

1 Depoe Bay City Council
2 Regular Meeting
3 Tuesday, March 7, 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
8

9 ABSENT: M. Laverty
10

11 STAFF: City Recorder P. Murray, City Field Superintendent T. Owings, City Planner L. Lewis,
12 City Attorney P. Gintner
13
14

15 I. PLEDGE OF ALLEGIANCE

16 Mayor White called for all to stand for the Pledge of Allegiance.
17

18 II. CALL TO ORDER

19 Mayor White called the meeting to order and established a quorum at 7:00 PM.
20

21 III. APPROVE MINUTES: February 21, 2006 Regular Meeting
22

23 Motion 1: Alice Brown moved to accept the minutes of the February 21, 2006 Regular Meeting as
24 written. Cameron seconded the motion.
25

26 Mayor White said it was moved and seconded, and called for discussion. There was none.
27

28 Vote: Motion 1 passed.

29 Ayes: Cameron, Taunton, Alice Brown, White, Romans, Jack Brown
30

31 IV. ACCOUNTS PAYABLE

32 Motion 2: Romans moved to pay the accounts payable. Taunton seconded the motion.
33

34 Mayor White said it was moved and seconded, and called for discussion. There was none.
35

36 Vote: Motion 2 passed.

37 Ayes: Cameron, Taunton, White, Alice Brown, Romans, Jack Brown
38

39 V. SPECIAL ORDERS

40 A. Presentation: Diane Rodriguez – Relay for Life

41 Diane Rodriguez, 2955 NE 36th Dr. in Lincoln City, spoke to the Council about Relay for Life, a 24-hour
42 per day team event that raises money for the American Cancer Society. This year's event will take place
43 on July 8-9, with the theme of "Seuss at the Seashore". Ways to participate include being on a team,
44 sponsorship, or donating to the silent auction. They are also looking for food vendors. She can be
45 reached at 992-4778.
46

1 B. Bob Lee – Emergency Preparedness Report

2 Bob Lee reported the Emergency Preparedness Committee has put together a proposed Emergency
3 Operation Plan draft document for the Council’s review, and requested a workshop be scheduled with
4 the Committee and the Council to review the document in depth. A workshop was scheduled for
5 Thursday, April 6, 2006 at 7:00 P.M.
6

7 C. Interview Applicants for City Commissions and Committees

8 Kay Skaggs, Jim Hayes, Terry Wideman, Carol Connors, Bruce Silver, and Bill Spores were present to
9 tell about themselves and why they are interested in participating. (Copies of applications and resumes
10 attached to original of these minutes.)
11

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

13 Bill Spores, Economic Business Development Committee, reported the Committee requested the
14 Council expand the area “residential” committee members can be recruited from to equal the rural fire
15 district boundaries.
16

17 Loren Goddard reported 1) The Near Shore Action Team’s application for a Lincoln County
18 Community and Economic Development grant was unsuccessful. 2) There was no Harbor Commission
19 meeting last month due to lack of quorum.
20

21 VII. PUBLIC COMMENTS

22 Peggy Leoni, Chamber of Commerce, said Citizen of the Year awards are coming up on March 25 at the
23 Gleneden Beach Community Hall. This year’s theme is “Western Roundup”.
24

25 VIII. UNFINISHED BUSINESS

26 A. Fish Plant Lease Proposals

27 Motion 3: Romans moved to accept the fish plant lease proposal from Waldport Seafood Company as
28 discussed in Executive Session. Cameron seconded the motion.
29

