

MINUTES OF THE FLORENCE TOWN COUNCIL MEETING HELD TUESDAY, JULY 15, 2013, AT 6:00P.M., IN THE CHAMBERS OF TOWN HALL, LOCATED AT 775 NORTH MAIN STREET, FLORENCE, ARIZONA.

CALL TO ORDER

Mayor Rankin called the meeting to order at 6:08 p.m.

ROLL CALL:

Present: Rankin, Smith, Celaya, Hawkins, Walter, Woolridge
Absent: Montañó

INVOCATION PERFORMED BY REVEREND DONALD WOOLRIDGE, UNION BAPTIST CHURCH.

Reverend Donald Woolridge, Union Baptist Church, led the invocation.

PLEDGE OF ALLEGIANCE

Mayor Rankin led the Pledge of Allegiance.

CALL TO THE PUBLIC

Call to the Public for public comment on issues within the jurisdiction of the Town Council. Council rules limit public comment to three minutes. Individual Councilmembers may respond to criticism made by those commenting, may ask staff to review a matter raised or may ask that a matter be put on a future agenda. However, members of the Council shall not discuss or take action on any matter during an open call to the public unless the matters are properly noticed for discussion and legal action.

Mr. John Anderson, Resident, stated that the Town Manager denied his Anthem at Merrill Ranch PUD application request. He asked that his request be heard by Town Council.

Mayor Rankin directed staff to set up a meeting with Mr. Anderson in two weeks, and he will attend the meeting as well.

Ms. Elizabeth Kaiser, Resident, provided an update on the food study that she conducted. The data confirmed that the food environment does not meet the needs of all Florence citizens.

PUBLIC HEARINGS AND PRESENTATIONS

Public Hearing on Conditional Use Permit application for a proposed Medical Marijuana Dispensary on a Highway Business Commercial zoned property

located at 801 North Pinal Parkway Avenue, Florence, Arizona; and for Discussion/Approval/Disapproval of said application.

Mayor Rankin opened the Public Hearing.

Mr. Mark Eckhoff, Community Development Director, gave a presentation on an application for a Conditional Use Permit regarding a proposed medical marijuana facility located at the former Big O Tire site.

Mr. Eckhoff explained Proposition 203, known as the Arizona Medical Marijuana Act.

Mr. Eckhoff stated under the new state law, cities and towns were allowed to adopt reasonable regulations regarding the location and operations of medical marijuana dispensaries and growing operations. As such, the Town of Florence adopted new codes relating to this new state law so that there were clear and concise local regulations pertaining to the emerging medical marijuana industry.

Mr. Eckhoff stated the applicant proposes to utilize the subject location to provide cannabis products for patients who have received a physician's medical recommendation to utilize medical marijuana for the management of their medical afflictions. According to the applicant, the Arizona Department of Health Services (AZDHS) has granted the applicant the ability to operate in this region, pending local approvals.

Councilmember Walter inquired about the state regulations and being 500 feet away from a school. She stated there is a school with the Pinal County Sheriff's Office Adult Detention Center. The detention center has the Espinoza Secured School Care that is funded through the government. She inquired if the program was taken into consideration.

Mr. Eckhoff stated there were several things that were taken into consideration including churches, schools, and libraries, which are considered sensitive usages.

Mr. James Mannato, Town Attorney, stated that the Pinal County Law Library is a public library, as stated in Legal Opinion LO13-0014. The Arizona Superior Court Local Rules for Pinal County Rule 1.5 specifies that the law library has to be open to the public during business hours the days the courthouse is open. The mission statement of the Pinal County Law library is to make legal research assessable to the citizens in Pinal County in a prompt and cost effective manner to assist with information resources in obtaining free legal forms for filing in the Superior Court of Arizona and Pinal County.

Mayor Rankin inquired about the schools.

Mark Eckhoff explained that the AZDHS verified what criteria they use with regards to separation location criteria for medical marijuana dispensary. There is a restriction regarding schools. The Town's restrictions regarding schools are more elaborate and detailed.

Mayor Rankin inquired who is responsible to ensure the site's compliance to the Town Code.

Mr. Mannato stated that the applicant is responsible to ensure compliance to the Town Code because they are the one seeking the zoning. They are in a position to persuade the Council that their application and proposal are appropriate. The burden lies on the applicant to satisfy all the requirements of the Town Code.

Mark Eckhoff stated that an applicant has a responsibility to do their due diligence on a property.

Councilmember Celaya stated that he does not fully agree with the process of due diligence and who is responsible. He said part of due diligence comes when staff posts the request for a zone change and the intended use. The neighboring properties should have some responsibility to identify incompatible uses. The law library should have come out at the last notification of zoning.

