

**ONTARIO CITY COUNCIL MEETING MINUTES
Monday, November 3, 2014**

The regular meeting of the Ontario City Council was called to order by Mayor LeRoy Cammack at 7:00 p.m. on Monday, November 3, 2014, in the Council Chambers of City Hall. Council members present were LeRoy Cammack, Norm Crume, Jackson Fox, Charlotte Fugate, and Ron Verini. Dan Jones and Larry Tuttle were excused.

Members of staff present were Tori Barnett, Larry Sullivan, Marcy Siriwardene, Kari Ott, Mary Dombay, Anita Zink, and Mark Alexander. The meeting was recorded, and copies are available at City Hall.

Charlotte Fugate led everyone in the Pledge of Allegiance.

AGENDA

Charlotte Fugate moved, seconded by Ron Verini, to adopt the Agenda as presented. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-out; Tuttle-out; Verini-yes; Cammack-yes. Motion carried 5/0/2.

CONSENT AGENDA

Norm Crume moved, seconded by Ron Verini, to approve Consent Agenda Item A: Minutes of the Council Meeting of October 20, 2014; Item B: Liquor License Request – DJ's Restaurant; and Item C: Approval of the Bills. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-out; Tuttle-out; Verini yes; Cammack-yes. Motion carried 5/0/2.

PUBLIC COMMENT

Jerry Kusch, Ontario, stated he was ex-military, a retired correction's officer, and a card-carrying member for medical marijuana. He was concerned about things happening with the City Council. He relayed his concerns about the taxation of medical marijuana. Where was the justice in that? The law wouldn't hold up, and there would be lawsuits filed. One lawsuit had already been won. Marijuana had already been approved for Veterans who suffered from PTSD, but the Council wanted to restrict the use. He didn't understand that.

OLD BUSINESS

Ordinance #2694-2014: Modify TSP to City's Comprehensive Plan – Reclass Reiter Drive to Local Street and its Connection to Malheur Drive (2nd and Final Reading)

Larry Sullivan, City Attorney, stated there had been no changes since First Reading.

Charlotte Fugate moved, seconded by Jackson Fox, that the City Council adopt Ordinance #2694-2014, **AN ORDINANCE AMENDING THE TRANSPORTATION SYSTEM PLAN (TSP) OF THE CITY'S COMPREHENSIVE PLAN TO RE-CLASSIFY REITER DRIVE AS A LOCAL STREET AND TO ELIMINATE REITER DRIVE'S CONNECTION TO MALHEUR DRIVE ON THE TSP**, on Second and Final Reading. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-out; Tuttle-out; Verini-yes; Cammack-yes. Motion carried 5/0/2.

Ordinance #2696-2014: Create 3-21 of Ontario Municipal Code regarding Establish Tax on Sale of Marijuana and Marijuana-Infused Products in the City of Ontario (2nd and Final Reading)

Larry Sullivan, City Attorney, stated there had been no changes to the proposed ordinance since First Reading; however, as discussed prior to the First Reading, because Ballot Measure 91 was being voted on tomorrow and would become effective December 4th if it passed. The Council, if they wanted to have any sort of potentially effective ordinance, that ordinance would have to be passed on Second Reading that the current meeting. He had a brief discussion with Councilor Crume before the work session (no quorum present at the work session, though), and was asked to add some language to the ordinance for the Second Reading to have it read that any money received from the marijuana tax go into a dedicated public safety account. Councilor Crume wasn't present, as he was out of town, but the three Councilors who were in attendance, and none of them were particularly in favor of adding that language. As there was no quorum to give direction to make that change, so the ordinance before the Council that night was identical to the ordinance from First Reading. As he pointed out in the work session, that didn't prevent the Council from amending this ordinance at a later time. If approved at Second Reading, and Ballot Measure 91 passed tomorrow, there was going to be a time before any ordinance or Ballot Measure would take effect. The Council had the right to make amendments, as long as the amendments didn't have the effect of increasing the tax that was in the current ordinance. Any other changes would probably be non-controversial from the standpoint of creating a conflict with the Ballot Measure.

Councilor Crume stated his thought was that if the tax was allowed and went through, the Council could dedicate where that money would go. He believed it would be wise to put it in a certain area. He had spoken with both the Police and Fire Chiefs, and they had already experienced many cases because of abuses of both medical and recreational marijuana, where the taxpayers were footing that bill. He thought it might be wise to dedicate any money they might receive into that area. He asked Chief Alexander if he had anything to add, or could explain to the Council what type of experiences he had encountered over the years dealing with marijuana use and abuse, regarding the cost to the Ontario taxpayers.

Mr. Sullivan stated for clarification, because the Council had before them no document that made any changes from the First Reading, no changes could not be made at the current meeting. Even if a majority of the Council that evening wanted to add that language to the ordinance, they could not. The City Charter required that any changes be in front of the Council, in writing, at the time it was voted on. If they wanted, at a later date, to designate where the money would go, that could be done by resolution. That would not take an ordinance amendment.

