

1 Depoe Bay City Council  
2 Regular Meeting  
3 Tuesday, May 16, 2006 - 7:00 PM  
4 Depoe Bay City Hall  
5

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

7  
8 ABSENT: P. Cameron  
9

10 STAFF: City Field Superintendent T. Owings, City Recorder P. Murray, Recording Secretary  
11 F. Dreamingtime  
12

### 13 I. PLEDGE OF ALLEGIANCE

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

### 16 II. CALL TO ORDER

17 Mayor White called the meeting to order and established a quorum at 7:00 PM.  
18

### 19 III. APPROVE MINUTES: May 2, 2006 Regular Meeting 20

21 Motion 1: Lavery moved to accept the minutes of the May 2, 2006 Regular Meeting as written. Alice  
22 Brown seconded the motion.  
23

24 Mayor White said it was moved and seconded, and called for discussion. There was none.  
25

26 Vote: Motion 1 passed.

27 Ayes: Taunton, Alice Brown, White, Romans, Jack Brown, Lavery  
28

### 29 IV. ACCOUNTS PAYABLE

30 Motion 2: Romans moved to pay the accounts payable. Lavery seconded the motion.  
31

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

34 Vote: Motion 2 passed.

35 Ayes: Alice Brown, White, Romans, Jack Brown, Lavery  
36

37 Abstain: Taunton  
38

### 38 V. SPECIAL ORDERS

39 There were no special orders.  
40

### 41 VI. REPORTS OF OFFICERS, BOARDS, OR STANDING COMMITTEES

42 Bill Spores, Parks Commission Chairman, reported that the Parks Commission has been working on  
43 projects to put park land to more and better use. They are working on a trails project that includes  
44 "pocket parks" at the ends of some streets. The Chamber of Commerce has assisted with this by  
45 donating funds from the Salmon Bake and two park benches have been purchased with those funds.  
46 \$5,000 has been designated for the trails project and other parks improvements. He said that fellow

1 Parks Commissioner Valerie Sovern has done a lot of landscaping lately, and installation of a memorial  
2 anchor from the estate of Richard Taunton is underway at the Painter Building.

3  
4 Valerie Sovern, Parks Commissioner, addressed the Council regarding the Parks Commission's  
5 proposed Depoe Bay Scenic Walking Tour, and referred to handouts submitted at City Hall earlier today  
6 (copies attached to original of these minutes). She told the Council the Parks Commission would like to  
7 obtain a walking map similar to one the City of Salem has, toward encouraging visitors to walk around  
8 and enjoy the community. No funding was requested for the map, as it is anticipated that advertising  
9 revenues will cover the expense. Concerns were expressed regarding how much City Crew time would  
10 be necessary to maintain additional park areas, and whether the proposed trails would be ADA  
11 accessible, and potential trespass on private property adjacent to the proposed walking trails.

12  
13 Motion 3: Lavery moved that the Parks Commission come back to the Council with additional  
14 information, and that Staff consult the City's insurance company regarding liability issues. Taunton  
15 seconded the motion.

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

18  
19 Vote: Motion 3 passed.

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

21  
22 Murray asked for clarification on what additional information the Parks Commission should present to  
23 the Council: ADA access and maintenance requirements information in written form.

## 24 25 VII. PUBLIC COMMENTS

26 Peggy Leoni, Chamber of Commerce, said that at the last Chamber Board meeting it was unanimously  
27 voted to turn the "Welcome to Depoe Bay" signs over to the City, if the City wants to accept them. She  
28 asked for notification of when the Council is prepared to discuss the matter.

29  
30 Peggy Leoni, Trollers Lodge, expressed concern about encouraging people to be walking in residential  
31 neighborhoods where there is a lot of private property. She related an anecdote about unauthorized  
32 access to one of the rental properties she manages.

33  
34 Betty Langdon, 1635 Tintinnabulary, said that ADA accessibility isn't always feasible for walking trails  
35 due to tree roots, creeks, etc. Ms. Sovern responded that she would like for everything to be ADA  
36 compliant and will do everything she can to find grants and other funding to make the trails ADA  
37 accessible.

## 38 39 VIII. UNFINISHED BUISNESS

### 40 A. Millenium Digital Media Systems, LLC – Request for Assignment of Franchise to WaveDivision 41 Holdings, LLC

42 Murray said an ordinance would need to be adopted to move forward with reassignment of the franchise,  
43 and that the deadline for responding to the request is June 13. The current agreement with Millenium  
44 expires in 2011. It was the consensus of the Council that Staff draft a proposed ordinance to re-assign the  
45 franchise for consideration at the June 6, 2006 regular meeting..

1 B. Nuisance Complaint – 130 SW South Point Street

2 Joe Quercia, 870 Pine Avenue, told the Council he has been in contact with the property owner and has  
3 made an offer to buy the property. He said he intends to have the property cleaned up within a week or  
4 two of acquisition and then plans to build a new home on it. He expressed concern over the \$500 per day  
5 fine. Owings reviewed pictures of the property distributed to the Council earlier today (copies attached  
6 to Owings' Staff Report and filed with original of these minutes). He noted the areas of the property that  
7 have improved, as well as areas that are still in need of attention. There was discussion regarding the  
8 fine, and it was noted that any accrued charges would be the responsibility of the current property owner  
9 until such time as the property is sold.

10  
11 Motion 4: Lavery moved that the City Attorney send a letter to the property owner stating that he is  
12 being billed at \$500 per day effective May 3, 2006, until the property cleanup is complete, and that the  
13 City expects a payment on this debt as well as having the cleanup completed. Romans seconded the  
14 motion.

15  
16 Mayor White said it was moved and seconded, and called for discussion. There was none.

