

MINUTES OF THE REEDSPORT CITY COUNCIL REGULAR SESSION JANUARY 4,
2016 7:15 P.M. CITY HALL COUNCIL CHAMBERS

PRESENT: Mayor Linda McCollum
Councilors Frank Barth, Diane Essig, Leslee Collier, DeeDee
Murphy, Rich Patten and Debby Turner
City Manager, Jonathan Wright
City Attorney, Steve Miller

OTHERS PRESENT: Vera Koch, Deanna Schafer, John Stokes, Chief Duane
Wisehart, Ike Launstein, Lee Bridge, Ed O'Carroll, Bess
Hartman, Darlene Ash, Michelle Bellah, Allen Teitzel, Levi
Bellah, Daniel Urias, Nicole Mitchell, Kara Bellah, Deb
Yates, Katie Lockard, Dann Collier, Kirk Collier, Victoria
Lavellee

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

2. CITIZEN COMMENTS

*This time is reserved for citizens to comment on items that are not on the Agenda.
Maximum of five minutes per item, please.*

Debbie Yates, 723 Mill Avenue reported that recently the Reedsport Branch of the Douglas County library held a 60th anniversary celebration. Over 80 people were in attendance. She said that Douglas County has announced that in three years funding for the library will cease and the library will close unless funding is found elsewhere.

3. PRESENTATIONS, PROCLAMATIONS, AWARDS

A. The Oregon Community Foundation grant award presentation.

Mr. Roger McCorkle of the Oregon Community Foundation presented a grant award of \$10,000 to the Urban Renewal District on behalf of the Swindells Family Fund. This grant will be used to help fund the Main Street Coordinator position.

B. Auditors Report 2014/2015 Fiscal Year.

Signe Grimstead of Grimstead and Associates gave an overview of the annual audit performed on the City of Reedsport financial documents. She said that there were no discrepancies found and that the City is in a sound financial situation. She explained how different legislation has required additional measures to be taken for governmental audits and how that affects the City of Reedsport.

4. APPROVAL OF THE AGENDA

Councilor Frank Barth motioned to approve the Agenda.

Councilor DeeDee Murphy seconded the motion.

MOTION:

that the City Council approve the Agenda.

VOTE:

AYES 7 NAYES 0

(Mayor Linda McCollum, Councilors Barth, Essig, Collier, Patten, Murphy and Turner voted in favor of the motion.)

Mayor Linda McCollum declared the motion passed unanimously.

5. PUBLIC HEARING

- A. Shall the City Council adopt Ordinance 2016-1150 amending the Reedsport Land Usage Ordinance (RLUO) Chapters 10.64, 10.72, and 10.76, in order to incorporate standards for recreational marijuana facilities and declaring an emergency?

Community Development Specialist, Jessica Terra said that in 2016, the Oregon Liquor Control Commission will begin authorizing permits for recreational marijuana dispensaries and grow facilities. In response to the new state provisions, the Reedsport Planning Department has been working to develop rules which will impose time and place standards in order to address potential issues associated with recreational marijuana facility uses. These amendments are modifications to the existing ordinance, which regulates medical marijuana uses. The changes predominantly strike "medical" from the ordinance; however, two definitions were altered and a new section specific to recreational marijuana dispensaries was also. The following summarizes the proposed amendments to the RLUO:

Section Related to Change	Action
RLUO 10.64.030 Definitions	<ul style="list-style-type: none">• Changed the definition of "Medical Marijuana Dispensary" to "Marijuana Dispensary" & modified the intent of the definition.• Modified the intent of the definition for Marijuana Grow Facility.

RLUO 10.72.060, 070, 085, 090, & 100 Commercial Transitional, Commercial, Commercial Mixed Use, Light Industrial, and Heavy Industrial zones	<ul style="list-style-type: none"> • Changed “medical marijuana” to “marijuana”.
RLUO 10.76.035 Medical marijuana dispensaries	<ul style="list-style-type: none"> • Renamed the Section “Marijuana Dispensaries”. • Added standards for Recreational Marijuana Dispensaries. • Struck “medical” throughout the section, except in 10.76.035.B.1, which applies to medical marijuana dispensaries.