Ms. Jordan Rose, Rose Law Group, addressed the law library and school issue. AZDHS defines school to mean any public institution established for the purpose of offering instruction to pupils and programs for pre-school children with disabilities, kindergarten programs or any combination of grades one through twelve. She said a prison school, while certainly is a service, is not a school under the state definition.

Ms. Rose stated that the application is for Healing Health Care, with Mr. Rakesh "Rocky" K. Pahwa as the responsible operator. If approved, the applicant will dedicate 25% of the net operating revenues to the Town of Florence for a special community purpose. He will take grant applications and decide where to put those revenues each year. His facility will provide five full time jobs, plus an off duty police officer for security. Part of the facility will be dedicated for a community purpose such as a food bank, blood pressure screening area, or a stroke check area. She said the location is safe and very visible. The AZDHS website shows that there are approximately 950 patients in this area that have cards and could be growing in their homes, which equates to 11,424 plants that are allowed to be harvested six times per year with no oversight. If passed, the Town would collect significant monies through tax revenues. Medical marijuana is now widely supported by the public; 55% of conservative voters said that they are in favor, and 55% would like to see the program proceed for a few years to see how the program shapes up. The entire Democratic Caucus at the legislature has voted for it.

Ms. Rose discussed security of the location. She said in order to enter the facility one would need a card issued by AZDHS. An off duty police officer will be on site during all hours of operation. Ten security cameras, motion sensors, glass break sensors, and multiple panic buttons will be installed throughout the facility. The security system is tied into AZDHS data storage system offsite. Hours of operation would be 7:00 am to 7:00 pm. Studies indicate there is no increase in crime with a dispensary.

Mr. Mal McDonald, former US Attorney, stated he served on the Gilbert Town Council from 1993 to 1997. He served with President Regan as a member of the Attorney General Advisory Committee for approximately three to four years. He is in favor of medical marijuana because he has seen firsthand the positive effects of its use. He said that epilepsy is not curable by marijuana, but it stops the nausea.

Ms. Rose stated that once a dispensary opens in the area, AZDHS sends a letter to all the cardholders in the area stating that the cardholder must stop growing their plants.

Mr. Pahwa stated that he did his due diligence when he first applied for this location. He attended several meeting with Town staff. He stated that staff forwarded a recommendation for approval in November 2011. He stated that when the second round began he didn't do any further due diligence because nothing had changed in the environment; the prison, McDonald's, and the law library were the same and there were no changes. He inquired if the application is not approved, who will police the private growers. He stated there are no regulations required for planning and zoning; nor is licensing required for cultivating plants at home. If someone has a patient card the person can cultivate 12 plants, and if they are a caregiver they can cultivate up to 99 plants. He stated that 99 plants can generate 180 pounds of medical marijuana in six months with a street value of \$750,000, this equates to ten times what a dispensary can dispense legally to 125 card carrying patients. Mr. Pahwa stated he has a medical background and is licensed by Medicare and Medicaid. If Florence has a dispensary, patients within a 25 mile radius cannot cultivate plants.

Discussion occurred regarding medical marijuana not being able to be consumed in any way on site.

Ms. Denise Kollert, Resident, stated that she would rather have people go to a controlled environment to get the marijuana. If people grow in homes, there is always a chance of something happening. This is not to say that the patients are going to do anything wrong, but if someone finds out, what might happen if people go into that home. Whether we like it or not, the law was passed in the state. AZDHS has worked hard to create very good rules and regulations for these dispensaries to follow. She stated that it appears Mr. Pahwa wants to open this dispensary in the proper manner. She said that the Council should give him a chance. If Council doesn't like the dispensary or if Mr. Pahwa does something wrong, they can close him down. She stated that she has a brother who has MS and it has helped him immensely, so she knows of a personal experience where medical marijuana has helped.

Dr. Amy P. Fuller, FUSD Superintendent, stated the District has approximately 8,000 students and there are approximately 32,000 to 35,000 students in this area. She said as professional educators, and a school district, they have devoted countless years establishing a no tolerance for drug culture in the minds of the students. They have a strong belief that allowing a medical marijuana dispensary to open sends a message to our kids that is counterproductive to the culture that they worked so hard to establish. She stated drug addiction has increased amongst our youth and it is destroying their dreams. She strongly urged the Council to reject the concept of placing a medical

marijuana dispensary anywhere within the Florence town limits. She encouraged the students to use the law library. The judges have mock trials for all Pinal County schools. She stated that the students go to the law library in Florence where her husband is also Superior Court Judge. She stated that Mr. Pahwa is in the business of medical marijuana, but she is in the business of children. Children learn by three ways: by example, by example, and by example.

