

**AGENDA SEASIDE CITY COUNCIL MEETING
JULY 13, 2015 7:00 PM**

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF AGENDA
5. COMMENTS – PUBLIC
6. DECLARATION OF POTENTIAL CONFLICT OF INTEREST
7. CONSENT AGENDA
 - a) PAYMENT OF THE BILLS – \$781,856.54
 - b) APPROVAL OF MINUTES – JUNE 22, 2015 REGULAR MINUTES
8. UNFINISHED BUSINESS:
 - a) ORDINANCE 2015-06 – AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING, CHAPTER 114: OF THE CODE OF SEASIDE REGARDING ITINERANT MERCHANTS – THIRD AND FINAL READING
 - OPEN PUBLIC COMMENTS
 - CLOSE PUBLIC COMMENTS
 - COUNCIL COMMENTS
 - MOTION FOR THIRD READING BY TITLE ONLY – ALL IN FAVOR AND OPPOSED
 - MOTION TO ADOPT – ROLL CALL VOTE
9. NEW BUSINESS:
 - a) LIQUOR LICENSE APPLICATION – TASTY TREATS, 280 S. COLUMBIA
 - b) ORDINANCE 2015-07 – AN ORDINANCE OF THE CITY OF 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 OPERATIONS
 - 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
10. COMMENTS FROM THE COUNCIL
11. COMMENTS FROM THE CITY STAFF
12. 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 Mayor Don Larson.
- ROLL CALL** Present: Mayor Don Larson, Councilors Jay Barber, Seth Morrissey, Randy Frank, Tita Montero, and Dana Phillips.
- Absent: Council President Don Johnson
- Also Present: Mark Winstanley, City Manager; Dan Van Thiel, City Attorney; Neal Wallace, Public Works Director; Esther Moberg, Seaside Library Director; Joey Daniels, Seaside Fire Chief; and R.J. Marx, Seaside Signal.
- AGENDA** Motion to approve the June 22, 2015 agenda; carried unanimously. (Phillips/Montero)
- RECOGNITION – SEASIDE FIRE & RESCUE** Jason Schermerhorn, Cannon Beach Police Chief and Rob Sox, representing Seaside Rotary.
- Rob Sox stated every year the Seaside Rotary Club had the distinction of selecting an individual or organization within the community that represented the highest ethics that could be acknowledged and bestowed upon an individual or organization. Mr. Sox further stated he had the privilege of being associated with the organization and now for two and half years as their chaplain. Mr. Sox further stated he wanted to make sure the nomination had some substance to it and he asked Jason Schermerhorn who happened to be a Rotarian and member of the Seaside Volunteer Fire Department to help with the recognition. Mr. Sox wrote: Rob Sox and Jason Schermerhorn hereby proudly nominate the Seaside Fire and Rescue Department for the 2015 Rotary Club of Seaside high ethics and standard board for an organization based on personal experiences associated with the department. The department was comprised of three full time staff and an average of thirty-five volunteer trained staff. During the year of 2014 the department set a record for responding to 1,140 service calls which was an increase of 37.9% since 2008 with an average of nine personnel. The paid and volunteer trained staff responded twenty-four hours a day, seven days a week, often leaving family, friends, and jobs to serve the City. While three of the volunteers were members of the Seaside Rotary Club all others only subscribe to the Rotary model Service Above Self as a matter of vocation. Mr. Sox further stated he could go on and read but the rest of the information was on the Rotary Website. The plaque presented stated: Such committed and dedicated services as mentioned above by the professionally trained men and woman of the Seaside Fire Department are a testimony to the community of Seaside that they are truly promote, honestly practiced, and genuinely provide occasional life giving, life saving, and life sustaining services that build good will and friendships that benefited all.
- Council thanked the Seaside Fire and Rescue.
- Mayor Larson stated the Seaside Fire Department was the best in the County and he appreciated all they do.
- COMMENTS – PUBLIC** Alan Evans, 1010 3rd Avenue, Seaside, stated for the last thirteen years Helping Hands had served the homeless in the community. The last three years they had been looking at a project that would be expanded called the Hayek Project and for nearly three years tried getting into that location with several obstacles in the way. Mr. Evans further stated there had been a piece of property purchased in front of Necanicum Village and he would be working on a capital campaign the next couple of years to build a new facility. One way that could be done was with the support of several people in the community and put together supporters in law enforcement, corrections, County, housing authority, NOAH, and several other agencies that had been partnered with over the last twelve years. Mr. Evans further stated they were looking into the new build and the reason he was approaching Council was to inform them that in July, 2015, he would come back and ask for Council's support for the Community Development Block Grant which had to be hosted by a City Government. Mr. Evans further stated he would come back before Council in a month with a plan that would be researched with goals set in place, how they planned on getting where they were going, and what would it take to get there.
- Mayor Larson asked if this was the way things were done was to buy property and build instead of buying an existing used building.
- Mr. Evans stated that was correct and the property was researched to make sure it was going to fit instead of cramming themselves into something else that already existed. Building something that would fit around what it was that needed to be provided was a much better option and gave some goals and opportunity.
- David Posalski, 1659 Whispering Pines, Seaside, stated he was here on behalf of his two businesses in town The Crabby Oyster, 150 Broadway and Tsunami Sandwich Company at 11 Broadway Street. Mr. Posalski stated he had a conversation with Chief Ham several weeks ago about the homeless and vagrant population hanging out in different locations in the City.

