

Depoe Bay City Council  
Regular Meeting  
Tuesday, January 21, 2003 - 7:00 PM  
Depoe Bay City Hall

PRESENT: Mayor B. Silver, S. Scorpio, P. Taunton, A. Brown, G. Romans, J. Brown,  
M. Lavery

STAFF: City Field Superintendent T. Owings, City Recorder P. Murray, Recording  
Secretary S. Fox

#### I. PLEDGE OF ALLEGIANCE

Mayor Silver called for all to stand for the Pledge of Allegiance.

#### II. CALL TO ORDER

Mayor Silver called the meeting to order and established a quorum at 7:00 PM.

#### III. APPROVE MINUTES: January 6, 2003 Regular Meeting

Romans identified the following errors in the minutes: 1) City Attorney Dave Gordon's statement regarding ordinance violations on Page 8, Paragraph 1 needed clarification that the overlay zone was unrelated to violations. Hearing no objection, Silver recommended taking this section under advisement subject to clarification by Gordon. 2) Romans' statement on Page 9 under Council Comments: "...Planning Commission taking aggressive action ~~to attack people in various ways~~ *in disliking and attacking people personally and in their businesses for a difference of opinions.*"

Motion 1 Lavery moved to approve the minutes with the two clarifications stated by Romans. Alice Brown seconded the motion.

Silver said it was moved and seconded, and called for discussion. There was none.

Vote: Motion 1 passed.

Ayes: Scorpio, Taunton, A. Brown, Silver, Romans, J. Brown, Lavery

#### IV. ACCOUNTS PAYABLE

Motion 2: Romans moved to approve Accounts Payable as presented. Lavery seconded the motion.

Vote: Motion 2 passed.

Ayes: Scorpio, Taunton, A. Brown, Silver, Romans, J. Brown, Lavery

#### V. PUBLIC INPUT

There was no Public Input.

#### VI. NEW BUSINESS

A. Lincoln County Solid Waste District - Forest Enforcement Program

Aaron Cubic and Deputy Sheriff Chuck Bergman discussed illegal dumping. The Forest Enforcement Program focuses on prevention, clean up, protection from vandalism, and preservation of access to recreational land.

B. Interview Applicants for City Commissions and Committees

Silver informed Councilors that Gina Porto withdrew her application for the Planning Commission. Planning Commission applicant Betty Langdon and Traffic Safety Commission applicant Peter Cameron came forward to tell about themselves and why they were interested in participating. There were no other applicants present. Remaining vacancies were reviewed.

C. Appointments to Fill Vacancies on City Commissions and Committees

Ballots were filled out, signed, and turned in. Murray tallied the votes and announced the results. All Councilors voted to accept applicants as follows:

- Fred Robison for Harbor Commission Position #2
- Herb Baum for Parks Commission Position #3
- Robert Flowers for Parks Commission Position #4
- Bill Spores for Parks Commission Position #5
- Frederick Robison for Salmon Enhancement Position #1
- Bill Sachs for Traffic Safety Commission Position #5

Motion 3: Lavery moved to appoint applicants to their respective positions. Romans seconded the motion.

Silver said it was moved and seconded, and called for discussion. There was none.

Vote: Motion 3 passed.

Ayes: Scorpio, Taunton, A. Brown, Silver, Romans, J. Brown, Lavery

Silver congratulated appointees.

D. Drake in Oregon Society/Bob Ward - Preservation of Whale Cove Area

Bob Ward, Drake in Oregon Society headquarters at 70 NE Hwy 101, distributed handouts (copies attached to original of these minutes) of a booklet, an email from James Taylor indicating his intent to cooperate with historical preservation efforts for the area, and sample letters of support which he asked the Council to consider sending to selected State and Federal entities. Silver recommended the Council take this issue under advisement of Staff at the February 4 Regular Council meeting to decide what action, if any, the Council will take. Clarification of the reason for not issuing letters of support at this time was that there was an application pending for that area, and Council should not indicate any prejudice or bias.

E. Pedestrian Enhancement Along Bay Street, North Side

This item was tabled to the next meeting due to lack of response from property owners.

VII. UNFINISHED BUSINESS

A. Complaint - Alleged Violations of Ord. #234

Silver provided background on the complaint, and said that the verbatim transcripts of the passages requested at the last Council meeting from the July 17, 2002 Planning Commission meeting and the November 6, 2002 City Council meeting were complete. Legal counsel's response to the question of what information would be considered "more specific" was: dates, times, license plate numbers, and that type of activity. He felt that Staff had pursued this issue as far as they were able with the information that had been provided in the complaint. After lengthy discussion, the Council determined there was not enough evidence to pursue further investigation. In the future, the Council would need something more tangible for Staff to investigate. Chris Nowark clarified that she filed the complaint as a result of her hearing verbal testimony at City meetings, not as a result of things she had seen.

