

1 Depoe Bay City Council
2 Regular Meeting
3 Tuesday, May 17, 2005 - 7:00 PM
4 Depoe Bay City Hall
5

6 PRESENT: Mayor J. White, P. Cameron, P. Taunton, A. Brown, G. Romans, J. Brown, M. Lavery
7

8 STAFF: City Recorder P. Murray, City Field Superintendent T. Owings, City Attorney D. Gordon
9 (dep 8:40 P.M.), Recording Secretary S. Fox
10

11 I. CALL TO ORDER

12 Mayor White called the meeting to order and established a quorum at 7:00 PM.
13

14 II. PLEDGE OF ALLEGIANCE

15 Mayor White called for all to stand for the Pledge of Allegiance.
16

17 III. APPROVE MINUTES: April 26, 2005 and May 2, 2005 Budget Meetings, and the May 3, 2005 18 Executive and Regular Meetings 19

20 Motion 1: Lavery moved to accept the minutes of the April 26, 2005 and May 2, 2005 Budget Meetings,
21 and the May 3, 2005 Executive and Regular Meetings. Taunton seconded the motion.
22

23 Mayor White said it was moved and seconded, and called for discussion. There was none.
24

25 Vote: Motion 1 passed.

26 Ayes: Cameron, Taunton, White, Romans, Jack Brown, Lavery

27 Abstain: A. Brown
28

29 IV. ACCOUNTS PAYABLE

30 Motion 2: Romans moved to pay the accounts payable, including a check to North Lincoln Sanitary
31 Service in the amount of \$600.29. Alice Brown seconded the motion.
32

33 Mayor White said it was moved and seconded, and called for discussion. There was none.
34

35 Vote: Motion 2 passed.

36 Ayes: Cameron, Taunton, A. Brown, White, Romans, J. Brown, Lavery
37

38 V. SPECIAL ORDERS

39 A. Pacific West Ambulance: Proclamation to Designate the Week of May 15-21, 2005 as 40 Emergency Medical Services Week

41 Russ Harper, General Manager of Pacific West Ambulance, thanked the City for this proclamation. He
42 invited everyone to participate in the upcoming "Ride Along Program" in Lincoln City and Newport,
43 where citizens can ride in an ambulance at no charge. He also invited everyone to a picnic at the
44 Newport quarters on May 20 at noon. Murray read the proclamation (copy attached to original of these
45 minutes) into the record. Harper presented a plaque to Mayor White, who read the inscription aloud.
46

1 B. Tina French: North Lincoln Sanitary Service 2005 Rate Review

2 Ms. French was not present. Murray summarized the report (copy of cover letter attached to original of
3 these minutes), and said that there is no request or recommendation for a rate increase in the coming
4 year.
5

6 C. Public Hearing: Proposed Amendments to the Comprehensive Plan, Zoning Ordinance, and
7 Zoning Map, Relating to Uses and Standards in the City

8 Mayor White read the Hearing Officer's Opening Statement (copy attached to original of these minutes)
9 into the record. He asked for declarations of conflict of interest or bias. There were none. He asked if
10 anyone had any objection to any Councilor hearing the matter. There was no objection. Murray
11 summarized the Staff Report (copy attached to original of these minutes). She noted that written
12 testimony had been received from Rick Davilla representing the Economic Business Development
13 Committee, Carol Connors, and Linda Livingston (copies attached to original of these minutes). The
14 hearing was then opened to public testimony.
15

16 Bruce Silver, 420 SW Cardinal: 1) Regarding Item f. on Page 1 of Article 3 asked what "(maximum of
17 five clients) per ORS 197.665 (2003)" means. 2) Regarding Item n. on Page 2 of Article 3, he noted that
18 "manager/owner/caretaker residence" is a conditional use, and said that Ord. #256 defines
19 "manager/owner/caretaker residence" as "a residence, secondary to the main use of the property, where
20 the sole purpose is providing living quarters for the owner, operator, or caretaker of a new or on-going
21 commercial industrial enterprise". He questioned why this would be in a residential zone. 3) Regarding
22 relaxing downtown parking standards, he asked the Council to consider that such relaxation would not
23 affect neighboring businesses. He noted that day-long parking of harbor customers interferes with
24 business on Hwy 101.
25

