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**Central Point  
City Hall  
541-664-3321**

**City Council**

**Mayor**  
Hank Williams

**Ward I**  
Bruce Dinger

**Ward II**  
Kelly Geiger

**Ward III**  
Ellie George

**Ward IV**  
Allen Broderick

**At Large**  
David Douglas  
Rick Samuelson

**Administration**  
Chris Clayton, City  
Manager  
Deanna Casey, City  
Recorder

**Community  
Development**  
Tom Humphrey,  
Director

**Finance**  
Bev Adams, Director

**Human Resources**  
Barb Robson, Director

**Parks and Public  
Works**  
Matt Samitore,  
Director  
Jennifer Boardman,  
Manager

**Police**  
Kris Allison Chief

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**CITY OF CENTRAL POINT  
City Council Meeting Agenda  
April 10, 2014**

Next Res. 1394  
Next Ord. 1984

**I. REGULAR MEETING CALLED TO ORDER – 7:00 P.M.**

**II. PLEDGE OF ALLEGIANCE**

**III. ROLL CALL**

**IV. PUBLIC APPEARANCES - *This time is reserved for citizens to comment on items that are not on the agenda.***

**V. CONSENT AGENDA**

- Page 2 - 8      A. Approval of March 27, 2014 Council Minutes  
9 - 10          B. Approval of OLCC Application for Schmizza Pub and Grill

**VI. ITEMS REMOVED FROM CONSENT AGENDA**

**VIII. PUBLIC HEARING, ORDINANCES, AND RESOLUTIONS**

- 12 - 14      A. Ordinance No. \_\_\_\_\_, Amending CPMC Chapter 5.40.040 Medical Marijuana Dispensaries License Registration Required and Declaring an Emergency (Dreyer)
- 16 - 19      B. Ordinance No. \_\_\_\_\_ An Ordinance of the City of Central Point Declaring a Moratorium on Medical Marijuana Facilities, and Declaring an Emergency (Dreyer)
- 21 - 25      C. Ordinance No. \_\_\_\_\_, Amending CPMC Chapter 10.04.100 Parking Prohibitions and 10.04.112 Mobile Home, Motor Home, Camper, Van, Car or Truck Parking Prohibitions (Allison)

- 27 - 29 D. First Reading – An Ordinance Deleting Section 9.54.020 Drunkenness of the Central Point Municipal Code (Allison)

**IX. BUSINESS**

- 31 A. Discussion regarding Comprehensive Plan Amendments (Humphrey)

- 33 B. Planning Commission Report (Humphrey)

**X. MAYOR’S REPORT**

**XI. CITY MANAGER’S REPORT**

**XII. COUNCIL REPORTS**

**XIII. DEPARTMENT REPORTS**

**XIV. EXECUTIVE SESSION – ORS 192.660(2)(h) Legal Counsel**

The City Council may adjourn to executive session under the provisions of ORS 192.660. Under the provisions of the Oregon Public Meetings Law, the proceedings of an executive session are not for publication or broadcast.

**XV. ADJOURNMENT**

# Consent Agenda

**CITY OF CENTRAL POINT  
City Council Meeting Minutes  
March 27, 2014**

**I. REGULAR MEETING CALLED TO ORDER**

Mayor Williams called the meeting to order at 7:00 p.m.

**II. PLEDGE OF ALLEGIANCE**

**III. ROLL CALL:** Mayor: Hank Williams  
Council Members: Allen Broderick, Bruce Dingler, Kelly Geiger, and Rick Samuelson were present. David Douglas was excused. Ellie George was absent.

City Manager Chris Clayton; City Attorney Sydnee Dreyer; Police Chief Kris Allison; Community Development Director Tom Humphrey; Finance Director Bev Adams; Parks and Public Works Director Matt Samitore; and City Recorder Deanna Casey were also present.

**IV. PUBLIC APPEARANCES**

**V. SPECIAL PRESENTATION – SOREDI**

SORED I representatives Ron Fox and Colleen Johnston presented the Help Business Prosper program and the new Southern Oregon Edge program. Their strategies are to help existing businesses prosper; attract new businesses; and promote new business startups. They updated the Council on the Southern Oregon Angel concept that helps new businesses get a start by promotion and financial support. They encourage businesses to take advantage of the Enterprise Zones and E-commerce zones.

They up dated the Council on the daily activity of SOREDI explaining the amount of outreach calls that they do on a monthly basis. They hope to launch a new website in a few months to help get the word out about SOREDI and the opportunities in Southern Oregon. They plan to work with local governments to help promote options available to new and existing businesses.

Council Member Broderick would like to see more opportunity to keep young adults here in the valley. He feels that there are not enough jobs or education to keep our youth in the valley. Council Member Geiger stated that he was able to start his business with the help of SOREDI and feels that the local governments should help support their efforts.

SORED I is asking local governments to help raise \$45,000 to roll out the new Southern Oregon Edge Program. Mr. Clayton stated that the Budget Committee will discussion options for a donation at the budget meetings in April.

**VI. CONSENT AGENDA**

A. Approval of March 13, 2014 City Council Minutes

- B. Approval of OLCC Application for Schmizza Pub & Grill
- C. Approval to cancel the April 24, 2014 Regular City Council Meeting.
- D. Approval of March 2014 Surplus List

**Allen Broderick made a motion to approve the Consent agenda except for item B, OLCC Application for Schmizza Pub and Grill.** Kelly Geiger seconded. Roll call: Hank Williams, yes; Bruce Dingler, yes; Kelly Geiger, yes; Allen Broderick, yes; and Rick Samuelson, yes. Motion approved.

