



CITY OF SEASIDE CITY COUNCIL AGENDA

Monday, November 27, 2023

To provide public comment for City Council meetings, participants should register prior to the meeting. Please complete the form linked below to offer public comment at an upcoming City Council meeting. You may provide public comment using the following methods:

1. In-person (meetings are held at Seaside City Hall, 989 Broadway, Seaside, OR)
2. Via Zoom web conference or telephone (obtain link and register at cityofseaside.us)
3. Written comments may be submitted using this [form](#), via e-mail to publiccomment@cityofseaside.us or in person at City Hall (989 Broadway, Seaside, OR).

If you are providing public comments in person or via Zoom, please keep in mind your comments will be limited to three (3) minutes. If your comments are longer than three (3) minutes, please submit your comment in writing and utilize your three (3) minutes to summarize your written document. Please review the [Public Comment Rules of Conduct](#) prior to the meeting.

CITY COUNCIL WORK SESSION: 5:00 PM

1. Discussion Camping in residential properties {20 min}
2. Discussion of Non-profit Grant Application Process {20 min}
3. Discussion Future City Council Agenda Items {10 min}

CITY COUNCIL MEETING: 6:00 PM

1. **Call To Order**
2. **Pledge Of Allegiance**
3. **Roll Call**

4. **Approval Of Agenda**

5. **Proclamation:**

Pearl Harbor Remembrance Day

6. **Public Comments**

Members of the public may use this time to provide comments to the City Council on items that are not scheduled on this agenda for a public hearing or public comment. Speaking time is limited to three minutes.

7. **Declaration Of Potential Conflict of Interest**

8. **Consent Agenda**

- a) Payment of the bills - \$918,957.57
- b) Approval of minutes – November 13, 2023

9. **Reports And Presentations:**

Clatsop Economic Development Resources (CEDR) Report

10. **City of Seaside Boards, Commissions, And Committees**

- a) Budget Committee term expirations
- b) Library Board term expirations
- c) Tourism Advisory Committee term expirations

11. **Unfinished Business**

Ordinance 2023-06 – An Ordinance of The City of Seaside, Oregon, Amending Chapter 70: General Provisions and 71: Traffic Rules

- 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

12. **New Business**

- a) Liquor license application full on premises – Chalkboard Café LLC., 600 Broadway, Suite #7.
- b) Resolution #4035 – A Resolution Adopting a Specific Policy for System Development Charge Calculations in Connection with Commercial to Residential Conversion, as Required by House Bill 2984
 - Open Public Comments
 - Close Public Comments
 - Council Comments
 - Motion to Read Resolution by Title Only – All in Favor and Opposed
 - Motion to Adopt
- c) City Council Meeting Cancelled for December 25, 2023.

13. **Comments From City Staff**

14. **Comments From the City Council**

15. **Executive Session:**

Recess into executive session in accordance with ORS 192.660 (2) (e) regarding deliberations with persons designated to negotiate real property transactions, and in accordance with ORS 192.660 (2) (f) regarding consideration of information or records that are exempt from disclosure by law, including written advice from attorney.

16. **Reconvene into Regular Session – City Council action if any regarding executive session in accordance with ORS 192.660 (2) (e) and ORS 192.660 (2) (f)**

17. **Adjournment**

Complete copies of the Current Council meeting Agenda, Packets, and Minutes can be viewed 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.



PROCLAMATION

Whereas, On a quiet Sunday morning, December 7, 1941, more than 2,400 Americans were killed in the attack on Pearl Harbor. On that day, life changed in America, and the course of history was altered forever; and

Whereas, our citizens reacted to the attack with firm determination to defeat tyranny and secure our Nation. This enterprise required the commitment and effort of our entire country. At the height of the conflict, the United States had ships on every ocean and troops on five continents. In all, more than 16 million Americans wore the uniform of our Nation and came from all walks of life. They served honorably and fought fiercely. At home, millions more contributed to the war effort, laboring for victory in factories, on farms, and across America; and

Whereas, today we honor those who fought and died at Pearl Harbor, and we pay special tribute to the veterans of World War II. Those heroes hold a cherished place in our history. Through their courage, sacrifice, and selfless dedication, they saved our country and preserved freedom.

NOW, THEREFORE, I, Steve Wright, Mayor of the City of Seaside, in the State of Oregon, do hereby proclaim December 7, 2023, as

PEARL HARBOR REMEMBRANCE DAY

and call upon the citizens of Seaside to observe this solemn occasion with appropriate ceremonies and activities.

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 November 2023.

STEVE WRIGHT, MAYOR



CITY OF SEASIDE CITY COUNCIL

DRAFT MEETING MINUTES

City Hall, 989 Broadway, Seaside, OR 97138

Monday, November 13, 2023

Work Session 5:00 PM

1. Wrap up on amendments to Rules and Procedure and Conduct Guidelines Governing Council members.

The City Council completed the discussion of amendments to the Procedures and Conduct Guidelines Governing Council Members. The amendments will be sent to the City Attorney for review and will come back to the City Council for approval.