Ms. Jessica Horton, Tucson resident, stated she was a former Special Education Teacher in Virginia. She developed fibromyalgia pain syndrome when she was 18 years old. She was only able to teach for one year before her illness became so severe that working outside the home was no longer an option. She has been on a several medications for approximately nine years. She listed all of her prescribed medications and their side effects. She stated that with medical marijuana she has no symptoms, just the occasional dry mouth and occasional high, which is usually at night because she has to take more to knock herself out as she has had insomnia since puberty. She said medical marijuana has changed her life for the better. She is now able to work 50 hours per week, whereas before she was lucky if she could work 30 hours. She offered to show her patient's card to the Council.

Mr. Jared Jaworowski, Tucson resident, stated that he was diagnosed with an internal health issues seven years ago which has caused countless hours of discomfort from chronic pain and nausea. He stated that three years ago the nausea got so bad that he lost 40 pounds in two months. As a husband and a father, it is very difficult to interact with your children the way you want when you feel like crap. He said he has been through a list of prescription drugs and a long list of holistic remedies as well. He rejected every offer from his physician for opiates and prescription drugs, as these drugs are far worse. Cannabis is the only thing that treats all of his issues. He stated that if the Council doesn't provide an option in Florence for its constituents to receive the medical marijuana, they will go to Coolidge, Tucson or other places and they will spend their tax money in those places to get medication. The state passed the law and we need to ensure that patients have safe access to medicine.

Mr. Charles Smith, Chief Operating Officer, Dixie Elixirs, stated that he works for one of the largest infused products companies in Colorado. They had the privilege of building their companies after all the regulations were imposed in Colorado, so it was done correctly. He is in support of Mr. Pahwa's application, and supports the opportunity in Arizona to deliver safe medical marijuana under great rules and regulations that Arizona has imposed. He had the privilege of building a number of companies in his life, but has never been involved in something that he believes will so profoundly change people lives for the better. He has personally seen it in the patients that they have served through their business. Most of us have been told that marijuana is not good, and it is bad. He said we have been told that for so long that it's hard for us to accept that perhaps it could have a beneficial place in our society

Mr. Smith asked for Council to open their hearts and minds to the possibility that allowing legal controlled medical marijuana to be distributed safely by an outstanding person like Mr. Pahwa may help many people. Mr. Pahwa has a good place in

Florence. He asked Council to open their minds and hearts to the parents whose child has epilepsy. The child may obtain relief without getting addicted to pharmaceutical drugs. The person that is suffering from cancer and suffers from severe nausea and pain may only be able to obtain relief if they are able to obtain medical marijuana. He said if the good Lord is willing the laws will change in this State that will allow a soldier with PTSD to actually use medical marijuana to quell the demons that are in his head as opposed to his usual cocktail of alcohol and opiate drugs. He asked the Council to forget about the stereotypes of the past and allow its citizens to enjoy safe access to medical marijuana.

Mr. Ramsey Dadis, Executive Vice President, Von Dank Group, Las Vegas, Nevada, stated that he is in support of Mr. Pahwa's application. He owns a company that builds cultivating facilities and manages them in states where it is legal. He stated that he also helps patients build their own growing rooms in their homes. He presented paperwork that refers to websites and news articles relating to legal and illegal grows in homes. He said Florence could have several problems if Coolidge doesn't open or is closed down, and there is not another dispensary within Florence's 25 miles radius. He stated that he is in support of the bill in Nevada to allow for the dispensary to become legal. He would like to see Mr. Pahwa's facility open to ensure that there will be no problems in these small unsafe grows.

Ms. Betty Adworth, Deputy Director, National Cannabis Industry Associates, Denver, Colorado, shared some of the experiences that they have seen. She stated that medical marijuana came up in Colorado without regulations, which is why she and her colleagues went to the state legislature seeking the tight regulations that are in place today. She stated that in 2011, Aspen, Colorado, collected \$21,000 in sales tax revenue, Carbondale collected \$35,000, Nederland collected \$45,000, and Glenwood Springs collected \$66,000. All of those towns are smaller than Florence. She stated that one reason why Glenwood Springs saw such large tax revenue is because they are surrounded by communities with local bands where medical marijuana facilities are not permitted to operate. She stated that they have seen retail vacancy rates down dramatically, and in many areas these stores has led to neighborhood rejuvenation in Colorado. She stated the question is who do you want to get your chemo medication from as well as to help control the seizures from epilepsy, certainly not Joe down the street. She stated that you want to go to a medical facility, and that's what Mr. Pahwa is offering. Mr. Pahwa is experienced in healthcare management and is looking to provide safe access to a medical office to Florence's patients while bringing living wage jobs and economic vitality to your town.

