



CITY COUNCIL MINUTES
December 12, 2016, 6:30PM
Regular Meeting
CITY COUNCIL CHAMBERS, CITY HALL
29592 ELLENSBURG AVE
GOLD BEACH OR 97444

Call to order: Time: 6:35PM

1. The pledge of allegiance

2. Roll Call:

	Present	Absent
Mayor Karl Popoff	X	
Council Position #1 Melinda McVey		X
Council Position #2 Larry Brennan	X	
Council Position #3 Becky Campbell	X	
Council Position #4 Doug Brand	X	
Council Position #5 Tamie Kaufman STARTING VOTE	X	
City Administrator Jodi Fritts	X	

3. Special Orders of Business:

a. Mayors Proclamation on Ballot Measure 8-87

(pursuant to City Code Section 1.210(7)(a))

b. CURRENT COMMITTEE & COMMISSION VACANCIES

BUDGET: Currently 2 positions of 5 vacant

PLANNING: Currently 2 positions of 5 vacant

URBAN RENEWAL ADVISORY: Currently 3 positions of 4 vacant

Popoff: We've got a mayor's proclamation of ballot measure 8-87. I know I've got it here someplace. Whereas, Resolution R1617-02, a resolution of the City of Gold Beach to submit to the voters of the city a measure concerning the taxing of recreational marijuana sales within the city was passed by the Council on July 11th, 2016, and Whereas, the sales tax proposal was placed on the November 8, 2016, General Election ballot as Measure 8:87. Whereas, pursuant to city code section 1.210(7) (a) the Mayor shall issue a proclamation on the ballot measure results immediately upon completion of the canvass of voters following the election.

Whereas, the November 8, 2016, election results for Measure 8-87 as certified to the city by the Curry County Elections Division were: 1,166 total votes were cast regarding ballot measure 8-87, 853 voters were in favor of the measure. There are the "yes" votes. 313 voters were not in favor of the measure; "no" votes. Based on the official canvass of votes provided by the Curry County Elections Division attached to this proclamation, I Karl Popoff, Mayor of the City of Gold Beach, proclaim the following: The voter of the city of Gold Beach approved ballot measure 8-87; city tax on recreational marijuana

retailers' sale of marijuana items. The approved measure is effective the date of passage and shall begin to be collect by the State of Oregon, on behalf of the city, beginning January 2016. It is dated this 1st day of December, 2016, and will be signed by me.

I also want to make a couple of announcements concerning the vacancies that we do have right now. On the Budget Committee, and once again, these are very, very important. I know that I'm speaking to the choir here, but for the paper primarily. Each one of these is very important. The budget, the planning, urban renewal, advisory committee. As it stands now, we have currently two positions of five vacant for the Budget. Planning, same thing. Two positions of five are vacant. Urban renewal advisory: Currently three positions of four are vacant. If anybody knows of anybody that would like to serve on these, we would surely be interested in talking to them, and very appreciative at that.

4. Consent Calendar:

MINUTES – November 2016 regular meeting

Popoff: Consent Calendar: The Administrator has given us a very detailed minutes of the last meeting. Can I have a motion to approve this consent calendar?

MOTION: Councilor Tamie Kaufman made a motion to approve the consent calendar. Councilor Becky Campbell Brand seconded the motion.

Record of Vote	Ayes	Nays	Abstain
Council Position #1 Melinda McVey			ABSENT
Council Position #2 Larry Brennan	X		
Council Position #3 Becky Campbell	X		
Council Position #4 Doug Brand	X		
Council Position #5 Tamie Kaufman	X		
MOTION CARRIES 4 AYES	4	0	

Popoff: Motion passes unanimously.

5. Citizens Comments

As presented to the Mayor at the beginning of the meeting

Popoff: Citizen Comments: We've got a real special one. Lindsey, come on up. Once again, congratulations on this great honor. That is super cool.

Lindsey: Thank you so much. My name is Lindsey Dixon. I reside in Gold Beach. What address do I give?

Fritts: It's okay. You don't have to. We don't put it in there anymore.

Lindsey: I just wanted to thank the city council for giving me the opportunity of growing up to be student liaison for Gold Beach City Council. It's given me opportunities. Now, I'm on the executive council for my sorority. I have been for two years ... Well, this will be the second year of it now. I just wanted to thank you guys for all of the opportunities you've given me over the years. I'm just super excited to represent not only Oregon, but Gold Beach in the upcoming pageant in June in Alabama.

Popoff: Oh, that is beautiful. Thank you very much. Thank you for what you've done. That is pretty special. I wish, just as a side, we could find someone like you to sit back up here again. Bless your heart. This past year, we didn't have anybody, did we, that represented the school.

Kaufman: Austin Sanders is interested, but our application says they have to live in the city limits. I told him to apply, but I don't think he turned it in. Lindsey never lived in the city ...

Popoff: Austin did?

Kaufman: I know you know Austin.

Popoff: Oh, yeah. He's a great kid.

Kaufman: Maybe you can, if you see him, say, "Hey, fill that out."

Popoff: I will. I did not know that.

Kaufman: He lives in [crosstalk 00:07:51]. It's close enough.

Fritts: As long as they are in the school district.

Popoff: Yeah, it doesn't make any difference if their within the city. They just have to be attending the school.

Fritts: Yeah, that would be great.

Popoff: Then maybe we can start having a student liaison again.

Fritts: What was the kid's last name?

Kaufman: Austin Sanders.

Fritts: Sanders. Okay.

Popoff: Yeah, he's a great kid. He's a super kid.

