

**CITY OF CENTRAL POINT  
City Council Meeting Minutes  
December 11, 2014**

**I. REGULAR MEETING CALLED TO ORDER**

Mayor Williams called the meeting to order at 7:00 p.m.

**II. PLEDGE OF ALLEGIANCE**

**III. ROLL CALL:** Mayor: Hank Williams  
Council Members: Allen Broderick, Bruce Dingler, Kelly Geiger, Rick Samuelson, David Douglas, and Ellie George were present.

City Manager Chris Clayton; City Attorney Darrell Jarvis; Police Chief Kris Allison; Community Development Director Tom Humphrey; Finance Director Bev Adams; Parks and Public Works Director Matt Samitore; and City Recorder Deanna Casey were also present.

**IV. PUBLIC APPEARANCES**

**V. SPECIAL PRESENTATION**

Mayor Williams and City Manager Chris Clayton presented Councilors Geiger and George with certificates of service. This is their last meeting on the City Council.

**VI. CONSENT AGENDA**

- A. Approval of November 13, 2014 City Council Minutes
- B. Approval of 2015 Committee Reappointments

**Allen Broderick moved to approve the Consent Agenda as presented.** David Douglas seconded. Roll call: Hank Williams, yes; Bruce Dingler, yes; Kelly Geiger, yes; Allen Broderick, yes; David Douglas, yes; Rick Samuelson, yes; and Ellie George, yes. Motion approved.

**VII. ITEMS REMOVED FROM CONSENT AGENDA - None**

**VIII. PUBLIC HEARINGS, ORDINANCES AND RESOLUTIONS**

- A. **Resolution No. 1415, Canvassing the Votes Cast at the General Election Held November 4, 2014**

City Manager Chris Clayton explained the City Charter requires that the Council canvas all election returns at the first regularly scheduled meeting following receipt from the County Clerk of the certification of election results. The proposed

resolution canvasses the total number of votes for each position, the name of each person elected to office and the office to which they have been elected.

**Bruce Dingler moved to approve Resolution No. 1415, Canvassing the Votes Cast at the general Election Held November 4, 2014.** Ellie George seconded. Roll call: Hank Williams, yes; Bruce Dingler, yes; Kelly Geiger, yes; Allen Broderick, yes; David Douglas, yes; Rick Samuelson, yes; and Ellie George, yes. Motion approved.

**B. Public Hearing- First Reading of an Ordinance Amending the Central Point Zoning Map on Lot 33 of Twin Creeks Crossing, Phase 1 (1.81 Acres) from TOD-HMR, High Mix Residential to TOD-LMR, Low Mix Residential Zoning**

Community Development Director Tom Humphrey explained that the proposed amendment to the zoning map is for the Twin Creeks Retirement Center, a congregate living facility, which was developed on land designated HMR in 2009. The Applicant is requesting a zone change from High Mix Residential to Low Mix Residential adjacent to the Retirement Center.

The request meets all required criteria and is consistent with the Comprehensive Plan. There are adequate public services and transportation available to the area. The developer of Twin Creeks TOD has prepared a mitigation plan conditionally approved by the Federal Emergency Management Agency (FEMA). He stated that this is a public hearing and that notices have been posted and mailed according to State law.

Mayor Williams opened the public hearing.

Brett Moore, Applicant and Developer

The Twin Creek Retirement has been a great addition to Central Point. This would be a draw for those not yet ready for the retirement facility. They would have access to the larger facility and would be able to transition when ready. The single family structures will be rentals and will be owned by Twin Creeks Retirement.

No one else came forward. Mayor Williams closed the public hearing.

**Kelly Geiger moved to second reading an Ordinance Amending the Central Point Zoning Map on Lot 33 of Twin Creeks Crossing, Phase 1 (1.81 Acres) from TOD-HMR, High Mix Residential to TOD-LMR, Low Mix Residential Zoning.** Rick Samuelson seconded. Roll call: Hank Williams, yes; Bruce Dingler, yes; Kelly Geiger, yes; Allen Broderick, yes; David Douglas, yes; Rick Samuelson, yes; and Ellie George, yes. Motion approved.