On September 28, 2015 the Reedsport Planning Department initiated the amendments process in order to adopt regulations over the sales, distribution, production, and processing of marijuana. Given that regulations had already been established for medical marijuana facilities, the amendments were minimal to incorporate the recreational uses.

In accordance with RLUO § 10.100 the a notice of public hearing was sent to the Department of Land Conservation & Development, all property owners within the City limits and the Urban Growth Boundary, affected public districts, service providers, and governmental agencies.

At the public hearing on December 14, 20105 the Reedsport Planning Commission received the staff report which addressed the amendments criteria including consistency with the Statewide Planning Goals. As part of the staff report, it was noted that two written comments had been received:

- Gary Wenzel of Central Lincoln PUD requested that the City advise applicants of Marijuana Grow Facility licenses to contact Central Lincoln PUD. This would help the agency to address any overloading of equipment before damage occurs.
- Riley and Christine Spillar stated that their concern was the legalization of marijuana and its impacts on vehicular traffic, youth, and addiction.

At the public hearing testimony was received:

- Stan Washington stated that he was against the proposal due to potential devaluation of properties by allowing these uses to take place in areas that may not be best suited. He questioned whether the City had adopted business rules for recreational marijuana facilities because he felt those should come before the amendment proposal.

Considering the testimony received and the findings of the staff report, the Commission unanimously voted to recommend approval of the recreational marijuana regulations to the Reedsport City Council.

There are no direct costs to the City to amend the code. Approval of the amendments to allow for recreational marijuana facilities will provide additional revenue to the City in order to offset the processing costs. The fees for these permits have already been established.

Mayor Linda McCollum closed the public hearing,

Councilor Frank Barth motioned to adopt Ordinance 2016-1150 as presented, and declare an emergency.

Councilor DeeDee Murphey seconded the motion.

MOTION:

that the City Council adopt Ordinance 2016-1150 as presented, and declare an emergency.

VOTE:

AYES 7 NAYES 0

(Mayor Linda McCollum, Councilors Barth, Essig, Collier, Patten, Murphy and Turner voted in favor of the motion.)

6. CONSENT AGENDA

Routine items of business that require a vote but are not expected to require discussion by the Council are placed on the Consent Calendar and voted upon as one item. In the event that a Councilor or citizen requests that an item be discussed, it will be removed from the Consent Calendar and placed under General Business.

- A. Approve minutes of the work session of December 7, 2015.
- B. Approve minutes of the regular session of December 7, 2015.
- C. Motion to approve the Consent Calendar.

Councilor Frank Barth motioned to approve the Agenda.

Councilor DeeDee Murphey seconded the motion.

MOTION:

that the City Council approve the Agenda.

VOTE:

AYES 7 NAYES 0

(Mayor Linda McCollum, Councilors Barth, Essig, Collier, Patten, Murphy and Turner voted in favor of the motion.)

7. GENERAL BUSINESS

- A. Whom shall the City Council elect to serve as President of the Council for the period January 4, 2016 to January 9, 2017 and whom shall the City Council elect to serve as Alternate President of the Council for a defined period of time?

Mayor Linda McCollum noted that Chapter IV, Section 17 of the 2006 City of Reedsport Charter specifies the following:

“President of the Council. At its first meeting after this Charter takes effect and thereafter at its first meeting of each odd-numbered year the Council, by ballot, shall elect a president from its membership. In the Mayor’s absence from a Council meeting, the president shall preside. Whenever the Mayor is unable to perform the functions of his office, the president shall act as Mayor, shall have all the powers of the Mayor, including the authority to co-sign all orders on the treasury with the City Recorder.”

Councilor Frank Barth was the immediate past President of the Council.

Chapter IV, Section 17 of the City of Reedsport Charter of 2006 also provides the following:

“Whenever the Council shall find a need to authorize a member of the Council to act as Mayor in the absence of the Mayor and the president of the Council, it may by motion authorize one additional member in addition to the Mayor and the president to act as Mayor, to have all the powers of the Mayor, including the authority to co-sign all orders on the treasury with the City Recorder, so long as the motion specifies a definite, fixed time period during which the authority is to continue.”

Councilor Diane Essig was the immediate past Alternate President of the Council.

Councilor Debby Turner motioned to continue with the current President of the Council, Frank Barth and elect Diane Essig to serve as the Alternate President of the Council from January 4, 2016 to January 7, 2017.