Jackson Fox moved, seconded by Charlotte Fugate, that the City Council approve Ordinance 2696-2014, **AN ORDINANCE ADDING CHAPTER 21 TO TITLE 3 OF THE ONTARIO CITY CODE TO ESTABLISH A TAX ON THE SALE OF MARIJUANA AND MARIJUANA-INFUSED PRODUCTS IN THE CITY OF ONTARIO**, on Second and Final Reading by Title Only. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-out; Tuttle-out; Verini-yes; Cammack-yes. Motion carried 5/0/2.

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- ✓ Mayor Cammack let everyone know the emergency exit door from the Council Chambers would sound an alarm if anyone used it.
- ✓ Charlotte Fugate stated about three weeks ago, she attended a Main Street Conference in McMinnville, and explored the Main Street Program. Since that time, she had presented it to the Chamber of Commerce and she was looking for a consensus from the Council that they would support this endeavor. The portion she planned to enroll under would be the Exploring Downtown application. It was the beginning of the clean-up of the downtown area, and looking at the buildings, and some of the city's ordinances, and hopefully some support would see this city get cleaned up. She distributed some documents at the previous work session that went into more detail, asking everyone to give it a review. She just wanted Council consensus for the project.

Mayor Cammack thanked Councilor Fugate for volunteering to head that project for the city. Were there any objections to this project?

Councilor Fugate stated she had spoken with Sheri, and as soon as they could put in the application, they'd start to form a committee and get to work. She was very excited.

Council consensus to support the project.

- ✓ Councilor Crume stated Thursday, he and Councilor Fugate had the opportunity to go to Boise to meet with the City of Boise Recreation Coordinator, two representatives from the YMCA, along with Betsy [Roberts] and Cliff [Leeper] from CH2M Hill. The meeting went well. They asked for ideas on what they thought Ontario should do to the Aquatic Center. One of the gentlemen was in Ontario a few years ago, and he presented some ideas on what they'd change, some ideas on operations. CH2M Hill was going to take those ideas and adapting them to what they believed needed to be repaired, and to gather current prices. They were invited to their State Street facility for a tour, and he was beyond amazed as to what took place at that facility. He had never been inside a YMCA facility before, and he couldn't believe that there were so many activities going on from 6-week old babies to elderly persons with walking canes. It was incredible. It struck him that if Ontario could have something even remotely similar to that facility in our own community, it would be fantastic. If nothing else, he believed that if the city could find a way to rebuild the pool, and have a designated amount of money provided to them annually, amount being tossed around was between \$75K-100K, to operate, that maybe they'd be interested in doing something. There was no commitment, but they did say they'd look into the possibility. It seemed a worthwhile venture to look into, to see if there was a way to finance it to get it operating, and then to partner with the YMCA to operate the facility.

Councilor Fugate stated one gentleman at the meeting had operated the new YMCA in Caldwell, and he indicated that the juvenile crime rate in Caldwell had dropped by 40% because of the pool, because kids had a place to go and do activities. It was a win-win situation for Ontario if it could be done. She looked forward to working towards that goal.

- ✓ Councilor Verini stated the Veteran's Day Parade would take place Saturday, November 8th, and would begin at 1:00 p.m. The parade would run down 4th Avenue, beginning near Albertson's and would conclude down by the Railroad Depot Station. On the 11th, at 11:00 a.m., there would be a memorial in both cemeteries. It would begin at Evergreen Cemetery, and then move to Sunset Cemetery, conducted by the American Legion, the VFW, and the DAV. He encouraged the community to get out and support its Veterans.
- ✓ Councilor Fugate reminded everyone to get out and vote!!

EXECUTIVE SESSION

Executive Session: ORS 192.660(2)(a)

An executive session was called at 7:33 p.m. under provisions of ORS 192.660(2)(a) to consider employment of an officer, employee, staff member or agent. This session ended at 7:57 p.m.

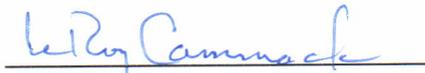
Executive Session: ORS 192.660(2)(d)

An executive session was called at 7:58 p.m. under provisions of ORS 192.660(2)(d) to consider employment of an officer, employee, staff member or agent. The Council reconvened into regular session at 8:41 p.m.

ADJOURN

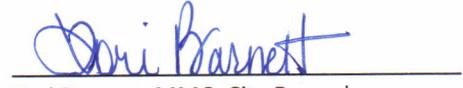
Jackson Fox moved, seconded by Charlotte Fugate, that the meeting be adjourned. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-out; Tuttle-out; Verini-yes; Cammack-yes. Motion carried 5/0/2.

APPROVED:



LeRoy Cammack, Mayor

ATTEST:



Tori Barnett, MMC, City Recorder