## VII. ITEMS REMOVED FROM CONSENT AGENDA

City Manager Chris Clayton explained that City Staff recommends not approving the OLCC Application for Schmizza Pub and Grill to the April 10, meeting. He presented a list of permits and inspections that are still required before they can be allowed to open to the public.

## VIII. BUSINESS

### A. Senate Bill 1531 Discussion

City Manager Chris Clayton explained Senate Bill 1531 that was recently passed. Staff stands behind the actions that the council has taken in regards to the medical marijuana dispensaries. However, we are uncertain of what the State has in mind for this particular issue for the future.

If the city council is satisfied with the actions that are in place then Senate Bill 1531 is of no concern. However, if the council would like to institute a moratorium ban on Medical Marijuana Dispensaries we must bring an ordinance to the council at the first meeting in April.

City Attorney Dreyer explained there are two types of moratoriums that are available to the City. A moratorium to land use issues is more involved and will take time. If the Council wishes to enact the moratorium staff recommends tabling, the second reading of the ordinance amending Chapter 17. We will return to the April 10 meeting with an Emergency Ordinance enacting a moratorium on the operation of registered medical marijuana facilities. This allows us the option of making changes to the Chapter 5 Code in regards to Dispensaries if there are other options provided by the State. The state will allow a moratorium to be in effect until May 1, 2015. There may be additional options for the city after the next legislative session.

**Allen Broderick made a motion to prepare and bring back an Ordinance enacting a moratorium on the operation of registered medical marijuana dispensaries.** Rick Samuelson seconded. Roll call: Hank Williams, yes; Bruce Dingler, yes; Kelly Geiger, yes; Allen Broderick, yes; and Rick Samuelson, yes. Motion approved.

## IX. PUBLIC HEARINGS, ORDINANCES AND RESOLUTIONS

**A. Second Reading, An Ordinance Amending CPMC Chapter 17.37, C-2(M); Chapter 17.44, C-4; and Chapter 17.46, C-5 Allowing Medical Marijuana Dispensaries as a Conditional Use**

Community Development Director Tom Humphrey explained that staff recommends tabling this item until after the moratorium has been approved.

**Allen Broderick made a motion to table the second reading of an Ordinance Amending CPMC Chapter 17.37, C-2(M); Chapter 17.44, C-4; and Chapter 17.46, C-5 Allowing Medical Marijuana Dispensaries as a Conditional Use until May 2015.** Rick Samuelson seconded. Roll call: Hank Williams, yes; Bruce Dingler, yes; Kelly Geiger, yes; Allen Broderick, yes; and Rick Samuelson, yes. Motion approved.

**B. Resolution No. 1393, Allocating PacifiCorp Electric Franchise Fees to the Street Fund for Street Light Expense**

Finance Director Bev Adams said in 2011 the City Council passed a resolution approving a new 10 year electric utility franchise agreement with PacifiCorp. The agreement increased the franchise fee to 6%, and by motion they designated the 1% increase to be distributed to the Street Fund to off-set current street light electrical generation costs of \$145,000 annually.

That 1% is no longer covering the street light expenses in the city. The total bill for street lights last fiscal year was \$172,495. The 1% of revenue from the Franchise Agreement was \$108,941. This creates a shortage of \$63,554.

For purposes of freeing up Street Fund money to use for street projects and to fully cover street light expenses, staff recommends designating the proposed resolution which will allocate electrical franchise revenues to cover the cost of street lighting expenses up to \$175,000 per fiscal year.

The Council felt that the \$175,000 cap may not cover lights in the future and they would like the franchise fee to cover that expense. Staff will be returning with options for the subdivisions that have the decorative lights that cost the city more money.

**Allen Broderick made a motion to approve Resolution No. 1393, Allocating PacifiCorp Electric Franchise Fees to the Street Fund for Street Light Expense setting the cap at \$200,000.** Kelly Geiger seconded. Roll call: Hank Williams, yes; Bruce Dingler, yes; Kelly Geiger, yes; Allen Broderick, yes; and Rick Samuelson, yes. Motion approved.

**C. First Reading – Ordinance Amending CPMC Chapter 10.04.100 Parking Prohibitions and 10.04.112 Mobile Home, Motor Home, Camper, Van, Car or Truck Parking Prohibitions**

Police Chief Kris Allison explained that over the last 12 months the City has seen an increase of complaints regarding vehicles (motor homes) that are parked on

city streets in excess of the 72 hours that is defined in our city ordinance. After investigation it appears that the problem continues with select vehicle owners. They park vehicles on the street and move them 5 feet at the 71 hour mark, thus avoiding a citation, 71 hours later they will move it another 5 feet. Even if the Community Service Officer was to issue a citation, there would be no penalty because of the wording in our current ordinance.

City Attorney Dreyer has drafted an ordinance closing the loop hole and adding language that would assist the code enforcement officer regarding these ongoing issues. Citizens will no longer be able to store their vehicles in the public right of way and move them a short distance to reset the clock. The new verbiage will not allow them to move the vehicle within the vicinity that it has been parked.

Chief Allison stated that as a rule these issues are complaint driven. The CSO does not drive around town keeping track of vehicles that could be in violation of this ordinance. Councilman Broderick stated that his concerns are regarding the large vehicles parked on the street that could become a danger. They are hard to see around and at times stick out too far for two cars to pass on the road.

**Rick Samuelson moved to second reading an Ordinance Amending CPMC Chapter 10.04.100 Parking Prohibitions and 10.04.112 Mobile Home, Motor Home, Camper, Van, Car or Truck Parking Prohibitions.** Allen Broderick seconded. Roll call: Hank Williams, yes; Bruce Dingler, yes; Kelly Geiger, yes; Allen Broderick, yes; and Rick Samuelson, yes. Motion approved.

