

**MINUTES OF REGULAR SESSION  
HIGHLAND CITY COUNCIL  
MONDAY, DECEMBER 2, 2019**

Mayor Michaelis called the Regular Session to order at 7:00pm. Councilmembers Sloan, Frey, Bellm and Hipskind were present. Others in attendance were City Attorney McGinley, Directors Conrad, Gillespie, Kim, Korte, Rosen, and Slover; EMS/Fire Chief Wilson, Supervisor Stram, Coordinator Hubbard, Treasurer Foehner, Deputy City Clerk Hediger, City Clerk Bellm, 53 citizens, and two members of the news media.

**MINUTES**

Councilman Frey made a motion to approve the minutes of the November 18, 2019 Regular Session as attached; seconded by Councilwoman Bellm. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

**PUBLIC FORUM**

Citizens' Requests and Comments:

Mayor Michaelis stated I am going to ask City Attorney McGinley to discuss where we are headed with this in the next two weeks. City Attorney McGinley reported, the first meeting, last month, the council passed an ordinance for allowing a cannabis dispensary. Some citizens here were at the last meeting. We listen to citizens' comments and they have been given a chance to be heard. At the next meeting, there will be an ordinance on the next agenda to take to a referendum on whether a cannabis dispensary should be allowed within Highland. At the same time, that will put a stay on any activity related to this. Basically, hitting a pause button on any action taken until after an election vote is taken and we know what the citizens desire.

Mayor Michaelis invited anyone wishing to address the council to come forward, state their name and city where they reside. If, at same time, the same information has already been covered, please condense it.

Ken Keeven, Highland, stated I came, tonight, to ask the council to reconsider and change direction. I do not know of any good reason to have this. The medical arena considers this a gateway drug. Does the council have any good reason? Are there any reasons? Mayor Michaelis responded overall this is compliance with state law. Mr. Keeven responded we do not have to allow it. Councilwoman Bellm stated there is a couple of reasons. Staff attended a briefing by the Illinois Municipal League on this. Whether legalized or not here, it is out of our hands. The best way to deal with it was head on. If there is a possibility of having a medicinal dispensary and recreational is to deal with it head on and make sure that we really regulate it. Second, I really do not know if medicinal marijuana is beneficial or not. I have had many that said it is. I spoke with a nurse, and she has saw the benefits of it for those struggling with medical issues. Councilwoman Bellm stated, as I understood it, the

state could allow a medicinal dispensary in Highland and that dispensary could sell recreational. The chances of Highland getting one is pretty small. Dispensaries are predisposition to be located in socially economic depressed areas. Mayor Michaelis asked Chief Conrad for explanation. Chief Conrad reported it is a social justice scenario. The first few rounds of licenses are intended to be put into those economically impacted areas by the war on drugs. Highland does not fall into those redline maps. Councilwoman Bellm continued, my thinking was, we do not opt out, so that we burned all our bridges. If down the road, the governor changes things, I wanted it on the books that these are located only in certain areas, with stringent hours and regulate as to how they operate. Ultimately, it protects us and offers medical assistance to those that need it. My philosophy is that if people want it, they are going to get it. The recreational dispensary is going to be so expense, between the tax and regulations, I am not sure there will be one here. Mr. Keeven stated you can't tell me those are good reasons. Councilwoman Bellm responded we can agree to disagree. After talking to all sorts of people, I feel it is pretty even. We always hear from the negatives, not so often from the positives. I hate to spend money on the referendum. Mr. Keeven stated I feel that would be a good first choice. It shocked the hell out of me that it was voted on 3-1. The Pioneer had three letters in there against this and nothing for it.

Councilman Frey stated I have been on the fence on this the whole time. I sat with a twenty-year sheriff of Clinton County. He had spent considerable time researching this topic. We spent several hour discussing it. I did some internet searches and reading. Mr. Keeven asked isn't a way to deal with it, to vote against it. Councilman Frey stated I was on the bubble on this until the end. I felt that with some guidelines on the books we had would have something in place should the governor decides to open up licensing. Councilman Hipskind stated I love Rick and Peg and respect them. However, to blame it on the governor is not a reason. I moved here because I felt it was a good community to raise my children. I am the only one with a business in this town. Councilwoman Bellm and Councilman Frey both object to that. Councilman Hipskind continued, I had a discussion with someone, last night that was in favor of allowing them. I moved out to Highland to shelter my kids. I felt the schools were good. I do not want a dispensary here, but I think the residents of Highland should be allowed to vote on it. I have taken a lot of flak about being the lone vote on this. Many say it is no different than alcohol; to a certain an extent I do agree with that. The million-dollar dispensaries are in L.A. and Denver. I do not see that happening here. Mr. Keeven stated I am a father of four, and grandfather of thirteen. I do not agree with allowing it in this town. Councilman Hipskind expressed I do not want to it here either, but I think people should have the right to vote on it. I advocate a wait and see approach. I do not think it is a good look for Highland nor does it align with the values. Mr. Keeven asked City Attorney McGinley, are we to believe that the council is willing to go with the outcome of the vote. Attorney McGinley stated the ordinance before the council will be on whether to have a referendum vote. Referendum votes are advisory only. Along with that, we are going to hit the pause button. Mr. Keeven suggested instead of the "pause" button, why not hit the "delete" button.

Mark McGranahan expressed my family and I really do enjoy this community. I have four school-age kids at home. I do not feel this is a good fit for Highland. The city still has the right to say "no" if someone comes before them. City Attorney McGinley confirmed the ordinance established only creates a potential for one to be licensed. They would have to apply for a license to operate within the city. Mr. McGranahan stated I appreciate the right to control it. The city still can say no to allowing a license to operate in Highland. Attorney McGinley confirmed yes. He questioned if there is enough time to put it on the ballot, if the council waits two weeks. City Attorney McGinley explained by the city council route to put this to referendum, it must be done by December 31, 2019. Mr. McGranahan thanked everyone for listening. I know we do not see eye to eye, but I hope we get there.