City Council Meeting 6:00 PM

1. Call to Order and Pledge of Allegiance
2. Roll Call

Council Members	P/A
Steve Wright, Mayor	P
David Posalski, Council President (Zoom)	P
Tita Montero	A
Tom Horning	A
Randy Frank	P
Seth Morrisey	P
Steve Dillard (Zoom)	P

Staff Members	
Spencer Kyle, City Manager	Jon Rahl, Assistant City Manager
Kim Jordan, City Recorder	Zach Fleck, Finance Director
Ed Arden, Seaside Project Manager	Jennifer Reading, Library Director
Guy Knight, Seaside Police Lieutenant	Joey Daniels, Seaside Fire Chief

Visitors in Chambers (attendance sheet)	Visitors on Zoom
Jeremy Thomas	Chuck Murphy
Diana Celaya	
Devin Johnson	

3. Approval of Agenda

Mayor Wright asked for approval of the agenda.

Motion:	So, moved.			
Moved:	Frank			
Seconded:	Morrisey			
Ayes:	Wright, Frank, Dillard, Morrisey, Posalski	Nays: 0	Absent: Horning, Montero	Recused: 0
Passed:	5/0			

4. **Proclamations**

No proclamations.

5. **Public Comments (time is limited to 3 minutes)**

Seamus McVey requested a four way stop light at the intersection of Broadway and Wahanna. Mr. McVey believes that accidents are a regular occurrence in that location and there is also drag racing that takes place on Wahanna.

6. **Declaration of Potential Conflict of Interest**

Council Members	Y/N
Steve Wright, Mayor	N
Tom Horning	-
Randy Frank	N
Seth Morrisey	N
Steve Dillard	N
David Posalski, President	N
Tita Montero	-

7. **Consent Agenda**

Motion:	Moved to approve the consent agenda and pay the bills and approve the minutes.			
Moved:	Morrisey			
Seconded:	Frank			
Ayes:	Wright, Dillard, Morrisey, Frank, Posalski	Nays: 0	Absent: Horning, Montero	Recused: 0
Passed:	5/0			

8. **Reports and Presentations**

A. **Hood to Coast Relay recap.**

Dan Floyd, Hood to Coast, thanked the City of Seaside City Council, staff, departments, and residents for the support for Hood to Coast, and presented the City Council with a check to the City of Seaside. Dan Floyd announced the Hood to Coast dates for 2024, August 23-24.

Mayor Wright announced the check was for \$31,907.04.

City Manager Kyle stated the checks have been earmarked in the past for the parks within the City of Seaside.

B. **Seaside Library update.**

Library Director Reading presented the City Council with a six-month report on the Seaside Library.

9. [City of Seaside boards, commissions, and committees.](#)

A. City Tree Board term expirations.

Motion:	Move to reappoint Pam Fleming and Lisa Morley to the City Tree Board.			
Moved:	Morrisey			
Seconded:	Frank			
Ayes:	Wright, Dillard, Morrisey, Frank, Posalski	Nays: 0	Absent: Horning, Montero	Recused: 0
Passed:	5/0			

B. Planning Commission term expirations.

Motion:	Move to reappoint Robin Montero and Louis Neubecker to the Planning Commission.			
Moved:	Morrisey			
Seconded:	Posalski			
Ayes:	Wright, Dillard, Morrisey, Frank, Posalski	Nays: 0	Absent: Horning, Montero	Recused: 0
Passed:	5/0			

C. Transportation Advisory Commission term expirations.

Motion:	Move to reappoint Terry Hartill and Dennis Price to the Transportation Advisory Commission.			
Moved:	Frank			
Seconded:	Posalski			
Ayes:	Wright, Dillard, Morrisey, Frank, Posalski	Nays: 0	Absent: Horning, Montero	Recused: 0
Passed:	5/0			

10. [Unfinished Business](#)

Ordinance 2023-06 – An Ordinance of the City of Seaside, Oregon, Amending Chapter 70: General Provisions and 71: Traffic Rules.

City Manager Kyle explained this would be the second reading on the ordinance. The three sections of the traffic code to be amended, sections 70.03, 71.10, and 71.11. The following is an explanation of those changes:

Section 70.03 Definitions. This section is being amended to:

- Update the definition of bicycle to explicitly exclude e-bikes from the definition of a bicycle in the City’s code.
- Include e-bikes in the definition of vehicles.
- Add three new definitions for the three different classifications of e-bikes. They include:
 1. Class 1: e-bikes that are pedal-assist only, with no throttle, and have a

maximum assisted speed of 20 mph.

2. Class 2: e-bikes that also have a maximum speed of 20 mph but are throttle-assisted.
3. Class 3: e-bikes that are pedal-assist only, with no throttle, and a maximum assisted speed of 28 mph.