6. Public Hearing

a. Ordinance No. 662-amending Ordinance No. 659 tax collection procedures to allow for DOR collection

Popoff: Let's see. We do have a public hearing. This is Ordinance 662 amending Ordinance 659. This is tax collection procedures to allow for Department of Revenue collection. We'll go into that public hearing at 6:43.

Fritts: This is a housekeeping ordinance that Legal Counsel had prepared for us with the strong suggestion that we adopt it in one meeting. The reason for that was that when we put the ballot measure on, we weren't really sure yet what the state was going to do as far as collection, and we didn't know that until after the election. There were portions of the ordinance that we adopted that didn't fit quite in with how the Department of Revenue plans to collect it. Legal counsel contact their legal counsel and made a couple of suggestion. This doesn't change anything else about the ordinance, and it does leave the collection procedures in place that we have, so if at some future time we decide that we do want to collect it ourselves, we don't have to come back and redo it. This just kind of provides a provision that we can enter into a contract with another agency to collect it for us.

Her suggestion was to adopt it in one meeting tonight after the public hearing portion of it. I did put the procedure in there. It's a little bit different than what we've done in the past, and the reason for that was that legal counsel has actually told me a couple of different times that the way that we've done it in one meeting, we've kind of made it a little bit more onerous than we need to. I streamlined it to what her process was.

Popoff: Thank you, Administrator. Councilor?

Kaufman: After the public hearing, I just have a process thing. I think we need to technically do this after we do the resolutions because there's a statement in here that we already passed the resolution. I think we need to do it backwards if we did it first.

Fritts: Oh, okay.

Kaufman: Which could be illegal [inaudible 00:11:08].

Fritts: Good point.

Kaufman: A very minor thing that ...

Fritts: When we get to the ordinance and resolution section, we'll just ... I think I put it first on that portion of the agenda. We can just make it be after the resolutions that we adopt for the ... I think the reason why I put it beforehand was that we were going to enter into an inter-governmental agreement, but I was wanting to adopt this so that we would

mechanism to enter into it. However, you're right though. The ordinance has a greater weight of law.

Popoff: In short then, there is no real need for the public hearing right now?

Fritts: Well, if there's anyone in the audience that want's to comment on how we intend to have the taxes collection, if we ever get a pot shop.

Popoff: Is there anybody in the audience that would like to comment on this? Nobody. We'll end the public hearing at 6:47.

Fritts: Okay. The ordinance and resolutions that go with it are in the ordinance and resolution section, so we'll deal with that when we get to that section.

7. Citizen Requested Agenda Items

a. Request by Lea Sevey to address council about shelter home property

Popoff: Thank you, Councilor. We have a request by Lea Sevey to address the council about the shelter home property. Lea? Just come up and your name, please, for the record.

Lea: Okay. Lea Sevey.

Popoff: Thank you.

Lea: If I might approach, I have brochures to give to everyone.

Popoff: That's fine. You may address the bench.

Lea: I'll just give them to you and you can pass them down. Is that all right?

Fritts: Yes.

Lea: First of all, I wanted to make sure everyone knew what Oasis Shelter Home is and what we do. We do conduct business in the city of Gold Beach. Does everyone know what we are.

Popoff: I do.

Lea: Most of you do know. Okay, so I'll dispense with the introduction of what we do. We are attempting to expand. We have been a nonprofit since 1992. We've been operating an emergency shelter since 1995. I've been with the agency for 12 years, if you can believe that. In that time, we have seen an increase in the need for our services in addition. We've also seen a real issue with housing, and you are probably all very well aware of the housing crisis that's going on. Just to punctuate my comment about housing, there is

a 2014 needs assessment about housing that the State Oregon Coalition Against Domestic and Sexual Violence conducted. In this report, they show that our region has the highest rent for a one-bedroom apartment in the state. Higher than Portland, higher than Salem, higher than anywhere else in the state. Our region, not just Curry County, but two other counties.

I know I'm preaching to the choir when I talk about housing. However, that is directly related to what I wanted to address to you about. At Oasis, the house that we operate that is our shelter home, Oasis owns that house. For those of you who have been around here a long time, you will remember that this house was donated by the Presbyterian church that is over on Hillcrest. The house was picked up and moved and put on a piece of property where it's now located. That piece of property is owned by the city. We lease that property on a 75-year lease, and I think Oasis owes you about \$4.00. We lease it for a \$1.00 a year. I haven't gotten a bill in about four years. We owe you \$4.00, but we would like you to entertain donating the property to Oasis so that we own both the house and the property together, and here's why.

We are currently trying to purchase a home that we can turn into a transitional living, and in order to really do that, we need to show that we have a little stronger assets than we already have. Now, we do have some assets. We have the house. We have an investment account, but if we could show that we also have owned the property that the house sits on, that would really add to our ability to be able to get a USDA loan to buy a house. We also have a handful of sponsors who are helping us. We already have gathered all of the down payment money to buy a house with sponsors that we've gotten from our community. My request is that the council entertain donating the property that our house sit on to Oasis.

Popoff: That property is the property on lease. That's the extent of it, though. It's just that property on lease?

Lea: That is correct. Yes. I do have, if you'd like to see it, we did a comparative market analysis in 2010 buy a realtor that sort of shows what the value of the combined in 2010 is, and so we can really see how that would be helpful to us. Would you like to see it?

Popoff: Yes, we might as well. Thank you. Yes, sir?

Brand: The city pays property taxes on that property now?

Fritts: No, we don't pay taxes.

