

**CITY OF CENTRAL POINT
CITY Council Meeting Minutes
August 13, 2015**

I. REGULAR MEETING CALLED TO ORDER

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

II. PLEDGE OF ALLEGIANCE

- III. ROLL CALL:** Mayor: Hank Williams
Council Members: Bruce Dingler, Brandon Theuson, Tanea Browning, Rick Samuelson and Mike Quilty were present. Allen Broderick, excused.

City Manager Chris Clayton; Police Captain Dave Croft; Attorney Dan O'Connor, Fire Chief Dan Peterson; Community Development Director Tom Humphrey, Parks and Public Works Director Matt Samitore and Planning Secretary Karin Skelton were also present.

IV. PUBLIC APPEARANCES

Kay Harrison, resident of Central Point
Ms. Harrison commented that the Community garden at Don Jones park has been a great success, not only in growing produce, but in bringing the community together.

Dan Peterson, Fire Chief for Jackson County Fire District 3 provided the Council with copies of the Mid-Year Performance Report. He explained that their target response time is seven to ten minutes. They will be putting in a temporary facility on Table Rock Road to serve the east side of Central Point.

V. CONSENT AGENDA

- A. Approval July 16, 2015 Council Meeting.

Mike Quilty moved to approve the Consent Agenda as presented. Brandon Theuson seconded. Roll Call: Mayor Williams, yes; Bruce Dingler, yes; Rick Samuelson, yes; Brandon, Theuson, yes; Mike Quilty, yes; Tanea Browning, yes. Motion approved.

VI. ITEMS REMOVED FROM CONSENT AGENDA – None

VII. PUBLIC HEARINGS, ORDINANCES AND RESOLUTIONS

- A. **Resolution No. 1431, A resolution Approving a Franchise Agreement Between the City of Central Point and rogue Valley Sewer Services.**

City Manager Chris Clayton explained that this began at the beginning of the year, and at that time there were legal issues pending as to whether Cities had authority to implement sanitary sewer special district or not. While the courts were contemplating that the City pass a general license ordinance which basically licensed utilities that were not operating in the city on a franchise agreement. It contained a provision for a utility to negotiate a franchise with the city. We have been through a number of versions of the franchise agreement with RVSS while waiting for the Oregon Supreme Court to Rule on this. They affirmed both lower court's decisions that cities can implement a franchise agreement on a sanitary sewer district. We have now have a final agreement. The start date has been moved to September 1, 2015 so that RVSS 's board can meet and review the final agreement next week.

Bruce Dingler made a motion to approve Resolution No. 1433, a Resolution Approving a Franchise Agreement between the City of Central Point and Rogue Valley Sewer Services. Tanea Browning seconded. Roll call: Mayor Williams, yes; Bruce Dingler, yes; Rick Samuelson, yes; Brandon Theuson, yes; Mike Quilty, yes; Tanea Browning, yes. Motion passed.

B. Resolution No. 1432 A Resolution Declaring the City Council's Intent to Initiate an Amendment to the Central Point Urban Growth boundary (UGB) and the Comprehensive Plan (MAP) to Add Land From the City's Urban Reserve Area (URA) CP-3 For Job Creation and Open Space Preservation In The city of Central Point.

Community Development Director Tom Humphrey stated that URA CP-3 is located south of the Family Fun Center and includes land on both sides of Bear Creek and was identified in the Regional Plan mostly for open space and employment based land uses. He stated we have received a request to pursue a UGB amendment. Mr. Humphrey said that a private party cannot initiate an amendment but they can approach the City who can initiate the process by resolution. Should the council approve the Resolution they would direct staff to begin the Comprehensive Plan amendment process. He informed the council that the Planning Department is currently Developing a Conceptual Plan for this area. 48 acres would be involved. It would include 58% open space and 42% would be employment based.

Mayor Williams stated he thought it was a reasonable proposal. He added that he had received information from the head of the DLCDC that the process for expanding a City's UGB for residential land use would be streamlined in January 2016 and that it would be worthwhile to wait to expand for residential uses until after those changes took place.