Section 71.10 Regulations of Bicycles. This section is being amended to explicitly prohibit any class of e-bikes from riding on sidewalks.

Section 71.11 Vehicles Permitted on the Prom. This section is being amended to:

- Permit the use of class 1 and class 3 e-bikes on the prom (e-bikes that have no throttle).
- Prohibit the use of class 2 e-bikes or any other vehicles with a throttle on the prom. This would prohibit electric scooters, “one wheel” vehicles, hoverboards, etc.

Mayor Wright opened the public comments.

Devin Johnson commented that he rides a one-wheel device because of mobility issues and asked the City Council to allow one-wheel devices on the prom.

Chuck Murphy (Zoom) commented that the ordinance is well written and suggested having a bike dismount zone sign and some type of pavement markings that should be thermal markings instead of repainting every year.

Mayor Wright asked for City Council comments.

Many Councilors expressed a desire to allow motorized devices on the Prom for mobility issues as requested by Mr. Johnson.

City Manager Kyle outlined several options for the City Council to consider. Staff could separate the two issues, e-bikes and other motorized vehicles, and come back with an ordinance to address e-bikes and create a different ordinance to regulate other devices. The Council could also table the discussion and prepare an ordinance that addresses both e-bikes and other vehicles and clarifies the wording about mobility and accessibility.

The City Council directed staff to remove references to other vehicles from the ordinance and bring back the ordinance for a third reading and approval that only regulates the use of e-bikes.

Motion:	Move to amend section 71.11, second reading by title only to read “The only vehicles permitted on the Prom are: bicycles, class 1 e-bikes, class 3 e-bikes, public utility vehicles, and emergency vehicles. Class 2 e-bikes are prohibited on the Prom”.			
Moved:	Morrisey			
Seconded:	Frank			
Ayes:	Wright, Dillard, Morrisey, Frank, Posalski	Nays: 0	Absent: Horning, Montero	Recused: 0
Passed:	5/0			

11. New Business

A. [Liquor license application limited on premises – Thai Thai & Sushi, 1 N. Holladay.](#)

Diana Celaya, Wait Staff Manager Thai Thai & Sushi, explained what the business would offer and requested approval for the liquor licenses from the City Council.

Motion:	I move to recommend approval of the liquor license application for Thai Thai & Sushi.			
Moved:	Morrisey			
Seconded:	Frank			
Ayes:	Wright, Dillard, Morrisey, Frank, Posalski	Nays: 0	Absent: Horning, Montero	Recused: 0
Passed:	5/0			

B. [Approval agreement for emergency water supply.](#)

City Manager Kyle stated there was previously an Emergency Water Supply agreement with Gearhart. The agreement has been updated and now states that the City of Seaside and Gearhart are backup sources to each other for emergency water supply. The agreement is for emergency purposes only and the city was not looking to sell Gearhart water on a regular basis.

Motion:	Move to approve the agreement for emergency water supply.			
Moved:	Frank			
Seconded:	Morrisey			
Ayes:	Wright, Dillard, Morrisey, Frank, Posalski	Nays: 0	Absent: Horning, Montero	Recused: 0
Passed:	5/0			

C. [Approval of updated camping policy.](#)

City Manager Kyle stated the primary purpose of the update to the camping policy is to update the permitted locations to camp on public property and update rules for camping on public property.

Community Service Officer Knoch presented the City Council with a report on the camping policy and the camping program in place for the last 18 months.

Mayor Wright asked for public comments.

Seamus McVey commented on the use of pallets at the camp site. He also commented on regulating animals in the camp.

The City Council discussed enforcement of rules and at the camp and shared concerns about the proposed location and the impact to surrounding businesses. They also directed staff to add wheelchairs as approved equipment that may be stored outside a tent.

Motion:	Move to approve the attached amended policy program for temporary camping and with the changes to the words.			
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Moved:	Frank			
Seconded:	Morrisey			
Ayes:	Wright, Dillard, Morrisey, Frank, Posalski	Nays: 0	Absent: Horning, Montero	Recused: 0
Passed:	5/0			

D. [Approval of sewer operations and capital consultant services.](#)

City Manager Kyle stated the city has operated a Sewer Treatment Plant for over forty years. There were questions about how the plant was currently being operated and the condition of the facilities. A consultant was hired to review the operations of the sewer treatment plant and the general conditions of the equipment. The feedback from the consultant identified the deficiencies as noted in the staff report.

The City Council directed staff to reach out for state and federal sources to find out if there are funds available for improvement to the Wastewater Treatment Plant.

Motion:	Move to authorize the City Manager to engage the services of sewer operations and capital consultants.			
Moved:	Morrisey			
Seconded:	Frank			
Ayes:	Wright, Dillard, Morrisey, Frank, Posalski	Nays: 0	Absent: Horning, Montero	Recused: 0
Passed:	5/0			

E. [Discussion of potential Budget Committee schedule for 2024-2025.](#)

City Manager Kyle stated staff are working on next year’s budget. There was a discussion regarding separating the non-profit for grants and the regular budget information. The non-profits could be scheduled for two meetings in January and budget meetings starting in April for the policy driven items.