**C. Public Hearing – First Reading of an Ordinance Amending Central Point Municipal Code Chapter 6.08 Animal Control**

Police Chief Kris Allison explained that the proposed Ordinance would require dog owners to maintain control of their dogs in public places. The City would impose regulations on dog owners and impose criminal penalties on owners whose dogs threaten or injure other people or animals. She explained that the Ordinance is not breed specific. The City Council and Staff discussed the particulars of the Ordinance at a Study Session in September and it was clear that the burden should be on the owner, not a specific breed of dog.

The Ordinance is very similar to the City of Medford's. She feels it is important for jurisdictions that are so close together to be similar on subjects of this kind. There was discussion regarding transportation of dogs that are running free. Central Point Police cannot transport them in our police cars. We must rely on Jackson County Animal Control and they are limited on the hours that they are available.

Mayor Williams opened the public hearing.

Allen Burns, Central Point Resident

Mr. Burns explained that his dog was attacked by an unattended dog. The owner was never located. He agrees that the ordinance should not be breed specific. He is concerned that Jackson County Animal Control is not available to help transport when needed. He agrees that the Central Point Council should put pressure on Jackson County Animal Control so that they have an on call enforcement officer to transport vicious animals after regular business hours.

No one else came forward. Mayor Williams closed the public hearing.

Chief Allison will work with Jackson County to see if there are other options available for the times when they are not available. She may be able to work something out with the local Animal Hospitals to see if they would be able to house stray animals on weekends.

**Rick Samuelson moved to second reading an Ordinance Amending Central Point Municipal Code Chapter 6.08 Animal Control.** Kelly Geiger seconded. Roll call: Hank Williams, yes; Bruce Dingler, yes; Kelly Geiger, yes; Allen Broderick, yes; David Douglas, yes; Rick Samuelson, yes; and Ellie George, yes. Motion approved.

## **IX. BUSINESS**

### **A. Discussion Regarding the Intersection of Beebe and Hamrick Road**

Parks and Public Works Director Matt Samitore explained that the City has been trying to negotiate the purchase of property needed to install a traffic signal at the intersection of Hamrick and Beebe Road for the past year. The conversations have been congenial but the property owner is not interested in selling just a portion of the property that the city requires for the signal. If the City purchases the property outright we would need to pay for a relocation study to determine the

costs associated to relocate the owner to a similar property in the Rogue Valley. The City would also be required to pay for all relocation/moving expenses.

It would be in the best interest of the city to only purchase what is needed for the signal. The city offered to build a sound wall along Beebe Road, install two water meters and give free water for a year and pay \$5,000 cash for the corner, which is approximately 172 square feet. The owner did not like this offer because it did not include a sound wall along Hamrick. We cannot build a sound wall along Hamrick Road because it is against our ordinances to do so.

Staff would like to hire a consultant to work through the options to obtain the property needed for the signal. This will involve hiring an appraiser to determine cost of the property and putting together a formal offer. If the property owner does not agree to the formal offer, the Council would have to discuss the possibility of condemnation. He reminded the Council that this signal is required before further construction can continue on the west side of Hamrick. It has been planned for several years and has been included in traffic studies.

The Council and staff are not in favor of condemnation and we would all like to see a mutual solution. Staff has been trying to work with the property owner for over a year with no positive outcome. There are plans currently being reviewed by the City for White Hawk Subdivision. There have been concerns about this intersection from citizens come before the Council over the past year.

City Attorney Darrell Jarvis stated that the City can start the process of condemnation. It is done all the time in many jurisdictions. Property owners cannot hold up progress if they file a law suit against the city. There does not appear to be another option for the city in regards to this intersection. The property owner will still have the required setbacks once the intersection is in place and the buildings will be intact. The city is only requiring a small portion of the property.

**Allen Broderick made a motion directing staff to move forward with the appraisal needed for the intersection improvements at Hamrick and Beebe.** Kelly Geiger seconded. Roll call: Hank Williams, yes; Bruce Dinger, yes; Kelly Geiger, yes; Allen Broderick, yes; David Douglas, yes; Rick Samuelson, yes; and Ellie George, yes. Motion approved.

