

1 Depoe Bay City Council
2 Regular Meeting
3 Tuesday, January 17, 2006 - 7:00 PM
4 Depoe Bay City Hall
5
6

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

8
9 STAFF: Acting City Recorder C. McCarley, City Field Superintendent T. Owings
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11

12 I. PLEDGE OF ALLEGIANCE

13 Mayor White called for all to stand for the Pledge of Allegiance.
14

15 II. CALL TO ORDER

16 Mayor White called the meeting to order and established a quorum at 7:00 PM.
17

18 III. APPROVE MINUTES: January 3, 2006 Regular Meeting
19

20 Motion 1: Alice Brown moved to accept the minutes of the January 3, 2006 Regular Meeting as written.
21 Lavery 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
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28 IV. ACCOUNTS PAYABLE

29 Motion 2: Cameron moved to pay the accounts payable. Lavery seconded the motion.
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31 Mayor White said it was moved and seconded, and called for discussion. There was none.
32

33 Vote: Motion 2 passed.

34 Ayes: Cameron, Taunton, White, Alice Brown, Romans, Jack Brown, Lavery
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36 V. SPECIAL ORDERS

37 There were no special orders.
38

39 VI. REPORTS OF OFFICERS, BOARDS, OR STANDING COMMITTEES

40 Loren Goddard, Near Shore Action Team (NSAT), presented a preliminary chart depicting areas NSAT
41 has determined are of concern from Cascade Head to Yaquina Head, from the shore to the 30 fathom
42 line, which is about three miles offshore. He requested the Council authorize reimbursement in the
43 amount of \$200 to create the final chart. He reported the team has made contact with a number of
44 agencies, including the Ocean Policy Advisory Council (OPAC), Oregon Department of Fish and
45 Wildlife's Near Shore Strategy Team, OSU Marine Researchers, and Pacific Fisheries Management
46 Council. He said recently the State government requested the Federal government establish offshore

1 marine sanctuary. Agencies have requested NSAT provide socio-economic research data, and NSAT
2 would like to hire someone to conduct a study, which is expected to cost \$22,000. There is a grant of
3 \$20,000 available from the Lincoln County Economic Development Fund that NSAT would like to
4 apply for, with the Council's approval. The Chamber of Commerce has allotted a \$500 contribution for
5 this study. He read a draft grant application (copy attached to original of these minutes) into the record.
6 The Mayor asked Goddard what impact the marine sanctuary would have on Depoe Bay and other
7 coastal communities. Goddard responded that there shouldn't be any negative impact, and that positive
8 impact would include no offshore drilling. A Councilor clarified that establishment of the sanctuary
9 would not preclude oil and gas mining, but once the sanctuary was approved there would be negotiations
10 between State and Federal governments during which options such as drilling, wave energy, and fishing
11 would be discussed; he added that a credible impact study would be difficult to argue against.

12
13 Motion 3: Lavery moved to authorize NSAT to spend up to \$200 for ink and paper to produce a chart as
14 described above. Cameron seconded the motion.

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

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18 Vote: Motion 3 passed.

19 Ayes: Cameron, Taunton, Alice Brown, White, Romans, Jack Brown, Lavery

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21 Motion 4: Lavery moved to authorize NSAT to work on the grant application and that the City will
22 provide in-kind funds, matching funds of \$1,000, and that NSAT has the Council's approval to apply for
23 the grant. Cameron seconded the motion.

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25 Mayor White said it was moved and seconded, and called for discussion. A Councilor clarified that the
26 \$1,000 is cash and the other money is Staff time.

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28 Vote: Motion 4 passed.

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

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31 A Councilor asked what the chart would be used for; Goddard said it is a useful visual aid for members
32 of the team who aren't fishermen or boating people. John Rose, NSAT, said that the final chart will have
33 additional information on it and will be of photo quality. NSAT hopes that the chart will remain on
34 display in Council Chambers.

35 36 VII. PUBLIC INPUT

37 Gracie Strom spoke about her history on the Depoe Bay Sewer Board, saying that at the time sewer
38 service was begun, everyone was required to pay the fee and hook up to the new system. She talked
39 about how slow business was years ago during the winter, and how unique Depoe Bay is now and that
40 Depoe Bay has been written up in a magazine. She asked the Council to consider the plight of Oceanus'
41 owners.

42
43 Benjamin Williams, Oceanus employee, said employees' kids are hungry because of the restaurant's
44 closure, and that the average family goes bankrupt after being out of work for two weeks. He said *The*
45 *Oregonian* called Oceanus "the best restaurant to hit the Oregon coast", and he didn't know why the City
46 is trying to run them out of town. He said Councilors' first responsibility is to the people, and he didn't

1 understand why the City would spend money to study a sanctuary off the coast that doesn't have
2 anything to do with people. He said the City should be responsible.

3
4 Serena Scorpio, 147 NW Hwy 101, said she witnessed Shalene Kiser being told this issue would be on
5 tonight's agenda, but it isn't on the agenda. She reminded the Council, all of whom she considers
6 friends, that their oath of office demands they follow the City Charter, ordinances, and State law. She
7 said this sewer issue has not been dealt with in several years and many lives are affected. This public
8 health, safety, and welfare issue has to be dealt with now and she advised the Council to move fast.

9
10 Barbara Leff, 210 Haselton Place, said some of the reasons why she and her husband no longer have the
11 hardware store have to do with the way they were treated by the City at that time. She begged the
12 Council not to do the same thing to Oceanus.

13
14 Shalene Kiser, owner of Oceanus, said she'd really appreciate the Council thinking about what was said
15 in the private and public sessions tonight, to take it to heart and look at the facts. She asked the Council
16 to really read and understand the documents that it has taken her three years to look through.