Reverend Jarrett Maupin, Phoenix, stated that he supports legal drug use. He is not a marijuana user, but thinks what Mr. Pahwa is trying to do something right for the community. He is on the African American Advisory Board for the Chief of Police in Phoenix, Arizona, in which they had a presentation on marijuana use in African American youth. Several years back, in the study, the young people indicated they wanted things like Northern Lights, Donald Duck, Turtle Power, and Hawaii Skunk. He stated that he doesn't know what those names mean, but apparently they are the names of really nice types of marijuana that you can buy on the street. He stated that

he doesn't believe that Mr. Pahwa is going to build a facility that is going to produce Hawaiian skunk. He stated that Mr. Pahwa is going to have a facility that produces actual medicine tailored to meet the needs of the people that are sick. He stated that he understands where the School Superintendent is coming from and understands the concerns about what is going on in the community. The Phoenix Police Department and the Maricopa County Sheriff Office are looking at ways to check irregular electrical uses in neighborhoods. They are going to neighborhoods and doing sweeps for heat signatures on houses to try and identify where people may be growing large amounts of marijuana that surpass what is permitted. It is easier to have one regulated and lawful source and then be able to go after the people that break and bend the rules. He encouraged the Council to approve what Mr. Pahwa is asking for. He stated that Mr. Pahwa is going above and beyond by building a community center or health center to help the community. There isn't a requirement to give back profits to the community nor for people that want to grow on their private property. Their intentions are not known and there is a health issue concern. He stated that opening the dispensary is the right thing to do.

Ms. Kimberly Haslett, President, South West Arizona Patient Alliance (SWAPA), Tucson, Arizona, stated that she has a patient support group for medical cannabis patients, which is called South West Arizona Patient Alliance. She stated that she helps patients throughout the state. She has several patients within the Town of Florence. She stated that she helps them through education and advocacy. She said they raise funds to help patients who cannot afford to get their cards and their doctor visits. She said they started at SWAPA and understand that there are a lot of patients who cannot afford the medicine. SWAPA started a program called the Patient Compassion Program, which is voluntary by the dispensary, and allows patients that meet certain criteria of Medicare or Medicaid, plus meets the poverty line, to allow them to have safe access to medicine at a greatly reduced price. There have been a lot of dispensaries who voluntarily joined to help patients. There are compassionate programs to help patients access their medicine safely. As a patient advocate, she has spoken all over the state as well as helping patients all over the state. She has never spoken on behalf of a dispensary owner and is doing so because her first concern is the patient; which is her only concern. She knows Mr. Pahwa and knows Florence is fortunate to have Mr. Pahwa come to this community. She has met almost every dispensary owner in the state and can tell the Council that Mr. Pahwa is top-notch. He is going to operate a compassionate program. She was shocked when he stated that he was going to provide services and donate funds to the Town. There isn't one dispensary owner that has ever committed to that. She said she admires him for saying that he is going to give back to the community.

Ms. Haslett stated that she was a stay at home mom, and has a child with autism. She stated that she agrees with the person who stated that children learn by example. Her son is a high functioning autistic. She recently pulled him out of public school because he is so vulnerable. She stated she worries about drug dealers because they have approached her son. He is a vulnerable child and he doesn't understand the difference between what is good and bad. The problem with the drug dealer on the corner is that he doesn't just give them cannabis; he introduces them to other drugs such as crack

cocaine. You want to get that dealer off the streets. She stated that as parents, we have to be honest with our children.

Ms. Haslett stated that her daughter attended a daycare with a McDonald's, Walgreens, and bar in close proximity. She stated that her daughter never walked out the McDonald's or the daycare and said "Look mommy oxycodone, look mommy you can get whisky here"; that's not their perception. The children that go to McDonald's will have no idea that there is a dispensary there.

Ms. Haslett stated that she represents a lot of patients, and many of them are wheelchair bound or use walkers. They can hardly make it a mile down the road to get their medicine, much less go to Coolidge. She stated that if they do go to Coolidge, those patients are going to spend money at the grocery store and gas station; so not only is the Council not going to allow the town to generate revenue, they are sending revenue to another town. These patients are voters, they are your neighbor, you sit with them in church, and several or most of them are 51 years or older. She asked the Council to be considerate of these people, as they are voters in this town.