## **X. MAYOR'S REPORT**

Mayor Williams reported that:

- He attended the March 5, 2014 Medford Water Commission meeting. Prior to this meeting the commission members had received copies of the comments (proposed service agreement) from the cities that purchase water from the MWC, but there was zero group discussion of these comments during the board meeting. However, while the minutes of this meeting did not reflect the following, Water Commission chairman Jason Anderson stated during his commissioner remarks that "Eagle Point's comments were unacceptable because they basically state that Eagle Point has an existing contract and they would not be interested in discussing a new service agreement until their current agreement expires. My personal opinion is that we in Central Point have a contract, and if we could negotiate a new contract that was advantageous to the Citizens of Central Point, we would be open to replacing our current contract. If the new service agreement is not in the best interest of Central Point, why would the City be inclined to prematurely end the existing agreement? Unfortunately, Mr. Anderson also stated if the "other cities" were unwilling to accept the proposed service agreements (including some negotiated language) then the Water Commission would be in the position to ask

these cities to seek their water services elsewhere. To my knowledge, Mr. Anderson's comments were not reflected in the minutes of this meeting.

- Also at this meeting Commissioner Dailey asked that the Rate Survey consultant, currently in process, be expanded to include a "Spot Price" for water and a reserve rate component for future litigation.
- On March 19, 2014 Medford Water Commission held an Executive Session at the end of the meeting to discuss how they would handle the new wholesale contract comments/negotiations. After the Executive Session, Chairman Anderson asked attorney Huttli, to look at the comments from the cities group as well as any comments from the commission and staff and prepare a new draft of the agreement, have another Executive Session, and move toward acceptance of a wholesale water agreement.
- Pursuant to ORS 192.660(2)(h), it is my request that City Manager Clayton schedule an Executive Session at the April 10<sup>th</sup> meeting to discuss proposed water service agreement/situation with legal counsel.
- He attended the March 24, 2014 Study Session.

#### **X. CITY MANAGER'S REPORT**

City Manager Chris Clayton reported that:

- He will schedule an executive session for the next City Council Meeting.
- He had a meeting with representatives from RCC regarding locating a campus in Central Point. There are a couple options that could work for their needs. More discussion will be coming in the next few months.
- City Departments start meeting regarding the budget tomorrow. The Budget Meetings are scheduled for April 21<sup>st</sup> and 28<sup>th</sup>.
- There is a Parks Tour next week; Council members are invited to attend.
- The Secretary of State will be a guest speaker at the Medford Jackson County Chamber Lunch forum on April 14<sup>th</sup>. If Council members would like to attend please let the City Recorder know in advance.

#### **XI. COUNCIL REPORTS**

Council Member Bruce Dingler reported that he attended the Study Session on Monday.

Council Member Rick Samuelson reported that:

- He attended the Study Session on Monday night.
- He attended the Rich Carrera discussion for Destination Businesses and marketing.
- He attended the RVCOG meeting where they discussed funding for 911. Their funding is dwindling because of the decline in land lines.
- Jackson County has declared a drought for this year.



- Ashland will be doing a moratorium on Medical Marijuana Dispensaries until they have zones designated for them. They are also discussing open carry issues with weapons in town.

Council Member Kelly Geiger recommends that we make sure there is money budgeted next year for possible litigation issues with the MWC. He attended the Study Session.

Council Member Allen Broderick attended the Study Session. He would like to see some outreach for Park Foundation Volunteers. The membership is having a hard time getting a quorum for meetings.

## **XII. DEPARTMENT REPORTS**

Parks and Public Works Director Matt Samitore reported that:

- The Pfaff Park restroom renovation should begin within the week.
- He had a productive meeting with Dan O'Conner regarding the Twin Creeks CLOMAR issues. He is optimistic that Twin Creeks LLC, will be proceeding with the Rail Agreement soon.
- There is no update on the traffic issues at Mae Richardson or the round-a-bout at this time. The engineer that will be studying that area is on vacation this week.

Chief Kris Allison reported that:

- There are code enforcement issues starting again at 75 Bush Street. The CSO is on top of the situation and they will be sited again. This new citation may reverse Judge Brown's earlier decision.
- They are working on filling assignments and filling a reserve officer list
- They received a letter from the Medford School District thanking them for the assistance during the strike.
- The call volume is up because it is spring break.
- The fatal car accident on I-5 last night was an ESCO phone operator. She was killed in the crash. It looks like criminal charges will be issued against the driver going the wrong way on the Interstate.

Finance Director Bev Adams reported that:

- She and her staff are working on the budget for April.
- The next financial report will be available in May because there is not a second meeting in April.

Community Development Director Tom Humphrey reported that:

- He has been busy with the Rich Carrero Seminar. He thanked the Council for all their support for this endeavor to help the local businesses with marketing our city and their business.
- He and Mr. Burt are working on the UGB amendments with the County. There are a few items that are inconsistent according to the County Planning Department.
- He has met with the ODOT Consultant for the Exit 33 design.

**XIII. EXECUTIVE SESSION - None**

**XIV. ADJOURNMENT**

Allen Broderick moved to adjourn, Rick Samuelson seconded, all said "aye" and the Council Meeting was adjourned at 9:08 p.m.

The foregoing minutes of the March 27, 2014, Council meeting were approved by the City Council at its meeting of April 10, 2014.