In the last few weeks the vagrants seem to have disappeared maybe because of all the tourists. The support of the Seaside Police Department speaking with the businesses on how to handle the homeless had really helped. Mr. Posalski further stated another ongoing issue on Broadway was the skateboarders and bicyclist on the sidewalks and it was dangerous for everyone and when making comments to the skateboarders or bicyclist it was just blown off. There needed to be some additional signage on the sides of the street which would allow for all people to know that the skateboards and bicyclist were breaking the law. Mr. Posalski further stated last weekend was the Muscle and Chrome Car show which the Seaside Downtown Development Association (SDDA) put on. The event was wonderful and brought many people to Seaside and he was disappointed the event was for only one day. Closing the far end of Broadway down was obstructive to business at the end of the street because people did not want the sand blowing on their cars etc. If the event could be expanded into the Convention Center Parking area then Broadway and Columbia could be left open for other traffic coming into Seaside. Mr. Posalski further stated two years ago he had a conversation with Mr. Winstanley about notifying the businesses when the streets would be closed. If supplies needed to be unloaded for the business it was difficult to plan for unloading if the streets were closed. Mr. Posalski further stated the crosswalk at Columbia and Broadway was a huge hazard for pedestrians and drivers. If there could be police patrol or a service officer out there to give warnings or tickets it would help.

BriAnn Denoyer, 1 Broadway, Seaside, stated she was the business owner of the Turnaround Market across from the Shilo and it was brought to her attention that it may be a possibility to discuss with the Kiwanis Club to put their trailer for wood in another location for the 4th of July. The reason was as a business owner their product was important and firewood was the number one non-consumable selling item and was just in competition to something that was a huge seller.

Mayor Larson stated Police Chief Ham was the Kiwanis President and heard the comments.

CONFLICT

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

No one declared a conflict of interest.

CONSENT AGENDA

Motion to approve payment of the bills in the amount of \$303,927.43; June 8, 2015, regular minutes; and Resolution #3847 – A Resolution of the City of Seaside, Oregon, Adjusting the 2014-2015 City of Seaside Budget; carried unanimously. (Frank/Johnson)

ORDINANCE #2015-05

AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING CODE OF SEASIDE ORDINANCES CHAPTER 118.04 (A) CREATING A BROADWAY CORE EXCLUSION FOR MEDICAL MARIJUANA DISPENSARIES

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

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

Motion to place Ordinance 2015-05 on its third reading by title only; carried unanimously. (Phillips/Frank)

Motion to adopt Ordinance 2015-05; carried with the following roll call vote: (Phillips/Barber)

YEAS: BARBER, FRANK, LARSON, PHILLIPS, MORRISEY, MONTERO, JOHNSON
NAYS: NONE
ABSENT: NONE
ABSTAIN: NONE

PUBLIC HEARING

This was the duly advertised time and place to hold a public hearing regarding A Resolution Declaring the City's Election to Receive State Revenue Sharing.