Mr. Tripp Keber, President and CEO, Red Dice Holdings, Denver, Colorado, supports Mr. Pahwa and Healing Health Care's application in Florence. He stated that he is a father and a married man and has instinctive interest associated with the medical cannabis industry throughout the state of Colorado. He was hired by Mr. Pahwa as a licensing partner to give him proper direction. As an entrepreneur and a business owner in the state of Colorado, they employ approximately 140 employees, including current and former law enforcement agents. They use drug enforcement agency employees as consultants who understand the commitment to compliance and a full regulatory model. He stated that they have been fully vested by the FBI, DEA, IRS, and in the State of Colorado, the Colorado Bureau of Investigation that includes both a personal as well as a professional detailed background check. He stated that they support medical cannabis here in the State of Arizona. Colorado has created over 10,000 jobs for the residents. They have created millions of dollars in licensing fees and taxes associated with their business. It is imperative to provide patients safe access and to allow business owners to progress with their businesses so they can do well for the community.

Mr. Murphy Kittrell, Dispensary Operator, Tucson, Arizona, supports Mr. Pahwa. He believes medical marijuana is a regulated business and it helps raise tax revenue. It helps generate revenues for non-profits to support the community. He stated that he believes it will do this community great if you allow Mr. Pahwa to open the dispensary.

Ms. Peggy Nooman, Tucson, Arizona, stated she has seen a little marijuana and legal drugs being used all over the country. She stated that she has been in the drug business as a drug counselor. She stated that she thinks the best thing the Council can do for the Town is to allow this clinic to take place. She said that by having the dispensary overseen by the state and having the revenues it will produce, it is the best thing the Council can do.

Mr. Miguel Olivas, Coolidge, Arizona, stated that he has ten children ranging from age 23 to three months and his wife informed him they are not done. He stated that marijuana is not something he wishes for his kids to use recreationally, nor does he wish for them to be in a situation where they would need to use it. He stated that \$13.7 billion dollars are spent by federal government every single year to arrest, prosecute and detain medical marijuana users. The Town could have approximately 11,000 plants growing within a 25 mile radius. He stated that he attended the Council meeting for two reasons: public safety and the safety of his family. He stated that he is present to speak on behalf of the character of Mr. Pahwa. If it were not for Mr. Pahwa and his partners, he would not be putting his reputation on the line. He asked the Council to vote in favor of this project and give a man his due diligence.

Mr. Steven Turetsky, Student, Denver, Colorado, urged the Council to base their discussion on facts as much as possible. He asked the Council to leave emotional and stigma that's ingrained in our society about cannabis out of the picture. He stated that cannabis is not a gateway drug research says it is, as it does not have physically addicting properties. He stated that another misconception is that students are dying from marijuana use and abuse. You cannot physically overdose on marijuana because of a lack of cannabinoid receptors in your brainstem that controls basal, metabolic, heart rate and respiratory function. UCLA Economist Jeffery Merion has published research saying the "just say no" type of education to our youth is actually ineffective. The more rational approach would be just education on the actual facts associated with the plant and to state that it is for medical use only. He stated that after the dispensary opens, people will continue to grow in their homes. Growing cannabis is not necessary like growing tomatoes; it is a very difficult process. It would not be advantageous to continue to grow your own cannabis at home when you can go down the street and pick it up. He urged the Council to look at the facts and keep emotion out of it.

Mr. James Knupp, Public Information Officer, Pinal County Attorney's Office, stated that he wanted to reiterate the ideas that he presented on June 20, 2013 to the Planning and Zoning Commission. He stated that the Pinal County Law Library does exist within 660 feet of the proposed location. It does serve as a statutory defined public library, and does have students and children who attend or use the library for instructional training. Behavioral Systems Southwest, a re-entry program for individuals exiting prison, provides the ability to have a designated religious site that is also within 660 feet; which is a Native American religious site as defined by US Code 42.

Ms. Sheri George, Chairman, San Tan Valley Substance Abuse Coalition, stated her organization also oversee the Town of Florence. Since the coalition's inception in October 2011, they have worked diligently to implement several substance abuse incidents that have been applied to Coolidge, Florence and the San Tan Valley area, including the Scottsdale based "Not My Kid" Program. She stated that they just finished their first year here with the implementation in the schools. They have several other projects that focus on reducing substance abuse in the three areas.