Popoff: We get a dollar a year?

Fritts: It's owned by us, so we don't pay taxes on it. I think, but I don't know for sure, that if it's owned by a nonprofit, I don't know that that would change the tax status of it.

Lea: That's correct. When we rented a building for an office, we got the taxes excluded even on a building that we rented because of our nonprofit status.

Brand: What's your designation? 501?

Lea: 501-C3.

Brand: C3.

Lea: If you could not put the street number ...

Fritts: I was just about to say that, yeah.

Popoff: Could you repeat that?

Fritts: We don't want to say the street name because even though locally we know it is a domestic violence house, we don't want to alert people where the location of it is. That's why I didn't put it in the packet.

Popoff: Forgive me, please.

Lea: That's okay. Any questions?

Popoff: Councilor?

Kaufman: I did read the lease. It's a very one-sided lease in favor of the nonprofit.

Popoff: Yeah, I read the lease, too.

Lea: It's a very kind lease.

Kaufman: It was very ... Usually, when you put improvement on someone else's property, when you leave, the property owner gets to keep the improvements. You could take them with you.

Lea: We did just repave the parking lot, and put up a new fence with grant money.

Kaufman: I don't think there's any value to that property to the city is there?

Fritts: I think that was the reason for the donation because of where it was located and the size of it. We don't have any infrastructure at that location. I remember when the house was placed, but I don't know the history on how we acquired it. I'm assuming it was because of taxes, but I don't know. It's not like something that went way back and we had some building there or structure or whatever.

Popoff: We didn't have anything there at the time. In fact, that was kind of a swampy little area at the time, too.

Lea: The pictures I've seen from before the house was there, that's what it looked like.

Fritts: We don't derive any income off of it other than the dollar.

Lea: You haven't gotten that for four years.

Fritts: The only reason I haven't sent a bill is that sending you a bill would cost more than the dollar.

Popoff: According to the lease, you've just seeded that property back to us. [crosstalk 00:19:44] Council, what do you think? Yes, Councilor Kaufman?

Kaufman: If we were to proceed, and I'm talking about [inaudible 00:19:54] ideas of why we shouldn't do it before we go forward, but would our attorney write it up?

Fritts: Yeah.

Kaufman: If so, do we want a reversionary clause if they cease doing that type of work that we'd get it back or do we just want to free and clear it?

Fritts: I think those are all very questions that we would want to ask legal counsel.

Kaufman: I know when we did where your office used to be, we donated a bunch of money towards the kids' thing and it was supposed to have a reversionary clause and it didn't. The administrator at that time didn't follow through on that part, so we ended up losing all of our investment.

Popoff: All of it.

Kaufman: In this particular case, I think our investment is just the land. I don't know that the city ever paid anything for it.

Fritts: That's what I'm thinking because when I look at the file, at the history on it, I don't see anything in there. That's why I'm thinking that either it was a tax foreclosure that the county said, "We don't have any use for it so let's give it to the city." That's how we kind of got South Beach Park. I'm assuming that it's the same kind of thing.

Popoff: Yeah, from the county.

Fritts: The lease started in '92, so we probably had it how ever many years before that. What the nature of how we acquired it is I don't know. We haven't been deriving any tax income on it for a lot of years.

Campbell: I can't see any reason ... I'm sorry.

Popoff: No, go ahead, Councilor.

Campbell: I can't see any reason why we wouldn't donate the land to them or give them the land. There's no reason not to.

Popoff: I don't see any reason to hold onto that, too. Unless, of course, you want to make sure you give us our four bucks.

Lea: Right, and I'd be happy to write a letter to the editor to the paper, and thank the City Council.

Fritts: Let me contact legal counsel and find out if there has anything to do with disposal of public property. Maybe, that was the reason for the 99-year lease was ... There is a provision in state law that if a jurisdiction finds that something is surplus to their needs, that they have to offer it at public auction. However, I don't know since we already have a lease with the people that are currently occupying the property, and there are reasons why they want to acquire it. Those are questions I don't know. Let me ask that question.

Popoff: I'd be interested to find that out, too. Because it seems to me like if the city wanted to, the council is certainly empowered to go ahead and do that.

Fritts: Oh, absolutely. Yeah.

Popoff: Yes, Councilor Brand?

Brand: I remember writing the 501-C3 documents. There is a clause in there that if they cease to become or cease doing business as a 501-c3, they have to designate in writing where the property is going to go. I would think that if they did that, according to the reversionary clause ...

Fritts: That may be what would cause it to happen. I want to double check that. Before I lose the though, reversionary clause. There was one other thing that you said, Councilor Kaufman, that you had a question about, I thought.

Kaufman: [inaudible 00:23:22], reversionary clause ...

Fritts: Maybe, it was just the negatives.

Kaufman: The other two questions are, if I may, is who will pay the transfer costs and what is your time frame?

Lea: We'd be happy to pay for any transfer costs. That's the least we could do, and we're flexible on the timeline, but of course, the sooner the better so that we can pursue purchasing another property.

Popoff: Thank you. Councilor Brennan, what's your thoughts in all of this?

Brennan: I have no objection to it at all.

Popoff: Okay, thank you, sir.

Fritts: May I ask two things: If it's okay to wait until January to give you an answer, if you would prefer to have some things sooner, if you want to make a motion that, provided it's okay with legal counsel and then have them start preparing it, if it's okay with them. Do you want to hear about it before? If I ask her these questions ...

Popoff: If you ask those questions and if you when you were able to ask those questions, you're able to tell the attorney that the council was in favor of it, wouldn't that expedite things a little bit?

