

1 Depoe Bay City Council
2 Regular Meeting
3 Tuesday, September 18, 2012 - 7:00 PM
4 Depoe Bay City Hall

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8 PRESENT: Mayor C. Connors, P. Cameron, S. Hoitink, B. Leff, T. Lewis, D. Zimmerman

9

10 ABSENT: D. Goddard

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12 STAFF: City Recorder P. Murray, City Superintendent T. Owings, Recording Secretary
13 E. LuMaye

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16 I. PLEDGE OF ALLEGIANCE

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

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19 II. CALL TO ORDER

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

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22 III. APPROVE MINUTES: September 4, 2012 Regular Meeting

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24 Motion 1: Leff moved to approve the minutes from the September 4, 2012 Regular Meeting. Lewis
25 seconded the motion.

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27 Mayor Connors said it was moved and seconded, and called for discussion.

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29 Vote: Motion 1 passed.

30 Ayes: Cameron, Hoitink, Leff, Connors, Lewis

31 Abstain: Zimmerman

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33 IV. ACCOUNTS PAYABLE

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35 Motion 2: Zimmerman moved to approve Accounts Payable as presented. Cameron seconded the
36 motion.

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

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40 Vote: Motion 2 passed.

41 Ayes: Cameron, Hoitink, Leff, Connors, Lewis, Zimmerman

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43 V. SPECIAL ORDERS

44 There were no special orders.

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

47 There were no reports.

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49 VII. PUBLIC COMMENTS

50 There were no public comments.

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52 VIII. UNFINISHED BUSINESS

53 A. Community Advisory Committee (CAC) for Transportation System Plan (TSP) Update Project

54 Murray said Pat Dunlop agreed to serve as business representative on the committee, and Bruce

55 Silver agreed to serve as resident representative. The Chamber of Commerce is still looking for a

1 volunteer. At last week's Planning Commission meeting, Roy Hageman and Peggy Leoni
2 volunteered to serve. With existing volunteers Jack O'Brien, Mayor Connors, and Councilor
3 Goddard, full membership has been achieved except for a Chamber of Commerce representative.

4
5 Motion 3: Cameron moved to appoint Carol Connors, Pat Dunlop, Dorinda Goddard, Roy Hageman,
6 Peggy Leoni, Jack O'Brien, and Bruce Silver to the CAC for the TSP Update Project. Leff seconded
7 the motion.

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9 Mayor Connors said it was moved and seconded, and called for discussion. There was none.

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11 Vote: Motion 3 passed.

12 Ayes: Cameron, Hoitink, Leff, Connors, Lewis, Zimmerman

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14 B. Noise Control

15 Murray reviewed the noise control documents that were distributed prior to the September 4
16 meeting, noting that discussion had been postponed to this meeting. A Councilor suggested that
17 without any way to enforce a noise ordinance, the City should stick with the "no music after 10 PM"
18 guideline on the Community Hall form. Another Councilor was of the opinion that a noise ordinance
19 should be adopted and see if there's a chance to enforce. The Council was in agreement that trying
20 to measure decibel levels was not a good idea. Mayor Connors said there had been problems in the
21 past with noise from a restaurant/bar, and wanted to move forward with establishing a noise
22 ordinance.

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24 Motion 4: Leff moved to direct Staff to prepare a draft noise ordinance based on the League of
25 Oregon Cities model ordinance, for presentation to the Council at the next meeting. Lewis
26 seconded the motion.

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

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30 Vote: Motion 4 passed.

31 Ayes: Cameron, Hoitink, Leff, Connors, Lewis, Zimmerman

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33 C. Proposed Ord. #292, Amending Harbor Ordinance – Review

34 Murray said the proposed ordinance was last discussed at the joint meeting with the Harbor
35 Commission on August 21. The Harbor Commission has met and finished reviewing the draft
36 ordinance and attorney's comments. The Council largely agreed with Harbor Commission-
37 recommended changes, as follows:

38
39 8.120 – Leave as is. One Harbor Commissioner wanted to allow recreational scuba diving. Staff was
40 directed to ask attorney about the legal and insurance requirements for recreational scuba diving.

41 9.030 – After much discussion, Council directed Staff to get clarification from the State Marine
42 Board (SMB) on whether charter boats are recreational, thus permitting them to use the SMB
43 facility for dumping of fish carcasses.

44 10.000 – Delete section.

45 10.020 – Leave as is.

