

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
COLUMBIA CITY HALL COUNCIL CHAMBER
701 EAST BROADWAY, COLUMBIA, MO

MAY 9, 2019

Case Number 103-2019

A request by the City of Columbia to amend Chapter 29, Sections 29-1.11 (Definitions), Section 29-3.2 (Permitted Use Table), and Section 29-3.3 (Use-Specific Standards) of the City Code relating to the creation of new definitions and permitted locations as well as use-specific standards governing the establishment and operation of medical marijuana facilities inside the City's corporate limits.

MS. LOE: May we have a staff report, please?

Staff report was given by Mr. Pat Zenner of the Planning and Development Department. Staff recommends approval of the UDC revision as presented.

MS. LOE: Thank you, Mr. Zenner. As a point of order, do we need ex parte for this item? No. Are there any questions for --

MR. ZENNER: Probably not. I would not -- I will say -- I will say, though, as we open up the public hearing, I'm sure that there are folks here that would like to offer comment as we will -- as we do with any other public comment period. Our standard limitations on time probably need to be articulated and adhered to in order to allow everybody the opportunity to speak.

MS. LOE: Are there any Commissioner questions of staff? I see -- Mr. Zenner?

MR. ZENNER: And I don't have a Commissioner comment, but I do have one point to make. We did identify under the licensure, the local licensure requirements which would have been on page 4 of your staff report, second line, for some odd reason my fingers either weren't working, or I was typing at a feverish pace and the text got all garbled there. We have corrected that and so it deals with the licensure limitations and it should have read, "These standards were modeled after similar Amendment 2 provisions and fall within our ability to regulate time, place, and manner of operation." It apparently got messed up and I didn't catch that beforehand, and I -- before producing the report for public consumption, so I apologize for that. I just want to make sure that what we are producing has been reviewed by our legal staff and we are well within our boundaries.

MS. LOE: Thank you for that clarification. I had one question on the 500-foot M-DT map.

MR. ZENNER: Yes.

MS. LOE: It appears to -- so this was in -- I'm not sure if you showed it during the presentation --

MR. ZENNER: Not in the presentation.

MS. LOE: -- but it was in the -- it's in the public information available through the agenda. So we got two maps, one with the 1,000-foot setback and one with 500-foot for M-DT, as Mr. Zenner mentioned

in his presentation. It appears to me that the 500 feet is being taken both from parks, schools, and daycares within the M-DT and also outside the M-DT -- churches, schools, and daycares -- excuse me.

MR. ZENNER: Churches, schools, and daycares.

MS. LOE: Can you explain why -- I'm looking at Grant School, for example. It looks like a 500-foot setback from Grant and --

MR. ZENNER: And now that you say that -- and now -- and now that you say that -- now that you say that, it is possible that the way that the map was produced -- and a very good point. Grant Elementary is not within the M-DT.

MS. LOE: Correct.

MR. ZENNER: And so if -- and I imagine I know what has ended up happening. The map was modified holistically, not just to the M-DT. We could go back and reevaluate the 500 feet as a result of Grant Elementary being outside M-DT if you -- and we have the cemetery in between, of course, where Lucky's is and the commercial shopping center that is there.

MS. LOE: It's not just Grant. There's a couple buildings adjacent to M-DT that I would think would still have the 1,000-foot protection because they're outside M-DT, and just wanted to clarify that.

MR. ZENNER: And that is -- and, again, I apologize. That is a definite nuance to that map that we just did not -- I didn't notice. The impact, I think -- it's relevant to the impact and, therefore, if -- again, if there is a desire for amendment of the distance and separation, it could be done globally from an -- irrespective of Citywide location -- Citywide locations, or it could be done on a much more surgical level such with just the M-DT and creating some option within our core downtown area. Again, and as pointed out in the staff report, reduction to 500 feet does open up several sites internal to the core of downtown in essence; however, many of those sites are actually municipally controlled, so it may not be opening up a whole lot. Again, I threw that out just as a -- as a means of trying to address the concerns that we have had expressed. Along those lines, you should have all received an e-mail from me yesterday. It was a forwarded piece of correspondence from Mr. Viets in regards to reaffirming his desire to ensure that the staff, the Council, and the Commission is aware of his desire of a 200-foot buffer to be established from these four facility -- from the three restricted facilities versus the 1,000, or what may be as an alternative, a 500-foot separation.

MS. LOE: Thank you. Any additional questions for staff? I see none. In that case, we're going to open up the floor for public hearing. If you come forward, please state your name and address. We are going to limit individual speakers to three minutes. If you're speaking for an organized group, we'll allow you six minutes because you're speaking for multiple parties.

PUBLIC HEARING OPENED

MR. VIETS: Thank you. My name is Dan Viets. I'm President of New Approach Missouri, the organization that drafted Amendment 2, which is now Article XIV of our Missouri Constitution, the organization which worked to place that measure on the ballot and the organization which worked to pass it last November when 66 percent of Missouri voters endorsed this measure.

MS. LOE: May we have your address, please?

MR. VIETS: 15 North Tenth Street in downtown Columbia.

MS. LOE: Thank you.

MR. VIETS: That was a resounding support, a landslide. Amendment 2 received more votes by far than any of the other half dozen measures on the ballot last November. It received far more votes than any of the statewide candidates. If anything can be interpreted as a mandate, it is that 66 percent support from the voters of our state, but the mandate from the people of Columbia and Boone County was far greater. Columbia -- that is to say Boone County -- endorsed this measure by about 72 percent. But if you look at the precincts that comprise downtown Columbia, the support is well over 80 percent. I mean, to say that we're waiting to see if the residents of downtown want dispensaries here is rather ridiculous. I don't want to be overly emotional about this, but I can tell you that as hard as the staff may have worked, they did not consult the people who drafted this measure. They did not consult the patients, some of whom are here tonight to talk to you, who gathered thousands of signatures to place this measure on the ballot. They did not solicit any input whatsoever from the people that wrote and passed this measure. I represent many of those people. I -- I am affiliated with several organizations that supported this measure. I represent some of the applicants for licenses, and I represent some of the patients who should be the primary consideration in the implementation of this law, and you're going to hear from some of those this evening. Now I know that some of the proposed measures are supposedly for the benefit of those patients, but no one asked the patients what would benefit them, and nobody asked the applicants what -- what they would like to see. Let me tell you that among the points I think are most important, and if you have read the letter that Mr. Zenner has forwarded to you, you know that -- you know that there is no June 4 deadline. You know, to say that the State Department of Health and Senior Services is going to issue its final draft of regulations on June 4, if anything, logically suggests we should wait until after June 4 when we know what the State's regulations are going to be before we decide what regulations our community is going to adopt. There is simply no logic in the assertion that we have to act before June 4. We do not. We don't. The state won't even accept applications for any of the commercial licenses until August, and they will not grant any licenses until the end of this year. You know, when people try to rush you into a decision, it's usually because they don't want you to have time to think about that decision, and that certainly appears to me to be what's going on here. The Council, the P & Z Commission, and this community are being told that we have a strict deadline that we must meet of June 4th, and that, frankly, is not true, to put it politely. The 1,000-foot buffer zone -- the 1,000-foot buffer zone may make sense in some communities, but it does not here. The 1,000-foot buffer zone will mean that there are no dispensaries in downtown Columbia. There are far more people in downtown Columbia than in any other location in our City. There are far more patients in downtown Columbia than in any other area of our City. To say that those patients can just jump in their cars and drive to the remote areas of town to get their medicine is wrong. It -- it is the case that many of these patients are severely disabled and that it is a hardship on them to have to go a long distance to get their medicine. There's simply no

logical reason why they should have to. This is a very conservative proposal, but this town is not a very conservative community. When it comes to this issue, this town is extremely enthusiastic in its endorsement of this issue. The -- the idea that we should restrict dispensaries to second-story locations is just absurd. Apparently, it is cited that in Boulder, there is a similar regulation. Well, I've looked that up. In Boulder, it applies to two very small areas of the city, not to the entire downtown. It applies to the mall and the University Hill commercial area, and apparently Boulder, to the best of my knowledge, is the only community that has any rule similar to that. You know, the mentality here seems to be that we want to maintain the stigma, that we want to -- we want to hide medical marijuana. We don't want this in our community. We don't want this out in the open. We don't want it where people can see it, and we don't want patients to be -- to be allowed to purchase the medicine they need openly. We want to hide them away. I honestly think that's part of the mentality that underlies this approach, and it's wrong. It is absolutely wrong. The fact is that although it's reasonable to speculate that these dispensaries, because they are currently forced to deal in cash, might attract crime, but the reality, and if one researches, and it's not difficult. If one researches the facts about this, indeed, the evidence is that there is less crime in the vicinities of medical marijuana dispensaries, and that's been demonstrated multiple times. There is no evidence to support the notion that these dispensaries attract crime. Now we all know that patients, many of them, will have a difficult time climbing stairs, and the intent of the staff apparently is that they won't have that opportunity. The intent is to eliminate any possibility of dispensaries from downtown Columbia. So, indeed, there won't be any second-story dispensaries. There won't be any dispensaries downtown if these rules are enacted, and that is just unacceptable.

MS. LOE: Are you willing to take questions, Mr. Viets?

MR. VIETS: I would be happy to take questions.

MS. LOE: Mr. MacMann?

MR. MACMANN: Thank you, Madam Chair. Mr. Viets, hello. How are you? I have a procedural question. Given that this is not a Commission-generated document, this is a staff-generated document, what would you like us to do?

MR. VIETS: To recommend to the Council that they reject at least several provisions of the staff document. To recommend to the Council that they waive the 1,000-foot requirement. At least a half-dozen other cities around the state are already doing so. St. Louis and Kirksville have eliminated the buffer as to dispensaries. Ellisville, Creve Coeur, and St. Joseph have all reduced it to 300 feet. Boonville is considering a similar step. Many other cities are considering similar steps now. Columbia should not be at the bottom of that list. We should be at the top.

MR. MACMANN: Let me return to my initial question. Are you suggesting that we vote to reject the staff proposal?

MR. VIETS: That you vote at least to modify it.

MR. MACMANN: All right. Thank you, Mr. Viets.

MS. LOE: Ms. Rushing?

MS. RUSHING: I have a couple of questions. The first is do you believe that any provisions of the proposed ordinance are not allowed by the statute, by the constitutional amendment?

MR. VIETS: I'm not sure if I understood your question, but --

MS. RUSHING: Are any of the -- the provisions --

MR. VIETS: Uh-huh.

MS. RUSHING: -- of this proposed ordinance contradictory to the amendment?

MR. VIETS: Yes, I believe they are, and I'm glad you asked that question. Article XIV of our State Constitution states that while local governments can enact reasonable time, place, and manner regulations, it says that no local government shall prohibit either expressly or through the enactment of ordinances or regulations that make their operation unduly burdensome in that jurisdiction. And, yes, I think it's certainly a valid point that especially the second-story requirement is unduly burdensome.

MS. RUSHING: Okay. And you are saying that we are basically acting precipitously. Are we the only city who is considering or passing these regulations at this time?

MR. VIETS: Let me be clear. I'm not accusing the Commission of doing any such thing, but I think the recommendation by the staff that you have to act -- that our City has to act by June 4 is -- seems at least precipitous. And the short answer is I don't think other cities see June 4 as a deadline. I'm not aware of any other city that regards the 4th of June as their hard and fast deadline to enact regulations --

MS. RUSHING: You mentioned St. Louis and Kirksville and --

MR. VIETS: They had acted as to waiving the -- as to waiving the buffer zone. I'm not sure that they've acted in terms of any other regulations.

MS. LOE: Mr. Stanton?

MR. STANTON: From your experience, your research, your just overall verseness in this subject, what is the impact on the density of dispensaries or any of the other facilities that we're allowing in this ordinance on property values, on crime? I'm -- I'm -- let me make it more clear. I live two blocks, three blocks from here. My concern is that my neighborhood will be exploited, that available office space or available, you know, place around my neighborhood, and my neighbors are not in a position to get this license, you know. The level of entry to get into this business is kind of out of the hands of my neighbors. So, basically, I'm going to have people coming in, taking advantage of my neighborhood, and my neighbors are not going to directly be able to benefit from it from the economic standpoint. Do you hear where I'm coming from?

MR. VIETS: I do.

MR. STANTON: So I'm almost -- I kind of like the varies of 500 or 1,000 kind of -- kind of creates a buffer for my neighborhood because I don't want ten or fifteen dispensaries in my neighborhood and none of them are owned by my neighbors, and we don't reap the economic benefits. We may lose because our property taxes and property values may go up. We may be gentrified out of our own neighborhoods. So what does your experience tell you about those kind of issues in a place that you have --

MR. VIETS: I can tell you that in drafting Article XIV, we certainly intended that people of limited means would be able to compete in this marketplace, and we have maintained that position with the Department of Health and Senior Services. And they have dramatically reduced the -- not the rule, but implication that one has to have a great deal of liquid assets in order to apply for a license. And I have -- I have advised people of limited means who seek licenses, and I advise people of -- and I'm -- I'm of them of limited means to join into a partnership. And I think that -- that people who may have very little money, indeed, to invest could still become part of a consortium of investors who apply for a license. Beyond that, of course, there -- there aren't going to be dispensaries located in residential neighborhoods, but the effect of all the -- based on all the research I've seen, the effect of the presence of dispensaries in -- in the neighborhoods where they are located in 32 other states. I mean, we're not reinventing the wheel here. This is something that has been around since 1996. The effect has been positive. I think that there is no reason for any -- any neighborhood to fear the location of a dispensary, but, indeed, they should embrace it with open arms. The effect, according to the data and the science that's been published, is a reduction in crime and an enhancement of property values, but I don't think it's going to lead to gentrification, certainly not -- not just a dispensary.

MR. STANTON: Okay. Thank you.

MS. LOE: Ms. Burns?

MS. BURNS: Mr. Viets, your comments were generally directed towards dispensaries.

MR. VIETS: Yes.

MS. BURNS: Does that mean that as far as the other language that's included in this text amendment concerning cultivation, manufacturing, and testing, you agree with that?

MR. VIETS: Well, I don't think it's -- we're not arguing that we should have cultivation centers or testing centers, for that matter, downtown.

MS. BURNS: The zones that they're placed, how the text amendment is reading, are you in agreement with how staff has addressed those particular -- the three other issues as far as --

MR. VIETS: That is consistent with what I think other cities in Missouri have done, yes. Having different regulations, different buffer zones specifically for dispensaries as opposed to cultivation centers and manufacturing and testing makes perfect sense.

MS. BURNS: Okay. So you agree with what staff has proposed for the testing, manufacturing, and cultivation?

