

**AGENDA SEASIDE CITY COUNCIL MEETING
FEBRUARY 22, 2016 7:00 PM**

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF AGENDA
5. COMMENTS FROM STUDENT REPRESENTATIVE, Taylor Barnes
6. COMMENTS – PUBLIC
7. DECLARATION OF POTENTIAL CONFLICT OF INTEREST
8. CONSENT AGENDA
 - a) PAYMENT OF THE BILLS – \$309,181.80
 - b) APPROVAL OF MINUTES – FEBRUARY 8, 2016 REGULAR MINUTES
 - c) SEASIDE CIVIC AND CONVENTION CENTER DONATION – WHEEL CHAIR LIFT TO THE SEASIDE SCHOOL DISTRICT
9. UNFINISHED BUSINESS: None
10. NEW BUSINESS:
 - a) APPROVAL – CITY OF SEASIDE AUDIT CONTRACT
 - b) ORDINANCE 2016-02 – AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING CODE OF SEASIDE ORDINANCE CHAPTER 110.04: UNLAWFUL, ILLEGAL OR PROHIBITED BUSINESSES NOT AUTHORIZED AND AMENDING CHAPTER 118: MEDICAL MARIJUANA DISPENSARIES AND LICENSE RECREATIONAL RETAILERS, Kevin Cupples
 - OPEN PUBLIC COMMENTS
 - CLOSE PUBLIC COMMENTS
 - COUNCIL COMMENTS
 - MOTION FOR FIRST READING BY TITLE ONLY – ALL IN FAVOR AND OPPOSED
 - MOTION FOR SECOND READING BY TITLE ONLY – ALL IN FAVOR AND OPPOSED
 - c) RESOLUTION #3864 – A RESOLUTION OF THE CITY OF SEASIDE, OREGON, AMENDING RESOLUTION #3828, ADOPTING CITY FEES FOR CITY SERVICES
 - PUBLIC COMMENTS
 - COUNCIL COMMENTS
 - MOTION TO READ BY TITLE ONLY – ALL IN FAVOR AND OPPOSED
 - MOTION TO ADOPT – ALL IN FAVOR AND OPPOSED
 - d) UPDATE – NORTH HOLLADAY IMPROVEMENT PROJECT 2015, Dale McDowell
11. COMMENTS FROM THE CITY STAFF
12. COMMENTS FROM THE COUNCIL
13. ADJOURNMENT

Complete copies of the Current Council meeting Agenda Packets can be viewed at: *Seaside Public Library and Seaside City Hall. The Agendas and Minutes can be viewed on our website at www.cityofseaside.us.*

All meetings other than executive sessions are open to the public. When appropriate, any public member desiring to address the Council may be recognized by the presiding officer. Remarks are limited to the question under discussion except during public comment. This meeting is handicapped accessible. Please let us know at 503-738-5511 if you will need any special accommodation to participate in this meeting.