RESOLUTION #3848

A RESOLUTION DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUE SHARING

Mark Winstanley, City Manager, explained the resolution declared the City's election to receive State Revenue Sharing. The Budget Committee held a hearing for State Revenue Sharing and the City Council was now holding a hearing.

Mayor Larson opened the public hearing.

There were no public comments and Mayor Larson closed the public hearing.

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

Motion to read Resolution #3848 by title only; carried unanimously. (Barber/Phillips)

Motion to adopt Resolution #3848; carried unanimously. (Johnson/Barber)

PUBLIC HEARING This was the duly advertised time and place to hold a public hearing regarding A Resolution Adopting and Appropriating the 2015-2016 Seaside Road District

RESOLUTION #3849 A RESOLUTION ADOPTING AND APPROPRIATING THE 2015-2016 SEASIDE ROAD DISTRICT

Mr. Winstanley explained the resolution was adopting and appropriating the 2015-2016 Seaside Road District Budget. The City Council acted as the governing body for the Seaside Road District as well as for the City of Seaside.

Mayor Larson opened the public hearing.

There were no public comments and Mayor Larson closed the public hearing.

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

Motion to read Resolution #3849 by title only; carried unanimously. (Montero/Morrissey)

Motion to adopt Resolution #3849; carried unanimously. (Frank/Barber)

RESOLUTION #3850 A RESOLUTION OF THE CITY OF SEASIDE, OREGON, SEASIDE ROAD DISTRICT, LEVYING AND CATEGORIZING AD VALOREM TAXES FOR THE TAX YEAR 2015-2016

Mr. Winstanley explained the resolution was a companion to resolution #3821. The resolution would levy and categorize ad valorem taxes for the road district. The road district had a tax base for the tax year 2015-2016.

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

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

Motion to read Resolution #3850 by title only; carried unanimously. (Barber/Montero)

Motion to adopt Resolution #3850; carried unanimously. (Barber/Montero)

PUBLIC HEARING This was the duly advertised time and place to hold a public hearing regarding A Resolution Adopting and Appropriating the 2015-2016 City of Seaside Budget

RESOLUTION #3851 A RESOLUTION ADOPTING AND APPROPRIATING THE 2015-2016 CITY OF SEASIDE BUDGET

Mr. Winstanley explained the resolution would adopt and appropriate the 2015-2016 City of Seaside Budget. The budget was for next year and was approved by the Budget Committee.

Mayor Larson opened the public hearing.

There were no public comments and Mayor Larson closed the public hearing.

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

Motion to read Resolution #3851 by title only; carried unanimously. (Frank/Phillips)

Motion to adopt Resolution #3851; carried unanimously. (Johnson/Phillips)

RESOLUTION #3852 A RESOLUTION OF THE CITY OF SEASIDE, OREGON, LEVYING AND CATEGORIZING AD VALOREM TAXES FOR THE TAX YEAR 2015-2016 AND CATEGORIZING THE 2015-2016 ASSESSMENTS ON THE PROPERTIES IN THE DOWNTOWN MAINTENANCE DISTRICT

Mr. Winstanley explained the resolution would levy and categorize ad valorem taxes for the tax year 2015-2016 for assessments on properties in the Downtown Maintenance District.

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

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

Motion to read Resolution #3852 by title only; carried unanimously. (Frank/Morrissey)

Motion to adopt Resolution #3852; carried unanimously. (Frank/Barber)

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

Mr. Winstanley explained the ordinance was a rewrite and was currently on the books. There currently was an Itinerant Merchant Ordinance which was an ordinance that regulated the buying and selling of merchandise by individuals or companies that did not have a fixed location. There was an ordinance on the books that allowed for an Itinerant Merchant license or people with temporary locations. Mr. Winstanley further stated what had been done was to rewrite the ordinance to be a permissive ordinance meaning this could be done with certain guidelines. This was an old ordinance that was prepared in 1984 and there were changes made that brought it up to date. In the rewrite of the ordinance there was wording added to regulate some of the things that were seen today which had to do with services or entertainment. The Itinerant Merchant could only work during the daylight hours and no work was allowed from 10:00 pm to 8:00 am. There was also a suggestion that every Itinerant Merchant needed to have a license to carry on the activity. Currently under the ordinance every Itinerant Merchant would come before the Council for approval and that was changed to state the Council or a Council designee. Mr. Winstanley stated the fees in place were \$50.00 a day for an Itinerant Merchants license. In addition there was wording added into the ordinance that stated during certain times of the year like 4th of July and Hood to Coast with too much congestion already the City could deny the license. The penalty was being changed from a maximum of \$500.00 to \$700.00 which was consistent with other ordinance penalties.

