

City of Brookings **WORKSHOP Agenda**

CITY COUNCIL

Monday, October 6, 2014, 4:00pm

City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415

A. Call to Order

B. Roll Call

C. Topics

1. Chetco Avenue crosswalks north of 5th Street. [ODOT, pg. 2]
 - a. Location alternatives [pg. 3]
2. Reinstatement of Facade Improvement Grant Program. [City Manager, pg. 9]
 - a. Grant program overview [pg. 10]
 - b. Urban Renewal Agency Funding availability and use [pg. 11]
 - c. Urban Renewal Agency Project Review [pg. 13]
3. Marijuana tax. [City Manager, pg. 19]
 - a. Various information [pg. 20]
4. Procedure for continuing a land use hearing to accept additional written or oral testimony. [Planning, pg. 25]
5. City responsibilities concerning persons in custody. [Public Safety, pg. 26]
6. Strategic Plan Update. [City Manager, pg. 27]
 - a. Plan [pg. 28]
7. Bears October Visit [City Manager, pg. 31]
 - a. Feasible locations [pg. 32]
 - b. Past locations [pg. 33]

D. Council Member Requests for Workshop Topics

E. Adjournment

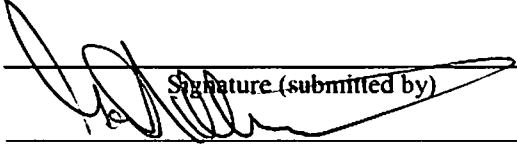
All public City meetings are held in accessible locations. Auxiliary aids will be provided upon request with at least 10 days advance notification. Please contact 469-1102 if you have any questions regarding this notice.

CITY OF BROOKINGS

COUNCIL WORKSHOP REPORT

Meeting Date: October 6, 2014

Originating Dept: City Manager



Signature (submitted by)

City Manager Approval

Subject: Crosswalks on Chetco Avenue north of 5th Street

Recommended Action:

Hear report from ODOT staff and discussion.

Financial Impact:

NA at this time.

Background/Discussion:

ODOT representatives will be attending the workshop to discuss the study they have completed on possible locations for a crosswalk on Chetco Avenue north of Fifth Street. ODOT has provided four alternative locations for a crosswalk.

The City is on record...at least as far back as 2005...requesting pedestrian crossing safety improvements on Chetco Avenue north of Fifth Street. At the City's request late last year, ODOT initiated a new traffic study of this area.

It is staff's understanding that a crosswalk did exist some years ago at Arnold Lane and several other locations along this segment of Chetco Avenue and that they were all removed for safety concerns; that there was inadequate sight-distance because the road curves just north of this location. Crosswalks are not a guarantee of safety and can provide a false sense of security for pedestrians. All of the alternatives provided in the ODOT report are "mid block" crosswalks. A "mid block" crosswalk is one not located at an intersection. Traffic safety experience is that drivers tend not to expect pedestrians to be crossing at locations other than an intersection.

The City has also repeatedly requested sidewalks along Chetco Avenue from where they currently terminate to the entrance of Harris Beach State Park and the rest area. This matter is also being addressed in the City's Transportation System Plan update, currently in progress. We may submit another proposal for State/Federal funding in the 2018 State Transportation Improvement Program process to fund installation of sidewalks along this area; hopefully ODOT will co-sponsor. We submitted a similar project in 2008 or 2009, but it was not selected for funding.

Attachment(s):

- a. Crosswalk location alternatives.

US 101 @ MP 356.8+/- ~ Brookings

Pedestrian Crossing Concepts

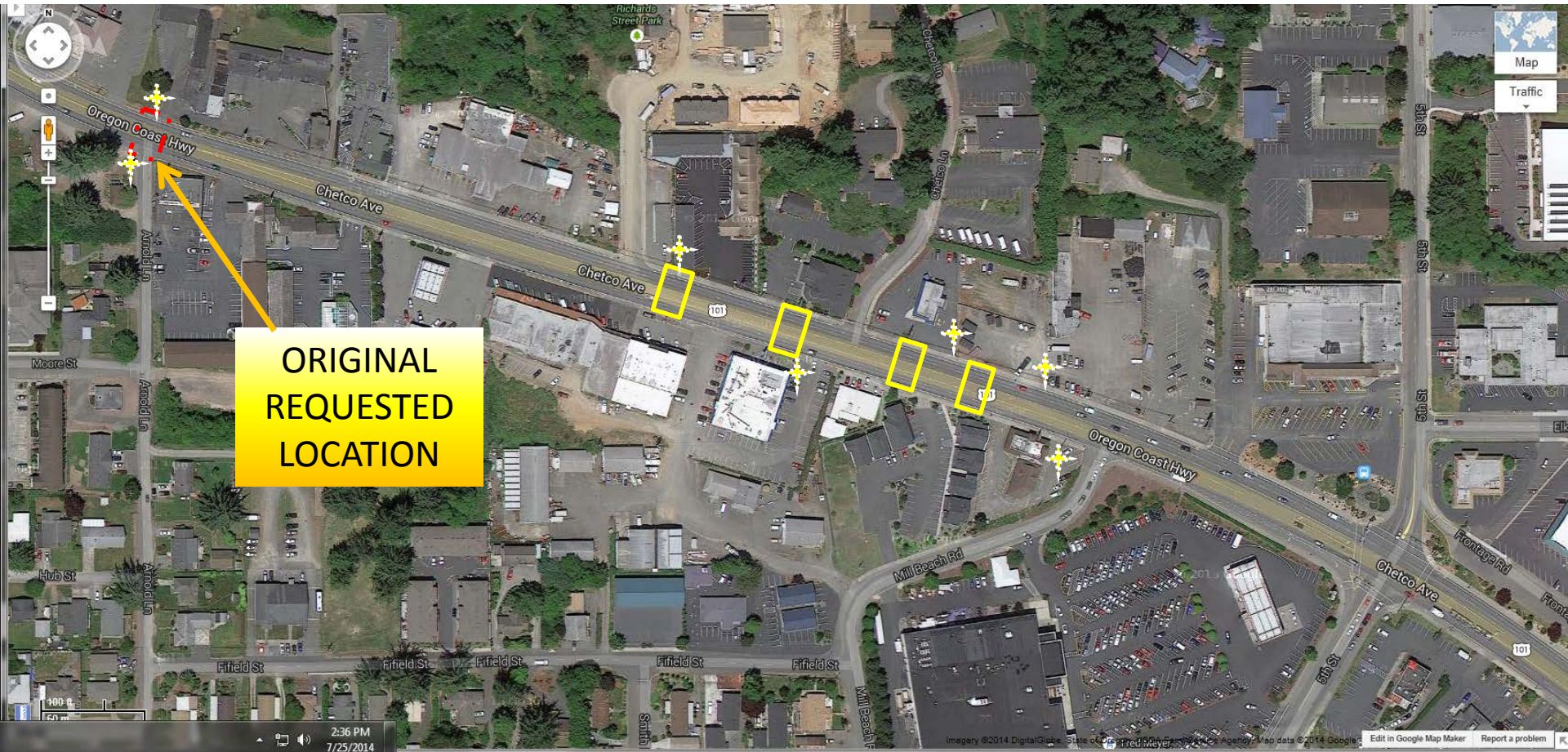
July 2014



Luminaire



Conceptual
Crossing
Location



US 101 @ MP 356.81+/- ~ Brookings

Cons

- Speeds are higher approaching north end of city
- Low pedestrian count
- No space for Raised Pedestrian Island
- Not ideal location due to horizontal and vertical curvature
- Considering the above, marking this location would reduce safety