- 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 Seth Morrisey, Randy Frank, and Tita Montero.
- Absent: Mayor Don Larson and Councilors Jay Barber, and Dana Phillips.
- Also Present: Mark Winstanley, City Manager; Dale McDowell, Public Works Director; Esther Moberg, Seaside Library Director; Russ Vandenberg, Seaside Civic and Convention Center and Seaside Visitors Bureau General Manager; and Katherine Lacaze, Daily Astorian/Seaside Signal.
- AGENDA** Council President Johnson asked for a motion for approval of the agenda.
- Councilor Frank so moved with a second from Councilor Montero; carried unanimously. (Frank/Montero)
- STUDENT REPRESENTATIVE** Taylor Barnes was absent.
- COMMENTS – PUBLIC** David Peterson, Benton County Sheriff Sergeant, Corvallis, stated he was with the Fallen Badge Foundation.
- Eric Bundy, Hillsboro Police Department Sergeant, stated he was also with the Oregon Fallen Badge Foundation.
- Sergeant Peterson stated he wanted to give Council a quick update. The Fallen Badge Foundation was a 501C3 non profit organization and all the money was from donations and what we do was help out agencies with a line of duty death. The foundation helped plan the whole service down to the procession, shutting roads down, to where do the flowers go after the service. Everything was paid for 100% and the family paid nothing, the city county or stated did not pay a dime and was paid by the foundation. The team consisted of 20 members who were very busy.
- Sergeant Bundy stated the team jumped up to 30 members from across the State of Oregon as far away as Benton and represented eighteen police agencies and three fire agencies. One of the planners was the son in-law of Chief Ralph Painter from Rainier. In town right now supporting the family was a team from Concerns of Police Survivors which was an organization the Fallen Badge Foundation partnered with. There were three surviving family members of fallen police officers who were working directly with Jason's family to help them out and work with the family liaison to ensure that all their needs were met and taken care of. Also on top of that there was a non-profit from King County Washington that has come down, the Soup Ladies who have been in People Magazine and one of the talk shows. Mama you may see around town who had another soup lady from Washington and was being supported by two surviving spouses of fallen police officers Tammy Bernard who's husband was a Grant County Washington Deputy that was killed in 2010 and Amy Painter the widow of Ralph Painter was here making sure the food was taken care of for Seaside Police, Communications Center, Fire Department, Fallen Badge Foundation Team and also if there were any food needs for the family that were already covered by donations from the community. The memorial service on Friday would be very big and there would be two overflow venues for people that cannot get into the convention center. The team was here for the city the Goodding family and the community. We are so sorry we have to be here and we don't want to be here. We are honored and humbled that you asked us to come in to help because in the last few days we have seen a really amazing community. Sergeant Bundy further stated he and Sergeant Peterson had been partners in the foundation for a few years and had worked together a lot. There were several different communities in this hour of grief and really and what he was seeing with Seaside was a very resilient amazing community that has bonded around their police department and the Goodding family with love and support which was a testament to us. There would be police officer's as far away as New York on Friday to honor Jason, Chicago police, San Antonio, Canadian agencies, and many agencies from Oregon and Washington.
- CONFLICT** Council President Johnson asked whether any Councilor wished to declare a conflict of interest.
- No one declared a conflict of interest.
- CONSENT AGENDA** Council President Johnson asked for a motion to approve the consent agenda.

Councilor Montero moved that we approve the consent agenda with a second from Councilor Frank; carried unanimously. (Montero/Frank)

RESOLUTION #3861

A RESOLUTION OF THE CITY OF SEASIDE, OREGON, ADJUSTING THE 2015-2016 CITY OF SEASIDE BUDGET

Mark Winstanley, City Manager, explained the resolution would put funds into the Street Construction fund. This would put funding in the Street Construction fund and would be handling all the North Holladay Project. There would be money coming in from the Water Department and a loan being made to the Sewer Department. Mr. Winstanley further stated there were some minor changes to the General Fund. Council hired a consultant to take a look at the Community Center and he needed to make sure there was funding for that study as well as allowing budget work for a couple of grants received that were small.

Council President Johnson asked for public comments, there were no public comments.

Council President Johnson asked for Council comments, there were no Council comments.

Council President Johnson asked for a motion.

Councilor Montero moved to read Resolution #3861 by title only with a second from Councilor Morrissey; carried unanimously. (Montero/Morrissey)

Councilor Frank made a motion to adopt with a second from Councilor Morrissey; carried unanimously. (Frank/Morrissey)

RESOLUTION #3862

A RESOLUTION ADOPTING AND APPROPRIATING SUPPLEMENTAL BUDGET INCREASES AND REDUCTIONS OF LESS THAN 10% FOR THE 2015-2016 CITY OF SEASIDE BUDGET

Mr. Winstanley explained there were different types of budget resolution. The resolution required a public notice and would increase budgets by 10%. The resolution addressed the Sewer Department and would require a change. There were also changes being made with the Public Safety Fund and this was a reimbursement for being in Eastern Oregon fighting the fires.

Council President Johnson asked for public comments, there were no public comments.

Council President Johnson asked for Council comments, there were no Council comments.

Council President Johnson asked for a motion.

