

- 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; Dan Van Thiel, City Attorney; Russ Vandenberg, Convention Center & Visitors Bureau General Manager; Kevin Cupples, Planning Director; Jon Rahl, Convention Center & Visitors Bureau Assistant Manager; Joey Daniels, Seaside Fire Chief; Taylor Barnes, Student Representative; RJ Marx, Daily Astorian/Seaside Signal; and Katherine Lacaze, Daily Astorian/Seaside Signal.
- AGENDA** Councilor Barber stated there was an item on the agenda Council needed to defer. Councilor Barber further stated Alan Evans had to be in Tillamook regarding the new facility and asked for the proposal to be deferred to the City Council meeting October 12, 2015.
- Mayor Larson stated there was an amendment to the agenda with New Business Item 11c, Proposal – Helping Hands Community Development Block Grant Partnership with City of Seaside. Mayor Larson asked for the item to be added to the City Council agenda October 12, 2015.
- Council President Johnson moved to approve as amended with a second from Councilor Morrissey; carried unanimously. (Johnson/Morrissey)
- PROCLAMATION** Mayor Larson read the Proclamation for The Great Shakeout Day.
- COMMENTS – STUDENT REPRESENTATIVE** Taylor Barnes, Seaside High School Student Representative, stated the past week was homecoming and was extremely hectic with activities each day. On Friday, September 25, 2015, there were speakers from the Hall of Fame that spoke to the students in different sessions and then on Saturday, September 26, 2015, was the Hall of Fame dinner. The sports update: volleyball and soccer on Tuesday and Thursday and all teams won their games. The boys football took home a 46-23 victory on Friday which was awesome. The boy’s soccer was sitting at the top of league standing; girl’s soccer was at third and girls volleyball at fourth. The cross country team ran at a meet in Portland and they took first in their division. About seventy percent of the students at school were sick right now.
- COMMENTS – PUBLIC** John Dunzer, 2964 Keepsake Drive, Seaside, stated he found it difficult when the Mayor was reading the proclamation about The Great Shakeout Day because he worked at the hotels. The vacation rentals in Seaside were required to have weather radios and information on where to go and hotels have nothing and in fact employees were instructed not to tell anybody anything about Tsunami’s. Mr. Dunzer further stated this was ridiculous.
- Mayor Larson stated there were brochures in the rooms.
- Councilor Phillips thanked Mr. Dunzer for bringing that to Council’s attention and she guaranteed Council would figure out what happened.
- Mr. Dunzer further stated motels were not using those key holders.
- Councilor Montero stated they were not required and it was just suggested.
- 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 approval of the Consent Agenda.
- Councilor Montero stated she had corrections to the minutes:
- Page 4, Paragraph 12 stated Councilor Montero stated she was not sure what the decision was on whether we could ~~sale~~ sell it last time, because Mr. Van Thiel said it was a no go last time.
- Page 7, Paragraph 11 stated I’m tired, and I’m just tired so I don’t have the ~~patients~~ patience to be all kind and sweet.
- Council President Johnson moved to accept the consent agenda payment of the bills with a second from Councilor Montero; carried unanimously. (Johnson/Montero)

Mayor Larson asked for a motion to accept the approval of the minutes as corrected.

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

LIQUOR LICENSE

Mayor Larson stated there was a liquor license application received from Daisy May's Sandwich Shop, 1111 N. Roosevelt, Suite 200. Mayor Larson further stated the application was for a Full On - Premises Sales License, and was for a new outlet. Mayor Larson asked if the owner or representative was present and Deborah Lounsbury who was the owner was present for Council questions.

Councilor Montero asked if the intent, because she understood the license application to be beer, wine, and hard liquor.

Deborah Lounsbury stated yes.

Councilor Montero asked Ms. Lounsbury if she could share the intent with Council.

Ms. Lounsbury stated mostly the hard liquor was to have a margarita night and she would not have a full bar. The sandwich shop open by mall hours and she was closed by 8:00 pm.

Mayor Larson asked for a motion and second to approve.