Dated:

\_\_\_\_\_  
Mayor Hank Williams

ATTEST:

\_\_\_\_\_  
City Recorder



155 South Second Street • Central Point, OR 97502

Ph: (541) 664-5578 • Fax: (541) 664-2705 • [www.centralpointoregon.gov](http://www.centralpointoregon.gov)

**Kristine Allison**

**Chief**

Date: 02/27/2014

From: Captain Brian Day  
To: Honorable Mayor Williams  
Subject: Request for OLCC License

RE: Schmizza Pub & Grill / Persons associated therewith

Files of the Central Point Police Department contain no information pertinent to the request.

Respectfully,

A handwritten signature in blue ink, appearing to read "Brian Day", is written over a blue circular stamp or seal.

Captain Brian Day  
Central Point Police Department



OREGON LIQUOR CONTROL COMMISSION  
LIQUOR LICENSE APPLICATION

RECEIVED

FEB 07 2014

MEDFORD REGIONAL OFFICE  
OREGON LIQUOR CONTROL COMMISSION

Application is being made for:

LICENSE TYPES:

- Full On-Premises Sales (\$402.60/yr)
  - Commercial Establishment
  - Caterer
  - Passenger Carrier
  - Other Public Location
  - Private Club
- Limited On-Premises Sales (\$202.60/yr)
- Off-Premises Sales (\$100/yr)
  - with Fuel Pumps
- Brewery Public House (\$252.60)
- Winery (\$250/yr)
- Other: \_\_\_\_\_

ACTIONS

- Change Ownership
- New Outlet
- Greater Privilege
- Additional Privilege
- Other \_\_\_\_\_

CITY AND COUNTY USE ONLY

Date application received: 2/24/14

The City Council or County Commission:

Central Point  
(name of city or county)

recommends that this license be:

Granted  Denied

By: \_\_\_\_\_  
(signature) (date)

Name: Hank Williams

Title: Mayor

OLCC USE ONLY...

Application Rec'd by: [Signature]

Date: 2/14/14

90-day authority:  Yes  No

90-DAY AUTHORITY

Check here if you are applying for a change of ownership at a business that has a current liquor license, or if you are applying for an Off-Premises Sales license and are requesting a 90-Day Temporary Authority

APPLYING AS:

- Limited Partnership
- Corporation
- Limited Liability Company
- Individuals

1. Entity or Individuals applying for the license: [See SECTION 1 of the Guide]

- ① McIntire Inc. ② \_\_\_\_\_
- ③ \_\_\_\_\_ ④ \_\_\_\_\_

2. Trade Name (dba): Schmizza Pub&Grub

3. Business Location: 1350 Plaza Blvd ste. D Central Point Jackson OR 97502  
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: 958 Pumpkin Ridge Eagle Point OR 97524  
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: 541-879-3000 541-879-3001  
(phone) (fax)

6. Is the business at this location currently licensed by OLCC?  Yes  No

7. If yes to whom: n/a Type of License: \_\_\_\_\_

8. Former Business Name: Relax Sports Bar

9. Will you have a manager?  Yes  No Name: Sarah Stone  
(manager must fill out an Individual History form)

10. What is the local governing body where your business is located? Central Point  
(name of city or county)

11. Contact person for this application: Ryan McIntire 541-941-0795  
(name) (phone number(s))  
958 Pumpkin Ridge 541-879-3001 pzalvr@aol.com  
(address) (fax number) (e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

- ① [Signature] Date 2/14/14 ③ \_\_\_\_\_ Date \_\_\_\_\_
- ② \_\_\_\_\_ Date \_\_\_\_\_ ④ \_\_\_\_\_ Date \_\_\_\_\_

# **Ordinance**

## **Amendments to Chapter 5.40 Declaring an Emergency**



## ADMINISTRATION DEPARTMENT

140 South 3<sup>rd</sup> Street · Central Point, OR 97502 · (541) 664-7602 · www.centralpointoregon.gov

### STAFF REPORT

April 1, 2014

**AGENDA ITEM:** An Ordinance Amending CPMC Chapter 5.40.040 Medical Marijuana Dispensaries License Registration Required and Initiating an Emergency Clause.  
Recommending: 1) Amendment to license registration requirements to provide that the City shall not issue a business license for a medical marijuana dispensary (“Dispensary”) while a moratorium is in place prohibiting the operation of such a business; 2) declaring an emergency to enable the amendment to become effective immediately.

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#### STAFF SOURCE:

Sydnee Dreyer, City Attorney

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#### BACKGROUND:

On February 27, 2014 the City Council adopted Ordinance No. 1982, adding Section 5.40 to the CPMC providing for the issuance of business licenses to owners of Dispensaries, subject to the provisions therein. Subsequently, the Oregon Legislature enacted Senate Bill 1531 (2014) which permits cities to adopt a moratorium upon the operations of medical marijuana dispensaries in order to allow the cities additional time to determine the best way to manage such facilities. While a moratorium is in place it removes immunity from state prosecution for a person who is responsible for or employed by a registered medical marijuana facility located in an area subject to the jurisdiction of a city or county that enacts a moratorium prohibiting the operation of a medical marijuana facility.

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#### FISCAL IMPACTS:

Potential loss of revenue from issuance of business licenses for Dispensaries, but such impact is minimal.

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#### DISCUSSION:

The City Council is considering adoption of a moratorium on the operations of Dispensaries until May 1, 2015, to allow the City time to determine the best way to handle such facilities. The moratorium, if adopted, would prohibit the operation of such facilities as permitted under SB 1531. To prevent a potential conflict between an application for a business license for a Dispensary, and a moratorium prohibiting the operations of such business until May 1, 2015, this amendment will prohibit issuance of business licenses for Dispensaries while a moratorium is in place.