Councilor Frank moved to read by title only with a second from Councilor Montero; carried unanimously. (Frank/Montero)

Councilor Montero made a motion to adopt with a second from Councilor Morrissey; carried unanimously. (Montero/Morrissey)

PUBLIC HEARING

This was the duly advertised time and place to hold a public hearing regarding A Resolution Adopting and Appropriating a Supplemental Budget Increases of Greater than 10% for the 2015-2016 City of Seaside Budget

RESOLUTION #3863

A RESOLUTION ADOPTING AND APPROPRIATING A SUPPLEMENTAL BUDGET INCREASES OF GREATER THAN 10% FOR THE 2015-2016 CITY OF SEASIDE BUDGET

Mr. Winstanley explained the resolution actually set the budget for the new Street Construction Fund and required a Public Hearing be advertised. The budget would be an increase greater than 10%. The budget would be \$3,400,000.00 and would be established and if and when more money was needed staff would come back before Council.

Council President Johnson opened the public hearing.

There were no public comments and Council President Johnson closed the public hearing.

Council President Johnson asked for Council comments, there were no Council comments.

Council President Johnson asked for a motion.

Councilor Frank made a motion to read by title only with a second from Councilor Morrissey; carried unanimously. (Frank/Morrissey)

Councilor Frank moved to adopt with a second from Councilor Montero; carried unanimously. (Frank/Montero)

AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING CODE OF SEASIDE ORDINANCE CHAPTER 110.04: UNLAWFUL, ILLEGAL, OR PROHIBITED BUSINESSES NOT AUTHORIZED AND AMENDING CHAPTER 118: MEDICAL MARIJUANA DISPENSARIES AND LICENSE RECREATIONAL RETAILERS

Councilor Montero made a motion to table that discussion at this time with a second from Councilor Morrissey. (Montero/Morrissey)

IGA – LIBRARY SERVICES SEASIDE, ASTORIA, WARRENTON

Esther Moberg, Seaside Library Director, stated since 2010, the Seaside City Council has authorized Seaside Public Library staff to participate in a grant program titled Libraries ROCC (Rural Outreach to Clatsop County). Thanks to this collaboration between the schools of Astoria, Jewell, Knappa, Seaside, and Warrenton, and the public libraries of Astoria, Seaside, and Warrenton, we have been able to remove barriers to learning and reading while providing access to library services for all children in the Seaside school district. This renewal document has been reviewed by the City Attorney and City Manager. We (the library directors) continue the ROCC program with the understanding that in order for this program to continue, we (the library directors) must continue to secure community support and funding. The ROCC program has proven success, is sustainable, and provides resources which the youth of our community need. As Library Director, I am requesting that the City Council approve the 5 year continuation of the ROCC program collaboration by having the City Manager sign this intergovernmental agreement. Doing so would say that the City of Seaside supports all children in our community having access to libraries, library books, and library services. It is my recommendation that the City of Seaside's Mayor and City Council approve the signing of this IGA, with the understanding that once approved; it will renew on May 1, 2016, and may be dissolved in future after giving 90 days' notice to the other parties.

Councilor Montero moved that Council approve the Intergovernmental Agreement with a second from Councilor Frank; carried unanimously. (Montero/Frank)

AGREEMENT – PACIFIC POWER NORTH HOLLADAY UTILITY SERVICES

Dale McDowell, Public Works Director, stated this was the agreement between Pacific Power and the City of Seaside for the Underground Utilities. The City of Seaside does pay the agreement amount of 187,031.00. Overhead to Underground Conversion. The Customer will provide, all necessary trenching and backfilling, and will furnish and install all distribution transformer pads, conduit, and duct required by the Company. Company may abandon in place any underground cables installed under this Contract that are no longer useful to Company. Customer also agrees to: Establish final grade for routing of circuits, placement of transformer pads, vaults, junction boxes and other underground facilities as required by Company. Install and maintain property lines and survey stakes; and, Make no permanent surface improvements, except curb and gutters, before Company completes installation of its facilities.

Councilor Frank moved that we pay that bill with a second from Councilor Montero; carried unanimously. (Frank/Montero)

EVERGREEN CEMETERY ENTRANCE UPGRADES

Mr. McDowell stated through a donation by the Ter Har Family in the back of the Council packet there was a photo shop design on what the entrance to the cemetery would look like. This would tie the lighting in with the City of Seaside lighting. This was the west entrance that was what was budgeted and the lights would be solar powered.

Councilor Frank stated this was nice and a good use of a donation.

Mr. McDowell stated there would be a plaque honoring the Ter Har Family. Mr. McDowell further stated for Arbor Day there would be Evergreen's planted in the cemetery.

