



CITY COUNCIL FEBRUARY 01, 2016 MINUTES  
REGULAR MEETING 7:00 PM  
City Hall, 1001 Bridge St. Vernonia OR 97064

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**Mission Statement**

The City of Vernonia pledges to be an ethical and responsive government using community collaboration to foster leadership and a vision for civic improvement while providing a safe, peaceful, economically viable community.

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**Call to Order and Pledge of Allegiance – Mayor Parrow**

Mayor Parrow called the meeting to order at 7:04pm

In attendance: Councilors Seager, Tierney, Hult, and McNair.

**Additions or Removal of Agenda Items**

Mayor Parrow added the Meeting Minutes from May 4, 2015, October 20, 2014, and September 15, 2014 for Council to reference during the Conservation Easement discussion.

Councilor McNair motioned to accept the agenda as written. Councilor Tierney seconded, Motion passed.

**Mayor Report**

**Councilor Committee Meeting Reports**

Councilor McNair attended the Parks Committee meeting on January 27, 2016 and the Public Works Meeting on January 26, 2016. He gave a brief overview to Council on what was discussed. The Public Works committee will present their recommendation at the February 16<sup>th</sup> City Council Meeting. They also discussed the water meter testing station and meter replacements. The project has been on the roster for some time and purchasing the meter tester will get the project moving. The Parks Committee will make a recommendation on Airport Park tree removal at the next meeting as well.

**Topics from the Floor/Audience Participation**

**David Mile**, Nehalem Street, would like to address the concern on Facebook regarding his business. He gave the audience a brief overview of his business and stated that he is a speculator whom is seeking 3<sup>rd</sup> party funding for the project and is working on a business plan. He seeks to capture Vernonia's cultural heritage. Mr. Mile recently moved to Vernonia near the Lincoln School site and has no interest in hindering the neighborhood. Portland businesses recently started providing cannabis bus tours and he would like Vernonia to be the next cannabis destination. Mr. Mile would like to propose to Council that they not make a decision on the Conservation Easement tonight and instead allow him to hold a town hall first to address the Vernonia community.

**Rick Hobart**, Fir Street, would like to Welcome Mr. Mile to the community and would like to give him a brief history of Vernonia. He read Vernonia Brand's Website and believes they are misguided. Vernonia has not been known as a destination for hippies to grow marijuana and support their families, as is portrayed on the website. The largest support of the community, historically, has been the timber industry and commuting to tech jobs. He would like Council to take into consideration the risk of smuggling marijuana across state lines if this business is allowed. How will they guarantee this won't happen? According to the Easement that was enacted about a year ago, happenings at the old Lincoln School building have to abide by Federal Law. Marijuana is still against Federal Law and he does not want to see it at the old school, in a residential neighborhood.

**Kellie Crowdis**, 5<sup>th</sup> Avenue, just heard about what is being proposed for the Lincoln School today and is concerned it may not be the right thing for Vernonia. The cities infrastructure cannot support the traffic for the business and is concerned about the financial liability. She is concerned the proposed bus tours will take a toll on the cities infrastructure. She has processed forms for Washington County marijuana growers and knows

growing is costly for indoor growers. Can West Oregon Electric handle the energy demand? Will this increased energy demand drive our power bills up? Mrs. Crowdis is also concerned about water runoff, will fertilizer be introduced into our water supply? The cities infrastructure cannot handle the problems that may arise from a grow operation. She would like Council to consider the long term effects of this business and whether or not they want a grow operation in a residential area.

**Vincent Sliwoski**, Portland Oregon, is the attorney for Vernonia Brand LLC and David Mile. The marijuana industry is heavily regulated by the OLCC, Oregon Department of Agriculture, and the Oregon Health Authority. The City of Vernonia and Columbia County can put additional regulations on marijuana businesses thru Time, Place, and Manor Restrictions. Ed Crowdis expressed his concerns to Mr. Sliwoski about where the chemicals used in production will go. Mr. Sliwoski stated that he was not sure as he is only familiar with the legal aspects of the industry.

**Chris McGrane**, 6<sup>th</sup> Avenue, is concerned about storage and use of pesticides. He would like to know how the natural springs will be effected on the hill with pesticide run off. Councilor McNair stated that the runoff would go thru the sewer, in a contained system, and to the treatment center. He is most concerned about the possibility that nitrogen levels would be increased and whether or not water treatment costs would increase as well.

**Rick Timmerman**, 3<sup>rd</sup> avenue, asked Council when the Vernonia Trail will be opened between the Vernonia Lake and Andersen Park. City Administrator Mitchell stated that the Trail should be opened in May 2016. He would also like Council to address the water runoff from the proposed grow operation at the school. Where will it go? Other things he would like addressed are possible increased theft, noise, decreased property value, and the Bridge Street & Rose Avenue junction. Will increased traffic for the business make the junction more dangerous than it already is?

