



**CITY COUNCIL SPECIAL SESSION MINUTES ~ APPROVED
APRIL 29, 2014 AT 1:00 PM**

City Hall ~ 82877 Spruce St., Westlake, OR

These proceedings of the Dunes City Council were recorded on tape and are on file at Dunes City Hall. Upon approval by the City Council, these minutes will be available online at www.DunesCity.com

1. CALL TO ORDER

Mayor Rebecca Ruede called the Special Session meeting of the Dunes City Council to order at 1:00 pm.

2. ROLL CALL

Roll Call was taken by City Administrator/Recorder Fred Hilden.

Present: Mayor Rebecca Ruede, Council President Jamie Mills, Councilor Dick Anderson, Councilor Maurice Sanders, Councilor Ed Scarberry, Councilor Sheldon Meyer, and Councilor Duke Wells.

Also Present: City Administrator/Recorder Fred Hilden, Administrative Assistant Renee Green, Administrative Assistant Rapunzel Oberholtzer, and Planning Commission Chairman George Burke.

3. PLEDGE OF ALLEGIANCE

All who were present stood for the Pledge of Allegiance.

4. APPROVAL OF THE AGENDA

Councilor President Mills made a motion to approve the Agenda. Councilor Anderson seconded the motion. The motion passed by unanimous vote.

5. ANNOUNCEMENTS / CORRESPONDENCE

A. The Dunes City Budget Committee will meet after today's Special Session at 2:00 pm.

6. CITIZEN INPUT – None

7. NEW BUSINESS

A. Ordinance No. 227 Temporary Moratorium Medical Marijuana Facilities – First Reading, Public Comment and Second Reading

Mayor Ruede opened discussion by noting that City Administrator/Recorder Hilden would elaborate on the City's Charter, Section 34, that details the Council's options for enacting ordinances.

City Administrator/Recorder Hilden explained, in short, that the Charter requires that an ordinance must be read in Council twice on two different days *except* the Council may enact an ordinance at a single meeting if the Council unanimously votes for it and it is read in full and then by title, *or* the Council may unanimously vote for the ordinance to be ready by title twice (or more), voted upon in one meeting, provided that the required notices and postings are done, and adopted provided that the vote is unanimous.

Mayor Ruede noted that the business of the Special Session was to consider adopting an ordinance to impose a temporary moratorium on medical dispensaries in Dunes City and give the City time to explore all of the ramifications of licensing dispensaries for a Federally prohibited substance, look at Dunes City's zoning and gather citizen input. She also noted that State law requires that Cities begin to license dispensaries or declare a moratorium by May 1st of this year.

Council President Mills made a motion to read Ordinance No. 227 by title only. Councilor Anderson seconded the motion. The motion passed by unanimous vote.

City Administrator/Recorder Hilden read the title of Ordinance No. 227 aloud:

"AN ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM ON MEDICAL MARIJUANA FACILITIES IN THE CITY AND DECLARING AN EMERGENCY"

After reading the title, City Administrator/Recorder Hilden noted that there were no citizens present to provide public feedback on the Ordinance.

Mayor Ruede opened the session to discussion among Councilors. City Administrator/Recorder Hilden pointed out that the Councilors had received a list of Oregon cities showing the status of their actions on the moratorium. He pointed out that many cities are not passing moratoriums and many are doing so to give them more time to consider the effects of dispensaries in their communities and how to regulate them. He noted that an option open to Dunes City Councilors is to enact a moratorium that is less than one year in length as SB 1531 mandates a one-year maximum but no minimum. Locally, Veneta has opted not to pass a moratorium, as have Eugene and Springfield.

Councilors began to express their opinions and concerns on the dispensary/moratorium issues. Councilor Meyer pointed out that the State legislature has provided an opportunity to give cities time to consider their options and suggested that Dunes City take advantage of the time. Council President Mills noted that the Councilors' oath of office required them to follow the letter of the law, both State and Federal, but Federal law still classifies marijuana as illegal. Councilor Sanders asked whether there was an option for the City to ban dispensaries; City Administrator/Recorder Hilden replied that there was none at this time.