#### **B. Joint Planning Commission Report**

Community Development Director Tom Humphrey reported that the Central Point Planning Commission and the Jackson County Planning Commission held a joint meeting on November 20, 2014 to discuss the following items:

- Held a public hearing to consider a resolution to revise the urban growth boundary management agreement (UGBMA) between the City of Central Point and Jackson County to improve consistency with the Greater Bear Creek Valley Regional Plan and the City's Regional Plan Element. The respective planning staffs introduced new language to the Commissioners

which are intended to address “areas of mutual planning concern” for Forest/Gibbon Acres and Jackson County Expo. Other changes were made to clean up the agreement and to make City/County land use protocols more clear. Once the UGBMA is adopted by both parties, a *joint meeting will become an option and not a requirement in the future.* The changes also satisfy regional planning requirements which allow the City to proceed with UGB amendments. Both commissions supported the UGBMA revisions.

- Held a public hearing to consider a resolution to the City Council to amend the Comprehensive Plan Map to add approximately 48 acres to the City of Central Point Urban Growth Boundary east of Interstate 5; along and including Dean Creek Road; between the Seven Oaks Interchange and Old Upton Road. The *Community Development* Department introduced the City’s application to the County to amend its UGB into Urban Reserve Area CP-4D. Both Commissions supported the proposal as did various agencies who were asked to comment.

The City and County are planning a joint meeting in March to consider a second Comprehensive Plan Map amendment for a private application made by Combined Transport Logistics Group.

### **C. Briefing and Discussion on Issues Related to Approval of Measure 91**

Mr. Clayton explained that there have been several articles in the paper regarding the legality of local governments to put in place the ability to tax the sale of marijuana with the passing of Oregon Ballot Measure 91. He asked the *City Attorney to provide a legal review of the measure and the Ordinance we have put in place for addressing the Medical Marijuana Dispensaries.*

City Attorney Sydnee Dreyer explained that the provisions of Measure 91 become effective for homegrown marijuana on July 1, 2015. Licensing for production, processing, wholesale and retail sales of marijuana becomes effective January 4, 2016. Under Measure 91, cities have authority to adopt reasonable time, place, and manner regulations for retail sales; bring nuisance actions against businesses; and *require compliance with other regulations of general applicability such as land use.* Cities also have a local opt out provision under the initiative process. OLCC will be reviewing the measure and rules that were put in place.

She explained the regulation options for facilities; licensing; the local option using the initiative process; the state tax revenue process; and employee drug testing. The city has put in place regulations for facility and licensing. It is unclear at this time if the local tax that over 60 cities put in place prior to Measure 91 will be upheld. It is expected that the local taxes will be challenged and will be a court decision. Measure 91 does not disturb existing employment laws regarding drug testing in regards to marijuana. An initiative process is not likely to happen for Central Point because it would need to be in place prior to the July 2015 date. The next General Election is November 2016.

There was discussion regarding private grows and that there are no options in place for cities to regulate personal grows. They need to be secure. Cities can use a chronic nuisance ordinance to help with complaints. Chief Allison and Mrs. Dreyer will review the current ordinance to make sure it is strong enough to enforce and help surrounding property owners. We may need to add a section for odor enforcement.

Mrs. Dreyer stated that we will continue to watch what the state is doing with their process but does not recommend changing anything that we have already put in place.

#### **X. MAYOR'S REPORT**

Mayor Williams reported that:

- He attended the Medford Water Commission meeting.
- He was a Judge for the Providence Festival of Trees.
- He attended the Grand Opening for the Dairy Queen.
- He attended the Community Christmas Lights Parade. It was well attended and the City Staff did a great job again this year.

#### **XI. CITY MANAGER'S REPORT**

City Manager Chris Clayton reported that:

- We have received word that our health insurance is staying stagnant again this year. We have been fortunate that there have been no changes in our premiums for this employee benefit.
- He met with the school district, they intend to explore the possibilities of a school bond in a few years.
- He has been approached by one of the businesses downtown. The new Oak Street parking lot is being used by one of the businesses all day and they would like to work on a solution so that customers have a place to park.
- The Medford Water Commission plans an across the board increase of 7.5%. They will be holding a public hearing at their next meeting. He will be writing a letter to present to them.
- The Community Christmas Lights Parade was a huge success.

