

- CALL TO ORDER** The Regular meeting of the Seaside City Council was called to order at 7:00 PM by Council President Johnson.
- ROLL CALL** Present: Council President Don Johnson, Councilors Jay Barber, Seth Morrissey, Randy Frank, and Tita Montero. .
- Absent: Mayor Don Larson, and Councilor Dana Phillips
- Also Present: Mark Winstanley, City Manager; Russ Vandenberg, Convention Center & Visitors Bureau General Manager; Kevin Cupples, Planning Director; Dave Ham, Seaside Police Department; and Katherine Lacaze, Daily Astorian/Seaside Signal.
- AGENDA** Motion to approve the July 13, 2015 agenda; carried unanimously. (Frank/Montero)
- COMMENTS – PUBLIC** John Dunzer, 2964 Keepsake Drive, Seaside, presented Council with a letter that he had written to the editor of the Seaside Signal regarding power solutions. Anyone who lives on the North Coast should have been embarrassed by the 6 hour 4th of July electrical power failure at the Pacific Power substation in Seaside. Clatsop County is a remote island where Pacific Power (a major producer of electricity generated in Wyoming from coal) provides electrical service. The Pacific Power Clatsop service district is surrounded by public utility districts (PUDS) supplying electricity generated from reliable renewable sources in Tillamook and Clatskanie that result not only in lower consumer cost but significant reductions in greenhouse gas. Evidently the Seaside Substation transformer failure was caused by a brazen red/white/blue balloon attack. Come on girls and guys, we need a better designed utility infrastructure. Millersburg Oregon, a small town in the Willamette Valley of 1,500 residents has just (5-18-2015) completed its final business plan to break away from Pacific Power and form a municipal utility to reduce consumer costs. They found that there are currently 12 municipal utilities operating in Oregon, all of which have electric rates lower than Pacific Power. Possibly if the Seaside City Council or the Clatsop County Commissioners could find the time, when they are not busy regulating panhandlers and marijuana store locations, they might actually be able to do something to improve the lives of residents and visitors as well as the viability of businesses. Properly designed a local electrical utility could use renewable energy and eliminate the 3 to 6 month electrical outage that is projected for our area by the State when the Cascadia Fault earthquake and tsunami occurs. It might also survive in the case of a balloon attack. There was also other information regarding accounting for contingencies summery that was distributed to Kim Jordan, Administrative Assistant, to make copies for the Council.
- Cindy Daly, 2580 Ocean Vista Drive, Seaside, stated the City Mission Statement talked about a partnership with community members and visitors. Ms. Daly further stated her experience over the 4th of July with the power outage was that she saw the mission statement in action and it worked beautifully. Ms. Daly lived on the North end of the Cove on the beach and likens it with previous years to a war zone. It was not unusual to see fifty fires in the grass and the logs and no one seemed to worry except the homeowners. The lack of restrooms created even more issues while trying to enjoy the day on the deck. Ms. Daly further stated five years ago neighbors began to work with the Seaside Police Chief and the Seaside Fire Marshall and found if tourist were warned about fires in the grass they obeyed the ordinance. The 4th of July program was expanded and included posters placed on the lawn which worked all summer and there had been control over fires in the grass. This year there was not one fire in the grass or the logs on the beach and there were posters put out on the beach and neighbors going out to inform people about the ordinance. There was coordination with Dave Ham, Seaside Police Chief, Steve Barnett, Seaside Police Lieutenant, Joey Daniels, Seaside Fire Chief, and David Rankin, Safety Training Officer for the Seaside Fire Department. Ms. Daly further stated this was the first time families were able to enjoy the fireworks without the smoke and chaos. Ms. Daly further stated with the power outage and police now distracted with directing traffic it was frightening to think about all those people coming off the beach without any lights. To Mark Winstanley and City Staff there was obviously a plan with lights put out at the intersection which lit up the roads and beaches to get people safely off the beach when the fireworks were finished. Ms. Daly thanked city staff, city leaders, and the public safety officers for making her 4th of July the best ever.
- CONFLICT** Council President Johnson 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 \$781,856.54; and June 22, 2015, regular minutes; carried unanimously. (Barber/Frank)

AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING CHAPTER 114: OF THE CODE OF SEASIDE REGARDING ITINERANT MERCHANTS

Mark Winstanley, City Manager, stated Council addressed the ordinance at the June 22, 2015, City Council meeting with the first and second reading.