#### B. Consideration of Prohibiting Soliciting

Silver reported that he spoke with the owners of the Nautical Nook, who were unaware there was a problem until the latest complaint. The City will continue efforts to help them develop advertising methods which utilize proper etiquette. He asked for suggestions for he and Councilor Scorpio's meeting with them. There was a recommendation that the Council do what it can to help them succeed and calm those who are upset over the Nautical Nook's marketing methods.

#### C. Streetlighting Application

This item was added to the agenda at the January 17 workshop meeting. Jeannie Ludlam, President of the SE Depoe Bay Neighborhood Watch, spoke about the efforts and accomplishments of the watch group, and the need for the requested streetlights. If all streetlights could not be approved, she requested those on Cook, Davenport, and Craig be given precedence. There was discussion of a six-month moratorium on streetlight requests to allow time for research on areas of need and methods of funding.

Motion 4: Jack Brown moved to approve streetlights on Cook, Davenport, and Craig Place, as outlined in the application submitted on December 18, 2002.

Silver said it was moved and seconded, and called for discussion. Concern over the urgency of this situation was expressed. A recommendation was made to form a subcommittee at this meeting to address this issue.

Amendment: Laverty amended Motion 4 to approve all five streetlights applied for. Alice Brown seconded the amendment.

Silver said it was moved and seconded, and called for discussion. There was none.

Vote: Amendment to Motion 4 passed.

Ayes: Scorpio, Taunton, Alice Brown, Silver, Romans, Jack Brown, Laverty

Silver asked if there was further discussion on the motion as amended. There was clarification that a moratorium was not part of the motion. There was additional clarification of the motioning processes in accordance with Robert's Rules of Order.

Vote: Motion 4, as amended, passed.

Ayes: Scorpio, Taunton, Alice Brown, Silver, Romans, Jack Brown, Lavery

Motion 5: Lavery moved to have a moratorium on more streetlights until a committee has provided a recommendation (to include financing) to the Council, and the Council has approved it, whether it takes 30 days or six months. Alice Brown seconded the motion.

Silver said it was moved and seconded, and called for discussion.

Amendment: Scorpio amended the motion to include an emergency clause. Jack Brown seconded the amendment.

Silver said it was moved and seconded, and called for discussion. "Emergency" was clarified to mean a victim of a crime or an increase in the crime rate. There was an additional clarification that the current motion was unrelated to the streetlights already approved.

Vote: Amendment to Motion 5 passed.

Ayes: Scorpio, Taunton, Alice Brown, Silver, Romans, Jack Brown, Lavery

Silver asked if there was further discussion on the motion as amended. There was none.

Vote: Motion 5, as amended, passed.

Ayes: Scorpio, Taunton, Alice Brown, Silver, Romans, Jack Brown, Lavery

A subcommittee consisting of Councilors Scorpio and Alice Brown, and citizens Jeannie Ludlam and Peter Cameron was formed to research a policy on streetlighting and its funding in Depoe Bay.

#### VIII. CORRESPONDENCE

There were eight items of correspondence (copies attached to original of these minutes: 1) A memo from John Steen regarding police in Depoe Bay. 2) A letter from Brenda and Roger Martin regarding a problem with their driveway and asking for a cooperative effort from the City to resolve the problem. 3) A letter from Peggy Leoni thanking the Council and Staff for their time and effort related to the application for the North Coast Avenue Overlay Zone. 4) A letter from Peggy Leoni endorsing Betty Langdon's application to the Planning Commission. 5) A letter from Jack & Maggie Brown and the Chamber of Commerce, regarding the 2003 Wooden Boat Show. Jack Brown will present this to the Harbor Commission next week, and return to the Council with their recommendation. 6) A letter from Governor-Elect Kulongowski to Jack & Maggie Brown, which Murray read into the record. 7) A registration packet for the Oregon Local Leadership Institute (OLLI), which offers an academic schedule where one can work toward a master's degree in government. She asked that anyone interested in attending any of the sessions discuss it at tonight's meeting to obtain the Council's authorization to expend funds for registration and travel expenses. 8) A letter from City and County Insurance Services regarding flood insurance. Depoe Bay has one City-owned building which the Council may want to insure, and Murray suggested putting this item on a future agenda.

Motion 6: Romans moved that Owings review the Martins' request and report back to the Council with a recommendation. Alice Brown seconded the motion.

Silver said it was moved and seconded and called for discussion. There was none.

Vote: Motion 6 passed.

Ayes: Scorpio, Taunton, Alice Brown, Silver, Romans, Jack Brown, Lavery

Alice Brown requested permission to attend the OLLI workshop on *Beginning Grant Writing* on February 28 in Tigard. There were no objections to expending funds for registration and travel expenses for her to do so.