Mayor Larson asked for public comments.

Mr. Posalski stated he was not sure if the Farmers Market would fall under a charitable organization and wording may want to be changed so that a Farmers Market or a garage sale could still be allowed. Mr. Posalski further stated the Itinerant Merchant license should be displayed when working so that other businesses and people in town could see that they were licensed and if not could call the police.

Mayor Larson stated the garage sales do not need a license and was a separate ordinance.

Councilor Montero asked if the Farmers Market had a variance.

Mr. Winstanley stated the garage sales and Farmer Market were licensed under different ordinances.

Mayor Larson asked for Council comments.

Councilor Montero stated she really liked the part that was a reiteration of the original ordinance that the permit would not be in effect from 10:00 pm to 8:00 am. Councilor Montero stated in the ordinance there was wording regarding solicit and when speaking about solicitation it was verbal as in asking for money, or signs asking for money, and a jar or container people could put money into.

Dan Van Thiel, City Attorney stated he believed that was how it would be interpreted until the City was challenged. There was quite a history with the ordinance.

Councilor Montero stated she really liked the idea of having the permit on display at the location.

Councilor Barber stated the ordinance really addressed the pan handling issue in the City. If someone was going to stand at the Safeway exit and ask for money then a license would need to be obtained at \$50.00 a day.

Councilor Morrissey asked if the previous ordinance included private property or was that an addition to the ordinance.

Mr. Winstanley stated the previous ordinance did include private property and what was added was public because the original ordinance stated the Itinerant Merchant had to be on private property. Public property included all properties and could be enforced.

Motion to place Ordinance 2015-06 on its first reading by title only; carried with Morrissey opposed. (Frank/Montero)

Motion to place Ordinance 2015-06 on its second reading by title only; carried with Morrissey opposed. (Barber/Montero)

**FINAL – LIBRARY
CARPET INSTALLATION**

Esther Moberg, Seaside Library Director, stated Carpet Corner had completed the installation of Milliken Coir Revolution Whirling Wheat Carpet Tiles throughout the Seaside Public Library, replacing all existing carpet with Milliken carpet tiles. Ms. Moberg further stated she was pleased with the work that was done and requested City Council release the final payment of \$24,615.20 to Carpet Corner, 3470 Highway 101 North Suite 102, Gearhart.

The total cost of \$61,093.00 included additional tiles for future replacement needs, of which \$36,477.80 had already been paid.

Motion to approve the Seaside Library Carpet Installation with Carpet Corner and release the retainage in the amount of \$\$24,615.20; carried unanimously. (Montero/Frank)

FINAL –
SCADA PROJECT

Neal Wallace, Public Works Director, stated the Supervisory Control and Data Acquisition (SCADA) Project for the sewer block stations and treatment plant was now complete. This project had been a long time coming but Council should appreciate the resourcefulness and perspicacity displayed by Lars Best from Best Electrical. The bids were opened thirteen months ago and Best Electric's base bid was \$251,897.00. The next closest bid was \$352,035.00 and the high bid was \$571,799.00. June 2014, the electrical inspector made serious changes to what he would permit and presented Council with change orders totaling \$60,000.00. Mr. Wallace further stated the rest of the project went well and the final project cost was \$320,564.75. The system was working well and Mr. Wallace hoped to have a demonstration for Council in the near future. Mr. Wallace further stated in addition to the work, Lars had been very helpful with some pump station issues in the water department and in rebuilding the control system on the dryer to work with the new system. Staff recommended accepting the SCADA project and to release the retainage in the amount of \$16,028.24.

Motion to approve the SCADA Project with Best Electric and release the retainage in the amount of \$16,028.24; carried unanimously. (Johnson/Frank)

COMMENTS – COUNCIL

Mayor Larson presented Neal Wallace with a plaque that stated: "In appreciation of more than seventeen years with the City of Seaside as the Senior Surveyor and Public Works Director. Committed to the citizens of Seaside, anticipated the needs of the City, and was public information oriented. Neal, you have been responsible for a variety of outstanding projects that had been completed within the City of Seaside. The City Council and Community thank you for all you have accomplished and you will be missed".