**Sue Robertson**, Cleaveland Road, stated that Vernonia has always been about family and friendships. She doesn't understand how a school that has been such a happy place for hundreds of kids can be used for growing drugs. She understands that marijuana is now legal, but she doesn't want Vernonia to be known for it. Council needs to stop and think about what they want Vernonia to be known for. She wants Vernonia to continue being known for happy things like Jamboree and Farmers Markets, not drugs. Vernonia has had coalitions to fight the drug problem in the community, now we are going to grow it? It is her worry that having such a well-publicized grow operation in the heart of town will send the wrong message to our youth. She would like more discussion and opportunity for residents to voice their opinion before any decisions are made.

**Jessica Ray**, Spencer Avenue, recently purchased her family home in hopes of raising her family here. If she would have known Vernonia was going to be a cannabis destination, she would not have purchased a home here as she left Hillsboro to get away from drugs. She has no problem with people who smoke marijuana, but she does not want the town to be known for it. Mrs. Ray would also like to address the summer time water restrictions. How will the City handle restrictions when the town is in drought and she can't have a kiddie pool? Will the marijuana grow operation be restricted as well?

**Eric Crowdis**, 5<sup>th</sup> Avenue, addressed David Mile and would like to know what the benefit of the operation is to our city. David Mile explained that he would like to explain that at the town hall. He believes there would be great economic benefit. Councilor Tierney stated that it is her understanding that the marijuana tax is not tied to the community rather, the majority of it goes to state and county. Councilor McNair let her know that 20% of the tax goes to the City. Vincent Sliwoski then stated that if the City opts out of allowing retail marijuana businesses then they would not get any of the tax benefits. Ruben Cleaveland, The City of Vernonia's attorney, confirmed.

**Don Willard**, Rose Avenue, stated that veterans and elderly can benefit greatly by using marijuana for medicinal purposes. It has been proven that doing so can reduce prescription drug use by as much as 85%. Vernonia needs to move forward by accepting that there are benefits to marijuana, not live in the past. He also



went to school at Lincoln School and doesn't understand why the community can't support the business. Crime shouldn't be an issue as law enforcement and the City can regulate it.

**Bill Langmaid**, McDonald Road, was struck by the article in The Voice regarding the Conservation Easement. He was surprised anyone thought there was "Boiler Plate Language" in the easement as that language was put in there for a reason. He would like Council to consider the repercussions of taking that language out. If the City alters this document, then what will prevent people from requesting language to be taken out of other documents? Ruben Cleaveland stated that he is in agreement as he doesn't feel it is "Boiler Plate" either.

**Kim Perry**, Knott Street, is attending the meeting as a representative for Barbara Ervin and Sue Rice. Mrs. Perry was raised in Portland and witnessed property values decrease as the drug problem increased. She doesn't think it is fair to homeowners, whom purchased homes in a nice family neighborhood, to be forced to live with this business. Will this make their homes less desirable? She is also concerned about the possible odor the business will produce. Council needs to think this thru before allowing the business.

**Mayor Parrow** then closed the Topics from The Floor and asked Council if they would like to postpone making a decision on the conservation easement. Council consensus was to discuss the easement and Time, Place, Manor Restrictions and make a decision tonight.

#### **Consent Agenda for Approval**

- A. Cemetery Committee Minutes for September 10, 2016
- B. Cemetery Committee Minutes for November 12<sup>th</sup>, 2015
- C. City Council Meeting Minutes for January 19, 2016
- D. City Council Meeting Minutes January 25, 2016
- E. Monthly Department Update December 31, 2015

Councilor Tierney made a motion to approve the Meeting Minutes and Monthly Department Update as written. Councilor Seager seconded the motion, motion carried.

#### **New Business**

##### **Discussion with City Legal regarding Time, Place, Manor Restrictions – Ruben Cleaveland**

Mr. Cleaveland presented a draft ordinance to Council for Time, Place, and Manor restrictions. He directed Council that they can change the restrictions if desired. He recommends not changing Section 2-i. Storage and Disposal. Regulations limiting Odors were not included in this draft. The City of Pendleton has created an Ordinance strictly for marijuana odor and we can too if we wish. Councilor Tierney reminded Council of the odor in North Plains from the compost business and how long it took the City to regulate it. She would like to put restrictions in place to prevent it from ever becoming an issue.