Councilor Frank moved that Council approve the cemetery project with a second from Councilor Morrissey. (Frank/Morrissey)

COMMENTS – STAFF

Mr. McDowell stated the Dryer at the Wastewater Treatment Plant is working and has been working every day.

COMMENTS - COUNCIL

Councilor Morrissey stated he sends his deepest condolences to Officer Goodding's family and friends in the wake of the tragedy.

Councilor Frank stated it was great to see the turn out for the vigil and the crew in town taking care of the city and family.

Councilor Montero stated very impressive. It warmed her heart to see there were people from every aspect.

Mr. Winstanley stated one of the honors as city manager was to swear in new police officer's and he had the privilege of being able to swear in Jason Goodding. This was his first and only assignment as a police officer and he was an exceptional police officer and he performed his duties in a manner that exemplifies what all officers should strive for. Jason was every bit as good as a husband and father and was a community member. While we will certainly miss having Sergeant Goodding the community will miss having Mr. Goodding more.

ADJOURNMENT

The regular meeting adjourned at 7:28 PM.

JudyAnn Dugan, Secretary

DON JOHNSON, COUNCIL PRESIDENT



MEMORANDUM

TO: Honorable Mayor & City Council
FROM: Russ Vandenberg^{RV}, General Manager
DATE: January 21, 2016
RE: ADA Accessible Wheelchair Lift

The convention center would like to donate our ADA accessible wheelchair lift to the Seaside School District.

- ADA Accessible Wheelchair Lift

The Convention Center has purchased a new lift and is no longer in need of this equipment.

Staff is recommending approval of this request.

Russell Vandenberg

From: Hill, Justine <JHill@seaside.k12.or.us>
Sent: Wednesday, January 20, 2016 12:38 PM
To: Russell Vandenberg
Cc: Andrew Argeris; Brown, Doug
Subject: ADA Lift

The Seaside SD is very interested in the ADA lift that is no longer needed by the Seaside Convention Center. The School District has several areas that are not ADA accessible and the lift will provide another option for us to serve students with disabilities. Please consider us if you are disregarding this piece of equipment.

Justine Hill
Business Manager
Seaside School District 10
1801 South Franklin Street
Seaside, OR 97138
503.738.5591 phone
503.738.3471 fax
jhill@seaside.k12.or.us

Memo

To: Mayor and Council
From: City Manager's Office
CC: Kim Jordan
Date: February 18, 2016
Re: Audit Contract 2016

With City Council's approval Kern & Thompson, LLC, will conduct the City of Seaside audit for the period beginning July 1, 2015, and ending June 30, 2016, the amount of the contract is \$44,000.00.

The contract price will not be increased and is the same price as last year. The City of Seaside audit contract for the year beginning July 1, 2014, and ending June 30, 2015 with Kern & Thomson, LLC, was \$44,000.00.



KERN & THOMPSON, LLC

Certified Public Accountants

CONTRACT

THIS CONTRACT, made this 27th day of January, 2016, in accordance with the requirements of Oregon Revised Statutes 297.405 through 297.555 between **KERN & THOMPSON, LLC**, Portland, Oregon, Certified Public Accountants (Auditor), and the **CITY OF SEASIDE**, Seaside, Oregon (Client), provides as follows:

It hereby is agreed that Auditor shall conduct an audit of the accounts and fiscal affairs of Client for the period beginning July 1, 2015, and ending June 30, 2016, in accordance with the Minimum Standards for Audits of Municipal Corporations as prescribed by law. The audit shall be undertaken in order to express an opinion upon the financial statements of Client, and the separate financial statements of the Seaside Urban Revenue Agency (a component unit of the City of Seaside), and to determine if the Client has complied substantially with appropriate legal provisions.

Auditor agrees that the services contracted to perform under this contract shall be rendered by or under personal supervision and that the work will be faithfully performed with care and diligence.

It is understood and agreed that, should unusual conditions arise or be encountered during the course of the audit whereby the services of Auditor are necessary beyond the extent of the work contemplated, written notification of such unusual conditions shall be delivered to the Client, who shall instruct in writing Auditor concerning such additional services, and that a signed copy of each such notification and instruction shall be delivered immediately to the Secretary of State by the party issuing the same.