Councilor Frank stated he would make a motion because of our chiefs recommendation we accept this application for OLCC permit with a second from Council President Johnson. (Frank/Johnson)

**PRESENTATION –
CHICKEN TRACTOR
CONCEPT**

Jennifer Barrett, 1000 S. Holladay, Seaside, asked Council to consider expanding the existing ordinance to allow chickens in Seaside. The concept that Ms. Barrett introduced into the discussion of allowing chickens in Seaside was the "Chicken Tractor" concept which was a bottomless, movable chicken run and nesting/roosting construction for four hens. Ms. Barrett stated incorporating this concept into the ordinance would solve any and all problems that may have been faced by the City. The Chicken Tractor fully contained hens which were completely enclosed by the structure and fencing within the tractor. Ms. Barrett further stated this would be for hens only and no roosters and would be used for the purpose of eggs and chicken to eat. At this time Cannon Beach, Astoria, Warrenton, and Gearhart have already allowed chickens. Ms. Barrett further stated the recommendation to the City Council was to place a Chicken Tractor with or without chickens on the American Legion property (approval was granted by American Legion) and also the Community Gardens.

Mayor Larson stated chickens went against our ordinance however Council would review the concept.

RESOLUTION #3855

**A RESOLUTION OF THE CITY OF SEASIDE, OREGON, REGARDING CLATSOP
ECONOMIC DEVELOPMENT RESOURCES**

Mayor Larson stated at the City Council meeting held September 14, 2015, Kevin Leahy gave a presentation for Clatsop Economic Development Resources (CEDR). Mr. Leahy had sent a letter to Council April, 2015, requesting the CEDR contribution from the City of Seaside be increased from \$7,500.00 to \$10,000.00. At the City Council meeting on September 14, 2015, Mr. Leahy again requested the contribution be increased to \$10,000.00. Resolution #3855 was a resolution regarding CEDR contribution. The amount of the contribution was \$7,500.00 which was the amount budgeted for the year. If Council chooses to change the contribution for CEDR to \$10,000.00, the resolution should be amended to reflect the change. Mayor Larson asked Mark Winstanley, City Manager, if there was a spot he would take the additional \$2,500.00 if Council went that direction.

Mark Winstanley, City Manager, stated if Council chose to increase the \$7,500.00, staff would ask that Council also approve an additional transfer from the general fund of whatever dollars Council required.

Mayor Larson asked for public comments.

Mr. Dunzer stated he was very much in favor of economic development. The County received funds from the lottery for economic development and they give forty percent to CEDR and keep sixty percent. By giving money to CEDR when the money was already allocated by the state to go to CEDR you permit this illegal activity at the county level to continue.

Mayor Larson asked for Council comments.

Mayor Larson asked Councilor Montero who served on the CEDR Board if she knew anything about the county keeping the money.

Councilor Montero stated there was no discussion about that at the board. The only discussion was that Mr. Leahy presents the budget and presents how much the different public entities are giving.

Councilor Montero discussed the amounts paid by the different entities.

Council President Johnson stated he would like to maintain the \$7,500.00 with this budget year and review it for \$10,000.00 in the new budget year.

Mayor Larson stated he was ready to give them \$10,000.00 and have appreciated what they have done and what they are doing.

Councilor Phillips stated she was sticking to the \$7,500.00 in the budget.

Councilor Frank stated he was with the budget.

Councilor Morrissey stated he was fine with what was budgeted and Council could talk about it.

Mayor Larson stated he needed a motion.

Council President Johnson moved that Resolution #3855 be read by title only with a second from Councilor Frank; carried unanimously. (Johnson/Frank)

Council President Johnson moved to adopt with a second from Councilor Phillips; carried with Larson opposed. (Johnson/Phillips)

VACANCY –

PLANNING COMMISSION

Mayor Larson stated there were two vacancies on the Planning Commission with two term expirations from Ray Romine and Steve Wright who wished to be reappointed.

The term expiration for Ray Romine and Steve Wright would be November 1, 2019.

VACANCY –

TRANSPORTATION

ADVISORY COMMISSION

Mayor Larson stated there were two vacancies on the Transportation Advisory Commission with two term expirations from Terry Hartill and Robert Perkel who wished to be reappointed.

The term expiration for Terry Hartill and Robert Perkel would be October 1, 2019.

Councilor Barber moved the reappointed of all of those to the committees with a second from Councilor Montero; carried unanimously. (Barber/Montero)

**DISCUSSION –
RECREATIONAL**

MARIJUANA SALES

Mayor Larson stated the City Council had the opportunity to discuss and consider prohibiting Recreational Marijuana Sales through Medical Marijuana Dispensaries. The 2015 session of the Oregon Legislature made technical changes to Measure 91, and authorized the sale of small amounts of recreational marijuana through medical marijuana dispensaries starting October 1, 2015. Mayor Larson further stated if Council would like to consider prohibiting the sale of recreational marijuana through Medical Marijuana Dispensaries, staff would prepare an ordinance to be added to the City Council Agenda, October 12, 2015. In addition, staff would appreciate the guidance concerning when to enact the ordinance, if Council chose to consider an ordinance.

