

CALL TO ORDER The Regular meeting of the Seaside City Council was called to order at 7:00 PM by Mayor Larson.

ROLL CALL Present: Mayor Don Larson, Council President Don Johnson, Councilors Jay Barber, Dana Phillips, Seth Morrissey, Randy Frank, and Tita Montero. .

Absent: None

Also Present: Mark Winstanley, City Manager; Russ Vandenberg, Convention Center & Visitors Bureau General Manager; Jon Rahl, Convention Center & Visitors Bureau Assistant Manager; Joey Daniels, Seaside Fire Chief; Steve Barnett, Seaside Police Lieutenant; Taylor Barnes, Student Representative; RJ Marx, Daily Astorian/Seaside Signal; and Katherine Lacaze, Daily Astorian/Seaside Signal.

AGENDA Mayor Larson asked for a motion and a second for approval of the Agenda.

Councilor Frank so moved with a second from Council President Johnson; carried unanimously. (Frank/Johnson)

COMMENTS – STUDENT REPRESENTATIVE

Taylor Barnes, Seaside High School Student Representative, stated school was slowing down. The sport seasons just ended and now are entering the playoffs. The Cross Country Boys took the league championship and were the favorites to win the State Championship. The Boys Soccer took the league championship with five of the Cross Country runners playing on the soccer team the next day. The Girls Soccer will be playing tomorrow night and if they win will have a spot in the playoffs. Teacher conferences will be at the end of the week which was the mid point in the term. The fall play would be performing in one to two weeks at the Seaside High School Cafetorium. The CBS News did a special at the Seaside High School on Tsunami/Earthquake awareness and interviewed the superintendent and had a one on one with some of the students with one being the Student Body President, Taylor Barnes.

COMMENTS – PUBLIC

Dale McDowell, 3760 Sunset Blvd., Seaside, stated he wanted to give updates on the City Tree Board and the Transportation Advisory Committee. The City Tree Board met with Steve Wright from the Seaside Museum and was looking at re-doing the arboretum at the Seaside Museum. The arboretum was designed to work with PPL and keep trees at a certain height underneath the wires and come up with a schedule of trees so that there could be an interactive website with photographs of the trees that can be grown around the area. The trees would also be automatically irrigated and then no one needed to volunteer to water the trees. During the summer there were trees lost and some were not looking too good. There was the possibility of a student who might be interested in a Pacifica Project. Mr. McDowell further stated the Transportation Advisory Commission elected new officers Robert Perkel, Chair and Terry Hartill, Vice Chair. The Transportation Advisory Plan was being updated to include all projects in the last ten years. Mr. McDowell further stated he was working on new engineering specs so that everyone was doing it the same way. This would combine the City of Astoria, Warrenton, Seaside, Cannon Beach, and Gearhart. If there was an emergency and a part was needed we could get that part within the County and it would be USA made. Mr. McDowell further stated the Vactor Truck would be coming around town to take care of some drainage issues.

Mark Winstanley, City Manager, announced to the public that this was the last time Dale McDowell would be at the podium during public comment. Mr. McDowell in the last week was asked and had accepted the Public Works Director position for the City of Seaside. Mr. Winstanley further stated the City was happy to have Mr. McDowell and looked forward to working with him.

CONFLICT Mayor Larson asked whether any Councilor wished to declare a conflict of interest.

No one declared a conflict of interest.

CONSENT AGENDA Mayor Larson asked for a motion and a second for payment of the bills.

Councilor Barber so moved with a second from Council President Johnson; carried unanimously. (Barber/Johnson)

REQUEST – WATER SERVICE OUTSIDE CITY LIMITS

Mayor Larson stated there was a request from Casey Corkrey for access to City water. The property was located 84751 Happel Rd., Seaside.

Mr. Winstanley stated there was a request by Mr. Corkrey to receive City water.

The property was located outside the City and by ordinance the City Council was the only body that could grant water access to City water for properties outside the City. The property was located to the south of Probuild at the Highway 26 Junction. Probuild had City water and there was a water line that ran in front of the Probuild property.

Councilor Frank made a motion to approve the request with a second from Councilor Phillips; carried unanimously. (Frank/Phillips)

ORDINANCE #2015-06

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

Mayor Larson stated he would ask for Council comments first and come back for public comments following. Mayor Larson asked for Council comments.

Councilor Barber stated since the first consideration of the ordinance he had done a lot of thinking and a good bit of research about what other communities were doing to deal with the issue that comes out of the Itinerant Merchant. A number of ordinances very similar to this one had been struck down by federal courts. There was one in Portland, Michigan, California, Utah, Phoenix, and recently Colorado. Councilor Barber further stated what Council was proposing was a way to avoid being struck down by a federal court because it was being allowed. What was being proposed particularly with the fees required was onerous and it would accomplish the same thing to establish an annual fee. Councilor Barber further stated he was prepared later to offer an amendment of an annual fee. The intent was to put some kind of control particularly with aggressive panhandling and also putting some control on street entertainers so that they are in the right places at the right time and not impeding traffic for local businesses.