The audit shall be started as soon after this contract is executed as is agreeable to the parties hereto and shall be completed and a written report thereon delivered within a reasonable time, but not later than six months, after the close of the audit period covered by this contract. Adequate copies of such report shall be delivered to the Client, and its form and content shall be in accordance with and not less than that required by the Minimum Standards for Audits of Oregon Municipal Corporations.

It is understood and agreed that the Client is responsible for such financial statements as may be necessary to fully disclose and fairly present the results of operations for the period under audit and the financial condition at the end of that period. Should such financial statements not be prepared and presented within a reasonable period of time, it is understood that Auditor shall draft them for Client. The cost of preparing such financial statements shall be included in the fee for conducting the audit as set forth below.

It is understood and agreed that either party may cancel this Contract by giving notice in writing to the other party at least ninety (90) days prior to July 1 of any year.

In consideration of the faithful performance of the conditions, covenants, and undertakings herein set forth, the Client hereby agrees to pay Auditor the sum of **\$44,000.00**, and the Client hereby affirms that proper provision for the payment of such fee has been or will be duly made and that funds for the payment thereof are or will be made legally available.

KERN & THOMPSON, LLC

CITY OF SEASIDE, OREGON

By: _____

G. W. [Signature], CPA

By: _____

CITY OF SEASIDE MEMORANDUM

To: Mayor & City Council
From: Community Development Department
Date: February 8, 2016
Subject: Recreational Marijuana Retail Ordinance 2016-02

Request Summary:

The Oregon Liquor Control Commission has established administrative rules that regulate four different types of recreational marijuana facilities (retail, wholesale, processing, & production). Although the City's business license ordinance indicates only medical marijuana facilities can be licensed in Seaside, the Oregon Liquor Control Commission (OLCC) has indicated they do not believe our current regulations are sufficient to be considered an opt out that would prohibit retail establishments.

Staff is concerned the limiting provision of our business license ordinance could lead to legal challenges if OLCC approves a retail business even if we have stated our ordinance restricts the activity. Prior rule making by the Oregon Health Authority has already allowed retail sales of recreational marijuana from licensed medical marijuana facilities.

In an attempt to regulate recreational marijuana retailers to the same extent currently recognized under our limitations for medical marijuana dispensaries, staff has prepared an amendment to Ordinance Chapter 118 (attached).

If this is acceptable to the Council, similar amendments to Chapter 119 can be prepared in order to address the licensing process for the other recreational marijuana activities regulated by OLCC. A resolution addressing a potential fees schedule has not been prepared at this point; however, that can be reviewed at a future date if the ordinance is acceptable to the Council.

As with any new ordinance, adoption is at the discretion of Council and the proposed text can be modified in order to address any additional concerns.

Recommended City Council Action:

Following public testimony, review the proposed ordinance and consider beginning the adoption process for the new regulations intended to establish new licensing requirements for recreational marijuana retailers.

Kevin Cupples

From: MARIJUANA OLCC * OLCC <marijuana@oregon.gov>
Sent: Monday, December 21, 2015 4:28 PM
To: kcupples@cityofseaside.us
Subject: OLCC Opt-Out
Attachments: 20151221161300343.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Good afternoon,

Thank you for providing us with your local ordinance regarding federally illegal businesses. However after some review it has been determined that the ordinance in question does not explicitly prohibit the establishment of marijuana businesses and, therefore, does not qualify as an "opt-out" under Section 133 or 134 of House Bill 3400. This means that OLCC will still accept applications for Seaside beginning in January 2016. Per your notification regarding the LUCS however, we understand applications will most likely not move forward based on your LUCS denials.

Please feel free to contact us via email or at 503-872-6366 should have you any questions regarding this matter.

ORDINANCE NO. 2016-02

AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING CODE OF SEASIDE ORDINANCE CHAPTER 110.04: UNLAWFUL, ILLEGAL OR PROHIBITED BUSINESSES NOT AUTHORIZED AND AMENDING CHAPTER 118: MEDICAL MARIJUANA DISPENSARIES AND LICENSE RECREATIONAL RETAILERS .