MR. VIETS: Yes. If you want to force me to put it that way, yes.

MS. BURNS: Okay. Thank you.

MR. VIETS: I agree with the staff on those points. I agree that there should be different regulations for dispensaries versus the other licensed activities.

MS. LOE: Any additional questions for this speaker? Mr. Viets, I had a question. We were guided in part in our discussion by the proposal itself, which I agree was supported by the voters of the

state. That proposal included a 1,000-foot setback. Can you tell me why you set the setback at 1,000 feet if it -- since it now appears you don't agree with that?

MR. VIETS: We included it because we wanted to see this measure pass. We wanted people to be reassured that there was nothing to worry about. Indeed, there is nothing to worry about from being in proximity to a medical marijuana facility. We specifically and the very sentence that creates that setback says unless local governments choose otherwise, that there shall be a 1,000-foot buffer zone. As I said, many other communities in our state have already moved to waive that requirement as to dispensaries. Columbia should be in the forefront of that, not lagging behind, not very conservative, but embrace this measure which our voters clearly embraced themselves.

MS. LOE: Thank you. Mr. Stanton?

MR. STANTON: To that point, our thought was maybe being -- it's easier to loosen a regulation than to tighten one up later; see what I'm saying? So we're thinking we can always shrink it once we see how things go.

MR. VIETS: Yeah, I know. And I think --

MR. STANTON: If you start -- if you start at around the corner at 200 feet and then all of a sudden, we have problems and then we try to say 1,000 later, I personally feel like that would be harder to do than to go --

MR. VIETS: Well, it might be, but I just don't think there's any cause for that concern. Think about how many bars do we have downtown. Now I hope you all realize no one is going to consume cannabis in a medical dispensary or near it, or they're going to be arrested. You know, that is not legal. There will be no consumption of cannabis in or near any dispensary. But think about the bars downtown. I mean it frankly seems kind of silly that we wring our hands about the presence of a medical marijuana dispensary when we have a bar on, I think, every block, there's somebody selling booze on every block of downtown Columbia. How in the world can we be worried about the presence of a medical marijuana dispensary when there's a bar on every block of downtown Columbia? You know, it doesn't make any sense.

MS. RUSHING: Well, one difference that I can think of is the federal law that makes marijuana illegal requires these businesses to do their business in cash, and that is a significant difference that we have discussed when we have been looking at this regulation.

MR. VIETS: You know, it's actually harder to rob a place and make a getaway downtown than it is out on the Business Loop or other remote areas of town. You know, the banks that get robbed mainly are the ones out on the edge of town. They have a lot of cash, too, you know. Banks do get robbed, but the science and the research demonstrates that -- that dispensaries are not a crime magnet. There is not an -- there is a decrease in crime around dispensaries.

MS. LOE: Mr. Stanton?

MR. STANTON: I lost my question.

MS. LOE: We'll come back to you. Mr. MacMann?

MR. MACMANN: Excuse me. Just to follow up, given our work session conversation, and Mr. Anthony and other Commissioners' concerns, I started doing research, which I'm sure Mr. Viets has done about crime with these so-called cash businesses. Now, I did not look nationwide. I concentrated on the four states that we -- Colorado, California, Oregon, and Washington. They are not seeing an increase in crime. They're actually seeing decreases in crime. While I think it might be intelligent to consider a potential increase in crime, it's just these places are not seeing this. There is none of this concern over gunplay or cash hauling that might go on. It's just -- it's just not occurring. And these places, and I'm sure that will be in Missouri, are extremely secure, so --

MS. LOE: Question for this speaker?

MR. MACMANN: I was reinforcing and responding to Commissioner Rushing. Thank you, Mr. Stanton [sic].

MR. VIETS: Thank you.

MS. LOE: Mr. Stanton?

MR. STANTON: Oh. I remember what I was going to say. Okay. Wouldn't it be naive of us to anticipate a potential recreational legalization in the future, and if we're not thinking ahead and we make 200-foot buffers and then it becomes recreational, then -- then your argument concerning medical marijuana usage publicly would kind of be out of the window. So wouldn't it be naive of us not to think ahead of that?

MR. VIETS: Well, I think it's wise to think ahead, but we're not going to see adult legalization anytime in the near future in Missouri. All the polling that's been done indicates support for that is about 20 points lower than it is for medical. It hovers around 46 percent now. It's not going to increase overnight. Yes, at some point in the future, I think that -- that, indeed, it's likely that there will be some form of adult use legalization, but there is nothing that says we have to have the same rules for those activities that we do for medical, and I submit that we should not have the same rules. And I don't think any state has the same rules -- any of the ten states that have legalized, plus Washington, D.C., they all have very different rules for medical versus nonmedical adult use. So we're not locked into doing the same thing whenever that day may come, but it's not coming around the corner. It's not going to happen in the next few years.

MR. STANTON: Thank you.

MS. LOE: Any additional questions for this speaker? I see none. Thank you, Mr. Viets.

MR. VIETS: Thank you very much.

MR. FABER: Good evening, Commissioners. My name is Steven Faber; I live at 3004 Woodbine Drive. And I want to restrict my comments to dispensaries because as -- as it's been explained -- and excuse me. I sit on the board of the Missouri Cannabis Industry Association, as well as the Mid-Missouri Chapter of NORML. As it's -- I want to first address a couple comments about the -- the neighborhood impact that Commissioner Stanton mentioned. DHSS has provided in their draft questions that are likely to be on the applications, there's a couple questions that do address that. It asks how are you going to

incorporate diversity into your operation. That's one question. Another question perhaps asking it the same way is how are you going to reflect the community in your -- in your operation, whether it be ownership or -- or employment. So I did want to address that for Commissioner Stanton. And I started to say it's all about the patient. The DHSS, Dr. Williams, who heads that -- he's an OB/GYN, he made it clear to his staff in drafting the regulations that the North Star is availability to patients. It's about getting medicine to people who need it. Columbia has always been a star when it comes to accommodating people with disabilities and with different kinds of abilities, means. And a lot of people who need this medicine live right in M-DT. The precincts in M-DT, as Mr. Viets pointed out, were well over 80 percent and some were even 90 percent endorsing in favor of medical marijuana on election day. And you all might recall, I think it was about two years ago, that our City Council passed a resolution endorsing medical marijuana in a very strongly worded -- worded resolution. So here we are in Columbia, a community that -- that really cares about its citizens who may be disadvantaged. And for the City to say we're no longer to make -- make this available to people who -- who can't afford to get in a taxi, can't afford an Uber, or don't have a car, to be able to walk somewhere in Columbia to get their medicine, to say that we're not going to accommodate those people, that's hypocrisy. You might as well just come out and say we don't care disadvantaged people anymore. You know, let -- let's be honest with ourselves about what we embrace in this community, and this is -- this is certainly part of it.

MS. LOE: Thank you, Mr. Faber. Are you willing to take questions?

MR. FABER: Absolutely.

MS. LOE: Are there any questions for this speaker? Mr. Stanton?

MR. STANTON: I'm glad to hear that on the application. My concern is we have problems meeting women and minority business enterprise goals now.

MR. FABER: Absolutely.

MR. STANTON: How is that going to be enforced, and I'm still concerned about my neighborhood because I feel that that's just a smokescreen. I really feel like if these buffers retract any more, my neighborhood is going to be exploited. I'm grabbing information you guys are giving me, and I'm going to have to do my own research on the application and all of that. Yes, joint ventures are great. I didn't hear any of that until you just told me, and I'm on the Planning and Zoning Commission, and have been talking about this stuff for two months; you see what I'm saying? So if I don't know about it, I'm sure nobody else in my neighborhood has heard about it. How is that getting out? How do you get it out? What examples have you seen joint ventures take place? Is there any in St. Louis? Is there any in major cities that I can look at, refer to, best practices, all of that. That's what it's going to take for me because I feel like, from a land-use perspective, the disadvantaged live in what the price of land is cheaper. And if the zoning allows things to happen in those zones, they will be exploited and I -- I just -- I'm not sold on that.

MR. FABER: I'm hearing several different concerns from you, Commissioner Stanton. One of those is a large number of dispensaries saturating your neighborhood. DHSS has made it clear that, at

least for now, they're only going to allow the minimum number that they're required under -- under Article XIV of the Constitution.

MR. STANTON: It would be, like, six; right -- for us? I can't -- I don't have the numbers in front of me.

MR. FABER: And they have also -- it's kind of interesting the way the numbers play out. Legislative districts, there's roughly the same number of legislative districts in a congressional district that there will be dispensary licenses for that congressional district. So if there are -- and I'm not sure about this -- if there's three Missouri legislative districts touching Columbia, maybe there's four. Somebody smarter than me probably knows this. Then that's probably the number of dispensaries we're going to have for the City of Columbia. It's -- and it's my hope that it's done that way. I think that's a smart way to do it because then you're distributing dispensaries according to population density, and that's the way it should be.

MR. STANTON: Which pushes my point. Then the big boys that have the money on deck right now that don't need a joint venture are not going to really be worried about joint venturing with a disadvantaged women or minority business enterprise.

MR. FABER: I believe that they will need to do that to make -- for their application to be accepted, because there's going to be a lot of competition for it, and DHSS -- and the -- our legislature has had a bill to allow extra points for minorities, for women, for veterans, and so forth. And I believe, and Mr. Viets maybe will help me with this. I believe that has been tried in other states and struck down as unconstitutional. So by putting it in the application process, I think their attempt -- they're trying to accomplish the same thing by saying, you know, what are you going to do in your business to, one, reflect the community where your facility is and, secondly, to have diversity within your -- your ownership and your -- your employment.

MR. STANTON: Thank you.

MR. FABER: And I would like to make one other point. I have an ownership interest in some property that is about 1,010 feet from a church. So if you keep the 1,000-foot barrier, you're going to make me wealthy because it's going to be very unique to find property like that close to downtown. Please don't do that. I don't want my property -- I would -- it's perfect for a dispensary. I'd love to see it be a dispensary, but I don't want that to happen in the -- in the detriment of the people that need medicine who live right around here.

MS. LOE: Are there any additional questions for this speaker? I see none. Thank you, Mr. Faber.

MR. CAMPBELL: Hi. Bobby Campbell; I live at 5706 South Sundance Drive. I guess, you know, we all struggle with this issue of whether we agree with this law or don't agree with this law; right -- and how do we approach it. And I think we have a couple ways to approach it. My personal way of approaching it is proceeding as a medical issue and then as an economic issue. And as a medical issue, personally to me, if you're talking about how dispensaries and how the law is written, we should approach

it as a way. If it's a medical issue and we take out its face value if people are using it, how do we best provide people with medicine; right? And so as opposed to why there's a 1,000-foot setback, shouldn't we be writing this amendment that gives people access to the medicine they -- that we're going to assume they need, and that the 1,000-foot setback is too arbitrary to do that and that we should be looking at it as an issue of how do we give people best access, and we disperse the dispensaries in a way that allows people to get access to the medicine they need; right? And so, that's the law; right? People need medicine; how do we get them their medicine and what is the best way to do that. So it may -- and I'm a little bit ambivalent about the dispensaries, but I understand what the City staff is trying to do, but how do we help people get medicine? So I think at the basis, we should approach it like that. And then as an economic issue, and I -- can I ask the City staff questions?

MS. LOE: Are you open to questions? Yes.

MR. ZENNER: Yes.

MR. CAMPBELL: Are we -- I mean, are we only set at two cultivation facilities? Is that the law that Columbia can only get two cultivation facilities?

MR. ZENNER: That is what we are proposing. It is based upon -- again, it's modeled after the State. The State's cultivation licenses per the Amendment are one per one hundred thousand population as of November 2018.

MR. CAMPBELL: Okay. So --

MR. ZENNER: So it's a total number of licensures at the state level per one --

MR. CAMPBELL: For the City of Columbia. So even it's --

MR. ZENNER: We are -- we are modeling after -- our licensure limitation is modeled after that.

MR. CAMPBELL: Do we have to do that?

MR. ZENNER: We do not have to. We don't have to do anything that's in the ordinance at this point. We are making a recommendation from staff as to what we believe is necessary for an orderly integration. Council has --

MR. CAMPBELL: But we could have more cultivation?

MR. ZENNER: The Council is ultimately in charge of what they want in the way of licensure limits, if any, as well as the distance in the separation.

MR. CAMPBELL: But if Columbia wanted to have more cultivation facilities, that would not be against the law?

MR. ZENNER: If the law -- if the law is -- if the law is passed the way that it is being proposed by staff --

MR. CAMPBELL: But that's the staff's recommendation/

MR. ZENNER: If the law is passed as the way it is proposed by staff by City Council, there will only be permitted two licensed cultivation facilities, two licensed manufacturing facilities, and six dispensaries.

MR. CAMPBELL: But we could have more cultivation facilities if we wanted to in the City of Columbia?

MR. ZENNER: Only -- if the State issued a license for the additional cultivation facility and we did not have a permitting limit in the regulation adopted by City Council, it is possible.

MR. CAMPBELL: Okay.

MR. ZENNER: But right now, what is proposed is a maximum of two based on one per one hundred thousand, and the way that the ordinance is written, or fraction thereof. The City's current population is 125,000.

MR. CAMPBELL: Okay. But that's how you've written it?

MR. ZENNER: That is correct.

MR. CAMPBELL: Okay. So that's jobs, Anthony, for people. It's not dispensaries, it's jobs, it's tax base for the City of Columbia. We are in this huge agricultural corridor between Kansas, Missouri, and Illinois, that we lead the nation in; right? And this is an opportunity for Columbia. So I understand the dispensary limits. I don't understand the cultivation limits. I don't understand why we limit the ability for partnerships with the University, partnerships for jobs, partnerships for the Columbia -- the economy of Columbia by limiting the number of cultivation facilities in the City limits. That doesn't make sense for me. I don't think that's a negative for Columbia, I think it's a positive for Columbia. I think it's good for everybody here. The law is the law, whether we agree with it or disagree with it. And so that's just my question, so anyway, thank you.

MS. LOE: Thank you, Mr. Campbell. Are there any questions for this speaker? Mr. Stanton?

MR. STANTON: Well, a wonderful point -- jobs, jobs, jobs. That's usually the best pitch that most people make. Jobs in dispensaries would be people that are working almost like in a lab type environment. If you're not growing it outside, and most of this will probably be grown inside, so how many jobs really are you going to create? I'm not knocking it, but I don't see the infrastructure in creating those jobs for my neighbors or anybody else that's not already in the system. So to have that argument, yeah, that's what most -- jobs, jobs, jobs, but where is the infrastructure to create those jobs unless you have some evidence that I can read upon to get that to change my mind.

