

He presented a YouTube video featuring Jeff Bridges which showed the damaging environmental issues caused by plastic bags.

Mr. McPhillips informed the Council of the various cities that have banned plastic bags - Portland, Ashland, Corvallis, and Eugene. He advised that folks at Zero Waste are attempting to synthesize the various enacting ordinances that these cities have used to put together a draft ordinance for the City of McMinnville to review. He advised that the City Council agreed to "ban the bag," the ordinance and its deadlines for compliance should be well in advance of the target date. He noted that it would be best to start the project with large businesses prior to requiring all businesses to conform.

Extensive discussion between the Council and Zero Waste ensued. Topics included cost of the reusable bags, discounts for using recyclable bags, timelines for implementation, and other related issues. Following the discussion, each of the Council members thanked Mr. McPhillips and the Zero Waste representatives. Mayor Olson recollected the discussions surrounding implementation of Oregon's bottle bill and stated that this is a very similar situation. He thanked the group for their informative presentation.

ADJOURNMENT: Mayor Olson adjourned the Dinner Meeting Work Session at 6:59 p.m.

CITY OF McMINNVILLE
MINUTES OF REGULAR MEETING of the McMinnville City Council
Held at the Kent L. Taylor Civic Hall on Gormley Plaza
McMinnville, Oregon

Tuesday, April 26, 2016 at 7:00 p.m.

Presiding: Rick Olson, Mayor

Recording: Rose A. Lorenzen, Recording Secretary

Councilors:

	<u>Present</u>	<u>Excused Absence</u>
	Remy Drabkin	Alan Ruden
	Scott Hill	Larry Yoder
	Kevin Jeffries	Kellie Menke

Also present were City Manager Martha Meeker, City Attorney David Koch, Planning Director Doug Montgomery, Finance Director Marcia Baragary, Fire Chief Rich Leipfert, Police Chief Matt Scales, Principal Planner Ron Pomeroy, Library Director Jenny berg, and members of the news media, Don Iler of the *News Register*, and Dave Adams of KLYC Radio.

AGENDA ITEM

CALL TO ORDER: Mayor Olson called the meeting to order at 7:08 p.m. and welcomed all in attendance. He noted that Councilor Menke had been excused from the evening's meeting.

PLEDGE OF ALLEGIANCE: Mayor Olson led in the recitation of the Pledge of Allegiance.

INVITATION TO CITIZENS FOR PUBLIC COMMENT: Mayor Olson asked for comments from citizens on topics not on the evening's agenda. No testimony was heard.

1 CONSENT AGENDA

The minutes of the January 26, 2016 City Council Dinner and Regular Meetings were the only item on the Consent Agenda. Councilor Hill MOVED to approve the Consent Agenda as submitted; SECONDED by Councilor Ruden. Motion PASSED unanimously.

2 OLD BUSINESS

2 a PRESENTATION: UPDATE FROM McMINNVILLE CITY PASTORS - HOW THE LATE NIGHT WATCH IS GOING: Mayor Olson welcomed McMinnville City Pastors Dennis Nice and Jason Willoughby.

Pastors Nice and Willoughby briefed the City Council on the activities of the McMinnville City Pastors since its inception a year ago. They noted that they are on the downtown area streets from 10:00 p.m. until 2:30 a.m. one evening per week. There are currently 13 individuals who are helping with this program. The group is self-funded with some area church assistance. Their main costs are for training and uniforms. They related some of the situations they had witnessed and how they had assisted.

The Mayor and each of the Council members thanked Pastors Nice and Willoughby for the work they and their volunteers are doing.

3 NEW BUSINESS

3 a PRESENTATION: JIM GALBA - INITIATING AN AMENDMENT TO THE NE GATEWAY PLANNED DEVELOPMENT OVERLAY ORDINANCE: Planning Director Montgomery announced that Mr. Galba had requested a change in the NE Gateway Planned Development Overlay; however, he was not present to discuss the matter.

3 b PRESENTATION: COLE RISDON - REGARDING REQUEST TO REMOVE MARIJUANA RESTRICTION BOUNDARY AROUND HIGH SCHOOL TENNIS COURTS: Mayor Olson announced for the record that he works in a technical capacity on Mr. Risdon's computers. He stated that there would be no conflict at this time. He welcomed Mr. Cole Risdon.

