

- CALL TO ORDER** The Regular meeting of the Seaside City Council was called to order at 7:00 PM by Mayor Don Larson.
- Mayor Larson announced that Oliver Vernor passed away on Monday, November 19, 2012, and served on the City Council for six years and was Mayor for four years. Don McKay passed away on Friday, November 23, 2012, and had served two years on the City Council and also served on the Library Board.
- Present: Mayor Don Larson, Council President Don Johnson, Councilor Dana Phillips, Stubby Lyons, Tim Tolan, Jay Barber, and Tita Montero.
- Absent: None
- Also Present: Mark Winstanley, City Manager; Dan Van Thiel, City Attorney; Bob Gross, Seaside Police Chief; Sayde Moser, Seaside Signal; and Nancy McCarthy, Daily Astorian.
- AGENDA** Motion to approve the November 26, 2012 agenda; carried unanimously. (Lyons/Phillips)
- PROCLAMATION** Councilor Lyons read the Proclamation for Pearl Harbor Day.
- COMMENTS – PUBLIC** None
- CONFLICT** Mayor Larson asked whether any Councilor wished to declare a conflict of interest. No one declared a conflict of interest.
- CONSENT AGENDA** Motion to approve payment of the bills in the amount of \$105,993.92; and November 12, 2012, regular minutes; carried unanimously. (Lyons/Johnson)
- VACANCY – PARKS ADVISORY COMMITTEE** Mayor Larson stated there was one vacancy on the Parks Advisory Committee with two applications received from Mary Blake and Sean McKendry who had been interviewed prior to the Council meeting. Mayor Larson asked Council what they wished to do.
- Motion to appoint Mary Blake to the Parks Advisory Committee; carried unanimously. (Tolan/Phillips)
- The term expiration for Mary Blake would be March 31, 2014.
- VACANCY – LIBRARY BOARD** Mayor Larson stated there were two vacancies on the Library Board with two term expirations from Don McKay and James Shipley. Mayor Larson further stated James Shipley wished to be reappointed and Don McKay had resigned. Mayor Larson asked Council what they wished to do.
- Motion to reappoint James Shipley to serve on the Library Board; carried unanimously. (Lyons/Montero)
- Mayor Larson asked the press to advertise the vacancy for the Library Board.
- The term expiration for James Shipley would be December 31, 2016.
- VACANCY – BUDGET COMMITTEE** Mayor Larson stated there were two vacancies on the Budget Committee with two term expirations from Genesee Dennis and Gayle Spear who wished to be reappointed. Mayor Larson asked Council what they wished to do.
- Motion to reappoint Genesee Dennis and Gayle Spear to serve on the Budget Committee; carried unanimously. (Barber/Lyons)
- The term expiration for Genesee Dennis and Gayle Spear would be December 31, 2015.

**VACANCY –
BUILDING BOARD
OF APPEALS**

Mayor Larson stated there were two vacancies on the Building Board of Appeals with two term expirations from James O'Brien and Christopher Rose who wished to be reappointed. Mayor Larson asked Council what they wished to do.

Motion to reappoint James O'Brien and Christopher Rose to serve on the Building Board of Appeals; carried unanimously. (Johnson/Montero)

The term expiration for James O'Brien and Christopher Rose would be December 31, 2015.

**VACANCY –
TOURISM ADVISORY
COMMITTEE**

Mayor Larson stated there were two vacancies on the Tourism Advisory Committee with two term expirations from Keith Chandler and Angela Clark who wished to be reappointed. Mayor Larson asked Council what they wished to do.

Motion to reappoint Keith Chandler and Angela Clark to serve on the Tourism Advisory Committee; carried unanimously. (Montero/Lyons)

The term expiration for Keith Chandler and Angela Clark would be December 31, 2015.

RESOLUTION #3783

**A RESOLUTION OF THE CITY OF SEASIDE, OREGON, APPROVING A
LEASE/PURCHASE MASTER AGREEMENT BETWEEN IBM CREDIT LLC AND CITY
OF SEASIDE**

Mark Winstanley, City Manager, explained the City of Seaside was purchasing a new mainframe computer. Currently the computer the City of Seaside had been using was ten years old. As far as IBM was concerned the computer had become obsolete and IBM no longer supported the computer. There were also storage problems with the computer and it needed to be replaced. Mr. Winstanley stated the price of the computer was within the City of Seaside's purchasing authority but IBM needed the City to pass a resolution by the governing body authorizing the acquisition of the mainframe computer which was \$23,000.00 which would be financed over three years.

Mayor Larson asked for public comments.

Merlin Humpal, 2481 Oregon Street, Seaside, asked what kind of computer was this, how much memory and how much storage.

Mr. Winstanley stated he could not answer the question because the IT Computer people ordered computers for the City of Seaside. The computer was an AS400 which was the same model the City of Seaside had at this time. The City of Seaside needed to stay with this model of computer because the software was fairly particular and the City needed to stay with this type of IBM computer because the software would need to be replaced which would be a huge expense. Mr. Winstanley further stated the computer was more powerful and had an unbelievable storage system and would last at least another ten years.