Councilor Sanders discussed his concerns about the fifth paragraph of the Ordinance noting that one of its provisions is to allow time to gather citizen input about the potential impacts on the City and explained that he thought citizen feedback was extremely important. He went on to note that the Council might not need a full year moratorium to gather information. Councilor Meyer noted that the Ordinance provides that the City could terminate the moratorium earlier. Mayor Ruede noted that she attended a Mayors' Roundtable Meeting during which these issues were a topic of discussion; in Veneta, for example, the City Council opted not to impose a moratorium but is writing very stringent City regulations, and in Springfield the City is creating stronger rules than issued by the State. That type of action, she went on, is also an option for Dunes City to explore during a moratorium.

There was further discussion about the Ordinance, the ramifications of allowing dispensaries and possibilities of abuses, conflicting messages from State and Federal laws about the legality and acceptability of marijuana, conflicts law enforcement officers face when dealing with State and Federal laws, and the potential negative impact on the quality of life in Dunes City. Some Councilors voiced a desire to not allow dispensaries in Dunes City at all. Councilor Scarberry expressed concern about zoning, noting that Dunes City doesn't have much commercial zoning available. He noted that zoning is one of his key concerns, especially in any mixed use zone where a residence could become a licensed dispensary; he would like to see legal clarification of that issue. Council President Mills shared Councilor Scarberry's concerns with zoning issues and wondered whether there was mixed use property in Dunes City.

Planning Commission Chairman George Burke joined the meeting during the discussion and was asked to comment on the zoning questions. Chairman Burke remarked that he would have to look into whether or not there was undeveloped commercial property in Dunes City, but he did not think there was. City Administrator/City Recorder Hilden reiterated that an existing business in a commercially zoned area could potentially apply for a license to operate a dispensary. There was a discussion about where property is commercially zoned in Dunes City—Westlake, Darlings and the Highway 101 corridor, wherever there are existing businesses within the City limits.

There was more discussion about whether or not Dunes City should allow dispensaries or could prohibit them altogether. Discussion moved on to the length of the moratorium. Suggestions ranged from three months or six months to the full year. It was noted that there could be a new City Council next year that disagrees with any moratorium decision and takes another direction. It was also noted that a shorter moratorium might prompt faster action on gathering feedback, etc. but also noted that any rewriting of City Code, developing stringent regulatory guidelines or doing any research into other options would likely take longer than three or six months. Planning Commission Chairman Burke pointed out that changes to zoning in the City require more than a CCI/CAC review, changes also have to be reviewed and approved by Oregon's DLCD.

Mayor Ruede noted that all of the issues mentioned need to be carefully thought through before any action is taken. Mayor Ruede said that she would entertain a motion to have the second reading of Ordinance No. 227 by title only.

Councilor Scarberry made a motion to have the second reading of Ordinance No. 227 by title only. Councilor Anderson seconded the motion. The motion passed by unanimous vote.

City Administrator/Recorder Hilden read the title of Ordinance No. 227 aloud:

“AN ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM ON MEDICAL MARIJUANA FACILITIES IN THE CITY AND DECLARING AN EMERGENCY”

Council President Mills made a motion to approve Ordinance No. 227. Councilor Scarberry seconded the motion. The motion passed by unanimous vote.

City Administrator/Recorder Hilden requested a roll call vote and the Mayor agreed. All of the Councilors responded with a “yes” vote when City Administrator/Recorder Hilden called each name.

8. FOR THE GOOD OF THE ORDER

Councilor Sanders suggested that the Council schedule a session soon to hear comments and gather ideas from the public about the medical marijuana dispensaries.

Councilor Wells suggested that, in the meantime, each Councilor talk to as many citizens as they can to solicit feedback.

Council President Mills noted that there would be a League of Oregon Cities meeting on May 1st during which representatives from Washington and Colorado would discuss the various issues those states faced when they legalized the use of medical marijuana and how they’ve regulated dispensaries. City Administrator/Recorder Hilden agreed to acquire minutes and/or presentation materials from that meeting.

Councilor Anderson suggested that staff promptly alert the *Siuslaw News* about the City’s decision.

9. ADJOURNMENT

Councilor Sanders made a motion to adjourn. Council President Mills seconded the motion. There was no vote taken.

Mayor Ruede adjourned the special session at 1:40 pm.

APPROVED BY THE DUNES CITY COUNCIL ON THE 12th DAY OF JUNE 2014.

[Signed copy available at City Hall]

Rebecca Ruede, Mayor

ATTEST:

[Signed copy available at City Hall]

Fred Hilden, City Recorder