Mr. Winstanley stated Council passed an ordinance that allowed for Medical Marijuana Dispensaries and now the State of Oregon has allowed for recreational sales to begin October 1, 2015, from Medical Marijuana Dispensaries. The question becomes does the City want to take action that would not allow that or do you simply want to stand back and go into place.

Mayor Larson stated this was for a fifteenth month period only. There were two approved now with the possibility of a third approved. Does Council want to allow medical dispensaries in Seaside to sell recreational also.

Kevin Cupples, Planning Director, stated the original law and OAR stated that, and then the State of Oregon took measures in the last legislative session to pass a law that would allow for limited recreational sales up until the time the other recreational program was going. There was also an OAR passed that created that enabling clause.

Mayor Larson stated does Council want staff to write an emergency ordinance to not allow recreational marijuana to be sold in medical marijuana dispensaries.

Councilor Frank stated he attended a workshop and class in Bend this week. The recreational sales were just for the flower or bud and the people were not allowed to buy the infused products. Councilor Frank stated it was a fifteen month period and is not even taxed.

Councilor Montero stated after a three month period they would start taxing.

Councilor Frank stated it was one of those things that Council voted to accept.

Councilor Montero stated she attended a cannabis dispensary session while at a conference in Bend.

What was being seen today was not the measure 91 that was passed. Council can look at it in one particular way and that is when Council passed their ordinance the State was saying there would be no recreational marijuana. Councilor Montero further stated she thought the State was in such a state of upheaval and confusion and Councilor Montero would rather Council not do anything in that regard until the State gets it together.

Councilor Phillips stated the three day session in Bend was mind boggling and she has come full circle. Councilor Phillips further stated she wanted to make sure that there were no marijuana dispensaries in the downtown area. Councilor Phillips further stated she agreed with Councilor Frank and Councilor Montero.

Councilor Montero stated she was not agreeing with Councilor Frank but was saying she wanted something enacted that would state Council would not have recreational cannabis in our town until everything was pulled together in 2017.

Mr. Winstanley stated the ordinance that was passed addressed medical marijuana and not recreational marijuana except the ordinance stated recreational could not be sold at a medical marijuana store. The problem is the State has approved selling recreational with medical marijuana. Mr. Winstanley further stated if Council wanted to prohibit recreational marijuana an ordinance would need to be passed that takes advantage of the opening that the state gave but required Council take action to do that. If you want to allow recreational to take place then nothing needed to be done.

Councilor Montero stated the state has changed things, ever since we passed it; there has been one to two changes a month. If Council leaves it as it is by the time we get to 2017 she suspected a change and knew it was coming sooner or later and this was not about whether Councilor Montero was for or against marijuana. Councilor Montero just wanted it done orderly.

Councilor Barber stated he would ultimately like to ask the City Attorney to reflect on this. It appears to him that we've been preempted by the state in terms of their actions. Councilor Barber further stated Council could use the next fifteen months as a period of work to determine really what we want to do in terms of where Council wanted recreational marijuana to be sold in the city. Until then Councilor Barber wondered if Council really had the right or privilege to say no.

Dan Van Thiel, City Attorney, stated Councilor Barber has a pretty good understanding of it. The state has now said what we didn't believe they were going to go in that direction but were allowed to now out of medical marijuana dispensaries. That dispensary may also distribute at least presently under the OAR's recreational marijuana. An ordinance can be drawn that says no recreational marijuana and the state has said it was permissible and they allow us to prepare an ordinance which would take care of the issue for the present time. Who knows where this will go, nobody really knows or understands. Council could watch the development of this and see how it evolves because there were two medical marijuana dispensaries that would recreationally dispensing and see how it works out, see what kind of a problem it was for the community. These were really policy considerations and if Council saw some issues they could be addressed at that time.

Councilor Montero discussed the presenter that was an inspector for the Oregon Health Plan (OHP) and OHA developing their own rules that transition off to OLCC and then OLCC will make their own rules.

Councilor Johnson stated he looked at the inevitable and it was time to let the marijuana issue go and see how it develops and if it becomes an issue it could be looked at later.