This was amendments to an existing ordinance that had been in effect since 1984. There were adjustments made to bring the ordinance up to date.

Council President Johnson asked for public comments.

Angela Fairless, 846 10th Avenue, Seaside, stated when she was growing up in Seaside she heard about the homeless by going to Portland. There was no Safeway or McDonalds and obviously in the last decade or so homelessness had become a very visible issue and was something that needed to be discussed locally and on the global social economical level. Ms. Fairless further stated how the Itinerant Merchant Ordinance was done much like the timber harvest of the Watershed, the Willow Harvest at the Mill Ponds, the retaining wall, and how Council was starting to go forward with the writing of the Medical Marijuana Ordinance. Council had a good idea and the issue was important and needed to move forward and be efficient and Ms. Fairless appreciated and admired that. Council needed to slow down just like the amendments that were made to the Medical Marijuana Ordinance this ordinance was poorly written and should be scrapped and started over. In addition having multiple readings in one meeting showed Council was trying to be efficient however it was really a slap in the face of democracy and the whole public process in the reasons there were multiple readings. When there were multiple readings it made it hard for people to be aware of and involved in the public process. When multiple readings were done that should be reserved for cases of urgency or when there was a strong majority consensus behind what was being pushed forward with and please consider that as Council moved forward in everything that was done. Ms. Fairless further stated specifically about the ordinance she had not heard what the police department or the police chief had to say about the ordinance and the proposed changes and how that would be enforced. In addition the Itinerant Merchant ordinance stated a time requirement for daytime only and that was great and having a small fee for merchants was great but should be a much smaller fee and only for people selling things. Council was putting a charge on freedom of speech for people who were playing music or asking for help. Ms. Fairless had not watched her brother pull shrapnel out of his head so the City of Seaside could charge fifty dollars for something the United States Constitution protects and Council should reconsider that free speech fee. In addition there was the compassion aspect in what Jesus taught us or what any spiritually or morally sound individual knows what should be done when seeing people in need. It was really sitting down and saying how could we help each other with the issue. Council needed to look at simple lemonade stands that young children might want to do and maybe people under eighteen should be exempt from that. To charge fifty dollars a day was a full day's work for a minimum wage worker after taxes. Ms. Fairless admired Councilor Morrissey for the lone dissenting vote for the Itinerant Merchant Ordinance at the last Council meeting and for the comments that were made.

Samuel Condron, 2149 S. Franklin Apt. 2, Seaside, stated he was an Army Veteran and had spent multiple years being homeless. There were a lot people on the streets that had nowhere else to go and all they could do was ask for help. Charging fifty dollars a day was making it cost prohibited for these people to live, eat, and sustain life. This was impossible for people trying to run a small business or asking for help. The homeless should be excluded from the ordinance and a cost was being put on their existence. The ordinance was being amended to exclude homeless people from Seaside.

Kevin Widener, 3815 Edgewood #6, Seaside, stated he was homeless for three years and was now a County elected official. The United States Supreme Court ruled several years ago stated pan handling was freedom of speech and was legal. Council should turn down the ordinance.

Edgel Cline, 1020 S. Columbia #10, Seaside, stated he was a veteran and times get hard and asking for money really humbled a person. Councilor Montero had given him a card to get help from the American Legion and then he helped other people get connected with the American Legion. Mr. Cline did not stand there to make a bunch of money but needed twenty dollars or so every few days. Charging fifty dollars a day was too much.

Doug Nichols was disabled and his sign said have a good day and the money was used to take care of extra expenses that he had that was a need. Mr. Nichols played the drums downtown and had a tip jar and fifty dollars a day would be impossible for him to pay every day. The fee of fifty dollars a day was too much and impossible and thirty five dollars a year should be charged instead.

Todd Irving, 560 S. Columbia, #2, Seaside, stated he was well known as Funk Plastic and sat on Broadway and played the plastic buckets. Mr. Irving was leaving town to play a gig and his mother's eightieth birthday was at a Portland Country Club when he found out about the ordinance. This was not a monetary issue but was a mortality issue and he cancelled a gig tonight to attend the Council meeting. Mr. Irving was a street performer and he played in cities around the Country. The annual permit fee in Santa Monica was thirty five dollars and permit fees in Sacramento were one hundred twenty seven dollars a year. To deliberate on issues that were less important than people on Broadway and Columbia strung out on drugs.