WHEREAS, the previously established Chapter 118 in the Code of Seaside to establish a license procedure for medical marijuana dispensaries following the Oregon Legislature's enactment of Senate Bill 1531 (2014) which granted cities the authority to adopt ordinances that impose reasonable regulations on the operation of medical marijuana facilities registered under ORS 475.314 that are located in the city's jurisdiction; and

WHEREAS, the voters of Seaside and the State of Oregon passed Ballot Measure 91 allowing the retail sale and use of recreational marijuana; and

WHEREAS, the Oregon Legislature enacted House Bill 3400 directing the Oregon Liquor Control Commission to establish administrative rules to govern the licensing requirements and procedures for recreational marijuana retailers

WHEREAS, this is a new industry and the City seeks to develop regulations that protect public health and safety; and

WHEREAS, the City of Seaside wishes to develop reasonable regulations for this industry in addition to the administrative rules adopted by the Oregon Liquor Control Commission; and

WHEREAS, the City of Seaside believes it is in the best interest of the health, safety and welfare of the citizens of the city to adopt and include such regulations in the Municipal Code.

NOW, THEREFORE, THE CITY OF SEASIDE ORDAINS AS FOLLOWS:

SECTION 1: Chapter 110 of the Code of Seaside is amended to read:

110.04 UNLAWFUL, ILLEGAL OR PROHIBITED BUSINESSES NOT AUTHORIZED.

The levy or collection of a license fee upon any business shall not be construed to be a license or permit of the city, to the person engaged therein, in the event such business shall be unlawful, illegal, or prohibited by the laws of the state or the United States or ordinances of the city. Notwithstanding the aforementioned provisions, a license can be issued for medical marijuana dispensaries and recreational marijuana retailers that comply with the additional licensing requirements in Chapter 118 or medical marijuana production & processing facilities that comply with the additional licensing requirements in Chapter 119. .

SECTION 2: A new Chapter 118 is hereby amended in the created and added to the Code of Seaside to read:

Chapter 118 MEDICAL MARIJUANA DISPENSARIES & RECREATIONAL MARIJUANA RETAILERS

118.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the content clearly indicates or requires a different meaning:

Marijuana. As defined under ORS 475.005.

Dispensary. A medical marijuana facility registered by the Oregon Health Authority under ORS 475.314.

Cardholders. Persons authorized under Oregon's Medical Marijuana Program to buy and transfer medical marijuana. This includes patients, designated primary caregivers, person responsible for a medical marijuana facility, and person responsible for a medical marijuana grow site.

License. A medical marijuana dispensary or recreational marijuana retailer license issued pursuant to this Chapter.

Recreational marijuana retailer (retailer). A person licensed by the Oregon Liquor Control Commission who sells marijuana items to a consumer in this state in accordance with the applicable provision of Oregon Administrative Rule OAR 845-025-1000 to 845-025-8590.

118.02 PURPOSE OF REGULATION.

To protect the public health and safety from unlawful use and sale of marijuana, all medical marijuana dispensaries shall be registered with the Oregon Health Authority in accordance with ORS Chapter 475.300 to 475.346 and the applicable Oregon Administrative Rule (OAR 333-008). Likewise, recreational marijuana retailers shall be licensed with the Oregon Liquor Control Commission in accordance with Oregon Administrative Rule OAR 845-025-1100. Registration by the Oregon Health Authority or a license from the Oregon Liquor Control Commission is not a guarantee that a dispensary or recreational marijuana retailer is permitted to operate under applicable local municipal regulations. All dispensaries and retailers shall comply with the regulations set forth in the *Code of Seaside*.

The regulations set forth by the City of Seaside in this chapter provide reasonable regulations that supplement the Oregon Health Authority's Medical Marijuana Program and Oregon Recreational Marijuana Laws. These regulations are intended to solely address the issue of selling or dispensing medical and recreational marijuana. These regulations do not address and shall not be applied to any recreational or other use of marijuana that does not relate to the authorized use under Oregon's existing Medical Marijuana Act.