Pros

- Luminaires
- Pedestrian generators nearby



ORIGINAL
REQUESTED
LOCATION



Luminaire



Conceptual
Crossing
Location

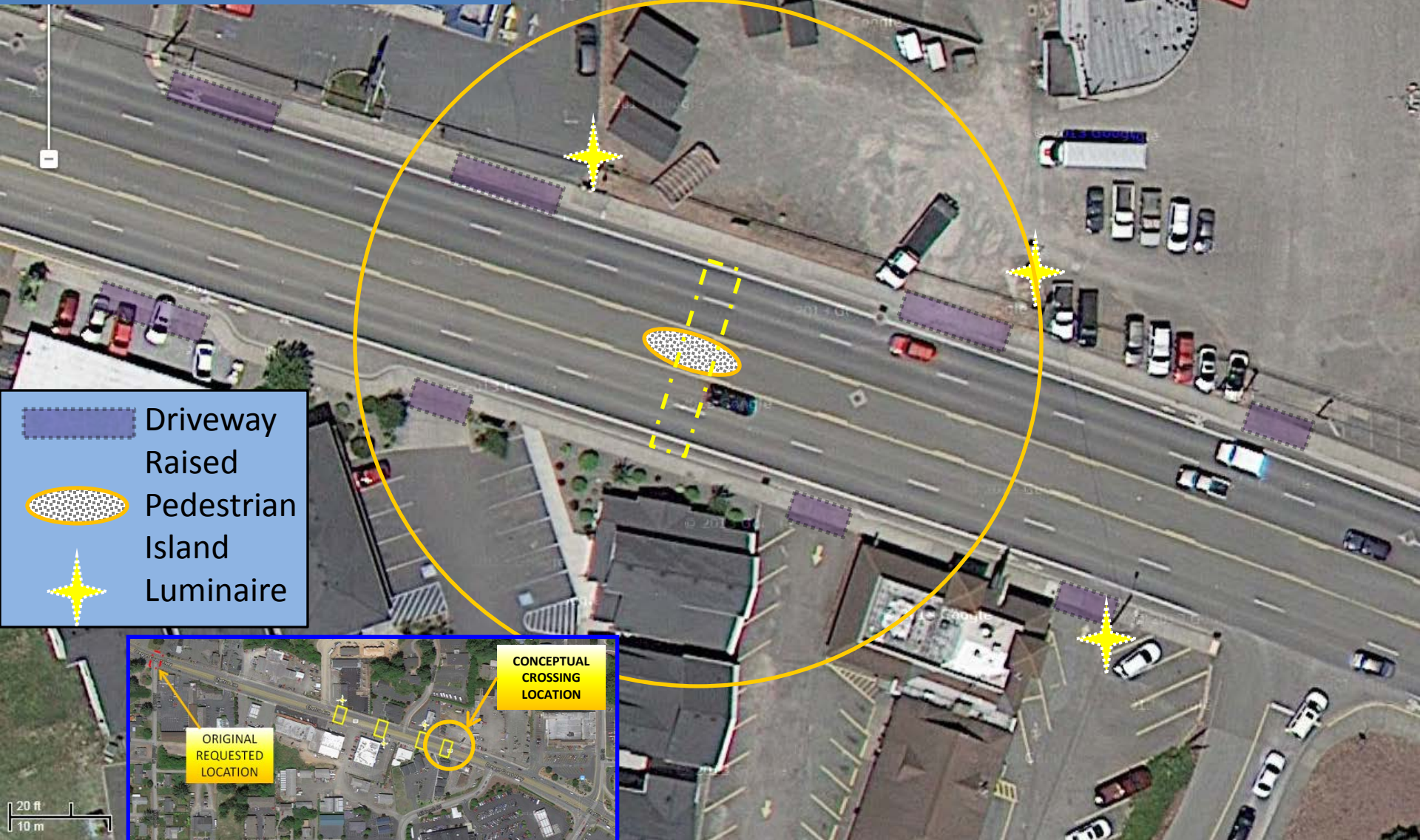
US 101 @ MP 356.81+/- ~ Brookings

Cons

- Close to signalized crossing
- Effects two-stage left turn out of two driveways
- Will effect left turns into 2 driveways

Pros

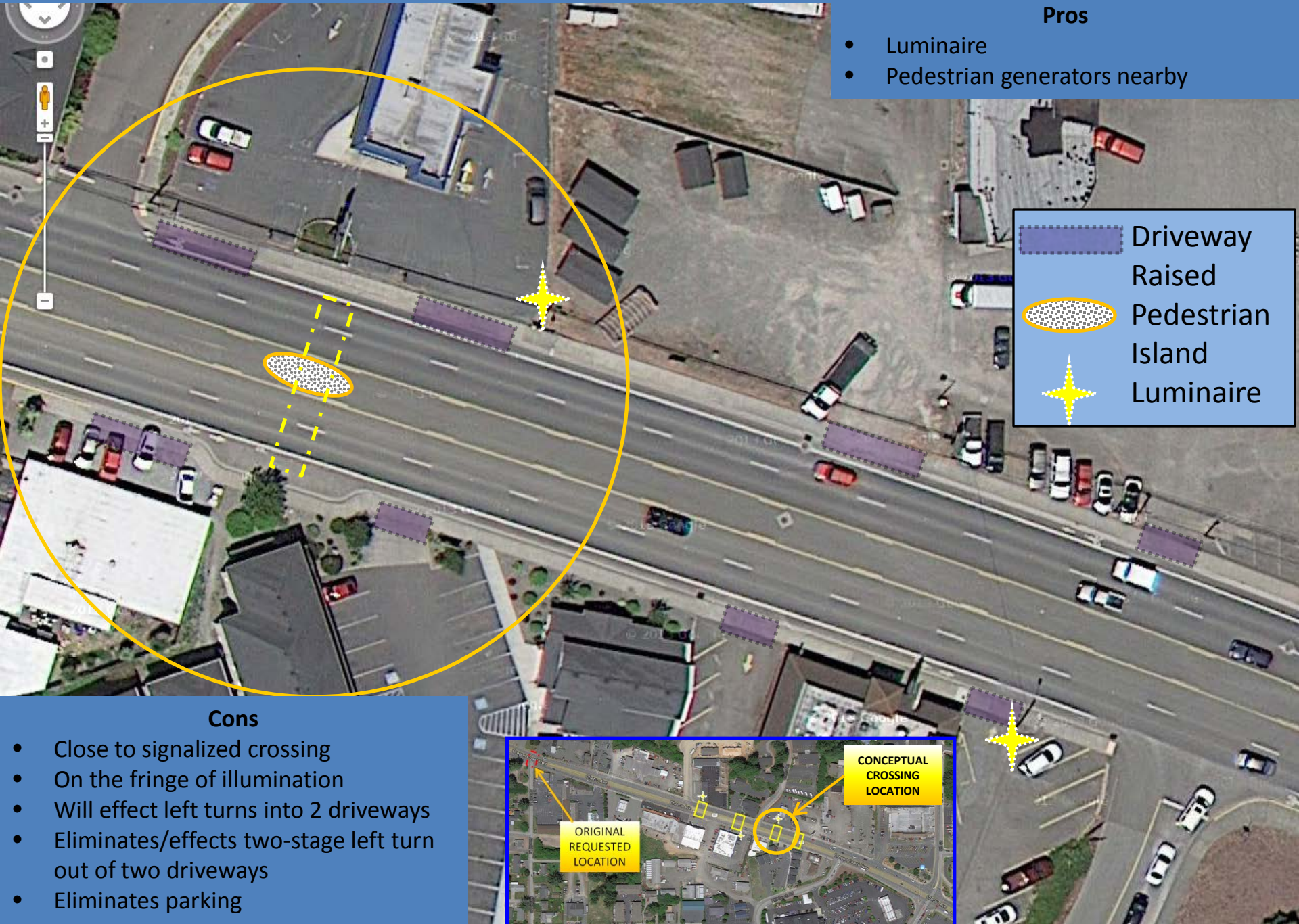
- Luminaires
- Pedestrian generators nearby



US 101 @ MP 356.81+/- ~ Brookings

Pros

- Luminaire
- Pedestrian generators nearby



Cons

- Close to signalized crossing
- On the fringe of illumination
- Will effect left turns into 2 driveways
- Eliminates/effects two-stage left turn out of two driveways
- Eliminates parking