Mr. Risdon advised he was requesting that the City Council remove the marijuana restriction boundary that currently surrounds the high school tennis courts. City Attorney Koch distributed written materials that Mr. Risdon had put together for the Council. Recording Secretary Lorenzen entered into the record an e-mail addressed to the McMinnville City Council from Danielle Klaus dated April 25, 2016.

Mr. Risdon discussed the situation surrounding his marijuana business site and the high school tennis courts. He discussed the various meetings, e-mails, and discussions that he has had with City staff, the Oregon Health Authority (OHA), and Ms. Danielle Klaus.

City Attorney Koch explained that the City's Code does not contain the same criteria as the State of Oregon. He advised that the 1000 foot buffer is the State of Oregon's criteria and has been adopted by the City. He stated that staff had reviewed the five-part test that is included in the OHA rules and he referenced his memorandum dated April 20, 2016 regarding this agenda item. He reviewed the time line for Mr. Risdon's permit process. He pointed out that Mr. Risdon had applied for a Building Permit on January 6, 2016. On January 21, 2016, the City informed Mr. Risdon that his permit met the requirements of the City's Code and would be issued. On January 29, 2016, City staff was informed by a citizen, Danielle Klaus, that the Cowls Street Tennis Courts had been omitted from the buffer map and she requested that the location be properly identified as a school on the map. In response to Ms. Klaus' request, City staff reviewed the State's rules for guidance in determining whether the Cowls Street Courts should be considered a school, and, in particular, the five-part test set forth at OAR 333-008-1110. Staff then applied the facts concerning the use of the tennis courts to determine whether the Cowls Street Courts should be considered a "school" for the purpose of the 1,000 foot school buffer restrictions. Mr. Koch outlined the analysis used to determine that the Cowls Street Tennis Courts did constitute a school for the purpose of MMC17.64.040(A)(6)9(a). He further stated that because Mr. Risdon had been informed that his permit had been issued, and the issuance was based solely on a staff error and not any misrepresentations by Mr. Risdon, a determination was made that the permit should not be revoked. Mr. Risdon completed his project in accordance with the City's permit process and passed the City's final inspection on April 7, 2016. Mr. Risdon picked up his permit from the Building Department on February 22, 2016, and on April 7, 2016, the project passed the City's final inspection.

Discussion ensued amongst the Council regarding what could be done to alleviate Mr. Risdon's problem. Following this, Mayor Olson requested that City Attorney Koch write a letter to the OHA saying that the matter had been discussed at the City Council meeting and asking the OHA to take into

consideration the Council's concerns and that the City had issued a permit to Mr. Risdon.

Councilor Jeffries pointed out that if the OHA denied Mr. Risdon's request, he would still have appeal rights. There might be the possibility of an exemption. It was noted by Councilor Drabkin that the Council understands that Mr. Risdon has been treated unfairly by this process and the Council and staff will review the matter and clarify it. This may be to Mr. Risdon's benefit. The review will occur at an accelerated pace.

Mayor Olson thanked Mr. Risdon, staff, and the Council for the thorough discussion.

RECESS / RECONVENE: Mayor Olson called for a brief recess at 8:41 p.m. He reconvened the meeting at 8:48 p.m.

3 a PRESENTATION - JIM GALBA - INITIATING AN AMENDMENT TO THE NE GATEWAY PLANNED DEVELOPMENT OVERLAY ORDINANCE: Mayor Olson advised that Mr. Galba had arrived at the meeting and graciously volunteered to move his agenda item to the Council's May 10, 2016 agenda.

3 c OUTLINE OF NEXT STEPS TO IMPLEMENT ORDINANCE NO. 4900 - PLANNING DIRECTOR DOUG MONTGOMERY: Planning Director Montgomery directed the Council's attention to his memorandum in their Council packets regarding the City's sign ordinance specific to amortization. He noted that four sections in the ordinance speak to verifying data from 2008. He advised that based on an inventory completed in 2008, approximately 237 signs exist that are alleged to be non-conforming with the standards of the 2009 adopted sign ordinance. These signs are located on some 152 individual properties. He reviewed the steps that would be necessary to complete this update and to verify the 2008 sign inventory data. He suggested that it might be beneficial to amend some provisions of the ordinance that are specific to the enforcement on non-conforming signs.

Discussion ensued regarding the direction staff should take, given the limited number of staffing in the Planning Department.

Following discussion, Councilor Ruden MOVED to direct staff to move forward with their review of the non-conforming signage; SECONDED by Councilor Jeffries. Motion PASSED unanimously. It was noted that the Council understood the size of the project and that the timeline for the project could be lengthy.