Mary McWhorter stated I moved here because of the small town, beautiful Highland with a good school system. If we had gotten word of a cannabis dispensary, I would not have moved here. Just because of what is going on in Springfield or Chicago, does not mean we need to do that. If it is about

getting up to date or on the bandwagon, that is wrong. We are progressing. There are families moving to town. We have construction going on. We do not need the cannabis dispensaries and the slot machines. But, I did not get here before them. If people want pot, let them go get it. I have read articles, seen videos, and seen how it helps people with medical disabilities and with epilepsy. Why can they not allow this to be sold in pharmacies? Why do we need these dispensaries where anyone over twenty-one can use it? Why put the temptation in front of other people? We already have gambling and alcohol. We have a lot of beautiful children. Do not put it in front of them. A referendum vote is going to cost a lot of money. City Attorney McGinley responded the actual cost to the city will not be that much. Mrs. McWhorter stated I know from immediate family what smoke pot in high school can lead to. Just delete it and say no to everything. Maybe the governor will someday say anyone can sell it anywhere, but why allow it here now. Mayor Michaelis noted one reason this is being done is the number of people that raised their hands, at the last council meeting, when I asked who would like to see it go to a vote. Mrs. McWhorter contended why have to go that far. Why take it out to a vote? Just say no now. You are the city council and you are supposed to look out for the city overall. Councilwoman Bellm stated I am not saying I want this in this time, but I have talked to others that are passionate about having it another way. The only way to see truly what the citizens overall want is to send it to a vote.

Chief Conrad explained I believe if the council did nothing, by acquiescent the city is opting in. Opt in and regulate or opt out and not allow them in to town. Mrs. McWhorter asked why not opt out. Councilman Frey expressed it is not my job to tell you that you can drink or not drink or what church you should belong to or not to. It is a personal decision by people to choose whether or not they want to use. Mrs. McWhorter questioned Councilwoman Bellm stated that we have to protect ourselves. Councilwoman Bellm explained the ordinance allows the city to protect ourselves by the regulations set. It establishes the rules for them to know before coming to the city, regulating where they would be located, hours of operations, and other regulations. Then they must come to Combined Planning & Zoning and then to the council. Councilman Hipskind expressed I do not believe in using “protect” and “control” in this discussion of why the city did allow. I think this should be something left to the people to decide in a vote. Mrs. McWhorter stated if it goes to a vote great, but I wonder why even go there.

Brian stated I live outside the city limits. While legal in Colorado, California, and Washington, there is a constitutional provision of federal exemption. Marijuana is on the federal list of illegal drugs, which was passed by the U.S. Senate and President of United States. Because federal law has spoken on this, they have preempted the action of any state. They may face enforcement by the federal government. You have to give serious consideration to whether the state is doing the right thing. You may say what we can do, at local level. Do the same thing as done at the close of prohibition, which was a withdrawal of a constitutional amendment. Why hasn't the chief executive enforced this? President Obama and Donald Trump both favored legalized marijuana, so they have ignored the law. We live in an age of where prosecutors get to choose what they want to enforce or not. I feel they have done a disservice in not enforcing the constitution.

Mayor Michaelis explained the reason, tonight, I am asking for name and city is because news media has asked us to do that tonight. All are welcome to address the council, regardless of whether you live in the city limits or not.

A resident, by the name of Nick stated I live here in Highland with my wife. She is coaching volleyball tonight. We moved here because it is a great town and we want the values. This is reflective of what is going on across the nation with the centralization of powers. One of the geniuses of our republic is that local governments have the right to reflect the values of the people they represent. You all get to be the frontline of what the values of Highland are. Take it to a vote so you can hear what the citizens of Highland's values are. Take it to a referendum and let the people have a voice. We do not get

to do that at a state level and are limited at a national level. You have the ability to really hear and listen to us. Reconsider and put the referendum out there and base your decisions upon that.

Carol Hendrichs, Highland, stated I know most of you. I was really surprised and disappointed that we have to be here tonight to discuss this. Family is the greatest blessing and we would do anything to protect them. Why would we allow one more vice for our children to have to make a decision on? There is enough they have to make choices about, today. Once we open that dispensary, we are putting one more choice out there for them. Mrs. Hendrichs presented to the council a copy of "Marijuana, Mental Illness and Violence" by Alex Berenson, as published in Imprimis, a publication of Hillsdale College, and suggested that all councilmembers read it. She noted Alex Berenson wrote the book "Tell Your Children: The Truth About Marijuana, Mental Illness and Violence". He is married to someone that treats people in at a mental institution and when his wife was telling him about the patients. The bottom line is this is not to be taken lightly. Those who lived in the 60s we all know marijuana contained 2% THC. Today's marijuana is 20-25% THC. I am not so sure our Illinois governor is the best person to emulate. We need to make our own choices about the values we want to set forth in Highland. Does this have the potential to make our city a better community or does it have a potential to be a negative effect on our community? As representatives of this fine community, we need to have you make decisions about what is best for our community.

Councilman Hipskind asked that the article be added into the minutes. [Attachment: "Marijuana, Mental Illness and Violence" by Alex Berenson, as published in Imprimis, a publication of Hillsdale College.]

Anna Wilson noted the Belleville News Democrat reported on the last council meeting. Mrs. Wilson noted I was there, and there was more than 15 people there. The rumor was there was going to be a lot of supporters for this here. Why have they not come forward? I have not seen or heard anyone come forward. Do they think they do not need to? We are so concerned about our community and our families that we show up to let you know how we feel.