Fritts: That's what I'm thinking. Because it might take her a little while to write the correct document in order to have the title company and all of that done. That would be a decision for you guys to make.

Popoff: Yes, ma'am?

Kaufman: I think from my point of view, we're getting rid of a city asset, so we would want the public to have a chance to comment, so if we didn't at least have one meeting where the public knew that we were having this discussion. As of today, we only knew that she wanted to talk. We had no idea what about, which might be smart. I don't want the public to think that we did something behind closed doors, and we're open about it. Yes, you can start on it in my opinion, but not the point where we're ready to sign paper until we have a public meeting. [crosstalk 00:25:26]

Popoff: You mean for a public hearing?

Kaufman: We can use the lot and tax number instead of the address if that would be easier.

Fritts: Yeah, and we don't actually have to ... I need to think about that.

Popoff: We can handle that at a public hearing, of course. Yes, ma'am?

Fritts: Actually, I want to ask her that question, too.

Campbell: Would you do me a favor and tell me what you mean by "transitional living center"?

Lea: For example, there's this [inaudible 00:26:04] for sale. We actually put earnest money down on it on the same day that someone else did, and it has been on the market for 250 days. We are in the process of branching out and looking at other buildings that we could utilize as a communal living center that wouldn't have the 30-day limit that we have at our emergency shelter. It would be more permanent. The USDA, which is a sort of guaranteed loan that we are embarking upon, would allow for residents to reside there for up to two years. We would have to call it transitional housing. That would help relieve a number of things. We've partnered with Hall Care and Western Oregon Advanced Health, child welfare, and Oregon Coast Community Action, and I'm missing an agency, who would refer folks to us who are in need of a place to live. It would be exclusive for females and their children.

We've had many discussion, these groups and myself, about how it wouldn't work if we had both men and women living under the same roof because this house in particular is a ten bedroom house with three and a half bathrooms. That would be tricky. However, we would, like I said, get referrals from all of those agencies to fill those rooms. We've gotten sponsorships from some of those agencies that would help pay the down payment and then we would provide rooms to their patients or customers not exclusively to give the priority at a greatly reduced rent for doing so. For finding a room for them, so we'd have this sort of tiered process of sponsorship for rooms, and we've already had four groups come forward and say that they would like to sponsor a room. Does that make sense?

Campbell: Yes, ma'am. Thank you.

Fritts: This used to be the group home that's going down towards the port, which I'm glad to see that there's interest in it because it's been vacant for almost a year. It is a unique property. Like you said, ten bedrooms. It's not like an average family is going to buy it, and it's been vacant for a long time. That would be a good use of it.

Lea: Yes, that's what we thought.

Kaufman: However, you didn't get the offer. Somebody else has it?

Lea: We're in second place. We got a signed offer in second place.

Kaufman: [crosstalk 00:28:44] for them to fall through and then it's for you.

Lea: Well, yes. For the [Quest 00:28:48] folks, but that does give me more time to work with the USDA in securing our funding. We are pre-approved.

Popoff: Personally, I'd love to see it work swimmingly for you. I don't know if you know it or not, but in '92, when it first opened, Sue Golay was one of the original founders.

Lea: Her name is on all of the original documents.

Popoff: Good, then you knew, perhaps, that I was on the initial board. I was also the chaplain there initially when it was located on First Street. I stayed with it for about a year or so, but then I had so many different chaplaincy duties that it was kind of hard to continue.

Lea: I didn't know that.

Popoff: I was there on the ground floor, and I would just like to see you guys continue to do the work because it is something that is desperately needed. I wish we had something like that for men, to tell you the truth, but we do not. The closest thing is, as you know ...

Fritts: Yes, I will contact our legal counsel tomorrow.

Popoff: If we don't have any objections ...

Fritts: I'm sure I'll probably have questions from her, so I'll just call or email you.

Lea: Excellent, and one last thing. I would be happy to be on one your committees, but I live in the county. That's actually, with one of them ... [crosstalk 00:31:42] I don't know that we have anybody in planning. Normally, in planning we can have one person that lives outside the city.

Fritts: Yeah, but they have to be in the UGB, and we actually, right now, have two of our three actually are in the UGB that we had to do a special dispensation for one of them because we couldn't get anybody inside of the city. However, Anthony Drive. That's south of town, right?

Popoff: Thank you, though, Lea. We appreciate that.

Lea: Well, thank you very much, Council. I appreciate it.

Popoff: You're quite welcome.

8. Public Contracts and Purchasing

NONE SCHEDULED

9. Ordinances & Resolutions

a. 1st and 2nd Reading of Ordinance No. 662-amending tax collection procedures

b. Resolution R1617-05-setting MJ tax rate

c. Resolution R1617-06-IGA with DOR for MJ tax collection

d. 2nd Reading of Ordinance No. 660-zoning ordinance amendments for tiny houses and ADUs

e. 1st (and probably 2nd) Reading of Ordinance No. 661-zoning ordinance amendments for MJ dispensary provisions in Commercial and Industrial zones

Popoff: Now, we get to ordinances and resolutions.

Fritts: Just for clarification, Mr. Mayor. A, we're going to do it at the end. We'll do B, C, D, E, and then come back to A.

Popoff: Resolution R1617-05, and that's setting the marijuana tax rate.

Fritts: When legal counsel prepared it, we did put it at the 3%. We can certainly change it at this time. Three is the ceiling. If three doesn't work ...

Popoff: Yes, ma'am?