In order to preserve the public peace, health and safety, the ordinance contains an emergency clause such that this revision would become effective immediately to prevent a lapse of time between the adoption of a moratorium and the adoption of this ordinance.

#### ATTACHMENTS:

Attachment “A” – Ordinance No. \_\_\_ An Ordinance Amending CPMC Chapter 5.40.040 Medical Marijuana Dispensaries License Registration Required and Initiating an Emergency Clause.

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#### RECOMMENDATION:

Approve Ordinance No. \_\_\_, An Ordinance Amending CPMC Chapter 5.40.040 Medical Marijuana Dispensaries License Registration Required and Initiating an Emergency Clause.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING CPMC CHAPTER 5.40.040 MEDICAL MARIJUANA DISPENSARIES LICENSE REGISTRATION REQUIRED AND DECLARING AN EMERGENCY**

**RECITALS:**

- A. Words ~~lined through~~ are to be deleted and words **in bold** are added.
- B. Whereas on February 27, 2014 the City adopted Ordinance No. 1982 adding Section 5.40 to the municipal code providing for the issuance of business licenses for medical marijuana dispensaries; and
- C. Whereas, 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;
- D. Whereas, the Oregon Legislature enacted Senate Bill 1531 (2014) which removes immunity from state prosecution for a person who is responsible for or employed by a registered medical marijuana facility located in an area subject to the jurisdiction of a city or county that enacts a moratorium prohibiting the operation of a medical marijuana facility; and
- E. Whereas, Senate Bill 1531 permits cities to adopt a moratorium upon the operations of medical marijuana dispensaries in order to allow the cities additional time to determine the best way to manage such facilities;
- F. Whereas, the City Council believes it is in the best interests of the health, safety and welfare of the citizens of Central Point to enact such a moratorium prohibiting the operation of medical marijuana facilities within the jurisdictional boundaries of the City of Central Point;

**THE PEOPLE OF CENTRAL POINT DO ORDAIN AS FOLLOWS:**

SECTION 1. Amendments to Chapter 5.40.040 is amended as presented below:

Chapter 5.40  
MEDICAL MARIJUANA DISPENSARIES

5.40.040 License—Registration—Required.

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Ordinance No. \_\_\_\_\_(041014)

**5.40.040 License--Registration--Required.**

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No person, or his employee or agent, shall engage in or conduct within the city any medical marijuana dispensary business unless the license fee has been paid and a license issued as provided herein. No person, his employee or agent shall engage in or conduct within the city any medical marijuana dispensary business unless the person possesses a current registration under the state's medical marijuana facility registration system. **The City shall not issue a business license to any medical marijuana dispensary business while a moratorium is in effect prohibiting the operation of such business.**

SECTION 2. Declaration of Emergency:

EMERGENCY. This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance takes effect on its passage.

**PASSED** by the Council and signed by me in authentication of its passage this \_\_\_\_\_ day of April 2014.

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Mayor Hank Williams

ATTEST:

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City Recorder

Ordinance No. \_\_\_\_\_(041014)



**Ordinance**

**Declaring a  
Moratorium on  
Medical Marijuana  
Dispensaries**



## ADMINISTRATION DEPARTMENT

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140 South 3<sup>rd</sup> Street · Central Point, OR 97502 · (541) 664-7602 · www.centralpointoregon.gov

### STAFF REPORT

April 1, 2014

**AGENDA ITEM:** An Ordinance of the City of Central Point Declaring a Moratorium on Medical Marijuana Facilities, and Declaring an Emergency.

Recommending; 1) Declaration of Moratorium prohibiting the operation of medical marijuana dispensaries ("Dispensaries") until May 1, 2015; and 2) declaring an emergency to enable the moratorium to become effective immediately.

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#### STAFF SOURCE:

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Sydnee Dreyer, City Attorney

#### BACKGROUND:

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On February 27, 2014 the City Council adopted Ordinance No. 1982, adding Section 5.40 to the CPMC providing for the issuance of business licenses to owners of Dispensaries, subject to the provisions therein. Subsequently, the Oregon Legislature enacted Senate Bill 1531 (2014) permitting local governments to adopt a moratorium upon the operations of medical marijuana dispensaries in order to allow cities additional time to determine the best way to manage such facilities. To be effective, such moratorium must be enacted no later than May 1, 2014. Adoption of a moratorium under SB 1531 also removes immunity from state prosecution for a person who is responsible for or employed by a registered medical marijuana facility located in an area subject to the jurisdiction of a city or county that enacts a moratorium prohibiting the operation of a medical marijuana facility.

#### FISCAL IMPACTS:

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None.

#### DISCUSSION:

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Regulation of Dispensaries, and the rights of local government to regulate or ban such facilities, has been an issue that has been in flux. Adopting a moratorium until May 1, 2015, would allow the City time to determine the best way to regulate such facilities, and to determine whether the legislature will provide further clarification or laws with regard to the City's right to ban such facilities. The moratorium, if adopted, would temporarily prohibit the operation of such facilities and would also remove immunity from state prosecution for persons operating a Dispensary while such moratorium is in place.

In order to be effective under SB 1531, a moratorium must be enacted by May 1, 2014. As such, the ordinance contains an emergency clause providing that this moratorium would be enacted, and become effective, immediately in order to meet the May 1 deadline.

**ATTACHMENTS:**

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Attachment "A" – Ordinance No. \_\_\_\_ An Ordinance of the City of Central Point Declaring a Moratorium on Medical Marijuana Facilities, and Declaring an Emergency.

