



MINUTES
January 26, 2015
(rescheduled January 12th meeting)
CITY COUNCIL MEETING

Call to order: Time: 6:29PM

1. *The pledge of allegiance*

2. **Roll Call:**

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

3. **Special Orders of Business**

a. *Mayor's Award Key Presentation*

Mayor Karl Popoff presented Ted Watkins with keys to the city.

b. *Swearing in of new police officer Garrett Shannon*

The Mayor swore in Officer Garrett Shannon.

c. *Mayor's Proclamation on Ballot Measure 8-79*

The Mayor read the Proclamation on Ballot Measure 8-79, Fire Truck Levy, stating the official results of the election as provided by the County Elections Division.

d. *Elect Mayor Pro-Tem for 2015*

MOTION: Councilor Melinda McVey made the motion to elect Councilor Tamie Kaufman to be the Mayor Pro-Tem for 2015. Councilor Doug Brand seconded the motion.

Mayor Karl Popoff asked if there was any discussion or debate.

Councilor Doug Brand asked if Councilor Kaufman wanted to be the Mayor Pro-Tem. Councilor Kaufman replied that she's not worried because the Mayor never misses a meeting.

Mayor Karl Popoff asked if there was further discussion or debate. No further discussion. Mayor Popoff called the question.

Record of Vote	Ayes	Nays	Abstain
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	X		
MOTION CARRIES UNANIMOUSLY			

4. Consent Calendar

Minutes: July 21, August 11, October 13, November 10, and December 8, 2014 meetings

MOTION: Councilor Tamie Kaufman made the motion to approve the Consent Calendar. Councilor Doug Brand seconded the motion.

Mayor Karl Popoff asked if there was any discussion or debate. No further discussion. Mayor Popoff called the question.

Record of Vote	Ayes	Nays	Abstain
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	X		
MOTION CARRIES UNANIMOUSLY			

5. Citizens Comments

As presented to the Mayor at the beginning of the meeting

The Mayor announced that Mary Rowe requested a few minutes to speak to the Council.

Mary Rowe, address 94111 5th Place, Gold Beach, said she came to speak to the Council about burn barrels in hopes that the Council will amend Ordinance 5.275 so that burn barrels are banned in the non-rural or densely populated part of Gold Beach or that there is a requirement to place them even further away from one's neighbor's structures than the current 25-foot requirement. She told the Council she is making this request because she has a physical disability and auto-immune disorder which can result in her becoming physiologically incapacitated. She said other Gold Beach residents have breathing disorders, asthma, heart problems, and other conditions which make close proximity to burn barrels dangerous and in some cases life-threatening. She said that in Brookings burn barrels have been banned in order to protect the health of residents and also because of the hardship in enforcing the ordinance. She provided the Council with the City of Brookings' ordinance and also a letter from Bill Hamilton, who is a current member of the Brookings City Council and chair of the Curry County Disabled Services Advisory Committee. She told the Council that enforcement of the ordinance is difficult here in Gold Beach because there is a volunteer fire

chief who is not available for these type of ordinance violations. She talked about alternatives to burn barrels. She shared information from Oregon's DEQ which describes the adverse effects that burn barrels have on all citizens. She requested that this matter be put on a future City Council agenda.

6. Public Hearing
None scheduled

There were no public hearings held.

7. Citizen Requested Agenda Items
None Scheduled

There were no citizen requested agenda items.

8. Public Contracts and Purchasing
None Scheduled

There were no public contracting or purchasing items.

9. Ordinances & Resolutions

a. Resolution R1415-07: regarding a Dangerous Building Determination
City Administrator Jodi Fritts told the Council that legal counsel contacted her this morning about the resolution, and she wanted one line added to the resolution.

Councilor Kaufman had some questions about procedure. She said she's okay with dealing with the rat issue and boarding it up, but not okay with tearing it down without a quote coming to the Council. She said if passing a resolution gives CA Fritts total authority, she's not ready for that yet. She's okay with passing the resolution if Fritts will bring it back to the Council before spending a lot of money. She also asked if the police department could go knock on the owner's door and ask them to talk to the City Council. Fritts answered that it's beyond that at this point. Fritts said the way the Code reads is that bids have to be solicited for the removal, destruction, or whatever means to get the dangerous building off of the property, and because it is a Council action, she will definitely bring it back to the Council so that they can decide how to proceed because it may cost more money than the Council is wanting to spend, and even though it is a dangerous building, the likelihood of getting the money back any time soon is going to be slim to none.