The City Council directed staff to have the department heads present budget request in January 2024.

City Manager Kyle stated staff would provide the City Council with the proposed dates and times for the Budget Committee meetings.

12. [Comments from City Staff and Partner Organizations](#)

Kerri Lambert, SDDA, commented on the pumpkin drop in Seaside and the wine walk.

Katie McCloud, Chamber of Commerce, stated the Parade of Lights and Tree Lighting event is scheduled for November 24, 2024.

Seaside Fire Chief Daniels stated the Seaside Fire Ambulance service is up and running.

Police Lieutenant Knight updated the City Council on the Police Department Seismic Retrofit happening to the building.

Assistant City Manager Rahl commented on the opening of the building official position with the City of Seaside.

City Manager Kyle introduced Ed Arden, the City's new Project Manager. Project Manager Arden introduced himself to the City Council.

City Manager Kyle updated the City Council regarding the estuary property acquisition.

13. Comments from City Council

Councilor Frank updated the City Council with the Airport Advisory Committee meeting scheduled in November.

Councilor Morrisey inquired about the request for signage for non-profits in the community. How does the City Council update that information?

City Manager Kyle stated that it would be an amendment to the sign code and staff has reached out to the city attorneys to review that request.

Councilor Dillard updated the City Council on the Community Center Commission meeting and the Thanksgiving Dinner held at the Bob Chisholm Community Center on Thanksgiving.

Council President Posalski stated he appreciated participating from a distance.

Mayor Wright commented on the housing meeting held in November. He attended the groundbreaking of the Hawks Eye apartments in Seaside. Mayor Wright announced the Planning Commission and City Council joint work session on November 21, 2023, regarding deed restrictions. The Oregon State Patrol has added three more patrol officers for our area.

14. Adjourn City Council Meeting 8:31 PM.

Approved by Council on: _____

Minutes prepared by: _____
Kim Jordan, City Recorder

STEVE WRIGHT, Mayor



City of Seaside City Council Meeting Staff Report

Meeting Date: November 27, 2023
Author: Kim Jordan, City Recorder
Department: City Manager's Office
Subject: Boards, Commission and Committees
Type of Item: Term Expirations

Request:

Three Budget Committee members need reappointment due to term expirations.

Background:

The Budget Committee meets to review the budget documents proposed by the City Manager. The budget committee receives the budget and budget message and provides an opportunity for the public to ask questions about and comment on the budget. The committee also recommends a budget, and, if ad valorem property taxes are required, recommends an amount or rate of tax for all funds that receive property taxes. The Budget Committee is composed of the governing body and an equal number of electors appointed by the governing body.

Staff Analysis:

The Budget Committee has three vacancies due to term expirations. Budget Committee members James Shipley, Rebecca Buck, and Nancy McCune are interested in continuing their volunteer service and have agreed to serve another term. Their current term expirations are December 31, 2023, and the new appointments are for three-year terms.

Candidates to fill this board must meet the following criteria:

1. Registered voters of the City of Seaside for at least one year prior to serving on the committee.
2. The appointed members of the Budget Committee cannot be officers, agents, or employees of the local government.
3. Spouses of officers, agents or employees of the local government are not barred from serving on the budget committee if they are qualified electors and not themselves officers, agents, or employees.
4. Members of the budget committee are appointed for three-year terms.

Budget Impact:

There is no budget impact.

Requested Action:

City Council Motion:

“I move to reappoint James Shipley, Rebecca Buck, and Nancy McCune to the Budget Committee.”

Alternatives:

The City Council may choose to keep the vacancy open and accept applications.

Attachments:

- Budget Committee members list.

989 Broadway
Seaside, OR 97138



(503) 738-5511
cityofseaside.us

BUDGET COMMITTEE

Term of Office: 3 years

Number of Members: 14 (Includes City Council)

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE</u>	<u>TERM EXPIRES</u>
JAMES SHIPLEY	284 ALPINE ST.	717-0392	12/31/2023
REBECCA BUCK	P O BOX 1152	738-3045	12/31/2023
NANCY MCCUNE	822 NECANICUM #101	(503) 260-8905	12/31/2023
ROBERT PERKEL	2039 HUCKLEBERRY DR.	(971) 320-0008	12/31/2024
KATHLEEN MACDONALD	77 7 TH AVENUE	(971) 404-7192	12/31/2024
CHRISTINE BINNICKER	309 HIGHLAND DRIVE	(720) 933-6796	12/31/2025
KATHLEEN PETERSON	1640 HUCKLEBERRY DR.	440-5543	12/31/2025

*Chair

*Vice Chair



City of Seaside City Council Meeting Staff Report

Meeting Date: November 27, 2023
Author: Kim Jordan, City Recorder
Department: City Manager's Office
Subject: Boards, Commission and Committees
Type of Item: Term Expirations

Request:

One Library Board member needs reappointment due to term a expiration.