MR. CAMPBELL: Well, I was saying in general, to run a cultivation center, it's just like running a farm. You've got to get people to work on it; right? And so I don't have research. I just think, A, if you're bringing a bunch of cultivation facilities into the City of Columbia that are growing, that you're going to have -- you're going to need people to work that, and we have a really low unemployment rate right now. And so we are going to -- there are going to bring you more and more people that come into the workforce to work in those places. And, number two, it's more money for the City, too. So -- and the City that is strapped for cash right now, that has all these problems, it's more money for the City when it needs more money. And it doesn't affect communities in that we need 16 more dispensaries to do that. We don't need 16 more dispensaries to do that. And then on top of it, it dovetails with what we have going on in the University, which is research; right? And so, you know, we have an opioid crisis; right? And so I

think part of the idea of medical marijuana is is that how do we approach that crisis and there is -- is there alternatives to dealing with that crisis, and we have a University that does research all the time. So why not bring those people who are cultivating and doing research and pair them with the University and try to make a positive out of, you know, what is ever -- what is happening with the law.

MS. LOE: Mr. Harder? I'm sorry. Mr. Stanton, were you done?

MR. STANTON: Yeah. Thank you. Thank you.

MS. LOE: Mr. Harder?

MR. HARDER: Thank you for all of the information. I'm a little bit unaware of all this, so it's kind of -- kind of opened my eyes up a little bit. I don't see myself getting a medical marijuana card, but someday in my life, I may need one. The question I have is the grow facilities that would be in Columbia. Is there a limitation on where they can actually -- that can be sold? Is it just -- is it anywhere in the state or is it just in this congressional district?

MR. CAMPBELL: I think you can sell -- and City staff would probably know better than me -- anywhere in the state; right?

MR. ZENNER: We cannot import, but we -- you can only sell what you grow within the State of Missouri.

MR. CAMPBELL: Yeah. So you could grow it in Columbia and sell it anywhere in the state.

MR. HARDER: Okay. Okay. Thank you.

MS. LOE: Any additional questions for this speaker? Mr. Campbell, I just want to say, you were talking about getting medicine to the patients. This hasn't been brought up, which I find interesting, but one thing we looked at as a Commission is whether or not the 1,000 feet would impact adjacency to the VA Hospital, and it does not impact the commercial zoning next to the VA -- closest to the VA Hospital. Thank you for your comments.

MR. KEETH: My name is Douglas Keeth; I live at 3200 Shoreside Drive. My wife and I moved back here 17 years ago. We left in 1970 when I graduated from the University. I'm retired. My last job was with United Technologies Corporation, which you would know perhaps as -- they're a member of Dow Jones Industrial 30. You know them as Pratt Jet Engines, Otis Elevator, Carrier Air Conditioning, Collins Space Avionics, Sikorsky Helicopter, when I was there. They employ a quarter of a million people. I was vice president of finance, corporate office. I have a couple of comments here. I collected 3,000 signatures for this petition. One person looked at the entire petition -- only one. He took it with him and wandered off somewhere and came back and signed it. One other person looked beyond the signature page. On the signature page, it does not mention a 1,000-foot setback. It's preposterous to me that these people signed a petition to get this on the ballot and knew anything at all about that 1,000-foot setback. I had read it. I don't particularly like it. I am offended. I have cancer. I take chemotherapy every day. And it's offensive to me that you need protection from me to buy medicine, or from any of the other people that I met that said thank you for doing this. That's about it. I'd be happy to take questions.

MS. LOE: Are there any questions for this speaker? Mr. Keeth, my comment about the support being shown for 1,000 square feet was the language as it appeared on the ballot that was voted, not on the petition. I did not see the petition myself.

MR. KEETH: I understand. But, you know, I don't really think people saw this detail. I mean, if you think so, fine, and I know it was available, but that's not how I saw people making up their minds about this. People made up their minds by saying, yeah, that's a good idea. And by the way, I don't like getting high. I don't really think that medical marijuana is going to help my side effects from my chemotherapy. I'd be delighted to discover that, but I -- people that -- people that go to dispensaries and buy this medication, they're not a problem. I mean, they -- I know I had many people step forward and say thank you as I collected these signatures, and they told me about their illness. And, you know, they just weren't -- they're not going to be problems, you know. They -- they were represented by -- by mostly women with -- I forgot -- I'm sorry. I've forgotten all the diseases, but I'm not sure what we're protecting here, and I also am not sure what it is that you want to come into Columbia and have a business that isn't going to gentrify your community. I understand and applaud your efforts to defend your country from -- your community from gentrification, but I think that's what we want in Columbia; right -- is -- is more jobs and more businesses. And I don't know how keeping a dispensary -- I don't know how keeping this law in place helps your -- helps prevent that for you. And why would we not protect them from lawyers? I mean, I think they're more trouble. Anyway --

MS. LOE: Any additional questions for this speaker? I see none. Thank you, Mr. Keeth.

MR. BURNS: My name is Richard Burns, and I live at 310 East Brandon Road. And full disclosure, my wife, Tootie is on the Commission, and I am an internal-medicine specialist at the VA Hospital. So another disclosure, I cannot certify any patients for medical marijuana because I'm a federal employee, so no VA physicians are able to certify physicians -- certify patients to get medical marijuana. I just want to make a couple points, just -- I don't have a particular dog in the fight with respect to where these -- place the facilities go, but I do think it's good that everybody has the big picture, and I haven't heard many physicians come up and talk to you all or share information. Doctors -- physicians can't prescribe medical marijuana, so what happens is, and I've got a page on the qualifying conditions here in the state of Missouri, and it varies from state to state. A patient may come to me and if they have a qualifying condition, I can certify them for medical marijuana, but I don't have to. I'm not forced to do that. If let's say they have glaucoma and I don't feel comfortable certifying them, I don't believe medical marijuana has been studied enough or is a good idea, I don't have to do that. But if I -- if I do agree, then -- then there's going to be an electronic website created by the State of Missouri. I put in information, the State takes -- or the patient takes the application to the State, and they will get a card at some point, and then they'll be able to take it to the dispensary. And at the dispensary, it's the people behind the desk that are really going to be doing the prescribing. They are the ones that are going to be recommending how much, what type, what concentration. It's not going to be the physician. It may be the patient, to some extent, if they have knowledge, but most of the time, it's going to be the staff. And I

think that's different than in a pharmacy where you have, you know, a trained pharmacist that have had a lot of years of education. The experience from -- as far as staff behind the counter varies from state to state, and I don't know what the State of Missouri has in mind for the training for -- for these people. So -- so that's one point. And I guess the other point as far as demand, I don't know really what the demand will be for medical marijuana. Physicians in general are a conservative group, and I think that there's going to be some reticence until there is more research to certify patients for medical marijuana. I don't know the answer to that. So I think that, you know, time will tell. I also think a lot of our patients that will be seeking medical marijuana have already been physicians, they have accessed services, they have been to pharmacies, and they really are on their last leg and they need help. But I don't know if there's -- there's going to be a new population of patients that are going to be out for the very first time seeking medical marijuana. I don't know the answer to that. I don't think so. So really those are the two major points I wanted to make, and I would be happy to answer any questions.

MS. LOE: Thank you. Are there any questions for this speaker? Ms. Russell?

MS. RUSSELL: Do you have any objections to this ordinance other -- I mean, this was great information you gave us, but in regards to this ordinance that we're hearing today?

DR. BURNS: You mean the amendment, the State amendment on medical marijuana?

MS. RUSSELL: Yeah. No. The one that we are talking about tonight.

DR. BURNS: No. I just think as far as demand and -- and really the proximity, whether it's 200 feet or 1,000 feet, I guess I would be cautious, and I would ask a lot of questions about what the real demand is going to be. And so -- and I don't know if we know the answer to that. That's -- that's my -- my --

MS. RUSSELL: Okay. Thank you.

DR. BURNS: Yeah.

MS. LOE: Any additional questions? I see none. Thank you, Mr. Burns.

MR. PECKHAM: My name is Nick Peckham; I own the building at 15 South Tenth Street, and I'd like to touch on three areas. One is urban design, the second is business and public policy, and the third is the Planning and Zoning Commission. With respect to urban design, as the speakers before have already stated, there seems to be -- except for the fact that Article XIV includes the 1,000-foot separation, there seems to be no good reason to have that, especially downtown. I can imagine a person coming downtown and using one of the more than 4,000 public parking spaces to go shopping, but then have to drive elsewhere to get their medical marijuana. That seems like poor urban design. In fact, I agree with Mr. Zenner that medical marijuana dispensaries are perhaps a little bit different than drugstores, but, in many ways, drugstores are more dangerous. They prescribe drugs that kill people. They are sometimes -- these drugs are sometimes abused. So I think that any place -- in terms of zoning, any place a drugstore could be is appropriate for a medical marijuana dispensary. And then in terms of business and public policy, the Fourth District is one of 435 congressional districts, each having about 710 individuals as of the last census. It's probably quite a bit more in the next census. And as we've

already learned, Columbia has a population of about 125,000. But that kind of overlooks or doesn't address the fact that healthcare is a major part of Columbia's economy. Nearly one in six people here in Columbia work in the healthcare industry one way or another. Columbia is a regional healthcare center serving not only Columbia and Boone County, but perhaps as far away as Kirksville to the north and quite a long way all around. It's been estimated that as much as one-sixth of Missouri's population gets their major healthcare issues here in Columbia, Missouri. Having six business licenses or any other number seems both arbitrary and unnecessary. The State may very well issue fewer than that number of dispensary licenses and, if so, then it won't be an issue. But if the State were to issue more than six dispensary licenses, it seems to ignore the points that I've already made in limiting that. And we've already heard that the State passed the Amendment 2, and now Section -- Article XIV by 66 percent, Boone County by 72 percent, and every ward in Columbia by over 80 percent. I've been here a long time and I haven't seen very many things get 80 percent of the vote. Finally, Section 24 of 29.6 regarding P & Z says that you will recommend to Council such amendments or revisions to the Chapter, which is what you have already advised on, as the Commission shall be necessary or desirable for the promotion of the health, safety, morals, and general welfare of the inhabitants of the City, and it goes on to say a little bit more. I don't believe that we have a health, safety, morals, and general welfare concern. If we do, I'd like to know what it is. If you have any questions, I'll be happy to answer them.

MS. LOE: Are there any questions for this speaker? Mr. Stanton?

MR. STANTON: Good afternoon [sic]. In your -- in your statements, it made me think of something and that -- this is to everything I've heard this evening. I live two or three blocks from here and I'm looking when I'm downtown -- I spend a lot of time downtown. I just don't see downtown being the go-to spot for medical care. I'm trying to think of how many -- and maybe I'm wrong. Please tell me, and I'm all about data. I don't go -- I mean, I go to the University Hospital or I go to Boone and then surrounding offices around those areas, but it's not like there's a pharmacy downtown that I will go to. I have Kilgore's up the street, Flow's by Boone, D&H down the street. Up -- so I guess what I'm getting at is, why do we need all these dispensaries downtown when there is nothing else medically, I deal with downtown now? I don't go see a doctor that's stationed downtown. I don't get my pharmaceuticals from downtown. What makes the medical marijuana access downtown so important from your perspective?

MR. PECKHAM: Well, I look at it in just the opposite way and that is that to put in a 1,000 -- an arbitrary 1,000-foot separation, which I presume -- and Mr. Viets might be able to give more details. But I presume that was to prevent members of a church congregation leaving church from being exposed to medical marijuana, or for small children in a daycare center being exposed to medical marijuana, or students in schools in general being exposed to medical marijuana. And by exposed, I don't know if driving by probably one of the most secure buildings, more secure than a bank because you need a card to even get buzzed in, the security of these places, which will be coordinated with the Columbia Police Department, is really quite impressive. So I don't -- I see it from the opposite point. And it's not that I

think we've got to have one at Eighth and Broadway, but to say that you can never have Eighth and Broadway seems arbitrary.

MR. STANTON: Thank you.

MS. LOE: Any additional questions, Mr. Stanton?

MR. STANTON: No, ma'am.

MS. LOE: Any additional questions for this speaker? I see none. Thank you, Mr. Peckham.

MR. PECKHAM: Thank you very much.

MR. MALLETTE: Hello. I'm Lance Mallette, 304 Hickman Avenue. And I'm going to give a patient's perspective here. So I'm a Stage 4 cancer survivor, and I guess my perspective on this is that I would recommend the most liberal standards for access, distances, kind of just across the board. I hear a little bit of fear, but I think the value of this medicine is worth any of -- any hesitations, but -- I'm a little nervous, but that's about all I have to say.

MS. LOE: Thank you. Are there any questions for this speaker? Mr. MacMann? No.

MR. MALLETTE: Thanks.

MS. LOE: Thank you.

MS. DAVIS: Hi. My name is Clarinda Davis, and I live at 3407 Lost Tree here in Columbia. And I wanted to share some information with Mr. Stanton regarding his concerns about the gentrification. I'm here for that reason. As you can see, yeah. So just to let you know, there is House Bill Number 440 that has been put up, but it's not getting any traction, of course, but what it states is that Department of Health and Senior Services medical marijuana license and certificate applicants, applicants for a medical marijuana cultivation facility license, a medical marijuana dispensary facility license, a medical marijuana infused products manufacturing facility license, a medical marijuana testing facility certificate, or a medical marijuana transportation certificate under Article XVI of the Constitution of Missouri, minority business enterprise is defined in Section 37.020, women's business enterprise is defined in Section 37.020. The Department shall consider the following when competing medical marijuana license and certificate applicants under Article XIV, Section 3 of the Constitution of Missouri. The Department shall give minority business enterprise applicants and women's business enterprise applicants a scoring bonus of 10 percent. Applicants shall include in the application a signed affidavit setting forth the facts and verifying the applicant's status as a minority business enterprise or a women's business enterprise or include a copy of the current certification from the Office of Administration that the application is a minority business enterprise or a women's business enterprise. So with that being said, it's 2019, and it's a shame that we even have to step out to ask for this, being that we were the ones that were thrown into jail for doing this, but this is out there just so you can know. They're supposedly using that as a way to ensure that there is diversity in the industry. I also agree that -- well, my own personal experience would be with all the school shootings and church shootings, I don't know if I would want to go get my medicine close to a school or a church these days, so it goes both ways. I'm just saying. I mean, it's not -- it couldn't hurt anything clearly. This is happening on a daily basis. So that's all I wanted to add to the conversation

because I know you say you hadn't heard of that. It is out there. Whether it gets support, I doubt it, but we will see. But I have your same concern, as well, so --

MR. STANTON: Thank you.