Councilor DeeDee Murphy seconded the motion.

MOTION:

that the City Council continue with the current President of the Council, Frank Barth and elect Diane Essig to serve as the Alternate President of the Council from January 4, 2016 to January 7, 2017.

VOTE:

AYES 7 NAYES 0

(Mayor Linda McCollum, Councilors Barth, Essig, Collier, Patten, Murphy and Turner voted in favor of the motion.)

B. Councilor committee assignments by the Mayor.

Mayor Linda McCollum made the following Council Committee assignments for 2015.

Council President
[expires January 2017]

Frank Barth

Alt. Council President
[expires January 2017]

Diane Essig

City Parks and Beautification Committee

Leslie Collier

Council Personnel Committees:

City Manager

Full City Council

League of Oregon Cities (LOC), Legislative Committee

Linda McCollum

Lower Umpqua Economic Development Forum

Council: DeeDee Murphy

Council Audit Committee

Debby Turner
Linda McCollum

Traffic Safety Advisory Committee

Frank Barth

Umpqua Experience Steering Committee

Diane Essig

C. Shall the City Council appoint members to the City's boards and committees?

The following City board and committee appointments were made:

Budget Committee:

Expires		
2 vacancies	3 year terms	December 31, 2018
1 vacancy		December 31, 2017
1 vacancy		December 31, 2016

Ed Branson, 3 year term
Rick Rockholt, 3 year term
Darlene Ash, 2 year partial term

Parks and Beautification Committee:

2 vacancies	3 year terms	December 31, 2017
2 vacancies		December 31, 2018

Donna Kenagy, 3 year term

Umpqua Experience Steering Committee:

2 vacancies	3 year terms	December 31, 2018
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Barbara Mills, 3 year term
Cynthia Farber, 3 year term

Planning Commission:

2 vacancies	3 year terms	December 31, 2019
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Deborah Yates, 3 year term
Sheri Aasen, 3 year term

The following Mayor Appointment was made:

Reedsport Branch Library Advisory Board

1 Vacancy

4 year terms

December 31, 2019

Ruthanne Skinner, 4 year term

Councilor Leslee Collier motioned that the City Council make appointments and ratify Mayors appointments to fill vacancies on the City's various citizen participation boards and committees.

Councilor Debby Turner seconded the motion.

MOTION:

that the City Council the City Council make appointments and ratify Mayors appointments to fill vacancies on the City's various citizen participation boards and committees.

VOTE:

AYES 7 NAYES 0

(Mayor Linda McCollum, Councilors Barth, Essig, Collier, Patten, Murphy and Turner voted in favor of the motion.)

D. Shall the City Council sign an updated Automatic Mutual Assistance Agreement with Gardiner and Winchester Bay Rural Fire Departments?

City Manager Jonathan Wright said that the members of the Reedsport Fire Department, Winchester Bay Fire Department and Gardiner Fire Department have proposed an updated Automatic Mutual Assistance Agreement that provides guidance to those agencies regarding an area wide response in case of significant fire related incident.

Assistant Fire Chief Harold Rose gave an overview of how the system is proposed to work. He explained that a system of mutual aid is already in place and that this document formalizes the specific duties of each agency.

Councilor Frank Barth motioned to approve the updated Automatic Mutual Assistance Agreement authorizing the City Manager to sign.

Councilor Rich Patten seconded the motion.

MOTION:

that the City Council approve the updated Automatic Mutual Assistance Agreement authorizing the City Manager to sign.

VOTE:

AYES 7 NAYES 0

(Mayor Linda McCollum, Councilors Barth, Essig, Collier, Patten, Murphy and Turner voted in favor of the motion.)

- E. Shall the City Council adopt Ordinance 2016-1151 amending the Reedsport Municipal Code Chapter 7.30 Marijuana Facilities, adding regulations for recreational marijuana facilities and declaring an emergency?

Community Development Specialist, Jessica Terra said that in May 4, 2015, The City Council passed an ordinance establishing business licensing requirements for medical marijuana facility Operators and Agents. Since then, time and place standards have been adopted for recreational marijuana facilities. In order to keep Chapter 7.30 of the Reedsport Municipal Code consistent with Reedsport Land Usage Ordinance, the business regulations should also be updated to incorporate rules for Agents and Operators of recreational marijuana facilities.

