

CITY OF ALBANY
CITY COUNCIL
Council Chambers
Wednesday, November 5, 2014
7:15 p.m.

MINUTES

CALL TO ORDER

Mayor Sharon Konopa called the meeting to order at 7:15 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

Konopa led the pledge of allegiance to the flag.

ROLL CALL

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

Councilors absent: None.

SCHEDULED BUSINESS

Business from the Public

Robert Gilbert, 1802 48th Avenue SE, read a letter to the Council regarding social pollution brought about by movies, video games, television, the internet, and radio (see agenda file).

Second Reading of Ordinance

(The first reading occurred at the October 8, 2014, Council Meeting. The second reading of an ordinance at a subsequent meeting does not require a motion).

Amending Ordinance No. 5833 to include sales of marijuana and marijuana-infused products within the locational restrictions applicable to medical marijuana dispensaries and declaring an emergency.

City Attorney Jim Delapoer read the ordinance for a second time in title only: AN ORDINANCE AMENDING ORDINANCE NO. 5833 TO INCLUDE SALES OF MARIJUANA AND MARIJUANA-INFUSED PRODUCTS WITHIN THE LOCATIONAL RESTRICTIONS APPLICABLE TO MEDICAL MARIJUANA DISPENSARIES AND DECLARING AN EMERGENCY.

MOTION: Councilor Floyd Collins moved to adopt the ordinance and Councilor Ray Kopczynski seconded it. The motion passed 6-0 and was designated Ordinance No. 5844.

City Manager Wes Hare said there has been some confusion around Measure 91, which made recreational marijuana legal in Oregon. It will not take effect until July 1, 2015. Also, the rules stipulating how marijuana can be sold have been delegated to the Oregon Liquor Control Commission (OLCC); so we don't know what the impact in our community might be at this time. The ordinance the Council just passed restricts placement of the facilities. The other unknown is regarding taxation; the Council recently passed a resolution for taxes but we don't know if it will be upheld at the state level. Hare said, this is the best status I can provide at this time; there is not much we can do at this stage other than wait to see what the OLCC rules look like.

Konopa said, if it looks like we cannot do a tax, please have staff inform the City Council so they can rescind the resolution on taxes.

Councilor Bessie Johnson said on the news she heard a question posed by a city. The question is if they can regulate how many retail stores sell it. Unfortunately, Albany doesn't have a business license to keep track of the number of stores. Delapoer said it will be analogous to the OLCC regulation. He doesn't think it will be up to the cities. He said, we can have input to the OLCC, but we do not have final say. He said, we don't have the authority to say Albany can only have two bars, for example. He doesn't know yet, but he thinks it will be similar to that.

Kopczynski said recreational marijuana can be in a person's home on July 1, 2015, but retail establishments won't be allowed until 2016.

Adoption of Consent Calendar

- 1) Approval of Minutes
 - a) August 13, 2014, City Council Regular Session.
 - b) August 27, 2014, City Council Regular Session.

- c) September 8, 2014, City Council Work Session.
- 2) Accepting an easement from Monty D. Spencer.

RES. NO. 6367

MOTION: Collins moved to adopt the Consent Calendar as presented. Kopczynski seconded the motion and it passed 6-0.

BUSINESS FROM THE COUNCIL

Johnson said it speaks volumes that the City Council retained the same members through the election. She thinks it means that they are going in the right direction and the public knows they are doing the best they can. She appreciates the voters not buying into all the negativity. She thinks the Councilors all have the best interests of the community at heart.

Councilor Rich Kellum discussed a phone call he had with Century Link and Comcast. He described the complicated billing system and is concerned for elderly customers. Discussion followed about the City's limited ability to intervene in customer complaints against utilities. Hare said staff can call Comcast to discuss the complaints though they have little authority regarding Comcast unless they are specifically in violation of their franchise agreement.

Kopczynski thanked the voters of Ward II for voting him in. He announced he will not run the next time, so folks have some time to consider running for his position.

Hare said on November 12 he will be in Lebanon to explain to their Council the avoided-cost study and to resolve the canal issues.

Hare reminded the Council of the November 20, 2014, Budget Committee Work Session. Staff will have property tax estimates and will be looking for guidance from the Budget Committee.

Hare gave his perspective of Lebanon's response to the canal issue. He said, we don't want Albany to be subsidizing other users of the system. The Lebanon City Council has a different perspective, but he believes they can reconcile. There is goodwill on both sides.

Konopa asked staff to check on a tree issue on Knox Butte. Staff will contact the citizen.

Kellum said the Time Capsule is almost complete. It will need to be stored temporarily until the location of its final placement has been determined. It was decided that it could be temporarily stored in the vault at City Hall.

NEXT MEETING DATE: Work Session: November 10, 2014
 Regular Session: November 12, 2014
 Work Session: November 17, 2014

ADJOURNMENT

There being no other business, the meeting was adjourned at 7:44 p.m.

Respectfully submitted,

Reviewed by,

Mary A. Dibble, MMC
City Clerk

Wes Hare
City Manager