30 Mayor White said it was moved and seconded, and called for discussion. There was none.
31

32 Vote: Motion 3 passed.

33 Ayes: Cameron, Taunton, Alice Brown, White, Romans, Jack Brown
34

35 IX. NEW BUSINESS

36 A. Appointments to Fill Vacancies/Expiring Terms on City Commissions and Committees
37 Ballots were filled out, signed, and handed in. Murray tallied the votes (copy of ballot attached to
38 original of these minutes) and announced the results. The vote to appoint Kay Skaggs to Economic
39 Business Development Committee Resident Member Position was unanimous. The vote to appoint Jim
40 Hayes to Parks Commission Position #1 was unanimous. The vote to appoint Terry Wideman to Traffic
41 Safety Commission Position #4 was unanimous. The vote to appoint Bill Spores to the Budget
42 Committee was unanimous. Councilors Taunton and Jack Brown voted to appoint Bruce Silver to the
43 Budget Committee; Councilors Cameron, Alice Brown, Romans, and Mayor White voted to appoint
44 Carol Connors to the Budget Committee. Spores and Connors, with the majority of votes, will fill the
45 two vacant seats on the Budget Committee.
46

1 Motion 4: Cameron moved to accept the tally of votes and appoint the applicants as tallied to their
2 respective positions. Alice Brown seconded the motion.

3
4 Mayor White said it was moved and seconded, and called for discussion. There was none.

5
6 Vote: Motion 4 passed.

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

8
9 B. Proposed Amendment to Murray, Smith, & Associates (MSA) Engineering Contract – Water
10 Improvement Project

11 Owings said the amendment (copy attached to original of these minutes) is in accordance with State of
12 Oregon Human Services Department requirements.

13
14 Motion 5: Alice Brown moved to approve the amendment to the MSA agreement. Taunton seconded the
15 motion.

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

18
19 Vote: Motion 5 passed.

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

21
22 C. Proposed Ord. #271 – An Ordinance Amending Ord. #69, the Comprehensive Plan, as amended;
23 Amending the Inventory Information, as amended, Amending Ord. #24, the Zoning Ordinance,
24 as amended; Enacting Provisions Requested a Result of Review of the Depoe Bay Zoning Code
25 by the City of Depoe Bay; and Declaring an Emergency

26 Murray reported that the proposed ordinance (copy attached to original of these minutes), which has
27 been commonly referred to as the “Matrix”, was drafted and presented, and made available to the public
28 for more than a week. She reviewed the ordinance adoption process.

29
30 Motion 6: Cameron moved to read proposed Ord. #271 by title only. Alice Brown seconded the motion.

31
32 Mayor White said it was moved and seconded, and called for discussion. There was none.

33
34 Vote: Motion 6 passed.

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

36
37 Murray performed the first reading of proposed Ord. #271 by title only, and noted that two written
38 comments were received and distributed: a letter dated 1/16/06 from James and Roxanne Imbrie and a
39 memo dated 3/7/06 from Robert and Dawn Aldridge. A third written comment dated 3/4/06 was
40 submitted and distributed just before tonight’s meeting by Peggy and Rick Leoni (copies attached to
41 original of these minutes). Murray called for questions or comments from members of the audience on
42 proposed Ord. #271.

43
44 Robert Thomas, 2402 Douglas St. in Newport, said he has submitted a conditional use application on his
45 Depoe Bay property in the L-I zone, but feared it could not be considered by the Planning Commission if
46 the proposed ordinance passed. Therefore, he requested an exemption for existing projects with

1 submitted applications. Lewis said two complete L-I conditional use applications have been received and
2 reviewed, and that current zoning codes apply to them. If the applications were denied, new applications
3 would need to be submitted, and these would need to comply with the zoning code current at the time of
4 submission.

5
6 Peggy Leoni, 355 SW Hwy 101, said that if Depoe Bay had 17 zones, that would be one zone for every
7 72.3 of its 1,230 residents, and would average out to one non-residential zone per every 4/10 mile within
8 city limits. She felt that the five commercial zones proposed are too many, that a lot of the proposed
9 changes are unfair and discriminatory, and establishing so many commercial zones is an attempt to
10 prohibit competition and stymie growth.