Kaufman: The bottom of your instructions, Administrator. I think it's referring to an old resolution. The one that we actually put on the ballot. We don't have to follow that, do we? This would just be a motion to approve the resolution?

Fritts: Yeah, that's previous agenda item. Yeah, that was from the previous agenda items. Sorry. I didn't give you a sample motion. Sorry.

MOTION: Councilor Tamie Kaufman made the motion to approve R1617-05, a resolution establishing the rate of tax on the sale of marijuana items by marijuana retailers in the city of Gold Beach. Councilor Larry Brennan seconded the motion.

Record of Vote	Ayes	Nays	Abstain
Council Position #1 Melinda McVey			ABSENT
Council Position #2 Larry Brennan	X		
Council Position #3 Becky Campbell	X		
Council Position #4 Doug Brand	X		
Council Position #5 Tamie Kaufman	X		
MOTION CARRIES 4 AYES	4	0	

Popoff: Motion passed unanimously. Now we have Resolution R1617-06-IGA with the Department of Revenue for marijuana tax collection. We've gone into this a little bit. Yes, sir?

MOTION: Councilor Larry Brennan made the motion to approve resolution R1617-06, a resolution approving the intergovernmental agreement between the city of Gold Beach and the Oregon Department of Revenue for collection of a city tax on the sale

of marijuana items by marijuana retailers in the city of Gold Beach. Councilor Tamie Kaufman seconded the motion.

Popoff: Councilor Kaufman seconds. Discussion? Yes, ma'am?

Kaufman: I have a question on section 15. This is probably a horrible to task. We probably should have asked that at the beginning. It says that confidential information may be disclosed only to the city as principal. Then down later it says that request for confidential information shall be made by the city. Is it really supposed to be a "may" and then a "shall" or are they both supposed to be "shall"?

Fritts: This was prepared by the Department of Revenue.

Popoff: It could be almost anything.

Kaufman: We probably can't change it.

Fritts: I would not suggest it because that was one thing that legal counsel had said was that the Department of Revenue had prepared this. We just had to format it for our own stuff.

Kaufman: I know with those kinds of people "may" and "shall" mean two completely different things.

Fritts: I can tell you from a room tax standpoint that even as a taxing agency ourselves, they won't release any information about whether it's a hotel or something. I had one in the past where I was wanting to know if that person was not remitting their tax also to them. They wouldn't even tell me whether the person ... I doubt seriously that we'll be able to get any information from them.

Popoff: Anything further? Question?

Record of Vote	Ayes	Nays	Abstain
Council Position #1 Melinda McVey			ABSENT
Council Position #2 Larry Brennan	X		
Council Position #3 Becky Campbell	X		
Council Position #4 Doug Brand	X		
Council Position #5 Tamie Kaufman	X		
MOTION CARRIES 4 AYES	4	0	

Popoff: Motion passed unanimously. Now we have the second reading of Ordinance 660. This is only and ordinance amendment for "tiny houses" and ADUs.

Fritts: This is just the second reading. We just need a motion to approve the second reading by title only.

MOTION: Councilor Tamie Kaufman made the motion that the Council approve the 2nd reading of Ordinance 660, an ordinance amending Ordinance 634, the Gold Beach Zoning Ordinance providing provisions for accessory dwelling units and “tiny house” by title only. Councilor Doug Brand seconded the motion.

Record of Vote	Ayes	Nays	Abstain
Council Position #1 Melinda McVey			ABSENT
Council Position #2 Larry Brennan	X		
Council Position #3 Becky Campbell	X		
Council Position #4 Doug Brand	X		
Council Position #5 Tamie Kaufman	X		
MOTION CARRIES 4 AYES	4	0	

Popoff: Motion passes unanimously.

Fritts: I will do the second reading of Ordinance 660, an ordinance amending ordinance 634, the Gold Beach zoning ordinance providing provisions for accessory dwelling units and "tiny houses", second reading. Then this will go into effect 30 days after today.

Popoff: Thank you. E, first and probably second reading of Ordinance 661, zoning ordinance, and then an amendment for marijuana dispensary provisions in commercial and industrial zone.

Fritts: We had a little discussion last time about a couple of things that I didn't have in both places. Then we talked a little bit about the state rules as it related to schools and things like that. I didn't want to do the first reading last month because I wanted to make sure that I had incorporated the changes that you wanted. If this is the changes that you want, we can do, as Councilor Kaufman suggested at the last meeting, we can do both meetings tonight, but it has to be unanimous. The first question is: Did I incorporate the stuff the way that you wanted it? Before Councilor Kaufman asks, the county did sign the IGA with Lane County for IGS services, which is really awesome. We hope to have it fully functional by the second week of January, which will be just fabulous.

I would like to ... The map wouldn't necessarily be adopted with this ordinance, but we were going to put it with it. The map that we had talked about at the last meeting of where you can locate a facility, we will have that for January. Then we can pass that out at the counter.

Popoff: Yes, ma'am?

Kaufman: I believe the map was ... It's so important. I think it was most important when we had all of that other language in there restricting it to private day cares. Then it was getting to the point where I was afraid we wouldn't have any place. However, now that it's pretty much a thousand feet from the school, and we did eliminate the thousand feet from

each other. That would be easier. I think we've got it the way that user friendly but still protects the kids.

Popoff: It's pretty cut and dried right now in so far as I could read it.

Kaufman: If it's okay, I'll make a motion.

Popoff: Yes, ma'am. You may.

MOTION: Councilor Tamie Kaufman made the motion that the Council adopts Ordinance 661 in one meeting tonight. Councilor Doug Brand seconded the motion.

