

CITY OF ALBANY
CITY COUNCIL WORK SESSION
Municipal Court Room
Monday, March 24, 2014
4:00 p.m.

MINUTES

CALL TO ORDER

Mayor Sharon Konopa called the meeting to order at 4:00 p.m.

ROLL CALL

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

Councilors absent: None

BUSINESS FROM THE PUBLIC

Greg Bechtel said he has been an Albany resident for three years and an Oregon Medical Marijuana Program (OMMP) patient for five years. He has addressed the Council in the past on behalf of his business, he said, but tonight he is speaking as a patient who needs his pain medication like the many people the Council will hear from tonight and Wednesday. He read a statement regarding the two ordinances before the Council related to medical marijuana dispensaries. He said that one of the ordinances ignores the outcry from patients and chooses a blanket prohibition while the other provides sound, reasonable leadership. He said the Council has had the opportunity to become educated on the medical benefits of marijuana and the need for non-opiate based pain medication in the community. Albany patients should not be forced to drive to other communities for their medication when there are organizations in Albany with proven track records, open door policies, and standards of excellence in this industry. A ban would force patients to utilize black market dealers or go to other communities that may not have the same standards. He supports the proposed ordinance which would impose local restrictions on medical marijuana facilities because the recommendations make sense, are not prohibitive to a dispensary being able to operate in Albany, and provide a way for businesses to give back to the community.

Larry Etzel said he currently lives in Jefferson but he has lived in and around Linn County for his whole life. He is a Vietnam-era veteran and he was a volunteer firefighter/EMT for more than 20 years. He now runs a small organic farm. He was a long-time employee of a mill and was injured doing that work. He discovered that cannabis relieved his pain, although he no longer uses it because it isn't allowed by his employer. He said that cannabis helped relieve his mother's Chronic obstructive pulmonary disease (COPD)-related breathing problems and nerve pain. He told personal stories about several marijuana patients, including his wife, who found cannabis helpful for serious medical issues and pain.

Cindy Etzel said she is an OMMP patient and medical marijuana grower. She told of her experience and that of her family members in using medical marijuana to relieve serious medical symptoms and reduce the use of pharmaceuticals. She said that medical patients need to have safe access to quality medications in the form needed. She said that Albany can be the trailblazers on this issue.

Rhea Graham said she was granted Permit #SP-0019-11 on November 4, 2011, with a permit description of opening a medical marijuana business with small retail shop. Since that time, her business has operated five days a week and has not caused any problems within the City yet has helped hundreds of medical marijuana card holders. She said it is unjust to take access to medical marijuana away from patients who have paid hundreds of dollars for the privilege. Many of these people have gotten off pharmaceuticals and improved their lives by using smokeless cannabis resins. Her company is located in an Industrial zone on the border of a Residential zone. She doesn't feel her business has been a problem for the neighborhood and she has approached all of her neighbors within 300 feet, none of which said they had a problem with her business. She hadn't planned for her business to be a dispensary; however, due to increased regulations, fees, and other costs, she can no longer afford to only offer the conversion systems that she has in the past. She requested that Albany's Canna Kitchen and Research be grandfathered from any moratorium and that any monetary fees be waived. She said the OMMP has a \$7 million a year excess from fees paid from patients and that is where the money should come from.

Roman Smith said he is a small business owner in Albany. He said his daughter-in-law uses cannabis for scoliosis. He shared information he heard on Fox Business News that Medbox is considering selling cannabis from behind the counter, and that the federal government has just authorized testing of medical marijuana for Post Traumatic Stress Disorder (PTSD). He said that not everyone who uses marijuana does so for medical purposes, but the people who need it should be free to use it.

Elizabeth Buchert shared her struggles with gastroparesis. She showed photos of herself demonstrating the dramatic weight loss and effects of the disease, and showed photos of her five-year-old son. She said that she was taking a lot of medication before she began using medical marijuana. Being on the OMMP has allowed her to get out of bed and care for her son. She would like to have a dispensary so she doesn't have to purchase her medication on the black market and hide things from her child.