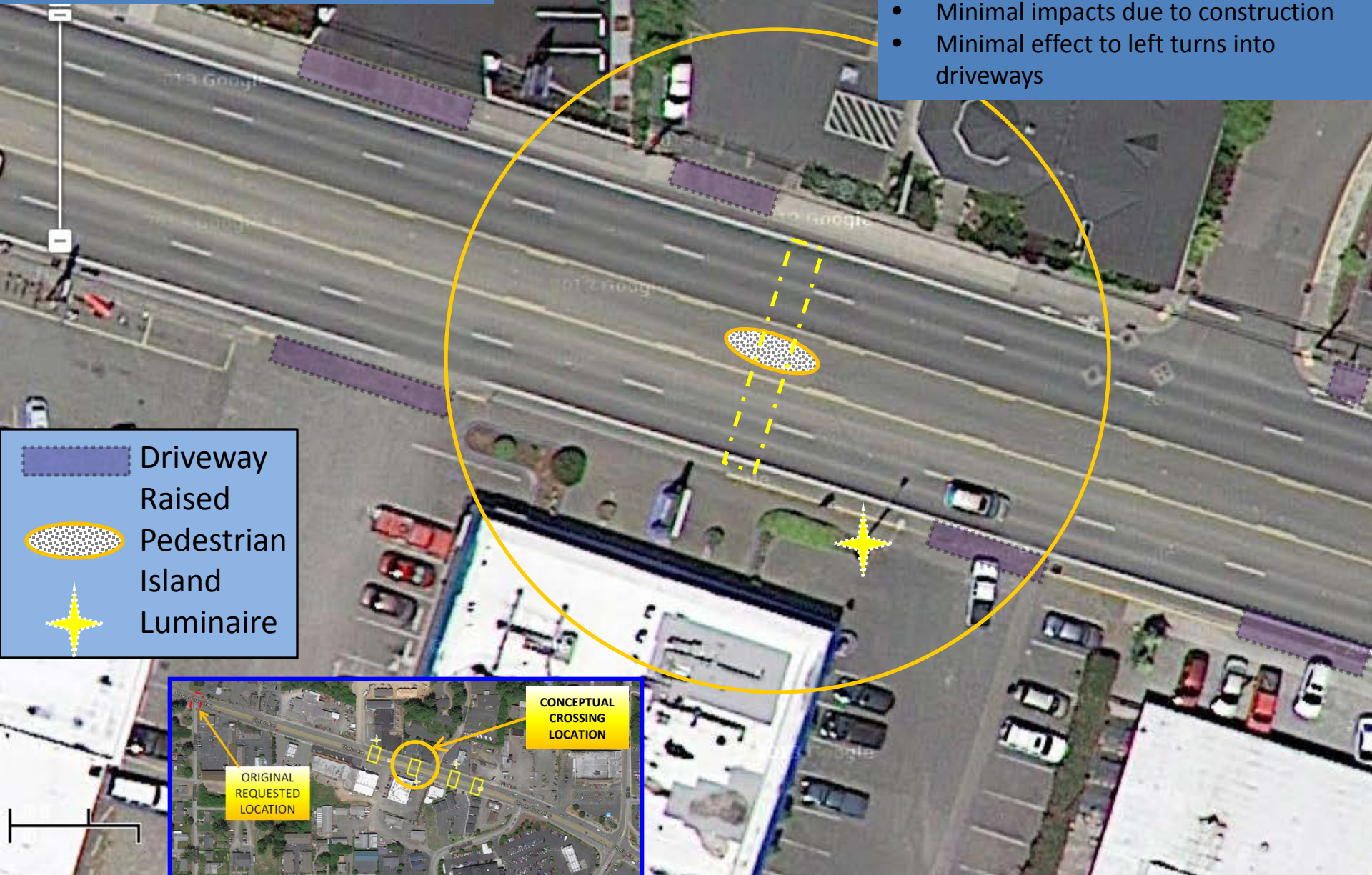
US 101 @ MP 356.81+/- ~ Brookings

Cons

- Eliminates/effects two-stage left turn out of two driveways

Pros

- Luminaire
- Pedestrian generators nearby
- Minimal impacts due to construction
- Minimal effect to left turns into driveways



Driveway
Raised
Pedestrian
Island
Luminaire



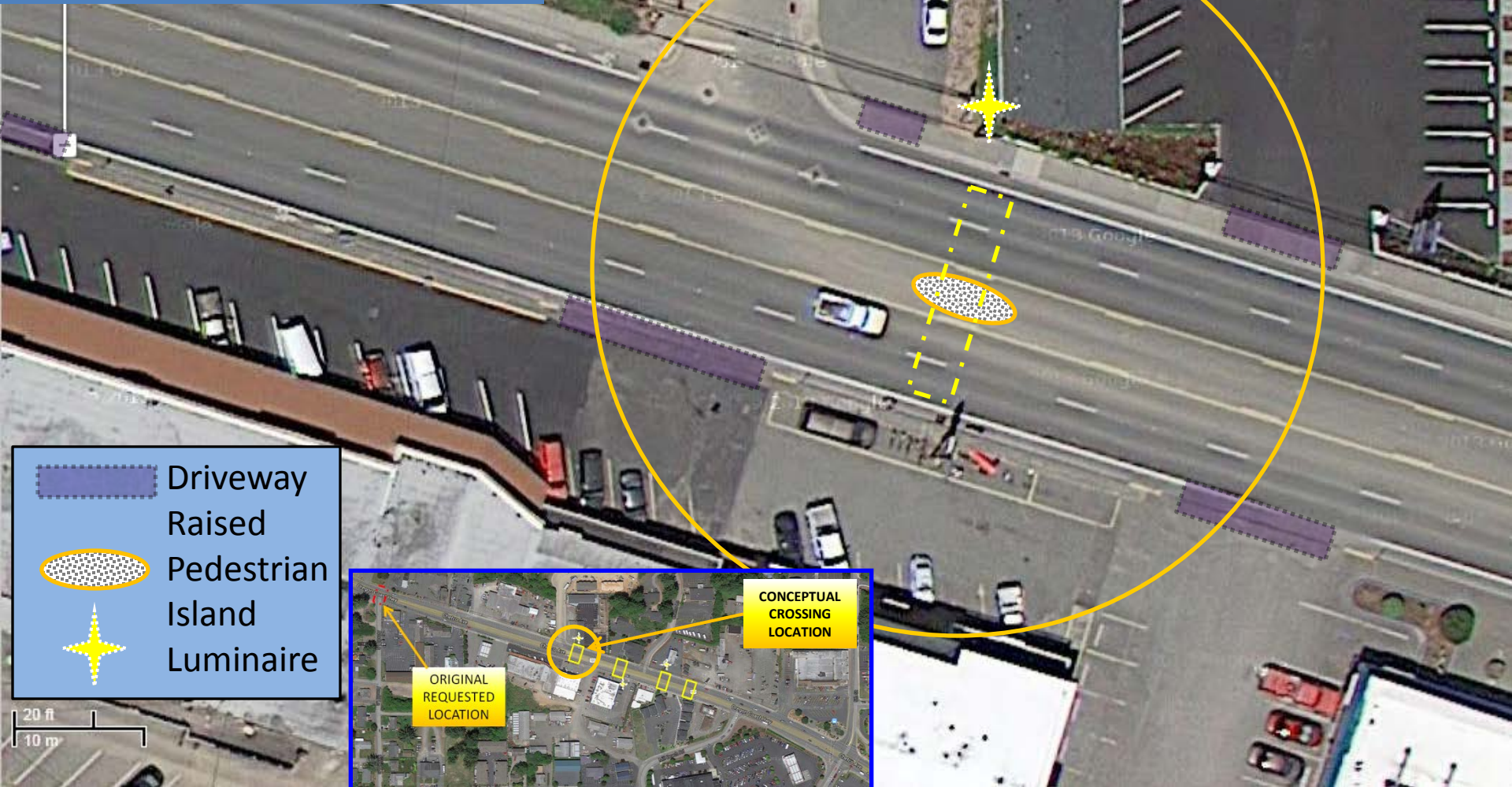
US 101 @ MP 356.81+/- ~ Brookings

Cons

- Effects two-stage left turn out of two driveways and a street
- Minimal effect to left turns into driveways
- Requires rebuilding ~100' of substandard width sidewalk
- May lose a parking spot or two

Pros

- Luminaire
- Pedestrian generators nearby
- Near new neighborhood and future path to Easy Street
- Minimal effect to left turns into driveways



Driveway

Raised

Pedestrian

Island

Luminaire

CONCEPTUAL
CROSSING
LOCATION

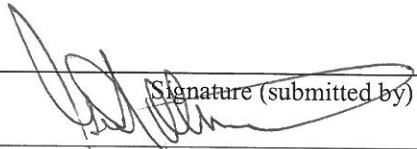
ORIGINAL
REQUESTED
LOCATION

CITY OF BROOKINGS

COUNCIL WORKSHOP REPORT

Meeting Date: October 6, 2014

Originating Dept: City Manager


Signature (submitted by)

City Manager Approval

Subject: Reinstatement of Façade Improvement Grant Program

Recommended Action:

Discussion and direction to staff.