Brandon Theuson moved to approve Resolution 1432 A Resolution Declaring the City Council's Intent to Initiate an Amendment to the Central Point Urban Growth boundary (UGB) and the Comprehensive Plan (MAP) to Add Land From the City's Urban Reserve Area (URA) CP-3 For Job Creation and Open Space Preservation In The city of Central Point. Mike Quilty seconded. Roll call: Mayor Williams, yes; Bruce Dingler, yes; Rick Samuelson, yes; Brandon Thueson, yes; Mike Quilty, yes; Tanea Browning, yes. Motion passed.

C. First Reading - An Ordinance Amending Central Point Municipal Code Chapter 17 Zoning Sections to Correct Errors and Inconsistencies.

Community Development Director Tom Humphrey stated that as development in the City occurs, inconsistencies in the Code are noted. He said that periodically those inconsistencies are assembled and brought to the Planning Commission and the City Council for change. There are 11 amendments presented for Chapter 17. All of the amendments are administrative and necessary for the clear, concise, and consistent use of the Zoning Ordinance. The amendments do not result in policy changes.

Mr. Humphrey added that there was an additional change that he noticed this afternoon regarding the cost for a Conditional Use Permit. The Code section refers people to an adopted fee schedule, however there was language left in the code referencing fee of \$100. This reference should be removed from the code and will be added for the second reading.

Public hearing opened, no one came forward and the Public Hearing was closed

Mike Quilty made a motion to move to second reading an Ordinance Amending Central Point Municipal Code Chapter 17 Zoning Sections to Correct Errors and Inconsistencies including new section 12. Rick Samuelson seconded. Roll call: Mayor Williams, yes; Bruce Dingler, yes; Rick Samuelson, yes; Brandon Thueson, yes; Mike Quilty, yes; Tanea Browning, yes. Motion passed.

VIII. BUSINESS

A. Discussion Regarding Beekeeping in the City Limits

Community Development Director Tom Humphrey introduced an ordinance regarding Beekeeping in the City Limits. He stated that there have been inquiries from citizens about keeping bees inside the city limits. Stephanie Holtey prepared a provisional ordinance for discussion. She researched ordinance examples from Ashland and Medford and HB 2653 that the governor is considering which establishes processes for beekeeping in residential areas. The sample ordinance identifies the number of hives permitted, location of hives on property, equipment requirements, maintenance and registration with the City.

Mayor Williams asked for any comments from the public.

John Bickel resident of Central Point

Mr. Bickel is in favor of changing that code to allow for beekeeping. He would love to be able to keep bees on his property.

Jesse Botens resident of Central Point.

Mr. Botens stated he has been keeping bees on and off for 20 years. He stated bees are well suited to an urban environment. He provided some statistics about stinging insects in general to support the fact that bees are not dangerous. He also said that it was fairly expensive to set up beekeeping on property so people who were not serious about it

would not be likely to start. He said that bees are an asset to the community for pollination of gardens.

Ellen Wright a resident of Ashland

Ms. Wright stated that she is member of Southern Oregon Beekeepers. Bees are an asset to a community and an urban environment is a good place for bee hives. She wanted to support what the other citizens said about bees being good for local gardens and agricultural areas. She assured the Council that bees were not dangerous and though people can be allergic to their stings, only 3% of the population is actually allergic to the point where it would be dangerous.

Mr. Humphrey asked about the "screening" mentioned in the provisional ordinance. Ms. Wright explained that if the hives are directly in line with a fence or a hedge, they will fly up high to go over it and they will stay high and be less likely to bother neighbors.

John Jacob Rogue River resident

Mr. Jacob wanted to reiterate that bees are an asset to the community and good for the economy and having skilled beekeepers available for any emergency situations is an asset. He stated that it would be beneficial for Central Point to also look at the bee ordinances of Albany, Salem, Molalla, McMinnville and Kaiser. These cities all deal with beekeeping issues through their nuisance provision in their Code. He knows of no complaints about bees to date.

Chelsea Faris Central Point Resident

Ms. Faris spoke on behalf of Rogue Creamery. They would support beekeeping in Central Point. Currently Rogue Creamery supports 50 hives on about 100 acres in Grants Pass. She stated she had been actively involved in the care of the bees and found it has been a very interesting experience.

