

City of Brookings

City Council Meeting MINUTES

City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415
Monday, March 14, 2016

Call to Order

Mayor Hedenskog called the meeting to order at 7:04 PM, immediately following the Joint City/County Workshop.

Roll Call

Council present: Mayor Ron Hedenskog, Councilors Jake Pieper, Dennis Triglia, Brent Hodges and Bill Hamilton; a quorum present. Ex Officio Nastassia Carrasco was also present.

Staff present: City Manager Gary Milliman, Public Works & Development Director LauraLee Snook, Planning Manager Donna Colby-Hanks, City Attorney Martha Rice and City Recorder Joyce Heffington.

Others Present: Curry Coastal Pilot Report Jane Stebbins and approximately 9 others.

Ceremonies/Appointments/Announcements

Mayor Hedenskog moved, a second followed and Council voted unanimously to reappoint Cheryl McMahon and Loren Rings to the Planning Commission.

Ordinances/Resolutions

Ordinance 16-O-753, imposing a three percent tax on the sale of marijuana items by a marijuana retailer; amending Chapter 3.20 of the Brookings Municipal Code in its entirety; and directing staff to prepare a resolution referring said tax to the electors of the City of Brookings.

City Manager Milliman provided the staff report.

Councilor Triglia said the word "recreational" in the Council Agenda Report should be stricken.

City Attorney Rice said the language of HB 3400 only reflects marijuana, and doesn't differentiate between medical and recreational marijuana. She said they are sold differently.

Councilor Triglia said the ordinance specifies marijuana, not recreational and Rice said, that was correct, the ordinance does not distinguish between the two. She said it means both, but they cannot be sold in same manner. The ordinance, she said, tracks the language in HB 3400.

Mayor Hedenskog asked if this meant that retail is not the same as medical and Rice said medical marijuana comes under a different licensing scheme. The bill has kept the term generic with the differentiation between the two being the point of sale.

Mayor Hedenskog pointed out that the City had previously adopted an ordinance to tax marijuana, prior to the state's legislation. Milliman said the hope had been to get their ordinance grandfathered in but that turned out not to be the case.

Kenneth Francis, 337 Mill Beach Road, Brookings, owner of the South Coast Dispensary, said he understood now that the electors would need to vote to tax recreational marijuana. He said the same marijuana is being sold, whether it is recreational or medical, with the difference being whether it is purchased with a medical marijuana card. He shared his tax statements two months, reflecting the 25% tax currently being turned over to the state. He said 25% was quite a bit more than he and his partner take home in a month. He expressed his concern that this would add another 3% on top of the 25% being collected by the state. He also expressed concern that other dispensaries were not charging taxes for recreational marijuana which, he said, is easily done at the register. He said the higher the tax the more encouragement there would be to sell illegally.

Councilor Pieper asked if he was saying that some of the dispensaries aren't taxing the recreational marijuana and Francis said they've had customers come in and say that other dispensaries are not applying the tax.

Councilor Pieper said the same thing could happen in his business; he could pocket cash and there wasn't much that could be done to enforce it.

Councilor Hamilton asked Francis how many dispensaries there were in Brookings and Francis said there were three in Brookings and two in Harbor. Hamilton then asked if someone with a medical marijuana card could buy from his store and Francis said they could.

Councilor Hodges asked if all of his products were taxed, and Francis said for recreational purposes, only the flower applies.

City Attorney Rice said the maximum tax that will be applied to marijuana sales starting next January will not exceed 20% with 17% going to the state.

Councilor Triglia asked what the revenue would be used for and Milliman said it would go into the general fund unless the City Council chose to restrict its use.

Councilor Pieper moved, a second followed and Council voted unanimously to do a first reading of Ordinance 16-O-753.

Mayor Hedenskog read the title.

Councilor Pieper moved, a second followed and Council voted unanimously to do a second reading of Ordinance 16-O-753.

Mayor Hedenskog read the title.

Councilor Pieper moved, a second followed and Council voted unanimously to adopt Ordinance 16-O-753 [imposing a three percent tax on the sale of marijuana items].

Resolution 16-R-1072 adopting the updated Curry County Multi-Jurisdictional Natural Hazards Mitigation Plan.

Director Snook gave the staff report.

Councilor Triglia pointed out that Ferry Creek Dam had recently been moved up to a high threat potential list and wondered if they would need to bring that up.

Milliman asked if the plan showed Ferry Creek to be a high threat and Snook said at the time the state adopted the plan, Ferry Creek had not been listed as such. Milliman asked that the designation of the Ferry Creek dam to the high threat potential list should be reflected in the minutes but he said it would take months to get that added to the plan.

Mayor Hedenskog said that perhaps we should notify FEMA and Snook said the better way to handle it would be to note the change for the next iteration of the plan in five years.

Councilor Pieper moved, a second followed and Council voted unanimously to adopt Resolution 16-R-1072 [adopting] the updated Curry County Multi-Jurisdictional Natural Hazards Mitigation Plan.

Public Comments on non-agenda items.

Connie Hunter, 1310 English Court, commented on past and upcoming homelessness panels being presented by the League of Women Voters and provided a package of materials. The packet will be included in the bound copy of agenda packets maintained at City Hall.

Staff Reports

Approval of proposed language regarding abusive solicitation and unlawful transfer to be added to the Brookings Municipal Code.

Director Snook presented the staff report and City Attorney Rice reviewed the changes to the language. Rice said that in terms of concerns regarding free speech, the language as presented is legal and enforceable as it is narrowly tailored to activities that pose a danger to others.

Councilor Hodges moved, a second followed and Council voted unanimously to direct staff to prepare an ordinance for Council approval implementing proposed regulations regarding abusive solicitation and unlawful transfer in the Brookings Municipal Code.

Authorization to award and execute a contract for the Airport Infrastructure Project.

Director Snook gave the staff report.

Councilor Pieper moved, a second followed and Council voted unanimously to authorize the City Manager to execute a contract and issue a Notice to Proceed to McLennan Excavation, Inc., for construction of Schedules A and B for the Airport Infrastructure Project.

Consent Calendar

1. Approve Council minutes for February 22, 2016
2. Accept January 5, 2016 Planning Commission minutes.
3. Accept February 2016 Vouchers in the amount of \$283,277.09.

Mayor Hedenskog moved, a second followed and Council voted unanimously to approve the Consent Calendar as written.

Remarks from Mayor and Councilors

Councilor Triglia announced the Parks and Recreation Commission workshop to be held at Azalea Park on Wednesday and invited everyone to attend.

Councilor Hamilton remarked that this year would be Safety City's 19th anniversary. This year's program, he said, beginning the second week in July, will serve its 1000th child. Hamilton gave the City "kudos" for supporting what he considers an outstanding program and invited Council to attend the graduation. He also said Dan Palicki had done an outstanding job of running the program.

Adjournment

Mayor Hedenskog moved, a second followed and Council voted unanimously by voice vote to adjourn at 8:04 PM.

Respectfully submitted:



Ron Hedenskog, Mayor

ATTESTED:
this 30th day of March 2016:



Joyce Heffington, City Recorder