Record of Vote	Ayes	Nays	Abstain
Council Position #1 Melinda McVey			ABSENT
Council Position #2 Larry Brennan	X		
Council Position #3 Becky Campbell	X		
Council Position #4 Doug Brand	X		
Council Position #5 Tamie Kaufman	X		
MOTION CARRIES 4 AYES	4	0	

Fritts: Since it's unanimous, then we can do both reading by title only tonight. I think Councilor Kaufman is ready to make a motion.

Popoff: Yes, ma'am?

MOTION: Councilor Tamie Kaufman made the motion that the council adopts Ordinance 661 and approve the first and second reading ordinances by title only. Councilor Doug Brand seconded the motion.

Record of Vote	Ayes	Nays	Abstain
Council Position #1 Melinda McVey			ABSENT
Council Position #2 Larry Brennan	X		
Council Position #3 Becky Campbell	X		
Council Position #4 Doug Brand	X		
Council Position #5 Tamie Kaufman	X		
MOTION CARRIES 4 AYES	4	0	

Fritts: Now I need to do the first and second readings of the Ordinance 661 an ordinance amending ordinance 634, the Gold Beach zoning ordinance, providing provisions for recreational and medical marijuana dispensaries within the commercial 4-C and industrial 5-I zones. First reading: Ordinance 661, an ordinance amending ordinance 634, the Gold Beach zoning ordinance providing provision for recreational and medical marijuana dispensaries within the commercial 4-C and industrial 5-I zones. Second reading. Then again, this will go into effect 30 days from today.

Popoff: Thank you. Now we can go back up to the first and second readings of Ordinance 662, amending tax collection procedures.

Fritts: Same procedure that we just followed just now. Unfortunately, I don't think I gave you the ... I did give it to you, but it's back in the public hearing section.

Kaufman: We wanted to do this in one night, right?

Fritts: Lauren would prefer that because the collection official goes into effect on January 15th, and if we adopt this tonight, then this will go into effect January 12th.

Kaufman: Let's see if I can do this.

MOTION: Councilor Tamie Kaufman made the motion that the Council pass Ordinance 662 amending Ordinance 659 for marijuana tax collections procedures in one meeting tonight. Councilor Becky Campbell seconded the motion.

Record of Vote	Ayes	Nays	Abstain
Council Position #1 Melinda McVey			ABSENT
Council Position #2 Larry Brennan	X		
Council Position #3 Becky Campbell	X		
Council Position #4 Doug Brand	X		
Council Position #5 Tamie Kaufman	X		
MOTION CARRIES 4 AYES	4	0	

Popoff: Motion passes unanimously.

MOTION: Councilor Tamie Kaufman made the motion that the Council approve Ordinance 662, first and second reading by title only. Councilor Larry Brennan seconded the motion.

Record of Vote	Ayes	Nays	Abstain
Council Position #1 Melinda McVey			ABSENT
Council Position #2 Larry Brennan	X		
Council Position #3 Becky Campbell	X		
Council Position #4 Doug Brand	X		
Council Position #5 Tamie Kaufman	X		
MOTION CARRIES 4 AYES	4	0	

Popoff: Thank you.

Fritts: First and second readings and it's short. Ordinance 662, an ordinance amending ordinance 659. First reading: Ordinance number 662, and ordinance amending Ordinance 659. Second reading: Again, this will go into effect 30 days from today. We usually get through those fairly quickly.

10. Miscellaneous Items (including policy discussions and determinations)

a. LOC Regional Meetings on Handy v. Lane County public meetings law decision

Popoff: We have some miscellaneous items here, and we've got this LOC regional meeting. Most of you know about that, I think, in January in Coquille. It will be interesting. One of the things that is interesting about this is that, if you remember correctly, I was speaking once about some of the difficulties we might encounter during public meetings. This played fairly heavily into that. It is still not real, real clear. However, the Oregon supreme court overturned a lower ruling, but they didn't exactly define it. In short, I don't think you have to go ... You all read it, and you know how it is. If I phoned you, and then Councilor Campbell phoned Councilor Brand, we have a chain now that could indeed be construed as breaking open meeting laws even though not more than two are gathered together at any one time. This would probably be something that we really should, as many as possible, attend. If I'm not mistaken, Administrator, this portion of it begins at 4:30.

Fritts: Yeah, that's the only drawback to this one. Normally, they're in the daytime, which I don't know if it's necessarily a drawback. It just depends. Because at the beginning and the day, they're going to have the elected official essentials, which if any of you want to attend is a free training. They have it every year in January for newly coming elected officials, but it's also a good refresher just on general election stuff. At the end of that at 4:30, that's when they're going to do this two-hour session just on this public meetings ruling. The interesting thing on the public ... I reread it like three different times because it's one of those things that when you read it the first time, it's like, "Okay, now what was that saying?" What I got out of it is that they overturned it because they said that the court of appeals didn't prove that they had done this. Not that they shouldn't have done it, but that they didn't prove that they had done it.

To me, it's like ... They didn't comment one way or the other whether it was wrong if they did it. They just said, "You didn't prove that they did it, so we're sending it back." To me, that kind of made more questions than were already there. It'll be interesting to hear what LOC has to say about what it all means.

Popoff: No, it will be interesting because this can affect basically how you do business in some respects particularly with open meeting and what have you, too, as far as violation of the law. At any rate ...

Fritts: If you want to attend either or both of those trainings on that day, just let me know and we'll get you registered. It's free.