**RECOMMENDATION:**

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Approve Ordinance No. \_\_\_\_, An Ordinance of the City of Central Point Declaring a Moratorium on Medical Marijuana Facilities, and Declaring an Emergency.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF CENTRAL POINT  
DECLARING A MORATORIUM ON MEDICAL MARIJUANA FACILITIES,  
AND DECLARING AN EMERGENCY**

**RECITALS:**

- A. A the Oregon Legislature enacted House Bill 3460 (2013) which requires the Oregon Health Authority to develop and implement a process to register medical marijuana facilities;
- B. House Bill 3460 (2013) directed that persons who operate or are employed by a registered medical marijuana facility would enjoy immunity from state prosecution;
- C. 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;
- D. The Oregon Legislature enacted Senate Bill 1531 (2014) which removes immunity from state prosecution for a person who is responsible for or employed by a registered medical marijuana facility located in an area subject to the jurisdiction of a city or county that enacts a moratorium prohibiting the operation of a medical marijuana facility; and
- E. The City Council believes it is in the best interests of the health, safety and welfare of the citizens of Central Point to enact such a moratorium prohibiting the operation of medical marijuana facilities within the jurisdictional boundaries of the City of Central Point.

**THE PEOPLE OF THE CITY OF CENTRAL POINT DO ORDAIN AS FOLLOWS:**

**Section 1. MORATORIUM DECLARED.** The City of Central Point hereby prohibits the operation of any medical marijuana facility in any area subject to the jurisdiction of City of Central Point. As used in this section, "medical marijuana facility" includes any facility that dispenses marijuana pursuant to ORS 475.314 or any other provision of Oregon law.

**Section 2. DURATION OF MORATORIUM.** The moratorium imposed by this ordinance shall be effective until May 1, 2015, unless rescinded sooner.

**Section 3. ENFORCEMENT.** The Chief of Police is charged with enforcement of the moratorium.

Section 4. REMEDIES NOT EXCLUSIVE. The remedies available under Senate Bill 1531 (2014) for a violation of the moratorium imposed by this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law. It is within the discretion of the City of Central Point to seek cumulative remedies for a violation of the moratorium imposed by this ordinance.

Section 5. SEVERABILITY. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

Section 6. EMERGENCY. This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance takes effect on its passage.

**PASSED** by the Council and signed by me in authentication of its passage this \_\_\_ day of April 2014.

\_\_\_\_\_  
Mayor Hank Williams

ATTEST:

\_\_\_\_\_  
City Recorder

# **Ordinance**

## **Amendments to Chapter 10 regarding Parking**

## STAFF REPORT

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To: The Honorable Mayor and City Council

From: Kris Allison, Chief of Police

**SUBJECT: Amendment to 10.04.112 Mobile home, motor home, camper, van, car, truck parking -- Prohibitions**

Date: ~~March 27, 2014~~ April 10, 2014

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### **Executive Summary:**

Over the last 12 months the City of Central Point Police Department has seen an increase of complaints regarding vehicles (motor homes) that are parked on city streets in excess of the 72 hours that is defined in our city ordinance. After investigation it appears that the problem that continues to arise with a select few vehicle owners is their ability to park their vehicle on city streets for 71 hours, moving it several feet back or forward, and resetting the timeline for another 71 hours without consequences.

I believe this a small section on our population that engage in this behavior, but it has caused an increase of complaints from our citizens who have asked a remedy be considered. I asked our city attorney to look into what I would describe as a loop hole in our ordinance and language that would assist the code enforcement officer regarding these ongoing issues. After reviewing the documents provided by our city attorney and conferring with our code ordinance officer I would recommend that this amended ordinance would rectify the ongoing issues of parking in our city.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING CPMC CHAPTER 10.04.100 PARKING PROHIBITIONS AND 10.04.112 MOBILE HOME, MOTOR HOME, CAMPER, VAN, CAR OR TRUCK PARKING PROHIBITIONS**

**RECITALS:**

- A. Words ~~lined through~~ are to be deleted and words **in bold** are added.
- B. Amending Central Point Municipal Code 10.04.100 deleting subsection (I) regarding the loading and unloading of passengers or anything within any part of the street or intersection.
- C. Amending Central Point Municipal Code 10.04.112 subsection (A) Motor Vehicle, Motor Home, Trailer and Commercial Vehicle prohibitions. Adding Section (C) as it is not an affirmative defense to subsections (A)(1) or (A)(2) to be moved from one place to another, so long as it is left on a street, alley, or other municipal property for more than a cumulative seventy-two consecutive hours. Adding subsection (D) definitions.

**THE PEOPLE OF CENTRAL POINT DO ORDAIN AS FOLLOWS:**

SECTION 1. Amendments to Chapter 10.04.100 and Chapter 10.04.112 are amended as presented below:

Chapter 10.04  
TRAFFIC REGULATIONS

Sections:

10.04.100 Parking – Prohibitions

10.04.112 Parking ~~Mobile home, motor home, camper, van, car, trailer or truck~~  
**Motor Vehicle, Motor Home, Trailer and Commercial Vehicle** parking--Prohibitions.

10.04.100 Parking – Prohibitions.

In addition to provisions of the Motor Vehicle Laws of Oregon prohibiting parking, no person shall stop or park a vehicle:

A. Upon a bridge, viaduct or other elevated structure used as a street, unless otherwise indicated by lawfully installed signs;

Ordinance No. \_\_\_\_\_(041014)



B. In an alley or across an entrance to an alley or private driveway except to load or unload persons or materials and in no event for a longer period of time than necessary for said purpose;

C. Upon a street for the principal purpose of:

1. Displaying the vehicle for sale,
2. Displaying advertising from the vehicle,
3. Selling merchandise from the vehicle except in an established market place or when so authorized or licensed under the ordinances of the city;

D. Within ten feet of any fire hydrant or within thirty feet of any fire station;

E. Between the curb or traveled portion of the street or alleyway where there is no curb and the private property line, except where such parking is within a driveway and does not obstruct a sidewalk or other established use of the city's right-of-way or clear vision areas for vehicular or pedestrian traffic.