11
12 Carol Connors, 45 NE Summit Place, agreed that so many commercial zones are unnecessary. She noted
13 that there is nothing in the proposed changes that addresses adult book stores and adult entertainment,
14 and those businesses should be covered in the ordinance. She identified technical inconsistencies in the
15 proposed ordinance. She recommended that references to “drive-in” restaurants be changed to “drive-
16 thru”. References to ORS should be inserted in appropriate places. Retail stores/shops should not be
17 subordinate to resorts/hotels – they should be an outright use. Kindergarten is a public school and as
18 such should not be a conditional use. Questioned whether having a harbor promenade in the M-C zone
19 might create a need for retail other than marine-related, and why an office is a conditional use rather than
20 outright use. P-F zone uses should include fishing.

21
22 Dorinda Goddard, 15 SW Ellingson/223 SW Hwy 101, agreed that there are too many proposed
23 commercial zones in too small of an area. She felt there is no room for growth in the proposed changes,
24 and felt that the subject needs to be looked at again with an eye for allowing growth.

25
26 Jim Imbrie, 27005 SW Ladd Hill Rd. in Sherwood (owns 230 SW Coast), said if the proposed ordinance
27 were adopted he would no longer be able to use his property for short term rentals without a conditional
28 use permit. He felt the proposed changes would not encourage people to develop property on the south
29 side of town.

30
31 Bruce Silver, 420 SW Cardinal, said one commercial zone isn’t enough and some commercial activities
32 are inappropriate for the downtown core, such as a lumberyard. Recommended referencing ORS statute
33 language in certain areas. (Copy of his handout attached to original of these minutes.)

34
35 Dick Johnson, 1915 McDonald, said the four proposed commercial zones were arrived at through
36 research, and they are intended to utilize the unique nature of the town as similarly structured
37 commercial zones do in other towns.

38
39 Peter Fidley Fry, 2153 SW Maine in Portland, is a land-use planner who has submitted a non-
40 conforming use application in the L-I zone. He strongly supports not allowing residential uses in
41 industrial areas, but does not feel the L-I zoning of his property was appropriate. He advised that being a
42 non-conforming use is serious and he and the property owner are nervous at the prospect.

43
44 Valerie Sovern, 505 Lange Street, thanked all the people who have worked on the “Matrix” over the past
45 10 years. She was in favor of parking standards being relaxed in the C-1 zone, and the creation of

1 additional pedestrian-oriented activities in commercial areas. She was concerned whether adoption of
2 this proposed ordinance would result in Meas. #57 claims.

3
4 Rick Davilla, 35 South Point, would like to see the Council take more time to review the proposed
5 ordinance before making a final decision, because it will impact the community for a long time. He was
6 opposed to adoption of the proposed ordinance.

7
8 There were no further comments or testimony.

9
10 Motion 7: Romans moved to not adopt proposed Ord. #271. Cameron seconded the motion.

11
12 Mayor White said it was moved and seconded, and called for discussion. There was brief discussion by
13 Councilors voicing their concerns with adopting the proposed ordinance.

14
15 Vote: Motion 7 passed.

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

17
18 Motion 8: Alice Brown moved to continue the “Matrix’s” review process and address concerns
19 presented tonight. Jack Brown seconded the motion.

20
21 Mayor White said it was moved and seconded, and called for discussion. There was discussion regarding
22 whether or not to continue the review process, and if so, whether it should be done by the Council or the
23 Planning Commission.

24
25 Vote: Motion 8 failed.

26 Ayes: Alice Brown, Jack Brown

27 Noes: Cameron, Taunton, White, Romans

- 28
29 D. Proposed Ord. #272 – An Ordinance Amending Ord. #200, an Ordinance Establishing the Depoe
30 Bay Economic Business Development Committee; Revising Committee Membership and
31 Quorum Requirements; Adding a Requirement to Provide Reports to City Council; and
32 Declaring an Emergency.

33
34 Motion 9: Cameron moved to read proposed Ord. #272 by title only for the first and second readings.
35 Taunton seconded the motion.

