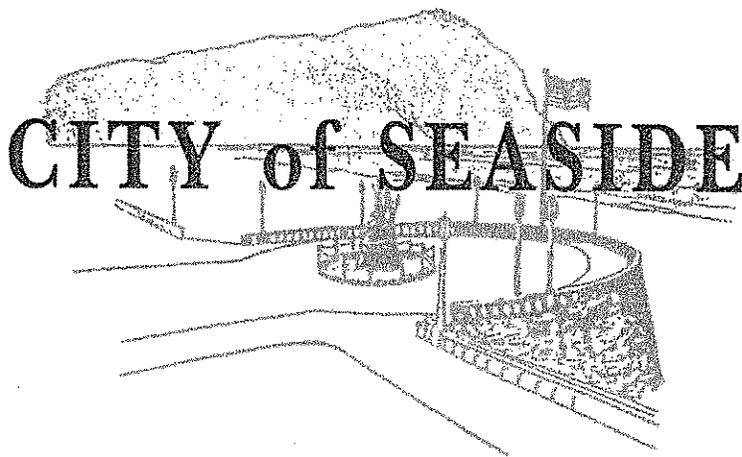


**AGENDA SEASIDE CITY COUNCIL MEETING
JULY 27, 2015 7:00 PM**

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF AGENDA
5. INTRODUCTION – SWEARING IN SEASIDE PATROL OFFICER, Nathan Tappert
6. PROCLAMATION – NATIONAL NIGHT OUT, Dave Ham
7. COMMENTS – PUBLIC
8. DECLARATION OF POTENTIAL CONFLICT OF INTEREST
9. CONSENT AGENDA
 - a) PAYMENT OF THE BILLS – \$250,618.46
 - b) APPROVAL OF MINUTES – JULY 13, 2015 REGULAR MINUTES
10. 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
 - 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 SITES
 - OPEN PUBLIC COMMENTS
 - CLOSE PUBLIC COMMENTS
 - COUNCIL COMMENTS
 - MOTION FOR SECOND READING BY TITLE ONLY – ALL IN FAVOR AND OPPOSED
11. NEW BUSINESS:
 - a) LIQUOR LICENSE APPLICATION – PENDLETON OUTLET STORE, 1111 ROOSEVELT DRIVE, #410
 - b) FINAL - SEASIDE FIRE & RESCUE OFFICE SPACE REMODEL, Joey Daniels
12. COMMENTS FROM THE COUNCIL
13. COMMENTS FROM THE CITY STAFF
14. 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.



CITY of SEASIDE

OREGON'S
FAMOUS
ALL-YEAR
RESORT

989 BROADWAY
SEASIDE, OREGON 97138
(503) 738-5511

PROCLAMATION

Whereas, the National Association of Town Watch (NATW) is sponsoring a unique, nationwide crime, drug and violence prevention program on August 4, 2015 entitled "National Night Out"; and

Whereas, the "32nd Annual National Night Out" provides a unique opportunity for the City of Seaside to join forces with thousands of other communities across the country in promoting cooperative, police-community crime prevention efforts; and

Whereas, the City of Seaside plays a vital role in assisting the Seaside Police Department through joint crime, drug and violence prevention effort in the City of Seaside and is supporting "National Night Out 2015" locally; and

Whereas, it is essential that all citizens of Seaside be aware of the importance of crime prevention programs and impact that their participation can have on reducing crime, drugs and violence in Seaside; and

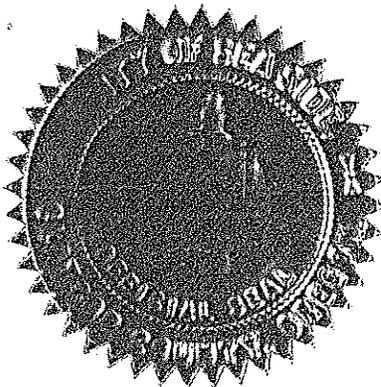
Whereas, police-community partnerships, neighborhood safety, awareness and cooperation are important themes of the "National Night Out" program;

NOW, THEREFORE, I, Don Larson, Mayor of the City of Seaside, in the State of Oregon, do hereby proclaim Tuesday, August 4, 2015 as

National Night Out

in Seaside, and urge all citizens to join in this observance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Seaside to be affixed this 27th day of July, 2015.