26 Peggy Leoni, 355 SW Hwy 101, clarified that she was speaking for herself and her husband as a business
27 and property owner. She stated she was against the idea of any commercial activity being disallowed on
28 her commercial property, and that any property facing Hwy 101 should be allowed full commercial use.
29 She also felt there was no need for four different commercial zones plus a marine commercial zone, in a
30 town the size of Depoe Bay. She read an excerpt from Lincoln County Economic Development Strategy
31 Long Range Plan 2004-2024 (copy attached to original of these minutes). She felt some of the proposed
32 changes infringe on her rights as a property owner. She resented the proposed relaxed zoning in the
33 downtown core, when growth south of the bridge is also needed, and said all commercial zoning should
34 have the same encouragement and benefits.
35

36 John Woodmark, POB 89, said he participated in most of the meetings where the "Matrix" was
37 discussed. The reason the concept of multiple commercial zones was developed was because Depoe Bay
38 has many unique sections, and each section has its own problems. Parking regulations have constrained
39 growth in the downtown core. He referred to a news article about the Goddards and their situation of
40 some years ago, where in order to pursue commercial activity in their two-story building with a
41 commercial use downstairs and residential use upstairs, they had to supply additional parking which was
42 not available, causing them to drop the commercial use of their property until they recently petitioned the
43 City to allow it. He noted that everyone who expands their buildings must supply additional parking, and
44 indicated that the proposed relaxation of parking requirements is intended to reduce that type of
45 situation, by only requiring parking for new additions, not grandfathered footage. He also addressed the

1 reasons behind restrictions of certain types of business in the downtown core, using the examples of a
2 slaughterhouse or a fish processing plant as undesirable to visitors.

3
4 Dorinda Goddard 15 SW Ellingson & 223 SW Hwy 101, said that the only outright uses proposed to be
5 allowed in the Matrix are already existing businesses on Hwy 101, and that nothing that isn't an existing
6 business is on the proposed list of outright uses. She expressed concern that the proposed changes are
7 narrow minded. She asked for confirmation that her understanding of the proposed changes are that only
8 specifically-listed business types would be permitted. She also wanted to see a "clean" copy of the
9 proposed changes, and was told that will be available further along in the adoption process. She also
10 questioned the proposed parking standards.

11
12 Dick Johnson, Planning Commission Chairman, confirmed Mrs. Goddard's understanding that if a use is
13 not shown as outright or conditional it will not be allowed. He added that proposed uses along Hwy 101
14 are greater than they have ever been, and that business types being disallowed are things that don't
15 belong in that area, specifically referring to the proposed C-1 area in the downtown core and the area
16 around the harbor. He also clarified that many crossed-out items are either redundant, appear elsewhere,
17 or are obsolete language that has been replaced. He explained that on-street parking requirements in the
18 downtown core are proposed to be reduced by 1/3, and discussed current requirements. Responding to
19 one of Mr. Silver's questions, he said the State defines "residential home" as being for five clients or
20 less, and "residential facility" as being for more than five clients. Mr. Silver clarified that he was
21 concerned about the definition of "manager/owner/caretaker residence" as a conditional use in an R-1
22 zone, and questioned the Planning Commission's intention to use this wording based on Ord. #256's
23 definition of "manager/owner/ caretaker", saying he objects to this being an allowed use because it is
24 contrary to the use of residential zoning.

25
26 There was no further public testimony. Mayor White asked if the Council had any questions. Councilors
27 had dialog with testifiers, asking questions about their feelings and about parking. Some were in favor of
28 the changes, some were not. No objection to growth was expressed by any party. Debbie Davilla, 35 SW
29 South Point, questioned why office space was eliminated as a use in the proposed C-1 zone. Johnson
30 responded that the reason for this decision was that studies have shown that certain uses such as offices
31 on the ground floor are barriers to the customers' meandering. He also re-clarified certain proposed
32 changes. Davilla brought up Measure 37 concerns regarding insurability and lending issues on buildings
33 with mixed use and/or waivers, and urged caution. Mr. Silver requested the record be left open for seven
34 days; the City Attorney said because this is a legislative hearing on proposed changes to the ordinance,
35 the Council will not make a decision based on the record, and the public will have another opportunity to
36 present information with respect to the ordinance. There is no requirement to leave the record open.
37 Silver withdrew his request. Mayor White closed the public hearing.