118.03 LICENSE REQUIRED.

- (A) No person shall establish, maintain or operate a dispensary or recreational marijuana retailer within the city unless an annual license is obtained from the city. Every place or building where a dispensary is established shall be deemed a dispensary subject to the provisions of this chapter. Each licensee shall also obtain a General Business License in accordance with Code of Ordinance Chapter 110.
- (B) No license will be issued without proof of registration to operate a dispensary or license for a recreational marijuana retailer issued by the State of Oregon. The applicant for the license must also provide copies of the written detailed policies and procedures and training for employees on the policies and procedures that were used as the basis for documenting compliance with OAR 333-008-1200 (4) or OAR 845-025-1030 (4).
- (C) The City may deny a license if any owner, manager, operator, employee, agent, or volunteer:
- (1) Has been convicted for the manufacture or delivery of a controlled substance in Schedule I or Schedule II within five years from the date the application for a license was received by the City; or
 - (2) Has been Convicted more than once for the manufacture or delivery of a controlled substance in Schedule I or Schedule II; or
 - (3) Is prohibited by a court from participating in the Oregon Medical Marijuana Program (OMMP) or activities associate with Oregon Recreational Marijuana Laws.
- (D) Application for a license must include the information necessary for criminal record background checks for any owner, manager, operator, employee, agent, or volunteer. The City of Seaside police department will conduct all necessary background checks.
- (E) No license shall be issued until after a criminal record background check has been completed for the applicant and all individuals employed or volunteering with the dispensary or retailer.
- (F) Once the dispensary or retailer is licensed, the licensee must notify the city and submit necessary information for criminal record background checks of any new owner, manager, operator, employee, agent, or volunteer.

(G) Each licensee shall be required to pay the applicable license fee as set by Resolution of the Seaside City Council.

(H) The requirements of sections 118.01 to 118.04 shall apply to the owners, managers, operators, employees, agents, and volunteers of the licensee's business.

118.04 OPERATIONAL REQUIREMENTS.

(A) Dispensaries and retailers must be located in accordance with ORS 475.314 and retailers will be subject to the same 1000 foot separation requirement from other retailers and dispensaries. They are also subject to an additional exclusion area described as follows:

The area lying between a line drawn 600' north of the Broadway right-of-way that extends from the east side of North Prom to the West side of North Roosevelt Drive and a line drawn 600' south of the Broadway right-of-way that extends from the east side of South Prom to the West side of South Roosevelt Drive.

(B) Remain in compliance with all of the applicable provision of OAR 333-008 or OAR 845-025 and specifically recognize local law enforcement officers as government officials that have jurisdiction over some aspect of the registered facility and licensed retailer or that otherwise have authority to be on the premises of the registered facility as specified in OAR 333-008-1200 (3) (h) and OAR 845-025-1600 (1).

(C) Non-Operational Hours. No sale or other distribution of marijuana shall occur upon the premises or via delivery between 8:00 pm and 8:00 am.

(D) Giveaways. Dispensaries and retailers shall not distribute to consumers marijuana or marijuana-infused products free of charge.

118.05 LICENSE VALIDITY & ANNUAL REVIEW FOR RENEWAL.

(A) A license will be valid for one calendar year and a new application for a license must be submitted each year. A previously licensed business may continue to operate during the next calendar year until the status of their new application is determined, provided a complete renewal application is submitted in December.

(B) A license for a medical marijuana dispensary or a recreational marijuana retailer may be converted prior to expiration of a current license; however, each conversion will require a new application and the prior license will become void at the time the new license is approved.

118.06 REVOCATION OF LICENSE

(A) A license is subject to revocation at any time for violation of this chapter or any of the provisions of state law or the applicable Oregon Administrative Rules.

(B) If at any time facts arise or become known to the City Manager that are sufficient to show violation of this chapter, state law, or Oregon Administrative Rule; the City Manager shall notify the licensee, in writing, that the license is to be revoked and that all dispensary activities must cease within 15 days.

(C) The violations need not lead to a conviction, but must establish a reasonable doubt about the licensee's ability to perform the licensed activity without danger to property, public health or safety.

115.13 SUSPENSION OF LICENSE.

(A) Upon determining that a licensed activity presents an immediate danger to person or property, the City Manager may suspend the license for the activity.

(B) The suspension shall take effect immediately on notice being received by the licensee, or being delivered to the licensee's business address, as stated on the licensee's application for the license that is being suspended.

(C) The notice shall be mailed to the licensee and state the reason for the suspension, and inform the licensee of the procedures for filing an appeal.

