

**City of Odessa Board of Aldermen
Odessa Community Building | 601 W. Main Street
June 24, 2019 | 7:00 pm
Meeting Minutes**

CALL TO ORDER

Mayor Adam Couch called the meeting to order at 7:00 pm.

PLEDGE OF ALLEGIANCE

Mayor Adam Couch led the Pledge of Allegiance.

ROLL CALL

City Clerk, Peggy Eoff called the roll.

Mayor Adam Couch	Present		
Alderwoman Mickey Starr	Absent	Alderman Tom McElwee	Present
Alderman Ray Harves	Present	Alderman Steve Lockhart	Present
Alderman Steve Wright	Present	Alderman Mike Stevens	Present

City Staff present: Nici Wilson-City Administrator, Dawn Jennings-Finance Director, Josh Thompson-Police Chief, Carson Hodge-Electric Superintendent, Darrin Lamb-Water/Street Superintendent, Keith Gibson-EMS Director, Kenny Snider-Wastewater Superintendent and Jeff Deane-City Attorney

Others present: Hannah Sparr-The Odessan, Nate Gifford, Steve Cobb, Marty McDermed, Harold Bass, Samantha Couch, Steve Tribble and Ryan Matthews

WELCOME

Mayor Adam Couch welcomed the visitors.

APPROVAL OF CONSENT AGENDA

- Approval of Minutes
 - June 10, 2019 – Regular Session
 - June 10, 2019 – Closed Session
 - *Distributed to the Board prior to the meeting for review*
- Park Board Appointments – Jannan Bradley, Emily Oldham and Mike Duncan

Alderman McElwee ask that the Park Board Appointments be moved to new business.

Motion was made by Alderman Stevens, seconded by Alderman Wright to approve the consent agenda as amended. Motion carried 5-0.

MAYOR'S REPORT

The Mayor sends his condolences to the Palette family (Stephanie, Jessica and Shane and co-workers) in the passing of long time City employee Delbert Palette.

Mayor Couch thanked the Police Department and all the agencies that assisted with the quick response to the bank robbery. It was noted the suspect was apprehend within two and one half hours.

The Mayor reminded everyone that the VFW is hosting the July 4th the Fireworks Display, and the Rotary Club is hosting family games and activities beginning at 6:30pm at the Park.

Mayor Couch thanked all the staff for all the extra work put in during the audit and meter swaps.

ALDERMEN REPORTS

- Alderman Harves – Thanked the police department on the quick response to the robbery. He also noted the raised beds at Railroad Park looked good.

PUBLIC HEARING

“Uses permitted on review”

The request is to add “use of an automobile salvage or junkyard or junk or salvage yard of any kind” to be permitted in an I-2 general Industrial District

Public hearing was open at 7:05 p.m. Steve Tibble addressed the board and stated that this would be an auto auction not a junk yard. They have 185 locations across the country and they look forward to being part of the Odessa community.

Public hearing closed at 7:09 p.m.

PUBLIC COMMENTS

Let the record show there were no public comments.

OLD BUSINESS

Let the record show there was no old business for consideration.

NEW BUSINESS

Park Board Appointments

Mayor Couch noted that these were re-appointments to the Park Board.

- Jannan Bradley
- Emily Oldham
- Mike Duncan

Motion was made by Alderman Harves, seconded by Alderman Wright to approve the park board appointments. Motion carried 4-1. Alderman McElwee voted it opposition.

Motion of Approval ~ Salvage Auto Auction

A request for a Junk Salvage Auto Auction in an I-2 zoning district (General Industrial District) at SE corner of Old US Hwy 40 and Reich Road was submitted by Eric Carver and Ryan Matthews. Marty McDermed addressed the Board, stating that this was brought to the Planning and Zoning Commission and they had no issues and felt it would be a great business for the community.

Alderman Stevens asked about fencing, Marty stated that it would be discussed during the plan review process.

Motion was made by Alderman Wright, seconded by Alderman Stevens to approve the Auto Auction. Motion carried 5-0.

Motion of Approval ~ Lot Merger

A re-plat to merge lots 5 & 6, block 2 Original Town, commonly known as: 206 W Montgomery Street was submitted by Harold Bass. Marty McDermed stated that this was needed to be completed as the lots, individually were too small to build on.

Motion was made by Alderman Stevens, seconded by Alderman Harves to approve to merge lots 5 & 6, block 2, Original Town. Motion carried 5-0.