Mr. Irving further stated he would like to see the fifty dollars a day collected go to something needed in the City to get the people off the drugs. The fifty dollars a day was unprecedented.

Jonathan Keen stated he had been homeless the last three years of his life and what started was his family thought it would be easier that way. The City should make it easier to get jobs if they don't want people sitting out holding signs.

Tourist town, tourist attraction and most people don't like seeing homeless people. Mr. Keen was trying to make it home and was only eighteen and hungry. Mr. Keen had lost his home and everything and did not know what else to say but hoped Council heard his words.

Ann Daner, 1953 Spruce Drive #35, Seaside, stated the way things were going in the City with the Itinerant Merchant Ordinance was showing people they did not want them homeless and panhandling in Seaside. There were extremely high drug rates, and homeless rates in Seaside and why was Council not doing something to help with the problem. She was ashamed to be a resident of Seaside and this was not a matter of making money for Seaside and was not the way to show compassion. Ms. Daner had a heart and compassion for other people and was ashamed.

Mary Eng stated she was born in Portland, Oregon and raised in Nashville Tennessee and came from a Catholic family. The family was humanitarians and she grew up helping the homeless and the hungry. There was a program started in Sweden where there were homes built for every person. There needed to be a humanitarian solution to help with the problem.

Zachery Zidell, Astoria, stated he was looking for ways to contradict the rulings and effort of the Council. There would not be any positive effects with the Itinerant Merchant Ordinance with the Seaside Community. Mr. Zidell did not want to live in Oregon anymore and this was a burden on the police force and created more danger. There were two court cases where collecting money was legal and Council would be creating quite a burden.

Council President Johnson asked Mr. Zidell if he was speaking against the ordinance.

Mr. Zidell stated he was not speaking against or for anything he was speaking the truth.

Ron Fisher (fell down at the podium) stated he was sorry and was born and raised in the area and was a fisherman for twenty seven years in the ocean and worked hard. He was now on disability and made six hundred a month compared to two to three thousand when he was a fisherman. After paying rent for the month he did not have money and he might make fifteen dollars a day but have to pay fifty dollars a day for the license.

Mr. Condron stated he had already spoke but was wondering if the people talking to the City Council was bothering Council President Johnson.

Council President Johnson stated they were not.

Mr. Condron stated Council President Johnson was giving a lot of eye rolls and cutting people off which was being viewed by him and a few others that had talked. Mr. Condron further stated the people were viewing from that side of the bench and you don't have interest in what we have to say.

Council President Johnson stated he did have an interest in the people speaking.

Kevin Brunswick stated he was opposed to the Itinerant Merchant Ordinance. Mr. Brunswick was born and raised and grew up in Seaside. Mr. Brunswick was emancipated from his family and explained some of his life to the Council. The bible summed it up in the Ten Commandments with one word which was love and there was no love coming from City Council. The City Council was breaking peoples civil rights. If Council passed the ordinance then Rite Aid would get more shoplifters.

Lisa Dooney, 18860 NW Rock Creek Circle #351, Portland, stated she lived in the area for forty years and no longer lived here. She was in opposition of the ordinance and fifty dollars and day, five days a week, fifteen hundred dollars a month. The poverty in the United States was hidden now and during the depression there was hundreds of people in line for help. Ms. Dooney further stated if her husband Michael Dooney were alive he would be appalled with the ordinance. This was not the way the City Council needed to handle this. This was a social and moral issue and no law or ordinance would make the people disappear.

~~Council President Johnson asked Council if they would like to table the ordinance for Council to consider the public comments received and bring the ordinance back at the next City Council meeting Monday, July 27, 2015.~~

Council President Johnson asked Council if we would agree to table this to a later date. Take the testimony that has been brought before us, digest it, understand it and come back and review it and see what Council's decision would be at a later date.

~~Motion to table the ordinance and bring back to the City Council meeting scheduled for Monday, July 27, 2016; carried unanimously. (Montero/Morrisey)~~

Motion to table this to a later date. Take the testimony that has been brought before us, digest it, understand it and come back and review it and see what Council's decision would be at a later date; carried unanimously. (Montero/Frank)

Council recessed at 7:55 pm.