17
18 Mayor White addressed the people that spoke regarding the Oceanus issue. He said running people out
19 of town is the last thing the Council would want to do. He stated there is a meeting scheduled with the
20 owners of Oceanus and their attorney tomorrow at City Hall to try to resolve the issue as soon as
21 possible, even if an emergency Council meeting must be called.

22 23 VIII. UNFINISHED BUSINESS

24 A. Schedule Council Workshop Meeting – (TSC/Public Safety Commission)

25 The workshop meeting was scheduled for February 2, 2006 at 6:00 P.M.

26 27 IX. NEW BUSINESS

28 A. Proposed Amendments to the Comprehensive Plan, Zoning Ordinance, and Zoning Map 29 Relating to Uses and Standards: Question of Referral Back to Planning Commission vs 30 Proceeding with Ordinance Adoption Process

31 Bruce Silver, 430 SW Cardinal, reading from a prepared statement (copy attached to original of these
32 minutes), urged the Council to proceed with the ordinance adoption process as voted on at the November
33 22, 2005 City Council Special Meeting, and not send the "Matrix" back to the Planning Commission for
34 more input and review. He emphasized that the proposed amendments have been considered and
35 deliberated on extensively by both the Planning Commission and the Council, with ample opportunity
36 for public input through testimony; and noted that the adoption process allows for two additional
37 opportunities for public testimony, with further amendments allowable. One Councilor and one member
38 of the audience spoke in opposition to this, and one Councilor spoke in support. Planning Commissioner
39 Carol Connors requested that if the document should be sent to the Planning Commission, it be in a
40 format that they are able to review.

41
42 Motion 5: Cameron moved to send the Matrix back to the Planning Commission in a format for
43 comparative review. Taunton seconded the motion.

1 Mayor White said it was moved and seconded, and called for discussion. A Councilor clarified that the
2 format Connors would like to see is the document that was given to Staff to type up that shows the
3 proposed changes.

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5 Vote: Motion 5 failed.

6 Ayes: Cameron, Taunton, Romans

7 Noes: Alice Brown, White, Jack Brown, Lavery

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9 Mayor White said the adoption process will proceed.

10
11 B. Lincoln County Community and Economic Development Grant Program

12 This item was addressed under Item VI. (Copy of the Lincoln County Board of Commissioners News
13 Release dated 12/28/05 attached to original of these minutes.)

14
15 C. Oregon Coastal Resource Improvement (306A) Grant Program Project

16 McCarley read into the record a memo dated 1/12/06 from City Planner Larry Lewis (copy attached to
17 original of these minutes).

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19 Motion 6: Alice Brown moved to pursue the DLCD 306A grant for the Depoe Bay Park Acquisition
20 Project for an amount up to \$30,000. Lavery seconded the motion.

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

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24 Vote: Motion 6 passed.

25 Ayes: Cameron, Taunton, Alice Brown, White, Romans, Jack Brown, Lavery

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27 X. CORRESPONDENCE

28 There were three items of correspondence (copies attached to original of these minutes):

29 1) A letter from Fran Recht regarding Councilor Jack Brown's scheduled trip to Washington D.C.,
30 which McCarley read into the record. There was brief discussion regarding development of the harbor
31 area. 2) Commentary on proposed changes to the commercial zone from Roxanne and James Imbrie.

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33 XI. STAFF REPORT

34 McCarley had no report

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36 Owings reviewed his written report (copy attached to original of these minutes), providing updates on
37 the Hwy 101 Crosswalks, the Water Storage Project, Fuel Storage Project, and Pirate's Cove Sidewalk
38 Project; and informed everyone present that the fire department will be testing hydrants tomorrow, with
39 brown water expected in some areas of town as a result of the testing. Following up on the inquiry about
40 water at the intersection of Bay Street and Hwy 101 from the last meeting, he reported that the
41 intersection will be re-done in the near future (copy of memo to Lars Robison dated 1/10/06 attached to
42 original of these minutes).

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44 XII. COUNCIL COMMENTS

45 Alice Brown thanked the people who came to the meeting in support of Oceanus and their concerns, as
46 well as those who came to see how the Matrix would be addressed.

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2 Lavery 1) The Economic Business Development Committee still needs two members. 2) The
3 Downtown Refinement Plan committee needs a new coordinator, since the person who was doing that
4 has resigned. 3) Reminded the Mayor that an Executive Session needs to be held regarding an
5 employee. It was agreed to set an Executive Session for 6:00 P.M., prior to the February 7 Regular
6 Meeting. 4) February 12-18 is Child Passenger Safety Week.

7
8 Romans questioned the status of a draft wetland setback ordinance the Council had directed the City
9 Planner to develop several months ago. Mayor White advised Romans to speak with the Planner.

10
11 Taunton expressed interest in an automated phone dialing system to notify people of emergencies. A
12 Councilor responded that Lincoln County is exploring this. Taunton suggested the City might write a
13 letter to the Coast Guard regional office in Seattle, asking to be notified when Station Depoe Bay
14 determines there is danger requiring evacuation. Mayor White asked audience member Maryse McGuirk
15 to describe the workings of the Depoe Bay Emergency Preparedness Committee. McGuirk invited
16 Taunton to attend their next meeting.

17
18 Mayor White said the problem facing Oceanus has existed for a long time, and he will do what's best for
19 the community to work with Oceanus to resolve their problem as soon as possible, and that the Council
20 is prepared to do whatever it takes to work with the community on whatever issues arise.

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22 XIII. ADJOURN

23 There being no further business, the meeting was adjourned at 8:32 PM.

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Mayor James White

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Fox Dreamingtime, Recording Secretary