John Geismann, Highland, stated I have lived here for the past 50+ years. I am not going to make a lengthy speech against this ordinance. Don't pass it. Don't authorize it. Don't become known as a pothead community, but I think that is where it is headed. The five of you have big responsibilities and you are screwing it up. Councilman Hipskind noted it has already been done and voted to allow it. Councilwoman Bellm pointed out, what is on the agenda, tonight, is because this is becoming legal with by the state. We have to have our ordinances in alignment with state statute for enforcement. We are putting it on the books to be regulated. Councilman Hipskind continued marijuana is going to legal to smoke in your homes, but the issue is regulating enforcement of the state statutes within the community. Public Safety Director Chris Conrad explained Items G & H, on the agenda, tonight, is to set into place statutes that mirrors the state laws for enforcement. These same things are illegal at the state level and allow for enforcement ordinances. We have these for tobacco and alcohol.

John Geisman expressed it seems we get the feeling we have to do what the state does. We have to follow them and be a part of their coattails. Let us not pass this and let's not become known as a pothead community.

A resident, named Michelle stated she just moved to Highland in June, from Colorado. I am not for or against it this. My dad is a twenty-year veteran Navy Seal and he does benefit from medical marijuana. I was a teacher in Colorado for four years. We did benefit from the marijuana taxes. I do believe it should be put to a vote and the town should decide.

Tom Hill, Highland, stated I think it is regrettable that the council passed the ordinance that they did. Since, apparently, the council is going to consider putting this on the ballot, when would it be on the

ballot? Deputy City Clerk Lana Hediger reported March 17, 2020. I suggest two questions be put to a vote: (1) Medicinal Dispensary, and (2) Recreational Dispensary. Mr. Hill stated, Councilman Frey, don't sell yourself short. People elected you because they respect your personal opinion. Councilwoman Bellm stated it is my belief that medical and recreational dispensaries will go together. City Attorney McGinley reported, that is correct, if a license is given for medical and recreational dispensary, you are going to be given both. The question will be "Should the City of Highland license a cannabis dispensary in the City of Highland?" Mr. Hill questioned should the two be separated. Attorney McGinley clarified, from here on out, the two come together. Mr. Hill stated then you need to clarify that you get both. Councilwoman Bellm stated I believe by this being legal, for medicinal purposes, those people will be able to get some good clean product. Unfortunately, we end up with the recreational should we allow a license.

Mayor Michaelis noted, at the last meeting, at one point in the council meeting, I asked the audience to raise hand if they felt it should be brought to a referendum vote. It is tough to make decisions up here, but we want to make what Highland what the citizens want.

Wayne Slay reported I looked up the minutes of the November 4 meeting. The Illinois Association of Chief of Police addressed the group. There were 700 calls from people in medical distress, up from 2016. A Marine veteran was executed while working security at one of these dispensaries. The number of illegal sales in California has eclipsed its legal ones. Cartels may set up inside or outside of your community. There was an article in The Pioneer, written by Art Schuetz, which stated the marijuana bills send the wrong message. He cited a way to fix this, under Roberts Rules of Order, was for a councilmember to make a motion proper approval of the minutes to rescind the ordinances voted on, and we could get on with other business. I do not want to deprive anyone that feels medical marijuana is useful, but they can get it by going to Collinsville. City Attorney McGinley advised the council would have had to rescind the motion done at the meeting after that was voted on, which is now over a month ago.

Jean Gall, Highland, stated I was born and raised here; raised my kids here; and, I am raising my grandkids here. I am concerned about the safety of our kids and also about our police and EMS. I do not feel this is in the best interest of the City of Highland. I wish we did not have to be here.

Mayor Michaelis asked Chief Conrad about enforcement. Chief Conrad stated we have to prepare for 1/01/2020. We will have to send our officers through training to recognize and record influences. We have met with the landlords about their rights as property owners and the measures they can and should probably take. Councilman Hipskind asked your staff will have to do this regardless if we have a dispensary or not. Chief Conrad replied yes. Mayor Michaelis asked will there be a direct correlation between communities that have and don't have dispensaries? Chief Conrad stated I have only seen impact numbers from states that have legalized. Mayor Michaelis asked Chief Conrad to comment on where it is projected that most of these dispensaries will be put into. Chief Conrad reported those are areas impacted by the war on drugs, such as Alton and Collinsville, where many more arrests for drugs in the past. That was part of the sales pitch by legislators. Attorney McGinley noted there was also a huge expungement component with decriminalizing for it going forward as well as for those with records for used and sale. Councilman Hipskind stated I was told there was an individual with cash and connections to potentially get a license for a dispensary, here in Highland. He asked Chief Conrad if he has heard any such thing. Chief Conrad reported there has been three or four calls to the police department. He noted we get 2-3 calls per week inquiring about gaming facilities. Since this ordinance has passed, we have received 3-4 calls. Mayor Michaelis asked Chief Conrad to discuss where it can be put and how much it will cost. Chief Conrad reported the dispensaries would have the same location restrictions that we have for bars, which they have to be outside of so many feet of churches and schools. Numerous security measures are required within the facilities. Those are the type of things we would be asking the

Combined Planning & Zoning Board to look at, after the referendum, if approved. Mayor Michaelis asked what the cost would be to open a dispensary up. Chief Conrad reported \$25,000 for application but between consultants, security, and land acquisition, looking at six figure numbers up to a low seven-figure cost. Councilman Hipskind asked if anyone in Highland that could do that. Chief Conrad acknowledged we have several people that have done well for themselves. He referenced the young lady that spoke earlier, from Colorado. Their original idea was that these were going to be “Mom & Pop” stores; however, the majority have turned out to be large corporations owning and running these.

At Mayor Michaelis’ request for a motion to recess, Councilwoman Bellm made a motion for a five-minute recess. Motion seconded by Councilman Frey. All council members voted aye, none nay. Motion carried and meeting recessed at 8:19pm

Mayor Michaelis called the Regular Session to order at 8:36pm. Councilmembers Sloan, Frey, Bellm and Hipskind were present. Others in attendance were City Attorney McGinley, Directors Conrad, Gillespie, Kim, Korte, Rosen, and Slover; EMS/Fire Chief Wilson, Supervisor Stram, Coordinator Hubbard, Treasurer Foehner, Deputy City Clerk Hediger, City Clerk Bellm, 53 citizens, and two members of the news media.

