

1 Depoe Bay City Council
2 Regular Meeting
3 Tuesday, November 1, 2016 - 7:00 PM
4 Depoe Bay City Hall

5
6 PRESENT: President R. Gambino, C. Bates, J. Fisher-Brown, J. Grant, J. Rustenhoven, J. Wiseman

7
8 ABSENT: Mayor A.J. Mattila

9
10 STAFF: City Recorder P. Murray, City Superintendent B. Weidner, Recording Secretary
11 E. LuMaye, City Planner L. Lewis

12
13 I. PLEDGE OF ALLEGIANCE

14 President Gambino called for all to stand for the Pledge of Allegiance.

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16 II. CALL TO ORDER

17 President Gambino said the Mayor was under the weather and sent his apologies. He called the meeting
18 to order at 7:00 PM and established a quorum.

19
20 III. APPROVE MINUTES: October 18, 2016 Regular Meeting and Executive Session

21 Motion 1: Wiseman moved to approve the notes of the Depoe Bay City Council meetings of Tuesday,
22 October 18, 2016, as presented. Bates seconded the motion.

23
24 President Gambino said it was moved and seconded, and called for the question.

25
26 Vote: Motion 1 passed.

27 Ayes: Bates, Fisher-Brown, Gambino, Grant, Rustenhoven, Wiseman

28
29 IV. ACCOUNTS PAYABLE

30 President Gambino said he reviewed the Accounts Payable and showed them to Wiseman. Some
31 Councilors said they had not received a copy.

32
33 Motion 2: Wiseman moved to recommend approving Accounts Payable as presented. Bates seconded
34 the motion.

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36 President Gambino said it was moved and seconded, and called for discussion. There was none.

37
38 Vote: Motion 2 passed.

39 Ayes: Bates, Fisher-Brown, Gambino, Grant, Wiseman

40 Abstain: Rustenhoven

41
42 V. SPECIAL ORDERS

43 There were no Special Orders.

44
45 VI. REPORTS OF OFFICERS, BOARDS, OR STANDING COMMITTEES

46 Fisher-Brown reported the personnel subcommittee met yesterday. They reviewed Murray's job
47 description with her, and decided to go forward with the present job description; there were also a few
48 projects Murray would like to see addressed, which should be on a future Council Agenda. They had
49 Murray send out a memo to City employees letting them know the position is coming open, and asking

1 if they have any interest in the position. They decided to advertise locally in the Lincoln City and
2 Newport newspapers, The Oregonian, and on the City's website. They did not want to open it up to a
3 national level to avoid having the cost of bringing someone in from out of state who would not be
4 familiar with the local area. She said it was likely that due to the timing and the holidays coming up, that
5 Murray would likely be retired before a replacement is found. She said if qualified, viable applicants are
6 found we should be able to get someone hired by early February or late January. Wiseman added that
7 any employees interested in the position have been asked to contact him by Friday; if there is any
8 interest, he will give them a timeline for submitting résumés. Grant wanted to see this move forward
9 with a call for résumés, to include City Staff. Fisher-Brown said the advertisements should run a
10 minimum of two weeks, although she would prefer a month; and said the process would be delayed by
11 the holidays. Grant said the year is waning, the time is short, and Murray's last day will be January 6; he
12 encouraged the Council to take action to advertise the position at this meeting so that the Council would
13 have something to look at before the first of the year.

14
15 Motion 3: Fisher-Brown moved to authorize funding for advertising for a City Recorder position as was
16 discussed in the subcommittee meeting yesterday afternoon with Murray. Grant asked for a dollar
17 amount. Murray was asked about advertising costs.

18
19 Amendment: Fisher-Brown amended her motion to state that we authorize an amount up to but not
20 exceeding \$500 for advertising for the City Recorder position. Wiseman seconded the amendment.

21
22 President Gambino called for discussion. Grant said for such an important position, we should find a
23 publication we really want to be in, and spend up to \$1,000.

24
25 Amendment 2: Fisher-Brown amended her motion to authorize up to \$1,000. There was brief discussion.
26 Wiseman seconded the amendment.

27
28 President Gambino called for the question.

29
30 Vote: Motion 3, as amended, passed.

31 Ayes: Bates, Fisher-Brown, Gambino, Grant, Rustenhoven, Wiseman

32 33 VII. PUBLIC COMMENTS

34 Rich Caitlin and Chris van der Velde came forward to speak about proposed Ord. #310. After discussion
35 they were directed to wait until that Agenda item.