Chris Brown said she is an OMMP patient. When given the choice by her doctor, she said, she chose cannabis over morphine. She no longer has daily flu-like symptoms, and she is now able to get out of bed.

Jennifer Valley said she was diagnosed with thyroid cancer in 1993. After a lot of experimental surgery, she joined the OMMP and greatly reduced her pill consumption and emergency Room visits. Her mother wanted to try medical marijuana, but she passed away before her plants were ready. Since that time, she has fought hard for a state-level safe access law that would create the same rules for everyone in the state. She said it is important for patients to be able to get medication as soon as they are diagnosed. She would not want to see the moratorium but thinks zoning could be used to limit where dispensaries are placed.

Konopa said the City Council will consider the medical marijuana dispensaries ordinances at its March 26, 2014, regular session, and additional testimony on the matter may be presented under Business from the Public at that meeting.

RESIDENT SURVEY RESULTS

Management Systems Director Bob Woods gave a slide presentation on the 2014 Albany Residents Community Survey (see agenda file). The presentation is available online at www.cityofalbany.net/2014survey.

Woods reviewed the Executive Summary. In the overall rating of quality of services provided by the City, 51% rated services "Good or Excellent" and 87% rated services "Average, Good, or Excellent." Out of the 30 service areas measured, the highest ratings were given to fire response, paramedic and ambulance, public libraries, festivals and events, city parks, police response, fire prevention/safety, senior services, and recreation programs and classes. The lowest rated services were natural resource preservation, street lighting, traffic signal timing, code enforcement, bus service, land use planning and zoning, street repairs, economic development, and snow and ice response. In every area of measure, the quality of City employees exceeded 70% "Good or Excellent." The results show that most residents feel "Safe or Very Safe" in the City, that they prize cultural activities and the environment, and that they would recommend living in Albany to others.

Woods reviewed the survey characteristics and demographics information. He reviewed the survey results compared to previous years' survey results, as detailed in the presentation. Subject areas include Sentiment about Albany; Feeling Safe in the Community; Ease of Access in Albany; Commuting to Work; Services in Albany; Involvement in the Community; Problems in the Community; Quality of City Provided Services; Other Non-City Services; Quality of City Employees; Interaction, Value and Direction; Comparative Government Quality; and City of Albany Overall Quality.

Councilor Floyd Collins noted that this is Woods' last Council work session. He said that Woods brought a lot of technical talent to the organization while putting out information in a way that people could understand. Konopa expressed appreciation for Woods' contributions to the City's Dashboard which led to Albany being rated one of the highest cities in the nation for transparency.

WATER AVENUE STREETSCAPE DISCUSSION

Transportation Systems Analyst Ron Irish said that the Water Avenue Streetscape Plan was adopted in 2008 as a way to encourage development in the area. The Plan identifies specific crossing that would stay open and others that would close. The developer of the Edgewater Village project has requested to modify the plan to close the rail crossing at Madison Street and open the crossing at Hill Street, believing that Hill Street would provide a better entrance to the development. Staff requests direction on whether or not to schedule a resolution to modify the Water Avenue Streetscape Plan for the Regular Session on April 9, 2014.

In response to inquiries from the Council, Irish provided clarifying information about the Edgewater Village project design and the requested modification.

Collins asked if there would be an impact on internal circulation for the development. Irish said the Fire Department was concerned about delays from trains even with the original plan so conditions were placed on development to require that all buildings have sprinklers. The internal circulation meets City standards in terms of road design, and fire trucks would be able to circulate through the entire site.

In response to an inquiry from Konopa, Irish said he doesn't see an engineering-related reason why closing a rail crossing at one of the roads would be preferable over the other.

Collins asked if there had been discussion with the neighbors. Economic Development & Urban Renewal Director Kate Porsche said that from a design perspective, the new proposal would give better access to commercial business in the neighborhood, and that the revised design would be a win for the Central Albany Revitalization Area (CARA).

Council requested that a resolution to modify the Water Avenue Streetscape Plan be scheduled for the April 9, 2014, Regular Session.

