

CITY OF ALBANY
CITY COUNCIL WORK SESSION
Council Chambers
Monday, June 2, 2014
7:00 p.m.

MINUTES

CALL TO ORDER

Councilor Floyd Collins called the meeting to order at 7:00 p.m.

ROLL CALL

Councilors present: Bill Coburn, Floyd Collins, Bessie Johnson, Rich Kellum, Ray Kopczynski, Dick Olsen

Councilors absent: Mayor Konopa arrived at 7:36 p.m.

BUSINESS FROM THE PUBLIC

There was none.

DISCUSSION OF PROPOSED CHANGES TO ALBANY MUNICIPAL CODE CHAPTER 7.90 RELATED TO SECOND HAND DEALERS AND TRANSIENT MERCHANTS

Police Chief Mario Lattanzio said the Police Department has been working on proposed changes to the Ordinance for the last few months, including working with business leaders in the community. Changes were made following the last Council work session on this item, and the revised draft is being brought back for additional discussion.

Police Sergeant Steve Dorn reviewed changes to the draft Ordinance since the last review.

Roy Bidwell, Thomas Anthony Carpet and Floor Covering, said he doesn't think that places that accept donations should be exempt. He has heard that if stolen property can't be sold or given to friends and family, it will be donated because there is no paper trail. He is in competition with these businesses which get their items free while he has to pay for them.

John Bates, Again & Again Thrift Store, said that if he would be required to report donated items, he thinks the same rule should apply to the charities.

Kevin Hart, Cash House, expressed concern about having to report small purchases; he suggested a dollar threshold be established. Following brief discussion, there was some agreement that a \$20 threshold for the reporting requirement would be fair.

David Koopman, Best Buyers, said that if the purpose of the 14-day hold is to get stolen merchandise back to the victim, it should apply only to items that are identifiable. Lattanzio said that items may be identifiable only to the victim or to law enforcement based on reports by the victim.

Koopman asked if it would be better for the Police to work with businesses rather than add additional regulations. If law enforcement provided a list of people who had been convicted of crimes, businesses could opt to not purchase from them.

City Attorney Jim Delapoer said that he would be wary of a City-wide blacklist. Deputy City Attorney Sean Kidd said that someone who is convicted of a theft could be trespassed on a store-specific basis. He suggested that if a business loses money because they purchased stolen items from an individual, they may want to let other dealers know. Discussion followed about ways businesses could work together and advise each other about people who are known to be dealing in stolen merchandise.

Ted Dodenhoff, Cascade Coin, said that secondhand dealers in the Portland area are provided with a list of persons who have established a pattern of behavior. Dealers can do business with these individuals if they wish, but they know there is a risk that they will lose money if they do. He asked about the potential of the Albany Police Department (APD) doing a weekly stolen property report. Lattanzio said that would be difficult with the current records management system.

In response to an inquiry from Councilor Bessie Johnson, Dorn described the current Ordinance which deals only with jewelry and silverware and requires a 10-day hold.

Mayor Sharon Konopa arrived at 7:36 p.m.

Councilor Bill Coburn said he isn't sure a 14-day hold is necessary for guns since there is already a good tracking system in place. Dorn said that having the transaction data is helpful. Kevin Manske, CNS Firearms, described the tracking system for guns. In discussion, several business owners suggested that gun transactions could be exempt from the hold requirement because they are already well regulated and traceable.

Koopman said that he didn't think the 14-day hold should apply to consignments. If a customer legitimately owns an item, it should not have to sit in his store for 14 days before it is put up for sale. Bates said that a consignment should be treated the same as a purchase. Brief discussion followed.

Dodenhoff suggested a higher bond for transient merchants than the \$10,000 proposed. He further suggested that transient merchants be required to hold merchandise in Albany. He wants to limit the number of people who come through, victimize the community, and then leave.

In response to questions, Dorn said that precious metals are defined under Oregon law and that jewelry scrap which exceeds the \$25 purchase threshold would need to be reported.

Dodenhoff described a situation in which a person brings in items that the dealer declines to buy because he suspects they may be stolen; this was a missed opportunity to catch the person or retrieve evidence. Delapoe suggested that the dealer could enter the data as if they were purchasing the item and then say it looks to be stolen property and decline the purchase. Jerry Upshaw, Ace Buyers, said that he takes a picture of the seller's id when they first come into his store. Lattanzio said the hope is that the frequency of stolen property coming into shops will decline because it will become known that these items are being reported to APD.

Koopman suggested that there be a trial period. If the Ordinance does not result in repossession of stolen goods, it could be asked why businesses are being regulated so stiffly. Lattanzio said that a one-year look back could be considered. He said that this type of ordinance is common in communities and that we don't want people coming to this area because we don't have those checks and balances. Discussion followed regarding the LeadsOnline reporting system.

Coburn asked if the business owners had any problem with the special license or application for special license. Bates suggested that the annual renewal be automatic unless there are problems. Bidwell expressed concern about the potential for abuse in the future; he suggested that Council determine what kind of power the Police would have under the Ordinance. Collins noted that four votes of the Council can amend an ordinance at any time.

Bates suggested that there could be a quarterly or semi-annual meeting of interested business leaders to compare notes and talk about what is happening in the community with regard to stolen property. Additional discussion followed regarding ways businesses can communicate with one another and with APD.

Koopman asked how the City would afford all of the extra monitoring. Dorn said that it will be done electronically which will reduce man hours and increase the chances of recovering property.

Koopman reiterated that he doesn't see how a 14-day hold on consignment items would be beneficial.

Koopman asked why he would be required to provide the City with a copy of his lease. Kidd said the lease gives proof of who owns the building. If a crime is being committed, the Police want to know who the property owner is.

Koopman said that if an item is not in question, he doesn't think he should be required to release his customer's personal information. He would prefer to keep the information in his system and provide it to the Police if the item came into question. He is concerned about the potential of an innocent person being accused based on their background. Dorn said that not reporting all regulated transactions would defeat the purpose of having an electronic database. The system is set up so that data can be cross referenced with crimes. Lattanzio added that Police would need to have probable cause to charge for a crime.

Dorn summarized the "hanging items" as follows:

- Prohibited seller list (it is incumbent upon the businesses to get together and create the list if they wish).
- Minimum \$20.00 purchase of regulated items would trigger reporting requirements.
- Exempt fire arms from the 14-day hold requirement.
- Explore how consignments should be addressed.
- Consider a higher bond for transient merchants.
- Require transient merchants to hold merchandise in the City.
- Allow for automatic renewal of licensing if no changes are made.
- Consider a quarterly or semi-annual meeting of business leaders and law enforcement.

Brief discussion followed regarding the process. In response to an inquiry from Konopa, a majority of business owners present indicated that they would like to have another meeting similar to this one. Coburn said that he likes this format because everyone can hear all of the concerns and receive all of the information. Councilor Dick Olsen suggested that the business owners meet and consolidate their concerns so they can be presented to the City Council. Collins said he would like to see the business owners meet with Police staff and come back for one last meeting with the City Council. He would like to get this done by the end of July.

Lattanzio said that staff would distribute a revised draft Ordinance and then schedule a meeting with the business owners.

Konopa said that the Council appreciates the input from business leaders who will be implementing the ordinance.

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COUNCILOR COMMENTS

There were no additional comments.

CITY MANAGER REPORT

There was no report.

ADJOURNMENT

There being no other business, the meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Reviewed by,

Teresa Nix
Administrative Assistant

Wes Hare
City Manager