Sandra Robinson stated I have lived in Highland for thirty years. I hate doing this. I almost chickened out. As a mom, first: My husband and I moved here to Highland because of the wonderful community it was. Raising two boys. Wonderful school system, churches and low crime rates. I think of Mayor Michaelis as Coach Michaelis. My sons have both grown up to be wonderful young men. I attribute that to the wonderful community they grew up in. It broke my heart to see we are going to allow this. I was shocked to hear this was even a possibility. I have grandchildren. Two girls that live in Alhambra. Part of the reason they stay in this area is because of the school system and the low crime rate. Do you remember the DARE program? Do you remember that? Do you remember, “Just Say No.”? That is from the mom, the wife, the citizen, the grandma, and a nurse. I worked in the local hospital. I have had experience with drugs and it was horrible. I understand medical marijuana. Anyone that wants that can get that right now. It is accessible now. It is a sham to use that now. My experience has been with people not getting the pain medication they need. My experience of meeting people using harder drugs stated they started with marijuana. I was trapped in a bathroom when a person who was hitting me because of his overdosed on marijuana. These are my experiences. Springfield is one thing. I know we cannot change the state law. What if it is prostitution? If Springfield says it is okay, are we going to pass ordinances to regulate it but allow it? I am going to stand up and say no, and take a stand for what is courageous and right. We are talking about a referendum. Am I to understand that the vote outcome is only advisory? City Attorney McGinley confirmed referendums are advisory. Mrs. Robinson expressed that is no promise to me at all and that is crooked. Mayor Michaelis stated I will speak for myself. Mrs. Robinson pointed out, if the majority of citizens vote that we do not want this, the council can continue to still allow one. That is wrong. Mayor Michaelis explained, because of the Open Meetings Act, we can only speak on what is on the agenda tonight. We cannot state how we will vote otherwise.

Ken Keeven asked what would it take to make it a binding referendum. City Attorney McGinley explained this type of referendum is statutory and can only be advisory. Under the Open Meeting Act, it would be a violation for any councilmember to state how they would vote on anything beyond what is before them on the agenda tonight. Bill Napier, editor of The Pioneer, pointed out the United States Constitution says the council members cannot state how they would vote. Wayne Steiner concurred that is correct. Mayor Michaelis stated the decision on putting this out for a referendum vote will be at the December 17, 2019 Council Meeting, at 7:00pm.

Deb Vance, Highland, expressed my biggest question regarding this referendum. From what we hear, is that at the next meeting, the council votes to put it on the ballot for election? City Attorney

McGinley stated that is correct. Mrs. Vance asked would a petition solidify it for the council. Would that make any difference? Attorney McGinley advised there is two ways towards getting in on the ballot. There is a vote by the council or a 300+ signature-petition for a citizens' ballot. Mrs. Vance stated I understand the medicinal. I have a young grandchild that needs it for seizures; however, I do not feel we need to sell it in our town. If they need it, there are ways for them to get it.

Mayor Michaelis expressed one thing I see about the recreational use is the enforcement of a driver of vehicle. It has to create a huge problem. What are most law enforcement agencies going to do for this? Chief Conrad reported SILEA (Southern Illinois Law Enforcement Agency) is establishing area training. DRE (Drug Recognition Expert) is a pretty substantial class and only graduates about 25 per year. The key will be to have better trained staff, so we are striving to get all officers ARIDE (Advanced Roadside Impaired Driving Enforcement) certified, so we are more skilled at recognizing and recording the complexities of impairment. Mayor Michaelis noted a blood test is the only option. Chief Conrad replied yes. Mayor Michaelis asked what if they refuse. Chief Conrad explained in all cases it will be to write a report based upon behavior, mood and movements. There is enhanced penalties for those refusing to submit to a drug screen. Mayor Michaelis asked if blood is drawn at hospital while the person is in custody, then who pays for the test. Chief Conrad reported the city would under enforcement costs.

A citizen asked who pays for the training of the officers. Chief Conrad reported we are part of Southern Illinois Law Enforcement Agency, which receives funds in their budget, but local departments pay for the officers' time at training.

#### Requests of Council:

City Manager Latham recognized staff who were recently honored: Angela Imming, as local Smart City Executor of the Year, and Angela Kim, as Illinois Business Professional Women (IBPW) Boss of the Year.

Councilwoman Sloan stated I had someone reach out to me to ask if the city could look into a car that has been parked on 14<sup>th</sup> Street, near Olive, and has been covered on the street for over a year.

#### Staff Reports:

Nothing to report.

### **NEW BUSINESS**

Discussion - 2019 Estimated Tax Levy Specifically Regarding Police Pension – Darren Twyford, member of Police Pension Board, stated we are requesting for a tax levy. The city council has taken care of the pension through tax levy. These are changes regarding the consolidation. We are asking for \$660,000. \$617,385 was the Actuarially Determined Rate; our financial advisors recommended 678,000. This gap is to, for a lack of better words, put money in now, to save later. Pensions were underfunded, years ago, with the thought that all funds would make the same returns on C.D.s and other forms of investments as those in the early 1990s. Any dollars that come in above is saving in multiples for down the road. I do not like the idea of all the money we have taken great care to put aside, over the years, being turned over to Springfield to care for it. This investment now will save exponentially in years to come. Chief Conrad added the Pension Consolidation Bill was passed to create a downstate pension fund at the state level.

Award Proposal for Banking Depository Services – Councilman Frey made a motion to award banking depository services to FCB Highland Bank as attached; seconded by Councilwoman Bellm. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Award Bid #F-12-19 for the Fire Station 1 Remodel – Councilwoman Bellm made a motion to award Bid #F-12-19 for the Fire Station 1 Remodel to Poettker Construction, in the amount of \$1,399,045.00 as attached; seconded by Councilman Frey. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried. Mayor Michaelis asked City Attorney McGinley what caused us to go out for bid and how is a bid selected. Attorney McGinley reported we award to the most qualified bidder. Most often the lowest bidder.

