

Depoe Bay City Council
Regular Meeting
Tuesday, April 1, 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: March 18, 2003 Regular Meeting and March 25, 2003 Workshop Meeting

Motion 1: Alice Brown moved to approve the minutes of the March 18, 2003 Regular Meeting, with one change in the first paragraph on Page 3: "Hearing no objection, this item was postponed until the Law Enforcement Task Force Subcommittee submits a total proposal. Staff was directed to contact the City Attorney for the answers to the following questions:" *City Staff obtains answers to two questions.*" Scorpio seconded the motion.

Silver said it was moved and seconded. After discussion about each Councilor's understanding of what was agreed to during that meeting, Alice Brown withdrew her motion and Scorpio withdrew her second.

Motion 2: Scorpio moved to approve the minutes of the March 18, 2003 Regular Meeting, as written. Lavery seconded the motion.

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

Vote: Motion 2 passed.

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

Silver asked for corrections to the minutes of the March 25, 2003 Workshop Meeting. Hearing no objection, the minutes for the March 25, 2003 Workshop Meeting were approved as written.

IV. ACCOUNTS PAYABLE

Motion 3: Romans moved to accept Accounts Payable as presented. Alice Brown 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

Abstain: Jack Brown, Laverty

V. PUBLIC INPUT

Peter Cameron 60 SE Cook, reported on the activities of the sub-committee on streetlighting. The subcommittee has met and has obtained copies of county maps of all currently-existing streetlights. The subcommittee is in the process of going through the city to determine where new streetlights are needed for pedestrian safety.

Joel Gallob 825 NE Grant, Newport, encouraged the Council not to utilize consensus voting, as it can lead to misunderstandings.

Cheryl Preston POB 2538: 1) Shared a letter she received from the American Red Cross regarding the March 12 blood drive, and said it had been confirmed that there will be two blood drives per year in Depoe Bay. 2) Invited the Mayor and the community to participate in the National Cancer Society's Relay for Life on July 11-12. Silver's presence was requested at the Opening Ceremonies on July 11 at 5 PM. The event will take place in Lincoln City at the Taft High School track. 3) There will be a live-action Quake X Tsunami drill tomorrow morning at 10 AM. 4) Requested use of Community Center for the Mad Hatter's Tea Party, to immediately follow the Easter Egg Hunt on April 19. She also requested fee waiver. Preston was asked to complete and submit an application to use the community Hall for the City's consideration.

Peter Cameron said new Traffic Safety Commissioner Jim White had a heart attack two days ago, but is home resting now.

VI. NEW BUSINESS

A. Interviews for City Commissions and Committees

Sign Committee applicant Fran Recht came forward to tell about herself and why she was interested in participating.

B. Appointment to Fill Vacancies on City Commissions and Committees

Ballots were filled out, signed, and handed in. Murray tallied the votes (copy of ballot attached to original of these minutes) and announced the results. All Councilors voted to appoint Bruce Moore for Position #6 of the Planning Commission. Councilors Silver, Jack Brown, and Laverty voted to appoint Cliff Wamacks to the Budget Committee; and Councilors Scorpio, Taunton, Alice Brown, and Romans voted against appointing Cliff Wamacks for the Budget Committee.

Motion 4: Scorpio moved to accept the canvass of votes: Moore, 7 Ayes and 0 Noes; Wamacks, 3 Ayes and 4 Noes. Alice Brown seconded the motion.

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

Vote: Motion 4 passed.

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

Motion 5: Scorpio moved to appoint Bruce Moore to Position #6 of the Planning Commission. Taunton seconded the motion.

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

Vote: Motion 5 passed.

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

A concern was expressed about Councilors choosing to not appoint a qualified person to a vacant seat. It was noted that Councilors are not required to justify their votes.

C. Letter to ODOT: Hwy 101 Speed Limit

Lavery reviewed his reasons for the proposed letter to ODOT (copy of draft letter attached to original of these minutes) requesting a speed limit change on Highway 101 south of town. Concerns were expressed about speeding, lack of enforcement, and the need for signs warning of dangerous curves. Cliff Wamacks 445 Spindrift, suggested placement of an "upcoming passing lane" sign might be a good idea. John O'Brien 270 NE Bensell, suggested clearer speed limit signs.