The Mayor said that whatever is done, he would like to see it done quickly because it is a hazard. Councilor Kaufman asked the Mayor to clarify. She asked, if the building's boarded up and the rodents are taken care of, why is it dangerous sitting there if no one is supposed to be on the property? The Mayor responded that he knows that putting up a sign that says "Do Not Enter" doesn't stop kids or anyone, particularly if someone is homeless, getting into the building. He said that the building is structurally unsafe. He asked Chief Andrews if he agreed with that. Chief Andrews replied that when he went into the building it was unsafe with the floor and ceiling, but he didn't push on any exterior walls to see if they're bowing in or mushy.

Councilor Becky Campbell asked who is liable for any injuries that occur on the property, in other words, since the Council has said that this is a dangerous property, if the neighborhood kid goes into the house and falls down and gets injured, is that liability on the City since the

City Council deemed it dangerous and didn't abate it, or does it go back to the property owner? Fritts said that if there was a situation of a lawsuit, the City would probably be included in it, but it's not to say that it would stick to the City. Councilor Larry Brennan said that he agreed that they would go after the City because it has deeper pockets than the property owner. He said that he agreed with Councilor Campbell, that once the Council says it's dangerous, he doesn't think that they can allow it to just sit there, that something has to be done with it.

Fritts said that once the rats have been abated and the asbestos checked, then bids will be solicited for either destruction or removal of the dangerous building. Councilor Kaufman asked could the property be fenced off, do they have to go to the expense of tearing it down. She was wondering what the minimum would be to secure it versus spending the \$20,000 it might cost to tear it down. Also, if not already done, she said it would be nice to get a title report to see if the City could foreclose on it and at least take the property. Fritts said that she thinks she already had gotten one because she wanted to ensure that the person she was notifying was correct. She said there are other liens on the property. Fritts said before bids are solicited she will check with legal counsel on what the City's liability would be and about fencing the property.

Fritts told the Council the Code says that the Council directs her to advertise for bids, and then the next one is the Council shall decide and determine the probable cause and work to be assessed.

There was discussion regarding other buildings in town that are dangerous and the cost of taking care of them. Councilor Kaufman said that the City cannot afford to take care of all of the abatements. Councilor Brennan asked if there was any state or federal money that cities can apply for to assist in taking care of this stuff. Fritts said she didn't know, but she would look into it. Council Kaufman said that she proposes boarding them up, send an order to them that they have to do something, or maybe send them to muni court. She said this is coming out of General Fund money. What are we going to do? Are we going to cut the fire department? Are we going to cut the police department? What are we going to cut to pay for this stuff? Councilor McVey asked if they could have the fire department burn it down for training. The Mayor said there still would be a cost in cleaning out the inside of the building. Councilor Brand said that you still have to abate the asbestos and that's the most expensive.

MOTION: Councilor Tamie Kaufman made a motion to approve Resolution R1415-07 with the suggestions by the city attorney and an additional instruction that the City Administrator get some quotes for the Council and then the Council will make decisions from there. Councilor Larry Brennan seconded the motion.

Mayor Karl Popoff asked if there was any discussion or debate. No further discussion. Mayor Popoff called the question.

Record of Vote	Ayes	Nays	Abstain
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	X		
MOTION CARRIES UNANIMOUSLY			

b. *Ordinance 654 Second Reading, amendments to Business Code*

MOTION: Councilor Tamie Kaufman made a motion to approve Ordinance 654, an ordinance amending Ordinance 643 which adopted a revised Gold Beach Business Code, by title only. Councilor Melinda McVey seconded the motion.

Mayor Karl Popoff asked if there was any discussion or debate. No further discussion. Mayor Popoff called the question.

Record of Vote	Ayes	Nays	Abstain
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	X		
MOTION CARRIES UNANIMOUSLY			

CA Fritts read Ordinance 654 by title only and told the Council the changes will go into effect in 30 days.

c. *Resolution R1415-08: Re-Appointment of Muni Judge*

MOTION: Councilor Tamie Kaufman made a motion to approve Resolution R1415-08, reappointing the municipal court judge. Councilor Becky Campbell seconded the motion.