38
39 Motion 3: Alice Brown moved to continue the Councilor deliberations to the next regular Council
40 meeting. Romans seconded the motion.

41
42 Mayor White said it was moved and seconded, and called for discussion. A Councilor asked about
43 corrections made by the City Planner on another Councilor's copy of the Matrix. Copies will be
44 provided to all Councilors.

1 Amendment: Alice Brown amended the motion to deliberate at a special meeting. Romans seconded the
2 amendment.

3
4 Mayor White said it was moved and seconded, and called for discussion. A Councilor asked if mailing
5 of notices is required; Murray responded it is not.

6
7 Vote: Motion 3, as amended, passed.

8 Ayes: Cameron, Taunton, Alice Brown, White, Romans, Jack Brown, Laverty

9
10 The special meeting for deliberations on the Matrix was scheduled for 7:00 P.M. on Thursday, June 16,
11 2005.

12
13 A recess was called at 8:38 P.M. The meeting reconvened at 8:44 P.M.

14 15 VI. REPORTS OF OFFICERS, BOARDS, OR STANDING COMMITTEES

16 There were no reports.

17 18 VII. PUBLIC COMMENTS

19 John Rose, 135 NE Allen, said he was here at the Mayor's request, and asked the City's support for the
20 "Thar Be Whales" tourism promotion program developed by the Chamber of Commerce. Depoe Bay
21 businesses will stock bumper stickers with a picture of Notch's tail (a resident whale) on them, with the
22 logo "Thar be whales in Depoe Bay, and I saw one!" The bumper stickers (photocopy attached to
23 original of these minutes) are to be given away to tourists who see whales. Depoe Bay businesses have
24 been asked to donate to this program, which is \$250 short of meeting its goal.

25
26 Motion 4: Jack Brown moved to donate \$250 to the Thar Be Whales program. Taunton seconded the
27 motion.

28
29 Mayor White said it was moved and seconded, and called for discussion. A Councilor said approving
30 this donation would set a precedent that could prove problematic in the future. Mr. Rose said he wasn't
31 asking for money. There was also a question regarding an appropriate line item in the budget, and
32 Murray confirmed that there was.

33
34 Vote: Motion 4 passed.

35 Ayes: Cameron, Taunton, Alice Brown, White, Romans, Jack Brown

36 Noes: Laverty

37
38 Peggy Leoni, Chamber of Commerce, said that on Monday, May 23 there will be a "Fam" tour, which is
39 a familiarization tour for writers who write articles which bring paying customers to town. Several
40 businesses have donated lodging for these writers. John Rose will be their tour guide. She asked that the
41 writers be made to feel welcome.

42
43 Dorinda Goddard, Fleet of Flowers, said that preparations will begin on Tuesday, May 24. Volunteers
44 are needed to get greens; interested parties should meet at the Spouting Horn at 8:00 A.M. They have
45 been working to overcome an obstacle regarding reservations on the boats. There is an organizational
46 meeting Thursday night. This is the 60th Fleet of Flowers, and the Portland Police Pipe and Drum Parade

1 will be performing. Due to low tide, the event will begin at 10:00 A.M. instead of 11:00 A.M. on
2 Monday, May 30.

3
4 VIII. UNFINISHED BUSINESS

5 A. Report on Proposed "Scoop Law"

6 Owings reported he researched this item, and does not feel that a new ordinance is required, as the issue
7 is covered under Ord. #164, which includes language relative to the disposal of animal offal. A
8 Councilor suggested mailing copies of Ord. #164 to all residents; an audience member advised that
9 summarizing relevant parts would result in a greater percentage of recipients actually reading the notice
10 compared to how many would read it if the ordinance was mailed in its entirety. Owings said he has a
11 scheduled mailing of CCRs to go out before July 1, 2005, and the notice can be included in that mailing.
12 Murray will prepare a draft. A Councilor suggested the notice be printed on colored paper so it is not
13 confused with the report it will be enclosed with.