Award Bid #BZ-20-19 for Demolition of Structures at 516 9<sup>th</sup> Street – Councilman Frey made a motion to award Bid #BZ-20-19 for demolition of structures at 516 9<sup>th</sup> Street to Mettler Development LLC, in the amount of \$8,890.00 as attached; seconded Councilwoman Sloan. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Approve Notice of Municipal Letting, Bid #PW-17-19, for Construction of the IL 160 Shared Use Path – Councilwoman Bellm made a motion to approve Notice of Municipal Letting, Bid #PW-17-19, for Construction of the IL 160 Shared use Path as attached; seconded by Councilman Frey. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Bill #19-161/RESOLUTION Approving Contract for Ambulance Service with Clinton County Special Service Area #5 (St. Rose) – Councilman Frey made a motion to approve Bill #19-161/Resolution #19-12-2674 approving contract for ambulance service with Clinton County Special Service Area #5 (St. Rose) as attached; seconded by Councilwoman Bellm. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Bill #19-162/ORDINANCE Amending Section 42-104, Consuming or Possessing Alcoholic Beverages in Public, of the Code of Ordinances, To Include Consuming or Possessing Cannabis – Councilwoman Bellm made a motion to approve Bill #19-162/Ordinance #2980 amending Section 42-104, consuming or possessing alcoholic beverages in public, of the code of ordinances, to include consuming or possessing cannabis as attached; seconded by Councilman Frey. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Bill #19-163/ORDINANCE Amending Section 42-106, Possession of Cannabis, of the Code of Ordinances, Setting the Age Limitation at Twenty-One (21) Years of Age, In Accordance with Illinois Law – Councilman Frey made a motion to approve Bill #19-163/Ordinance #2981 amending Section 42-106, Possession of Cannabis, of the Code of Ordinances, setting the age limitation at twenty-one (21) years of age, in accordance with Illinois Law as attached; seconded by Councilwoman Bellm. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Bill #19-164/ORDINANCE Approving and Authorizing Execution of a Development Agreement for a Project in the Northside Conservation TIF Redevelopment Plan, TIF #2 Project Area, with Core Complex, LLC, and Other Actions Related Thereto - Councilwoman Bellm made a motion to approve Bill #19-164/Ordinance #2982 approving and authorizing execution of a development agreement for a project in the Northside Conservation TIF Redevelopment Plan, TIF #2 Project Area, with Core Complex, LLC, and other actions related thereto as attached; seconded by Councilman Frey. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Bill #19-165/ORDINANCE Approving and Authorizing Execution of an Economic Development Agreement Pursuant to 65 ILCS 5/8-1-2.5, with Core Complex, LLC, and Other Actions Related Thereto – Councilman Frey made a motion to approve Bill #19-165/Ordinance #2983 approving and authorizing execution of an economic development agreement pursuant to 65 ILCS 5/8-1-2.5, with Core Complex,



LLC, and other actions related thereto as attached; seconded by Councilwoman Bellm. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Bill #19-166/ORDINANCE Amending Section 46-40, of the Code of Ordinances, Permitting Use of Non-Inflatable Paddleboards – Councilwoman Bellm made a motion to approve Bill #19-166/Ordinance #2984 amending Section 46-40, of the Code of Ordinances, permitting use of non-inflatable paddleboards on Silver Lake as attached; seconded by Councilman Frey. Councilman Frey expressed I am a little leery of this. I have paddle boarded before; I was in the water more than on the board. Councilwoman Sloan pointed out they would be required to wear a life vest, but not allowed to swim in the lake. Director Rosen reported we have to keep up with trends. On the north end, it does get very shallow. Councilman Frey expressed concern that we do not allow swimming and if someone does get into trouble, they may be by themselves. Attorney McGinley pointed out there would be the liability waiver they signed to get a paddleboard license. Councilwoman Bellm asked – no pun intended - does that hold water? Attorney McGinley advised the ordinance states they may only be in the water for the amount that it takes to get back on the board. In all fairness, anyone can always get pulled into a lawsuit with anything. Councilwoman Bellm asked we have gotten a lot of requests for this. Director Rosen replied yes. Councilwoman Sloan stated I relate it to a kayak. Roll Call Vote: Councilmembers Sloan, Bellm and Hipskind voted aye, Councilman Frey voted nay. Motion carried.

Bill #19-167/ORDINANCE Amending Section 46-41, of the Code of Ordinances, Establishing Pavilion Rental Rates, Pavilion Rental Application, and Liability Waiver – Councilwoman Bellm made a motion to approve Bill #19-167/Ordinance #2985 amending Section 46-41, of the Code of Ordinances, establishing pavilion rental rates, pavilion rental application, and liability waiver as attached; seconded by Councilman Frey. Councilwoman Bellm stated I appreciate seeing the fees some of the area communities are charging. We do need to raise our rates. It has been many years and we have increasing wages and benefits to cover. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Bill #19-168/ORDINANCE Declaring Miscellaneous Water Reclamation Facility Equipment Surplus and Authorizing Its' Sale or Disposal – Councilman Frey made a motion to approve Bill #19-168/Ordinance #2986 declaring miscellaneous water reclamation facility equipment surplus and authorizing its' sale or disposal as attached; seconded by Councilwoman Bellm. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Bill #19-169/ORDINANCE Declaring Four Ambulance Stretchers Surplus Property and Authorizing They Be Sold and/or Disposed Of or Conveyed/Turned In as Part Payment on a New Purchase of Any Similar Article – Councilwoman Bellm made a motion to approve Bill #19-169/Ordinance #2987 declaring four ambulance stretchers surplus property and authorizing they be sold and/or disposed of or conveyed/turned in as part payment on a new purchase of any similar article as attached; seconded by Councilman Frey. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Bill #19-170/RESOLUTION Waiving Normal & Customary Bidding Procedures and Authorizing Purchase of Four Ambulance Stretchers From Ferno – Councilman Frey made a motion to approve Bill #19-170/Resolution #19-12-2675 waiving normal & customary bidding procedures and authorizing purchase of four ambulance stretchers from Ferno, in the amount of \$49,342.80 as attached; seconded by Councilwoman Bellm. Councilman Hipskind stated I am not a fan of waiving the normal and customary bidding procedure, and it did seem you got quotes. Chief Brian Wilson reported we did get bids from the only two companies we are aware of. Councilman Hipskind stated I did read the memo and I am aware of the reason. Councilwoman Bellm asked they are taking the old ones as trade in. Chief Wilson replied

yes, Ferno did that as part of the package, since they are making a big push to get back into the market.  
Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

