

Gearhart to reconsider video poker machines

City Council had voted against gaming in April

By KATIE FRANKOWICZ
The Daily Astorian

GEARHART — The Gearhart City Council will take a second look at its decision to deny a permit that would have allowed video poker machines at a new brew pub in a neighborhood down the road from City Hall.

At an emergency meeting Wednesday night, the council voted unanimously to reconsider its denial of a permit application submitted by Terry Lowenberg, owner of Gearhart Crossing.

The Planning Commission denied the permit in January and the council upheld the denial in April, citing concerns about maintaining the neighborhood character and saying there was no proven need for the machines at the pub.

Lowenberg, who had appealed the Planning Commission's decision, appealed the council's decision to the state Land Use Board of Appeals.

The city then had the option to let the appeal go forward or to bring the application back for reconsideration.

City Attorney Peter Watts recommended the council reconsider the permit application. While the council and the Planning Commission came to the same conclusion to not allow video poker machines at Gearhart Crossing, city councilors had slightly different reasons for their "no" votes, Watts said. Currently, the findings the state would see only reflect the Planning Commission's reasoning. If the council brought the permit back, this would give them a chance to make sure the official findings represented the opinions and conclusions of both groups.

In reconsidering the permit, "obviously the City Council could come to a different conclusion (about the permit)," Watts said. "They could come to the same conclusion. I'm not sure what will happen. It would be a reconsideration but whatever conclusion the City Council comes to we would make sure that the findings (reflect) that conclusion."

"I still question why we're expending so much political capital, if you will, fighting this," said City Councilor Dan Jesse. He was the only one to vote in the permit's favor in April.

"Well I think the good news is it's for reconsideration," Mayor Matt Brown said. "So we have a lot of choices depending on what happens in the reconsideration."

The five councilors voted unanimously to bring the permit back and review it a sec-



Terry Lowenberg



R.J. Marx/The Daily Astorian

The new look at the Gearhart Crossing Pub & Deli, which wants to add video poker.

ond time. The city is now required to hold another public hearing, something it plans to do as soon as possible — likely in late June or early July. Anyone who testified at the previous hearing,

whether for or against the lottery machines, can speak again.

Lowenberg and his lawyers believe the city's denial of the permit ignores state law and that Lowenberg does not need the city's approval to install the

lottery machines. "The denial does not appear to be based on any relevant fact, but rather on a prejudice against gaming and the people that participate gaming," Lowenberg wrote in his appeal.



Donaldjtrump.com

The state House of Representatives voted Wednesday to join a group of states that want to elect the president by the national popular vote. The movement has intensified since President Donald Trump's election in November.

State House votes to join effort to elect president by popular vote

By PARIS ACHEN
Capital Bureau

SALEM — The state House of Representatives voted 34-23 Wednesday to join a group of states that want to elect the president by the national popular vote.

Under the Constitution, the president and vice president are the only officials selected through the Electoral College process. Candidates are awarded votes equal to the number of senators and representatives from the states they carry. Under the bill, Oregon's electors would be awarded to the winner of the national popular vote, regardless of who wins the state.

"House Bill 2927 ensures every vote in every state will matter," said state Rep. Alissa Keny-Guyer, D-Portland.

The House has voted three times since 2009 to join the National Popular Vote compact. Each time, Senate President Peter Courtney blocked the legislation.

Courtney, D-Salem, has said he would support the effort this year only if the decision were referred to voters.

"I would be open to amend-

ing the bill and sending the question to the ballot," Courtney said. "If you believe in the popular vote, then let the popular vote decide the issue."

The popular vote campaign took on new life after President Donald Trump won election by the Electoral College while losing the popular vote to Hillary Clinton by almost 3 million votes.

"Oregon deserves a voice in who becomes president," Keny-Guyer said.

State House approves ballot measure for impeachment process

By PARIS ACHEN
Capital Bureau

SALEM — The state House of Representatives voted 49-5 Wednesday to send a constitutional amendment to voters to create a process for impeaching the governor.

Oregon is the only state in the nation that has no mechanism for executive impeachment.

State Rep. Jodi Hack, R-Salem, has been working on the joint resolution since 2015, the year Gov. John Kitzhaber resigned amid an influence-peddling scandal.

Hack and other lawmakers introduced the proposal to address the lack of an impeachment process. The proposal was not a direct reaction to the Kitzhaber debacle, said Preston Mann, a spokesman for the House GOP.

"I think most Oregonians would be surprised to learn that our state does not have a mechanism for executive branch impeachment already in place," Hack said. "In fact, Oregon continues to be the only state in the nation without this kind of protection against executive branch misconduct. I am of course hopeful that we would never need to pursue an impeachment proceeding, but we should not pretend that Oregon is immune to potential political scandals."

The measure would allow the House to impeach a statewide official on the grounds of malfeasance in office, corruption, neglect of duty, felonies or misdemeanors. The process would require a three-fifths majority vote in the House. The official would then face a trial in the Senate, where conviction would require a two-thirds majority vote.

The proposal was first

offered in 2015 but stalled in the Senate, Mann said.

"As I have said since I originally introduced this concept in 2015, this resolution is not intended to create a new weapon for partisan politics, but rather a tool for holding our executive

branch accountable when necessary," Hack said. "Let's do right by the people of Oregon, pass HJR 10 out of the Legislature, and give Oregonians an opportunity to weigh in on this discussion."

The resolution now heads

to the Senate. If approved, the measure would appear on the 2018 general election ballot.

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