

CITY OF SUTHERLIN
Special City Council Meeting
Sutherlin Civic Auditorium
Monday, April 6, 2015 – 7:00pm

COUNCIL MEMBERS:

MAYOR: Tom Boggs, Frank Egbert, Wayne Luzier, Karen Meier, Forrest Stone, Wes Anderson
Todd McKnight

CITY STAFF: City Manager, Jerry Gillham
City Recorder/HR Manager, Debbie Hamilton
Community Development Director, Vicki Luther
Chief of Police, Kirk Sanfilippo
Interim Fire Chief, Rich LaBelle

Audience: Joe Groussman, Tadd Held, Ken Wolfer, Monte Montgomery, Pamela Semas, Floyd Van Sickle, Tami Trowbridge, Adam Sarnoski

Meeting called to order by Mayor McKnight, at 7:00pm.

Flag Salute:

Roll Call: Excused – Councilor Egbert

Introduction of Media: Mike Henneke, News Review

PUBLIC COMMENT (agenda items only)

- None

PUBLIC HEARING

- **Marijuana Dispensaries**

Mayor McKnight opened the Public Hearing–Marijuana Dispensaries at 7:03pm.

Staff Report – Community Development Director, Vicki Luther, explained the ordinance is a recommendation from the Planning Commission which places regulations on medical marijuana dispensaries. Recommendations are as follows:

- To permit dispensaries in C-3 Zone, if they comply with state law
- Hours of operation 9:00am – 9:00pm, Monday through Saturday and 9:00am – 6:00pm, Sunday
- Would maintain 1,000 foot distance from:
 - Other dispensaries
 - Schools, preschools and daycares
 - Residential zone

The ordinance contains an emergency clause, the previously enacted moratorium will be lifted May 1st therefore, the ordinance will take effect at that time.

Mayor McKnight asked for public testimony:

- Is there anyone who would like to speak in favor of the policy? None
- Is there anyone who would like to speak in opposition of the policy? None
- Is there anyone who would like to make neutral comments? None

Closed Public Hearing at 7:05pm.

Mayor McKnight stated he will now opening this up for Council discussion.

- Councilor Anderson – A Washington community recently implemented a permanent moratorium on the sale of marijuana in the city limits, what are the chances of being able to do this in the State of Oregon?

City Attorney, Chad Jacobs – There is on-going litigation related to this issue in Oregon. Depending on the outcome of the litigation and/or changes with state law it may clarify some of these issues. The legally safest course is to permit them within City’s jurisdiction, but impose reasonable time, location and manner restrictions.

What if it went to the voters on the next general election? *There are two separate programs – medical and recreational marijuana. Recreational, as part of Measure 91, goes into effect January 2016. However, there is language in Measure 91 stating if people, through an initiative measure propose prohibiting any kind of sales or licenses in their jurisdiction, that can be approved by voters. However, this language does not exist in the state statues related to medical marijuana dispensaries. The ability to take recreational marijuana before the people for a vote cannot take place until November 2016; therefore the prohibition would not apply from January to November 2016.*

- Councilor Meier – Why aren’t the pharmacies handling this? *There are restrictions on pharmacies related to federal law and their ability to distribute federally regulated medicine.*
- Councilor Stone – How do we know where the daycares are located in the city? *It will be impossible to find all daycares, but will try. Map presented to Council this evening highlights C-3 zone as well as residential zones.*
- Councilor Meier – Would rather not see the dispensaries so isolated, but closer in. *Luther - Distributed a map showing 500 feet restriction boundaries.*
- Councilor Anderson – How does City implement law regarding a resident growing medical marijuana on their property and selling it? *Jacobs – If it’s recreational marijuana they would have no right to sell it unless they have a license, if they have a license they have to operate out of an actual dispensary. If its medical marijuana they have to be registered to grow for a patient, or if the patient has a medical marijuana card they can grow it for themselves or have a grower grow it for them; grower cannot sell to the general public. The medical dispensary has to be licensed by the state and meet those regulations, cannot sell out of your “backyard” as a dispensary that would be illegal and subject to criminal laws.*

Can City have an ordinance regarding the growing of marijuana in the city limits? *Yes and no, can have ordinance related to recreational marijuana, however cannot go against what state law permits.*

- Councilor Boggs – As part of an ordinance can City require them to register with the City therefore, Police Department is notified. *Police currently have access to that information through the state for medical marijuana.*
- Councilor Meier – Would rather see a 500 foot restriction rather than 1,000 foot, and have more restrictions on recreational marijuana.
- Councilor Anderson – Would like Council to schedule in the future, an executive session to further discuss moratorium issues.

ACTION ITEMS/GENERAL BUSINESS

- **Ordinance No. 1042 – Marijuana Dispensaries (first reading & title only).**

City Recorder, Debbie Hamilton, provided first reading, title only of Ordinance - “An ordinance of the City of Sutherlin, amending Title 16 of the Sutherlin Municipal Code restricting Marijuana dispensaries to the Community Commercial Zone (C-3) and declaring an emergency.”

MOTION made by Councilor Meier to approve first reading, amending the Ordinance to allow marijuana dispensaries within 500 feet of residential zones and recommendations of the Planning Commission as presented; second by Councilor Stone.

Discussion: *Jacobs – For clarification purposes, Council is approving first reading of the ordinance, based on the findings and recommendations of the Planning Commission with amendment.*

Mayor – That is correct.

In Favor: Councilors Meier, Stone and Mayor McKnight

Opposed: Councilor Anderson, Luzier and Boggs

Motion failed.

Luther informed Council the purpose of the ordinance is to put something in place, as opposed defaulting to state law which is less restrictive.

Mayor agreed with the importance of Council making a decision regarding the restrictions.

MOTION made by Councilor Luzier to approve first reading of Ordinance – Marijuana Dispensaries as recommended by the Planning Commission; second by Councilor Boggs.

Discussion: None

In Favor: Councilors Luzier and Mayor McKnight

Opposed: Councilor Meier, Anderson, Stone and Boggs

Motion failed.

Jacobs – For clarification purposes, the state would allow dispensaries to be located in all commercial, industrial, and mixed use zones. Planning Commissions proposed set limits for dispensaries to be located in Community Commercial (C -3) Zone. Without Council’s decision tonight this would expand the area for which they could be located. Decision does not have to be made tonight, however it needs to be in place by May 1st.

MOTION made by Councilor Meier to approve first reading, amending the Ordinance to allow marijuana dispensaries within 500 feet of residential zones and recommendations of the Planning Commission as presented; second by Councilor Stone.

Discussion: None

In Favor: Councilors Meier, Stone, Boggs and Mayor McKnight

Opposed: Councilor Anderson and Luzier

Motion carried.

PUBLIC COMMENT –

- None

ADJOURNMENT –

With no further business meeting adjourned at 7:44pm.

Approved: *Jerry Gillham*
Jerry Gillham, City Manager

Respectfully submitted,

Diane Harris
Diane Harris, Deputy City Recorder

Todd McKnight
Todd McKnight, Mayor

APPROVED BY CITY COUNCIL APRIL 13, 2015