Councilor Frank stated he did not like the process and Council was somewhat handcuffed by state law and how it was voted in the county and that's what most people were standing on.

Councilor Montero stated except for this temporary time Council has the ability to say no.

Council President Johnson stated the majority of the citizens voted for marijuana.

Mayor Larson stated in this county.

Councilor Morrissey stated he agreed with Council President Johnson that it was voted on overwhelmingly at the state level and city level and the right thing at this point for Council would be to leave our hands off.

Mayor Larson stated there was not a consensus to do anything and Council would move onto the next item.

COMMENTS – COUNCIL

Council President Johnson stated he attended the League of Oregon Cities conference and we all learned about many things happening in the state. Council President Johnson further stated he liked listening to the other Councilor's and other Mayor's and the problems they have are so similar to the problems we all have.

Councilor Montero stated at the League of Oregon Cities conference she attended sessions on homelessness and how they were dealing with it in some cities and panhandling ordinances with a lawyer speaking about that.

When we went to the Cannabis Dispensary it was very well run and they knew what they were doing. It might be a good idea for Council as a group to go and make a visit to Highway 420 and let them show us how they do it. Councilor Montero stated she visited Highway 420 but not Cannabis Nation. Councilor Montero further stated the Proclamation on the Great American Shakeout reminded her about wonderful signs she heard were in Astoria showing the earthquake and tsunami pathways.

Mr. Cupples stated so that Council was aware there were “You are here” signs going up at city hall, convention center, library, most of the public restrooms and were partly paid for by a grant through Oregon Emergency Management with the county emergency office.

Councilor Montero asked if pictures could be sent to Council.

Mr. Cupples stated he would take pictures with the signs put up and send to Council.

Councilor Phillips stated there was a speaker, Jeremy at the League of Oregon Cities Conference that we wanted to come to Seaside to speak. Councilor Phillips further stated those of you sitting in the audience she has always been for medical marijuana but now the recreational part our citizens voted overwhelmingly for in this county has come full circle and she envisioned in about sixteen to seventeen months OLCC would come in and take it just like they do the liquor stores. Councilor Phillips further stated there were two different sessions she attended on homelessness and they really broke it down to what it really is: the homeless that chose to be there, the homeless that really need help, the panhandlers that were out there because they don’t want to work, and the veterans. There were so many services in this community for citizens that really need help and then realizing other cities know we offer these services and give them bus tickets to come here.

Mayor Larson stated there needed to be a public workshop for Hood to Coast where the public is allowed to talk.

Councilor Frank stated because of how the last session ended it lead to another open session with Hood to Coast and he wanted to schedule Monday, October 5, 2015, 6:30 pm.

Councilor Morrissey asked if Hood to Coast knew about the workshop.

Mayor Larson stated staff would notify Hood to Coast.

Council consensus for the workshop.

Councilor Montero perceived that really what this is was a way of collaboration as opposed to complaint.

Mayor Larson stated he attended the Wall of Fame and Hall of Fame and Stubby Lyons was the emcee. The Wall of Fame nominations was Larry Krieghauser and Stubby and Sharee Lyons.

Councilor Frank thanked Taylor Barnes because he was very informative and the best representative Council has had. Mr. Barnes really puts time into bringing Council up to speed on what was going on at the high school and that sort of gives a feel for the high school. Councilor Frank congratulated Joelle Burk and Justin Bennett who completed a two week course through the Department of Public Safety and Standards.

COMMENTS – STAFF

Russ Vandenberg, Convention Center & Visitors Bureau General Manager, stated there were 600 Bridge Players in town.

Joey Daniels, Seaside Fire Chief, stated he had the privilege to go to a retirement party for Lynn Smith, Seaside Police Communications Manager, who was with the City for thirty-six years. A fire lieutenant went to the National Fire Academy in Maryland. Governmental funding sends one person and paid for housing and a plane ticket. Chief Daniels further stated the pictures for the new apparatus should be going on the website soon and the apparatus should be delivered in November. The fire department received a \$20,000.00 donation and had plans to purchase a UTV to use for the beach during events or for the lifeguards.

Mr. Winstanley stated Lynn Smith was a valued employee for thirty-six years and would be very missed.

Jon Rahl, Convention Center & Visitors Bureau Assistant Manager, stated the Visitor Bureau has kicked off the Rebranding Project.

ADJOURNMENT

The regular meeting adjourned at 8:00 PM.

Kim Jordan, Secretary

DON LARSON, MAYOR