Popoff: I'll attend the 4:30 one. I don't know.

Campbell: Where is it again?

Fritts: Coquille at the community center, it's like right in the middle of town. You can't miss it.

Popoff: Yes, ma'am?

Kaufman: This is probably one of those ones that is so complicated that it's better to hear directly from LOC attorneys than to hear it secondhand.

Popoff: We'll probably end up getting something like that. I'm sure we will.

Kaufman: Because when they remanded before this decision, it was like ...

Fritts: That's what I said. I had to read it like three different times. It was like, "Okay, they didn't really overturn it. They just said that you didn't prove it." They didn't say they didn't do bad things. They just said, "You didn't prove they did bad things."

Popoff: Actually, you're right. When I read that, too, and I looked at it. I thought to myself that they really aren't overturning anything in essence.

Fritts: To me, it's more of a remand.

Popoff: The rule in essence stands in place, but they couldn't prove that they broke the law. At any rate, it was overturned, but that still hasn't cleared anything up. What day is that again?

Fritts: It's January 26th, and we don't have the new maps yet. New calendars. Like I said, it's free. Just let me know. The just like to register so if they provide goodies, they know how many to provide, but we don't have to pay for it.

11. City Administrator's Report
To be presented at the meeting

Popoff: Administrator, you're report please.

Fritts: I deliberately kept the agenda light because we had all of those ordinances. It always seems like whenever I think something is going to take a while, it doesn't. Then other things that I think shouldn't take a lot of time end up taking more time. I gave you copies of the updates, and I will email them. I had scanned them and Councilor Kaufman, I didn't email them to you before the meeting. I apologize. Department updates: I'll just go through them real quickly. Public Works: We had some recent survey work that we did because of some road and utility things that we were having planned for the future. We noticed that there were two encroachments in two of the areas, not that we were surveying, but that we had surveyed. We're working to resolve those. The water master plan is working its way through the Oregon Health Authority. They have to give it their blessing. Even though we adopted it way earlier this year, they still have to approve it. It's more of a formality, but we can't be at the One-Stop meeting until we get approval from them.

We are currently auditing our commercial sewer accounts to ensure that we have the most current EDU information. The last time we did an audit was right before we started the sewer project so it's been over ten years. Some businesses have changed. Some have gotten smaller. Some have gotten larger, so we're going through that process. Will and Ron have been ready to go on the FOG enforcement for quite some time and they are waiting on me, so I'm hoping by saying it out loud in public, I will get it done for them this year. Poor Will has been very patient, but we need to get that done. The police statistics are attached. We do have a new reserve officer. We haven't had a new reserve officer in quite some time.

Mike Brace. He comes to us from the county. He's been around for a very long time. Has a lot of skills that he's going to bring to the department. He has extensive background in law enforcement. He was the county's emergency manager. He's worked dispatch. He's worked corrections. He actually attended the police academy with Officer Shannon, so we're real excited to have him onboard. If you see this very tall, very thin gentleman with our officers, that's our reserve officer, Mike Brace. Feel free to introduce yourselves. Mike joins our other two reservists, Margie Brennan and then Wally Blackburn is the one that does our little speed trailer.

Fritts: On fire: Chief Krieger has put together a really comprehensive report to me last week on what the current status of the fire department is as far as number of volunteers, what kind of training that we need to have. Right now we have 30 ... He called them solid volunteers, 30 solid volunteers. We've had about the same number for a little over a year now. That's the largest the department has been in years. They invited me to their little Christmas potluck shindig the other day, which was very nice. I noticed when we were down at the fair grounds that there was all of these children and all of these young people. I think this is the youngest our department has been in forever. The median age of our firefighters in the last couple of years has really come down which is awesome because firefighting is a young buck proposition. It was really kind of nice to see all the kids running around and young families. It's been awhile since we've had that.

Part of his report included some real specific short and long-term capital plans. I think I will have him present it to the budget committee when we start doing budget hearings because he's brought some really provocative ideas forward that are things that I don't know that we've ever really thought of in that context. It's kind of interesting to see the different perspectives of the different firefighters where they think our strengths are and where they feel we're good on equipment and where we feel like we're lacking. When we get to budget time, I'll have him come talk to you because I think you'd be interested in what he has to say.

Visitor Center: This is kind of the lull between the summer storm and the starting of Glass Floats. We just did get the glass float shipment. We get three ginormous palates of floats for the season. Those just arrived so the ladies are working on that. Then as of today when I was working on my report, I didn't have all of the room tax reports in. I will report those to you later. Administration and Finance: We talked a little bit about the

mapping. The GIS agreement was signed with Lane County. I'm really excited about that. Once we get that online, I think I told you before that we'll be able to access it on our smartphones. Once we have it online and the folks from Lane County do the training, they'll do it remotely with us, for those of you that would be interested, I'll do a little training session with you guys, and it's something that we can all access remotely.

I think that if you use maps at all, I think you'd be very interested in the product that's available and the information that we'll have at our fingertips. I'm pretty excited about it. The water rates went into effect on the 20th, but it really wasn't reflected fully until the November bill that just went out. We had that 90-day lag time so that we could notify people of the changes, get some information out there about water conservation and that type of thing. So far, I haven't heard any screams from the front office. I'm thinking that things are going okay. Kim, the utility clerk, and I will kind of keep an eye on it especially for the next three months to just make sure there isn't any big anomalies out there. We'll keep watching the usage and billing, but so far, it looks okay. That's my report for tonight.