36
37 Mayor White said it was moved and seconded, and called for discussion. There was none.

38
39 Vote: Motion 9 passed.

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

41
42 Murray performed the first reading of proposed Ord. #272 by title only and asked for questions or
43 comments. There were none.

44
45 Motion 10: Romans moved to adopt proposed Ord. #272 at the first reading. Cameron seconded the
46 motion.

1
2 Mayor White said it was moved and seconded, and called for discussion. There was none.

3
4 Vote: Motion 10 passed.

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

6
7 Murray performed the second reading of proposed Ord. #272 by title only and asked for questions or
8 comments. There were none.

9
10 Motion 11: Alice Brown moved to adopt proposed Ord. #272 at the second reading. Cameron seconded
11 the motion.

12
13 Mayor White said it was moved and seconded, and called for discussion. There was none.

14
15 Vote: Motion 11 passed.

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

17
18 X. CORRESPONDENCE

19 There were four items of correspondence (copies attached to original of these minutes): 1) A letter from
20 Larry Hardy regarding a property on Kent Street. 2) A letter of resignation from Harbor Commissioner
21 Dave deBelloy. 3) A letter from Larry Hardy regarding a tax base in Depoe Bay. 4) An email from
22 Lincoln County Commissioner Don Lindley regarding emergency preparedness, asking the City of
23 Depoe Bay to provide a support letter for their Federal appropriations request.

24
25 Motion 12: Taunton moved that the City provide a letter of support to the Lincoln County Board of
26 Commissioners for their Federal appropriations request for emergency preparedness. Cameron seconded
27 the motion.

28
29 Mayor White said it was moved and seconded, and called for discussion. There was none.

30
31 Vote: Motion 12 passed.

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

33
34 Motion 13: Cameron moved to accept deBelloy's resignation from the Harbor Commission and send
35 him a letter of appreciation. Alice Brown seconded the motion.

36
37 Mayor White said it was moved and seconded, and called for discussion. There was none.

38
39 Vote: Motion 13 passed.

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

41
42 XI. CITY STAFF REPORT

43 Murray reported that the cost estimate for Mayor White to attend the National Black Mayors Conference
44 in Memphis, TN April 26-30, 2006 is \$2,500. The estimate includes registration, air fare, and lodging.

1 Motion 14: Cameron moved to authorize \$2,500 for Mayor White to attend the National Black Mayors
2 Conference in Memphis, TN. Alice Brown seconded the motion.

3
4 Mayor White said it was moved and seconded, and called for discussion. A Councilor commented that a
5 lot of potholes could be fixed for that amount of money.

6
7 Vote: Motion 14 passed.

8 Ayes: Cameron, Taunton, Alice Brown, Jack Brown

9 Abstain: White, Romans

10

11 Owings reviewed his written report (copy attached to original of these minutes), providing updates on
12 the Harbor Fuel Project, Winchell Street Project, Pirate’s Cove Sidewalk Project, Water Improvement
13 Project, and City Hall improvements.

14

15 XII. COUNCIL COMMENTS

16 Alice Brown said she continually has supported the “Matrix” and smart growth, and hopes that the future
17 holds a smaller version of the “Matrix”.

18

19 Cameron thanked everyone who made comments to enlighten the Council on their feelings regarding
20 proposed Ord. #271.

21

22 Taunton said the Matrix had some good ideas, and perhaps the Planning Commission would look at it
23 again in the future. He also thanked Jack Brown and the other people who have been working toward
24 getting a harbor promenade.

25

26 Mayor White thanked the Planning Commission for their hard work on the Matrix. He also thanked the
27 Council for approving his trip to Memphis, saying it’s a good opportunity for networking, and he will
28 provide a report upon his return.

29

30 XIII. ADJOURN

31 There being no further business, the meeting was adjourned at 9:12 PM.

32

33

34

35

36

37

Mayor James White

38

39

40

Fox Dreamingtime, Recording Secretary

41