Background:

The Library Board was established and acts in an advisory capacity to the Library Director and Seaside Public Library on behalf of Seaside City Council regarding the operations of the City Library. The Seaside Public Library Board advises the Library Director on matters that relate to library services, policies, and funding. The Seaside Library Board shall:

1. Approve bylaws.
2. Recommend library policies to the City Council.
3. Follow Oregon's open meetings law and public records laws.
4. Build good community support for the library's services.
5. Actively listen and respond to the community requests for library services.

Staff Analysis:

The Library Board has one vacancy due to a term expiration. The Library Board member Kathleen Teeple is interested in continuing her volunteer service and has agreed to serve another term. Her current term expiration is December 31, 2023, and this new appointment would be for a four-year term.

Candidates to fill this board must meet the following criteria:

1. Five members appointed by the Mayor subject to City Council approval.
2. No member shall hold office for more than two full consecutive terms.

Budget Impact:

There is no budget impact.

Requested Action:

City Council Motion:

"I move to reappoint Kathleen Teeple for the Library Board."

Alternatives:

The City Council may choose to keep the vacancy open and accept applications.

Attachments:

- Library Board members list.



989 Broadway
Seaside, OR 97138

(503) 738-5511
cityofseaside.us

LIBRARY BOARD

Term of Office: 4 years

Number of Members: 5

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE</u>	<u>TERM EXPIRES</u>
KATHLEEN TEEPLE	33230 BEERMAN CREEK LANE	738-3155	12/31/2023
TESS RATTY*	89637 LAKESIDE CT. WARRENTON, OR 97146	738-5055	12/31/2024
CHERYL ADAMSCHECK	3345 BAYVIEW TERRACE	(206) 434-2216	12/31/2024
MEAGAN HUGHES	1581 WHISPERING PINES DR. #6	(509) 439-9384	12/31/2025
EVE MARX	2356 S. DOWNING ST.	(914) 588-7051	12/31/2026

*CHAIR



City of Seaside City Council Meeting Staff Report

Meeting Date: November 27, 2023
Author: Kim Jordan, City Recorder
Department: City Manager's Office
Subject: Boards, Commission and Committees
Type of Item: Term Expirations

Request:

One Tourism Advisory Committee members needs to be reappointed due to a term expiration.

Background:

The Tourism Advisory Committee was established to advise the Tourism Director, City Manager and City Council concerning issues related to the marketing of the City. The Seaside Tourism Director and General Manager of the Seaside Civic and Convention Center shall be the staff liaisons to the Committee. The Tourism Advisory Committee powers and duties include but not limited to:

1. Advise the Tourism Director on the annual budget to be submitted to the City Budget Committee for consideration.
2. Advise the Tourism Director on the Marketing Plan.
3. Advise the Tourism Director regarding matters relating to the marketing of the city and Seaside's tourism-based economy.
4. Advise the Tourism Director on staff directions from the City Council concerning matters relating to the marketing of the City and the promotion of the tourism economy.

Staff Analysis:

The Tourism Advisory Committee has one vacancy due to a term expiration. The Tourism Advisory Committee member Ruth Swenson is interested in continuing her volunteer service and has agreed to serve another term. Her current term expiration is December 31, 2023, and this new appointment would be for a three-year term.

Candidates to fill this board must meet the following criteria:

1. One must be a resident of Seaside while the remaining four shall be residents, or owners, or employees of businesses within the Seaside City limits.
2. Nominees shall be recommended to the Council for appointment and preference given to the following:
 - a) Representative from the Seaside Chamber of Commerce
 - b) Representative from the Downtown Development Association
 - c) Representative from the lodging businesses
 - d) Representative from the restaurant or catering industry
 - e) Representative from at large who resides within the Seaside City limits.

Budget Impact:

There is no budget impact.

Requested Action:

City Council Motion:

“I move to reappoint Ruth Swenson to the Tourism Advisory Committee.”

Alternatives:

The City Council may choose to keep the vacancy open and accept applications.

Attachments:

- Tourism Advisory Committee members list.

989 Broadway
Seaside, OR 97138



(503) 738-5511
cityofseaside.us

TOURISM ADVISORY COMMITTEE

Term of Office: 3 years
Number of Members: 5

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE</u>	<u>TERM EXPIRES</u>
RUTH SWENSON**	PO BOX 1006	738-6273	12/31/2023
KEITH CHANDLER	200 N. PROM	440-4040	12/31/2024
LINDA WYSS	1998 HUCKLEBERRY DR.	717-0292	12/31/2024
MARCI UTTI*	PO BOX 2066 GEARHART	440-1018	12/31/2025
SADIE MERCER	580 BEACH DR. #4	541-513-1781	12/31/2025

Chairperson*
Vice Chairperson**



City of Seaside City Council Meeting Staff Report

Meeting Date: November 27, 2023
Author: Spencer Kyle, City Manager
Department: City Manager's Office
Subject: E-bikes on Prom
Type of Item: Ordinance

Request:

Staff are requesting the City Council hold a final reading of the attached ordinance regulating the use of e-bikes on the prom and to adopt the ordinance.

