MINUTES - TILLAMOOK COUNTY BOARD OF COMMISSIONERS’ MEETING
Wednesday July 18, 2001
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COMMISSIONERS PRESENT:
Paul A. Hanneman, Chairperson
Charles J. Hurliman, Vice Chairperson
Tim Josi, Commissioner

STAFF PRESENT:
William K. Sargent, County Counsel
Paul Levesque, Management Analyst

CALL TO ORDER: By Chair Hanneman at 10:06 a.m. in the Commissioners’ Meeting Room.

SMOKING ORDINANCE # 60: PUBLIC HEARING:

Chair Hanneman outlined the procedure for the hearing.

Paul Levesque described the format of the ordinance and distinguished the findings regarding the Health Division study.

Bill Sargent summarized his legal opinion on issues relevant to the ordinance. (See attached).

Commissioners Josi and Hurliman declared their conflict of interest. Commissioner Josi said he reserved the right to speak after the vote was taken.

At this time Chair Hanneman opened the public hearing.

George and Carol Langlois, Rendezvous Restaurant & Lounge, stated that the bar has been very empty. Mr Langlois said many tourists have left when told not to smoke. Mrs. Langlois read a letter from Bonnie Sheets in favor of Ordinance #60. She also read a letter from the Rendezvous (See attached).

Beverly Anderson, Elks Lodge Manager, stated that for the period 6/2 to 7/12, there had been drops in liquor, food and video lottery sales. She read a letter representing the Elks Lodge (See attached). Ms. Anderson said that Garibaldi is reaping the rewards and Tillamook is suffering.

John Coopersmith, Tillamook City Counselor, offered sympathy to Commissioners Hurliman and Josi. He said Tillamook City Council voted 5 - 1 to support Ordinance #60 on an emergency basis. He described the woes of the city’s economy. He then discussed the shortcomings of Ordinance #58.

Helen Wright stated she corroborated the previous testimony.
Bill Goulardt, (Willow Bill), Wheeler, said he works at three restaurants in Wheeler. He read a letter (See attached)

Jack Orr, Fern Restaurant and Lounge, echoed the sentiments of previous testimony, and added that his business was down $5,500 in June. His lottery sales were down 50%. Mr. Orr said lottery dollars have to be there to stay open. He said in 50 years, the Fern has never experienced such losses. Mr. Orr stated that his suppliers were suffering as well. He supported Ordinance #60.

Chris Marmolejo, Tillamook, was concerned about the decline in business. She said people go to bars and taverns to escape responsibilities. People have made the choices to smoke and drink.

Janet Woodward, 101 Camp, said she is down 45% in income over last year. They have complied with Ordinance #58 and it has hurt them. She said she supports Ordinance #60.

Julliette Reymonenq, Netarts, questioned the conflict of interest as to May 2 and July 2 meetings when amendments were introduced. She also questioned Mr. Sargent’s opinion about passing Ordinance #60. She also asked why the hearing was not being video taped. Ms. Reymonenq said that J.C. Penny and The Tire Factory went out of business and there was no uproar. She wondered if the hearings would be held if it were not a family situation. Ms. Reymonenq said she felt there was undo attention paid to smoking, bars, and taverns, and added that with five bars in close proximity and short parking, the competition already makes it difficult to succeed. She also expressed concern about the workers and delivery people who have to go to bars and taverns.

Chair Hanneman said the Board did refrain from discussion and debate regarding the ordinance, but did make a motion of May 2 and July 2.

Sonja Bradburn, Tillamook, said the data in Ordinance #60 was from the Oregon Restaurant Association which was a front for the tobacco industry. She said the Health Division findings reflect long term results of a turn around for bars and taverns, and also show an increase.

Chair Hanneman said the opponents of Ordinance #58 did not spend more than 2 thousand dollars, and were all from Tillamook County. Ms. Bradburn reiterated her remarks. Mr. Levesque again confirmed that the Health Division affirmed the findings J and K were factual.