Councilor Phillips asked if she was correct that the Itinerant Merchant Ordinance had been on the books for years with the fee of \$50.00.

Mr. Winstanley stated that was correct the current charge was \$50.00, and he had been here 30 years and did not remember it being changed.

Mayor Larson stated there was a date of 1995.

Councilor Montero stated there were some thoughts she liked, part of what Councilor Barber was saying about an annual fee. She had a really strong reservation on an annual fee from the other concern she has repeatedly expressed with the Itinerant Merchant and that was the groups that come in by car five to ten people and were let loose throughout town to accost our visitors and walk along the streets trying to sell them stuff. That was in direct competition with the business people for paying for buildings, rent, utilities, etc. If there was an annual fee the City would become an attractive place for those kinds of things.

Councilor Barber stated the ordinance had been in place for thirty years but was not currently being enforced.

Councilor Montero stated it has been enforced upon complaint.

Councilor Morrissey stated the original Itinerant Merchant Ordinance did not include public property and only included private property.

Councilor Phillips stated there was a session on homelessness at the League of Oregon Cities (LOC) conference that was attended by Councilor Frank, Councilor Montero, Councilor Phillips, and Council President Johnson. There were some exceptions like the Chamber of Commerce, girl scouts, Seaside Downtown Development Association (SDDA) and fire department.

Councilor Montero stated that wording was here and has been here from the very beginning. Exemptions: Charitable, Fraternal, or religious organizations may make application to be exempted from the provisions.

Mayor Larson stated like the Kiwanis Christmas Tree sales.

Mayor Larson stated the other night there was a person sitting down with a sign at dusk at the curb which was a traffic problem. Once on Downing Square there was a good entertainer and he had his case open and people were stopping to listen and nobody could go anywhere. The same thing happened up at the Prom.

Councilor Phillips stated there were four different entities and the homeless were a whole different ball game in her eyes. Because of the situation there were so many social services in the community that take care of and offer help to the homeless. This was completely different in her mind than the street merchants.

Mayor Larson asked for public comments.

Sam Condron, 150 S. Wahanna, Seaside, stated he was horrified that this public body would even think to present this ordinance as has been stated multiple times and from Council yourselves. This was directed specifically to deal with homeless people but Council secondarily claimed it's not.

Mr. Condron further stated multiple court as Councilor Barber pointed out has struck down this kind of bill at every level of the federal court system. Not because you're charging people exogenous fees but as he pointed out the last time this was brought up, and the paperwork he presented to Council, it restricts free speech. You cannot charge people to ask for help, it was illegal. It doesn't matter if you create a new ordinance because it violates the first amendment of the constitution. The US Supreme Court says so, who are you to disagree. If you pass this bill rest assured you will find out because it will go to court. There was an anti-begging law on the books right now that was completely unconstitutional. Mr. Condron further stated he had asked Council before, please get rid of that wall. Doesn't matter how long it has been on the books. There is a homeless problem; it's nationwide but look to the cities that are succeeding like Salt Lake City instead of to the ones that were failing. Licensing to speak on the streets was deemed unconstitutional and he urged Council to not pass the ordinance.

Mayor Larson stated he wanted to tell Mr. Condron one thing about the homeless.

Mr. Condron stated he has been homeless.

Mayor Larson stated the Riverside Recovery has done a marvelous job.

Mr. Condron stated your wrong, out right, your wrong.

Anne Danen, 1953 Spruce Drive, Seaside, stated she was extremely disappointed in every single one of the Council. You sit here in your nice clothing, and smug faces, and get to go home to a warm bed tonight with a roof over your head and there were people that we know who don't get to do that. What else can I add, not that my opinion matters you have come to your own decision already and it was shameful. You say we have adequate resources at helping hands but Ms. Danen had volunteered and had been there and seen them have to turn people away because they are inadequate to meet the needs we have in the City. If I were to go stand on the street corner with my bible and preach the word of God would I get fined, no because it was a 501c3 correct. Why can't somebody ask for help? She gets the whole aggressive thing and did not like being accosted either but even less than that she disliked knowing that the city she grew up in is doing nothing to help these people. For shame, go home and look at yourselves in the eye in the mirror. Ms. Danen further stated how do you sleep, especially you, your honor.

Kevin Widener, 381 S. Edgewood, Seaside, stated he was a firm believer of the term hands up rather than hands out, however the law on the books currently would be held as unconstitutional. The State of Michigan had been told by the American Civil Liberty Union, eighty-four of their cities had been told that the laws regarding panhandling were unconstitutional. Mr. Widener further stated he had read a number of public policy statements written by attorneys. This was not a good policy and Councilor Barber's idea about a yearly fee was a little more palatable. Mr. Widener urged Council to turn down the ordinance and work a lot harder on it.