(D) The City Manager may continue the suspension for as long as the reason for the suspension exists, or until a decision by the appellate authority on an appeal regarding the suspension concludes the matter.

118.99 PENALTY.

- (A) Any person violating any of the provisions of this chapter shall, upon conviction thereof in the municipal court of the city, be punishable by a fine not to exceed \$700.
- (B) Each day a violation of a provision of this chapter constitutes a separate violation.
- (C) Revocation or suspension of a license is not a penalty for violation of this chapter and it does not relieve a person of any fine for the violation.

ADOPTED by the City Council of the City of Seaside on this ___ day of _____, 2016, by the following roll call vote:

YEAS:
NAYS:
ABSTAIN:
ABSENT:

SUBMITTED to and **APPROVED** by the Mayor on this ___ day of _____, 2016.

DON LARSON, MAYOR

ATTEST:

Mark J. Winstanley, City Manager

RESOLUTION #3864

A RESOLUTION OF THE CITY OF SEASIDE, OREGON, AMENDING RESOLUTION #3828, ADOPTING FEES FOR CITY SERVICES

THE SEASIDE CITY COUNCIL RESOLVES AS FOLLOWS:

SECTION 1. In accordance with Chapter 34.03 of the Seaside Code of Ordinances, fees for City Services are adopted as follows:

34.03 FEES FOR SERVICES.

A schedule of fees, unless otherwise provided by law, is established as follows:

- (A) Photocopy fee (8½" x 11" & 14") Black and White - \$0.25 per page; Color - \$0.50 per page

- (B) File location and research
 - (1) Location of requestor's personnel file - no charge
 - (2) Other file location and all research \$6 per quarter hour

- (C) Audio/video tape reproductions \$25 per copy

- (D) Non-sufficient funds (NSF) charge \$25 per check returned NSF

- (E) Meeting agenda
 - (1) Picked up at city hall or for newspaper and radio reporters - no charge
 - (2) Mailed
 - (a) Single meetings - \$3.50 minimum mail charge.
 - (b) Annual subscription (Jan-Dec) - \$3 per meeting
 - (3) Single agenda and single minutes - \$5 (includes postage and handling)

- (F) Agenda packets
 - (1) Requested in advance of copy day - \$0.25 per page plus mailing charges
 - (2) All others - see photo copy fee

- (G) Fax (requested in lieu of standard mail delivery) \$5 for first page and \$2 for each additional page

- (H) Mail charges, prepaid (for copies, reports, and the like) Actual cost, minimum of \$4

- (I) Print-out or email business licenses, \$25 for each printout
Print-out on labels or disc \$45 for each

- (J) Lien search \$10 per tax lot

(P) Copies of 911 tapes \$15 - \$50 per request (depending on amount of staff time)

(Q) Other copies (books, journals, maps, and the like) Cost includes labor, materials, and copy equipment

Zoning ordinance only	\$20
Zoning map	\$20
Maps Large 3' x 6'	\$20
Comprehensive plan	\$15.50
Sign ordinance	\$13.00
Subdivision & partition ordinance	\$14.50
Inventory of historic residences	\$28.75

(R) Certified copies of Municipal Court Records \$10

Monthly payment plan fee – Violation \$25; Crime \$50

Clear Driver's License Suspension Fee \$25

(S) City Hall Meeting Room Charges:
Non-Profit Agencies – No charge

For Profit Agencies – Council Chambers - \$50 for first 2 hours
\$20 for each additional hour

Conference Room - \$25 for first 2 hours
\$10 for each additional hour

(T) City Hall, Seaside Civic and Convention Center, and Building/Planning Department
Credit Card Machine Fee Charges:

Visa, MasterCard, and Discover - 3% surcharge added to the total charges for using a
Credit Card.

City Hall – Room Tax Payments & Assessment Payments

Building/Planning Department – 3% Surcharge on all Payments

Seaside Civic and Convention Center – 3% Surcharge on all Payments

SECTION 2. This Resolution shall become effective March 23, 2016.

PASSED by the Council of the City of Seaside this ___ day of _____, 2016.

SUBMITTED to the Mayor and APPROVED by the Mayor this ___ day of _____, 2016.

DON LARSON, MAYOR

ATTEST:

Mark J. Winstanley, City Manager