MS. DAVIS: Any questions?

MS. LOE: Mr. Stanton?

MR. STANTON: So you support the barriers as they are?

MS. DAVIS: I think it can go both ways. I think a lot of the complaint down here now is that people already have money invested and they don't want to get -- you know. So I think that's a lot of it, but like I said, it goes both ways. I don't know if I would want to go if I'm having a lupus flare, and I may -- want to have to dodge bullets because we have someone shooting up the school across the street, so it goes both ways. I mean, whatever you guys feel is fair, but, at the same time, I feel like -- like you said, there is an opportunity for people to come in, exploit our community once again and we don't get to benefit and make money and move forward, which is what I believe should be first on the table regarding this industry. We've suffered at the hands of this for many years, so --

MR. STANTON: Thank you.

MS. DAVIS: You're welcome.

MS. LOE: Any additional questions? Thank you, Ms. Davis.

MS. DAVIS: Thank you.

MR. DUGGAN: My name is Lance Duggan; I live at 4204 Steinbrooke Terrace. I am a member of Mid-Missouri NORML, Missouri NORML and also the Missouri Cannabis Industry Association, and I will be an applicant for a manufacturing license to be here in Columbia. I'm not going to start off with that point. We'll wait on that one for a minute. I did want to talk about the dispensaries. Staff had suggested that they had heard an argument that a dispensary would be the same as a pharmacy and they disagreed with that. And this was probably the only point that I have heard from staff tonight that I absolutely agree with. A medical marijuana dispensary is far more secure -- far more secure than a pharmacy. You have to have a card identification in order to be buzzed in to a medical marijuana dispensary. I can walk into any Walgreen's that I want to with a gun, if I wanted to, and jump over the desk, and I can -- I have access to any number of dangerous drugs. I cannot do that at a medical marijuana dispensary. I have to have identification. So you're right, it's not at all like a pharmacy. It's much more secure. The idea of having -- limiting medical marijuana facilities, dispensaries, to a second floor, in my opinion, as Dan said, it's absolute absurd. We're dealing with patients. They may be unable to walk well. They may need the use of a cane. They may have -- they may be confined to a wheelchair. So do we now have to take our dispensaries and add \$150,000 of expense for them to build an elevator in the facility so that these folks can get up to where they need to get their medicine? Is that reasonable? I don't think it's reasonable. I think that alone should tell you right away that confining it to a second floor, it's an unduly response. You cannot do that. It's -- it's just a little bit on the ridiculous side. The 1,000-foot rule, you know, we're beating a dead horse on that. I think everybody has got up here and said that it's -- it's excessive.

Missouri -- Columbia is a very liberal town within conservative Missouri. And so for Columbia to be the bastion of conservatism and to adopt the most conservative rules in the state seems a little odd. This town is -- is known for being a liberal town. And I'm not saying we need to have a 200-foot regulation. I think 300 to 500 is probably sufficient. Again, I agree with some of the former speakers that have talked about the bar scenarios in the downtown. It is far more likely that you will see people stumbling out of a bar that are going to be unruly than somebody who is going to get their medication. Mr. Stanton spoke of the future, of looking at adult use in the future, and the possibility that people might be coming into downtown and using marijuana in the streets. If you go to Colorado, they have, obviously, adult use. It is not allowed on the streets in public. You have to do that within your own domicile. So if you're afraid that that's going to happen here, first of all, Missouri is much -- far more conservative than Colorado. Now, it may happen in California. I'm not 100-percent certain on that. They may actually be able to in the public there, but Missouri is -- is far from California. I don't think that's a concern that you're going to need to worry about in the future.

MS. LOE: Mr. Duggan, are you willing to take questions?

MR. DUGGAN: Absolutely.

MS. LOE: Any questions for this speaker? Mr. Stanton?

MR. STANTON: Thank you for addressing my concerns. That problem -- that wasn't my concern, per se. It's the -- it's the point of sale that I'm concerned with and the -- and the density of that point of sale. Yes, the security would be -- you know, will be tighter, and I'm going to have to speak Ebonics here. The word -- the people -- where I come from, there's the drop, there's the trap, there's the place where the money is stored. If you can't put this money in a bank, where is it going? There's going to have to be some transportation happening somewhere, and what I -- I just feel these buffers just make it safer for my -- I've got to be selfish -- my neighborhood; you know what I'm saying?

MR. DUGGAN: Okay. And I understand that.

MR. STANTON: And, you know, the drop has got to happen somewhere. The -- it's got to get from the trap to the drop, and there's going to be a transportation there somewhere. How does that happen?

MR. DUGGAN: We have a few -- a few options to that. Right now, federally, we're looking at the Safe Banking Act. It has a chance certainly to pass the House. We don't know what will happen in the Senate with that. That would allow our industry to use banks, and we should be able to use banks. We should be able to do that on a state level. We should be able to do that on a local level because why is it okay for -- yes, I want to be a part of this industry because I want to get this medicine to the people that need it. My wife was one of those people. She passed away ten years ago. I was unable to do this for her. And the quality of life that this could have gave her versus the opioids that she was on, that she would take, and she was absent, she was gone. She was not present for my three-year-old, my four-year-old daughter. These are the only memories that she has of her mother. If I could have gave her this, she would have had a much better quality of life, and my daughter would have had a better quality

of -- quality time with her mother. That's what this can do for people. That's why I'm in this business. That's why I want to be in this business. And with regards to one more thing, because it is the industry that I'm looking to get into, with manufacturing, to limit the city of Columbia to only having two cultivations and two manufacturing facilities, as a cultivator or a manufacturer, the only person that as a manufacturer that I can sell to is a dispensary. I cannot sell to individuals. My obvious goal would be to sell to 192 dispensaries throughout the state. What better place for me to be located than right here in the middle of the state in Columbia, Missouri? This gives me the best access to every part of Missouri.

MS. LOE: Mr. Stanton and then Mr. MacMann?

MR. STANTON: Based on our previous speakers' insight on the bill, what is your plan to incorporate women or minority businesses in your application here in Columbia, Missouri?

MR. DUGGAN: Okay. So right now, I have a young lady that has experience. She lives in St. Louis. She was in Colorado for five years. She has experience in my industry. She will bring some credibility to my industry. My wife will be with me, as well. I'm certainly open to any minorities that want to get into this business. I want to be diverse.

MR. STANTON: Will that be part of your application? That was my second concern, that -- you know.

MR. DUGGAN: If I can find somebody -- if I can find somebody that will -- is willing to come work with me, absolutely. I don't have that right now. I'll be honest. I only have four people. Right now, I'm going to be very lean. I don't have a lot of money, so I'm not going to have some giant operation. I have enough money to get started and then, hopefully, you know, grow this thing.

MR. STANTON: The joint venture is not at -- at this point, what --

MR. DUGGAN: Not at this point. I mean, I'm relying on my money. I'm putting my -- my money where my mouth is, so to speak, so --

MR. STANTON: Thank you.

MS. LOE: Mr. MacMann?

MR. MACMANN: Thank you, Madam Chair. I wanted to return to a point that you made, and I worked in construction, and I didn't even think about this. You mentioned a number which is actually pretty correct, from what I can remember. You said about \$150K to put an elevator in. That's not too far off.

MR. DUGGAN: Uh-huh.

MR. MACMANN: And the bill does say no undue burdens. How many of the buildings that we build, we approve with land use, we mandate they spend an extra \$150K, or, at the same, with limited accessibility to handicapped people. It seems almost -- the way it's set up seems almost painfully contradictory. So you do -- you do feel, if I caught you correctly, you do feel that that's an undue burden on starting a business?

MR. DUGGAN: Absolutely. Absolutely. It's an undue burden on the patient, and this is what it's about. It's about the patient. This isn't about the business owner. This isn't about the City. This is about

the patient. So staff is concerned about the City. Most of everybody that's sitting back here behind me is concerned about the patient, and that's the difference, I would submit to you, from -- from where we stand.

MS. LOE: Any additional questions for this speaker? I see none. Thank you.

MS. PLEMMONS: My name is Gail Plemmons; I live at 17 Aldeah. I have Stage 4 liver cancer. I'm undergoing chemotherapy. I will apply to be able to purchase medical marijuana. The two restrictions that I object to regarding smell coming from the dispensaries. Sometimes when coffee is being roasted downtown, it offends me. I -- I really can't see placing excessive burdens on any dispensaries regarding smell. My other objection is to the restriction that dispensaries be located on the second floor. I'm not sure if I'll need wheelchair. Several of my friends, who will be applying for medical use, are in wheelchairs. Elevators, as we just discussed, are very expensive and would place an undue burden on dispensaries and people who will not be able to walk up the stairs. And it's an undue burden. Dispensaries need to be allowed downtown. I urge you to vote no on this issue.

MS. LOE: Thank you, Ms. Plemmons. Any questions for Ms. Plemmons? I see none. Thank you.

MR. WADMAN: Hello. I'm Warrick Wadman. I apologize, I didn't fill out a form yet, but I will after I address this. My address is 2505 Shepard Boulevard. My question is, if there were -- if there are multiple approved applications, for example, for, you know, there's three cultivations and three manufacturing for the city -- for the city of Columbia. These applicants are basing their business on the city of Columbia. And the State approves it, then it bounces back to the City of Columbia. So how will the City of Columbia address essentially the rejection of one of those three?

MS. LOE: This may be more a question for staff than the Commission.

MR. ZENNER: At this point, the business licensing process is going to -- we are still working out the details associated with it, but it is being considered from a lottery perspective, so we may very well take an approach very similar to the State's where we will specify an application -- open application period after licenses have been issued, which will be likely sometime early 2020. Give a window of applications and those that have licensures will be able to submit and it would be a lottery system after that.

MR. WADMAN: Well, is there --

MR. ZENNER: And that is still under development, so I -- we cannot -- we are not, I think, as Mr. Viets may have pointed out earlier, we are under no hurry to establish our business licensing procedure at this point. We are -- we believe we are under more of a deadline to establish minimum criteria given the application window is August and licensure, if it is taken to the maximum, extends to the end of the year. I can't -- other than that, I can't speak to what we may or may not develop as a procedure because we haven't had an opportunity to fully vet that internally within our City staff.

MR. WADMAN: Okay. Thank you.

MS. LOE: Thank you. Are there any additional speakers on this topic tonight?

MR. FUCHS: My name is Anthony Fuchs, and I'm at 507 Ridgeway Avenue. And I will be upfront with my interest in it. Speaking to you tonight, I have a vision of a beautiful boutique dispensary somewhere located in the boundaries of downtown Columbia, Missouri. I'd like to and can elaborate on what some of the other speakers have said here tonight and especially the percentages of the vote that took place in the precincts that comprise and are next to the central business district downtown. In fact, the central business district downtown was the lowest of the plus 80 percent for Amendment 2 votes, and the highest was 1M, which is adjacent to the central business district. It was 93.5 percent yes on Amendment 2. So just to continue that thought of how overwhelming the people of the state of Missouri considered this amendment and passed it. The second-floor provision in the proposed ordinance I believe is in direct conflict with Article XIV, Section 11, and if it's not in direct conflict with the language in that section, it's at least against the spirit of the law to allow access to medicinal marijuana to those in the city of Columbia. The city of Columbia is well known for its ADA setup downtown, not to mention also that it is part or the hub of the City bus routes which are up there on Walnut Street. I was looking at some of the other -- or listening to some of the other speakers here tonight, and to elaborate on what they have said, I really don't have much to add to that. I do have a question for Mr. Zenner, and that is the licensure formula, was that based upon your research of other jurisdictions who proposed the same sort of formula for their localities, or was that something that was devised basically upon the formulas in Amendment 2?

MR. ZENNER: It was devised more upon the formulas within Amendment 2 --

MR. FUCHS: Okay.

MR. ZENNER: -- not anything that was required from anywhere else.

MR. FUCHS: That you saw or some other jurisdictions putting --

MR. ZENNER: That is correct.

MR. FUCHS: Yeah. Okay. All right. Well, sitting in the audience and listening to some of the speakers talk about that, I think that, in and of itself, as you explained what they lottery situation would be after the State -- let's assume that an applicant acquires a license for a dispensary and they've already passed and jumped through every hoop that the State of Missouri has thrown in front of them, and then yet the City of Columbia is going to create this licensure lottery for you to again jump through and what -- at what cost, because the cost is already for a dispensary license, it's already \$6,000 to the State of Missouri, and then annually you pay them \$10,000 just as a fee to run your operation. So that, to me, seems like, with the other undue burdens that I see in the -- in the provisions that are being proposed to the City Council, I see that as an undue burden also. I'm going to go ahead and skip all the other stuff and just tell you a story about my time this last week here. It has to do with the City of Columbia and its unabashed goal to create revenue in multiple different places. I was here Monday night when actually the first the thing that took place was Mr. Pugh was given an honorary certificate for donating some land to the City of Columbia and being a personal friend of Bob Pugh's, I appreciated that you recognized him. The City Council recognized him for that donation of his land. However, as I sat in the audience and listened to the rest of the Council meeting, one of the items that came up for discussion was the Gateway

Park that's going to take place, that's going to be built at the southeast corner of Broadway and Providence. That Gateway Park design and its intent is for the, I believe, bicentennial celebration of the city of Columbia. I could be wrong about that, but I think that's what its main thrust to be done for, to be ready to go for is. But one of the reasons, and Mr. Peckham can back me up on this. One of the reasons for having that developed at that corner was to draw people up Broadway to the central business district. That was openly stated in that discussion on Monday night. So medicinal marijuana dispensaries downtown would provide not only revenue to the city of Columbia, and I realize the city of Columbia, if dispensaries are allowed within the local jurisdiction anywhere, they will get that tax revenue. But if they're allowed in the downtown district, then the downtown district will get that tax revenue. And also the other businesses downtown will benefit by that extra traffic that will downtown spending money.

MS. LOE: Mr. Fuchs, are you willing to take some questions?

MS. FUCHS: I am, but I one further comment yet.

MS. LOE: Time is well up -- well up. So if you can -- if you want to make a quick ten-second comment.

MR. FUCHS: Sure. A last second comment. I was in the Planning and Zoning Commission meeting in Room 1B in the City of Columbia is proposing to build another auditorium, like the Reichmann Auditorium to make revenue. So here we are, and the City of Columbia -- I think some of the other speakers have said it. The City of Columbia needs revenue. I think medicinal marijuana dispensaries and cultivation and manufacturing facilities in the local jurisdiction will create that revenue that the City is wishing.

MS. LOE: Thank you. Are there any questions for this speaker? I see none. Thank you.

MR. FUCHS: Okay. Thank you.

