

Approved: October 11, 2022

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CITY COUNCIL SPECIAL WORK SESSION MINUTES

In-Person Meeting with Remote Access Available

Millersburg City Hall

4222 NE Old Salem Road, Millersburg OR 97321

September 6, 2022 @ 5:00 p.m.

- A. CALL TO ORDER Council President Mark Raum called the work session to order at 5:00 p.m.
- B. PLEDGE OF ALLEGIANCE
- C. ROLL CALL – Scott Cowan absent
- D. NEW BUSINESS

1) Review of City Actions Regarding Haunted House on Sedona Drive

City Manager Kreitman explained that the Albany fire marshal may not be able to make the meeting due to her work at a current fire. He then provided the Council a background regarding the haunted house on Sedona beginning with their efforts in 2021. He shared that the City had previously received noise complaints but staff found that there was no code violation regarding noise.

After noting that the City never had any intention of shutting down the haunted house, he provided information regarding dangers associated with haunted houses and why the City is focused on safety. He shared the history that today's fire codes are the outgrowth of an incident years ago at Six Flags amusement park that resulted in fatalities.

City Manager Kreitman shared staff had told the homeowners in 2021 that they would need a fire permit for 2022. He then reviewed the fire safety concerns and requirements that were noted additionally in the letter sent to the homeowners in July of 2022.

Community Development Director Straite spoke about the haunted house from the perspective of land use codes. He then provided some information and walked through the requirements for a home-based occupation in the City, including that the home-based business can't change the character of the area where the business is located. He addressed the other requirements and spoke about how the haunted house fit, or didn't fit, with the requirements. Finally, he said that accepting an admission fee changes the use from an event to a business. He clarified that the property could not require an admission fee.

City Manager Kreitman spoke about the fire code and pointed out the general requirements and said that staff is more than willing to assist the homeowners in understanding what is required to meet the requirements. He shared that staff have been having discussions with the homeowners regarding the haunted house.

Council President Raum clarified that the main concerns are safety, fire code, and compliance as an event not a home-based business.

Councilor Lepin asked about the purpose of the work session. City Manager Kreitman shared that after discussions with City Attorney Reid it was determined that with a lot of information on social media, a special work session is the best way to address this issue.

E. PUBLIC COMMENT

- 1) Tom Eisely, Sedona Road next door to the haunted house, shared that there is a fence between them and that he can move over his shed and trailer to allow additional space for setbacks and fire access. He also shared that he believes it is very well organized and that his bedroom is right there and by 10 PM it was quiet.

City Attorney Reid shared that in January, he'll provide a waiver that needs to be signed stating that he'll provide the access.

- 2) Angela and Dennis Watson, Sedona Road, spoke. Mr. Watson shared that the information Community Development Director Straite shared in 2021 was informative. He noted that the letter he got from City Attorney Reid felt confrontational so they decided not to have the haunted house but after feedback from residents, they reconsidered.

He then asked about the home-based business aspect and why garage/yard sales are permitted as they disturb the character of their front yard. Community Development Director Straite noted that there are different code requirements for yard/garage sales.

Mr. Watson shared that last year they took \$15,000 in donations but that didn't even cover the wages of one worker. Mrs. Watson offered that they have made donations to various charitable organizations. She also shared that when she came in during 2021 to get a noise permit there was confusion regarding the rules around donations.

City Attorney Reid noted that making a sign stating that donations are encouraged is acceptable but setting a certain rate for the donation, and demanding a donation, is not permitted. There was further discussion between Mr. and Mrs. Watson and staff regarding permitting and home-based businesses.

Mr. Watson said that they'd made a lot of changes based on feedback provided last year and shared what changes they made, including the purchase of insurance. City Attorney Reid asked them to make sure to add the City of Millersburg as an additional insured. He further explained the reason for the compliance and the potential risk to the City.

Mr. Watson shared that they are unable to make the haunted house work for 2022 but will work with the City starting January 2023 to have the haunted house in 2023.

Lengthy discussion followed regarding how much they want to participate and have fun and what the Watsons intend for 2023 and how to work with staff to ensure that the event happens.

F. ADJOURNMENT Council President Mark Raum adjourned the Special Work Session at 5:41 p.m.

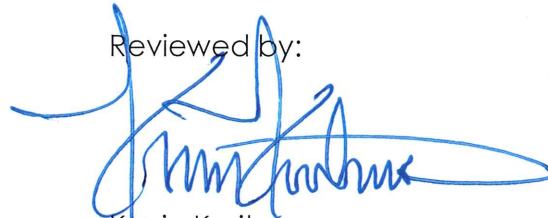
G. EXECUTIVE SESSION After the work session, Council adjourned to an executive session in accordance with ORS 192.660(2)(e) or 192.660(2)(h) at 5:41 p.m.

Respectfully submitted:



Kimberly Wollenburg
City Recorder

Reviewed by:



Kevin Kreitman
City Manager