#### **XII. COUNCIL REPORTS**

Council Member Allen Broderick stated that he attended the Parks and Recreation Commission meeting and the Multicultural Committee meeting.

Council Member Kelly Geiger reported that he has been appointed to the Jackson County Fair Board, and attended the Dairy Queen Grand Opening.

Council Member Rick Samuelson reported that he attended the RVCOG meeting where they discussed a feasibility report on Medicaid; he also attended a destination boot camp meeting.

Council Member David Douglas reported that he heard a few complaints regarding the street closures for the Community Christmas, not all the businesses were aware that they would be blocked in, and the parents had a hard time picking up children from Hope Christian School. He also attended a Greenway Committee meeting.

Council Member Ellie George reported that she attended the Dairy Queen Grand Opening and has enjoyed working with the City Council and City Staff.

### **XIII. DEPARTMENT REPORTS**

Parks and Public Works Director Matt Samitore reported that:

- The department would like to shut the skate park down for an indefinite amount of time. Staff has been spending too much time doing repairs and picking up trash because a few of the skaters are trashing the park. They have issued citations and warned the teens causing the problems but they continue to do the damage costing the city money. Chief Allison says it does no good to arrest these teens, they only get released and come back to cause more issues. The Police Department and Parks Employees are constantly dealing with specific individuals at this time. Council is against punishing the other teens using the park and not causing the problems. Other cities have paid staff that sit at their skate parks to monitor behavior. Central Point does not have staff to fulfill that position. We could not put a volunteer in that position. The Park may need to be relocated in the future and we should get public input to see if the citizens of Central Point are in favor of moving the skate park to a different location in town. Council discussed other options available other than fencing off and closing the skate park all together.
- There were issues having the Community Christmas on a Friday night. The traffic is an issue with some of the business that would not be open on a Saturday night. The Schools had problems getting kids home at that time of day, there were a few complaints that the date and time did not give parents time to get home from work and back to town for the Parade and festivities. We will be talking to the Crater Foundation regarding the date for next year. We tried changing it this year for their Crater Foundation Auction Dinner, but the Community Christmas Lights Parade needs to be on a Saturday night. Either the City will have to move the event closer to Christmas or the Crater Auction will need to move their date.

Police Chief Kris Allison reported that:

- This is our busy time of year where we have several events to cover and vacations that everyone wants to take with their families.
- We have had an increase in DUII arrests.
- We are looking at a drug recognition expert position. This would be taking one of our officers and sending them to school to be an expert on recognizing suspects that are under the influence of something other than alcohol.

- Two of our officers were able to save the life of a man at Scenic Middle School last week. They arrived before the paramedics and were able to start CPR. They have AED's in their cars and were able to use the device to stabilize the gentleman so that the paramedics could transport him to the hospital.

Community Development Director Tom Humphrey reported that the Crater Foundation raised \$65,000 at their desert auction. It was their best auction in the 20 years that they have been around.

Finance Director Bev Adams reported that we have collected almost 86% of our tax money, this is a little higher than average for this time of year.

**XIV. EXECUTIVE SESSION – ORS 192.660 (2)(h) Legal Counsel**

**Allen Broderick moved to adjourn to Executive Session under ORS 192-660 (2)(h) Legal Counsel.** David Douglas seconded. All said "aye" and the regular meeting was adjourned to executive session at 8:55 p.m.

The Council returned to regular session at 9:02 p.m. No further action was taken.

**XV. ADJOURNMENT**

Rick Samuelson moved to adjourn, Ellie George seconded, all said "aye" and the Council Meeting was adjourned at 9:03 p.m.

The foregoing minutes of the December 11, 2014, Council meeting were approved by the City Council at its meeting of January 8, 2015.

Dated: 1/22/15

  
Mayor Hank Williams

ATTEST.

  
City Recorder