He stated he wished to have an ordinance dealing with the PUD issue and then have a discussion regarding an ordinance dealing with the definition of schools in relation to medical marijuana.

Council Member Parks stated he was in favor of an ordinance addressing PUDs. He stated he was in favor of an ordinance which prevented medical marijuana businesses from being within 1,000 feet of a childcare type facility and was in favor of working on a definition of such. He noted if such an ordinance were created to protect childcare and youth facilities, the ordinance addressing PUD zoning would be a moot point.

Council Member Wimpee asked if this could be done. City Attorney Dennis indicated he did not understand exactly what City Council desired. He stated he understood City Council was asking for a preview ordinance to be created for 1,000 feet between marijuana businesses, a preview ordinance for drive through marijuana business prohibition, and a preview ordinance for a change for the PUDs. He stated he was unclear regarding the preview ordinance prohibiting medical marijuana facilities within 1,000 feet of where children congregate.

Council Member Wimpee explained she meant businesses such as dance studios, not just places where children congregated. Council Member Gillespie stated she was referring to businesses for which most of its business was for children. City Attorney Dennis recommended opening this subject up to the community through a working group, speaking with the industry itself, speaking with the schools, the Chamber of Commerce, the school districts, etc. He recommended collecting the data needed to make a supportable policy decision; this would help the legal department support any challenges to policy changes in court.

Council Member Parks stated he wished to hold the workgroup and public meetings prior to passing the ordinances and then pass all marijuana related ordinances at the same time. Vice Mayor Eudey agreed.

City Attorney Dennis stated he understood City Council wished Staff to organize a workgroup and an internal group to coordinate the workgroup to discuss and create an ordinance related to businesses which catered to children.

City Manager Spurgeon asked if the 1,000 feet between marijuana businesses and no drive through ordinances should be addressed immediately. Mayor Thurmond responded no action could be taken immediately, but a preview ordinance could be created in this regard.

City Manager Spurgeon noted this would give him time to put together a workgroup.

Mayor Thurmond asked if the City Council agreed; there were no objections, and no further comments or questions.

5. Adjournment

The meeting adjourned at approximately 6:59 p.m.

MOTION: A motion was made by Johnnie Parks, seconded by Debra Wimpee.

Move to adjourn

The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

Mayor

City Clerk