MR. LENU: I apologize, I didn't fill out a form before I came up here. My name is Lance Lenau; I'm born and raised in Columbia, Missouri, and my address is 104 Ripley Street, Apartment B. I was one of the top ten signature gatherers for the New Approach Missouri campaign. I scored ninth in the state. I think really what this is about is a public image for Columbia, and I would have to urge you that the public image down in Columbia when you walk down it is a bunch of drunk frat kids and frat boys and women, too, puking on the sidewalk. And what I would tell you is that the -- the presence of medical marijuana downtown will be a much more positive public image than the one you have now. Thank you.

MS. LOE: Thank you. Are there any questions for this speaker?

MR. ZENNER: Ms. Loe, if I may make one point. While we do have a sign-in sheet in the back, and if you have spoken this evening, we would like you to sign in just so we have a record of that. Our recorder that does our minutes utilizes that, as well, in order to ensure that we have an accurate name account for each speaker. So if you have not signed in, if you would avail yourself of that before you leave, we would greatly appreciate it. And there is not a requirement that you sign up if you do want to make comments. You are more than welcome to approach.

MR. PAGE: Good evening. I'm Brian Page; I live at 17 Aldeah Avenue. I'm concerned about the second-floor requirement for a dispensary, thinking about unintended consequences. Where would those situations be? It might be in student housing. I don't know. What would be the additional electric consumption as the City considers becoming more and more cautious about our excessive electric usage? I think I'd ask you to consider the second-floor requirement as having multiple unintended consequences. That's all I have.

MS. LOE: Thank you. Are there any questions for this speaker? I see none.

MR. PAGE: Thank you.

MS. LOE: We're about ready for a break up here. So were there any -- can you -- just from a show of hands, are there any other people wishing to speak on this matter? All right. I'm going to close public comment -- public hearing, and we're going to take a five-minute break. Thank you.

PUBLIC HEARING CLOSED

(Off the record.)

MS. LOE: We're going to reconvene the May 9, 2019 Planning and Zoning Commission Meeting. We are -- have just wrapped up public hearing on Case 103-2019 regarding amendments to address medical marijuana. Commission, discussion?

MR. ZENNER: If I may, Ms. Chairman --

MS. LOE: Oh, sorry, Mr. Zenner. Yes. How should we proceed?

MR. ZENNER: So this is not necessarily a free-for-all and our -- the recorder can actually get down comments and we can follow them better as well, I would ask that the Commissioners individually address concerns with the amendment as it has been proposed. Those concerns can be expressed within the three general categories that the ordinances desiring to establish the regulation on our definitions, our permitted uses and our use specific standards. I'd like to do that first, if we could. And once you have completed conversation and offered your comments for the public as well as for the minutes, you will then be asked, obviously, to take a vote. And on the vote, I would like to go through again each of the sections, so approving or denying definitions, approving and denying permitted uses. And in the permitted use section, it would be for each individual facility type, and then for the use specific standards to ensure clarity with what is being presented to City Council in the captured minutes as well as in my bulleted list of recommended changes, I would like you to take action on each individual use specific standard. And that is to ensure that we have the cleanest vote moving forward to City Council. It is likely at the end of that process there will be a recommendation for approval with modifications generally, I think, is what we could classify it as when you take it as a whole. But I want each individual aspect of the ordinance voted on. I hope that that is not too cumbersome for you, but I believe that is the cleanest approach to take as it relates to this matter.

MS. LOE: Thank you, Mr. Zenner.

MR. ZENNER: Thank you.

MS. LOE: So with that I think we're just going to proceed down the dais with comments. Mr. MacMann, would you like to start?

MR. MACMANN: That is fine.

MS. LOE: So we're going to comment --

MR. MACMANN: Standing by.

MS. LOE: Do you want to take -- identify what we're commenting on, Mr. Zenner, and then we'll go down -- or do you want comments right now on the whole amendment?

MR. ZENNER: I think comments on the whole amendment as they relate into the three broken sections -- the definitions, the permitted uses and the use specific standards. The purpose for this conversation is so each of you as a Commissioner understands where your fellow Commissioner may be. It's the next stage of actual voting on each of those individual sections that is going to be more significant.

MR. STRODTMAN: All 17 of them?

MS. LOE: All right.

MR. MACMANN: I knew before I came, Rusty.

MS. LOE: Mr. MacMann, back to you. So you're commenting on definitions, use specific standards and permitted uses.

MR. MACMANN: Just very quickly -- and we can do me all three times if you want to or how many times you go down here, this is what I'm going to say. While I do have issues with some of this wording with the distances and the second story, I consider this entire process to be specious and vacuous. This is a staff-driven event. If staff wants to submit something to Council, they should go ahead. I will be voting no on this. I thought about abstaining, but I think I'm just going to vote no. That's my --

MS. LOE: All right. So no specific comments other than your general one?

MR. MACMANN: Like I said the -- I have specific problems with some of the wording, and had we sat through and gone through the processes like we should have, maybe we could have reached where staff is now. We don't know.

MS. LOE: Thank you, Mr. MacMann.

MR. MACMANN: Thank you.

MS. LOE: Ms. Russell?

MS. RUSSELL: My late husband was exposed to Agent Orange, and he died from cancer. And we had to go to Canada to get cannabis for him, and I think we were blessed that we were able to afford it. So I think to have dispensaries here with no buffer so anybody can get to it is imperative. So I have issue with any kind of buffer for dispensaries. He could not have made it to a second story to get something had it been available in Columbia, so I don't agree with second story.

MS. LOE: Ms. Russell, just so -- because we're going to go through and vote, can you be specific about which items you want to comment on?

MS. RUSHING: She did.

MS. RUSSELL: I did.

MR. ZENNER: I think generally the way that Ms. Russell is handling this is the way that --

MS. LOE: Okay.

MR. ZENNER: -- I expected it to play out.

MS. LOE: Thank you.

MS. RUSSELL: And I agree with Mr. Campbell about not limiting manufacturing or cultivation to two. I think those should be at least four. And I think that's the only real issues I have with any of it.

MS. LOE: Thank you. Mr. Strodman?

MR. STRODTMAN: Thank you, Ms. Loe. On definitions, I'm fine with the four categories, and the actual definitions I'm okay with. The permitted use table, I would like to see medical marijuana cultivation facility permitted in M-BP. I think it should be permitted for medical marijuana dispensary facility to be permitted in -- again, in M-BP. And then on the actual use specific standards, number one, I think four dispensaries. It could be anywhere from 300 to 500 feet. I'm okay with 1,000 feet for the other three uses. Number two, I am no -- I don't think we should dictate the number of any type of business. Number three, the same -- no. We should not dictate the type of businesses or the number of businesses that are allowed. Number four, no, we should not dictate the number of business or the type of businesses that are allowed. Number five, I'm okay with. Number six, I'm okay with except for the second-story part. I do not believe that we should require in M-DT to be restricted to the second story. Number seven is no. I don't think we should require or dictate the hours of operation when it's a land -- you know -- type of use. Number eight, I'm okay with. Number nine, no -- yeah, I struggle with the mobile structure a little bit, but, you know, I look at these food trucks and the craze of all the food vendors that we see, and who would have ever guessed 20 years ago that people were going to sell food out of a vehicle and that's going to be the cool thing? So I'm going to say no that we shouldn't -- it should be required -- if it could be done in a mobile structure, then let it. Number ten, I am okay with. Number eleven, I'm okay with. Twelve, I'm okay with. Thirteen, okay. Fourteen, okay. Fifteen, no, we don't require any other business to take their signs down or remove their products from their operation, so why would we make an exception to this use? Number sixteen, no. I don't think it's -- you know, if the DHSS is going to give these permits or these licenses, that should be good enough for the City as long as they meet all the other qualifications that an ordinary business license applicant would have to do, then I'm okay with, but -- anyway. Number seventeen, I'm okay with. Eighteen, I'm okay with. Is that kind of how you want it, Mr. Zenner?

MR. ZENNER: That's well. Thank you.

MS. LOE: Thank you, Mr. Strodman. Ms. Burns?

MS. BURNS: Yes. Thank you. As far as the definitions, I'm fine with the definitions as they are stated here. As far as the permitted use table, since there wasn't much discussion on it, I'm going to say I agree with staff as far as looking at other communities and making sure that these -- we're looking at communities where medical marijuana is -- has an experience and we can draw on that. I want to talk

about the -- particularly the dispensaries. When we talk about use and where we're going to place these, I was in favor of the 1,000 foot, but now I'm looking at the maps, I'm more in favor of the 500 foot or something less in the M-DT as far as having a dispensary, and I'm fine with the other three uses as far as the processing, testing and manufacturing -- growing. Sorry.

MS. LOE: Thank you, Ms. Burns. For myself, I don't have any comments on definitions. Based on our conversation in work session, I don't have any further comments on the permitted use table. On the use specific standards, Item (qq)(1), which is the 1,000 foot, I agree with that, except that I would propose it be reduced to 500 feet from schools, daycares and religious institutions within M-DT. The only other item I have a comment on is item number six, and I don't agree that the facility should be restricted to second floor spaces. Those are my comments. Ms. Burns has an amendment.

MS. BURNS: No, not an amendment, just an additional comment. I too agree with the second-floor restrictions. I don't think those are necessary.

MR. ZENNER: Thank you.

MS. LOE: You agree with the restrictions or you --

MS. BURNS: I don't believe that you --

MS. LOE: -- agree that you --

MS. BURNS: -- should restrict to only use the --

MS. LOE: It should not be restricted?

MS. BURNS: Yes. Yes.

MS. LOE: All right.

MR. ZENNER: I knew what she meant.

MS. LOE: I didn't.

MR. STRODTMAN: He read your mind.

MS. LOE: Mr. Stanton?

MR. STANTON: Okay. I agree with staff's recommendations for definitions. I agree with everything else outside of number two, the number of cultivation facilities. I think these could be increased. And I do not like the second-floor requirement for M-DT. And I do agree with the permitted use tables as well.

MS. LOE: Thank you, Mr. Stanton. Mr. Harder?

MR. HARDER: I think a lot of the speakers tonight answered a lot of questions I have. I -- at first I was in favor of the 1,000-foot rule, but it -- it seems like more about a 500-foot rule. I think it would probably be a little bit better. The second story, I don't think that that is necessary as well too. The limiting the cultivation facilities to two, I think that number could be increased as well too. That's pretty much everything.

MS. LOE: Thank you, Mr. Harder. Ms. Rushing?

MS. RUSHING: Well, first of all I want to state that I feel kind of like Alice in Wonderland here because we're talking about medical marijuana, and if it's by a medical prescription, it should be available

in a pharmacy. But we're not in a world that allows that, so we have to deal with what we have. With that said I do not have a problem with the definitions proposed or with the permitted use table proposed. With regard to the use specific standards, I agree with my fellow Commissioners that a 500-foot separation seems more appropriate. I initially also agreed with the 1,000 feet thinking that we could make it less restrictive later, but I do agree that there is a need to -- for it to be less restrictive at the beginning. And so 500 feet, I still -- I think would be restrictive enough. And so that's number one. With regard to number five, I think we may be limit -- I think we're limited on the numbers of licenses or facilities by the State's limitation on how licenses are going to be awarded, so I'm not sure we have a whole lot of say about that. So that brings me to number five, no single tenant space may be occupied by multiple facility types. I do not recall whether that is also a reflection of State statute, and if it is, then there wouldn't be anything that we could do about it. But if it's not, I could see how some locations could have multiple facility types involved. Then on number six, I think that the second-story requirement is almost insane. I don't see any purpose for that at all. And then I have number nine, within a mobile structure. I can see particularly with cultivation or maybe even with processing, you might have a mobile structure, but I probably don't have any strong feelings about that either. But the two -- so the two main ones where I have fairly strong feelings are the 500-foot limitation and not having a second-floor requirement.

MS. LOE: Ms. Rushing, just to clarify, are you in favor of a 500 foot in all zones or only in M-DT? Just, there's been some distinction made.

MS. RUSHING: Well, I -- I think for the dispensary facilities, I would have a 500 foot.

MS. LOE: So just for dispensary, but in all zones?

MS. RUSHING: Right.

MS. LOE: Okay. Thank you. Mr. Toohey?

MR. TOOHEY: So I have a few general comments first. So first off, I agree with Mr. MacMann. I think this process is a little unusual for a text amendment change, especially from hearing the Commissioner's comments that what would go to Council from us would look very different from -- from what this is at this point. Second of all, I think we ought to look at embracing medical marijuana. You know, Mayor Treece has -- has a vision of this being -- of Columbia being a medical tourism area and I think this would add to that. So -- and when it comes to let's be more conservative now and loosen the regulations later, I don't really recall many times when the City of Columbia has loosened regulations once they have been -- once they have been approved. My comment to the actual ordinance, I don't have any problems with the definitions. With regard to the 1,000-foot requirement -- feet requirement, I don't think there should be any requirement at all -- at the most, maybe 150. The requirement for the different types of facilities based upon population I don't think makes sense. There is a large part of our population that isn't counted in the census numbers, so why we should we be using that as our basis for those types of facilities, especially with cultivation when those facilities will be able to distribute across the state? Why would you limit that potential business opportunity for owners of those types of facilities? Number five, I'm okay with. Number six, I'm okay with. Hours of operation I'm okay with. Eight, I'm okay

with. Nine, I'm okay with. Ten, I'm okay with. I don't really have an opinion about eleven or twelve or thirteen. I don't think -- I think the second-story requirement should be removed. And that's it for that section. With the usage table, I feel like dispensaries should be removed from the usage table and that should just fit in general retail. And for infused products, I think those ought to be allowed in M-C also. And that's all I have.

MS. LOE: Thank you, Mr. Toohey. Next step, Mr. Zenner?

MR. ZENNER: The next step as I would see it given the comments that have been made, there will likely need to be votes on motions for amendments of particular use specific standards as well as locations within the land use table, as several Commissioners have pointed out changes there. And I would like to do that individually, so each vote, we'll make a motion -- and Ms. Loe, I think in -- I'd like to handle this somewhat in a way similar to how we handle our Board of Adjustment. I will make the motion, if it is not incorrect, for you just for the purposes of clarity from what I just heard, or if you so choose as a Commission to make the motion and then offer amendments. But I think that there is a couple of things here that will help us just continue to move forward if you would allow me to make those motions on your behalf.

MS. LOE: We can try it out and see how it goes.

MR. ZENNER: Thank you for being cautiously optimistic that this will work.

MS. LOE: Ms. Burns?

MS. BURNS: So unfortunately, I don't have paperwork for each motion that you would be making, so I will assume City staff will be capturing that and the -- the motions, the seconds and the vote?