Carlisle Stone, Tillamook Moose Lodge, said J.C. Penny went out of business due to lack of business, not because of an ordinance. He read a letter in opposition to Ordinance #58 (See attached)

Sally Clay, Tillamook, said she is a non-smoker, attending the hearing on her own time. She said there was an outcry for closed businesses, and the Downtown Association was formed for that reason. She said Pennys was championed by the Association. She added that the city has been
awarded a grant to re-route truck traffic. She said she is a former owner of a tavern and spoke about the importance of lottery money in the operation of such businesses. Ms. Clay read a letter supporting Ordinance #60. (See attached).

Curtis Asher, Wheeler, stated that he is in support of Ordinance #60.

Al and Vickie Anderson, Cedar Bay Restaurant and Lounge, stated that they were trying to run an honest business, and discussed the fact that all the downtown Tillamook bars share the same customers. Mr. Anderson said 40% of the food business is in the lounge. He described the loss of tourist business to non regulated establishments. He added that if the Board waited a year and a half, he would not be in business, and he has not talked to one person who agrees with Ordinance #58. Mrs. Anderson read a letter of support of Ordinance #60, written by Peg Boge, one of her employees. (See attached)

Tracy Wagner, owner of Sea Shack Restaurant and Lounge in Wheeler, submitted a letter in support of Ordinance #60. (See attached).

Jennifer Malcolm, Wheeler, said she had been a bartender a the Sea Crest in Wheeler, and she discussed the lack of business because of the smoking ban. She said smokers who have to smoke outside bars and taverns do not provide a good example. Ms. Malcolm stated there is an increase in drinking and driving.

Glenn Brassfield, Cloverdale Dory, said that if he could improve his bar business by going non smoking, he would have done it years ago. He is in noncompliance with Ordinance #58.

Linda Wall, Tillamook, said she works in bars and restaurants and Ordinance #58 has hurt business except in Bay city and Garibaldi. She stated she supports Ordinance #60.

Steve Cham, Tillamook, testified he is in favor of Ordinance #60.

Randy Gauper, Second Chance Saloon, Rockaway Beach, stated that he supports Ordinance #60. He added that tourists are objecting to Ordinance #58 after many years. Mr. Gauper said he supported all earlier comments of support.

Gail Cagle, Gail’s Bar and Grill, Manzanita, said her sentiments have been expressed by other bar owners. She discussed the problems of smokers standing outside. She added her business is down considerably. Ms. Cagle submitted a petition in support of Ordinance #60. (See attached).

Nina Graney, Wheeler, testified in support of Ordinance #60.

Pat Cookson, American Cancer Society, Eugene, read her remarks. (See attached).
David Bradburn, M.D., Tillamook, wanted to reinforce the comments that the Health Division survey results were markedly different from the Health Division study results. He distinguished the Corvallis study and the long term favorable effects. Dr. Bradburn urged bar and tavern owners to stay the course and business will turn around over time. He added that he has not seen advertisements by affected businesses to attract new clientele. He said he did not see how 18% of the population could cause such negative effects. Dr. Bradburn criticized Chair Hanneman’s position on Ordinance #58, and added that enforcement is a joke. He said the emergency enactment has never been used before. He talked about the number of deaths from smoking and that they out weigh economic issues. Dr. Bradburn said it is big tobacco that is losing money and added that it was political suicide to disturb the will of the voters. He said health reasons were compelling and they out weigh personal choice issues.

Theresa Romero, Time Out Tavern, Tillamook, submitted three letters in support of Ordinance #60. She said many bar businesses cannot afford to wait.

Chair Hanneman recessed the hearing at 12:01 p.m. and reconvened at 12:09 p.m.

Deborah Bowman, Tillamook, read a prepared statement in opposition of Ordinance #58. (See attached).

Terry Sunseri, Dutch Mill Restaurant and Lounge, Tillamook, said they were just seeking an amendment to Ordinance #58. The present situation is hard to enforce for bar owners. Mr. Sunseri said he is in support of Ordinance #60.

Sonja Bradburn read a question from Bill Thwaites who is against Ordinance #60. There was a discussion about why private clubs were included. She also talked about expenditures for support of Ordinance #58.