F. For a period of time in excess of any duly posted parking time limit;

G. On the roadway side of a vehicle already parked;

H. With the front or rear of such vehicle, as the case may be, within less than twenty-five feet from the intersection of the property lines at an intersection;

I. ~~For the purpose of loading or unloading passengers or anything within any part of the streets, intersection, crosswalk or pedestrian lane;~~

J. **I.** Upon a street where the portion of the street is so designated by a no parking sign, or yellow-painted curb, or both. Presence of a no parking sign or a yellow-painted curb shall be prima facie evidence that the sign or paint has been lawfully placed pursuant to Section 10.04.020 of this chapter.

10.04.112 ~~Mobile home, motor home, camper, van, car, trailer or truck~~ **Motor Vehicle, Motor Home, Trailer and Commercial Vehicle** parking--Prohibitions.

A. No person shall park any **Motor Vehicle, Motor Home, Trailer and Commercial Vehicle: mobile home, motor home, van, car, camper, trailer, boat or other recreational vehicle**

Ordinance No. \_\_\_\_\_(041014)

1. In one location on any portion of any public street or alley for any period longer than seventy-two consecutive hours, except that short-term out of town visitors may park such recreational vehicles for a period not to exceed two weeks in any one calendar year; or

2. In one location on any portion of any public street or alley or in the front setback area of any residential property, when parking in such setback area impairs clear vision for traffic safety.

**B. No person shall reside in any Motor Vehicle, Motor Home, Trailer or Commercial Vehicle except that persons may temporarily reside in a ~~motor home, van, camper, tent trailer,~~ Motor Home, including specifically a camper, tent trailer, ~~car, truck, tent,~~ or any other type of nondwelling living structure, in any front, side or rear yard area of any residential property for a period **not to exceed** ~~more than~~ two weeks in any one calendar year.**

**C. It is no defense to subsections (A)(1) or (A)(2) that the Motor Vehicle, Motor Home, Trailer or Commercial Vehicle described therein has been moved from one place to another, so long as it is left on a street, alley or other municipal property for more than a cumulative seventy-two consecutive hours. This act is defined as intentionally moving a Motor Vehicle, Motor Home or Trailer or Commercial Vehicle a limited distance and re-parking the subject vehicle or trailer to appear as though it is being used in violation of this section.**

**D. Definitions:**

1. **Motor Vehicle means any self-propelled vehicle and any such vehicle in combination with any trailing units, used or physically capable of being used upon any public highway in this state in the transportation of persons or property, except vehicles operating wholly on fixed rails or tracks and electric trolley buses, including but not limited to motor homes, vans, cars, campers, trailers, boats, recreational vehicles and commercial vehicles. "Motor vehicle" includes over-dimension vehicles or vehicles permitted excessive weights pursuant to a special authorization issued by a city, county or the Department of Transportation.**

2. **Motor Home means a vehicle that has been designed, reconstructed, or permanently altered to provide facilities for human habitation, i.e., permanent sleeping and cooking facilities. This includes permanently mounted campers on pickup trucks or other truck frames.**

Ordinance No. \_\_\_\_\_(041014)

**3. Trailer shall include: boat trailer, camping trailer including what is commonly known as a "fifth wheeler," horse trailer, utility trailer or any other vehicle or conveyance designed to be connected to and drawn by a motor vehicle or recreational vehicle.**

**4. Commercial Vehicle means a vehicle that will be operating at a gross vehicle weight rating or combination weight over 26,000 pounds and includes vehicles designed to transport 16 or more persons and vehicles designed to transport hazardous materials regardless of weight.**

**PASSED** by the Council and signed by me in authentication of its passage this \_\_\_\_\_ day of April, 2014.

\_\_\_\_\_

Mayor Hank Williams

ATTEST:

\_\_\_\_\_  
City Recorder

Ordinance No. \_\_\_\_\_(041014)

# **Ordinance**

## **Amendments to Chapter 9.54 Public Drunkenness**

## STAFF REPORT

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To: The Honorable Mayor and City Council

From: Kris Allison, Chief of Police

**SUBJECT: Amendment to Delete Section 9.54.020 Drunkenness from the CPMC**

Date: April 10, 2014

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### **Executive Summary:**

During a recent municipal court appearance regarding a citation for public drunkenness, Honorable Judge Joe Charter dismissed a citation issued by one of our officers and stated that the defendant had correctly pointed out that ORS 430.402(1) provides “a political subdivision in this state shall not adopt or enforce any local law or regulation that makes any of the following an offense, a violation or the subject of criminal penalties or sanctions of any kind: (a) public intoxication.”

Judge Charter’s decision stated that CPMC 9.54.020 was in violation of ORS 430.402(1) which provides that any person who is intoxicated or under the influence of controlled substances in a public place may be taken or sent home or to a treatment facility by the police.

This decision/opinion was sent to our city attorney and she agreed with Judge Charter’s decision and that the City would need to remove 9.54.020 Drunkenness as to not violate the above mentioned statute.

It is my recommendation that we delete CPMC 9.54.020 from the Central Point Municipal Code to be consistent with Oregon Revised Statutes.