12. Mayor and Council Member Comments

a. Mayor Karl Popoff

b. Councilors

1) Melinda McVey

2) Larry Brennan

3) Becky Campbell

4) Doug Brand

5) Tamie Kaufman

Popoff: Thank you. Councilor Brennan?

Brennan: I don't have anything.

Popoff: Councilor Campbell?

Campbell: I just wanted to thank Administrator Fritts for getting that transcription service so that we can get our minutes timely now. That's awesome.

Fritts: That are so ... I have to tell you. After the last meeting, if you notice I'm dual recording here. The company that I found is online. They have a phone app, and so you can record it right into the phone app into their app, and I did that at the last meeting because I wanted to see how it work. As soon as the meeting ended, I shot them the thing. I got back here the next morning, and they were done.

Brennan: Wow.

Fritts: Yeah, when I got in the office, they had already emailed them to me. In like seven hours, I had them back. It was so awesome.

Kaufman: How did they know our names?

Fritts: Well, that was the thing. They asked to put ... If you want to help, you can put the names of the speakers, and so the first couple of sets, I did that, but then I noticed they spelled the Mayor's name correctly, "K" and "Off", and I thought. Okay. They must have looked online. Once the meeting started talking they must have ... Whoever transcribed it, must have went online and looked at our packet because they spelled your name correctly and nobody ever spells your name right. They spelled your name correctly. They put the two "N's in there. Whoever had transcribed it had must have gone online and looked at our packet.

Campbell: Did they spell my name correctly?

Fritts: Sorry, you and Doug's names are kind of easy, but yeah. I was impressed that they got everybody's names right. Yeah, within six hours, I had it back. I sent them a year's worth, which we already have them back. The hard part is me editing them and just putting the agenda in there. They just send it as the raw file. Then I go through. Then there are some uh, ah, that I deleted out of there.

Popoff: That's good. Yes, sir.

Brand: What I'm thinking is using this on the urban renewal meetings.

Fritts: Yeah, so we'll just do that. We'll just shoot them ...

Brand: Is there a fee for that?

Fritts: Yeah, there's a fee, but the way I figure it is that in the past, we've paid people to do our minutes anyway, and then ...

Kaufman: They never get done.

Fritts: Well, they would get done for a couple of months, and then something would come up because these people had businesses. However, this company ... I just went online and looked for it and this place was recommended by all of these big name companies, and they actually do transcribing. They do subtitling for movies, and they do closed captioning. It's a ginormous company, and the nice thing is that they are all American people. It's not like they get sent to BFE. They're here in America.

Popoff: Oh, that's good.

Brand: Okay, so it would be a pass through then, going from the city back to urban renewal so urban renewal could pay for it?

Fritts: Yeah, it would just be an administrative cost that we'll just put in there.

Campbell: The only other thing that I wanted to comment on was I hope to see everybody at the Christmas Dinner at the fair ground.

Brand: Event center.

Campbell: Event center on the beach.

Brand: I didn't see you there Thanksgiving.

Campbell: I was there Thanksgiving.

Brand: I didn't see you.

Campbell: I didn't see you either, Doug.

Brand: Behind the curtain. Door number one.

Fritts: Pay no attention to the man behind the curtain.

Popoff: They do their level best to keep him behind the curtains. Okay, moving right along. Councilor Brand, do you have anything to say?

Brand: I do. Event center at the Christmas Dinner. Support the event center, and Merry Christmas to all, and a happy, safe New Years. To be going on to something else, on the budget. The room tax for period 11, I saw that it looks like we are slightly ahead of the game for the fair grounds for 28/7?

Fritts: The July and August are our two best months. I want to say it's the 25 fund. As of right now, we have collected \$28,248 and that does not include Novembers. That's July, August, September. That's four months that we have \$28,000. We had budgeted \$57, and then just as a gentle reminder, you guys need to figure out what the process is of how you want to dole out that money.

Brand: We're working on that.

Fritts: Okay.

Brand: January's Fair Board meeting.

Popoff: Anything further, Councilor? Councilor Campbell? I mean, Councilor Kaufman?

Kaufman: I'm pretty quiet tonight. I've had bronchitis for a month and a half, so it's not been very fun.

Fritts: You sound better than you did last week, though.

Kaufman: I'm much better. The antibiotics [inaudible 01:01:27].

Popoff: Well, that illness has really shortened this meeting.

13. Citizens Comments
As permitted by the Mayor

14. Executive Session
No executive session is scheduled

*The next regularly scheduled City Council meeting is **Monday, January 9, 2017, at 6:30PM** in the Council Chambers of City Hall, 29592 Ellensburg Avenue, Gold Beach, Oregon.*

Popoff: We'll move right along. I'm assuming that there are no citizen comments. The next regularly scheduled city council meeting is Monday, January 9th at 6:30. Of course, it will be right here. With that said, I'll entertain a motion to adjourn please.

MOTION: Councilor Doug Brand made the motion to adjourn. Councilor Larry Brennan seconded the motion.

Record of Vote	Ayes	Nays	Abstain
Council Position #1 Melinda McVey			ABSENT
Council Position #2 Larry Brennan	X		
Council Position #3 Becky Campbell	X		
Council Position #4 Doug Brand	X		
Council Position #5 Tamie Kaufman	X		
MOTION CARRIES 4 AYES	4	0	

Popoff: It is 7:38. We adjourned. Thank you, Council. It's been a good meeting.

15. Adjourn Time: 7:38PM

APPROVED BY COUNCIL
January 9, 2017

Attest:
 Jodi Fritts
 City Administrator/Recorder