DON LARSON, MAYOR

- CALL TO ORDER** The Regular meeting of the Seaside City Council was called to order at 7:00 PM by Council President Johnson.
- ROLL CALL** Present: Council President Don Johnson, Councilors Jay Barber, Seth Morrissey, Randy Frank, and Tita Montero. .
- Absent: Mayor Don Larson, and Councilor Dana Phillips
- Also Present: Mark Winstanley, City Manager; Russ Vandenberg, Convention Center & Visitors Bureau General Manager; Kevin Cupples, Planning Director; Dave Ham, Seaside Police Department; and Katherine Lacaze, Daily Astorian/Seaside Signal.
- AGENDA** Motion to approve the July 13, 2015 agenda; carried unanimously. (Frank/Montero)
- COMMENTS – PUBLIC** John Dunzer, 2964 Keepsake Drive, Seaside, presented Council with a letter that he had written to the editor of the Seaside Signal regarding power solutions. Anyone who lives on the North Coast should have been embarrassed by the 6 hour 4th of July electrical power failure at the Pacific Power substation in Seaside. Clatsop County is a remote island where Pacific Power (a major producer of electricity generated in Wyoming from coal) provides electrical service. The Pacific Power Clatsop service district is surrounded by public utility districts (PUDS) supplying electricity generated from reliable renewable sources in Tillamook and Clatskanie that result not only in lower consumer cost but significant reductions in greenhouse gas. Evidently the Seaside Substation transformer failure was caused by a brazen red/white/blue balloon attack. Come on girls and guys, we need a better designed utility infrastructure. Millersburg Oregon, a small town in the Willamette Valley of 1,500 residents has just (5-18-2015) completed its final business plan to break away from Pacific Power and form a municipal utility to reduce consumer costs. They found that there are currently 12 municipal utilities operating in Oregon, all of which have electric rates lower than Pacific Power. Possibly if the Seaside City Council or the Clatsop County Commissioners could find the time, when they are not busy regulating panhandlers and marijuana store locations, they might actually be able to do something to improve the lives of residents and visitors as well as the viability of businesses. Properly designed a local electrical utility could use renewable energy and eliminate the 3 to 6 month electrical outage that is projected for our area by the State when the Cascadia Fault earthquake and tsunami occurs. It might also survive in the case of a balloon attack. There was also other information regarding accounting for contingencies summery that was distributed to Kim Jordan, Administrative Assistant, to make copies for the Council.
- Cindy Daly, 2580 Ocean Vista Drive, Seaside, stated the City Mission Statement talked about a partnership with community members and visitors. Ms. Daly further stated her experience over the 4th of July with the power outage was that she saw the mission statement in action and it worked beautifully. Ms. Daly lived on the North end of the Cove on the beach and likens it with previous years to a war zone. It was not unusual to see fifty fires in the grass and the logs and no one seemed to worry except the homeowners. The lack of restrooms created even more issues while trying to enjoy the day on the deck. Ms. Daly further stated five years ago neighbors began to work with the Seaside Police Chief and the Seaside Fire Marshall and found if tourist were warned about fires in the grass they obeyed the ordinance. The 4th of July program was expanded and included posters placed on the lawn which worked all summer and there had been control over fires in the grass. This year there was not one fire in the grass or the logs on the beach and there were posters put out on the beach and neighbors going out to inform people about the ordinance. There was coordination with Dave Ham, Seaside Police Chief, Steve Barnett, Seaside Police Lieutenant, Joey Daniels, Seaside Fire Chief, and David Rankin, Safety Training Officer for the Seaside Fire Department. Ms. Daly further stated this was the first time families were able to enjoy the fireworks without the smoke and chaos. Ms. Daly further stated with the power outage and police now distracted with directing traffic it was frightening to think about all those people coming off the beach without any lights. To Mark Winstanley and City Staff there was obviously a plan with lights put out at the intersection which lit up the roads and beaches to get people safely off the beach when the fireworks were finished. Ms. Daly thanked city staff, city leaders, and the public safety officers for making her 4th of July the best ever.
- CONFLICT** Council President Johnson asked whether any Councilor wished to declare a conflict of interest. No one declared a conflict of interest.
- CONSENT AGENDA** Motion to approve payment of the bills in the amount of \$781,856.54; and June 22, 2015, regular minutes; carried unanimously. (Barber/Frank)
- ORDINANCE #2015-06** AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING CHAPTER 114: OF THE CODE OF SEASIDE REGARDING ITINERANT MERCHANTS
- Mark Winstanley, City Manager, stated Council addressed the ordinance at the June 22, 2015, City Council meeting with the first and second reading.

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

Council President Johnson asked for public comments.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Council President Johnson stated they were not.

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

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

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

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

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

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

Council recessed at 7:55 pm.

Council reconvened at 8:00 pm.

LIQUOR LICENSE

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

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

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

ORDINANCE #2015-07

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

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

Council President Johnson asked for public comments.

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

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

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

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

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

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

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

Council President Johnson asked for Council comments.