Council reconvened at 8:00 pm.

LIQUOR LICENSE

Council President Johnson stated there was a liquor license application received from Tasty Treats, 280 S. Columbia. Council President Johnson further stated the application was for an Off -Premises Sales License, and was for a new outlet. Council President Johnson asked if Christina Hintz was present and she was not present.

Mr. Winstanley explained there was a liquor license application received from Christina Hintz who owned Tasty Treats located at 280 S. Columbia. The police department reviewed the application and found discrepancies and the police report was included in Council's packet. The owner was not at the meeting to explain the discrepancies and the police department at this time recommends Council deny the application because of the discrepancies.

Motion to deny the Off-Premises Sales License for Tasty Treats, 280 S. Columbia; carried unanimously. (Barber/Montero)

ORDINANCE #2015-07

AN ORDINANCE OF THE CITY OF THE SEASIDE, OREGON, AMENDING, CODE OF SEASIDE CHAPTER 110.04: UNLAWFUL, ILLEGAL, OR PROHIBITED BUSINESSES NOT AUTHORIZED AND CREATING A NEW CHAPTER 119: MEDICAL MARIJUANA GROW SITES

Kevin Cupples, Planning Director, explained the City received a request to establish license procedures for medical marijuana grow sites similar to those created to regulate medical marijuana dispensaries. The ordinance would modify the current business license ordinance and create a new ordinance (Chapter 119) that would establish additional licensing requirements for medical marijuana grow sites. A resolution addressing a potential fees schedule had also been prepared; however, that can be reviewed at a future date if the ordinance was acceptable to the Council. As with any new ordinance, adoption was at the discretion of Council and the proposed text can be modified in order to address any additional concerns. Mr. Cupples further stated following public testimony, review the proposed ordinance and consider beginning the adoption process for the new regulations intended to establish new licensing requirements for medical marijuana grow sites.

Council President Johnson asked for public comments.

Ms. Fairless stated she had not had the chance to fully take the time to understand what the ordinance would do. There had been discussions in the past about zoning for Medical Marijuana Grow sites and allowing the sites only in certain zoning locations. If Council was allowing Medical Marijuana Grow sites only in the industrial or agriculture zones then the recommendation was to expand the zone and or add language to the possibility of grow sites in the commercial zones under special circumstances. Ms. Fairless was not wanting grow sites downtown but there were other areas commercially zoned right now where she had her medical marijuana grown and she did not want to have to move the site. Ms. Fairless further stated she had to sign off on the OMP, electrician, and all these other people and all the work and money put into the operation she would be out fifty thousand dollars.

Mr. Zidell stated when considering a new place to live he was thinking Oregon because he had been informed Oregon had a good government health program and as he was a medical marijuana patient would like to support the local growers. The industrial zone may not be the cleanest to grow and process and other grow operations should be allowed.

Eric Saucedo, 846 10th Avenue, stated he and Angela had gardens set up already and there were other grow sites and maybe the grow sites already set up could be grandfathered since they had existing gardens if the qualifications were met. This would allow people who had existing gardens and had been supplying patients in the area for years to continue doing so without having to restart and relocate.

Ms. Eng stated regarding marijuana there were crimes committed concerning the growing or selling of marijuana. She would be curious if someone could explain the restriction, coding, and zoning. Were there concerns about crimes or styles when speaking about marijuana?

Mr. Cupples stated if people were growing medical marijuana for themselves that was not a problem but if someone was in the activity of producing that product there were potential risk factors and if there was a product being produced then that was under the zoning regulations. Mr. Cupples further stated the city would be regulating grow sites similar to the way dispensaries were being regulated. Any type of production or processing could lead to that and there was a high heat production. At any time the fire marshal can go to the site for an inspection.

Mr. Zidell asked if the criminal background checks were for offences which related to specifically marijuana and drugs.

Mr. Cupples stated the Seaside Police Department conducted the background checks and one thing they were looking for was had there been violations related to production or sales of drugs.

Council President Johnson asked for Council comments.

Councilor Morrisey stated he was traveling this week and did not get the Council packet until today and did not have time to read and go over the information. Councilor Morrisey further stated he was unprepared to vote on the ordinance and would like to do more research and see how other cities were handling marijuana grow sites.