Silver offered to attend OLLI workshops on *Do's and Don'ts for Elected Officials*, and *Ethics* on January 24 in Albany. He would then schedule workshop meetings to review the information with Council members.

Motion 7: Alice Brown moved to expend funds for registration and travel for Silver to attend the two OLLI workshops on January 24 in Albany. Lavery seconded the motion.

Silver said it was moved and seconded, and called for discussion. There was none.

Vote: Motion 7 passed.

Ayes: Scorpio, Taunton, Alice Brown, Silver, Romans, Jack Brown, Lavery

#### IX. LIAISON OFFICERS' REPORTS

Jack Brown reported: 1) The Harbor Commission will meet next week. 2) He requested the Council's permission to travel to Washington DC on a lobbying trip, as previously discussed.

Motion 8: Lavery moved to expend funds to send Jack Brown to Washington DC March 3-8, 2003, to lobby for money for the Corps of Engineers to provide harbor wall maintenance, and to ensure Depoe Bay stays on the five-year dredging list. Taunton seconded the motion.

Silver said it was moved and seconded, and called for discussion. Harbor Commissioner Rick Davilla asked the Council to consider sharing the burden of the cost of the trip with the Harbor Commission. Jack Brown will receive requests for lobby topics from interested parties.

Vote: Motion 8 passed.

Ayes: Scorpio, Taunton, Alice Brown, Silver, Romans, Jack Brown, Lavery

Lavery reported: 1) The Traffic Safety Commission did not meet due to lack of quorum. He questioned whether a liaison could sit on a Commission as a member to make a quorum. 2) He attended a Council of Governments meeting in Albany.

Murray will report back to the Council on whether an ordinance amendment would be required to allow a liaison to sit on the Traffic Safety Commission as a voting member.

Scorpio had no report.

Taunton reported: 1) The Salmon Enhancement Commission had not met. 2) The Safety Committee met and had no accidents to report. Safety movies are being ordered for employees. The bonus program was well received. Facility inspections will be done soon.

Alice Brown reported the Parks Commission met January 15: 1) Aesthetic issues at Whale Park were discussed, including seeking improved landscaping north of the chain link fence. 2) Other improvements to Whale Park were discussed, including camouflaging the electric meter box, care of plants, obtaining interpretive plaques about whales, and obtaining paying binoculars. 3) Motions were passed to request the Council approve electric outlets for a) lighting south of Whale Park on the spouting horns, b) concrete pads for the barbeque at the gazebo, and c) outlets and a switch for the horseshoe pits at the salmon bake area. 4) A motion passed to request the Council approve emergency funds to repair paving at the Painter Building view point area. Aggregate was preferred over asphalt. 5) A motion passed to request the Council demolish the skateboard ramp due to safety issues and because of lack of interest in its preservation. Salvageable wood might be recycled into a smaller ramp.

Silver reported: 1) A draft Mission Statement had been prepared and distributed since the Council's Workshop meeting on January 17, 2003. Hearing no objection, the Mission Statement was added to the agenda for the February 4, 2003 Regular Council meeting, for adoption pending amendments or modifications. 2) He approached the Council about inviting the Lincoln County School Board to Depoe Bay, to address parents and citizens on issues regarding funding and where the School Board would like to take education. A waiver of Community Hall fees would be necessary for this meeting.

Motion 9: Scorpio moved to invite the Lincoln County School Board to Depoe Bay, and to waive Community Hall fees for the meeting. Taunton seconded the motion.

Silver said it was moved and seconded, and called for discussion. There was none.

Vote: Motion 9 passed.

Ayes: Scorpio, Taunton, Alice Brown, Silver, Jack Brown, Laverty

## X. CITY STAFF REPORT

Owings reported: 1) There is a power pole on Bay Street that is non-ADA (Americans with Disabilities Act) compliant. He proposed temporarily widening the walkway 6-8" to bring it into compliance. There was discussion on possible alternatives to resolve this issue.

Motion 10: Romans moved to widen the walkway on the north side of Bay Street 6-8" around the pole to allow ADA access. Alice Brown seconded the motion.

Silver said it was moved and seconded, and called for discussion. The idea of a bulb out was discussed and rejected due to nearby gravel making this an unsafe option.

Vote: Motion 10 passed.

Ayes: Scorpio, Taunton, Alice Brown, Silver, Romans, Jack Brown, Lavery

Owings continued his Staff Report: 2) He asked for Council approval to get requests for proposals (RFPs) for an architect for ADA bathrooms and access ramps behind City Hall.

Motion 11: Lavery moved for Staff to pursue RFPs for an architect for ADA bathrooms and access ramps behind City Hall. Alice Brown seconded the motion.