Financial Impact:

See below.

Background/Discussion:

This matter was discussed at the City council meeting of September 9, 2014, in response to a façade improvement grant request from George Watwood.

The Urban Renewal Agency façade improvement grant program ended in 2008. A total of 24 façade grants were approved ranging from \$430-20,000. The grant program required a dollar-for-dollar match by the applicant, and the maximum grant was \$20,000. Attached is a listing of all projects. The Agency expended a total of \$275,545 for this program over a period of three years.

The program was administered by staff in consultation with the Urban Renewal Advisory Committee. Applications were initially reviewed and evaluated by staff, with interaction with the applicant, and were then reviewed by URAC. Topics such as architectural design, paint color and appropriate elements to be funded with URA funding were discussed by URAC, who then made funding recommendations to the Urban Renewal Agency.

The URA ended the program in 2008 and, with a few minor exceptions, turned its entire attention to the rehabilitation of streets, curbs, sidewalks, lighting, drainage and other utilities in the downtown core business district. The City Council/Agency reviewed the status of the Urban Renewal Plan and a list of potential projects earlier this year. The focus has continued to be on funding the Railroad Street improvement project planned for 2016. Currently, \$360,000 in URA funding is set aside for this project.

If the Agency desires to reinstate funding for the façade program, staff recommends that the Agency review all potential unfunded projects and undertake a prioritization process.

Attachment(s):

- a. Façade Improvement Program Overview
- b. URA Funding Availability and Use
- c. URA Project Review

Facade Improvement Program Overview

Total available, 06-08 \$ 275,568 Project Total 24

Total Match: \$ 275,545 (Paid out)

Balance : \$ 23 (rounded)

| Approved Projects | | | Total | Committed | Running | Amount | Year |
|-------------------|------------------|-------------------------------|--------|-----------|---------|--------|------|
| # | Physical Address | DBA | Cost | FIP Match | Balance | Paid | Comp |
| 1 | 815 Railroad | Coos Curry Electric | 11,290 | 5,645 | 269,923 | 5,645 | 2006 |
| 2 | 509 Chetco Ave | Colours Gallery | 2,700 | 1,350 | 268,573 | 1,350 | 2006 |
| 3 | 624 Fleet St | Fitzgerald Building | 860 | 430 | 268,143 | 430 | 2006 |
| 4 | 515 Chetco Ave | Gallery Restaurants | 5,514 | 2,757 | 265,386 | 2,757 | 2006 |
| 5 | 611 Spruce | Roberts & Associates | 19,940 | 9,970 | 255,416 | 9,970 | 2007 |
| 6 | 630 Fleet St. | Brookings Natural Foods | 3,500 | 1,750 | 253,666 | 1,750 | 2006 |
| 7 | 554 Chetco Ave | Lorings Lighthouse | 50,000 | 20,000 | 233,666 | 20,000 | 2007 |
| 8 | 815 Railroad | Coos Curry Electric (signage) | 6,932 | 3,466 | 230,200 | 3,466 | 2006 |
| 9 | 555 Chetco Ave | Brookings Chiropractic | 46,800 | 20,000 | 210,200 | 20,000 | 2007 |
| 10 | 410 Oak St. | Azalea Lane | 41,225 | 20,000 | 190,200 | 20,000 | 2006 |
| 11 | 365 Wharf | Bernie Bishop Mazda | 21,500 | 10,750 | 179,450 | 10,750 | 2007 |
| 12 | 517 Chetco Ave | Babin & Keusink, PC | 6,154 | 3,077 | 176,373 | 3,077 | 2007 |
| 13 | 2 Ross Road | The Center | 44,672 | 20,000 | 156,373 | 20,000 | 2007 |
| 14 | 704 Chetco | Curry Collections | 42,440 | 20,000 | 136,373 | 20,000 | 2007 |
| 15 | 549 Chetco | (vacant) | 38,200 | 19,100 | 117,273 | 19,100 | 2008 |
| 16 | 604 Railroad | Local Market | 35,000 | 17,500 | 99,773 | 17,500 | 2007 |
| 17 | 620 Hemlock | Humane Society Thrift Shop | 35,821 | 17,911 | 81,862 | 17,911 | 2007 |
| 18 | 509 Chetco | Exotic Wood | 7,500 | 3,750 | 78,112 | 3,727 | 2007 |
| 19 | 621 Chetco | Theatre | 46,410 | 20,000 | 58,112 | 20,000 | 2008 |
| 20 | 609 Chetco | Suzie Q's | 14,050 | 7,025 | 51,087 | 7,025 | 2008 |
| 21 | 519 Chetco | Chetco Plaza | 80,438 | 20,000 | 31,087 | 20,000 | 2007 |
| 22 | 654 Chetco | Banana Belt | 1,600 | 800 | 30,287 | 800 | 2007 |
| 23 | 520/522 Hemlock | Storage facility | 20,574 | 10,287 | 20,000 | 10,287 | 2008 |
| 24 | 702 Chetco | His Haven of Hope | 53,600 | 20,000 | - | 20,000 | 2008 |

\$636,720

Total Paid \$275,545

Unpaid Committed Balance \$ -

\$361,153 Leveraged

11,481 Avg Grant

* includes additional \$6373 approved by Council for 702 Chetco project

URBAN RENEWAL AGENCY FUNDING AVAILABILITY AND USE

CURRENT ANNUAL REVENUE: *\$515,000*

CURRENT ANNUAL DEBT SERVICE: *\$420,740*

CURRENT ANNUAL ADMINISTRATIVE ALLOCATION: *\$50,000*

UNDESIGNATED FUND BALANCE: *\$25,000*

POSSIBLE PROJECTS

- **Aquatics/Community Center.** Fund construction for covering existing swimming pool and adding a community recreation center. Would need to resolve issue that location is not within the boundaries of the URA; could be rationalized that the facility would have a “direct benefit” to URA thus making it eligible for URA funding..
- **Reconfigure/improve Azalea Park athletic fields.** Reconfigure existing softball fields and add a soccer field. Install all-weather surfaces. This would make the field available for more tournaments and attract more visitors (players, families) to the Brookings area. \$2.8 million estimate.
- **Railroad Street reconstruction.** Provide portion of local match for grant-funded Railroad Street reconstruction project. 2016. \$1.0 million total match needed.
- **Hemlock Street reconstruction.** This street was a part of the downtown street improvement project, but was not included in the construction due to budget constraints. Poor drainage and street surface conditions persist. \$362,000.
- **Performing Arts Center.** Purchase bowling alley, develop additional parking and enter into agreement with non-profit to redevelop bowling alley as a performing arts center.
- **Downtown façade grant program.** Reinstate program that was terminated several years ago when all funds were allocated to downtown infrastructure project.
- **More downtown flower baskets.** Double the number of flower baskets. \$4,320 for more baskets/brackets + \$8,000 General Fund expenditure annually to sustain the program.
- **Downtown parking.** Create additional off street parking by leasing property adjacent to alleys (i.e. existing areas used for parking and/or storage and/or vacant land) and develop as unified public parking.

