

STAFF REPORT

Transportation System Plan (TSP)

The City has been working with Benton County to do a TSP for almost two years. The County received a grant to include Monroe and Adair Village in their process. This document will help the City seek funding, prepare land use actions and also serve as design standards for development. I'm putting this in front of you because we will need to formally adopt this document and do an amendment to our comprehensive plan.

This will go in front of the planning commission later this month and they will review and make a recommendation. I wanted you all to take a look and see if there is anything you would like to see changed before then. If you look through the document the front sections explain what this is for those that don't know.



STAFF REPORT

Benton County Tobacco/Vape Free Workplace

The County Health Department has asked if we would be interested in any of these policies for formal adoption. We do have some of these policies in place. I have attached the two chapters that Benton County adopted.

**CHAPTER 17
SALE OF TOBACCO
ADMINISTRATION**

17.005 Definitions. As used in BCC Chapter 17:

- (1) **"Electronic smoking device"** means any electronic oral device, such as one composed of a heating element, battery, and/or electronic circuit, which provides a vapor of nicotine or any other substances, and the use of inhalation of which may resemble smoking. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or under any other product name or descriptor and any cartridge or other component of the device.
- (2) **"License"** means a license issued by the County for the retail sale of tobacco products.
- (3) **"Licensee"** means the holder of a valid license for the retail sale of tobacco products.
- (4) **"Minor"** means any person under eighteen (18) years of age.
- (5) **"School"** means any public or private elementary, middle, junior high or high school.
- (6) **"Self Service Displays"** means open displays of tobacco products and point-of-sale tobacco promotional products that the public has access to without the intervention of a store employee.
- (7) **"Tobacco Product"** means any product that contains tobacco or is derived from tobacco and is intended to be introduced into the human body. "Tobacco Product" includes any electronic smoking device. "Tobacco Product" does not mean any product that the United States Food and Drug Administration has approved as a tobacco use cessation product.
- (8) **"Vendor-assisted"** means only a store employee has access to the tobacco product and assists the customer by supplying the tobacco product. The customer does not take physical possession of the tobacco product until after it is purchased. [Ord. 97-0129; Ord. 2016-0277]

IDENTIFICATION

17.010 Identification Required. It shall be a violation of BCC Chapter 17 for a retailer to sell or permit to be sold any tobacco products to an individual under the age of 27 without requesting and examining photographic identification establishing the purchaser's age as eighteen years or greater. [Ord. 97-0129]

LICENSES

17.015 License Required.

SALES

17.030 Sales to Minors. It shall be a violation of BCC Chapter 17 for any tobacco retailer to sell, permit to be sold, or offer for sale any tobacco products to minors. [Ord. 97-0129]

17.035 Vendor-Assisted Sales. It shall be a violation of BCC Chapter 17 for any tobacco retailer to sell, permit to be sold, or offer for sale any tobacco product by means of self-service displays or any means other than vendor-assisted sales. [Ord. 97-0129]

17.036 Lawful Business Operation. It shall be a violation of BCC Chapter 17 for a licensee to violate any local, state, or federal law applicable to tobacco products or tobacco retailing in the course of tobacco retailing or in the operation of the business or maintenance of the location for which a license is issued. [Ord. 2016-0277]

17.037 Minimum Age for Persons Selling Tobacco. It shall be a violation of BCC Chapter 17 for minors to engage in tobacco retail sales. [Ord. 2016-0277]

PENALTIES

17.040 Licensee Penalties.

(1) Any licensee who violates any provision of BCC Chapter 17 shall be assessed penalties and/or have their license suspended as follows:

(a) In the case of a first violation within two years of any previous violation, the licensee shall be fined five hundred dollars (\$500) and shall be notified in writing of penalties levied for further violations.

(b) In the case of a second violation within two years of a violation under subsection (a), the licensee shall be fined one thousand dollars (\$1,000) and the license shall be suspended for 45 days. Tobacco retailers may not sell tobacco products and must remove all tobacco products from all retail areas while the license is suspended.

(c) In the case of three or more violations within two years of a violation under subsection (b), the licensee shall be fined one thousand five hundred dollars (\$1,500) and the license shall be revoked. The former licensee shall not be eligible to reapply for a license for a period of six months from the date of revocation. Tobacco retailers may not sell tobacco products and must remove all tobacco products from all retail areas while the license is suspended.

(d) Failure to pay a fine levied under Section 17.040 within thirty (30) days of the date the fine is levied shall result in the suspension of the licensee's license until the fine is paid.