Background:

At the September 11, 2023, City Council work session, the City Council discussed various means to regulate the use of e-bikes and other motorized vehicles on the prom. The direction was for staff to bring back an ordinance that prohibited the use of any throttle enabled vehicle on the prom.

The City Council held the first reading of the ordinance on October 23, 2023 and a second reading on November 13, 2023. At the November 13 City Council meeting, direction was given to staff to remove any reference to other motorized vehicles and to focus the ordinance on e-bikes only.

Staff Analysis:

Staff wrote the attached ordinance based upon the direction of the City Council. In addition, staff reached out to local businesses that rent e-bikes to get their feedback. That feedback was in line with the direction the City Council had previously given.

Three sections of the traffic code need to be amended, sections: 70.03, 71.10, and 71.11. The following is an explanation of those changes:

Section 70.03 Definitions. This section is being amended to:

- Update the definition of bicycle to explicitly exclude e-bikes from the definition of a bicycle in the City's code.
- Include e-bikes in the definition of vehicles.
- Add three new definitions for the three different classifications of e-bikes. They include:
 1. Class 1: e-bikes that are pedal-assist only, with no throttle, and have a maximum assisted speed of 20 mph.
 2. Class 2: e-bikes that also have a maximum speed of 20 mph but are throttle-assisted.
 3. Class 3: e-bikes that are pedal-assist only, with no throttle, and a maximum assisted speed of 28 mph.

Section 71.10 Regulations of Bicycles. This section is being amended to explicitly prohibit any class of e-bikes from riding on sidewalks.

Section 71.11 Vehicles Permitted on the Prom. This section is being amended to:

- Permit the use of class 1 and class 3 e-bikes on the prom (e-bikes that have no throttle).
- Prohibit the use of class 2 e-bikes on the prom.

Previous reference to other gas or electric vehicles being prohibited on the Prom have been removed. These ordinance changes only apply to the regulation of e-bikes.

In addition to the ordinance changes, staff are preparing plans for other signage to encourage compliance with existing traffic codes and common-sense safety protocols. These changes do not need an ordinance update nor City Council approval. They include:

- Signage around the turnaround that notifies the public that bikes must be walked through the area.
- Signage strategically placed along the prom to encourage all cyclists to slow down around pedestrians. This wording was specifically suggested by the owners of Wheels of Fun bike rentals.

Since the first and second readings, and at the direction of the City Council, staff has marketed the public comments on this ordinance to encourage public input.

Budget Impact:

None

Requested Action:

If the City Council is inclined to approve the ordinance, a Councilor would state:

“I move for a third reading of ordinance 2023-06 by title only.”

Followed by:

“I move to adopt ordinance 2023-06.”

Alternatives:

If the City Council is not ready to move forward, you may discuss and recommend other changes or you may opt to postpone the adoption to a future date.

Attachments:

- Ordinance 2023-06

ORDINANCE NO. 2023-06

**AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING
CHAPTER 70: GENERAL PROVISIONS AND 71: TRAFFIC RULES**

WHEREAS, the City Council desires to amend the traffic code to adopt regulations regarding e-bikes and other motorized vehicles on the promenade.

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

SECTION 1. Section 70.03 Definitions is hereby amended as follows:

- a. Bicycle. Bicycle shall further be defined as: A vehicle that has no more than two wheels in contact with the ground, ~~and~~ one or two seats that are in line with the frame **and does not have an electric or gas-powered motor.**
- b. Vehicle. As used in subsequent sections of this title, includes bicycles **and e-bikes.**
- c. Class 1 e-bike. **A bicycle that is pedal assist only, with no throttle, and has a maximum assisted speed of 20 mph.**
- d. Class 2 e-bike. **A bicycle that has a maximum speed of 20 mph but is throttle-assisted.**
- e. Class 3 e-bike. **A bicycle that is pedal assist only, with no throttle, and a maximum assisted speed of 28 mph.**

SECTION 2. Section 71.10 Regulations of Bicycles is hereby amended as follows:

- (A) *No riding in certain area.* No person shall ride or operate a bicycle **or any class of e-bike** upon a sidewalk in that area bounded on the south by the northern limits of Avenue "A", on the north by the southern limits of Ocean Way, on the east by the western limits of Roosevelt Drive and on the west by the eastern limits of the Prom.