- **Downtown directional signing.** Install signs to assist visitors in identifying shopping and parking areas downtown, location of attractions (like Chetco Point Park).
- **Historic Landmark sign.** At the Central Building. This is the only National Register site in Brookings and the building will be 100 years old in 2015.
- **Development Master Planning and Marketing.** Option and develop master plan for selected undeveloped sites.
- **Extend water and sewer service for a new snack shack/restroom at Azalea Park** (at athletic fields). This project was approved some years ago, but was not implemented due to the emergence of plans to reconfigure the fields.
- **Sidewalk Infill Projects.** Install sidewalks at various locations within the URA where there are gaps in the sidewalk system. Three such projects are currently scheduled on Hemlock Street and Alder Street.

CITY OF BROOKINGS URBAN RENEWAL AGENCY PROJECT REVIEW

The City of Brookings Urban Renewal Plan was developed in 2002. The purpose of this report is to review progress on the Plan during the first decade of the Urban Renewal Agency, and to initiate discussion on projects going forward.

I have included the 2002 cost estimates for each major category of work. These are not budget numbers or maximum numbers, but are useful in understanding the relative importance each of the Projects were given at the time.

PUBLIC PARKS AND OPEN SPACES (1,582,500)

Create a Central Plaza

No projects completed or contemplated.

Walkways and Plazas

The URA plan identifies several specific areas where pedestrian facilities are needed: Cottage Street between Pacific and Mill Street, Valley Street between Hillside and Pacific, Pacific Avenue north of Highway 101, South side of Highway 101 from Crissy Circle to Arnold, Hillside Avenue between Highway 101 and Valley Street, many locations along Railroad Street. The Railroad Street sidewalks would be installed as a part of the Railroad Street project (see **STREETS AND PUBLIC UTILITIES**). We have budgeted URA funds for infill sidewalks along the 600 block of Hemlock and on Alder Street between Spruce and Hemlock in the current fiscal year. No separate “walkways and plazas” are contemplated.

Local Nature Interpretive Areas

The only project that has been discussed is a possible trail restoration and interpretive area in the Sudden Oak Death treatment area of Azalea Park.

Looped Walkway from Downtown to Public Parks

No projects completed or contemplated.

Wetlands Park at Old Mill Pond

South Coast Lumber was contacted concerning this project in 2011-12 and was not interested in pursuing. Location is on South Coast Lumber property.

Enhance Chetco Park and Other Parks in Project Area

Parks in the Project Area include Chetco Point Park, Azalea Park, Bankus Park and Stout Park. Bud Cross Park is **not** in the Project Area. Park projects currently contemplated and which could be funded through URA include: Reconfiguring the athletic fields at Azalea Park to provide for

all-weather use, an additional snack shack at Azalea Park, restrooms at Chetco Point Park, and restrooms at Stout Park. Funding to extend water and sewer service from Lundeen Lane into Azalea Park to support field irrigation improvements and the development of an additional snack shack were allocated by the URA in 2010, but were not expended due to plans for a major restructuring of the athletic fields. A small amount of funds were also allocated for improvements to Stout Park.

STREETS AND PUBLIC UTILITIES (\$3,165,000)

Improve Chetco Avenue, Railroad, Fern, Willow, Spruce, Hemlock, Alder, Wharf Streets

Chetco Avenue through downtown Brookings was reconfigured in 2006-07; the URA participated in funding this project. A project to reconstruct Railroad Street is proposed for 2016-17; grant funding is being sought and URA funding will be needed to provide the required \$1.0 million match. Reconstruction of Fern, Willow, Alder, Wharf and Spruce Streets in the downtown area was completed using \$3.4 million in URA funding. Only Hemlock Street remains to be addressed among streets on this list.

Assist Street Improvements in Capital Improvement Plan

URA funding could be used to pay a portion of the cost for any other street improvement project occurring in the Project Area. The City is currently developing a new Transportation system Plan which will identify street improvement needs citywide.

Assist Water, Sewer, Storm Improvements in Capital Improvement Plan

A substantial portion of the cost associated with the downtown street improvement project involved the replacement of water, sewer and storm drain infrastructure. URA funding could be used to pay a portion of the cost for any other water, sewer or storm drain project occurring in the Project Area.

STREETSCAPE (\$791,250)

Accent Paving

No projects completed or contemplated.

Decorative Lighting

Unique street lights were installed as a part of the two downtown street improvement projects completed to date, and will be included in future plans for Hemlock and Railroad Streets. No other decorative lighting projects have been completed or are contemplated.

Street trees, planters, landscaping

Street trees were installed as a part of the Chetco Avenue improvement project. Flower baskets for downtown light poles have been designed and the City plans to seek bids for providing and maintain baskets in 2014. A small amount of URA funds were used to install landscaping at the

two “pocket parks” along Chetco Avenue. Funds could be used to landscape the highway right-of-way on the north end of the Chetco River Bridge and install a gateway monument (see **Gateway Monuments and Landscape Features**).

Benches, Trash Receptacles, Bike Racks

Street furniture was installed along Chetco Avenue as a part of the street improvement project. URA funding could also be used to install new benches, trash receptacles and bike racks at Azalea Park, Chetco Point Park and Stout Park.

Street and Directional Signs

Enhanced signing downtown could assist tourists with locating parking and community amenities. A plan could easily be developed for such a project.

Public Art

The Public Art Committee could be asked for recommendations.

Gateway Monuments and Landscape Features

The original Plan contemplated gateway monuments for the downtown area along Chetco Avenue. There could be considerable discussion as to the boundaries of the “downtown area.” One project that has been discussed in a preliminary way is landscaping the Highway shoulder areas between the Chetco River Bridge and Oak Street and installing a Brookings monument sign similar to the one on the north end of town. See also **Enhancement of Public Museum**.

Undergrounding of Overhead Utilities

Undergrounding has been accomplished as a part of the downtown street improvement projects. No stand-alone undergrounding projects are contemplated.

PEDESTRIAN, BIKE AND TRANSIT (\$791,250)

New Bike Paths in Renewal Area

A multi-use path is planned as a part of the Railroad Street project. The City’s bicycle plan also includes bike paths along Oak Street and other locations.

Pedestrian Connections to Waterfront

This project is not clearly defined in the Plan. The project might be interpreted to include the Mill Beach Access and the two proposed pedestrian access/overlooks in the Tanbark Road area. The estimated cost of these projects is \$122,000. See attached.

OTHER PUBLIC FACILITIES (\$2,373,750)

Public Restrooms

Public restroom needs have been identified at the following locations within the Project Area: Chetco Point Park, Mill Beach Access, Stout Park.

Enhancement of Public Museum

There is no public museum in the project area. There is a private museum at the privately-owned Central Building, which is the only building in Brookings that is a registered National Historic Landmark. A 100th Anniversary of the Central Building is being planned by a citizens group in 2015. The group is hoping to include a number of projects beyond the building itself in a multi-week program; none of these projects would be considered an “enhancement of public museum.” One project that could be considered a “monument” project would be to install a National Historic Landmark monument on the City parking lot property adjacent to the Central Building

Relocate City Hall

Preliminary plans for the construction of a new City Hall were developed in the early 2000’s. The project was never pursued past the conceptual stage. If the City returns to a growth pattern, there will be a need to expand City staff and the current City Hall facility would become inadequate. There are several approaches to dealing with this matter. The City has a major infrastructure investment in the current City Hall/Police/Fire complex. Rather than relocating the facility elsewhere, the existing Council Chambers and, possibly, the garden area could be converted to office use, and the City Council Chambers/Courtroom could be relocated off-site, possible to a community center. Fort Bragg moved its City Council Chambers off-site during my tenure there as City Manager, and the Crescent City City Council meets in the community center.

Performing Arts Center

Staff recently met with representatives of the two theater companies and other performing arts groups in the community. There is interest among these groups for a joint-use performing arts center. The URA may be able to assist in this effort by funding preliminary study work to select a site and prepare a preliminary facility plan.

Community Center

There is a group that is actively pursuing the development of an aquatics center, and this group has recently expanded this discussion to include the possible development of a companion community center. While a swimming pool is not listed among URA projects, the URA may be able to assist in this combination project effort by funding preliminary study work and preparation of a preliminary facility plan.