Mayor Larson asked for Council comments, there were no Council comments.

Motion to read Resolution #3783 by title only; carried unanimously. (Johnson/Tolan)

Motion to adopt Resolution #3783; carried unanimously. (Johnson/Montero)

**APPROVAL =
LEASE/PURCHASE
MASTER AGREEMENT
IBM CREDIT LLC**

Mr. Winstanley explained IBM was requiring a letter from the City of Seaside's attorney Dan Van Thiel giving the authority to purchaser the computer and that the City of Seaside follows the law.

Mr. Van Thiel stated the letter had already been added to the City Attorney's letterhead and was waiting to be approved by Council.

Motion approving the Lease/Purchase Agreement between IBM Credit LLC and City of Seaside with legal Counsel's signature; carried unanimously. (Johnson/Tolan)

ORDINANCE #2012-07

**AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING CHAPTER 71
OF THE SEASIDE CODE OF ORDINANCES REGARDING GOLF CARTS**

Mr. Winstanley explained the City had a request from a citizen as to whether the City Council would consider an ordinance allowing golf carts to be driven on City streets. The Chief of Police took a look at other ordinances in other cities and cities were all over the map on this one.

Some cities did not allow golf carts which was currently the language that was in Seaside's Ordinances. There were some cities that allowed golf carts and some that only allowed golf carts in particular areas. Staff was fulfilling the wish of a citizen of Seaside and this was not something that we were recommending or not recommending but the ordinance was here for Council's consideration.

Bob Gross, Seaside Police Chief, explained when researching golf carts there were proclamations that stated golf carts could be driven on City streets to a very detailed City Ordinance that was very restrictive in some areas and had a ton of rules and regulations. Chief Gross further stated staff took a look at ordinances that were in between and would be best suited for the City of Seaside if Council decided they would like to establish an ordinance for golf carts. Chief Gross further stated Council had a copy of the ordinance and he would go over some of the highlights. The ordinances stated golf carts could be operated on any street where the speed limit did not exceed thirty miles per hour, the operator of a golf cart must have a valid drivers license, and the owner or operator must maintain a minimum Oregon State Liability Insurance. Chief Gross checked into the cost of the insurance and based on the ordinance as written it would cost \$100.00 to \$150.00 annually depending on the insurance company. The ordinance would also require any golf cart operated at dusk or during darkness to have two headlamps at least one stop lamp, turn signals, and tail lamps, operators of a golf cart were subject to all state and federal traffic laws with any citations or penalties handled in the same manner as other vehicles, parents or legal guardians of a licensed operator that was under the age of eighteen were legally responsible for the minors actions both criminally and civilly for any damage that may have occurred to City property or anyone else's property. Chief Gross further stated that was the way the City chose to write the ordinance and there were businesses in town that rented golf carts and allowed them to be driven in the downtown corridor. Chief Gross further stated over the years he has been contacted about golf carts and the people were told that golf carts were not allowed and there was a gentleman that moved here from a City that allowed golf carts and in conversations wanted to drive his golf cart just to the beach and back to his home. Chief Gross further stated based on the request for golf carts the City was presenting the ordinance to Council for their consideration.

Councilor Phillips asked if the gentleman lived on Wahanna Road.

Chief Gross stated the gentleman lived east of Wahanna Road on Spruce.

Councilor Phillips stated it would not be legal for him to cross Highway 101 to go to the beach.

Chief Gross stated it would be legal because he would be driving across the highway and not on the highway.

Mayor Larson asked for public comments.

Mr. Humpal stated it occurred to him that there were many people driving their wheelchairs and how different was golf carts to wheelchairs.

Chief Gross stated wheelchairs were covered by Oregon Revised Statutes (ORS) that permitted the disabled to use their wheelchairs. The ORS allowed for golf cart use under certain restrictions if the municipality agreed for golf carts to be allowed in the City.

Mayor Larson asked Laurie Oxley if she had a golf cart.

Laurie Oxley, Seaside Downtown Development Association, stated she liked to think it wasn't a golf cart but the frame was indeed a golf cart base but it was licensed with license plates from the Department of Motor Vehicles.

Mayor Larson asked if that was different than the ordinance presented.

Chief Gross stated it was different.

Mayor Larson asked for Council comments.

Councilor Tolan stated Chief Gross mentioned the golf carts would have head lamps, etc. at dusk and dark and why not during the day.

Chief Gross stated that was not required during the day and was one of those things that were looked at when reviewing a number of ordinances in Oregon. Only one ordinance looked allowed golf carts to be driven at night and spoke to what was in the Ordinance for vehicle requirements.

Councilor Tolan stated most golf carts did not have taillights.

Chief Gross stated it depended on what was bought. There were people moving into Seaside from other areas where golf carts were being used very frequently. Those golf carts did have taillights and headlights because it was a big business in retirement communities. The gentleman requesting the use of his golf cart came from one of those communities that allowed golf carts based on the ordinance in that City. Chief Gross further stated if Council wished to require the use of lights during the day then that could be changed to equipment requirements during the day and evening.