(e) Any new application for a license or renewal, during the period a license is suspended pursuant to Section 17.040, shall be held in abeyance pending payment of the fine and

(4) Should the licensee fail to request a hearing within the time and in the manner set out in this Section, licensee has waived the right to a hearing and the penalty shall be imposed at the expiration of the ten (10) day period established in Section 17.045(l)(f). For purposes of Section 17.040(l)(d), a fine is levied as of the date of the expiration of this ten (10) day period. [Ord. 97-0129]

CHAPTER 18

SMOKING IN WORKPLACES AND ENCLOSED PUBLIC PLACES

ADMINISTRATION

18.005 **Definitions.** As used in BCC Chapter 18:

- (1) **“Accessibility Ramp”** means a ramp intended to provide access for people with disabilities to and from an entrance or exit.
- (2) **“Bar”** means an area which is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of such beverages.
- (3) **“Business”** means any sole proprietorship, partnership, joint venture, corporation, municipal corporation, or other business entity, including for-profit and non-profit entities, private clubs, and retail establishments where goods or services are sold as well as professional corporations and other entities where professional services are delivered.
- (4) **“Electronic smoking device”** means any electronic oral device, such as one composed of a heating element, battery, and/or electronic circuit, which provides a vapor of nicotine or any other substances, and the use of inhalation of which simulates smoking. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or under any other product name or descriptor and any cartridge or other component of the device or related product.
- (5) **“Employee”** means any person who is employed by any employer for direct or indirect monetary wages or profit, and any person who volunteers his or her services for a non-profit entity.
- (6) **“Employer”** means any person, business, or municipal corporation which employs the services of one or more employees.
- (7) **“Enclosed Area”** means any covered space having more than 50 percent of its perimeter area walled in or otherwise closed to the outside, such as, for example, a covered porch with more than two walls; or any space open to the sky having more than 75 percent of its perimeter area walled in or otherwise closed to the outside, such as, for example, a courtyard.
- (8) **“Place of Employment”** means any enclosed area under the control of an employer which employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges and restrooms, conference and class rooms, cafeterias and hallways, and vehicles that are operated in the course of an employer’s business that are not operated exclusively by one employee. A private residence is not a “place of employment” unless it is used as a child care, adult day care, or health care facility.
- (9) **“Private club”** means an organization, whether incorporated or not, which is the owner,

- (c) Buses, taxicabs, and other means of public transit under the authority of the County.
- (d) Service lines.
- (e) Retail stores.
- (f) All areas available to and customarily used by the general public in all businesses patronized by the public, including but not limited to, professionals' offices and other offices, banks, laundromats, hotels and motels.
- (g) Restaurants
- (h) Any facility which is primarily used for exhibiting any motion picture, stage, drama, lecture, music recital or other similar performance, except performers when smoking or carrying a lighted smoking instrument that does not contain tobacco is part of a stage production.
- (i) Sports arenas and convention halls.
- (j) Every room, chamber, place of meeting or public assembly, including school buildings under the control of any board, council, commission, committee, including joint committees, or agencies of the County during such time as a public meeting is in progress, to the extent such place is subject to the jurisdiction of the County.
- (k) Waiting rooms, hallways, wards and semiprivate rooms of health facilities, including, but not limited to, hospitals, clinics, physical therapy facilities, doctors' offices, and dentists' offices.
- (l) Lobbies, hallways, and other common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities.
- (m) Polling places.
- (n) Bars.
- (o) Retail tobacco stores. [Ord. 97-0130; Ord. 2014-0259]

18.015 Prohibition of Smoking in Places of Employment. All employers shall provide a smoke-free workplace for all employees. Employers shall not be required to incur any expense to make structural or other physical modifications to existing facilities. [Ord. 97-0130]

18.020 Smoking Outside of Enclosed Areas. No smoking shall be allowed within a reasonable distance (no less than 10 feet) of the following parts of public places or places of employment: entrances, exits, windows that open, ventilation systems, service lines, accessibility ramps, or any other means. [Ord. 97-0130; Ord. 2014-0259]

(2) Any person who owns, manages, and operates or otherwise controls the use of any place subject to regulation under BCC Chapter 18, and violates BCC Chapter 18 shall be guilty of an infraction, punishable by a fine:

(a) Up to \$500 per day for each violation, not to exceed \$4,000 in a 30-day period.

(3) It shall be a violation of BCC Chapter 18 for any person to smoke in any area where smoking is prohibited by BCC Chapter 18.