14
15 IX. NEW BUSINESS

16 A. Contract Renewal: Depoe Bay Chamber of Commerce

17 Murray noted there were minor changes to the agreement for the upcoming fiscal year 2005-06 (copy
18 attached to original of these minutes). Item 2 has the following text deleted: "~~it shall be on at least a~~
19 ~~quarterly basis~~". Also, the dates were changed.

20
21 Motion 5: Cameron moved to accept the agreement between the Depoe Bay Chamber of Commerce and
22 the City of Depoe Bay with the changes as noted by the City Recorder. Alice Brown seconded the
23 motion.

24
25 Mayor White said it was moved and seconded, and called for discussion. A Councilor asked what kinds
26 of things the money is spent on; the answer was mostly mailing expenses associated with advertising.

27
28 Vote: Motion 5 passed.

29 Ayes: Cameron, Taunton, Alice Brown, White, Romans, Jack Brown, Laverty

30
31 B. Proclamation of May, 2005 as Older Americans Month

32 Murray read the proclamation (copy attached to original of these minutes) into the record.

33
34 C. OLCC License Renewals

35 Murray said this is an annual review (copy of cover letter and licenses up for renewal attached to original
36 of these minutes) and the Council has three options as noted in the cover letter.

37
38 Motion 6: Laverty moved the Council take no action on the OLCC license renewals. Cameron seconded
39 the motion.

40
41 Mayor White said it was moved and seconded, and called for discussion. There was none.

42
43 Vote: Motion 6 passed.

44 Ayes: Cameron, Taunton, Alice Brown, White, Romans, Jack Brown, Laverty

45
46 D. Pirate's Cove Sidewalk Project: Amendment to ODOT Agreement

1 Owings reported that the amendment did not arrive. Item tabled to next meeting.

2
3 E. Depoe Bay Fuel Station: Construction Project Bid Award

4 Owings reported that no bids were received at the closing time yesterday. Discussion followed on how to
5 proceed. Owings noted that an extension will need to be requested, as the project will not be complete by
6 June 30, 2005. PMK Distributing will provide fuel on a limited basis this summer, as they did last year.
7 A Councilor asked Owings to call the State Marine Board and request assistance with getting the fuel
8 project going.

9
10 X. CORRESPONDENCE

11 There were two items of correspondence (copies attached to original of these minutes): 1) A letter from
12 Larry Hardy regarding sidewalks and curbs north of the bridge. 2) A letter from Beverly Gruntorad
13 regarding hiring a security guard instead of a police officer, and a suggestion to place disposal sites for
14 pet waste around the city.

15
16 XI. CITY STAFF REPORT

17 Owings reviewed his written report (copy attached to original of these minutes), providing updates on
18 the Collins Street Project, the Winchell Street Project, a new City Hall sign on Hwy 101, street sweeping
19 and maintenance, painting of the Council chambers, the Water Improvement Project, and harbor
20 dredging.

21
22 Murray had no report.

23
24 XII. COUNCIL COMMENTS

25 Alice Brown said her campaign platform was to promote a balance between preservation, growth, and
26 redevelopment, and she drew attention to derelict buildings as a sign that redevelopment is lacking. She
27 referred to a property on Ainslee Street, asking Owings for an update on a letter that was sent to the
28 property owner recently. There was discussion as to how to proceed with cleanup of this property, and it
29 was noted that Ord. #164 has a \$500 penalty clause for non-compliance. No action was taken. Romans
30 suggested contact with the fire department for the possibility using the structure for a practice burn.

31
32 Cameron commended the Mayor and City Crew for their efforts in cleaning up the garbage cans that
33 were thrown over the seawall early Sunday morning.

34
35 Mayor White in turn commended City Crew, saying he did not participate in the cleanup, but that there
36 was a mess and it was raining and slippery, and the Crew did a good job. He also said that newspaper
37 stands had been turned over in front of the Whale Watch Café. He noted his support for obtaining law
38 enforcement.

39
40 XIII. ADJOURN

41 There being no further business, the meeting was adjourned at 10:00 PM.

42
43
44 _____
45 Mayor James White

46 _____
47 Silver Fox, Recording Secretary