Motion of Approval ~ Temporary Amendment to Fireworks Ordinance

Nici Wilson proposed a temporary amendment to Section 2.305-13 of the Code of Ordinance relating to the discharge times of fireworks. Wilson explained that several requests have been made to staff that a Saturday be included. This same request has been made and approved in previous year. Wilson further added that during the codification process, a permanent change to this ordinance would be discussed and brought to the Board. The amendment would be as follows:

Wednesday, July 2, 2019 –8:00 a.m. to 10:00 p.m.

Thursday, July 4, 2019 -- 8:00 a.m. to midnight

Friday July 5, 2019 --8:00 a.m. to 10:00 p.m.

Saturday, July 6, 2019 --8:00 a.m. to 10:00 p.m.

Currently the ordinance allows the discharge of fireworks in residential areas on July 3rd, July 4th, and July 5th between the hours of 8:00 a.m. to 10:00 p.m. Alderman Stevens asked if Chief Thompson was okay with the amendment. He concurred.

Motion was made by Alderman Stevens, seconded by Alderman Wright to approve the extension of time for the fireworks. Motion carried 5-0

Bill No. 2019-13 (1st reading) ~ Medical Marijuana

Mayor Couch read bill no. 2019-13, the proposed ordinance amending the City's Code of Ordinances by adopting a new chapter regulating medical marijuana within the City.

Wilson told the Mayor and Board of Aldermen in November 2018, the voters of Missouri approved Amendment No. 2, which amended the Missouri Constitution to legalize medical marijuana. Following the outcome of this election, cities across Missouri began working with their legal counsel in an effort to be compliant with the new constitutional changes. Shortly after the first of the year, the Missouri Department of Health and Senior Services (DHSS), who was tasked with leading the establishment of the regulations and overseeing the implementation with the legalization of medical marijuana. City staff has been attending workshops and training since the beginning of the year provided by DHSS, attorneys, and the Missouri Municipal League. When the implementation timeline was published by DHSS, our staff agreed that while we would begin our initial discussion on our amendments we would not bring any proposed changes to the Board until the final rules and regulations were published by DHSS on

June 4, 2019. We began working with our legal counsel at Lauber Municipal Law in April as draft regulations were published. We established our timeline for implementation in a manner to not rush our changes to approval, but to have them completed before the next DHSS timeline deadline.

Proposed to you at the June 24, 2019 meeting is a new chapter of our code that legalizes medical marijuana and puts forth the definitions and regulations in accordance with the Missouri Constitution. In addition, Chief Thompson has drafted the amendments to the criminal ordinances and controlled substances and his report is included in the packet for that proposed ordinance.

Moving forward, the July 8, 2019 meeting will include the necessary changes to our business license code to recognize dispensaries, cultivation, manufacturing, testing and transportation facilities in the fee schedule. Additionally, it is necessary that we amend our Employee Handbook to address any employees who may be a qualifying patient or a caregiver of a qualifying patient, while continuing to recognize that medical marijuana is still illegal at the federal level.

The last piece is the zoning amendments. Public notices will be published in The Odessan the next two (2) weeks notifying the public of the proposed zoning changes to establish the areas for dispensaries, cultivation, manufacturing, testing and transportation facilities. These proposals will go to the Planning and Zoning Commission on July 18, 2019 and then before the Board of Aldermen on July 22, 2019 to amend the zoning code.

Should an applicant be awarded a license for a dispensary, the City will collect sales tax on the sale of the product at the current city sales tax rate in addition to the fees associated with the business license. Should an applicant of a cultivation facility be awarded a license in Odessa, we anticipate an increase to our revenues in our enterprise funds. Any approved facility would be subject to property tax assessments.

Discussions: Alderman McElwee stated that he would like to see fewer regulations when medical marijuana is being used for health needs, such as not limiting the hours of business. It was noted by City Attorney Jeff Deane that the language allowing Cities to regulate the time, place, and manner was written into the constitutional amendment. Alderman McElwee noted he feels that we should reduce the distance from a school, church, or daycare of a dispensary to 500 feet versus 1000 feet.

Alderman Lockhart asked if any language needed to be added telling residents it would be illegal to have a medical marijuana card and own a gun. It was noted that it would not be necessary for the City to include that information in our ordinance, as state law would not allow the possession of a firearm and marijuana. Chief Thompson stated that through criminal enforcement it would be handled through the state level courts.