(4) Any person who violates BCC Chapter 18 shall be assessed penalties as follows:

(a) For the first violation, and a violation within a one year period of any previous violation, a fine of not less than fifty dollars (\$50.00) and not more than one hundred (\$100.00).

(b) For the second violation within a one year period of a violation under subsection (a), a fine of not less than one hundred dollars (\$100.00) and not more than two hundred dollars (\$200.00).

(c) For each additional violation within a one year period of a violation under subsection (b), a fine of not less than two hundred fifty dollars (\$250.00) and not more than five hundred dollars (\$500.00).

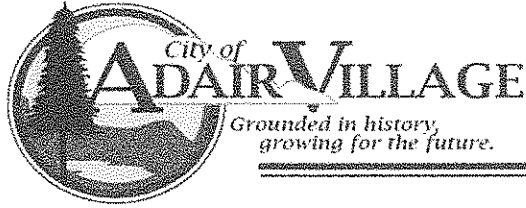
(5) Notwithstanding any other provisions of this article, an employee or private citizen may institute legal action to enforce BCC Chapter 18. [Ord. 97-0130; Ord. 2014-0259]

APPEAL

18.045 Appeal.

(1) Any person aggrieved by any penalty imposed upon that person pursuant to Section 18.040 may request a hearing. Any request shall be in writing, shall be directed to the Benton County Health Administrator, shall be received by the Benton County Health Administrator within ten (10) days of the imposition of the penalty, and shall be accompanied by a non-refundable hearing fee, the amount of which fee shall be established by an order of the Board.

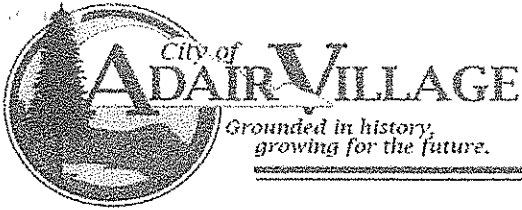
(2) If a hearing is properly requested pursuant to Section 18.045 (1), a hearing shall be conducted before a hearings officer designated by the Board. The hearings officer shall have full authority to set hearing dates and hearing procedures. All actions of the hearings officer are final and any penalties imposed by the hearings officer shall take effect immediately. [Ord. 97-0130]



STAFF REPORT

Annexation of the Downtown Property

The City acquired the property from Benton County including the baseball field and the old gas station however; this property is not annexed into the City. The City council needs to make a decision for us to move forward and annex the property into the city and put a zone to it. The City created the C1 zone for the downtown in expectation of getting this property. The C1 zone includes village center and mixed use buildings.



6030 William R. Carr Av.
Adair Village, OR 97330
541-745-5507

Commission/Committee You Are Applying To: Planning Committee

Prior to making a decision to submit this application, you are encouraged to contact the committee chair, a city councilor, or the City Administrator to ask any questions you may have.

Name: Michael Longmire Home Phone: (406) 544-0221

Residential Address: 8119 Daphne Court
Adair Village

Occupation, business, trade or profession: Retired - former heavy equip operator / County Roads

May we contact you at work? Yes Work Phone #: N/A
 No

May we contact you by e-mail? Yes Address: Schwagmire@hotmail.com
 No

Briefly list your community and/or civic activities and any special qualifications, which you believe, are relevant to this position:

Knowledge of roads, traffic, dealing w/ public around neighborhood issues (County), volunteer trail builder / cycle activist, was B-Ball referee for City League, Foreman for County Projects

Why are you interested in serving on this Commission or Committee?

New to community and would like to use experience to assist leadership, help manage growth and troubleshoot w/ fellow residents.

Do you have any relevant philosophical attitudes with regard to the committee or commission for which you are applying?

Am committed to livable communities, economic growth as it fits the area and quality of life - open spaces, walkable, etc. Open-minded!

List business or professional organizations to which you belong.

Michael Longmire Aug 21, 2018
Signature Date

----- For Office Use Only -----

Submittal Date: _____
Appointment Date: _____
Re-Appointment Date(s): _____

Oath of Office

I, Blank, do solemnly swear
that I will support the Constitution and the laws
Of the United States of America and of the State of Oregon,
The city charter of the City of Adair Village and
The ordinances and resolutions of said city;
And that I will, to the best of my ability,
Faithfully perform the duties of City Councilor
For the City of Adair Village, Oregon,
During my continuance therein,
So help me God.