

John Day City Council
April 14, 2015
7:00 p.m.
Council Chambers
AGENDA

1. **OPEN AND NOTE ATTENDANCE**
2. **APPROVAL OF CITY COUNCIL MINUTES OF MARCH 24, 2015
REGULAR CITY COUNCIL MEETING**
3. **APPEARANCE OF INTERESTED CITIZENS – At this time Mayor Lundbom will welcome the general public and ask if there is anything they would like to add to tonight’s agenda.**

ACTION ITEMS:

4. **DISCUSS FOR ADOPTION ORDINANCE NO. 15-163-01, AN ORDINANCE OF THE CITY OF JOHN DAY PROHIBITING MEDICAL MARIJUANA FACILITIES (DISPENSARIES); AND DECLARING AN EMERGENCY**
Attachment:
 - Ordinance No. 15-163-01
5. **DISCUSS FOR ADOPTION ORDINANCE NO. 15-164-02, AN ORDINANCE OF THE CITY OF JOHN DAY ESTABLISHING TIME, PLACE, AND MANNER REGULATIONS CONCERNING MEDICAL MARIJUANA FACILITIES (DISPENSARIES); AND DECLARING AN EMERGENCY**
Attachment:
 - Ordinance No. 15-164-02
6. **DISCUSS FOR ADOPTION RESOLUTION NO. 15-732-02, A RESOLUTION ESTABLISHING FEES FOR MEDICAL MARIJUANA FACILITIES (DISPENSARIES)**
Attachment:
 - Resolution No. 15-732-02
7. **DISCUSS REQUEST FROM GRANT UNION HIGH SCHOOL GRAD NIGHT 2015**
Attachment:
 - Letter from Teri Bowden, Grant Night 2015 Chairman

OTHER BUSINESS:

8. **OTHER BUSINESS AND UPCOMING MEETINGS**
Attachments:
 - LOC Bulletins
 - Special Event Agreement with John Day Farmers Market

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TO: John Day City Council

FROM: Peggy Gray, City Manager

DATE: April 10, 2015

SUBJECT: Discuss for Adoption Ordinance No. 15-163-01, an Ordinance of the City of John Day Prohibiting Medical Marijuana Facilities (Dispensaries); and Declaring an Emergency

Attachment:

- Ordinance No. 15-163-01

BACKGROUND:

On April 22, 2014, the John Day City Council adopted the John Day Medical Marijuana Moratorium Ordinance No. 14-161-02. This ordinance established a moratorium on the establishment of medical marijuana facilities within the city limits of John Day; the moratorium expires May 1, 2015.

At the March 24, 2015 council meeting; it was the consensus of the John Day City Council to continue the prohibition of medical marijuana facilities (dispensaries) within the city limits of John Day and to place time, place, and manner regulations should the City later decide to repeal the banning ordinance (the TPM ordinance is addressed in the next agenda item).

The City has the authority through its charter as a home rule jurisdiction to prohibit medical marijuana facilities indefinitely, which authority is not preempted by state law. The John Day City Council believes that it is in the best interests of the health, safety, and welfare of the City's citizens to prohibit medical marijuana facilities.

On April 6, 2015 a press release inviting the citizens of John Day to attend and participate in the discussion at our council meeting was given to the Blue Mountain Eagle and KJDY. Notice of the Ordinance was sent to all members of the John Day City Council and posted as required by the John Day City Charter and copies of the Ordinance were made available for public inspection at City Hall and on the City's website.

RECOMMENDATION:

The following motions are suggested:

First motion: "I move to have Mayor Lundbom read Ordinance No. 15-163-01 by title only."

Second motion: "I move to adopt Ordinance No. 15-163-01."

TO: John Day City Council

FROM: Peggy Gray, City Manager

DATE: April 10, 2015

SUBJECT: Discuss for Adoption Ordinance No. 15-164-02, an Ordinance of the City of John Day establishing time, place, and manner regulations concerning Medical Marijuana Facilities (dispensaries); and declaring an emergency

Attachment:

- Ordinance No. 15-164-02

BACKGROUND:

The Oregon Legislature enacted House Bill 3420 (2013) which requires Oregon Health Authority to develop and implement a process to register medical marijuana facilities. It also directed that persons who operate or are employed by a registered medical marijuana facility would enjoy immunity from state prosecution.

However, the issue of whether a local government believes a certain type of business should operate within its jurisdictional limits is a local government decision, the enforcement of which is subject to the general and police powers of that jurisdiction.

In 2014 the Oregon Legislature enacted Senate Bill 1531 which reaffirmed a city's authority to adopt reasonable time, place, and manner restrictions on medical marijuana activity. The law also gave cities the option to adopt (by May 1, 2014) a one-year "moratorium" on medical marijuana dispensaries, thereby removing criminal immunity from any person operating a dispensary during the moratorium period.