4 ORDINANCE

4 a IMPOSING A THREE PERCENT TAX ON THE SALE OF MARIJUANA ITEMS BY A MARIJUANA RETAILER AND REFERRING ORDINANCE: Mayor Olson asked whether the proceeds from the tax would be earmarked for public safety. City Manager Meeker offered

that the intent is to apply the funds to the Police and Fire Department budgets.

Councilor Ruden asked if the funds could be earmarked for a special public safety item, such as the Park Rangers' program.

Councilor Jeffries suggested that the ordinance should make it clear that the tax is on recreational, not medicinal, use. He further suggested that clarification could be made in the title of the ordinance.

City Attorney Koch suggested that clarifying language could be added to the ordinance making it clear that the tax would be on the retail sales of recreational marijuana items. Mayor Olson advised that the ordinance was amended with modifications to specify retail, not medical sales of marijuana.

City Attorney Koch read by title only Ordinance No. 5004 an ordinance of the City of McMinnville imposing a three percent tax on the sale of marijuana items by a marijuana retailer and referring ordinance. (No Councilor present requested that the ordinance be read in full.) The title of the ordinance was read for a second time.

Ordinance No. 5004 PASSED by a unanimous roll-call vote.

5

RESOLUTIONS

5 a

A RESOLUTION TO SUBMIT A MEASURE TO VOTERS AND ADOPTING BALLOT TITLE AND EXPLANATORY STATEMENT THE QUESTION OF A TAX ON CERTAIN MARIJUANA BUSINESSES WITHIN THE CITY OF McMINNVILLE: City Manager Meeker advised that passage of the resolution would refer the tax to the voters.

Councilor Drabkin MOVED to adopt Resolution No. 2016-19 a Resolution to submit a measure to the voters and adopting ballot title and explanatory statement the question of a tax on certain marijuana businesses within the City of McMinnville; SECONDED by Councilor Ruden. Motion PASSED unanimously.

5 b

ESTABLISHING THE McMINNVILLE AFFORDABLE HOUSING TASK FORCE AND APPROVING AN ACTION PLAN: City Manager Meeker advised that after having been educated on "homelessness," the City Council decided to attack affordable housing first - via an Affordable Housing Task Force. The draft resolution would create the Task Force and would approve an Action Plan to serve the housing needs of low and no-income families. She thanked the members of the committee that had worked on this, including Councilors Menke, Ruden, and Drabkin, representatives from YCAP and the Yamhill County Housing Authority, Community Home Builders, Howie Harkema from the Compass Center, and individual contributions from Sherl Hill, Derrick Price, and Scott Chambers.

Councilor Ruden pointed out that Councilor Menke had played a very important role in putting the plan together. He added that this was a very worthwhile endeavor.

Councilor Drabkin stated that it was good to remember that this came out of civic unrest - the people of McMinnville spoke up and said it was time to address homelessness as a City.

Following a brief discussion, Councilor Drabkin MOVED to adopt Resolution No. 2016-20 establishing the McMinnville Affordable Housing Task Force and Approving an Action Plan; SECONDED by Councilor Yoder. Motion PASSED unanimously.

5 c

MAKING BUDGETARY TRANSFERS FOR FISCAL YEAR 2015 - 2016: Fire Chief Leipfert explained that the proposed resolution is because of three fire vehicle purchases - an aerial platform truck, a fire engine, and a water tender. When the equipment purchases were budgeted, additional costs of approximately \$31,000 were not anticipated. More recently, the Department learned that there were used ambulances available through the City of Portland's surplus program. Purchase of these ambulances will serve the City's needs at a substantially lower cost than if new ambulances were purchased. Chief Leipfert went on to explain that the Fire Department has been awarded two Federal Emergency Management Agency grants totaling \$14,000 to assist with costs related to equipment purchase and supplies for the Citizens Emergency Response Team and the Yamhill County Multi-District HAM Radio project.

Following a brief question and answer period, Councilor Hill MOVED to adopt Resolution No. 2016-21 making budgetary transfers for fiscal year 2015 - 2016; SECONDED by Councilor Ruden. Motion PASSED unanimously.

6

ADVICE / INFORMATION ITEMS

6 a and b

CITY COUNCIL AND DEPARTMENT HEAD REPORTS: Due to the lateness of the hour, no Council or Department Head reports were heard.

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ADJOURNMENT: Mayor Olson adjourned the Regular City Council meeting at 9:31 p.m.

Rose A. Lorenzen, Recording Secretary