Councilor Phillips invited everyone to participate in the Miss Oregon Program on Wednesday, June 24, 2015 to Saturday, June 27, 2015. The Miss Oregon Parade will be held on Saturday, June 27, 2015, 2:00 pm. Councilor Phillips stated after forty-four years she was retiring on Monday and would be turning the pageant over to four of her Miss Oregon ladies. The pageant would always remain here in Seaside and Councilor Phillips was very proud that her and her husband had written over \$2,000,000.00 worth of scholarships the last twenty years. Councilor Phillips further stated she would do foundations and was learning how to write grants.

Mayor Larson stated it was an extremely marvelous program and thanked Councilor Phillips for what she had done for the young ladies.

Councilor Barber stated he wanted to add his kudos to Dana and Steve Phillips for their contribution to the community.

Councilor Montero stated the City was really lucky to have people like Neal Wallace, Dana Phillips, and Steve Phillips that stuck around. Councilor Montero further stated she was very proud of the fire department and all the volunteers. Councilor Montero stated a couple of weeks ago she was changing the reader board for SDDA and saw a vagrant who was in the doorway of the Carousel Mall. There were two police officers that came up and the respect and way they treated the man was so good and she stood there so she could hear it all. Councilor Montero congratulated the police officers on how they dealt with the man. Councilor Montero further stated there was a problem with skateboards riding downtown against traffic in the middle of the road and riding on the sidewalks which was dangerous.

Councilor Frank congratulated Chief Daniels and the fire department, thanked Neal Wallace for all of his years of service and was glad he was staying around, and congratulated Councilor Phillips on her retirement.

Councilor Morrissey stated he was downtown last weekend at the Muscle and Chrome Car show and then watched the Soccer Tournament and it was very busy with summer here. Councilor Morrissey further stated regarding the Itinerant Merchant license the fines and penalty increase was too high.

Mayor Larson stated he attended the Clatsop Community College ground breaking which was well done.

COMMENTS – STAFF

Councilor Daniels stated the remodel was somewhat back together with the crew repainting the inside of the fire station. Councilor Daniels stated there was a big concern around the State of Oregon with fire. Do not burn any fires after 10:00 am and in burn barrels only.

Dave Ham, Seaside Police Chief, stated he was not making excuses but right now the department was down three officers and it was hard to have the time to take care of skateboarders and bicyclist at this time.

Ms. Moberg, Library Director, stated the Summer Reading Program was going well and this week would be the Carnivorous Plants at the Library.

Mr. Wallace stated there was a new swing set in Broadway Park and Seaside was one of the first cities to have an Expression Swing which was set up so an adult and toddler could sit together facing each other and swing.

Mr. Winstanley stated he had the honor to have Mr. Wallace as his first hire as a department head. In this case hiring Mr. Wallace was a brilliant job and he really appreciated all the time and effort that has been put in over the years. Mr. Wallace had truly done an excellent job and was someone the City would really miss.

ADJOURNMENT

The regular meeting adjourned at 7:55 PM.

Kim Jordan, Secretary

DON LARSON, MAYOR

ORDINANCE NO. 2015-06

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

WHEREAS, the City of Seaside is interested in amending the Itinerant Merchants License;

WHEREAS, the City of Seaside has not updated sections of the ordinance since 1995.

WHEREAS, THE CITY OF SEASIDE ORDAINS AS FOLLOWS:

SECTION 1: Chapter 114 of the Code of Seaside Ordinance is amended to read as follows:

114.01 DEFINITIONS.

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

ITINERANT MERCHANT.

A person or persons occupying a temporary fixed location, who promotes, solicits or sells from stock or inventory on hand or displays samples and solicits orders for merchandise in stock or provides a service (entertainment, etc.) or solicits for any form of compensation or remuneration.

TEMPORARY FIXED LOCATION.