On April 22, 2014 the John Day City Council believed it was in the best interests of the health, safety, and welfare of the citizens of the City of John Day to enact such a moratorium prohibiting the operation of medical marijuana facilities within the City's jurisdictional boundaries and adopted Ordinance No. 14-161-02, an ordinance of the City of John Day declaring a moratorium on medical marijuana facilities, the moratorium expires May 1, 2015.

On February 4, 2015 I sent the John Day City Council by electronic message a draft copy of Ordinance No. 15-163-01 (attached) for your review and consideration establishing time, place and manner regulations on medical marijuana dispensaries.

On March 16, 2015 I sent the John Day City Council PDFs of zoning maps showing three different restrictions (1,000'; 750'; and 500') for Youth Development Activities.

At the March 24, 2015 council meeting; the Council decided to take a new direction; it was the consensus of the John Day City Council to prohibit medical marijuana facilities (dispensaries) within the city limits of John Day and to place time, place, and manner regulations should the City later decide to repeal the banning ordinance.

Revisions made by the City Council to the draft time, place, and manner ordinance were to limit operating hours for the dispensary to no earlier than 9:00 a.m. or later than 7:00 p.m., Monday

through Saturday; and, no dispensaries will be allowed within 1,000' of a school, public library, public or private park, other dispensaries and youth development activities.

On April 6, 2015 a press release inviting the citizens of John Day to attend and participate in the discussion at our council meeting was given to the Blue Mountain Eagle and KJDY. Notice of the Ordinance was sent to all members of the John Day City Council and posted as required by the John Day City Charter and copies of the Ordinance were made available for public inspection at City Hall and on the City's website.

RECOMMENDATION:

The adoption of Ordinance No. 15-163-01 places a ban on medical marijuana facilities; Ordinance No. 15-164-02 will establish time, place and manner regulations in the event that the Council decides at a later date to repeal the ban.

The following motions are suggested:

First motion: "I move to have Mayor Lundbom read Ordinance No. 15-164-02 by title only."

Second motion: "I move to adopt Ordinance No. 15-164-02."

TO: John Day City Council

FROM: Peggy Gray, City Manager

DATE: April 10, 2015

SUBJECT: Discuss for Adoption Resolution No. 15-732-02, a resolution establishing fees for Medical Marijuana Facilities (dispensaries)

Attachment:

- Resolution No. 15-732-02

BACKGROUND:

With the adoption of Ordinance No. 15-164-02 establishing reasonable time, place, and manner regulations concerning medical marijuana dispensaries; the Council needs to establish by resolution the amounts of the initial dispensary permit application and investigation fees and permit renewal application and investigation fees as required under Sections 5.1 and 5.2 of the Ordinance.

Resolution No. 15-732-02 establishes the following fees:

- Pursuant to Section 5.1 of the Ordinance, the City Council establishes an initial permit application and investigation fee of \$300.00
- Pursuant to Section 5.2 of the Ordinance, the City Council establishes a permit renewal application and investigation fee of \$200.00 (i.e., the fee payable for dispensary permit renewals)

RECOMMENDATION:

The following motion is suggested:

”I move to adopt Resolution No. 15-732-02.”

TO: John Day City Council

FROM: Peggy Gray, City Manager

DATE: April 10, 2015

SUBJECT: Discuss Request from Grant Union High School Grad Night 2015
Attachment:

- Letter from Teri Bowden, Grad Night 2015 Chairman

BACKGROUND:

Attached is a letter from Chairman Teri Bowden asking for the City Council's continued support of the annual "Grad Night Party". In the past the John Day City Council has donated \$100 towards this event by utilizing our community promotions line in the general fund. As of March 31, 2015 the community promotions line item has \$300 left in the budget.

RECOMMENDATION:

This event offers an alcohol and drug free environment for our high school graduates; keeping them safe and off the streets. I recommend the John Day City Council donate \$100 to Grant Union High School Grad Night 2015.

TO: John Day City Council
FROM: Peggy Gray, City Manager
DATE: April 10, 2015
SUBJECT: Other Business and Upcoming Meetings
Attachments:

- LOC Bulletins
- Special Event Agreement with John Day Farmers Market

OTHER BUSINESS:

1. LOC Bulletins is included in your council packets.
2. Friendly reminder: Please remember to file your SEI Form with the Oregon Government Ethics Commission by April 15, 2015. It must be postmarked by this date; if you have not received your form or if you need a duplicate, please contact me as soon as possible.
3. Attached is a signed agreement between the John Day Farmers' Market and the City of John Day. City Attorney Jeremy Green set up the agreement so that I could update Exhibit A with the new dates each year so that I would not have to go to the City Council for approval each year. The Farmer's Market has provided proof of liability insurance as required in our agreement; dates for this year's Farmer's Market are June 20, 2015 to October 17, 2015.

UPCOMING MEETINGS:

April 23, 2015	9:00 a.m. Bend	CIS Spring Supervisor's training – department heads attending
April 28, 2015	7:00 p.m. Council Chambers	Regular City Council meeting