Mike Quilty made a motion to direct staff to research the beekeeping ordinances of other cities and prepare an updated ordinance for Council's consideration.

Tanea Browning Seconded. Roll call: Mayor Williams, yes; Bruce Dingler, yes; Rick Samuelson, yes; Brandon Thueson, yes; Mike Quilty, yes; Tanea Browning, yes. Motion passed.

B. 2015 Street Inlay/Preservation Project Bid

Parks and Public Works Director Matt Samitore stated that the only bid received was from Knife River Inc. the estimate was \$255,000 and their bid was \$253,525. A question was asked why there was only one bid. Mr. Samitore answered that when the recession happened the other three paving contractors in the valley went under and there is really no other company around here that can pave large jobs.

Brandon Thueson made a motion to approve the bid of Knife River, Inc. in the amount of \$253,525. Rick Samuelson seconded: Roll call: . Roll call: Mayor Williams, yes; Bruce Dingler, yes; Rick Samuelson, yes; Brandon Thueson, yes; Mike Quilty, yes; Tanea Browning, yes. Motion passed.

C. Battle of the Bones Financial Report

Matt Samitore informed the Council that the total profit from Battle of the Bones (BOB) was \$3,860.90. He stated that they were able to track attendance through the payment schedule and found that when the temperature was in the low 90's or below, attendance was normal. As soon as the temperature hit 95 or so, attendance dropped dramatically. He said there were 25 competitors in the Battle of the Bones competition. All the vendors gave positive feedback. The Council brought up the subject of providing water at the event. Mr. Samitore said that they were not able to obtain a water station this year but they would make sure to reserve that station for next year.

Mayor Williams made a motion to donate \$3,860.90 to the Parks Foundation. Tanea Browning seconded. Roll call: Mayor Williams, yes; Bruce Dingler, yes; Rick Samuelson, yes; Brandon Thueson, yes; Mike Quilty, yes; Tanea Browning, yes. Motion passed.

D. Discussion of the Impacts of HB3400 on City's Current Ordinances and Marijuana Tax

City Attorney Dan O'Connor introduced a discussion of the impacts of HB 3400 on the City's current ordinances and marijuana tax. He stated SB 460 was signed by the Governor on July 28, 2015 allowing dispensaries to sell recreational marijuana temporarily beginning October 1, 2015. Under SB 460 if we did have any dispensaries in the City we could adopt an ordinance prohibiting the selling of recreational marijuana.

HB 3400 makes it clear that the legislature controls the taxation and regulation of marijuana. In Central Point if the Council wants to adopt an ordinance prohibiting the sale of recreational marijuana it would have to be referred to the voters at the next general election. Also it allows the Cities to impose a tax not to exceed 3% and that would also have to be referred to the voters.

City Manager Chris Clayton Informed the Council that at this time Central Point has adopted a tax treating medical and recreational marijuana the same. It put a cap on the tax of up to 25% and the actual rate would be set by Council Resolution. He said that he and the City Attorney had discussed it and at this time even though there are not dispensaries in the City they would recommend having the Council set the rate at 3% by resolution and forward that for voter approval. The council was clear when that was adopted the original ordinance that the tax was to offset public safety issues. Should Central Point have any dispensaries in the future there would be something in place.

Mr. O'Connor stated that the City's ordinance regulating personal grows is consistent with HB 3400 in that it allows grows in all zones and does not limit the amount of marijuana grown or possessed. It simply requires indoor grows, which should continue to be a reasonable time place manner restriction.

He stated that HB 3400 sets out new plant caps for medical marijuana, the new limit for residential zones is a maximum of 12 plants, regardless the number of cards, unless they were growing more than 12 plants on prior to December 31, 2014. They can continue to grow that number of plants.

Chris Clayton mentioned the statewide tax revenue sharing. He said that for the first two years of the program the tax proceeds would be shared statewide based on population. After that 2 year period, it would be shared only with cities that have dispensaries. He added that we have dispensary restrictions in place that we worked very hard on and it doesn't appear that HB3400 is going to require us to make any changes to what we have in place. Although the idea of the tax sharing ending after 2 years for any cities not housing marijuana dispensaries seems not right, as those cities will still be affected by people using marijuana and it will have an impact on the public safety.