Motion was made by Alderman Wright, seconded by Alderman Stevens to approve bill no. 2019-13, first reading. There was no further discussion. Motion carried 4-1 with Alderman McElwee voting in opposition.

Bill No. 2019-13 (2nd reading) ~ Medical Marijuana

Mayor Couch read bill no. 2019-13, a proposed ordinance amending the City's Code of Ordinances by adopting a new chapter regulating medical marijuana within the City of Odessa.

Motion was made by Alderman Stevens, seconded by Alderman Wright to approve bill no. 2019-13, second reading. There was no further discussion. Vote as follows:

Alderman Stevens	yes	Alderman Lockhart	yes
Alderman Harves	yes	Alderman McElwee	no
Alderman Wright	yes	Alderwoman Starr	absent

Motion carried 4-1. Bill No. 2019-13 became Ordinance No. 2993.

Bill No. 2019-14 (1st reading) Amending Chapter Two Police Code (Medical Marijuana)

Mayor Couch read bill no. 2019-13, a proposed ordinance amending Chapter Two Police Code of the Odessa Municipal code, by amending sections 2.308-1 through 2.308-12, repealing and replacing sections 2.410-26,2.410-27, adding sections 2.410-28 and 2.410-29, renumbering section 2.410-28 regarding medical marijuana, controlled substances, and driving while intoxicated or under the influence.

In discussion Alderman Stevens asked if this would be the appropriate place for language regarding the gun ownership for those with a medical marijuana card.

Thompson explained that this is a city misdemeanor and that it would be charged under the state level. Attorney Jeff Deane said that it is seldom charged at both city and state levels.

Alderman McElwee asked how would under the influence of marijuana be determined. Thompson stated that the language came from the state statute and meant zero tolerance, but the city would have the burden of proving impairment based on the evidence.

Motion was made by Alderman Stevens, seconded by Alderman Lockhart to approve 1st reading of bill no 2019-14. Motion carried 5-0.

Bill No. 2019-14 (2nd reading) Amending Chapter Two Police Code (Medical Marijuana)

Mayor Couch read bill no. 2019-13, the proposed ordinance amending Chapter Two Police Code of the Odessa Municipal code, by amending sections 2.308-1 through 2.308-12, repealing and replacing sections 2.410-26,2.410-27, adding sections 2.410-28 and 2.410-29, renumbering section 2.410-28 regarding medical marijuana, controlled substances, and driving while intoxicated or under the influence.

Motion was made by Alderman Wright, seconded by Alderman Stevens to approve bill no. 2019-14, second reading. There was no further discussion. Vote as follows:

Alderman Stevens	yes	Alderman Lockhart	yes
Alderman Harves	yes	Alderman McElwee	yes
Alderman Wright	yes	Alderwoman Starr	absent

Motion carried 5-1. Bill No. 2019-14 became Ordinance No. 2994.

Adjourn to Closed Session

There being no further business to come before the Board of Aldermen in open session, motion was made by Alderman Stevens, seconded by Alderman Wright to move the meeting into closed session at 8:15 pm pursuant to RSMo 610.021(1) for legal actions, causes of action and for confidential or privileged communication with legal counsel.

Vote as follows:

Alderwoman Starr	absent	Alderman McElwee	yes
Alderman Harves	yes	Alderman Lockhart	yes
Alderman Wright	yes	Alderman Stevens	yes

Motion carried 5-0.

Mayor Couch, Aldermen's Stevens, McElwee, Lockhart, Wright, and Harves; Nici Wilson, Peggy Eoff, and Jeff Deane-City Attorney were present during the closed session. No action was voted upon.

There being no further business to come before the Board of Aldermen in closed session, motion was made by Alderman Wright seconded Alderman Stevens to move the meeting back into open session at 8:24 pm. Vote as follows:

Alderwoman Starr	absent	Alderman McElwee	yes
Alderman Harves	yes	Alderman Lockhart	yes
Alderman Wright	yes	Alderman Stevens	yes

Motion carried 5-0.


Adjourn

There being no further business to come before the Board of Aldermen, motion was made by Alderman Harves, seconded by Alderman Wright to adjourn the meeting at 8:24 pm. Motion carried 5-0.

Approved:

July 8, 2019


Adam R. Couch, Mayor


Peggy Eoff, City Clerk