MR. ZENNER: Motions, seconds and votes are actually captured through the actual verbatim minutes.

MS. BURNS: Okay.

MR. ZENNER: So they will be captured in that respect as well as amendments and votes on amendments to the motions. So if we are ready, and just to -- for simplicity purposes, the first motion I will make is a motion to adopt the proposed revisions to Section 29-1.11 Definitions to incorporate a definition for Medical Marijuana Cultivation Facility, Medical Marijuana Dispensary Facility, Medical Marijuana-Infused Products Manufacturing Facility and Medical Marijuana Testing Facility as proposed in the amendment dated May 3, 2019.

MS. LOE: Do we have a second?

MR. STANTON: Second.

MS. LOE: Second by Mr. --

MR. ZENNER: Somebody will need to make a first.

MS. LOE: Oh.

MR. ZENNER: I will read the motion --

MS. LOE: You're reading it. Got it. I need a first.

MS. RUSSELL: I'll make a first.

MR. STANTON: Do we just restate what you said or I just say --

MS. LOE: No. No. No. No. No.

MR. STANTON: -- the amendment --

MS. LOE: He's got it. Ms. Russell made the first.

MR. STANTON: Okay.

MS. LOE: Mr. Stanton, do you still --

MR. STANTON: I second.

MS. LOE: -- make a second? Thank you. So we have a motion on the floor. Are we doing discussion on the motion?

MR. ZENNER: Handle it like you would handle any other --

MS. LOE: All right.

MR. ZENNER: -- just any other item.

MS. LOE: Any discussion on the motion? This is for definitions. I see none. May we have roll call, please. You have to do it, but they'll record it.

MS. BURNS: I know. Okay.

MR. STRODTMAN: You don't have to write them down.

MS. BURNS: Okay.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Stanton, Mr. Strodtman, Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. Harder. Voting No: Mr. MacMann. Motion carries 8-1.

MR. ZENNER: Motion carries 8-1. Second motion that we are going to make -- and this is going to be a little more complicated, is going to deal with the permitted use table. So this is a motion to adopt amendments to Section 29-3.2 to the permitted use table, Table 29-3.1 of the Unified Development Code for medical marijuana cultivation facilities to be permitted within the IG and the A zoning districts as presented in Attachment A of the proposed amendment dated 5-3-2019. Is there a motion to --

MS. RUSHING: So moved.

MR. STRODTMAN: Second.

MS. LOE: Second by Mr. Strodtman. We have a motion on the floor. Any discussion? I see none. Ms. Burns?

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Stanton, Ms. Rushing, Ms. Burns, Ms. Loe. Voting No: Mr. MacMann, Mr. Strodtman, Ms. Russell, Mr. Toohey, Mr. Harder. Motion fails 4-5.

MS. BURNS: Five to three, motion fails -- five to four.

MR. ZENNER: Is there an alternative motion?

MS. LOE: Yeah. So if the motion as proposed didn't go, does someone have an alternative motion?

MR. MACMANN: They're going to submit that anyway, honestly. What are we doing?

MS. LOE: Mr. MacMann, I would like to submit comments from the Commission. So if you have comments that would go toward producing an amendment, I would like them to be presented.

MR. MACMANN: I'm going to a point of order. I don't see what we're doing.

MS. LOE: We're going through the amendments --

MR. MACMANN: I appreciate that. The premise is what bothers me.

MS. LOE: I -- we understand. You've made your feelings about this clear.

MR. STANTON: I've got a question for staff. So we just made an amendment to accept it in its entirety, it voted down?

MS. LOE: No. No. No. We accepted just on cultivation in those two zones.

MR. STANTON: Okay. Got you. Got you. So we can make adjustments to that if --

MS. LOE: Right.

MR. STANTON: -- people have adjustments --

MS. LOE: If there's another zone that people want it to be in --

MR. STANTON: Got you.

MS. LOE: -- then those need to be added. That's what we should be discussing.

MS. RUSHING: But my understanding is this motion was to add those zones, and we just said no; is that correct?

MR. STANTON: For cultivation facilities.

MS. LOE: Right. Based on the draft that we have that identified cultivation in those two zones.

MS. RUSHING: Okay.

MS. LOE: And we just voted no, not to do --

MS. RUSHING: Okay.

MS. LOE: -- cultivation in those two zones.

MS. RUSHING: Okay.

MS. LOE: So what zones do we want to do cultivation in?

MR. STRODTMAN: I would like to bring up for discussion the M-BP zone for consideration for permit -- that it would be permitted -- a permitted use within the M-BP.

MR. ZENNER: IG and A, Mr. Strodtman?

MR. STRODTMAN: Correct. That was in addition to.

MR. STANTON: Are you making a motion?

MR. ZENNER: Is there any --

MR. STRODTMAN: That is just discussion that I would like to see the third category added for zoning type.

MR. TOOHEY: I would support that.

MS. RUSHING: And this is for cultivation?

MR. STANTON: Cultivation or --

MR. STRODTMAN: Only for cultivation. So as I see it, it would be a permitted use in three types of zoning, the M-BP, the IG and the A. So just an addition of the M-BP, which is the business park.

MS. RUSSELL: So are you making an amendment -- a moving for --

MR. STRODTMAN: I will if no one else has any additions they want to be added.

MS. LOE: I see none. Mr. Strodtman?

MR. STRODTMAN: So for -- I would make a motion for Medical Marijuana Cultivation Facility under the table 29-3.1, the permitted use table that we would add -- or in addition to the IG and A, that we add the M-BP be a permitted use.

MS. RUSSELL: Second.

MS. LOE: Second by Ms. Russell. We have a motion on the floor. Any discussion on this motion? Mr. Stanton?

MR. STANTON: Why that -- why that designation?

MR. STRODTMAN: You know, I see it, Mr. Stanton, that, you know, this is a -- it's a business park; it has an industrial feel. You know, it already kind of has the big warehouse --

MR. STANTON: Infrastructure already.

MR. STRODTMAN: Yeah. It has the roads for the --

MR. STANTON: Inside growing --.

MR. STRODTMAN: -- distribution. It has the electrical infrastructure. It will have the -- hopefully the buildings that are of size that the cultivation could be growing in. It has commercial HVAC, which you might even need more, but it has the infrastructure in my belief.

MR. STANTON: Got you.

MS. LOE: Any additional comments? I'd just like to comment that I guess I see business park more as an office setting and don't really see this as an analogous setting, so I'm going to vote no -- will be voting no on this. Any additional comments? I see none. Ms. Burns, may we have roll call, please.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Stanton, Mr. Strodtman, Ms. Rushing, Ms. Russell, Mr. Toohey, Mr. Harder. Voting No: Ms. Burns, Ms. Loe. Abstain: Mr. MacMann. Motion passes 6-2 with 1 abstention.

MS. BURNS: We have one abstention.

MR. ZENNER: One abstention.

MS. BURNS: Five --

MR. ZENNER: Five yeses.

MS. LOE: Or six?

MS. BURNS: I need more paper.

MR. ZENNER: Six yesses and two against --

MS. BURNS: Six for, two against, one abstention.

MR. ZENNER: Thank you.

MS. BURNS: Motion carries.

MR. ZENNER: Moving to our next land use in the permitted use table, Table 29-3.1, Medical Marijuana Testing Facilities. Motion to approve as presented in the M-DT, the M-BP and IG zoning districts as presented in the May 3, 2019 draft.

MR. STRODTMAN: So moved.

MS. LOE: A first by Mr. Strodtman. Is there a second?

MR. STANTON: Second.

MS. LOE: Second by Mr. Stanton. We have a motion on the floor. Any discussion? I see none. Ms. Burns, may we have roll call, please.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Stanton, Mr. Strodtman, Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. Harder. Abstain: Mr. MacMann. Motion passes 8-0 with 1 abstention.

MS. BURNS: Eight to --

MR. ZENNER: One.

MS. BURNS: -- one. Motion --

MR. ZENNER: One -- eight, zero, one.

MS. BURNS: Eight, zero, one.

MR. ZENNER: Moving on to the third use within the permitted use table, Table 29-3.1, Medical Marijuana Dispensary Facility to be permitted in the M-C, the M-DT and the IG zoning district as presented in the May 3, 2019 draft.

MR. STANTON: So moved.

MR. STRODTMAN: Second.

MS. LOE: Moved by Mr. Stanton, second by Mr. Strodtman. We have a motion on the floor. Any discussion? I see none. Ms. Burns, roll call, please.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Stanton, Ms. Rushing, Ms. Russell, Ms. Burns, Ms. Loe, Mr. Harder. Voting No: Mr. Strodtman, Mr. Toohey. Abstain: Mr. MacMann. Motion passes 6-2 with 1 abstention.

MS. BURNS: Six, two, one, motion carries.

MR. STRODTMAN: You're getting good at this.

MR. ZENNER: Okay. And then the final land use in permitted use table, Table 29-3.1 will be Medical Marijuana-Infused Products to be permitted in the IG -- or, I'm sorry, the M-BP and the IG zoning districts as proposed in -- I apologize -- Medical Marijuana-Infused Products Manufacturing Facility in the M-BP and the IG as presented in the May 3, 2019 draft.

MR. STRODTMAN: So moved.

MR. STANTON: Second.

MS. LOE: Moved by Mr. Strodtman, second Mr. Stanton. Any discussion on this motion?

MR. TOOHEY: I do. So my reasoning for thinking it should go in M-C is because I think this will be a fit in the Business Loop CID for some of the things that they are looking at trying to do over there. And so that's why I think it should be added to M-C also. So I will be voting no.

MS. LOE: Mr. Stanton?

MR. STANTON: Can we add an amendment to what's already on the table --

MS. RUSHING: To include that?

MR. STANTON: -- to include that without shutting the whole amendment down?

MS. RUSHING: Because that's how I got confused at the very beginning.

MR. STRODTMAN: I would be okay to making the amendment to my motion to include M-C as a permitted use for Medical Marijuana-Infused Products Manufacturing Facility.

MS. RUSHING: And your second?

MR. STANTON: I hold my second. Okay.

MS. LOE: We still have a motion on the floor. Any further discussion?

MR. TOOHEY: I will now support this motion.

MS. LOE: Thank you, Mr. Toohey. Seeing none, Ms. Burns, may we have roll call, please.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Stanton, Mr. Strodtman, Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. Harder. Abstain: Mr. MacMann. Motion passes 8-0 with 1 abstention.

MS. BURNS: Eight, zero, one, motion carries.

MR. ZENNER: Thank you. That gets through the permitted use table, and now we are going to go into the use specific standards. And this may be a little bit -- we're going to probably do this a slightly different way than we just did these, because we're not going to go through 18 uses and ask you to individually vote on 18 uses. I will leave it to the discretion of the Commissioners to pose a motion forward as to how they would like the use specific standards adopted. That could -- that motion could include modification of particular numbered items that are within the use specific list such as the distance, such as the second story location, licensure limitations. It is how you would like to frame that motion.

MS. LOE: Understood. So let's start with number one, which is the 1,000- foot distance.

MS. RUSHING: I'll make a motion to amend number one of the use specific conditions to read no facilities shall be located within 500 feet of an existing public or private elementary or secondary school, family day-care or religious institution as those terms are defined in Chapter 29.

MS. LOE: Thank you, Ms. Rushing. Is there a second?

MR. STRODTMAN: Second.

MS. LOE: Second by Mr. Strodtman. We have a motion on the floor. Any discussion?

MR. ZENNER: She said -- point of clarification. Was that for dispensary only --

MS. BACON: Or all?

MR. ZENNER: -- or all?

MS. RUSHING: All. Well that as worded that's all.

MR. STANTON: Worded number one.

MS. LOE: Would you like to amend your motion, Ms. Rushing?

MS. RUSHING: I'll go forward with as is stated and then if it is voted down, then I'll go back and --

MS. LOE: All right. So the motion as put forward is all facilities, all zones, 500 feet.

MR. ZENNER: But again, if you want to vote all of the specific standards with a set of amendments, that's fine.

MS. BACON: Packages

MR. ZENNER: Package amendments together -- provisions that need to be amended together. We're trying to make this simpler on you not to go through 18 votes. You can --

MS. RUSHING: But I think that's going to be difficult to do because there were so many different positions.

MR. ZENNER: Understood.

MS. LOE: I would agree with Ms. Rushing. We need to take at least a couple of these one on one.

MR. ZENNER: Thank you.

MS. LOE: Discussion on the motion?

MR. TOOHEY: I disagree with the motion. I would think 250 for dispensaries. I would be okay with 500 feet for -- for everything else.

MS. LOE: Other discussion?

MS. RUSSELL: I disagree with 500 for dispensaries. I would like to see zero, but I could go with 250. But 500 for everything else, I could do that.

MR. HARDER: I agree with --

MS. RUSSELL: So I'll vote no.

MR. HARDER: I agree with that as well.

MS. LOE: Additional discussion?

MS. RUSHING: Let's take a vote.

MS. LOE: Yeah. Ms. Burns, may we have role call, please.

MS. RUSHING: (Inaudible) -- another amendment?

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Rushing, Ms. Burns. Voting No: Mr. Stanton, Mr. Strodman, Ms. Russell, Mr. Toohey, Ms. Loe, Mr. Harder. Abstain: Mr. MacMann. Motion fails 2-6 with 1 abstention.

MS. BURNS: Six, two, one --

MR. ZENNER: Six, two, one.

MS. BURNS: -- motion carries.

MS. LOE: No.

MS. BURNS: Motion is denied. Sorry.

MR. ZENNER: Motion fails. It fails.

MR. CALDERA: It was two, six, one, final.

MS. BURNS: Thank you.

MS. RUSHING: So I think we need another motion probably.

MR. ZENNER: That is correct.

MS. LOE: Ms. Russell?

MS. RUSSELL: Okay. I'll try. Number one, no facility shall be located -- dispensary shall be located -- not be located within 250 feet of an existing public or private elementary school, family day-care or religious institution as those terms are defined in Chapter 29. All other facilities shall be located -- shall not be located within 500 feet of an existing public or private elementary school or secondary school, family day-care or religious institution as those terms are defined in Chapter 29.

MR. TOOHEY: Second.

MS. LOE: Second by Mr. Toohey. We have a motion on the floor. Any discussion on this motion? I see none. Ms. Burns?

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Strodman, Ms. Rushing, Ms. Russell, Mr. Toohey, Mr. Harder. Voting No: Mr. Stanton, Ms. Burns, Ms. Loe. Abstain: Mr. MacMann. Motion passes 5-3 with 1 abstention.

MS. BURNS: Five, three, one?