Tom Humphrey stated that although there have been inquiries, at this time there are no applications for dispensaries in the City.

IX. MAYOR'S REPORT

Mayor Williams reported he had attended a Water Commission Meeting regarding rate study. A consultant they hired found numerous errors in the study.

- He attended the Oregon Mayor's Conference where he was awarded 2015 Large City Leadership Award.
- He said there was a lot of discussion regarding marijuana.
- He said the Jackson County Fair did quite well this year. He attended their pre fair dinner
- He attended the ground breaking at Jackson County Justice Court Building.
- He attended Quality Fence's 50th celebration.

X. CITY MANAGER'S REPORT

City Manager Chris Clayton reported that:

- Workshop with Medford Water Commission was productive. He was very impressed with the consultants.
- His weekly briefing will be going out tomorrow.
- SOREDI has a site consultant tour coming up at the end of the month
- We had the Destination Boot Camp workshop on Tuesday
- Chambers greeters is here 8/18 in the morning
- Article tomorrow in the Mail Tribune about Costco considering a site in Central Point.

XI. COUNCIL REPORTS

Council Member Mike Quilty reported that:

- Attended an MPO meeting last month. There is concern over Medford UGB that they are proposing to bring in and the lack of transportation detail.

- RVCOG has an opportunity to apply for a grant looking at Brownfield sites. There is no up front cost to the City or a required match.

Council Member Brandon Thueson reported that.

- He attended the study session
- There was a meeting scheduled for the Joint Parks Commission which was continued to next month. They are seeking volunteers to walk the greenway to remove puncture vine.

Council Member Rick Samuelson reported that:

- He thought the fair did well this year
- Attended neighborhood meet and greet session
- Attended the Destination Boot Camp meeting. Thought it was very well done. Good for the business owners coming together and brainstorming.

Council Member Bruce Dingler reported that he attended the study session.

Council Member Tanea Browning reported that she attended:

- the sneak preview for the fair.
- the dirt booth at the fair for 5 days
- the Chamber Mixer
- the Quality Fence 50th
- the Destination Boot Camp seminar
- the groundbreaking for the Justice Court
- the Executive Director position at the Chamber

XII. DEPARTMENT REPORTS

Community Development Director Tom Humphrey reported that:

- Environmental Assessment
- Destination Boot Camp went well. It was probably the best group yet. Another conference call with Mr. Shallert will be in September for anyone who would like to participate.
- We do have a pre application meeting with people from Costco regarding interest in a site in Central Point.

Captain Dave Croft reported that:

- Approximately \$4,900 was raised at the Dare Cruise August 1, 2015.
- January 30th Citizens event went well. Prior to that even Chief Allison and he took several citizens on a ride along and identified areas of concern. Follow-up has been done, with Dereck More talking to property owners, and increased patrols in those areas.
- Detective Abbott was selected for the Detective process
- Cameron Cunningham our new community service officer will be starting Monday

- The recent homicide was a great group effort. Officer Munoz and Officer Jones were able to have a suspect in custody very quickly.
- The 4th Annual Central Point Open House with Fire District 3 will be on September 12th.

Parks and Public Works Director Matt Samitore reported that:

- A few Friday night events had to be cancelled because of the smoke
- Freeman Road will be graveling and doing curbs. They will be paving at the end of September.

XIII. EXECUTIVE SESSION - None

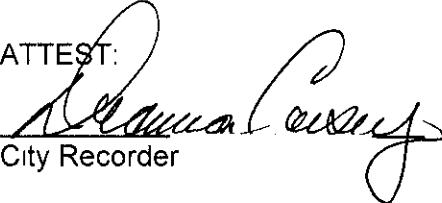
XIV. ADJOURNMENT

Brandon Thueson made a motion to adjourn. Mike Quilty seconded. All members said "aye". Meeting adjourned at 9:00.

The foregoing minutes of the August 13, 2015 council meeting were approved by the city Council at its meeting of August 27, 2015

Dated: 8/27/15


Mayor Hank Williams

ATTEST:

City Recorder