The proposed changes include replacing the term “medical marijuana facility” with “marijuana facility”, which includes both recreational and medical marijuana facilities by definition. Other changes to the ordinance include new or revised definitions in order to stay consistent with the State rules and a new criteria was added for marijuana grow sites. This addition requires the Operator of a marijuana grow site to sign a statement that he/she will consult with Central Lincoln PUD prior to the start of business to ensure that the service to the grow site is sufficient to handle the use. This requirement came after the request of Gary Wenzel, CLPUD, who indicates that the agency has experienced power outages due to the grow lights overloading old, inadequate services.

The intent of the business regulations remains the same allowing the City to run background checks on applicants and verify that state licensing has been obtained. It provides reasonable authority to law enforcement for investigations, surveillance rules, city indemnification, and penalties for violations.

Ms. Michelle Bellah said that she would like the Council to consider expanding the distance a recreational marijuana facility can be from a public park.

Councilor Leslee Collier recused herself from discussion and voting.

Councilor Frank Barth motioned to adopt Ordinance 2016-1151 as presented and declare an emergency.

Councilor DeeDee Murphy seconded the motion.

MOTION:

that the City Council adopt Ordinance 2016-1151 as presented and declare an emergency.

VOTE:

AYES 6 NAYES 0 ABSTAIN 1

(Mayor Linda McCollum, Councilors Barth, Essig, Patten, Murphy and Turner voted in favor of the motion.)(Councilor Collier abstained from voting)

F. Shall the City Council adopt Ordinance 2016-1152 rescinding a moratorium limiting the early sales of recreational marijuana and declaring an emergency?

Community Development Specialist Jessica Terra said that in 2014 Oregon voters approved Measure 91, which legalized marijuana, allowing limited amounts of marijuana to be possessed for personal consumption. Furthermore, Measure 91 tasked the Oregon Liquor Control Commission (OLCC) with licensing and regulating commercial recreational marijuana operations. While the OLCC develops standards for these uses, Senate Bill 460 was enacted, allowing medical marijuana dispensaries to sell limited amounts of recreational marijuana. The Bill also allows cities to prohibit the sale of recreational marijuana through medical marijuana dispensaries or will otherwise sunset on December 31, 2016.

On October 5, 2015 the Reedsport City Council approved Ordinance 2015-1148 in order to ban limited retail sales of recreational marijuana through medical marijuana dispensaries. The moratorium has allowed the City time to develop minimum standards that regulate recreational marijuana facilities, in conjunction with the new state guidelines. These minimum standards have been adopted and the Oregon Liquor Control Commission (OLCC) will begin accepting applications on January 4, 2016 for commercial uses related to recreational marijuana.

The City of Reedsport ban is set to sunset on December 31, 2016 or at such time that the Legislature ends sales of limited marijuana retail product through medical marijuana dispensaries, whichever comes first. The Council has the ability to revoke the ban sooner, should they choose.

Now that minimum standards have been adopted and the State has opened its application process to recreational marijuana related commercial uses, lifting the moratorium could promote economic development in the community. This will allow existing medical marijuana dispensaries to more easily transition from medical marijuana dispensaries into recreational marijuana dispensaries, should they choose. Existing medical marijuana dispensaries that decide not to transition will remain as medical marijuana dispensaries and will no longer be able to sell limited amounts of recreational marijuana beginning January 1, 2017.

Councilor Leslee Collier recused herself from discussion and voting.

Councilor DeeDee Murphy motioned to adopt Ordinance 2016-1152 as presented and declare an emergency.

Councilor Rich Patten seconded the motion.

MOTION:

that the City Council adopt Ordinance 2016-1152 as presented and declare an emergency.

VOTE:

AYES 6 NAYES 0 ABSTAIN 1

(Mayor Linda McCollum, Councilors Barth, Essig, Patten, Murphy and Turner voted in favor of the motion.)(Councilor Collier abstained from voting)

- G. Shall the City Council adopt a Resolution amending Reedsport Personnel Rules and Regulations Appendix B, Current Salary Schedule and assign 2016-001 as the title?