## **REPORT**

Approve Warrant #1149 – Councilman Frey made a motion to approve Warrant #1149 as attached; seconded by Councilwoman Bellm. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Councilwoman Bellm made a motion to adjourn; seconded by Councilman Frey. All council members voted aye, none nay. Motion carried and meeting adjourned at 9:25pm.

Joseph R. Michaelis, Mayor

Barbara Bellm, City Clerk

# Imprimis

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January 2019 · Volume 48, Number 1

## Marijuana, Mental Illness, and Violence

Alex Berenson

Author, *Tell Your Children: The Truth About Marijuana, Mental Illness, and Violence*



**ALEX BERENSON** is a graduate of Yale University with degrees in history and economics. He began his career in journalism in 1994 as a business reporter for the *Denver Post*, joined the financial news website TheStreet.com in 1996, and worked as an investigative reporter for *The New York Times* from 1999 to 2010, during which time he also served two stints as an Iraq War correspondent. In 2006 he published *The Faithful Spy*, which won the 2007 Edgar Award for best first novel from the Mystery

Writers of America. He has published ten additional novels and two nonfiction books, *The Number: How the Drive for Quarterly Earnings Corrupted Wall Street and Corporate America* and *Tell Your Children: The Truth About Marijuana, Mental Illness, and Violence*.

*The following is adapted from a speech delivered on January 15, 2019, at Hillsdale College's Allan P. Kirby, Jr. Center for Constitutional Studies and Citizenship in Washington, D.C.*

**Seventy miles** northwest of New York City is a hospital that looks like a prison, its drab brick buildings wrapped in layers of fencing and barbed wire. This grim facility is called the Mid-Hudson Forensic Psychiatric Institute. It's one of three places the state of New York sends the criminally mentally ill—defendants judged not guilty by reason of insanity.

Until recently, my wife Jackie—Dr. Jacqueline Berenson—was a senior psychiatrist there. Many of Mid-Hudson’s 300 patients are killers and arsonists. At least one is a cannibal. Most have been diagnosed with psychotic disorders like schizophrenia that provoked them to violence against family members or strangers.

A couple of years ago, Jackie was telling me about a patient. In passing, she said something like, *Of course he’d been smoking pot his whole life.*

*Of course?* I said.

*Yes, they all smoke.*

*So marijuana causes schizophrenia?*

I was surprised, to say the least. I tended to be a libertarian on drugs. Years before, I’d covered the pharmaceutical industry for *The New York Times*. I was aware of the claims about marijuana as medicine, and I’d watched the slow spread of legalized cannabis without much interest.

Jackie would have been within her rights to say, *I know what I’m talking about, unlike you.* Instead she offered something neutral like, *I think that’s what the big studies say. You should read them.*

So I did. The big studies, the little ones, and all the rest. I read everything I could find. I talked to every psychiatrist and brain scientist who would talk to me. And I soon realized that in all my years as a journalist I had never seen a story where the gap between insider and outsider knowledge was so great, or the stakes so high.

I began to wonder why—with the stocks of cannabis companies soaring

and politicians promoting legalization as a low-risk way to raise tax revenue and reduce crime—I had never heard the truth about marijuana, mental illness, and violence.

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Over the last 30 years, psychiatrists and epidemiologists have turned speculation about marijuana’s dangers into science. Yet over the same period, a shrewd and expensive lobbying campaign has pushed public attitudes about marijuana the other way. And the effects are now becoming apparent.

Almost everything you think you know about the health effects of cannabis, almost everything advocates and the media have told you for a generation, is wrong.

They’ve told you marijuana has many different medical uses. In reality marijuana and THC, its active ingredient, have been shown to work only in a few narrow conditions. They are most commonly prescribed for pain relief.

But they are rarely tested against other pain relief drugs like ibuprofen—and in July, a large four-year study of patients with chronic pain in Australia showed cannabis use was associated with *greater* pain over time.

They’ve told you cannabis can stem opioid use—“Two new studies show how marijuana can help fight the opioid epidemic,” according to Wonkblog, a *Washington Post* website, in April 2018—and that marijuana’s effects as a painkiller make it a potential substitute for opiates. In reality, like alcohol,

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[Latin]: in the first place

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marijuana is too weak as a painkiller to work for most people who truly need opiates, such as terminal cancer patients. Even cannabis advocates, like Rob Kampia, the co-founder of the Marijuana Policy Project, acknowledge that they have always viewed medical marijuana laws primarily as a way to protect recreational users.

**After an exhaustive review, the National Academy of Medicine found in 2017 that “cannabis use is likely to increase the risk of developing schizophrenia and other psychoses; the higher the use, the greater the risk.”**

As for the marijuana-reduces-opiate-use theory, it is based largely on a single paper comparing overdose deaths by state before 2010 to the spread of medical marijuana laws—and the paper’s finding is probably a result of simple geographic coincidence. The opiate epidemic began in Appalachia, while the first states to legalize medical marijuana were in the West. Since 2010, as both the epidemic and medical marijuana laws have spread nationally, the finding has vanished. And the United States, the Western country with the most cannabis use, also has by far the worst problem with opioids.