Councilor Montero asked if the golf carts would be required to have seatbelts.

Mr. Winstanley stated the ordinance was for Council's consideration and if Council wished to require the golf carts to have seatbelts that could be added to the ordinance. If there was language Council wanted to add to the ordinance that could be done.

Councilor Montero stated she would want to be sure that people driving the golf carts were as safe as possible and being seen by other vehicles was safe.

Councilor Lyons stated he was aware of golf carts and especially in Arizona where he had driven the golf carts. The rules were that everyone could drive a golf cart and there were golf carts in almost every garage. The speed limit on Wahanna Road was thirty miles per hour and if golf carts went twenty to twenty-five miles per hour that would cause problems. During certain times of the year when traffic was busy people would be getting mad. Councilor Lyons further stated Council should discuss this further and conduct a workshop on the ordinance.

Councilor Phillips stated she would like to see some public input from the community.

Councilor Montero agreed with Councilor Phillips.

Councilor Lyons stated golf carts would be to dangerous. Council needed to take a good look at the ordinance.

Councilor Phillips stated this was Wahanna Road with log trucks.

Councilor Montero stated the golf carts would also cross Highway 101.

Mayor Larson stated there were bicycles on the highway and on Wahanna Road.

Councilor Montero stated on Highway 101 bicycles had their own lane.

Councilor Barber stated he would see the golf cart like vehicles that were rented for recreation use. What was the regulation that allowed those golf carts to operate?

Chief Gross stated that was permitted by a business license in the City of Seaside and in the downtown corridor there were Surrey's, two wheel bicycles, three wheel bicycles, golf carts, and a variety of scooters. Those were all part of a business and were granted a business license to conduct a business and rent out those items. Chief Gross further stated there were no restrictions on where they were allowed except when going out to the highway. Chief Gross further stated there was a fatality accident on Highway 101 involving a scooter.

Mayor Larson asked what Council wished to do.

Council President Johnson stated there were more questions then answers.

Motion to conduct a workshop to discuss the proposed ordinance; carried unanimously. (Johnson/Montero)

Mayor Larson asked if staff had a rush on the ordinance.

Mr. Winstanley stated there was no reason to rush the ordinance and Council could schedule a workshop in January, 2013, to discuss the ordinance further.

Councilor Montero suggested Council schedule a workshop after the Goal Setting.

Dan Van Thiel, City Attorney, stated he would like the City's insurance carrier to look at the ordinance. The configuration of the City and streets was important and there were two significant roads in the City. Was the possibility of injury more significant for people in golf carts? Mr. Van Thiel further stated the ordinance could pose some problems for the City in policing and other things.

COMMENTS - STUDENT
REPRESENTATIVE

Absent

COMMENTS – COUNCIL Councilor Phillips thanked Chief Gross for all the work he had done with the Ordinance for golf carts.

Councilor Lyons reminded Council and the public to remember Pearl Harbor Day on December 7, 2012.

Councilor Tolan stated he appreciated receiving the information from Western Oregon Waste (WOW)

Council President Johnson stated Mayor Larson did a very nice presentation at Oliver Vernor's service and represented the City well.

**COMMENTS – CITY
STAFF AND PUBLIC**

Ms. Oxley stated downtown Seaside was beautiful right now. Ms. Oxley further stated there was a Wine Walk downtown Saturday, November 10, 2012 which went very well. Ms. Oxley further stated right now was the Shop Seaside Campaign which was off to a great start.

Mayor Larson stated considering what happened with the tree it looked quite fine.

Jack Bland, Port of Astoria Vice President, stated the City of Astoria anticipated there would be twenty-three Cruise Ships coming to Astoria in 2013.

Mayor Larson asked if the Port of Astoria had taken a stand on the gillnetters.

Mr. Bland stated the Port of Astoria was in support of the gillnetters.

Mayor Larson asked if the Port of Astoria would be taking a stand at the meetings next week.

Mr. Bland stated he believed the Port of Astoria was but he had been gone for ten days.

Chief Gross stated there were changes made to the Seaside Parade of Lights this year which was due to some safety concerns with being an evening parade. Thanks to the Port of Astoria who loaned out the barriers at Broadway and Holladay and Columbia and Broadway which helped keep the crowd out of the street. Chief Gross further stated the parade went very well.

Mr. Van Thiel stated he wanted to apologize to Council for telling them how to take care of the Coyote problem in Seaside. There was someone from the last meeting who called Lars Larson with a conversation about someone from Baker City talking about Coyotes. Mr. Van Thiel further stated he had clients in Baker City that agreed with Mr. Van Thiel and would form a posse to take care of the Coyotes.

Mr. Winstanley stated he did hear about Lars Larson and the City Attorney and thought it was very entertaining.

ADJOURNMENT The regular meeting adjourned at 7:37 PM.

Kim Jordan, Secretary

DON LARSON, MAYOR