MR. ZENNER: Three -- five, three, one. Motion --

MS. LOE: Pass.

MR. ZENNER: Motion passes.

MS. RUSSELL: We've got one --

MR. STRODTMAN: One down.

MS. RUSSELL: One down.

MS. LOE: Seventeen to go.

MR. STRODTMAN: Seventeen more.

MS. LOE: All right.

MR. ZENNER: Hopefully, they're not nearly as difficult.

MR. STANTON: Can I offer a solution here? I'm not trying to go through 18 of these.

MS. LOE: No. We're not going to amend every one.

MR. STANTON: Can we -- can you -- can everybody tell me which ones they want to amend, and I will formulate a motion to say -- I mean, I'm not going through this. I'm not doing that.

MS. RUSHING: I can't --

MR. STANTON: (Inaudible) -- that you like --

MS. RUSHING: No.

MR. STANTON: You -- you --

MS. RUSHING: Let me explain. Let me explain.

MR. STANTON: -- have a number -- you know which --

MS. RUSHING: Let me explain.

MR. ZENNER: Order.

MS. RUSHING: I can't do that because Commissioner Strodman wants to amend a whole bunch of ones that I don't want to amend, but I do want to amend the one that deals with the second story.

MR. STANTON: Okay.

MS. RUSHING: So if you put it all together --

MR. STANTON: No. Okay. So you're not hearing me. So that's number --

MS. LOE: Mr. -- Mr. Stanton, we are going to continue down the list for now. I don't think it's going to take as long for the rest of these as that first one did. We've gotten better at it. We're giving it a try. Remember?

MR. STANTON: So I can't say except whatever one you want to amend, whatever one you want to amend, everybody -- all these have a number. I can say --

MR. STRODTMAN: It's too complicated.

MR. STANTON: Four, five, six I like --

MS. RUSHING: Oh, okay. So --

MR. STANTON: -- and I want to pass --

MS. RUSHING -- we'll do this the other way.

MR. STANTON: I'm going to package the ones that we --

MS. RUSHING: No.

MS. LOE: Stop.

MR. STANTON: -- have a common ground for --

MS. LOE: We cannot talk over each other.

MR. STANTON: -- and we can fight for the ones that we want to change. Which ones do we have common ground -- I'll make an amendment to pass those.

MS. RUSHING: Okay.

MR. STANTON: But we can go and the ones that we don't have common ground, we can make separate motions for.

MS. LOE: I believe it is going to take as long to figure out the ones we have common ground at as it is just to go through this list.

MR. STANTON: Okay.

MS. RUSHING: Uh-huh. Okay.

MS. LOE: So any -- any changes on two? Any motion for two?

MR. TOOHEY: I make a motion -- actually, I'm going to make a broader motion. I make a motion that we strike two, three and four.

MS. RUSSELL: Second.

MS. LOE: We have a motion on the floor. Any discussion? Mr. Stanton?

MR. STANTON: So what you're saying is that we don't have any restrictions on numbers for those?

MR. TOOHEY: No. Because I think that based on it all -- census information isn't accurate based upon the type of city that we live in.

MR. STANTON: Okay.

MR. TOOHEY: Our actual population, if you really want to look at it, is larger than what census data says because of who lives here during certain parts of the year versus other times of the year. And, in addition, why do we limit opportunities for manufacturing and cultivation in this town that can be sold to other areas where I believe they've made the mistake of limiting those types of facilities to keep up with demand.

MR. STANTON: Okay.

MS. LOE: Mr. Stanton?

MR. STANTON: I agree. I -- I felt that way until I got some testimony from some other people that have lived in other places that have legal marijuana both recreational and medical. To my knowledge in Oregon, they gave out way too many grower permits, way too many permits, and now the market is saturated. They have way too much weed to distribute to the dispensaries, and now the tax revenue -- all this stuff that they thought they were going to have, the market is flooded. The number -- the prices of the weed went down -- the market is flooded. I think the State was thinking of that as well as trying not to flood the market, so we have 1,000 dispensaries and two tons of weed to distribute and you can't sell it out of the state, and we're stuck with a surplus of weed. That is what I think they were trying to prevent. That's why I think we need to have some kind of number -- and basing it on population, maybe the population numbers were based on may be wrong, but I think we do need to -- to limit the number of licenses.

MR. STRODTMAN: I would tend to disagree, Mr. Stanton, because no one is going to grow anything if they can't sell it. So, you know --

MR. STANTON: People grow corn and soybeans all the time they can't sell.

MR. STRODTMAN: They -- they're selling it. No one dumps their grain on the ground. I mean, no one goes out there and harvests their corn and grain and --

MR. STANTON: All backed by the government. They get a --

MR. STRODTMAN: They're still selling it.

MR. STANTON: They get --

MR. STRODTMAN: They're still selling it.

MS. LOE: Ms. Russell?

MS. RUSSELL: There's a difference between medical marijuana and recreational marijuana, and this addresses only medical marijuana. So I think the market will control this. So I still agree with striking two, three and four.

MS. LOE: Additional discussion? I see none. Ms. Burns?

MS. BURNS: Roll call?

MS. LOE: Roll call, please.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Strodtman, Ms. Russell, Mr. Toohey, Mr. Harder. Voting No: Mr. Stanton, Ms. Rushing, Ms. Burns, Ms. Loe. Abstain: Mr. MacMann. Motion fails 4-4 with 1 abstention.

MR. ZENNER: Four, one -- or four, four, one.

MS. BURNS: Four, four, one. Tie.

MR. ZENNER: No. Four, four, one, no recommendation.

MS. LOE: Can we move on?

MR. ZENNER: Yes.

MS. LOE: Good. All right.

MR. STRODTMAN: Same thing.

MS. LOE: Item number five. Any motion? No single tenant space may be occupied by multiple facility types.

MS. RUSSELL: So moved.

MR. STRODTMAN: Second.

MS. LOE: So the motion just to clarify is as is. We have a motion on the floor. Any discussion? Ms. Burns?

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Stanton, Mr. Strodtman, Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. Harder. Abstain: Mr. MacMann. Motion passes 8-0 with 1 abstention.

MS. BURNS: Eight, zero, one. Motion carries.

MS. LOE: Okay. If we don't have any motions to change, can we collect those to approve as a group so we're only making motions on the ones we change now?

MR. ZENNER: That is great.

MS. LOE: Yes.

MR. ZENNER: And I believe that is what Mr. Stanton's point was earlier.

MS. LOE: No. But we're going to go through it. So number six, any motions?

MR. STRODTMAN: I would take a shot at that. Number six, medical marijuana dispensary facilities may be -- may be located within a multi-tenant retail commercial building provided such facilities are separated from other tenants by a full wall separating each tenant space. When located within the M-DT, which is the mixed-use downtown district, such facilities shall be permitted --

MS. RUSHING: Just delete that sentence.

MS. LOE: I think we just strike the second sentence.

MS. RUSSELL: End it at "tenant space".

MS. RUSHING: Just delete that sentence.

MR. STRODTMAN: Then that's where I'll end it then at tenant space.

MS. RUSSELL: You're going to strike all after "when located"?

MR. STRODTMAN: Correct.

MS. RUSSELL: Okay.

MS. LOE: We're just going to strike the second sentence?

MS. RUSSELL: Second --

MR. ZENNER: Second --

MS. LOE: We're striking the second full sentence.

MR. STRODTMAN: Second full sentence would be striked. So after "each tenant space" is when my motion stopped.

MS. LOE: Yes.

MS. RUSHING: Second.

MS. LOE: We have a tie. We're going to give that one to Ms. Rushing. We have a motion on the floor. Any discussion? Ms. Burns?

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Stanton, Mr. Strodtman, Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. Harder. Abstain: Mr. MacMann. Motion passes 8-0 with 1 abstention.

MS. BURNS: Eight, zero one. Motion carries.

MS. LOE: Thank you. Any changes to item seven?

MS. RUSSELL: I have a motion.

MS. LOE: Then, Ms. Russell?

MS. RUSSELL: I have a motion to approve item seven and eight as stated.

MS. LOE: We're not -- okay. We're going to collect those.

MR. STANTON: Second.

MS. LOE: So ones that we're not changing --

MS. RUSSELL: He seconded it.

MS. LOE: I --

MR. STANTON: Seven and eight. Rock out.

MR. ZENNER: Go ahead and take them in order.

MS. LOE: Ms. -- keep -- vote on it.

MR. ZENNER: You have a motion.

MS. LOE: Yeah.

MR. ZENNER: You have a motion and a second.

MS. LOE: We have a motion on the floor.

MR. ZENNER: Seven and eight as written -- as stated.

MS. LOE: Any discussion on this motion?

MR. HARDER: Well, yeah, I'm kind of looking at number nine. I guess -- I kind of feel like that kind of needs to be kind of incorporated into the decision because it is a -- I guess a mobile structure, is that considered an enclosed building?

MS. LOE: Mr. Harder, the motion is to accept seven and eight as written. I would not add nine unless you're going to accept it as written or you don't think someone else is going to change it.

MR. HARDER: I guess nine could be changed as well too. Okay. That makes sense.

MS. LOE: We'll do nine next.

MR. HARDER: Okay.

MS. LOE: Okay.

MR. HARDER: Promise?

MS. LOE: I do promise. Any other discussion? Ms. Burns, roll call.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Stanton, Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. Harder. Voting No: Mr. Strodtman. Abstain: Mr. MacMann. Motion passes 7-1 with 1 abstention.

MS. BURNS: Eight -- seven, one, one.

MR. ZENNER: Seven, one, one.

MR. CALDERA: Motion carries.

MR. STRODTMAN: It's a curve ball.

MR. ZENNER: Motion carries.

MS. LOE: Item nine.

MS. RUSHING: I'll -- just to speed this up, I'll make a motion to delete item nine.

MR. STRODTMAN: To delete it?

MS. RUSHING: Delete it. So I could use a mobile structure.

MS. RUSSELL: We just approved item eight that says they have to be fully enclosed.

MS. RUSHING: That's okay. A mobile structure can be fully enclosed.

MS. RUSSELL: True.

MR. STRODTMAN: Is that a motion? Are you making a motion?

MS. RUSHING: And it's a motion, and it --

MR. STRODTMAN: I'll second it.

MS. RUSHING: Okay.

MS. LOE: I don't know if nine is necessary based on number eight. Is that -- was that your point?

MR. ZENNER: An enclosed structure -- an enclosed structure and a mobile structure are not considered one and the same.

MS. LOE: No., but it's a fully enclosed building.

MR. CALDERA: (Inaudible).

MS. RUSHING: Well, then it wouldn't matter whether we deleted it or not.

MR. ZENNER: So they were --

MS. LOE: It doesn't.

MR. ZENNER: And it would be a redundant -- it would be a redundant statement. So if it is deleted --

MS. LOE: Deleting it would be fine.

MR. ZENNER: -- it would not have an issue.

MS. LOE: I agree. So we have a motion. Did we have a second?

MR. ZENNER: Yes.

MR. STRODTMAN: Yes. I -- I --

MR. ZENNER: Mr. Stanton seconded it [sic], Ms. Rushing made a motion.

MS. LOE: Mr. Strodtman seconded. Any further discussion on this.

MR. TOOHEY: Can you read the -- what exactly is the motion?

MS. RUSHING: We're deleting item nine.

MR. TOOHEY: Okay. Just making sure.

MS. LOE: Mr. Stanton?

MR. STANTON: Okay. I'm -- I'm guessing at the intent of this. There are some things like say for -- I'm just throwing this off my head, but there's agriculture that goes -- that they have in silos, like you grow vertically. Say, for instance, there is some -- say I want to grow in a freight truck or a -- you know, a trailer. Say I have like containers. If I move it to my property and I have grow rooms in like six containers connected to each other.

MS BURNS: They're not mobile.

MR. STANTON: They were mobile. How did they get there? A mobile carrier -- you know, a -- that comes off a boat or a truck trailer or, you know, things like that? You could grow in those. So am I shooting myself in the foot by saying, no, I can't grow in a tiny home or trailer or something? That's kind of where I'm thinking this is at.

MS. RUSHING: So you would propose facilities may be located within a mobile structure?

MS. LOE: Ms. Burns?

MS. RUSHING: Mr. Stanton?

MR. STANTON: Yeah.

MS. RUSHING: Okay.

MS. BURNS: I'm reading this like a mobile structure such as a van or a bus that would come to a client or patient.

MS. RUSHING: I'm thinking construction trailer that you might put on an agricultural piece of property at your office.

MS. BURNS: Can we have some clarification from staff about mobile?

MR. TOOHEY: I feel like we are getting in the weeds with this.

MR. ZENNER: A mobile structure is something that is capable of being easily moved, not permanently affixed to the ground. Therefore --

MR. STANTON: (Inaudible) -- they probably --

MR. ZENNER: -- it could be a container; therefore, it could be a shed.

MR. STANTON: -- make grow rooms out of containers.

MR. ZENNER: Therefore it could be -- yeah, it could be a container, a shed, a trailer. It could be anything that can -- that is not permanently affixed to the ground. It is a structure. However, it is a mobile structure.

MR. STANTON: I could move a greenhouse. I could have a mobile greenhouse and I move it around the property based on sunlight or whatever.

MR. ZENNER: The licensure requirements, I believe, within the State's statute are going to be specific to a parcel in question. It's licensed to a parcel -- to physical ground; and therefore, the provision as written may not have general applicability when it looks at the State licensure requirement. Our business licenses are tied to a physical location. Now, granted on an agricultural parcel of ground, if you did decide to do what Mr. Stanton is saying and you have a mobile greenhouse, you're going to be picking that greenhouse up and moving it around and move all of your utilities with it potentially. The practical application possibly doesn't necessarily maybe exist.

MR. CALDERA: So I just want to add that if you look at the proposed regulations from DHSS, just through a quick glance of both the general provisions and the specific facility-type provisions, they don't expressly state that you can't have a -- a facility within a mobile structure. However, they clearly dictate security requirements and all the various requirements fixed to a building. So there's kind of an implicit statement there that it can't be in a mobile structure. So in terms of our local regs -- or our local ordinance, if we want to affirmatively state that just to make it clear what DHSS is implicitly saying, that's one way to do it or we can remove it because it is superfluous, so it's kind of up to you guys.

MR. STANTON: Motion to remove it?

MS. RUSSELL: Motion.

MS. RUSHING: Uh-huh.

MS. LOE: The motion is to delete it. Any further discussion on this motion? I see none.

Ms. Burns, may we have roll call, please.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Stanton, Mr. Strodman, Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. Harder. Abstain: Mr. MacMann. Motion passes 8-0 with 1 abstention.