Ms. George stated that in Pinal County, one in ten students currently obtain marijuana, which is the gateway drug. She stated that 62% of adults who have used marijuana

before the age of 15 have used cocaine at some point in their lives. Per the 2012 Arizona Youth Survey, one in ten students obtains marijuana from someone who has a medical marijuana card. This number will skyrocket if the marijuana dispensary is allowed to open in the Florence.

Ms. George quoted Colorado Federal Prosecutor John Walsh, who stated "alarming and substantial spike in marijuana use by young people with the proliferation of the dispensaries..." She referenced an article in which it spoke of letters that were sent to 25 dispensaries that violated a law that required medical marijuana centers to be at least 1,000 feet from a school.

Ms. George stated that many agencies and local organizations, such as San Tan Valley Substance Abuse Coalition, are comprised of all volunteers; with many of them having full time jobs. Their goals include placing programs and changes in place to achieve their goals of a drug free community. If this marijuana dispensary is allowed to open, it would seriously damage and hurt their efforts. She stated that she has personally witnessed the devastating consequences of marijuana use starting at a young age within her own family. She urged the Council to not allow the dispensary to open in the community.

Ms. Laura Gmelin, Parent, stated that her son is a healthy 19 years old who abuses marijuana. She said she feels he abuses it because he doesn't need it as he is healthy. She stated that her son could be an excellent college student but has decided to quit studying and doesn't want to go to college. She asked the Council to not allow the dispensary to open. She stated that she works in education and sees the effects of this drug in our society. The community has entrusted the Council with their welfare, and asked on behalf of the community, children, professors, schools, and everyone involved in the education of our children, to not allow this to happen.

Mr. Frank Parentean, San Tan Valley Substance Abuse Coalition, stated that the Council has heard arguments on both sides of this issue and there is room for debate. He stated that he is the father of a son who suffers from substance abuse to a legal substance. He asked the Council to consider the terrible effects that drugs have on our community. He stated that it is not a game or a joke. People are dying all the time from substance abuse. He stated that his son attempted suicide as a result of substance abuse. He stated that he has been a pastor of a church in Queen Creek, and they have a program called "Parents of Addicted Love Ones (PAL)". He has seen the pain and suffering of the parents who have children of all ages with substance abuse. He asked the Council to use their common sense. He stated that a brain that suffers from substance abuse does not know the difference between legal and illegal drugs. They suffer the same consequences. They suffer by doing all sorts of things to get money to support their addiction. He stated that drug dealers start with marijuana because it is a gateway drug. He said the dispensary is not a good thing for the Town of Florence.

Mr. Rick Mauldin, Warden, Arizona State Prison - Florence West, stated that he is an Arizona native. In 1973, he moved to Florence and began working at the State Prison. He has seen many changes since the enactment of this law. He doesn't believe that

they are here today to discuss the medical benefits of marijuana. He understood the issue to be the location. He stated that by working in the prison system for 40 years, drugs and prisons do not mix; it is like oil and water. He said that every day he drives by the location and it is just too close to the prison that he operates. He urged the Town Council to take the opinion of the Planning and Zoning Commission and deny the request.

Mr. Carson Williams, Regional Operations Director, Arizona Department of Corrections, stated he is representing Director Ryan, as well as employees of their agency. He stated that he agrees with several comments that have been made, especially ones that have been made by Mr. Mauldin. He said one thing inmates have in common is about 90% have smoked marijuana. He said the real issue is the location. The issue is not if marijuana has medical purpose or if it benefits people. The issue is the location of where the dispensary is being requested to be placed. He said that this is in an area that opens the door for many things that cause the corrections agency concern. He stated that contraband can be brought in as it provides easy access to throw things over the fence. He stated that contraband is already a problem. He stated that it can also be a problem for our children. He stated that he has children in this community and they go to school here. He said he doesn't want to see things compounded or getting any worse. He stated that the Council needs to do things that are in the best interest for the Town. He has seen many people speaking on behalf of the dispensary, but none of them live here. He stated that he lives in Florence and has for many years. He stated that he is opposed to the dispensary as a citizen and as a professional.

Ms. Barbara Manning, Resident, stated the decision is neither on the medical benefits of marijuana nor on whether a medical dispensary is better than people growing marijuana in their backyards. She stated that the Council's decision has to do with the location of this dispensary. She inquired why anyone would think that it is a good idea to put it near a family oriented establishment like McDonald's. She stated that it doesn't seem like the right location for a dispensary.