Motion 6: Lavery moved to incorporate the suggestions made above into the draft letter, have the mayor sign, and send to ODOT. 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

D. Natural Resources Inventory Services Contract - Pacific Habitat Services, Inc. Murray reviewed her memo to Council (copy attached to original of these minutes).

Motion 7: Lavery moved to accept the National Resources Inventory Services Contract with Pacific Habitat Services, Inc. and authorize the mayor sign it. Taunton seconded the motion.

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

Vote: Motion 7 passed.

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

Noes: Scorpio

E. Whale Park - Austin & Serena Scorpio Letter

Scorpio recused herself in order to address the Council as a citizen regarding the letter she and her husband submitted to the Council (copy attached to original of these minutes).

Motion 8: Alice Brown moved to table this issue for 60 days or less depending on the outcome of the Scorpio's investigation. Jack Brown seconded the motion.

Silver said it was moved and seconded, and called for discussion. A request was made to ensure this information is communicated to the Parks Commission. Fran Recht 66 NE Williams, questioned why, since there was legal action threatened, this issue was not addressed in Executive Session. It was noted that a letter from an attorney threatening the City with a lawsuit would be something appropriately addressed in an Executive Session. Owings said there would be no maintenance of the site performed for the next 60 days. Scorpio said the letter was not intended as a threat of legal action; she was sorry if it had been interpreted that way.

Vote: Motion 8 passed.

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

Scorpio rejoined the Council.

VII. UNFINISHED BUSINESS

A. Proposed Increase to City Transient Room Tax Rate

Murray's memo dated 3/27/03 (copy attached to original of these minutes) was reviewed and discussed at length. It was noted that there is an urgency to deciding this issue, or possibly losing the ability to implement the tax. A concern expressed was: if an ordinance to increase transient room tax was enacted and money set aside, and if a public vote does not approve a serial levy for law enforcement, what happens to the money sitting in a reserve fund that can't be refunded? Concerns were expressed over taking enough time with this issue, getting input from the lodging industry, full reporting from the subcommittee, and the amount of vandalism and crime that could be alleviated by having local law enforcement.

Motion 9: Scorpio moved to reconsider the proposal to direct Staff to draft an ordinance proposing 1% transient room tax increase in Depoe Bay for the purpose of law enforcement. Alice Brown seconded the motion.

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

Vote: Motion 9 passed.

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

Noes: Silver

Motion 10: Romans moved to direct Staff to draft an ordinance increasing the transient room tax 1% in Depoe Bay for the exclusive purpose of law enforcement, and to create a reserve fund for that purpose. Alice Brown seconded the motion.

Silver said it was moved and seconded, and called for discussion. A concern was expressed about the definition of "law enforcement" - whether it would be a contract with the county, our own paid staff, a security company, etc. The public needs a clear explanation of the proposed program.

Amendment: Alice Brown moved to obtain a police officer by contract through the County, and to establish a five-year serial bond levy as part of the program. Scorpio seconded the amendment.

Silver said it was moved and seconded, and called for discussion. Concerns were expressed about making a decision before having sufficient information.

Vote: Amendment to Motion 10 passed.

Ayes: Scorpio, Taunton, Alice Brown, Romans

Noes: Silver, Jack Brown, Lavery

Silver called for further discussion on the original motion, as amended. There was none.

Vote: Original Motion 10 passed.

Ayes: Scorpio, Taunton, Alice Brown, Romans

Noes: Silver, Jack Brown, Lavery

A workshop meeting to discuss the draft ordinance for law enforcement was scheduled for Monday, April 14 at 7 PM.

Fran Recht asked about changing priorities, the importance of clean water storage, and where the funding for water storage was coming from. In response, she was told that goals and priorities were set in a special meeting earlier this year, and water storage and safety were the top concerns, each of which needs to be worked on individually; also that funding sources were different for law enforcement and water storage.

Mary Alice Harley 1155 Walking Wood, expressed concern about the volunteer appointment process.