MS. BURNS: Eight, zero, one. Motion carries.

MS. LOE: Number 10.

MS. RUSSELL: I have a motion.

MS. LOE: Ms. Russell?

MS. RUSSELL: I move to approve 10 through 14 as stated.

MR. STANTON: Second.

MS. LOE: Second by Mr. Stanton. We have a motion on the floor. Any discussion?

MR. STRODTMAN: Through 14? Correct?

MS. RUSSELL: Correct.

MR. STRODTMAN: Thank you.

MR. ZENNER: Ten, eleven, twelve, thirteen, fourteen.

MS. LOE: Ms. Russell, is the reason you chose those is that it's ostensibly reiterating that those conditions are to be controlled by regulations of the City and DHSS?

MS. RUSSELL: Yes.

MS. LOE: Just to help clarify for everyone. Any discussion on this motion? Seeing none.

Ms. Burns, may we have roll call, please.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Stanton, Mr. Strodtman, Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. Harder. Abstain: Mr. MacMann. Motion passes 8-0 with 1 abstention.

MS. BURNS: Eight, zero, one. Motion carries.

MS. LOE: Number 15, within 30 days of ceasing facility operations. Any changes?

MR. STRODTMAN: I'm struggling with this one just as we don't -- to my knowledge this is not required to any other business in the city of Columbia. So I don't understand why we are picking on this business different than any other business. I'm not saying that they shouldn't take down their signs, but if -- if this business should take down their signs and their operation, then every vacant gas station and every vacant whatever it is should be done the same. And that's my point.

MS. RUSHING: So are you moving that it be removed?

MR. STRODTMAN: Removed and/or change the 30 days to -- because if I were the landlord and I owned one of these buildings that was a cultivation or, you know, the making of the product, that's a specialized building. And if I was trying to -- and my tenant left for whatever reason, 30 days is not going to give me enough time to find another cultivation business or a similar like business that can take advantage of the setup that has already been in place. Somebody had to spend a lot of money the first time to set it up, so 30 -- either delete it or give that person more time because they can't maybe find a new tenant in 30 days and all that stuff would have to be removed and the next tenant couldn't take advantage of it.

MS. RUSHING: So make a motion, please.

MR. STRODTMAN: I'll make a motion to strike 15 altogether.

MS. RUSHING: Okay.

MS. RUSSELL: Second.

MS. LOE: Ms. Russell was the second on that one. We have a motion on the floor. Any discussion? I have a question for staff. Was the intent to remove -- I mean to me there's a difference between removing equipment and removing all plants, medical marijuana -- I guess it's medical marijuana

related equipment. But plants is different to me than -- I guess I can see that being a target in an empty building or a building that's --.

MR. STRODTMAN: But, Ms. Loe, I don't think anybody is going to leave the plants because that's the product -- that's the value, and so unless the business just dried up -- no pun intended -- I think there's going -- they are going out of business in my opinion because of bad operations, bad business procedures and not because the product is bad. So it's -- in my eyes, the City's intent was probably more of the signage and the equipment -- probably more the signage, but I don't know that.

MS. LOE: Any further discussion?

MR. ZENNER: Ms. Loe, in response to your question, part of this -- part of it in the way it is structured, it was plants, medical marijuana related equipment because we acknowledge I think to some extent what Mr. Strodtman is saying. If an investment has been made in a structure to put equipment within it that may not be medically marijuana related, that equipment should be able to stay beyond the tenure of that operator. It may be marketable to be able to re-lease that building; however, it needs to be understood that under the licensure procedures for a medical marijuana operation, you can't just vacate a building and then move a new tenant in without a State license. That State license has to be approved. That building may sit vacant for three years because all of the licenses that maybe have been issued by the State; and therefore, you have a building here that if the -- the plants, I would agree would likely go because that is the product. Signage, however, that's there for three years that called it, you know, The Golden Leaf, and it basically has some association to it, that may be a detriment to the rest of the neighborhood. And, yes, I will say it is something that is unique to this particular use, but I wouldn't suggest that it's not something that we haven't maybe given contemplation to to apply to other businesses that have been vacated.

MR. STRODTMAN: I'll give you an example, Mr. --

MR. ZENNER: Enforcement -- it's an enforcement issue as well.

MR. STRODTMAN: It is an enforcement issue, but we're not enforcing it with anybody else. I mean, we had that knock-off Hooter's concept on I-70 that went out of business, and they left their sign up for months, and it talked about somebody's body parts, and we didn't care. So why do we care about this? I just -- I just think that we're picking -- we're picking on --

MS. RUSSELL: This industry.

MR. STRODTMAN: -- on this industry for no reason. And that's why I struggle with it. I have no problems if you give us more time or if you say every business that goes out of business has to be shut down and cleaned up in 30 days, then that's different and I might vote for that because it is for every business, not just this business. And that's where I struggle with it.

MS. LOE: Mr. Toohey?

MR. TOOHEY: You know, I guess I understand what -- with the removal of plants, but who cares about the rest of the stuff? It's got to be stored somewhere. So either you are going to pull it out of there

or you're going to go stick it in a storage unit somewhere, so why -- why isn't it okay just to leave it there until you have a new tenant or --

MR. STRODTMAN: Well, and a lot of it --

MR. TOOHEY: -- you -- (inaudible) -- with the space?

MR. STRODTMAN: And a lot of this is infrastructure. It's electrical, it's water, it's HVAC. So they're going to -- these buildings -- I don't think the buildings today are going to be ready for these businesses. They're going to have to add a lot of infrastructure, and so these buildings are going to be somewhat unique. And I agree with Mr. Zenner that even if this use goes out, the next person comes in, they still have to get approval, so we let it sit, just like we do every other business until the next gas station or the next convenience store comes along. And in my eyes, it is no different.

MS. LOE: Any further discussion on this motion? Mr. Harder?

MR. HARDER: What if you created it to where they have a time period of a license being expired or, you know -- (inaudible)? It's not everything in the building.

MS. RUSSELL: Speak into your microphone.

MR. HARDER: It's not everything in the building, but the marijuana, you know, if their license -- if they cease to have a license, obviously, they would be, you know, basically be in default, and within 30 to 60 days, it would have to be completely removed. I don't know. It's just an idea.

MS. LOE: Ms. Russell?

MS. RUSSELL: I would still take issue with the signage -- requiring them to take the sign down within 30 days. I mean, what if an adult store goes out of business? They're still going to have Passions up there on the highway forever, so I just -- I just think it is picking on the industry, and I don't think it is fair.

MS. LOE: Mr. Stanton?

MR. STANTON: It is still federally illegal.

MS. LOE: Any additional --

MR. STRODTMAN: Doesn't matter.

MS. LOE: -- discussion?

MR. STRODTMAN: It is legal in Missouri.

MS. LOE: Mr. Strodman, any additional comments?

MR. STRODTMAN: I'm ready for a roll call.

MS. LOE: Mr. Toohey?

MR. TOOHEY: Can you read the motion again just to make sure? I mean, it feels like it's been 20 minutes since we --

MR. ZENNER: It's to strike -- it's to strike item number 15 from --

MS. RUSSELL: Strike 15.

MR. TOOHEY: All right. Just to clarify.

MR. ZENNER: Clarity.

MR. TOOHEY: Okay.

MS. LOE: So we've reiterated the motion. I see no further discussion. Ms. Burns, may we have roll call, please.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Stanton, Mr. Strodtman, Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. Harder. Abstain: Mr. MacMann. Motion passes 8-0 with 1 abstention.

MS. BURNS: Eight, zero, one. Motion passes.

MS. LOE: Number 16, all facility applicants shall submit a security plan -- operations management plan, emergency response plan.

MS. RUSSELL: I think those are required by the proposed State regulations.

MR. TOOHEY: Could I go ahead and just make a motion?

MS. LOE: Mr. Toohey?

MR. TOOHEY: I make a motion that we go ahead and accept 16, 17 and 18 as is.

MS. RUSHING: Second.

MS. LOE: I'm sorry. Are we --

MS. RUSHING: It was the two --

MS. LOE: Second.

MS. RUSSELL: She did it.

MS. LOE: Ms. Rushing. Any discussion?

MR. STRODTMAN: Just real quick. I plan on voting no. And the only reason I plan on voting no to Mr. Toohey's motion is item 16. To my knowledge -- and Mr. Zenner, tell me if I'm wrong. I'm not aware of any other business in the city of Columbia that we require a specific security plan, operations and management plan, and emergency response plan. So I'm not for sure why we are required in this use to do that.

MS. RUSHING: Well --

MR. STRODTMAN: And that's why I'm voting no.

MS. RUSHING: Yeah.

MR. STRODTMAN: The State requires it, so let the State do it, but --

MS. RUSHING: Okay.

MR. STRODTMAN: But I don't think that we should do it as a City, because the City does not require that for any other use.

MS. LOE: Ms. Rushing?

MS. RUSHING: Well, if the State requires it, I can see some advantage to having our police department and our fire department have access to that -- those plans also. And if they have to prepare them anyway, I don't see any reason not to require it.

MR. TOOHEY: I do have a question of staff with this though. Do those plans potentially become accessible by the public --

MS. RUSHING: Yeah.

MR. TOOHEY: -- in any way?

MS. RUSHING: They would. Yeah.

MR. ZENNER: And they are not -- they are not subject to Sunshine as it is currently being proposed. And to answer Mr. Strodman's question, we do require emergency response plans as it relates to facilities that have hazardous chemicals associated with them. This is a business practice that is -- has unknown threats associated it with it. So the security plan is something that while it will be required to provide information forth to the State showing what their security protocols will be, our local police would like to have opportunity and ability to be able to ensure that those protocols meet what our potential limitations may be as well in order to protect -- to protect not only the business owner, but the public as it relates to it. And that's -- that's part of the logic behind it. And the other for the operations and management plan is to know who in the instances of potential issue we are capable of contacting given -- given the nature of the potential -- of the business, which is -- it is not required of any other use. You are correct in that. Though we're also not dealing with a use that we have ever dealt with in the past, and that is part of what the -- the concern is at this point. Again, if the issue becomes that it is overburdensome as we come to learn more about how these are operated locally, the provisions can be modified or possibly eliminated. I would imagine after we go through the first couple of them and the State plans are being reviewed by our local emergency officials, it may be determined that there is not a need.

MR. STRODTMAN: My only comment -- and we can go ahead and move on is when this is all said and done, in two or three years I would like to see the City require convenience stores and banks -- if they continue to get robbed, that they do something similar to this. They have to go through security procedures and they have to have all this stuff in place. Because if it is about safety, then we are ignoring where the problem is and I think we are just trying to guess in advance and I don't think that's fair. So that's my only comment.

MS. LOE: Mr. Stanton?

MR. STANTON: The drop house, the runner, the stash house, it's all -- if you have a plan, at least you hold the -- you hold the business accountable to living up to that plan and not cutting corners. This is still a cash heavy business. It's not a bank. A bank can have secure transactions electronically. A bank can have -- you know, it could take it to another bank. This -- I don't know where they are taking this cash. I haven't even heard that part. But it is not a bank, so where does this cash go? In the dope world, it goes to the stash house. There's going to be somewhere that's going to be stashing cash. It's not going to be in a bank; it's not going to be able to be transferred electronically and made into some kind of electronic secure transaction. It's going to be somewhere that's holding cash until it is distributed somewhere else. That is an inherent danger and an inherent dangerous business that -- it's a business

that goes on right now, it is just not legal. And those places have secure spots and they have security. And if we have somebody that is accountable for a security plan and they want to cut corners and they get robbed, that's on them. But if we have a plan that they are standing behind and, hey, did you do your procedure that you gave us as the police department? Yeah, I did or no, I got lazy and I didn't feel like paying my Brinks bill, so I just walked down the street with my briefcase, and somebody pulled an AK on me.

MS. RUSHING: Do we have a motion and a second?

MR. STANTON: Don't cut me off. I'm talking. What are you doing?

MS. RUSHING: Oh, I'm sorry. I thought you were finished. I apologize.

MR. STANTON: This is very important to me because this is serious business. We cannot play with the security of this issue. We just can't because you don't live where I live. That's -- that's where it is at. This is right where it is at. It's about the spacing -- all of that stuff is important to me. Now come live where I'm at and then you can have your opinion.

MR. STRODTMAN: I have my opinion already.

MR. STANTON: This is serious business. Security is serious business with this. It is a cash carry business.

MR. CALDERA: Madam Chair, just very quickly. I just want to make sure that Mr. Toohey's question to staff was properly answered. At this point we have no intentions of requiring facilities to file and keep something on record with us. It will be submitted and approved by the respective departments and then returned back to them. Now, they are required under the State rules to maintain those things on hand -- on location in case the State wants to inspect.

MR. TOOHEY: Okay. I just didn't want those plans to get into the wrong hands and then be used against the business owner.

MS. LOE: We have a motion on the floor to accept 16, 17 and 18 as written. Is there any further discussion on this motion? I see none. Ms. Burns, may we have roll call, please.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Stanton, Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. Harder. Voting No: Mr. Strodtman. Abstain: Mr. MacMann. Motion passes 7-1 with 1 abstention.

MR. ZENNER: Seven, one, one.

MS. BURNS: Seven, one, one. Motion carries.

MS. LOE: Thank you. I believe that completes the amendment.

MR. ZENNER: That is correct. That completes the amendments -- the votes on the amendments that are presented. What you have completed here this evening amounts to a Planning and Zoning Commission recommendation of approval subject to proposed amendments. As was stated at the beginning of our meeting this evening, the amendments made this evening by the Planning and Zoning Commission and the comments provided by the public will be forwarded to City Council. So while this

was a very arduous process to go through what we just went through, it will allow us to capture each of the individual points and the Planning Commission's recommendation also associated discussion for Council to consider and weigh. As I stated at the beginning, the amendment that has been prepared was published for this evening's meeting is the amendment that will be posted with the introduction of this item before Council. It is Council's decision to amend -- to accept the ordinance as submitted by staff or take amendments to that ordinance. That is within their prerogative. You have conducted the required hearing per Chapter 29 and the City Code as it is required for an amendment to the City -- to the zoning code and forwarded that to City Council. That is how we as a staff perceive what you have done here this evening. Yes, this has not been the common approach that we have taken as it relates to ordinances; however, this is procedurally the correct process. We have not violated procedure as written in law. We have violated what we have operated under as standard operating procedure by the Planning and Zoning Commission. I appreciate your attention this evening to the detail of this ordinance and we will forward it to City Council for their consideration at first reading on May 20, and a public hearing is scheduled for May 3rd at this point -- June 3rd. I apologize. June 3rd.

MS. LOE: That closes our public hearings for this evening.