City Manager Jonathan Wright said that according to the Douglas County Assessor Office, revenues from property taxes are estimated to further decline in the upcoming fiscal year. In order to offset these estimated losses and continue to meet the ongoing obligations to the community, management is opting not to fill the position of City's Payroll and Accounts Payable Clerk, Caryn Kaufmann, when she retires at the end of the month. Instead, these tasks and responsibilities will be redistributed to remaining staff members and office functions will be curtailed including closing the City Hall lobby to clients during the lunch hour and only having one staff person available to assist clients when open. Management will offset the inconvenience of this decrease in availability by increasing automated services such as accepting credit cards on the City's website and providing remaining staff with the tools to be more efficient with daily transactions.

In order to redistribute the workload of the vacated position, five job descriptions have been modified and a part time position has been created. Those positions that assume additional responsibility have been reclassified in recognition of the additional responsibility. This reclassification requires the ratification of the City Council to become effective.

The proposed reclassifications and part time position will result in a budgetary increase of approximately \$40,454 however the closure of the Payroll and Accounts Payable position will result in an approximate savings of \$59,790; therefore, the City will realize a net savings of approximately \$19,336 annually.

Councilor Debby Turner motioned to adopt Resolution No. 2016-001 thereby amending the City's Personnel Rules.

Councilor DeeDee Murphey seconded the motion.

MOTION:

that the City Council adopt Resolution No. 2016-001 thereby amending the City's Personnel Rules.

VOTE:

AYES 7 NAYES 0

(Mayor Linda McCollum, Councilors Barth, Essig, Collier, Patten, Murphy and Turner voted in favor of the motion.)

- H. Shall the City Council adopt a Resolution amending Reedsport Personnel Rules and Regulations Rule 23 Sick Leave to comply with SB 454 effective January 1, 2016 and assign 2016-002 as the title?

City Manager Jonathan Wright said that the Oregon Legislature recently passed a paid sick leave law which will go into effect on January 1, 2016. As of the first of the year new hires and existing employees will accrue 1 hour of paid sick leave per 30 hours worked with a maximum of 40 hours in a calendar year.

The City of Reedsport currently utilizes part-time personnel in the Wastewater, Dial a Ride and Police Departments. This will also impact any future part-time office workers or seasonal employee positions. Existing employees will begin accruing time on January 1, 2016 and new hires will begin accruing time on their date of hire and will be eligible to claim time-off after 90 days.

In order to implement this change the City of Reedsport Personnel Rules and Regulation will need to be amended by revising section 23. Sick Leave section H. to read "Part-time employees shall accrue 1 hour of paid sick leave per 30 hours worked with a maximum of 40 hours in a calendar year."

This change could result in a fiscal impact of up to \$800 per part-time employee per year.

Councilor Diane Essig motioned to adopt a Resolution revising Section 23 of the City of Reedsport Personnel Rules and Regulations and assign Resolution number 2016-002 as the title.

Councilor Debby Turner seconded the motion.

MOTION:

that the City Council adopt a Resolution revising Section 23 of the City of Reedsport Personnel Rules and Regulations and assign Resolution number 2016-002 as the title.

VOTE:

AYES 7 NAYES 0

(Mayor Linda McCollum, Councilors Barth, Essig, Collier, Patten, Murphy and Turner voted in favor of the motion.)

8. MISCELLANEOUS ITEMS
(Mayor, Councilors, City Manager, City Attorney)

City Manager Jonathan Wright present the employee of the month award to Caryn Kauffman for her dependability to the City of Reedsport for over 32 years. The City thanks Caryn for her years of dedication as she leaves for a new post with her Union.

9. EXECUTIVE SESSION OF THE REEDSPORT CITY COUNCIL DECEMBER 1, 2014 CITY HALL CONFERENCE ROOM

PRESENT: Mayor Linda McCollum, Councilors Barth, Diane Essig, Collier, Rich Patten and Debby Turner

City Manager Jonathan Wright

City Attorney, Steve Miller

OTHERS PRESENT: Deanna Schafer

EXECUTIVE SESSION

- A. Pursuant to ORS 192.660(2)(h) To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.
- B. Pursuant to ORS 192.660(2)(h) To conduct deliberations with persons designated by the governing body to negotiate real property transactions.

9. ADJOURN

Linda McCollum, Mayor

ATTEST:

Deanna, City Recorder