Deborah West, Tillamook County Health Division, referred to the November work session where three different drafts of the Ordinance were presented. She said that staff was in favor of the bar exclusion because of protection of all employees. The Board, at that time, decided to combine all three options. On December 22, two of the Commissioners, Cameron and Firman, approved Ordinance #58 and referred it to a vote, which passed the Ordinance. Mrs. West added that the vote of the people should stand. She said she did not learn until the end of December that it might not be effective in the entire county, and she felt we should work with City Councils in the three unregulated cities to enact the Ordinance. In conclusion, Mrs. West encouraged the Board, that if they exempted bars today, it should be with a sunset clause and submitted to voters.

Steve Hall, Schooner Restaurant, said the livelihood of business owners is being overlooked by opponents of Ordinance #60. They are down 27.5%, and opponents have no idea what is going on. The bar owners live for the four months of summer and without that time, it would be impossible
to survive. He said he does not have video lottery, so the 27% loss is hard felt. He stated that he supports Ordinance #60.

Mark Collins said rejection of Ordinance #60 last month was a good decision. He read portions of a prepared statement. He said he felt Ordinance #60, as presently drafted, is well reasoned and clear and he urged the Board to adopt it.

Cindy Farber, an employee at Cedar Bay Restaurant & Lounge, spoke of the severe decline in business and her wages. She supports Ordinance #60 because it affects her livelihood.

Tammy Robinson, owner of a bar and restaurant in Rockaway Beach, submitted a letter in support of Ordinance #60. She spoke of the unequal application of Ordinance #58. She then summarized her letter.

Dan DeSylvia, Scotty’s, Tillamook, presented a letter in support of Ordinance #60 (See attached) which he summarized.

Mr. Trusty, Time Out Tavern, said he has his life savings in the business and he then talked about enforcement issues.

David Laine said there is still smoking in some bars where it is banned, so people don’t have to go to another town. He added that there is no great influx of business in Garibaldi or Bay City. Mr. Laine said people did vote one way and Ordinance #60 goes against that vote. He said he felt Ordinance #60 would probably be approved by the voters. Mr. Laine disagreed with Mr. Sargent’s opinion about the sunset clause and the application of Ordinance #60 within cities. He also criticized the opinion on the conflict of interest opinion.

Chair Hanneman closed the hearing to public testimony.

Commissioner Hurliman moved to adopt Ordinance #60 without a sunset clause. Commissioner Josi seconded the motion and it carried with 3 aye votes.

Commissioner Josi said he has the most to lose as a result of this vote because he is up for reelection and Ordinance #60 affects his relatives. He explained why his vote had changed over time, including his efforts for enforcement, and recent developments about business losses. He went on to say it is difficult to overturn the will of the people, and this only modifies a portion, but it is based on a compelling reason.

Commissioner Hurliman mentioned about his service in Viet Nam and defending the rights of the people to speak. He said there is no way to compromise on this issue as much as he might want to.
Chair Hanneman said he has other reasons for disagreeing with Ordinance #58 that include misuse of public funds and misleading ballot explanation. He said he supported Ordinance #60 because of non-uniform application of Ordinance #58. He added that only three other counties have adopted such an ordinance, but he described why Tillamook County was different from those counties. He spoke about the legislative action on smoking bans for OLCC establishments. He discussed the recent Supreme Court decision voiding portions of Ordinance #58 about advertising. Chair Hanneman stated Ordinance #58 is flawed and did not represent good government and therefore, supported Ordinance #60.

At Commissioner Hurliman’s request, Paul Levesque re-read the motion and described it affects for the benefit of all present.

Chair Hanneman adjourned the hearing at 1:09 p.m.

RESPECTFULLY submitted this _____ day of ________________, 2001.

County Clerk: Tassi O’Neil

Mary Wujcik, Recording Secretary
& Special Deputy

APPROVED BY:

_________________________  ___________________________  ___________________________
Chairperson               Vice Chairperson              Commissioner