SECTION 3. Section 71.11 Vehicles Permitted on the Prom is hereby amended as follows:

The only vehicles permitted on the Prom are: bicycles, **class 1 e-bikes, class 3 e-bikes**, public utility vehicles, and emergency vehicles. **Class 2 e-bikes are prohibited on the Prom.**

APPROVED by the City Council on this ____ day of _____, 2023, by the following roll call vote:

YEAS:

NAYS:

ABSTAIN:

ABSENT:

SUBMITTED to and APPROVED by the Mayor on this ____ day of _____,
2023.

STEVE WRIGHT, MAYOR

ATTEST:

Spencer Kyle, City Manager



City of Seaside City Council Meeting Staff Report

Meeting Date: November 27, 2023
Author: Kim Jordan, City Recorder
Department: City Manager's Office
Subject: Recommendation
Type of Item: Liquor License

Request:

Chalkboard Café LLC is requesting approval of a liquor license.

Background:

Chalkboard Café LLC is a restaurant offering a selection of beer, wine, and spirits while dining.

Staff Analysis:

Chalkboard Café LLC will be opening at 600 Broadway, Suite #7. The business is a new outlet and is applying for a full on-premises liquor license. The representatives are Angela Dobbins and Kenith Zittenfield.

A full on-premises license allows the company to sell and serve on premises distilled spirits, malt beverages (beer), wine, and cider.

The Seaside Police Department has reviewed the liquor application for Chalkboard Café. The following are the findings and recommendations of the Police Department:

A proposed layout and seating chart was submitted in the application. This layout includes a beer cooler near where patrons are seated. Upon speaking with Mr. Zittenfield, he informed the city that he had originally planned for patrons to self-serve alcohol out of the beer cooler. There is also a mention of an outdoor seating area that will accommodate four to six seats, where alcohol is also planned to be served. There will be no partition between the outdoor seating and pedestrians on the riverwalk walkway. Mr. Zittenfield informed me the plan is to have a minimum of two staff working at all times, himself and Angela. The proposal lists business hours as being between 7:00 AM and 7:00 PM. Upon speaking with Mr. Zittenfield, he stated that he is considering being open until 10:00 PM depending on business; however, his plan does not mention this later end time.

Based on the application and investigation, the Police Department does not recommend allowing customers to self-serve alcohol from the beer cooler as it is impossible to know the age of the customers serving themselves.

The Police Department also does not recommend allowing alcohol outside of the establishment as it is not separated from the public in any way and alcohol cannot be controlled at this point.

Budget Impact:

There is no budget impact.

Requested Action:

If the City Council is inclined to recommend the liquor license application, a Councilor would state:

“I move to recommend approval of the liquor license application for Chalkboard Café LLC, subject to the recommendations of the Police Department to not allow self-service beer, nor to allow outdoor service of alcohol unless a separation or partition from the public is created and the outdoor service is in compliance with all Seaside ordinances.”

Alternatives:

The City Council, after consideration, may determine whether to make a favorable, unfavorable, conditionally favorable or no recommendations 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:

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, childcare 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.

Attachments:

- Seaside Police Department Recommendation

Seaside Police Department

November 16, 2023

MEMORANDUM

TO: Mayor and City Council

FROM: Shauna Stelson, Detective Sergeant

SUBJECT: Chalkboard Cafe

The Seaside Police Department has reviewed the liquor application for Chalkboard Café proposed to be located at 600 Broadway Suite 7, Seaside, OR. This is a request for a new full on-premise commercial liquor license. This license allows the establishment to sell and serve “by the drink” at retail to customers for consumption on the licensed premise: distilled spirits, malt beverages (beer), wine, and cider. The application lists Kenneth Zittenfield and Angela Dobbins as the business owners.

A proposed layout and seating chart was submitted in the application. This layout includes a beer cooler near where patrons are seated. Upon speaking with Kenneth, he informed me he had originally planned for patrons to self-serve alcohol out of the beer cooler. There is also a mention of an outdoor seating area which will accommodate between four and six seats, where alcohol is also planned to be served. There will be no partition between the seating and pedestrians on the riverwalk walkway. Kenneth informed me the plan is to have a minimum of two staff working at all times, himself and Angela. The proposal lists business hours as being between 7:00 AM and 7:00 PM. Upon speaking with Kenneth, he advised he would consider being open until 10:00 PM depending on business, although his plan does not mention this end time.

Based on the application and my investigation I do not recommend allowing customers to self-serve alcohol from the beer cooler as it is impossible to know the age of the subject serving themselves. I also do not recommend allowing alcohol outside of the establishment as it is not separated from the public in any way and alcohol cannot be controlled at this point.

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

Working Together We Can Make A Difference



City of Seaside City Council Meeting Staff Report

Meeting Date: November 27, 2023
Author: Spencer Kyle, City Manager
Department: City Manager's Office
Subject: SDC Conversion Policy
Type of Item: Resolution

Request:

Staff is requesting the City Council approve the attached resolution that approves a commercial to residential conversion policy.