Mr. Robert Leo Souza, McDonald's Owner, stated that he owns the McDonald's on SH79 as well as the one in North Florence. He stated that both times the application was made; he sent a letter to the Council. The Council needs to ask if the dispensary fits in the location and if the applicant has a legal right to own a marijuana dispensary. He said the applicant does have a right to own a medical marijuana dispensary because over half of the voters in Arizona said he does. He stated that it is up to each municipality to create restrictions, covenants, and buffer zones to where this dispensary would or could be placed. He stated that with regards to the law library being a bonafide library, he understood that you are unable to check out books in that law library. They have reference books and he doesn't believe that you can check out reference books from any library. He stated that a judge has said that approximately 90% of the adults that went into the library there were for domestic issues. He also heard from an educator that children go to the library all the time, making it a bonafide library. Council is not here to discuss whether it is legal to own this business; it is legal to own this business. He stated that he doesn't have any qualifications to say that the

dispensary has medical advantages to its patients, but he did state that the dispensary doesn't belong there.

Ms. Rose Jordan, Attorney for the applicant, stated that in order to take marijuana off the streets, a regulated dispensary is needed. She asked Council to make a motion to approve with an inclusion for a certain period of time to try it out. She stated that the Council could consider renewal after that time frame has elapsed. In addition, she asked Council to stipulate a full-time security guard and 25% of Mr. Pahwa's profits be given to charities or non-profits within the Town of Florence; and that a portion of the building be used for a community food bank, health clinic, blood pressure/stroke screening center or other possibilities that the Council determines.

Mr. Mel Mc Donald, Attorney, stated have Council heard the argument given to base this on reason. He said Council is not going to find a building with some big marijuana leaf growing out of it or advertising marijuana. They are medical dispensaries for people who have a prescription. If the learning educators are really that interested, then they should protest against Walgreen's and other stores because some of the most damaging drugs in schools today are Oxycodone, Vicodin and other pain killing drugs. Those drugs sold at pharmacies don't have this crusade. He stated it is easy to get up and say, if you do something that's going to be a true medicine for people it's going to hurt the children. He stated that there is not any evidence in Colorado or California of a dispensary selling illegally. He stated that he applauds Arizona Department of Health Services because they have done it right.

Mr. McDonald stated that when marijuana is delivered notification must be made to law enforcement of the type of vehicle, the location, and what is being delivered. He urged the Council to not succumb to the fears of someone saying that it would set aside all the things that the children are being taught. He said the message that it relays is that sick people can go to a state regulated lab and receive their medicine. People are still out on the streets doing drugs illegally; that issue needs to be addressed and people need to be prosecuted.

Ms. Denise Kollert, Resident, stated that she does not understand the relationship between having a licensed controlled facility and people buying marijuana off the street. She stated that kids rob their parents' by taking medicine from the medicine cabinets for drugs and obtain alcohol from their parent's liquor cabinets. She said the problem cannot be blamed on a facility like this, it's irrational. She urged the Council to give Mr. Pahwa a chance because she is sure there is a person in Florence that would benefit from being able to do this.

Mayor Rankin closed the Public Hearing.

On motion of Vice-Mayor Smith, seconded by Councilmember Celaya, to approve the Conditional Use Permit application for a proposed Medical Marijuana Dispensary on a Highway Business Commercial zoned property, located at 801 North Pinal Parkway Avenue, Florence, Arizona.

Roll Call Vote:

Vice-Mayor Smith: No
Councilmember Celaya: Yes
Councilmember Walter: No
Councilmember Hawkins: Yes
Councilmember Woolridge: No
Mayor Rankin: No

Motion Failed: Yes: 2; No: 4

Presentation by Greater Florence Chamber of Commerce recognizing the Business of the Month.

Ms. Susan Kerestes, Executive Director, Greater Florence Chamber of Commerce, presented a plaque to Mr. Humphrey, Owner, Affinity Physical Therapy for business of the month.

Presentation of the Greater Florence Chamber of Commerce's Annual Report.

Ty Schraufinagel, President, Greater Florence Chamber of Commerce presented the annual report. Mr. Schraufinagel informed Council of the following items.

- Vision Statement
- Redefined Mission Statement
 - The Greater Florence Chamber of Commerce is a voluntary organization of business and professional people working in partnership with government and community leaders for the enhancement of economic vitality and quality of life for the total community.
- Thanked the Board of Greater Florence Chamber of Commerce, staff, ambassadors', and volunteers.
- Monthly business classes for local business owners
- Engaged the community and business owners in business minded networking events
- Bring vibrant speakers to monthly luncheons
- Strong local and online presents
- Casino night
- Winter Visitor's Breakfast
- 1st Annual Falce-Vail Music Festival partner with Jr. Prada
 - This event is to bring music talent to Florence and highlight all the different locations and areas within Florence.
- 1st Thursday