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

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

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

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

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

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

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

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

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

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

COMMENTS – COUNCIL

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

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

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

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

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

COMMENTS – STAFF

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

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

ADJOURNMENT

The regular meeting adjourned at 8:36 PM.

Kim Jordan, Secretary

DON JOHNSON, COUNCIL PRESIDENT

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

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) 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.

(C) 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

LIQUOR LICENSE APPLICATION

Carrie Poust
Pendleton Outlet Store
1111 N. Roosevelt Drive, #410
Seaside, OR 97138

The application is for an Off-Premises Sales License. This would be for a new outlet.

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

July 14, 2015

MEMORANDUM

TO: Mark Winstanley, City Manager
FROM: Steven M. Barnett, Lieutenant 
SUBJECT: Pendleton Outlet Store OLCC Application

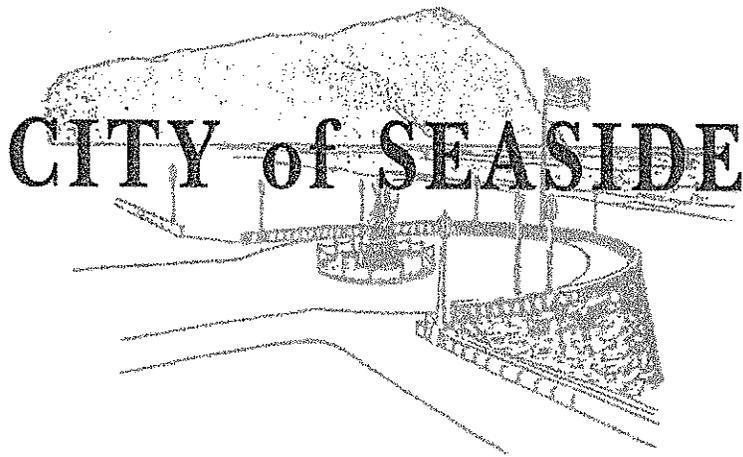
The Seaside Police Department has reviewed the liquor application for a new off-premises sales of liquor at a location known as the Pendleton Outlet Store, located at 1111 North Roosevelt Dr., Seaside. The location has never been licensed by OLCC, but has operated as a Pendleton Outlet Store.

The background check on the listed owners and manager requesting the license did not locate information that would disqualify the applicants from obtaining a liquor license. Information related to the investigation is documented in the attached police report.

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

Cc: S20155141

Working Together We Can Make A Difference



CITY of SEASIDE

OREGON'S
FAMOUS
ALL-YEAR
RESORT

989 BROADWAY
SEASIDE, OREGON 97138
(503) 738-5511

July 21, 2015

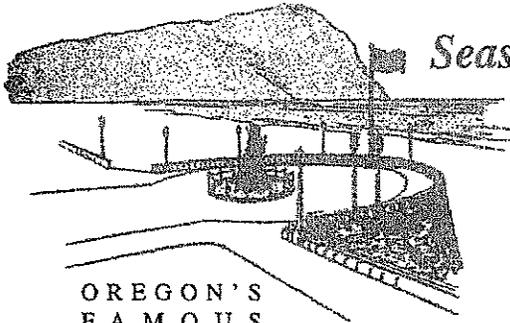
Carrie Poust
Pendleton Outlet Store
1111 N. Roosevelt Drive #410
Seaside, OR 97138

Dear Carrie:

This letter is to confirm that the Oregon Liquor License application that was submitted to the City of Seaside is scheduled to appear on the agenda for the City Council meeting Monday, July 27, 2015, 7:00 PM, at 989 Broadway, Seaside. City Council requests the owner or representative attend the Council meeting as they will be discussing comments as stated on the liquor license application and may have questions to ask of you. I have attached the recommendation from the Seaside Police Department regarding the license.

Sincerely,

Kim Jordan
Administrative Assistant



Seaside Fire and Rescue Department

150 S. Lincoln
Seaside, Oregon 97138
Phone 738-5420

OREGON'S
F A M O U S
A L L - Y E A R
R E S O R T

MEMORANDUM

TO: Honorable Mayor & City Council
FROM: Joey Daniels, Fire Chief
DATE: July 27, 2015
RE: Seaside Fire & Rescue Remodel

Jason Kraushaar Contracting has completed the office remodel at the fire station. The remodel bid was for \$32,984.00, with an additional \$6,399.08 in change orders because of unforeseen issues that came up while remodeling. The total cost of the fire station office remodel was \$39,383.08. I am pleased with the work that was completed, and would like to request that the Mayor and City Council release the retainage of \$1,969.15 to Jason Kraushaar Contracting, LLC.



STOP FIRES