Mayor Larson asked Mr. Winstanley if the City Attorney had looked at the ordinance thoroughly.

Mr. Winstanley stated the City Attorney, Dan Van Thiel had looked at the ordinance.

Mayor Larson asked if the city attorney was ok with the ordinance.

Mr. Winstanley stated Mr. Van Thiel had expressed concerns about the ordinance and had done that at the last City Council meeting where the ordinance was addressed. Mr. Van Thiel had addressed concerns about the charge, but had not expressed concerns that Council could not, but he was concerned about the amount of the charge.

Councilor Barber stated when Council was ready he would offer an amendment but would like to hear from the other Councilors.

Council President Johnson stated at the LOC conference we learned a lot about the homeless and all the things that were going on in different cities. Even though this may be a stop gap he was not in favor of it because there were too many variables and Council could come up with something better.

Councilor Montero stated she would reference the LOC conference. This was not an ordinance that was geared for the homeless. We as a city and we as people give to institutions to help with the homeless. There was a speaker at the conference from Eugene and he talked about how they deal with the homeless and he was with several different agencies and he as well as Alan Evans had told her that for people to get into the shelters they must agree they will not panhandle because that was not considered to be a behavior to get you up out of your situation. Councilor Montero was curious about what Salt Lake City did and what other cities do and she also knew that cities were being overrun by Itinerant Merchants, panhandlers, and the homeless.

Councilor Montero further stated she would be in favor of doing a little more research and seeing how it was handled in other places.

Councilor Morrissey stated he saw this as two separate issues as far as the entertainers they did need to be regulated. Councilor Morrissey did not see how this applied to someone simply asking for help or food.

Councilor Frank stated outside of possibly lowering the per day fee or license he did not have any input. There was help for people that wanted help and sometimes it was the choices people made. Councilor Frank further stated he worked seven days a week and he did not see somebody that said they wanted to work making any effort to work when there was that much availability everywhere. It was hard for me to sit here and say he really felt for that person when some businesses couldn't stay open because they don't have help and he did not really believe they were looking for work. Councilor Frank further stated for people that were honest about wanting help there was help out there. Councilor Frank stated he was ok with the ordinance the way it was written.

Mayor Larson stated he spoke to the employment person in Astoria and was told there were three hundred jobs available. Mayor Larson further stated this was regarding an Itinerant Merchant Ordinance and was not to take care of homeless. The homeless part was what Mr. Evans spoke about two weeks ago that there was not a homeless problem because we take care of them and that was a reason for wanting a larger facility.

Councilor Barber stated the issue that brings this forward had to do with aggressive panhandling. The panhandlers he had encountered in Seaside were giving the homeless a bad rap. Councilor Barber further stated for the last three weeks he had stopped everyday and talked to the person that was panhandling at the exit from the Safeway store. These were not local people and were on there way somewhere and they are not panhandling for groceries and food. It really bothers me when I walk up to a panhandler and they are smoking a \$5.50 pack of cigarettes. Panhandling on the corner was giving the homeless people in the community a bad rap. Councilor Barber further stated Council needed to do more research and find out what other cities were doing and do it right.

Councilor Barber moved to table the ordinance with a second from Councilor Montero; carried unanimously. (Barber/Montero).

Mayor Larson asked if there was a date.

Councilor Barber stated he would like to hear from the City Attorney and do a little more research.

Councilor Montero stated she would like to instruct staff to do some research and bring it back to Council for maybe a workshop.

RESOLUTION #3856

A RESOLUTION OF THE CITY OF SEASIDE, OREGON, AMENDING RESOLUTION #3855, REGARDING CLATSOP ECONOMIC DEVELOPMENT RESOURCES

Mayor Larson stated he would like to amend #3855 because he would like to get the additional \$2,500.00 to give to Clatsop Economic Development Resources (CEDR) who this month happens to be running a lot of additional courses right here at the South County. Mayor Larson further stated he figured they needed that and they deserved it. CEDR held their banquet in Seaside which a couple of us attended and CEDR won a state award.

Mayor Larson asked for Public comments.

Susan Howerton, Chamber of Commerce Director, stated she wanted to say on behalf of CEDR because of the relationship of course the Chamber of Commerce has with CEDR and have actually doubled our dues from the Chamber of Commerce because of their activities on our behalf this year. Ms. Howerton further stated CEDR was recognized but she did not think that was a reason to give them money or extra money but did feel like it was a good investment. CEDR was kind of another leg under our stool because they assist with hospitality but they aren't hospitality they aren't tourism marketing. CEDR brings us all together in the County which she thought was particularly beneficial because they draw us together with communities like Warrenton that have the opportunity for development that Seaside doesn't. Ms. Howerton further stated she wanted to encourage Council to give them their full dues or because they really serve us well. Ms. Howerton further stated she would like the City Council to force the Mayor to come to the Chambers Banquet Tuesday, October 27, 2015.