46 11.020 – Delete "or a potential fire or safety hazard" at the end of the opening sentence.

47 11.030 – Replace the word "container" with "waste petroleum recycling facility", change to say
48 "waters within the boundaries of the City" and delete "except in containers so designated by the
49 City".

50 11.050 – Add "as allowed by law".

51 11.060 – Delete section.

52 11.090 - b. Change to "that fails to meet".

53 c. Leave as is.

54 12.030 – Leave as is.

55 12.050 – Add "Marine three-wire plug and 3/12 cord".

- 1 13.030 – Add “as required by State or Federal law”.
2 13.060 – Leave as is, with attorney comments.
3 13.070 – Change “Harbor Commission” to “City Council”.
4 a. replace “hardship case” with “transfer under this provision”.
5 e. add “City business license”.
6 13.090 – Remove requirement of “10 day prior notice to the City”. Staff was directed to do further
7 research on 10-day notice of insurance cancellation.
8 13.130 – Add “5 business days to appeal”, and add “appeal is *de novo*, (case by case)”
9 13.140 – Leave as is, with attorney revision,
10 14.010 – (c)(1.) Remove “10 day prior notice”. As with 13.090, Staff was directed to do further
11 research on 10-day insurance cancellation notice.
12 (2.) Re-word to be clearer.
13 15.020 – Leave as is.
14 15.030 – Add the word “fees”.
15 15.040 – a. Leave as is.
16 b. Add the word “deposit”.
17 15.040 – b. Re-word to say “flat fee”.
18 15.060 – a. Leave as is.
19 15.080 – Limit to two consecutive extension petitions.
20 16.010 – Re-word entire section with attorney’s assistance.
21 16.020 – Re-word entire section with attorney’s assistance.
22 Indemnification – To be re-worded by City Council and attorney.

23
24 Staff will research and work with City Attorney as directed, and bring back an updated draft at the
25 second Council meeting in October. Mayor Connors expressed her gratitude to the Harbor
26 Commission for the work they’ve done on this. (Copy of draft ordinance attached to original of
27 these minutes.)
28

29 IX. NEW BUSINESS

30 A. North Lincoln Sanitary Service Annual Rate Review Report

31 Murray said no changes were asked for this year, and the report was presented in accordance with
32 the City’s agreement with North Lincoln Sanitary.
33

34 X. CORRESPONDENCE

35 There was no correspondence.
36

37 XI. CITY STAFF REPORT

38 Owings reviewed his written report (copy attached to original of these minutes), providing updates
39 on Ludson Lane improvements, the City Park Nature Trail expansion, and Hwy 101 bulbouts. He
40 said the bulbouts issue has been passed to District 4 Manager Joe Squire, but no decision has been
41 made. He asked if the Council wanted to write a letter to Mr. Squire or to Matt Garrett.
42

43 Murray reported 1) The joint workshop between the Council, Harbor Commission, Planning
44 Commission, and Parks Commission for reviewing the harbor survey boundaries is coming up on
45 October 17 at 5:30 PM. 2) The hearing for the speed zone study results challenge will be some
46 time in October. 3) The bond refinancing is moving ahead. Mayor Connors said the proposed
47 interest rates will save the City over half a million dollars in interest.
48

49 XII. COUNCIL COMMENTS

50 Leff 1) Announced Gracie Strom’s husband died, and Lee Bowman had a heart attack and is in the
51 hospital in Corvallis. 2) Asked if Bob Pailthorp has been thanked for the wonderful water report he
52 provides; it was agreed to send a thank you letter to Bob from the Council.
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54 Zimmerman commented that he lived on Ludson Street many years, but it didn’t get improved till
55 he moved.

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Hoitink said the spouting horn plate needs attention, as it's difficult to read.

Mayor Connors 1) The October 16 Council meeting is the same night as Candidates' Night, and asked the Council if they wanted to change the meeting date. The meeting was rescheduled for Monday, October 22. 2) She is concerned that City Hall is still without a flag, and said to get the pole fixed or buy a new one. 3) Said a newsletter needs to go out. Councilor Leff said she's feeling better now and will get one pulled together. She requested email input for articles within 48 hours. 4) Said Newport's franchise fees include money for undergrounding utilities, and that Depoe Bay should include that when our franchise agreements are updated. Murray will check with the City Attorney to see where that project is at.

XIII. ADJOURN

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

Carol Connors, Mayor

Emma LuMaye, Recording Secretary