Mayor Parrow asked how the City would address the chemicals going into the sewage system. Mr. Cleaveland stated that DEQ would not allow that to happen. Councilor McNair asked Mr. Cleaveland if the State would regulate approved chemicals for grow operations. Would they be allowed to dump straight into the sewer? Mr. Cleaveland stated that he doesn't know if that's even been addressed yet. His understanding is that odor will be more of a problem then discharge into the sewer. He proposes that if we decide to regulate chemicals, we regulate which can be used rather than what can't. It is best if the City states what can be done rather than what can't.

Councilor Tierney would like to be proactive in regulating these businesses as the issue is bigger than just the Lincoln School, but the whole town. Recreational Marijuana hasn't even been addressed yet. She would like Time, Place, Manor Restrictions for both medical and recreational marijuana. As of now, it is illegal to grow, sale, and serve marijuana in the same location. She would like restrictions to be in place incase this ever changes. Mr. Cleaveland notified her that this is already addressed in the ordinance. She is also concerned that people will be allowed to sample at the business. Mr. Cleaveland stated that as long as it falls under Time, Place, and Manor, we can add the restrictions into the ordinance. Measure 91 and House bill 3400 will regulate most everything else. The smoking of marijuana falls under the OLCC's rules and regulations.

Council then addressed concern of where the waste will go. Mayor Parrow asked if there could be a measuring device for the chemical waste. City Administrator Mitchell stated that it would have to be on the sewer line for that particular building as if it wasn't, the runoff could be from any other building down the line. Mr. Cleaveland will look into regulations for waste and see if any other cities are regulating it. Councilor McNair is worried that pesticide runoff could cause issues with the lagoons as there is already an algae issue. Would nitrogen from the pesticides cause an algae bloom? This could cause big issues with our new system. He feels that we need to talk to the City Engineer about this possible issue.

City Administrator Mitchell asked Council how they felt about the current draft of the Ordinance. Councilor Tierney asked for odor restrictions to be added. Councilor McNair would like stricter time restrictions for neighborhoods. Councilor Tierney is concerned about possible work arounds for private clubs in regard to sampling at the same site as production. Mr. Cleaveland will change Section 2.-b to include marijuana producers. Council consensus was to add odor restrictions and time restrictions of no earlier than 9:00 a.m. and no later than 8:00 p.m.

City Administrator Mitchell expressed concern that this will impede on the owners right of property use. Council needs to decide on regulations for the city as a whole, not just specific to this site. David Mile stated that he would like to be less restricted as they would like to do infused product manufacturing which requires long hours. Mayor Parrow stated that these time restrictions apply to retail and tours, not manufacturing.

Council then addressed the possibility of creating two separate ordinances; one for retail and one for commercial. City Administrator Mitchell asked whether or not other cities were creating separate ordinances. Mr. Cleaveland stated that not many cities have regulated growing yet, mostly just retail. Councilor McNair would like to have both retail and growing included in one ordinance.

Mike Buffum addressed Council in regards to security. His business has more security then most banks do. Marijuana facility security is regulated by state law. If growers have more plants then is allowed for two people, they must have this security as required by law. David Mile stated that since it is covered by state law he doesn't feel it is necessary for Council to spend much time on it.

City Administrator Mitchell will present a second draft of the ordinance at the February 16<sup>th</sup> City Council Meeting.

### **Parks Committee Recommendations**

Parks Committee member Scott Laird presented the three recommendations from the committee.

*Removal of Snack Trailer:* Council consensus was to direct city staff to have the old snack shack structure at the lake removed.

*Increase Compensation for Park Host at Anderson Park:* Mr. Laird stated that city staff has spoken very highly of the new hosts at Anderson Park. He feels that giving this compensation increase will help to retain good hosts. Mayor Parrow asked if we should increase one park hosts compensation and not the other. Councilor McNair stated that host duties at Anderson Park are considerably higher than at Airport Park. Rick Hobart stated that he was the park host at Anderson Park for one year and at that time the compensation was 10%. Councilor Seager would like the compensation rate to be the same as it will help to retain good hosts at both parks. City Administrator Mitchell stated that the city is looking into increasing park camping rates as well. Councilor McNair would like the two rates to increase equally. This should help the parks budget as they need more revenue. Council consensus was to increase the compensation rate for both parks to 10%.

*Move Location of Water Testing Station:* Councilor Tierney would like to explore the possibility of increasing the bulk water rate. Councilor McNair asked how old the current water station is and whether or not it can handle being moved. City Administrator Mitchell stated that the water station is 5 years old and can handle being moved. Council consensus was to direct City Staff to bring the cost of the move to Council at the next City Council Meeting.