With the deletion of this section, this does not limit the officer’s ability to be effective with the issues of intoxicated individuals in our city. The officers have a wide variety of options that they can utilize at their discretion such as referenced in ORS 430.402 (1).

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE DELETING SECTION  
9.54.020 DRUNKENNESS OF  
THE CENTRAL POINT MUNICIPAL CODE

Recitals:

A. Words ~~lined through~~ are to be deleted and words **in bold** are added.

B. Deleting Central Point Municipal Code 9.54.020 to remove section Drunkenness from the Central Point Municipal Code due to this section violating existing state statute.

**THE PEOPLE OF THE CITY OF CENTRAL POINT DO ORDAIN AS  
FOLLOWS:**

Section 1. Section 9.54.020 of the Central Point Municipal Code is deleted and amended to read:

Chapter 9.54  
INTOXICATION

Sections:

- 9.54.010 Drinking in public places.
- ~~9.54.020 Drunkenness~~
- 9.54.030 Dealings with intoxicated persons.

9.54.010 Drinking in public places.

It is unlawful for any person to drink any intoxicating liquor upon any street or in any public place; provided, however, that nothing contained in this section applies to the drinking of any intoxicating liquor in any establishment or its associated sidewalk cafe wherein the same may be sold for premises consumption under the laws of the state.

Ordinance No. \_\_\_\_\_ (041014)

Sections: ~~9.54.020 Drunkenness~~

~~It is unlawful for any person to be found in an intoxicated or drunken condition on any street or in any public place.~~

9.54.030 Dealings with intoxicated persons.

It is unlawful for any pawnbroker, junk dealer, chattel-loan broker or any person to purchase property from any person who is in an intoxicated condition or under the influence of any narcotic drug, or to advance or to loan money to such person or to have any dealings with any such person respecting the title of property.

Passed by the Council and signed by me in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Mayor Hank Williams

ATTEST:

\_\_\_\_\_  
City Recorder

Pg. 2 Ordinance No. \_\_\_\_\_ (\_\_\_/\_\_\_/\_\_\_)

# **Business**

## **Discussion regarding Comp Plan Amendments**





**STAFF REPORT**

April 10, 2014

**AGENDA ITEM: File No. 14002**

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Discussion of a Preliminary Proposal to Approve Amendments to Chapters 17.05 Applications and Types of Review Procedure, 17.08 Definitions, 17.10 Zoning Map and Text Amendments, and 17.96 Amendments to the Comprehensive Plan of the Zoning Code; **Applicant:** City of Central Point.

**STAFF SOURCE:**

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Tom Humphrey, Community Development Director

**BACKGROUND:**

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The Community Development Department has introduced the Municipal Code Amendments (listed below) to clarify and update code language relative to changes in the state land use law. Inconsistencies with the City's code were brought to our attention upon the submission of an Urban Growth Boundary (UGB) Amendment to Jackson County. Changes should be made in order for our two processes to coincide and to minimize the possibility for appeal. At their April 1, 2014 meeting the Planning Commission conducted a public hearing and reviewed the proposed amendments. Some revisions were made at the meeting and they wanted to see the changes again before making a recommendation of approval to the City Council.

The chapters affected are:

- 17.05 Applications and Types of Review Procedure;
- 17.08 Definitions;
- 17.10 Zoning Map and Text Amendments; and
- 17.96 Amendments to the Comprehensive Plan of the Zoning Code.

**ISSUES:**

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A public hearing was noticed for the Planning Commission and for the April 10<sup>th</sup> meeting of the City Council. Due to the fact the Planning Commission wanted an additional month to review this item, the Council hearing will be postponed to May 10<sup>th</sup>. This announcement may need to be made for anyone attending the meeting who expects a public hearing.

**EXHIBITS/ATTACHMENTS:**

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None.

**ACTION:**

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Information Only. Announcement may be made regarding the May meeting of the City Council.

**RECOMMENDATION:**

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Inform audience of the change in hearing schedule.

**Business**

**Planning Commission  
Report**



## PLANNING DEPARTMENT MEMORANDUM

**Date:** April 10, 2014  
**To:** Honorable Mayor & Central Point City Council  
**From:** Tom Humphrey AICP, Community Development Director  
**Subject:** Planning Commission Report

The following items were presented by staff and discussed by the Planning Commission at a regularly scheduled meeting on April 1, 2014.

- A. Public Hearing to Consider a Resolution forwarding a favorable recommendation to the City Council to approve Municipal Code Amendments to Chapters 17.05 Applications and Types of Review Procedure, Chapter 17.08 Definitions, Chapter 17.10 Zoning Map and Text Amendments and Chapter 17.96 Amendments to the Comprehensive Plan and the Zoning Code.** The Community Development Department introduced new code language to the Commission which are amendments intended to resolve some internal inconsistencies that are holding up a UGB application the City submitted to Jackson County. The Commission conducted a public hearing and then discussed minor revisions to the text that they want to review further at their May meeting before they recommend approval to the City Council.

Under general discussion, the Planning Commission was given an update about the Council's decision to impose a moratorium on Medical Marijuana Dispensaries and to postpone action on amendments to Chapter 17 adding dispensaries as conditional uses in the C-2M, C-4 and C-5 zoning districts.

The Police Chief made a presentation to the Commission about her department's position on regulating medical marijuana grow sites in the city limits. The Commission raised a question about this at a previous meeting and wondered what authority, if any, the City had to do this.

Finally, the Commission was informed about the expiration of two phases in the North Village Subdivision in Twin Creeks. It is expected that CLOMR approval and revisions to the Twin Creeks Master Plan later this year will result in a new subdivision configuration altogether.