- (1) Any business location, public or private, ~~property~~ that is not enclosed within the confines of or used as accessory to a permanent commercial structure built in compliance with provisions of the Oregon Uniform Building Code, or exempted from its provisions by some specific provisions of the code, city ordinance, or by state statute.
- (2) All merchandise and ancillary equipment at a temporary fixed location must be enclosed within the confines of a permanent commercial structure between the hours of 10:00 p.m. and 8:00 a.m. All services must be discontinued during these hours.

114.02 APPLICATION TO BE APPROVED BY COUNCIL; FEE REQUIRED.

- (A) No persons shall be issued an Itinerant Merchant License unless ~~he has~~ they have submitted an application on a form provided by the city and received approval of the City Council or designee. The required fee as provided by this chapter shall accompany the application.
- (B) The fee for Itinerant Merchant License is \$50 per day or any portion thereof to a maximum of \$1,000 in a calendar year.

114.03 EXEMPTIONS AND EXCEPTIONS

- (A) Any charitable, fraternal or religious organization may make application to the City Council to be exempted from the provisions of this chapter, and upon approval of the Council, may conduct fund raising activities without payment of any fee or license payment or complying with other requirements of this chapter.
- (B) The City reserves the right to limit licensing in heavily congested areas during periods of extreme crowding to protect the safety and security of both merchants and customers.

114.99 PENALTY.

A person in violation of this chapter shall be subject to a fine not exceeding ~~\$500~~ \$700. Each day's violation of the provisions of this chapter shall constitute a separate offense.

ADOPTED by the City Council of the City of Seaside on this ____ day of _____, 2015, by the following roll call vote:

YEAS:
NAYS:
ABSTAIN:
ABSENT:

SUBMITTED to and APPROVED by the Mayor on this ____ day of _____, 2015.

DON LARSON, MAYOR

ATTEST:

Mark J. Winstanley, City Manager

LIQUOR LICENSE APPLICATION

Christina Hintz
Tasty Treats
280 S. Columbia Street
Seaside

The application is for an Off-Premises Sales License. This would be for a change of ownership.

Off-Premises Sales License – allows the sale of malt beverages, wine, and cider to go in sealed containers.

The Police Department has reviewed the applicant and business applying for the liquor license and the information is attached.

Criteria for consideration

The City Council, after consideration, may determine to make a favorable, unfavorable, conditionally favorable or no recommendation to the OLCC. If the City Council makes an unfavorable or conditionally favorable recommendation to the OLCC regarding any application for liquor license, the recommendation will be based on a finding that one or more of the following conditions exist:

1. There is a history or pattern of illegal or disorderly activity on the premises.
2. There have been disturbances and/or other problems (such as fights, altercations, drug dealing by patrons, furnishing alcohol to minors by patrons, public drunkenness, alcohol related litter, etc.) related to the exercise of the applicant's alcohol license privilege and the applicant has failed to take reasonable and timely corrective action when notified of these problems by the police or the OLCC.
3. There is a continuing problem of noise from this business disturbing neighbors.
4. The applicant would be a poor risk for compliance with liquor laws, as indicated by a felony conviction, which reflects on the applicant's ability to be a responsible liquor licensee.
5. The applicant would be a poor risk for compliance with liquor laws, as indicated by a failure to comply with liquor laws.
6. The applicant has a history of abusing alcohol or other controlled substances and would be a poor risk for compliance with liquor laws.
7. The applicant has made an intentional and materially false statement about a matter that reflects on the applicant's ability to comply with the State's liquor laws.
8. An unlicensable person or a party not named as applicant has an ownership interest in the business to be licensed.
9. The applicant has failed to operate as originally proposed to the City Council, the original proposal having been a deciding factor in the Council's favorable recommendation to the OLCC.
10. The applicant has expanded the boundaries of the licensed premises to areas not originally considered by the Council and without City and OLCC approval.
11. The business is located within 500 feet of a school, child care facility, church, hospital, nursing or convalescent care facility, a park or child oriented recreation facility, or an alcohol and other drug treatment facility and there is evidence that the business will adversely impact the facility.

Seaside Police Department

June 24, 2015

MEMORANDUM

TO: Mark Winstanley, City Manager

FROM: Steven M. Barnett, Lieutenant 

SUBJECT: Tasty Treats LLC OLCC Application

The Seaside Police Department has reviewed the liquor application for a new off-premises sales of liquor at a location known as the Tasty Treats, located at 280 South Columbia. The location has never been licensed by OLCC, but has operated for food product sales.