- Desire to bring more people and attention to downtown Florence to boost economic development.
- Membership (152 members)
- Finances/Grants
 - Plan to develop a strong financial budget for this current year, ended multiple equipment leases, and moved to McFarland State Park.
 - In the process of obtaining grants for the Town of Florence business owners.
 - July 1st new contract with the Town of Florence to operate McFarland State Park, want to enhance exhibits by partnering with the State Parks and expanding the gift shops.
- Updated website
 - Tourism and Economic Development, Local First Arizona, providing updated information to State Parks and Office of Tourism on what is occurring in the Town of Florence.
- Distributed more Chamber maps, directories, relocations packages, and business packages.
- Have a contract with Motivational Systems Inc. on promoting Kiosk displays and to sell signs.
- Hosted eight ribbons cuttings.
- Two ground breaking ceremonies.
- Improved the Greater Florence Chamber of Commerce calendar.
- Started Business of the Month
 - Highlight businesses that are making a difference in the Town of Florence.
- FAM Tours: bus tours of the Town of Florence
- Featured in LNB newsletter in September 2012 for the voice of the business community.
- Hosted retention and expansion meeting at the Holiday Express.
- Face Book fan page this website will help promote Florence.
- Continue to work close with the Town of Florence.
- Read testimonials from business owners about how well the Greater Florence Chamber of Commerce is doing.

CONSENT: All items indicated by an (*) will be handled by a single vote as part of the consent agenda, unless a Councilmember or a member of the public objects at the time the agenda item is called.

- a. ***Authorization to forward a favorable recommendation to the Arizona Department of Liquor Licenses and Control on behalf of the Greater Florence Chamber of Commerce's application for a Special Event Liquor**

License for September 5, 2013, and October 3, 2013, from 4:30 p.m. to 6:30 p.m. for their First Thursday events.

- b. ***Authorization to enter into a lease agreement with Carol Jonson (Silver King Hair Co.), for Suite 201, in the Silver King Market Place.**
- c. ***Resolution No. 1405-13: adoption of A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, ADOPTING THE CORRECTED TOWN OF FLORENCE FY2013-2014 EMPLOYEE CLASSIFICATION PLAN.**

Ms. Lisa Garcia, Deputy Town Manager/Town Clerk, read Resolution No. 1405-13 by title only.

- d. ***Approval of the Mutual Protection and Law Enforcement Agreement between the Tohono O'Odham Nations and Town of Florence.**
- e. ***Receive and file the following board and commission minutes:**
 - i. **Receive and file the September 25, 2012 Planning and Zoning Commission minutes.**
 - ii. **Received and file the December 18, 2012 Redevelopment Commission minutes.**

On motion of Councilmember Walter, seconded by Vice-Mayor Smith, and carried to adopt the Consent Agenda as written, with the exception of Item d.

d. *Approval of the Mutual Protection and Law Enforcement Agreement between the Tohono O'Odham Nations and Town of Florence.

Mayor Rankin stated the Resolution No. 1406-13. The Resolution of the Mayor and the common Council of the Town of Florence, Pinal County, approving the mutual protection and law enforcement agreement with the Tohono O'Odham Nation.

Mayor Rankin stated Council need to make a resolution and have one listed as the resolution in the consent agenda.

On motion of Councilmember Hawkins, seconded by Councilmember Celaya, and carried to approve Item d.

MANAGER'S REPORT

There was no report.

CALL TO THE PUBLIC

There were no comments.

CALL TO THE COUNCIL

Councilmember Hawkins invited the public to the National Bank of Arizona Open House.

Councilmember Walter and Councilmember Celaya thanked staff for the excellent job on the 4th of July event.

Mayor Rankin stated if Councilmembers or members of the public think the zoning ordinance should be changed they need to inform Town staff so a work session can be set up. He stated that the 4th of July event was a great success.

ADJOURNMENT

On motion of Councilmember Walter, seconded by Councilmember Hawkins, and carried to adjourn the meeting at 9:56 p.m.

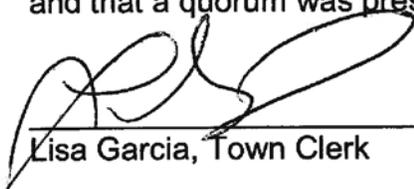


Tom J. Rankin, Mayor

ATTEST:


Lisa Garcia, Town Clerk

I certify that the following is a true and correct copy of the minutes of the Florence Town Council meeting held on July 15, 2013, and that the meeting was duly called to order and that a quorum was present.



Lisa Garcia, Town Clerk