

# City of Brookings CITY COUNCIL MEETING Minutes

City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415  
Monday, October 27, 2014

The City Council met in Executive Session at 6:00 PM, in the City Manager's office, under the authority of ORS 192.660(2)(h), "to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed."

## **Call to Order**

Mayor Hedenskog called the meeting to order at 7:05 PM.

## **Roll Call**

Council present: Mayor Ron Hedenskog, Councilors Jake Pieper, Kelly McClain, Brent Hodges and Bill Hamilton; a quorum present.

Staff present: City Manager Gary Milliman, Building Official LauraLee Snook, City Attorney Martha Rice and City Recorder Joyce Heffington.

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

## **Ceremonies/Appointments/Announcements**

**Mayor Hedenskog moved, a second followed and Council voted unanimously to reappoint Scott Clapson to the Public Art Committee.**

**Mayor Hedenskog moved, a second followed and Council voted unanimously to appoint Tom Bozack to the Parks and Recreation Committee.**

## **Ordinances/Resolutions**

*Ordinance 14-O-740, adding Section 8.15.045, Deteriorated condition, to the Brookings Municipal Code.*

Building Official Snook provided the staff report.

**Councilor Hamilton moved, a second followed and Council voted unanimously to do a first reading of Ordinance 14-O-740 by title only.**

Mayor Hedenskog read the title.

**Councilor Hodges moved, a second followed and Council voted unanimously to do a second reading of Ordinance 14-O-470 by title only.**

Mayor Hedenskog read the title.

**Councilor Hodges moved, a second followed and Council voted, 4 - 1, to adopt Ordinance 14-O-740, [adding Section 8.15.045, Deteriorated condition, to the Brookings Municipal Code] with Mayor Hedenskog and Councilors Hodges, McClain and Hamilton voting "Yes" and Councilor Pieper voting "No."**

*Ordinance 14-O-739, adding Chapter 3.20, Tax on Sale of Marijuana and Marijuana Infused Products to the Brookings Municipal Code.*

City Manager Milliman presented the staff report.

Councilor Hodges asked if Council could set different rates and Milliman said they could, to whatever limits are adopted in the ordinance.

Councilor McClain said 15% for recreational marijuana seemed too high and he struggled with taxing medical marijuana. He said he felt that if recreational marijuana was legalized, it would make it easier to get medical marijuana, and it might make more sense to tax them equally.

Councilor Pieper said he was not a proponent of taxing medical marijuana and Mayor Hedenskog said Council could always come back and change it later; Councilor Pieper agreed.

Councilor Hamilton said 15% was too high and if, at some future time, medical marijuana were to be paid for through Medicare he wasn't sure how they would collect a tax. He said he would like to have the tax equivalent to that on cigarettes.

**Councilor Pieper moved, a second followed and Council voted unanimously to do a first reading of Ordinance 14-O-739 by title only.**

Mayor Hedenskog read the title.

**Councilor Pieper moved, a second followed and Council voted unanimously to do a second reading of Ordinance 14-O-739 by title only.**

Mayor Hedenskog read the title.

**Councilor Pieper moved, a second followed and Council voted unanimously to adopt Ordinance 14-O-739, [adding Chapter 3.20, Tax on Sale of Marijuana and Marijuana Infused Products to the Brookings Municipal Code].**

*Resolution 14-R-1047, setting tax rates on the sale of marijuana.*

City Manager Milliman gave the staff report.

Councilor Pieper asked City Attorney Rice where the advice regarding setting the tax rate now had come from and Rice said, if voted in, the rate needed to be set before state law becomes effective.

Councilor Hodges suggested medical at 0% and recreational at 10%. He said there was no reason to tax medical marijuana now.

Councilor Pieper proposed a ½% - 1% tax on medical if it was necessary to have a tax rate in place before the state law goes into effect.

City Attorney Rice said setting rates now would provide the City a firmer legal position from which to argue.

Councilor McClain said set to set them both at 1% if it was necessary to set a rate now.

Councilor Hodges asked if the City could use the money for any purpose and Milliman said it could.

Councilor Hamilton said he would like to see medical at 0% and recreational at 10%.

Mayor Hedenskog suggested setting both at the maximum and lower the rates later if needed.

Councilor Pieper said he would support 0% for medical and 10% for recreational.

**Councilor Pieper moved, a second followed and Council voted unanimously to adopt Resolution 14-R-1047, setting tax rates on the sale of medical marijuana and**

**recreational marijuana in the City of Brookings at 0% for medical and 10% for recreational.**

**Public Comments**

Lauren Paulson, Hoffeldt Lane, commented on issues he was having with Charter Internet including: he was being overbilled, auto-payments were being taken out of his bank account without his permission; his bank can continue paying Charter from his account until the provider tells the bank to stop; and Charter has \$60 of his money of which there is no record.

**Staff Reports**

*Authorization to execute a Local Agency Agreement with the Oregon Department of Transportation for Railroad Street improvements from Wharf to Oak Street and grant match.*

City Manager Milliman provided the staff report.

**Councilor Pieper moved, a second followed and Council voted unanimously to execute a local agency agreement with Oregon Department of Transportation (ODOT) for Railroad Street Improvements from Wharf to Oak Street and provide a total grant match of not more than \$1,000,000 using a combination of urban renewal, street system development and system replacement funds.**

**Consent Calendar**

1. Approve Council minutes for October 13, 2014.
2. Accept Parks and Recreation Commission minutes for September 18, 2014.
3. Accept September 25, 2014 Tourism Promotion Advisory Committee minutes.
4. Receive monthly financial report for September 2014.
5. Approve cancellation of the second November and December Council meetings.

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

**Remarks from Mayor and Councilors**

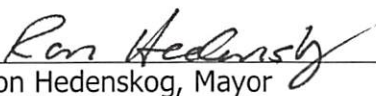
Mayor Hedenskog said they had just approved another \$3 million street project and if you look at the Harbor area, their streets are falling into disrepair.

**Adjournment**

Mayor Hedenskog moved, a second followed and Council voted unanimously by voice vote to adjourn at 7:50 PM.

A meeting of the Urban Renewal District immediately followed.

Respectfully submitted:

  
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Ron Hedenskog, Mayor

ATTESTED:  
this 12<sup>th</sup> day of November 2014:

  
\_\_\_\_\_  
Joyce Heffington, City Recorder