Background:

During the 2023 legislative session, HB 2984 was enacted. This bill requires local governments to allow for the conversion of a building from commercial to residential use without requiring a zone change or conditional use permit. It clarifies that housing developed under these provisions may occur only within an urban boundary for cities with populations of 10,000 or greater, and not on lands zoned for heavy industrial use. It allows local governments to require payment of a system development charge (SDC) if charge is based on specific commercial to residential conversion policy adopted by a local government on or before December 31, 2023; or is for water or wastewater and offset by any SDCs paid when building was originally constructed. The bill also prohibits enforcement of parking minimums greater than those required for existing commercial or residential use.

Staff Analysis:

Staff were contacted by the City Attorney who advised the city to adopt the attached resolution. HB 2984 would not allow the city to collect SDCs if a commercial property is converted into residential property and the resulting conversion has a higher demand for services, such as water and sewer.

An SDC is a fee imposed by local governments on new developments, such as residential or commercial construction projects. The purpose of SDCs is to help cover the costs associated with expanding or improving public infrastructure and services, such as roads, water systems, sewer systems, and parks, necessitated by the increased demand from new development.

These charges are intended to ensure that growth-related impacts on public infrastructure are adequately funded by the developers and individuals benefiting from the new developments, rather than solely burdening existing taxpayers with the costs of accommodating growth.

When a property is converted into another use, new SDCs are calculated. Credit should be given for SDCs previously paid. If the new development will have a greater impact on the city's infrastructure, then the developer should pay the difference between the new SDC calculation and the original SDCs paid.

For the city to have the option to charge SDCs as outlined above, the city must adopt a conversion policy prior to December 31, 2023. The attached resolution does not require the city to charge SDCs in this manner but leaves the decision up to the City Council.

The resolution was drafted by the City Attorney.

Budget Impact:

SDCs are needed to fund the expansion of public infrastructure such as water and sewer lines. If a conversion development necessitates additional facilities, the city will need to fund these projects. SDCs are the best source of funding because the project necessitating the added facilities pays for them. If the city chooses not to impose SDCs in these circumstances and the infrastructure is still needed, existing rate payers and taxpayers will need to pay for the new infrastructure. This would result in increased utility rates.

Requested Action:

If the City Council is inclined to approve the resolution, a Councilor would state:

“I move to read resolution #4035 by title only.”

Followed by,

“I move to adopt resolution #4035.”

Alternatives:

The City Council could choose to table this decision to the December 11, 2023, meeting or could choose not to approve the resolution.

Attachments:

1. Resolution #4035

RESOLUTION #4035

A RESOLUTION ADOPTING A SPECIFIC POLICY FOR SYSTEM DEVELOPMENT CHARGE CALCULATIONS IN CONNECTION WITH COMMERCIAL TO RESIDENTIAL CONVERSIONS, AS REQUIRED BY HOUSE BILL 2984

WHEREAS, House Bill 2984 (“HB 2984”) amended ORS 197.308 to require local governments to allow the conversion of buildings from commercial to residential use within urban growth boundaries of cities with a population of 10,000 or greater, under certain conditions; and

WHEREAS, the current population of the City of Seaside (the “City”) is less than 10,000, but is approaching this threshold quickly enough to warrant the City’s interest in and attention to this House Bill; and

WHEREAS, HB 2984, Section 1(5)(c) permits cities to charge system development charges (“SDCs”) in connection with a commercial to residential use conversion for a contemplated housing development if “(A) the charge is calculated pursuant to a specific adopted policy for commercial to residential conversions adopted on or before December 31, 2023; or (B) the charge is for water or wastewater and includes an offset for at least 100 percent of the water or wastewater system development charges paid when the building was originally constructed;” and

WHEREAS, if the City’s population reaches 10,000 or greater, the City desires to be able to charge all applicable SDCs in connection with such commercial to residential use conversions; and

WHEREAS, the City Council believes that the Code of Seaside Sections 32.45 through 32.61 sufficiently address all SDC methodology, rates, and other applicable terms and conditions needed to calculate SDC charges in connection with commercial to residential conversions pursuant to HB 2984.

NOW THEREFORE, THE SEASIDE CITY COUNCIL RESOLVES AS FOLLOWS:

SECTION 1. The City Council hereby adopts Code of Seaside Sections 32.45 through 32.61, as currently in effect and as may be amended from time to time, as the City’s specific policy for SDC calculations in connection with all residential development, including commercial to residential conversions pursuant to HB 2984.

SECTION 2. This Resolution shall become effective upon adoption by the City Council.

PASSED by the City Council of the City of Seaside this ____ day of _____, 2023.

SUBMITTED to the Mayor and **APPROVED** by the Mayor on this ____ day of _____, 2023.

Steve Wright, Mayor

ATTEST:

Spencer Kyle, City Manager