Mayor Karl Popoff asked if there was any discussion or debate.

Councilor Brand asked if the judge was still willing to continue to be the municipal court judge. Fritts said that he was.

Mayor Karl Popoff asked if there was further discussion or debate. No further discussion. Mayor Popoff called the question.

Record of Vote	Ayes	Nays	Abstain
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	X		
MOTION CARRIES UNANIMOUSLY			

10. Miscellaneous Items (including policy discussions and determinations)

a. Update on 1st Street Dangerous Building

(See Ordinances and Resolutions Section)

b. FINAL discussion on Marijuana Regulation

CA Fritts said that tonight what she'd like to know from the Council is what kind of ordinance they want her to draft so that she can bring something back to them next month. She said she spoke with legal counsel, and legal counsel said if the Council wanted to limit where marijuana dispensaries are located, they could be limited to just the commercial zones. Fritts said that Councilor Brennan had an idea that they could be anywhere except for in the urban renewal boundary, which is most of Hwy 101.

Councilor Kaufman said that she had a procedural question. There is a moratorium on the medical marijuana that expires April 30th, so if the Council does absolutely nothing, what happens? Fritts said that the state laws would then apply.

MOTION: Councilor Kaufman made a motion that the Council does nothing on medical marijuana and on May 1 state laws apply on medical marijuana.

The Mayor wanted to clarify with Councilor Kaufman that in her motion the Council refrain from taking any action whatsoever and just incorporating basically the state law. Councilor Kaufman responded that the way she understood it from City Administrator Fritts is that it would be allowed in the commercial zone and the City just would not issue a business license.

The Mayor asked if there was a second to the motion. Hearing none, the motion died for lack of a second.

Councilor Brennan said if there could be a restriction added that it could not be within the urban renewal boundary, that would take care of any issues that he had with location. Councilor Kaufman said if the Council goes with his proposal, then she has to say that she has now regulated marijuana and therefore broke federal law. Councilor Brennan said if you let the State regulate it, they will be allowed anyway. The Mayor said that vows would not be broken if it was regulated by the State. Councilor Brand said as far as the dilemma with the oath, the people have voted it in. They do not care about our oath. Councilor Melinda McVey said the Council members were voted in by the citizens of Gold Beach, and the citizens of Gold Beach voted for the marijuana. She asked: Isn't it our responsibility to follow their wishes? She said that she likes the nowhere in the urban renewal area versus commercial. There was discussion about the oaths that have been taken by the Council to uphold all laws.

Councilor Kaufman said that the Council held a public town hall meeting that was well publicized. Everybody that came was in favor of no restrictions. She asked if there was a copy of the urban renewal boundary. She thought it was the entire commercial district. There was discussion that the commercial district is from the bridge to the Visitor's Center. Councilor Campbell asked if the Council makes the motion that dispensaries are not allowed in the urban renewal area, which is Hwy. 101, nor in the residential areas, where are we

supposed to put them? There was discussion regarding areas that dispensaries could be located.

Councilor Campbell asked the Mayor if the police chief had any comments he would like to make before the Council takes action. Chief Andrews said that the Council should deal with the medical marijuana now, as the moratorium is up in a couple of months. As far as the recreational marijuana, he thinks that the Council will have time to see what the legislature does before doing anything. He said there are a lot of people in the area who use marijuana, and he didn't think that there would be more "drug" driving than what they are already encountering. He said he's working on getting the 8-hour drugs that impair driving training for all of his officers.

Councilor McVey wanted to clarify that what Councilor Kaufman was saying was that the Council do nothing on the medical marijuana and let the State make the decision as of May 1st, but that could then lead to the medical marijuana dispensaries being allowed in downtown Gold Beach, and if the Council decides to not allow them in the urban renewal area, they would then have to be north or south of town. Councilor Kaufman responded that if you look at the map, most of the commercial zone is about a block back, that it could potentially be the second or third lot from 101. She said it wouldn't be directly on 101. It would be in a residential area that is also zoned commercial. Fritts brought in a map with the urban renewal boundary, and there was discussion regarding locations.