Councilor Barber stated the ordinance did reflect what other cities were doing in terms of making sure the zoning was appropriate for the manufacturing of drug substance. The ordinance was well crafted and the Planning Commission had done a good job in creating the ordinance.

Mr. Winstanley stated Council was looking at locations that would be acceptable as far as the location for growing was concerned. This was a relatively new issue and Council needed to look at zoning for the grow sites. The Planning Commission was putting the grow sites into zoning locations

Councilor Montero and Ms. Fairless discussed growing medical marijuana and the operation.

There was a question from the public about a growing marijuana operation that would sell to dispensaries.

Mr. Cupples stated if a product was being grown for personal use and you wanted to take the excess to a medical marijuana dispensary then that would be a business of growing and would be regulated.

Councilor Montero discussed ORS 475.304 which she would be reading again. Councilor Montero suggested Council conduct a workshop on growing operations.

Councilor Frank stated people were trying to mix personal use with business use and the ordinance was very specific and was addressing the business of growing medical marijuana and tabling the ordinance was not going to change anything and seemed pretty simple.

Councilor Barber stated Council could conduct the first reading and bring the ordinance back to the next Council meeting for the second reading.

Motion to place Ordinance 2015-07 on its first reading by title only; carried with Morrisey opposed. (Barber/Frank)

COMMENTS – COUNCIL

Councilor Morrisey stated as far as the Medical Marijuana Grow Ordinance he appreciated the work of the Planning Commission and was unprepared to vote on the ordinance. As far as the Itinerant Merchant license he appreciated the public testimony.

Councilor Frank stated he echoed the same sentiment. There was the guy that spoke and if he was looking for work Councilor Frank could set him up with a job. There were a lot of resources available to tap into and he had no idea how many people were year round residents or here for the summer.

Councilor Montero stated people heard from tonight were local citizens and came to Seaside to see what they could get. Years ago she owned a fabric store and every year big groups were going around selling merchandise and she had seen two such groups the last couple of months. These groups do not have business licenses to sell these things.

~~Councilor Barber stated the City Council was volunteers and were not out to categorize or discriminate against people in the City. Councilor Barber was a board member on the Helping Hands Board and there was help available in the City and the County. Councilor Barber was a practicing Christian and believed in charity and it was his responsibility to take care of his neighbor. This was a decision Council needed to weigh carefully in terms of making sure everyone had the opportunity to survive in the community and he appreciated the input.~~

Councilor Barber stated he appreciated the input as well. I'm troubled by it in many ways. First of all he would like to say all of us sitting in these chairs are volunteers. We were not out to categorize, discriminate any particular group of people in our City. Councilor Barber further stated he was personally involved in addressing solutions to the homeless problem in our community. He served on the board of directors of Helping Hands re-enter programs now for two years. It's been very encouraging to me to see a program that was helping people get out of homelessness and into transitional programs, get into permanent housing. There were resources in the community for people who really did need help. One of the troubling things is some people preferred to be on the street corner panhandling will not go to Helping Hands for support and maybe we need to work on that problem.

I am a practicing Christian, I believe in charity and believe it was my responsibility to care for my neighbor and I do that on a daily basis. This was a decision that I think we need to weigh carefully in terms of making sure that everybody has the opportunity and right to survive in our community.

Council President Johnson stated he apologized if he sounded cruel or upset but he was not. Council President Johnson further stated he was listening and understood what was going on and appreciated all the comments.

COMMENTS – STAFF

Dave Ham, Seaside Police Chief, thanked the Seaside Police Department officers and dispatchers who worked very hard on the 4th of July. The officers had to work even longer hours because of the power outage and the Oregon State Police helped out and other agencies that helped out like Cannon Beach and Clatsop County. Chief Ham further stated Tuesday, August 4, 2015, was National Night Out.

Mr. Winstanley stated having a power outage on the 4th of July was a worst case scenario. The Emergency Operations was called together for the City when the power went out and he thanked all the departments for working together to get lights and items needed because of the outage.

ADJOURNMENT

The regular meeting adjourned at 8:36 PM.

Kim Jordan, Secretary

DON JOHNSON, COUNCIL PRESIDENT