Silver said it was moved and seconded, and called for discussion. There was none.

Vote: Motion 11 passed.

Ayes: Scorpio, Taunton, Alice Brown, Silver, Romans, Jack Brown, Lavery

Owings continued his Staff Report: 3) He asked for Council approval to get RFPs for Winchell Street improvements between Ainslee and Park Streets.

Motion 12: Alice Brown moved for Staff to pursue RFPs for Winchell Street improvements between Ainslee and Park Streets. Lavery seconded the motion.

Silver said it was moved and seconded, and called for discussion. There was none.

Vote: Motion 12 passed.

Ayes: Scorpio, Taunton, Alice Brown, Silver, Romans, Jack Brown, Lavery

Owings continued his Staff Report: 4) The City does not have the funds necessary to use aggregate for paving the south side of the Painter Building. It would cost approximately \$6,000 to blacktop the area.

Motion 13: Romans moved to approve blacktopping the overlook area near the Painter Building. Taunton seconded the motion.

Silver said it was moved and seconded, and called for discussion. There was discussion about the Parks Commission's preference for aggregate, and its cost and difficulties.

Amendment: Lavery moved to amend Motion 13 to direct Staff to provide an estimate for the cost of installing aggregate at this location before voting on this issue. Alice Brown seconded the amendment.

Silver said it was moved and seconded, and called for discussion. Owings outlined the usual procedure when pursuing RFPs, and offered to provide an approximate cost at the next Regular Council meeting.

Vote: Amendment failed.

Ayes: Alice Brown, Jack Brown, Lavery

Noes: Scorpio, Taunton, Silver, Romans

Silver called for further discussion on the main motion. There was discussion on funding, the Parks Commission's wishes, and safety of the area.

Vote: Motion 13 passed.

Ayes: Scorpio, Taunton, Silver, Romans, Jack Brown, Lavery

Noes: Alice Brown

Owings continued his Staff Report: 5) He addressed the Parks Commission's request for electrical outlets at the gazebo and horseshoe pit, and their request for lighting on the south side of Whale park. The consensus of the Commission was to proceed with lighting of the spouting horn. Owings will follow up with PUD. 6) He requested the Council's permission to demolish the skateboard ramp due to its high maintenance and lack of use.

Motion 14: Lavery moved to demolish the skateboard ramp and dispose of the material in an appropriate manner. Scorpio seconded the motion.

Silver said it was moved and seconded, and called for discussion. There was a consensus of the Council to amend Motion 14 to recycle salvageable pieces for a smaller skateboard ramp.

Vote: Motion 14 passed.

Ayes: Scorpio, Taunton, Alice Brown, Silver, Romans, Jack Brown, Lavery

Motion 15: Lavery moved to direct Staff to do electrical improvements at the gazebo, City Park, and Whale Park. Alice Brown seconded the motion.

Silver said it was moved and seconded, and called for discussion. There was discussion regarding use of weather-resistant materials and direction of lighting.

Vote: Motion 15 passed.

Ayes: Scorpio, Taunton, Alice Brown, Silver, Romans, Jack Brown, Lavery

Owings continued his Staff Report: 7) He addressed the Parks Commission's interest in optical machines. Privacy concerns were expressed.

Motion 16: Lavery moved to direct Staff to obtain additional information on optical machines for possible installation at Whale Park. Alice Brown seconded the motion.

Silver said it was moved and seconded, and called for discussion. Concern over possible vandalism and visual access to neighboring properties was mentioned.

Vote: Motion passed.

Ayes: Taunton, Alice Brown, Silver, Romans, Jack Brown, Lavery

Noes: Scorpio

Murray had no report.

## XI. COUNCIL COMMENTS

Taunton, speaking as a Chamber representative, initiated discussion regarding incidents related to the Christmas tree at the Painter Building and the concessionaire's needs. Hearing no objection, Silver directed Staff to write a letter to the aquarium, clarifying what is being leased and advising of the City's holiday tradition involving use of that portion of the building.

Alice Brown explained that she was not opposed to public safety at the Painter Building, and said the reason for her "no" vote [on Motion 14] was that she was interested in preserving historic structures and buildings, and with certain alterations it becomes more difficult to get preservation grants.

Romans suggested the City investigate acquisition of a collection of old photographs that used to be in a museum at his old charter office location. Silver suggested Romans work with Alice Brown on this project to discover where these photographs might be.

Jack Brown suggested displaying historic pictures on the walls of the Council Chambers.

Laverty suggested it would be more effective for the letter to the aquarium to be sent in November. Silver agreed and modified his direction to Staff.

## XII. ADJOURN

There being no further business, the meeting was adjourned at 9:50 PM.

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Mayor Bruce R. Silver

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Silver Fox, Recording Secretary