B. Street Light on Sunnyview Lane

Motion 11: Lavery moved to direct Staff to have the electric company remove the light. Taunton seconded the motion.

Silver said it was moved and seconded, and called for discussion. Regarding a letter received from Bill and Arlene Wright (copy attached to original of these minutes), a question was raised regarding how many residents are on this street.

Amendment: Alice Brown moved to table the question to remove the streetlight until representatives from the Southeast Neighborhood Watch, Bill and Arlene Wright, other Sunnyview Lane residents, and the fire chief can be present to discuss the question. Jack Brown seconded the amendment.

Silver said it was moved and seconded, and called for discussion. It was noted that before installing the streetlight, the Council was assured that all affected parties had agreed to the installation. A question was raised about exactly who is affected by this streetlight.

Vote: Amendment to Motion 11 passed.

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

Noes: Lavery

All parties involved, as noted above, will be invited to the April 15 Council meeting.

VIII. CORRESPONDENCE

1) A letter from Sheriff O'Brien (copy attached to original of these minutes) supporting use of the speed monitor trailer April 25-27 and September 19-21. Staff will be working with the Traffic Safety Committee to coordinate borrowing the county's trailer. 2) A memo from Lincoln County Board of Commissioners regarding scheduling of a joint work session with the City Council in June. Silver asked Councilors to check their calendars for availability on June 11 (June 4 as alternate), and be ready to schedule at the April 15 meeting, where Staff will be directed on how to proceed.

IX. LIAISON OFFICERS' REPORTS

Scorpio reported that the Planning Commission met March 19. Dick Johnson was appointed as President, and John Woodmark was appointed as Vice President. The revised plan for a Parks SDC was approved, and Planning Goals were discussed.

Taunton reported that Salmon Enhancement Commission will meet tomorrow.

Alice Brown reported that Parks Commission met March 19. Items discussed included: a presentation on skateboard ideas, a report on status of parks, and development and maintenance at the north end of Whale Park. Tabled items included lighting of Whale Park and viewing machines.

Jack Brown reported the Harbor Commission met the last week in March. The Corps of Engineers made a presentation on the sea wall. There is \$2 million available for this project; the Corps originally estimated \$3.2 million. If the project cannot be completed for the \$2 million available, this funding will be lost. The Commission is looking for funding for maintenance dredging at this time.

Lavery reported 1) The Traffic Safety Commission had a scheduled meeting this afternoon, but there was no quorum. The Commission was in favor of the letter to ODOT regarding change of speed limit. The radar trailer will be put out in April and May. 2) There is a Transportation Safety Action Plan meeting with ODOT in Lincoln City on April 7. 3) He attended a COG meeting on March 20, where they discussed the budget crisis, a tri-county brokerage Medic-aid service in our area, and other statewide issues.

X. CITY STAFF REPORT

Owings had no report, and Murray had no report.

XI. COUNCIL COMMENTS

Scorpio responded to comment made by Mary Alice Harley earlier in the meeting, saying that a volunteer may not be appointed for reasons that are not personal, and that the Council is not obligated to accept a volunteer.

Alice Brown read a personal statement regarding the war in Iraq and asked the Council to consider adopting a resolution in support of our troops in their effort to liberate Iraq from the totalitarian regime of Saddam Hussein, and encouraged residents to plant a patriot rose and a peace rose together. It was the consensus of the Council to not adopt any resolution relative to the war, but everyone was encouraged to individually contact federal representatives to express their concerns. Caution was urged relative to criticizing actions of other city councils.

Jack Brown asked about the status of our clean water storage project. Owings provided an update of current activity on this project.

Silver prepared a draft press release opposing local pre-emption in the transient lodging tax bill (copy attached to original of these minutes) prior to the meeting, which he requested the Council review for release. It was the consensus of the Council to approve the statement for release. Mary Alice Harley suggested sending one to the Capitol Press Room in Salem, which is a resource available to all newspapers.

XII. ADJOURN

There being no further business, the meeting was adjourned at 9:38 PM.

Mayor Bruce R. Silver

Silver Fox, Recording Secretary