Research on individual users—a better way to trace cause and effect than looking at aggregate state-level data—consistently shows that marijuana use leads to other drug use. For example, a January 2018 paper in the *American Journal of Psychiatry* showed that people who used cannabis in 2001 were almost three times as likely to use opiates three years later, even after adjusting for other potential risks.

Most of all, advocates have told you that marijuana is not just safe for people with psychiatric problems like depression, but that it is a potential treatment for those patients. On its website, the cannabis delivery service Eaze offers the “Best Marijuana

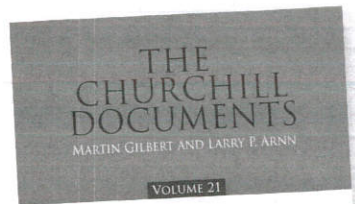
Strains and Products for Treating Anxiety.” “How Does Cannabis Help Depression?” is the topic of an article on Leafly, the largest cannabis website. But a mountain of peer-reviewed research in top medical journals shows that marijuana can cause or worsen severe mental illness, especially psychosis, the medical term for a break from reality. Teenagers who smoke marijuana regularly are about three times as likely to develop schizophrenia, the most devastating psychotic disorder.

After an exhaustive review, the National Academy of Medicine found in 2017 that “cannabis use is likely to increase the risk of developing schizophrenia and other psychoses; the higher the use, the greater the risk.” Also that “regular cannabis use is likely to increase the risk for developing social anxiety disorder.”

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Over the past decade, as legalization has spread, patterns of marijuana use—and the drug itself—have changed in dangerous ways.

Legalization has not led to a huge increase in people using the drug casually. About 15 percent of Americans used cannabis at least once in 2017, up from ten percent in 2006, according to a large federal study called the National Survey on Drug Use and Health. (By contrast, about 65 percent of Americans had a drink in the last year.) But the number of Americans who use cannabis heavily is soaring. In 2006, about three million Americans reported using cannabis at least 300 times a year, the standard for daily use. By 2017, that number had nearly tripled, to eight million, approaching the twelve million Americans who drank alcohol every day. Put another way, one in 15 drinkers consumed alcohol daily; about one in five marijuana users used cannabis that often.



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Cannabis users today are also consuming a drug that is far more potent than ever before, as measured by the amount of THC—delta-9-tetrahydrocannabinol, the chemical in cannabis responsible for its psychoactive effects—it contains. In the 1970s, the last time this many Americans used cannabis, most marijuana contained less than two percent THC. Today, marijuana routinely contains 20 to 25 percent THC, thanks to sophisticated farming and cloning techniques—as well as to a demand by users for cannabis that produces a stronger high more quickly. In states where cannabis is legal, many users prefer extracts that are nearly pure THC. Think of the difference between near-beer and a martini, or even grain alcohol, to understand the difference.

These new patterns of use have caused problems with the drug to soar. In 2014, people who had diagnosable cannabis use disorder, the medical term for marijuana abuse or addiction, made up about 1.5 percent of Americans. But they accounted for eleven percent of all the psychosis cases in emergency rooms—90,000 cases, 250 a day, triple the number in 2006.

In states like Colorado, emergency room physicians have become experts on dealing with cannabis-induced psychosis.

Cannabis advocates often argue that the drug can't be as neurotoxic as studies suggest, because otherwise Western countries would have seen population-wide increases in psychosis alongside rising use. In reality, accurately tracking psychosis cases is impossible in the United States. The government carefully tracks diseases like cancer with central registries, but no such registry exists for schizophrenia or other severe mental illnesses.

On the other hand, research from Finland and Denmark, two countries that track mental illness more comprehensively, shows a significant increase in psychosis since 2000, following an increase in cannabis use. And in September of last year, a large federal survey found a rise in serious mental illness in the United States as well, especially among young adults, the heaviest users of cannabis.

According to this latter study, 7.5 percent of adults age 18-25 met the criteria for serious mental illness in 2017, double the rate in 2008. What's

especially striking is that adolescents age 12-17 don't show these increases in cannabis use and severe mental illness.

A caveat: this federal survey doesn't count individual cases, and it lumps psychosis with other severe mental illness. So it isn't as accurate as the Finnish or Danish studies. Nor do any of these studies *prove* that rising cannabis use has caused population-wide increases in psychosis or other mental illness. The most that can be said is that they offer intriguing evidence of a link.

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Advocates for people with mental illness do not like discussing the link between schizophrenia and crime. They fear it will stigmatize people with the disease. "Most people with mental illness are not violent," the National Alliance on Mental Illness (NAMI) explains on its website. But wishing away the link can't make it disappear. In truth, psychosis is a shockingly high risk factor for violence. The best analysis came in a 2009 paper in *PLOS Medicine* by Dr. Seena Fazel, an Oxford University psychiatrist and epidemiologist. Drawing on earlier studies, the paper found that people with schizophrenia are five times as likely to commit violent crimes as healthy people, and almost 20 times as likely to commit homicide.

NAMI's statement that most people with mental illness are not violent is of course accurate, given that "most" simply means "more than half"; but it is deeply misleading. Schizophrenia is rare. But people with the disorder commit an appreciable fraction of all murders, in the range of six to nine percent.

"The best way to deal with the stigma is to reduce the violence," says Dr. Sheilagh Hodgins, a professor at the University of Montreal who has studied mental illness and violence for more than 30 years.

The marijuana-psychosis-violence connection is even stronger than those figures suggest. People with

schizophrenia are only moderately more likely to become violent than healthy people when they are taking antipsychotic medicine and avoiding recreational drugs. But when they use drugs, their risk of violence skyrockets. "You don't just have an increased risk of one thing—these things occur in clusters," Dr. Fazel told me.

Along with alcohol, the drug that psychotic patients use more than any other is cannabis: a 2010 review of earlier studies in *Schizophrenia Bulletin* found that 27 percent of people with schizophrenia had been diagnosed with cannabis use disorder in their lives. And unfortunately—despite its reputation for making users relaxed and calm—cannabis appears to provoke many of them to violence.