### **Street Closure Request –Vernonia Open Air Market**

Bill Langmaid gave Council a brief overview of how successful the Open Air Market was last year and explained that they would like to start earlier this year. They will not require reservation of the street during Jamboree as they do not operate on that weekend.

Councilor Seager motioned to approve the street closure request with the exception of Jamboree weekend. The motion was seconded by Councilor Tierney, motion carried.

## Unfinished Business

### Request to Amend Conservation Easement

City Attorney Ruben Cleaveland explained to Council that he has received suggested language for the amendment from the attorney for the property owner. He has presented a document to Council with his suggested language. He would like to send the proposed changes to the Attorney General's office before finalizing as he would like to hear what their position on the amendment is.

Councilor Seager stated that this is a commercial property in the middle of a residential neighborhood and it is his understanding that the Easement was put in place to protect the neighborhood. He would like to see the Easement kept in place, as is. Councilor McNair is in agreement as he is concerned about the neighborhood. He was not for the zoning change in the first place, but that has already been done.

Mayor Parrow asked if there was a motion to amend the easement. Having heard no motion, the current conservation easement stands.

## 9. Business from Departments

### Police Department – Chief Conner

Chief Conner did not have a report.

### City Administrator Report – J. Mitchell

Josette presented her report.

*Nickerson Loop:* ODFW will be sending a letter to Council directing the City to remove the culvert in order to increase fish access to habitat up stream. The developer was required to plant native species around the stream after the path of the stream was moved. Those plants have not survived in all areas and no one has required them to be replanted. Staff is looking into what is required to increase water flow to the development as the developer would like to mediate the issue. Currently, any new houses in the development will be required to have sprinkler systems. In addition, water runoff from the December 8<sup>th</sup> storm got under some of the houses due to 2 missing storm drains. City staff is going to investigate where they can be added as they were originally required, but never added. All future homes in the neighborhood will be required to abide by the 50' set back rule before ever being issued building permits.

*Waste Water Treatment:* There have not been any change orders to date. The construction company has been directed to bring up the trail by city staff as directed by Council. City Staff would like to know if an instahot or smaller water can be used for the eye wash station and shower.

*Anderson Park:* All of the campers given eviction notices moved out by January 31<sup>st</sup>. One has been allowed to stay due to medical issues as they are getting into Blue Herron Apartments. City Staff will be presenting 90 day notices to the remaining two monthly renters. The rate has returned to \$25 as of February 1<sup>st</sup>.

## Ordinances/Resolutions

## Correspondence

### Items from Mayor, Councilors, City Administrator

Councilor McNair had a conversation with the Parks Committee regarding Shay train. It was brought to his attention that a citizen has parts from the train at his house from when the restoration was done. He would like to see those parts returned to the city. Council consensus was to direct City Staff to look into having the parts returned.



Councilor McNair would also like to know what the status is of the pool at Hawkins Park. Mayor Parrow notified him that the Lions Club is working on a proposal for fixing the pool and will be presenting at the next Parks Committee meeting.

Councilor Tierney would like an update from staff on the Rose Avenue crosswalk project. She would like to know if the crosswalk will include lights like up at the school. City Administrator Mitchell stated that we have not received bids yet so we can ask that it be added. Having them added would have to fit into the project budget. Council consensus was to direct city staff to ask ODOT if the lights can be included.

Mayor Parrow would like to know if David Mile of Vernonia Brands LLC would like to hold a town hall. Mr. Cleaveland stated that there is nothing preventing him from having one. After consulting his attorney, Mr. Mile stated that he plans to hold a town hall. Once planned, he will notify Council so that they may attend if they wish.

Upcoming Council meetings:

February 8<sup>th</sup> at 6:30pm – Airport Vision Worksession

February 16<sup>th</sup> at 7:00pm – Regularly Council Meeting

February 22<sup>nd</sup> at 6:30pm – Open Spaces Worksession

**Action Items Summary –City Administrator**

Staff will present draft Marijuana time, place, manner restrictions on Feb 16<sup>th</sup>

Staff will notify owner of Snack Shack, and covered area at Vernonia Lake of request for him to remove it off the property.

Staff will increase compensation for Airport and Anderson Park hosts to 10%, and amend park host agreements

Staff will bring cost of moving bulk water station to the Feb. 16<sup>th</sup> Council meeting

Staff will notify Parks Committee member whom holds parts to Shay train of the need to return them to the City.

Staff will request from ODOT the right to install with the crosswalk a blinking notification sign/light.

**Adjournment**

Mayor Parrow adjourned the Meeting at 9:25pm

These Minutes were approved at the February 16<sup>th</sup>, 2016 City Council Meeting.

Stephanie Borst, City Recorder

Randall J. Parrow, Mayor