PUBLIC PARKING FACILITIES (\$791,250)

New Lot at Fern and Spruce

The URA considered purchase of this property several years ago and declined to proceed. The property is currently available for sale at \$175,000.

New lots at pockets along Railroad Street

This project has not been pursued. A parcel at the southeast corner of Railroad and Wharf Streets is currently for sale (across from Bi Mart), but staff believes this is not a convenient location for downtown shoppers. It may be a good location for a bicycle kiosk and small park as the Railroad Street plan calls for developing a bicycle path through town along Railroad Street, and a private bicycle repair business is located on the adjacent property.

New RV Parking Lot

The original Plan called for the development of an RV parking lot on Alder Street between Spruce Drive and Spruce Drive. It is generally thought that this location is too far-afeld from the downtown core area to serve as a parking area for visitors. The City owns a portion of the parking lot in front of Ray's Market that is stripped for RV parking. This parking lot could use better signing/visibility as RV parking. No other sites along Chetco Avenue have been identified as potential RV public parking sites.

DEVELOPMENT AND REDEVELOPMENT (\$3,165,000)

Assist Development of New Medical Facility

There is no clear definition of this project. The URA could assist Curry Health Network (CHN) in the development of the new clinic and the current effort to obtain the necessary certificate of need to expand the clinic for use as a hospital and emergency room. The URA could offer incentives in various forms, including subsidizing System Development Charges, pledging URA funding toward the CHN debt service or directly contributing toward the construction of the hospital project.

Assist development of higher education facilities

There are no higher education facilities located in or contemplated to be located in the Project Area.

Assist in construction or expansion of job creating facilities

This is a very broad project definition. Activities could include below-market loans to start-up or business expansions, paying SDCs or other fees on behalf of new businesses, purchasing property at market value and reselling to a job-creating business at below market, paying for offsite improvements.

The URA purchased the former City Maintenance Yard at market value and resold the property to Bi-Mart at a lower price, essentially assisting Bi-Mart in the construction of a new facility that created jobs.

LOW INTEREST RATE LOANS AND INCENTIVES (\$791,250)

A broad project definition. The URA has not developed a low interest loan program, but could sell bonds to create a low interest loan fund. The only incentive program that the URA has offered to date has been to new restaurants seeking to locate in the downtown area; the URA has a program to pay the SDCs for new restaurants; there have been no applicants.

PRESERVATION AND REHABILITATION (\$791,250)

The City conducted a façade improvement program in 2006-2008, using URA funds to match private funds in the rehabilitation of some two dozen building facades in the downtown area. That program was curtailed when the URA focused on the downtown street improvement project. URA funding could be used for funding a facade program, and/or funding a program of low interest loans and grants for the structural rehabilitation of buildings in the Project Area. Preservation and rehabilitation of public facilities would also fall into this category.

PROGRAM ADMINISTRATION (\$1,582,500)

This is a program category that authorizes the URA to pay for the cost of administration of the URA from tax increment funds. A portion of the cost of City staff time and auditing costs is charged against the URA.

TAX INCREMENT

The Urban Renewal Agency receives its funding from property tax revenues occurring as a result of increased taxable values within the Urban Renewal Area. Most URA's pursue projects early in the Plan period (the Brookings Plan period is 2002-2019) that would result in an immediate and lasting impact on raising tax increment revenue. Brookings did not take this approach, but instead focused its efforts in the first 10 years on public infrastructure projects, with a comparatively small amount of funding being allocated to private building improvements and attracting a major new retailer.

The 2002 Plan estimated annual tax increment revenues of \$782,343 by 2013. Actual revenues for fiscal 2012-13 were \$489,838 and are projected at \$523,678 for the current fiscal year. At least part of the reason for this shortfall can be attributed to general poor economic conditions during most of the period since the inception of the URA. The annual debt service on the existing loan for the 2008 downtown project is \$449,121. There was an unallocated fund balance of \$280,000 as of June 30, 2013.

CITY OF BROOKINGS

COUNCIL WORKSHOP REPORT

Meeting Date: October 6, 2014

Originating Dept: City Manager



Signature (submitted by)

City Manager Approval

Subject: Marijuana Tax

Recommended Action:

Discussion and direction to staff.

Background/Discussion:

A number of cities and counties are considering the enactment of a tax on the sale of medical and/or recreational marijuana. Staff is placing this matter on the workshop agenda for discussion and to receive an indication as to whether this is something the City Council may be interested in considering.

Attachment(s):

- a. Various news clips and emails related to this topic.

>

By Damian Mann Mail Tribune

Print Page

September 04, 2014 7:57PM

Medford council considers pot tax

A tax on marijuana was given serious consideration by the Medford City Council on Thursday as a preemptive measure in the event pot is legalized this November and the federal government lessens criminal penalties.

"I think the prudent thing is to adopt a tax," Councilor Daniel Bunn said. "I think we're being pushed into a corner on this."

However, various councilors denounced the medical marijuana dispensary program in the state and criticized the disparity between federal and state laws on pot.

"In terms of the medical marijuana program, I think it's a farce," Councilor Bob Strosser said.

The council decided to explore creating a contingency tax that could have a range of roughly 5 to 15 percent on all marijuana transactions.

The council earlier this year declared a permanent moratorium on medical marijuana. Councilors worry that pot could become legal under Ballot Measure 91, titled the Control, Regulation, and Taxation of Marijuana and Industrial Hemp Act of 2014.

Members fear municipalities won't be able to tax marijuana after November if the measure passes because of language written into Ballot Measure 91, which prevents cities from adopting taxes after the fact.

At the same time, the council didn't appear to soften its stance on marijuana sales within the city because it still violates federal law.

"Somehow, I think my oath of office is more important than anything else," Councilor Dick Gordon said.

With cannabis laws changing so quickly, Gordon said he thinks the federal government will be pushed into a corner and will eventually reschedule marijuana.

Gordon and other councilors didn't want to set too high a tax because it could encourage black market sales of pot.

Washington and Colorado — where recreational pot is legal — are still struggling with setting the best tax rate possible to bring in revenue but not to tax too high, Deputy City Attorney Kevin McConnell said.

"What's happening in Washington is people are going back to the black market," he said.

In Denver, the city has received \$5 million in new tax revenue from January to June, McConnell said, though he said the state of Colorado has received less tax revenue than anticipated.

The amount of money raised from taxes could help offset the additional costs of enforcement as well as deal with health and safety issues in the city, he said.

"It looks like a significant amount of tax revenue could be lost," McConnell said.

A person McConnell knew who visited Amsterdam recently asked a shop owner if he could see the best marijuana available. The visitor was taken to a back room and shown a jar of marijuana grown in Southern Oregon, he said.

"We have the best marijuana in the world," McConnell said.

The councilors indicated they would like to act on a local tax before the November election.

"A lot is being put in place for some kind of preemptive taxing measure," City Manager Eric Swanson said.

Reach reporter Damian Mann at 541-776-4476 or dmann@mailtribune.com. Follow him on Twitter @reporterdm.

<http://www.mailtribune.com/article/20140904/NEWS/140909829>

Print Page



Gearhart ponders pot tax

Nancy McCarthy

Published:
September 4, 2014 10:24AM

The Gearhart City Council will consider placing a tax on medical and recreational marijuana.

GEARHART — If marijuana is ever allowed to be sold in Gearhart, those selling it may have to pay a tax to the city.

The Gearhart City Council agreed Wednesday night to consider an ordinance that would place a tax on marijuana sales. Although the councilors didn't have an actual ordinance in front of them, a sample ordinance written by the law firm the city contracts with, called for a 5 percent tax on medical marijuana and a 10 percent tax on recreational marijuana.

Attorney Dan Olson, who was filling in for city attorney Peter Watts, said the council had until the general election Nov. 4 to pass the ordinance. A measure on the Nov. 4 ballot, which would legalize recreational marijuana, is "unclear whether cities or counties can tax marijuana after the measure passes," Olson said.