17  
18 Vote: Motion 4 passed.

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

20  
21 IX. NEW BUSINESS

22 A. Proposed Contract Renewal – Depoe Bay Chamber of Commerce

23 Murray noted that the only change in the proposed contract renewal (copy attached to original of these  
24 minutes) is the dates. Ms. Leoni summarized Chamber expenses and trends.

25  
26 Motion 5: Lavery moved to approve the agreement between the City of Depoe Bay and the Chamber of  
27 Commerce. Alice Brown seconded the motion.

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

30  
31 Vote: Motion 5 passed.

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

33  
34 B. Proposed Ord. #273 – An Ordinance amending Ord. #58 (Sign Ord.) as amended; Eliminating  
35 the Design Review Committee; Assigning Sign Application Review Duties to City Staff,  
36 Repealing Ord. #211 (An Ord. amending Ord. #58); and Declaring an Emergency

37 Murray summarized the proposed ordinance.

38  
39 Motion 6: Alice Brown moved to read proposed Ord. #273 by title only. Lavery seconded 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: Taunton, Alice Brown, White, Romans, Jack Brown, Lavery

1 Murray performed the first reading of the proposed ordinance by title only. A Councilor questioned the  
2 wording of the title, saying that it did not reflect the motion that had been made to assign permit review  
3 to the City Planner; Murray clarified by reading the associated section of the proposed ordinance.  
4

5 Motion 7: Lavery moved to adopt proposed Ord. #273 at the first reading. Taunton seconded the  
6 motion.  
7

8 Mayor White said it was moved and seconded, and called for discussion. A Councilor questioned what  
9 would happen should an existing sign become non-conforming. Murray explained there would not be  
10 restrictions on replacement of an existing sign. In response to another question, Murray said that an  
11 appeal on a sign permit decision would be handled the same as other non-land-use appeals.  
12

13 Vote: Motion 7 passed.

14 Ayes: Taunton, Alice Brown, White, Romans, Jack Brown, Lavery  
15

16 Murray performed the second reading of proposed Ord. #273 by title only.  
17

18 Motion 8: Lavery moved to adopt proposed Ord. #273 at the second reading. Taunton seconded the  
19 motion.  
20

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

23 Vote: Motion 8 passed.

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

26 Letters will be sent to Sign Committee members thanking them for their contribution.  
27

28 C. Proposed Res. #358 – A Resolution Authorizing a Loan from the Safe Drinking Water Loan  
29 Fund by Entering into a Loan Contract with the Oregon Economic and Community Development  
30 Department – Project #S06005 (\$1,602,000) City of Depoe Bay Water System Improvements  
31 Murray asked if there were any questions from the Council or the audience. There were none. She  
32 summarized the history of the Water Storage Project funding. The proposed loan is a 20 year loan with  
33 an interest rate of 3½%, and would require two Councilors (not the Mayor) to be on a signature card.  
34 Payments would be made every December 1.  
35

36 Motion 9: Lavery moved to adopt proposed Res. #358. Taunton seconded the motion.  
37

38 Mayor White said it was moved and seconded, and called for discussion. There was none.  
39

40 Vote: Motion 9 passed.

41 Ayes: Taunton, Alice Brown, White, Romans, Jack Brown, Lavery  
42

43 Motion 10: Taunton moved that Lavery and Romans be the signatories on the required loan signature  
44 card. Jack Brown seconded the motion.  
45

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

1  
2 Vote: Motion 10 passed.

3 Ayes: Taunton, Alice Brown, White, Romans, Jack Brown, Lavery  
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5 X. CORRESPONDENCE

6 There were two items of correspondence: 1) A letter dated May 11 from Monty and Brenda Roberts  
7 regarding a long term lease agreement for the dock at 234 SE Hwy 101. It was the consensus of the  
8 Council to not take any action on Roberts' letter at this time, but to have the City Attorney complete his  
9 review of port lease files. 2) A letter dated May 11 from Dan Arb regarding concerns about a vacation  
10 rental on NE Williams. Murray noted that Staff will be looking into Arb's concerns.  
11

12 XI. CITY STAFF REPORT

13 Owings reviewed his written report (copy attached to original of these minutes), providing updates on  
14 Harbor projects, the Water Storage Project, the Wastewater plant project, and the Winchell Street  
15 Project.  
16

17 Murray reported that 1) An appeal has been filed on a recent Planning Commission decision, and the  
18 City Council is the hearing body for the appeal. The public hearing on the appeal was scheduled for the  
19 June 6 regular Council meeting. 2) A special meeting needed to be scheduled regarding the Water  
20 Storage Project before June 5. The special meeting was scheduled for May 25. 3) It was the consensus  
21 of the Council to invite the City Attorney to the June 6 meeting.  
22

23 XII. COUNCIL COMMENTS

24 Alice Brown requested scheduling an agenda item to discuss business license fees and the business  
25 license ordinance. This item will be tentatively scheduled on the agenda for the first meeting in July.  
26

27 Lavery said there was an accident at the Albany DMV office, which caused the office to be closed.  
28

29 Romans said he resented the Mayor apologizing for him at the previous meeting, when he did not feel he  
30 had said anything that needed to be apologized for.  
31

32 Mayor White responded that he had apologized for the Council as a whole and not for one Councilor in  
33 particular. He again requested that all Councilors ensure they clarify when they are giving a personal  
34 opinion as opposed to speaking as a City official.  
35

36 XIII. ADJOURN

37 There being no further business, the meeting was adjourned at 9:26 PM.  
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41 \_\_\_\_\_  
42 Mayor James White  
43

44 \_\_\_\_\_  
Fox Dreamingtime, Recording Secretary