MOTION: Councilor Doug Brand made a motion to let the State's rules stand on medical marijuana. Councilor Becky Campbell seconded the motion.

Councilor Kaufman asked Fritts to read the motion back. Fritts replied that in regards to medical marijuana dispensaries within the city limits we're going to let the State rules stand, and we will not regulate further. Fritts asked Councilor Brand if that sounded like what he wanted. Councilor Brand agreed. Councilor Kaufman asked from an implementation standpoint what that would be. Fritts answered that for purposes of the front office, we are not going to issue a business license and we are not going to regulate it in any fashion locally. The only way that the City would regulate it is if the dispensary owner wasn't following the state laws, and then the City would just call the State.

Mayor Karl Popoff asked if there was any discussion or debate. No further discussion. Mayor Popoff called the question.

Record of Vote	Ayes	Nays	Abstain
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	X		
MOTION CARRIES 3 ayes, 2 nays	3	2	

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

CA Fritts presented her monthly report which is attached to these minutes.

12. Mayor and Council Member Comments

- a. Mayor Karl Popoff: He thanked the Pilot for being at the meeting. He asked where the Curry County Reporter was. Commissioner McVey responded that Sean went to Medford, and he hasn't been replaced. He said if another councilor would like to go to the OLCC meeting that Councilor Brand is going to on the marijuana issue, that would be fine. Councilor Campbell asked the Mayor if she could go, and the Mayor said that she could. He told the Council that he thinks they all know he's on the Sheriff's Advisory Board. He said they've been meeting every Wednesday. The next meeting will be in Harbor, and he invited the Council to attend. He said the Board is facing getting something drawn up and written for the sheriff by the 15th of next month so that he can present it to the Board of Commissioners by the end of the month and get on the May ballot. He said the County is running out of time and money, and this is a critical thing. He said that on Wednesday he was invited to a radio station, one that's just getting started in Brookings, and they're doing podcasts. He thanked everyone for a good meeting.
- b. Councilors
- 1) Melinda McVey: No comments.
 - 2) Larry Brennan: No comments.
 - 3) Becky Campbell: No comments.
 - 4) Doug Brand: He said he wanted to make a general comment about his oath. He said he was going to put a general statement out, that he's found there's only one really good thing for politicians: bait.
 - 5) Tamie Kaufman: She said she had a question for City Administrator Fritts. She asked if it would be possible to do the police stats with a running total like the Visitor Center's stats. Fritts said that she can do that. She said that there was a proposal made by Speaker Kotek in December to raise minimum wage to \$15 an hour, and she thought everyone would laugh and it would be over, but it's not. There is a real proposal to change minimum wage to \$15 an hour, and it was featured on the front page of the Oregonian. She said there may be some traction. She emailed the League of Oregon Cities to kind of keep an eye on it. She believes there's between 6 – 8 employees at the City that do not make that much. She said in her opinion small businesses cannot afford a \$6 an hour raise overnight. She doesn't know if they will do it over time or how they're going to do it. She said in a county that has a 10.5% unemployment rate, this is not good, so she thinks, as a community, we should keep an eye on it. She said she was accused of not having any data to back up her argument that it would raise unemployment, but she think it's a no brainer. She said she thinks it's a dramatic change from \$9.25 to \$15 an hour with no real notice. It's not only devastating to the business community, but also to the County and State, as they don't pay all of their employees \$15 an hour. So you're looking at raising taxes to keep just the current public staff

going and you've got, in theory, less taxpayers, so it's kind of a catch-22.

c. Student Liaison, Vacant

13. Citizens Comments

As presented to the Mayor at the beginning of the meeting
There were no citizens' comments presented.

14. Executive Session

None scheduled
No executive session was held.

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

Mayor Karl Popoff asked if there was any discussion or debate. No further discussion. Mayor Popoff called the question.

Record of Vote	Ayes	Nays	Abstain
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	X		
MOTION CARRIES UNANIMOUSLY			

The next scheduled meeting of the Gold Beach City Council is Monday, February 9, 2015, at 6:30PM in the Council Chambers of City Hall, 29592 Ellensburg Avenue, Gold Beach, Oregon.

15. Adjourn Time: 8:05PM