The council agreed to conduct a special meeting later this month to consider a proposed ordinance. Although the meeting date wasn't decided, it most likely will be Sept. 22 or 24. The meeting will be open to the public. The special meeting enables the council to make changes to the ordinance before the regular council meeting Oct. 1. If it is adopted then, the ordinance wouldn't become effective until Nov. 1.

The taxes would go into the city's general fund, Olson said. City Councilor Joy Sigler, who said she wouldn't want medical marijuana to be taxed, said she would like to see the money earmarked for something specific, which would have to be determined.

Councilor Al Carder suggested that the council consider the ordinance "because we don't know how things are going to shake out." The council could ultimately repeal the tax or reduce it, Carder said.

However, the tax could not be increased, Olson noted.

Olson noted that the city of Milwaukie recently passed an ordinance that would tax recreational marijuana only, if the Nov. 4 ballot measure passes.

The Gearhart Council placed a moratorium on medical marijuana dispensaries in April, and the city's Planning Commission is considering potential zoning regulations that would govern where dispensaries could be located, their operating hours and the manner in which medical marijuana could be sold. The regulations must be in place by May 1.

In other business, the council heard a presentation from Larry Galizio, president of Clatsop Community College, on a proposed bond measure to renovate the 93-year-old Patriot Hall. (See related story.)

It is 'unclear whether cities or counties can tax marijuana after the measure passes.'

— Dan Olson

attorney



Gary Milliman

From: TOWERY Jeffrey
Sent: Wednesday, September 10, 2014 8:06 AM
To: Oregon City/County Management Association
Subject: RE: [occma] Marijuana Tax

Springfield will take the issue up as well. I don't know whether the Council is inclined to pursue Ashland's approach or focus on recreational use for taxation purposes.

Jeff

From: David Clyne [<mailto:clyne.david@ci.independence.or.us>]
Sent: Tuesday, September 09, 2014 5:37 PM
To: Oregon City/County Management Association
Subject: RE: [occma] Marijuana Tax

We are taking the Ashland ordinance in front of Council tonight to get the temperature of the Council. My guess is that they will want to adopt a modified form that would tax retail (recreational), but not medical MJ. Likely, we will be back in October for first and second reads.

David Clyne
Independence

From: Seth Atkinson [satkinson@ci.sandy.or.us]
Sent: Tuesday, September 09, 2014 5:24 PM
To: Oregon City/County Management Association
Subject: Re: [occma] Marijuana Tax

Keith,
Sandy will be considering it at our September 15th meeting. There is a chance that the tax may not be grandfathered. We'll be structuring ours after the ordinance adopted by Ashland, our attorney is still working on the final draft. We'll be recommending 10% on both retail sales and medicinal sales.

On Tue, Sep 9, 2014 at 4:52 PM, Keith Campbell <KCampbell@ci.stayton.or.us> wrote:

My understanding is this question has made its rounds on the city attorney's list serve, but I was looking for more information.

I am interested in knowing how many cities have or are considering adopting a marijuana tax before Section 42 (taxation preemption) of Ballot Measure 91 (recreational marijuana) becomes effective? I understand a few communities have already done this, and there are some legal questions if the tax would hold up to legal scrutiny.

If you have adopted a tax, or are considering a tax, what structure did you put in place for said tax?

Gary Milliman

From: Gregory Hinkelman
Sent: Wednesday, September 10, 2014 8:42 AM
To: Oregon City/County Management Association
Subject: RE:[occma] Marijuana Tax

We are considering with an Ordinance (based on Ashland – And thanks for letting us plagiarize). We will have two meetings in October to adopt.

Greg

Greg Hinkelman
City Manager
Clatskanie, Ore.
Office (503) 728-2622
Fax (503) 728-3297

From: Keith Campbell [<mailto:KCampbell@ci.stayton.or.us>]
Sent: Tuesday, September 09, 2014 4:53 PM
To: Oregon City/County Management Association
Subject: [occma] Marijuana Tax

My understanding is this question has made its rounds on the city attorney's list serve, but I was looking for more information.

I am interested in knowing how many cities have or are considering adopting a marijuana tax before Section 42 (taxation preemption) of Ballot Measure 91 (recreational marijuana) becomes effective? I understand a few communities have already done this, and there are some legal questions if the tax would hold up to legal scrutiny.

If you have adopted a tax, or are considering a tax, what structure did you put in place for said tax?

Any input would be appreciated.

Thanks,
Keith

Keith D. Campbell | City Administrator | City of Stayton, Oregon
362 N. Third Avenue, Stayton, OR 97383 | Work: 503.769.3425 | Cell: 503.932.1504 | E-Mail: kcampbell@ci.stayton.or.us

CITY OF BROOKINGS

Council WORKSHOP Report

Workshop Date: October 6, 2014

Originating Dept: PWDS, Planning

19 Donna Colby-Hanks
Signature (submitted by)
City Manager Approval

Subject: Procedure for continuing hearings for written or oral testimony.

Recommendation: Information only.

Financial Impact: None.

Background/Discussion: City Council has several options for accepting additional oral or written testimony at a land use hearing. One option widely used in the planning profession to receive written testimony is leaving the record open for seven days for anyone to submit materials, followed by seven days for participants to respond to the materials submitted, followed by seven days for the applicant to submit rebuttal. The applicant may agree to a lesser time for final rebuttal. The Mayor or Staff would announce the deadlines for each of the seven days as well and a date, time and place certain for the hearing to reconvene for Council deliberation and decision.

Council may grant additional time for oral testimony by announcing a date, time and place certain for the hearing to continue. The continued hearing would follow the same process as the original hearing. No additional public notice would be required. Although the Planning Commission is required by ORS to grant continuances, City Council may use their discretion in determining when it is appropriate and the length of time the record is open. If the record is left open, the minimum length of time is seven days.

Policy Considerations: None.

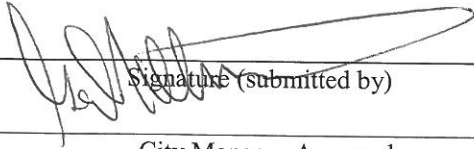
Attachment(s): None.

CITY OF BROOKINGS

COUNCIL WORKSHOP REPORT

Meeting Date: October 6, 2014

Originating Dept: City Manager



Signature (submitted by)

City Manager Approval

Subject: City Responsibilities Concerning Persons in Custody

Recommended Action:
Discussion only.

Background/Discussion:

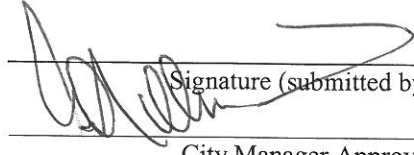
Public Safety Director Chris Wallace will brief the City Council and answer questions with respect to the City's procedures and responsibilities regarding persons taken into custody by the Brookings Police Department and who are transported to Curry County Jail and/or Curry General Hospital.

CITY OF BROOKINGS

COUNCIL WORKSHOP REPORT

Meeting Date: October 6, 2014

Originating Dept: City Manager



Signature (submitted by)

City Manager Approval

Subject: Strategic Plan

Recommended Action:

Discussion and direction to staff.

Background/Discussion:

The City Council periodically reviews the status of action items and projects included in its Strategic Plan. The Plan status has been updated as of September, 2014.

Additions? Deletions?

Attachment(s):

- a. Strategic Plan matrix.