Mayor Larson asked for Council comments.

Councilor Frank stated since the city was in the existing budget he would rather personally revisit it next year when we look at them. In that same time frame some other cities in the County might have a chance to step up and do some extra things. Councilor Frank stated he loved Kevin and think he does a great job, outstanding job.

Councilor Barber stated he was going to support the additional \$2,500.00 which was a drop in the bucket compared to what CEDR does. CEDR was the only name in the County in terms of economic development.

Councilor Barber further stated \$2,500.00 more would not break the city and would be a good investment.

Council President Johnson stated it is a good return on our investments.

Mayor Larson stated the other part of the \$2,500.00 was that Mr. Winstanley did not take it away from some other group's money.

Councilor Montero stated she sits on the CEDR Board and would support it.

Councilor Phillips stated it was interesting to her that it didn't come up right during the budget process and she agreed with Councilor Frank that this was something to look at next year to give the \$10,000.00. Councilor Phillips further stated there were many social services that were not helped because of budget restraints and funding not available and she had a real problem at this moment changing our mind midstream in two weeks time to say ok lets give \$2,500.00 for this. Councilor Phillips further stated nothing against CEDR because she thinks they do a wonderful job it's just there is a budget process and feels that next year Council could give the \$10,000.00.

Councilor Morrissey stated with all due respect to the Mayor he thought CEDR does a great job and he did not want to change his vote just because he did not like changing his vote after making a decision on it. Councilor Morrissey further stated CEDR did a great job and deserved \$10,000.00 and next year they can get it.

Councilor Barber moved that reading by title only of #3856, with a second from Council President Johnson; carried unanimously. (Barber/Johnson)

Councilor Montero stated does it say in the resolution where the money was coming from,

Mr. Winstanley stated that could be addressed following if Council passed it.

Council President Johnson moved to adopt with a second from Mayor Larson; carried with the following roll call vote: (Johnson/Larson)

YEAS: JOHNSON, MONTERO, BARBER, LARSON

NAYS: MORRISEY, FRANK, PHILLIPS

ABSENT: NONE

ABSTAIN: NONE

Mr. Winstanley stated he would appreciate if the Council would follow this change up with a motion. What we would like to do: you make the transfer each year from the general fund to the economic development fund to help fund the previous donation of \$7,500.00. He would appreciate it if the Council would make an additional motion to increase that transfer by \$2,500.00 from the general fund to be able to handle the payment of \$10,000.00.

Mayor Larson made the motion with a second from Councilor Barber; carried unanimously. (Larson/Barber)

COMMENTS – COUNCIL

Councilor Frank stated he was excited to see the hiring of Dale McDowell, he thought that was a great choice for the City and was looking forward to years ahead. Councilor Frank further stated he saw Neal Wallace out walking around right after surgery and it was nice to see him.

Council President Johnson stated he received the full details of Mr. Wallace surgery and he had lost about thirty pounds.

Councilor Phillips stated the Pancake Feed was tomorrow night and she had not even seen it advertised.

Councilor Montero stated the Seaside Kids Pancake Feed was Tuesday, October 27, 2015, 5:00 – 7:00 pm, at the Seaside Convention Center.

Councilor Morrissey congratulated Mr. McDowell. Councilor Morrissey stated he had the pleasure of sitting in on the interviews and thought he did a great job and was a great choice.

Councilor Montero congratulated Mr. McDowell and look forward to seeing what he did.

Councilor Barber stated he was wondering what it's costing us in terms of volunteer hours. Mr. McDowell would no longer be allowed to volunteer. Councilor Barber congratulated Mr. McDowell.

Council President Johnson stated he was also on the interview committee and it was like talking to a friend when Mr. McDowell interviewed and Council President Johnson was glad to see Mr. McDowell in that position.

Councilor Montero stated there was a new endeavor by the Seaside Museum in partnership with Seaside Growing Thursday, October 29, 2015. Looking forward to having that every month and can have fun while learning about Seaside History.

Mayor Larson stated he would be gone for the month of November, 2015, as he would be having radiation.

COMMENTS – STAFF

Kevin Cupples, Planning Director, stated he looked forward to working with Mr. McDowell.

Russ Vandenberg, Convention Center & Visitors Bureau General Manager, stated he looked forward to working with Mr. McDowell on various projects.

ADJOURNMENT

The regular meeting adjourned at 7:52 PM.

Kim Jordan, Secretary

DON LARSON, MAYOR