Our background check on the owner requesting the license did find information that would disqualify the owners from obtaining a liquor license. Information related to the investigations is documented in the attached police report.

If you have any additional questions, please let me know.

Cc: S20154450

Working Together We Can Make A Difference



Seaside Police Department

Incident Report: S20154450

Current As Of: Wednesday, June 24, 2015

Summary

Received an liquor license application from City Hall for review.

Mentioned

HINTZ, Christina Mae - COMPLAINANT
349 S COLUMBIA St SEASIDE OR 97138
Phone: 503-836-6389 Cell Phone: 503-468-2814
DOB: 4/3/1965 Employer: Emp Phone:

HINTZ, Jeffrey Romain - COMPLAINANT
349 S Columbia Dr Seaside OR 97138
Phone: Cell Phone: 303-317-7688
DOB: 6/15/1965 Employer: Emp Phone:

SMITH, Anika Evelyn - COMPLAINANT
349 S Columbia St Seaside OR 97138
Phone: 503-468-2955 Cell Phone: 5037175409
DOB: 7/19/1989 Employer: Emp Phone:

Action Taken

Received an application for a liquor license for a new outlet located at 280 South Columbia known as "Tasty Treats". One portion of the application listed the business at 280 South Columbia and under the LLC questionnaire section, listed the address at 270 South Columbia. I observed the members on the LLC were the applicant Christina Hintz, who is also listed as the owner manager and applying for the liquor license. I reviewed the statement of funding and located three subjects listed as investors. One being Christina Hintz, the applicant, Jeff Hintz, who is her husband and Anika Smith. This application is for an off-premises sales of alcoholic beverages as a new outlet with Christina Hintz as the license holder.

I reviewed the application and information provided Christina Hintz, the applicant. In the individual history, question number 18 asked about being convicted in the past 12 years of driving while suspended or driving a car with no insurance. Christina Hintz marked "no" to that question. I reviewed DMV records and learned she is currently has a suspended drivers license for DWS and driving uninsured. I located a conviction for driving uninsured in October 2011. I located a second conviction for DWS in February 2012. Christina Hintz was not truthful in the application related to question number 18. I did not located any outstanding warrant but confirmed she remains currently suspended for failure to comply. Based upon name and date of birth, no oregon criminal history

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DPSST: 06727
Date: 6/23/2015

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Incident Report: S20154450

Current As Of: Wednesday, June 24, 2015

was located. I did complete a check for criminal history using the social security number and located Christina Hintz has been arrested for a number of charges in Colorado, but those charges were older than 12 years. No Colorado driving record located. Based upon the deception in question number 18, cause to deny the license would be apparent.

I reviewed records for the investors and located information for Anika Smith and Jeff Hintz, both are listed as investors in the business, but not employees or listed on the LLC. Smith has no valid drivers license and Jeff Hintz drivers license is suspended. I located criminal records on both of them.

Based on the deception of the applicant, I would recommend not to issue a liquor license. Copy of application attached to hard file.

Statements

N/A

Evidence/Property

Action Recommended

Review with Chief Ham and forward to City Hall.

Officer's Signature: _____

Barnett, Steve DPSST: 06727

Incident: S20154450
DPSST: 06727
Date: 6/23/2015

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CITY OF SEASIDE MEMORANDUM

To: Mayor & City Council
From: Community Development Department
Date: July 13, 2015
Subject: Medical Marijuana Grow Site Ordinance 2015-07

Request Summary:

The City has received a request to establish license procedures for medical marijuana grow sites similar to those created to regulate medical marijuana dispensaries. The attached ordinance will modify the current business license ordinance and create a new ordinance (Chapter 119) that will establish additional licensing requirements for medical marijuana grow sites.

A resolution addressing a potential fees schedule has also been prepared; 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 medical marijuana grow sites.

CITY OF SEASIDE MEMORANDUM

To: Mayor & City Council
From: Community Development Department
Date: July 13, 2015
Subject: Medical Marijuana Grow Site Ordinance 2015-07

Request Summary:

The City has received a request to establish license procedures for medical marijuana grow sites similar to those created to regulate medical marijuana dispensaries. The attached ordinance will modify the current business license ordinance and create a new ordinance (Chapter 119) that will establish additional licensing requirements for medical marijuana grow sites.