City of Brookings 2014 Strategic Plan

| GOAL 1: An Effective, Responsive, Ethical City Government That Is Fiscally Sustainable. | | | | |
|---|------------------------------|---|-------------------|--|
| Objectives | Priority/Action Items | | Resp Party | Status/Notes |
| <ul style="list-style-type: none"> Sufficient revenue to sustain City services at appropriate levels. Provide competitive employee compensation through a merit-based system. Balanced revenue system that recognizes demands on City services by residents, businesses and visitors. Stable, effective and accountable management. Maximize non-City revenue resources to pay for services provided to unincorporated area. Encourage new private investment. Expedite development plan implementation. Sustain positive workplace environment and employee morale. Assure internal consistency and efficiency. Utilize local contractors. Succession planning. | 1 | Maintain General Fund reserve at 5 percent of operating budget. | BC | Included in 2014-15 budget |
| | 2 | Review/update storm water fees. | PWD/FHD | Master plan update; budgeted - in progress |
| | 3 | Conduct conservation improvements at water and wastewater plants. | PWD | Baseline energy use documented; staff will monitor to see if operational changes will reduce energy. In progress |
| | 4 | Significantly reduce vehicle fuel consumption. | PWD | Largest fuel user is anaerobic digester. Staff proposing CIP budget for increased gas storage. Fuel efficient municipal pool and fire vehicles. Lowered anaerobic digester temp. |
| | 5 | Develop plan for recruiting and sustaining volunteers. | PWD | Parks/Tech Supervisor and Public Safety Dept. developing plan for park ranger program |
| | 6 | Complete infrastructure GIS project. | PWD | In progress. |
| | | | | |
| | | | | |
| GOAL 2: A Safe Community | | | | |
| Objectives | Priority/Action Items | | Resp Party | Status/Notes |
| <ul style="list-style-type: none"> Adequately staff, equipped and housed police and fire departments Maintain streets in safe/serviceable condition. Provide clean drinking water and compliant waste water treatment. Improve personal/family preparedness. | 1 | Build and equip an Emergency Operating Center. | CM/PWD | Completed |
| | 2 | Exercise emergency plan. | PSD | EOC training May 2014 - annual exercise beginning in 2015. |
| | 3 | Develop bicycle plan & pursue funding for improvements. | PWD | Bicycle Plan Adopted - Harris/Dawson Project to begin 2013; more grants in progress. TSP update underway; includes bike amenities |
| | 4 | Promote "Map your Neighborhood" preparedness program. | PSD | Developing program through VIPS & VFD. Several neighborhood meetings held; little public interest. |
| | 5 | Allocate \$250,000 annually for street reconstruction and major maintenance. | BC | Annual program. |
| | 6 | All employees & City Council members complete NIMS training at level required to perform their disaster assignment. | CM/CC | All employees have completed |
| | 7 | Improve pedestrian/vehicle safety; replace hazardous storm drain grate; make pedestrian facilities more accessible. | PWD | ODOT signage request; work w/Vision Council; TSP update underway; RARE creating GIS data. |

KEY: BC = Budget Committee CA = City Attorney CC = City Council CE = City Engineer CM = City Manager FHD = Finance & Human Resources Director
 PTS= Parks & Tech Services Supervisor PSD = Police Safety Director PWD = Public Works & Development Director

City of Brookings 2014 Strategic Plan

| GOAL 3: Influence Economic Growth / Improve Quality of Life | | | | |
|---|------------------------------|---|-------------------|---|
| Objectives | Priority/Action Items | | Resp Party | Status/Notes |
| <ul style="list-style-type: none"> Complete approved capital projects in a timely and cost efficient manner. Provide infrastructure to support economic growth. Develop coastal access. Establish development policies and public improvements/standards that recognize economic trends. Secure needed resources. Establish policy that City is pro-growth. | 1 | Develop UGB transition agreements with special districts. | PWD | Delayed by HSD/County not pursuing. |
| | 2 | Develop business and resident attraction program. | CM | Chamber distributed ~900 relocation packets. Video library promoting City now on website. |
| | 3 | Develop schedule to review/update infrastructure master plans and development standards; consolidated implementation plan for infrastructure; existing SDC credit inventory and exchange program. | PWD | Water Master Plan complete; Storm and sewer in progress. |
| | 4 | Develop long term plan for Public Works shop. | CM | Inactive |
| | 5 | Develop comprehensive plan for addressing wastewater I&I issue | PWD | Flow meter installed; will take 1 year to collect data and compare to baseline. |
| | 6 | Wastewater plant slide stabilization strategy. | CE/PWD | Construction complete in 2014 |
| | 7 | Prepare annexation pros/cons and fiscal analysis. | CM | RFP submitted to Portland State; funding |
| | 8 | Develop program to “cash out” DIA program | PWD/FHD | Long term; requires substantial staff resources |
| | 9 | Reduce I & I | PWD | In progress |
| | 10 | Downtown beautification | | |
| | | a. Flower Baskets | PWD/PTS | Installed all budgeted baskets |
| | | b. Landscaping along South Chetco | PWD/PTS | Obtained cost; not in budget. |
| | | c. Green-theme litter receptacle, benches in downtown parks | PWD/PTS | Issues with current receptacles. Park & Rec approved different theme |
| | | d. Improve downtown directional/parking signs | PWD/PTS | Need further direction |
| | | e. Central Building historic landmark sign | PWD/PTS | Issues with ODOT approval |
| | | f. Incentive program for downtown shops | PWD/BLD | Need further direction |
| | | g. More bears | CM | Site plan complete |
| | | h. Traffic study to improve parking downtown | PWD | Need budget and funding |
| | 11 | Expand bike paths 6- 10 miles beyond City | PWD | Initiate discussion with ODOT, TSP update. Need Council input re: incorporating easements in Land Use development standards |
| | 12 | Attract tourists to stop in downtown, develop RV parking along Frontage Rd. | PWD/PTS | TPAC; TSP; proposed Frontage budget 2014/15; mural, weeding, flower baskets, proposed blight policy |
| | 13 | Reconfigure Azalea Park Athletic Fields | PWD/PTS | Plan/budget completed. Funding needed. |
| | 14 | Install restrooms at Chetco Point and Stout Parks | PWD/PTS | Plan/budget developed |
| | 15 | Reconstruct uncompleted block of Hemlock Street, | PWD | Plan/budget developed |
| | 16 | Tanbark coast access points | PWD/PTS | Plan/budget developed |

KEY: BC = Budget Committee CA = City Attorney CC = City Council CE = City Engineer CM = City Manager FHD = Finance & Human Resources Director
 PTS= Parks & Tech Services Supervisor PSD = Police Safety Director PWD = Public Works & Development Director

City of Brookings 2014 Strategic Plan

| GOAL 4: Effective Intergovernmental Relations | | | | |
|--|------------------------------|---|-------------------|---|
| Objectives | Priority/Action Items | | Resp Party | Status/Notes |
| <ul style="list-style-type: none"> • Influence regional, state, national policy on issues important to achieving City goals. • Secure grant funding. • Achieve City goals through strategic partnerships. • Prepare for potential County fiscal failure. | 1 | Evaluate possible assumption of County services on a cost recovery basis. | CM/FHD | Reviewed Planning/Building; not feasible. Provided Port District policing proposal. Offered to assume airport management; declined. |

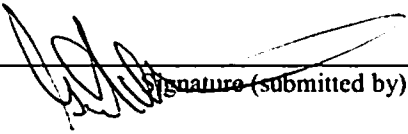
KEY: BC = Budget Committee CA = City Attorney CC = City Council CE = City Engineer CM = City Manager FHD = Finance & Human Resources Director
 PTS= Parks & Tech Services Supervisor PSD = Police Safety Director PWD = Public Works & Development Director

CITY OF BROOKINGS

COUNCIL WORKSHOP REPORT

Meeting Date: October 6, 2014

Originating Dept: City Manager



Signature (submitted by)

City Manager Approval

Subject: Bears October Visit

Recommended Action:
Discussion and direction to staff.

Financial Impact:
None.

Background/Discussion:
Evergreen Bank reports that they have six bears available for placement in Brookings for the fall/winter beginning this month. They are seeking direction on locations for the six bears. These bears would be rotated out for six other bears in the spring.

Staff is seeking comments from the City Council on locations.

Attachment(s):
a. Feasible bear locations as identified by staff.
b. Past bear locations.

Evergreen Bear Locations



Evergreen Bears spotted in the City of Brookings



1. Evergreen Bank
(2) Bears
2. Bankus Park
"Bear" Metal
3. Dutch Brothers
Samurai Bear
4. Oasis Park
Captain Rogue
Scurvy Bear
5. 625 Chetco Plaza
Black Beary
6. Cielito Lindo
Egypt Bear

Map center: 42° 31' 11.1" N, 124° 16' 59.4" W