MEDICAL MARIJUANA DISPENSARIES ORDINANCE DISCUSSION

Konopa drew attention to the two proposed ordinances. One would put a moratorium on medical marijuana dispensaries until May 1, 2015, unless rescinded sooner, and the other would impose local restrictions on medical marijuana facilities. The proposed restrictions include limiting such facilities with a certain distance from residential zoning and setting an annual fee for oversight to ensure that dispensaries follow state law.

Councilor Ray Kopczynski said a moratorium would be an outright ban and he won't support that. The ordinance that outlines local restrictions might be good as long as the restrictions are established within a reasonable timeframe. He expressed concern that placing a special license fee on these businesses could lead to a process of establishing licenses for all businesses in the City.

Deputy City Attorney Sean Kidd said the intention was not to create a City license fee for all businesses. He said the Council could direct that different wording be used – it could be called an annual fee rather than a special license, for example.

Councilor Dick Olsen asked how onerous the fee would be. Konopa said a fee of \$100 or \$200 has been discussed.

Konopa explained that the state came up with rules on how to regulate medical marijuana facilities. At the local level, one of the duties of the Council is to plan and zone for particular uses. In Albany, bars and taverns are allowed in certain zones, and adult entertainment businesses are not allowed within 300 feet of residential zones. There has been a suggestion that medical marijuana facilities would not be allowed within a certain distance of residential zones. The Council wants to make sure that neighborhoods stay livable and that property values are not negatively affected. The Council will consider the two ordinances at the Regular Session on Wednesday night.

Kopczynski said he doesn't see a timeframe for coming up with reasonable regulations. Konopa said that Council could choose to add a date certain.

Kopczynski asked if regulations in addition to those in the draft ordinance would be considered. City Manager Wes Hare said the direction staff took from the last discussion was that the Council wanted two options. Some Councilors were interested in regulating dispensaries and others were interested in the moratorium. Based on the direction, the City Attorney's office came up with two proposed ordinances. It is the Council's decision whether local restrictions would be placed and what those restrictions would be.

Councilor Rich Kellum said it is only 12 miles from Albany to Corvallis and there are several dispensaries opening in Corvallis; this is not a matter of denying someone medicine. He understands that Linn County will be considering a proposal for a moratorium in Linn County outside of incorporated areas. He thinks it is shortsighted for the City to help people do something that is illegal at the federal level and before knowing what other cities in Oregon will do. He is in favor of a moratorium until May 15, 2015.

Olsen said he sees no reason why this type of business is more onerous than drinking, adult shops, bowling, or gambling. He plans to vote no on both ordinances.

Councilor Bessie Johnson said she has heard from citizens on both sides. Just because a certain group wants something, she said, it isn't always the right thing to do. She doesn't see how the City can allow something that is against a federal law. She said, we need to take care of all of our citizens. She doesn't think this is the right thing for Albany.

Collins asked the Deputy City Attorney to comment on a suggestion from the public regarding grandfathering existing uses. Kidd said he would recommend that the use either be allowed or not be allowed. If there is a moratorium because the use violates federal law, it wouldn't make sense to allow grandfathered uses; if there is a fee, he would recommend that everyone be treated the same.

Councilor Bill Coburn said he has a problem with imposing a zoning restriction on Canna Kitchen when that business has been operating at that location for several years. Konopa said that perhaps the restriction could be written so that the use must be 300 feet from residential zoning if it is in a commercial zone. She noted that there are many pocket commercial zones right in the middle of neighborhoods. Brief discussion followed.

Council directed that the two draft ordinances be presented for consideration at the March 26, 2014, Regular Session.

COUNCILOR COMMENTS

There were no additional Councilor comments.

CITY MANAGER REPORT

Hare said Information Technology Director Jorge Salinas is working on a Request For Proposals (RFP) for a new CAD RMS system for the Police dispatch system. The RFP will go out in mid-April.

ADJOURNMENT

There being no other business, the meeting was adjourned at 6:12 p.m.

Respectfully submitted,

Reviewed by,

Teresa Nix
Administrative Assistant

Wes Hare
City Manager