A Swiss study of 265 psychotic patients published in *Frontiers of Forensic Psychiatry* last June found that over a three-year period, young men with psychosis who used cannabis had a 50 percent chance of becoming violent. That risk was four times higher than for those with psychosis who didn't use, even after adjusting for factors such as alcohol use. Other researchers have produced similar findings. A 2013 paper in an Italian psychiatric journal examined almost 1,600 psychiatric patients in southern Italy and found that cannabis use was associated with a ten-fold increase in violence.

The most obvious way that cannabis fuels violence in psychotic people is through its tendency to cause paranoia—something even cannabis advocates acknowledge the drug can cause. The risk is so obvious that users joke about it and dispensaries advertise certain strains as less likely to induce paranoia. And for people with psychotic disorders, paranoia can fuel extreme violence. A 2007 paper in the *Medical Journal of Australia* on 88 defendants who had committed homicide during psychotic episodes found that most believed they were in danger from the victim, and almost two-thirds reported misusing cannabis—more than alcohol

and amphetamines combined.

Yet the link between marijuana and violence doesn't appear limited to people with preexisting psychosis. Researchers have studied alcohol and violence for generations, proving that alcohol is a risk factor for domestic abuse, assault, and even murder. Far less work has been done on marijuana, in part because advocates have stigmatized anyone who raises the issue. But studies showing that marijuana use is a significant risk factor for violence have quietly piled up. Many of them weren't even designed to catch the link, but they did. Dozens of such studies exist, covering everything from bullying by high school students to fighting among vacationers in Spain.

In most cases, studies find that the risk is at least as significant as with alcohol. A 2012 paper in the *Journal of Interpersonal Violence* examined a federal survey of more than 9,000 adolescents and found that marijuana use was associated with a doubling of domestic violence; a 2017 paper in *Social Psychiatry and Psychiatric Epidemiology* examined drivers of violence among 6,000 British and Chinese men and found that drug use—the drug nearly always being cannabis—translated into a five-fold increase in violence.

Today that risk is translating into real-world impacts. Before states legalized recreational cannabis, advocates said that legalization would let police focus on hardened criminals rather than marijuana smokers and thus reduce violent crime. Some advocates go so far as to claim that legalization *has* reduced violent crime. In a 2017 speech calling for federal legalization, U.S. Senator Cory Booker said that “states [that have legalized marijuana] are seeing decreases in violent crime.” He was wrong.

The first four states to legalize marijuana for recreational use were

Colorado and Washington in 2014 and Alaska and Oregon in 2015. Combined, those four states had about 450 murders and 30,300 aggravated assaults in 2013. Last year, they had almost 620 murders and 38,000 aggravated assaults—an increase of 37 percent for murders and 25 percent for aggravated assaults, far greater than the national increase, even after accounting for differences in population growth.

Knowing exactly how much of the increase is related to cannabis is impossible without researching every crime. But police reports, news stories, and arrest warrants suggest a close link in many cases. For example, last September, police in Longmont, Colorado, arrested Daniel Lopez for stabbing his brother Thomas to death as a neighbor watched. Daniel Lopez had been diagnosed with schizophrenia and was “self-medicating” with marijuana, according to an arrest affidavit.

**Far less work has been done on marijuana than on alcohol, in part because advocates have stigmatized anyone who raises the issue. But studies showing that marijuana use is a significant risk factor for violence have quietly piled up.**

In every state, not just those where marijuana is legal, cases like Lopez's are far more common than either cannabis or mental illness advocates acknowledge. Cannabis is also associated with a disturbing number of child deaths from abuse and neglect—many more than alcohol, and more than cocaine, methamphetamines, and opioids combined—according to reports from Texas, one of the few states to provide detailed information on drug use by perpetrators.

These crimes rarely receive more than local attention. Psychosis-induced violence takes particularly ugly forms and is frequently directed at helpless family members. The elite national media prefers to ignore the crimes as



# CONGRESS

HOW IT WORKED AND WHY IT DOESN'T

TAUGHT BY KEVIN PORTEUS AND LARRY P. ARNN



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tabloid fodder. Even police departments, which see this violence up close, have been slow to recognize the trend, in part because the epidemic of opioid overdose deaths has overwhelmed them.

So the black tide of psychosis and the red tide of violence are rising steadily, almost unnoticed, on a slow green wave.

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For centuries, people worldwide have understood that cannabis causes mental illness and violence—just as they've known that opiates cause addiction and overdose. Hard data on the relationship between marijuana and madness dates back 150 years, to British asylum registers in India. Yet 20 years ago, the United States moved to encourage wider use of cannabis and opiates.

In both cases, we decided we could outsmart these drugs—that we could have their benefits without their costs. And in both cases we were wrong. Opiates are riskier, and the overdose deaths they cause a more imminent crisis, so we have focused on those. But soon enough the mental illness and violence that follow cannabis use will also

be too widespread to ignore.

Whether to use cannabis, or any drug, is a personal decision. Whether cannabis should be legal is a political issue. But its precise legal status is far less important than making sure that anyone who uses it is aware of its risks. Most cigarette smokers don't die of lung cancer. But we have made it widely known that cigarettes cause cancer, full stop. Most people who drink and drive don't have fatal accidents. But we have highlighted the cases of those who do.

We need equally unambiguous and well-funded advertising campaigns on the risks of cannabis. Instead, we are now in the worst of all worlds. Marijuana is legal in some states, illegal in others, dangerously potent, and sold without warnings everywhere.

But before we can do anything, we—especially cannabis advocates and those in the elite media who have for too long credulously accepted their claims—need to come to terms with the truth about the science on marijuana. That adjustment may be painful. But the alternative is far worse, as the patients at Mid-Hudson Forensic Psychiatric Institute—and their victims—know. ■

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