A resolution addressing a potential fees schedule has also been prepared; 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 medical marijuana grow sites.

ORDINANCE NO. 2015-07

AN ORDINANCE OF THE CITY OF 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.

WHEREAS, the 2013 Oregon Legislature enacted House Bill 3460 (2013) which creates a registration system for medical marijuana facilities that may receive usable marijuana a person responsible for a marijuana grow site; and

WHEREAS, Oregon Revised Statute 475.304 calls for the Oregon Health Authority to establish a registration system for medical marijuana grow sites responsible for production & processing of usable marijuana products; and

WHEREAS, the City of Seaside allows for production & processing within the M1 industrial zone in accordance with the City of Seaside Zoning Ordinance, Code of Seaside Chapter 158; and

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; 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 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 119 is hereby created and added to the Code of Seaside to read:

Chapter 119 MEDICAL MARIJUANA PRODUCTION & PROCESSING FACILITIES

119.01 DEFINITIONS.

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

Marijuana. All parts of the plant Cannabis family Moraceae, whether growing or not; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination, or industrial hemp, as defined in ORS 571.300, or industrial hemp commodities or products.

Marijuana grow site. A location registered under ORS 475.304 where marijuana is produced or processed for use by a registry identification cardholder that may be transferred to a medical marijuana facility registered by the Oregon Health Authority under ORS 475.314.

License. A medical marijuana grow site license issued pursuant to this Chapter.

119.02 PURPOSE OF REGULATION.

To protect the public health, safety, and welfare from unlawful production & processing of marijuana, all medical marijuana grow sites shall be registered in accordance with ORS Chapter 475.304 and the applicable Oregon Administrative Rule (OAR 333-008).

Registration by the Oregon Health Authority is not a guarantee that a medical marijuana grow site is permitted to operate under applicable local municipal regulations. All grow sites 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. These regulations are intended to solely address the issue of medical marijuana grow site production and processing facilities. 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.

119.03 LICENSE REQUIRED.

(A) No person shall establish, maintain or operate a medical marijuana grow site within the city unless an annual license is obtained from the city. Every place or building where a medical marijuana grow site is established shall be deemed a grow site subject to the provisions of this chapter. Each licensee shall also obtain a General Business License in accordance with Chapter 110 of the Code of Seaside.

(B) No license will be issued without proof of registration to operate a medical marijuana grow site issued by the State of Oregon. The applicant for the license must also provide copies of electrical permits obtained in order to facilitate the production and processing of medical marijuana and written documentation of the security measures in place to prevent unauthorized entry into the facility.

(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).

(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 at the grow site.

(F) No license shall be issued until after the grow site has been inspected by the City of Seaside Building Official and approved for the proposed occupancy in accordance with the State of Oregon Structural Specialty Code, Fire and Life Safety Regulations, and the Uniform Building Code adopted by the City of Seaside.

(G) Once the grow site 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.

119.04 OPERATIONAL REQUIREMENTS.

(A) Medical marijuana grow sites are not allowed to operate within 1,000 feet of the real property comprising a public or private elementary, secondary or career school.

(B) Production and processing of medical marijuana can only be allowed in the industrial (M1) zone based on City of Seaside Zoning Ordinance, Code of Seaside Chapter 158.

(C) Grow sites must remain in compliance with all of the applicable provision of OAR 333-008 and they are specifically subject to the monitoring and investigation provisions of OAR 333-008-0060.

(D) Grow sites are subject to periodic inspection by the Seaside Fire Marshal to ensure they remain in compliance with applicable Fire and Life Safety Regulations.

119.05 LICENSE VALIDITY & ANNUAL REVIEW FOR RENEWAL.

A license will be valid for one calendar year and a new application for a license must be submitted each year. A previously licensed grow site 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.

119.06 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 Rule.

(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 grow site 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.

119.07 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 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.

119.99 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 _____, 2015, by the following roll call vote:

YEAS:
NAYS:
ABSTAIN:
ABSENT:

SUBMITTED to and **APPROVED** by the Mayor on this ___ day of _____, 2015.

DON LARSON, MAYOR

ATTEST:

Mark J. Winstanley, City Manager