36 37 VIII. UNFINISHED BUSINESS

38 A. LED Light in Harbor

39 Weidner reported he has been researching this. The light was replaced in September with a new fixture.
40 He still needs to meet with PUD's engineer to try to get a shield put in place.

41 42 B. Parking Lot – Rich and Val Allyn Correspondence

43 Murray asked the Council how they would like to respond to the Allyn's letter dated October 31 (copy
44 attached to original of these minutes). Valerie Allyn, Depoe Bay, came to the podium. Grant explained
45 the City was out of Budget for this kind of purchase until next fiscal year, but the offer would be
46 seriously considered at the next Budget. Fisher-Brown said the Council was constrained because this
47 offer wasn't on the radar during the last Budget. She said the Council would have to re-open the Budget
48 in order to be able to accommodate the Allyn's offer, and that is a massive undertaking. President
49 Gambino said the Council could show interest in the form of a motion directing Staff to proceed with

1 whatever papers would be needed to show intent to go along with this very nice offer. Grant did not
2 want to commit the Council to anything at this time.

3
4 Motion 4: Grant moved to reply in a letter to the Allyns, thanking them for the letter and thanking them
5 for leasing the lot, and we're going to seriously consider in our next budgetary period looking to come to
6 an agreement to acquire the lots. Wiseman seconded the motion.

7
8 Vote: Motion 4 passed.

9 Ayes: Bates, Fisher-Brown, Gambino, Grant, Rustenhoven, Wiseman

10
11 IX. NEW BUSINESS

12 A. Oregon Liquor License Application – Inn at Arch Rock

13 Terry Montagna, new General Manager at 70 NW Sunset, was present to answer questions about the
14 application. She indicated the request is to sell bottles of wine in the gift shop, and that no wine would
15 be consumed in the sales area.

16
17 Motion 5: Fisher-Brown moved to recommend to approve the Inn at Arch Rock liquor license
18 application, as submitted. Wiseman seconded the motion.

19
20 President Gambino said it was moved and seconded, and called for discussion. There was none.

21
22 Vote: Motion 5 passed.

23 Ayes: Bates, Fisher-Brown, Gambino, Grant, Rustenhoven, Wiseman

24
25 B. Proposed Ordinance #310 – An Ordinance Amending Ordinance #24 (Zoning Ordinance), as
26 Amended; Amending Section 3.410 Planned Development (PD), Enacting Provision Requested
27 as Result of Review of the Depoe Bay Zoning Ordinance by the City of Depoe Bay; and
28 Declaring an Emergency

29 Murray noted that written comments on the proposed Ordinance have been received from Chris van der
30 Velde (correspondence at October 18, 2016 Regular Council meeting), Fran Recht, and Patricia Neal
31 (copies attached to original of these minutes), all of whom were present. She asked the Council to
32 consider a motion to read the proposed Ordinance by title only at the first and second readings.

33
34 Motion 6: Grant made that motion. Fisher-Brown seconded.

35
36 President Gambino said it was moved and seconded, and called for discussion. There was none.

37
38 Vote: Motion 6 passed.

39 Ayes: Bates, Fisher-Brown, Gambino, Grant, Rustenhoven, Wiseman

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41 Murray performed the first reading of proposed Ordinance #310 by title only, and called for questions or
42 comments from the audience.

43
44 Rich Catlin, 424 Montgomery Street SE, Albany and Chris van der Velde, 19472 Stafford Loop, Bend
45 addressed the Council saying they are not asking for any wording change to the proposed Ordinance but
46 have questions regarding 1) interpretation of Exhibit A of the proposed Ordinance, Page 2, General
47 Requirements – would the 15% allotted for Tourist Accommodations (TA) be applied to the gross area
48 or each phase? Lewis said 15% of the total land area, which could be 15% per phase as long as it is
49 contiguous. 2) Exhibit A Page 4, Item f. – could the 15% TA allotment be modified per this Item?

1 Lewis said no. 3) Asked about the process for a variance, exception, or modification. Lewis explained
2 an applicant would need to show a hardship for a variance, could apply for a zone change, or a limited
3 land use overlay.

4

5 Fran Recht, P.O. Box 221, Depoe Bay, said she submitted written testimony yesterday. She said she
6 became increasingly uncomfortable listening to the previous testimony, and the gentlemen were looking
7 for loopholes to increase the proposed 15% allotment for TAs. She said she was part of the public
8 process, as was the Council and the Planning Commission. She said there was a lot of public input; it
9 was a good public process, and the public needs to trust that process. She clarified that the proposed
10 Ordinance doesn't apply only to that property, but to all Planned Development properties to which it is
11 subject, and asked the Council to uphold the trust of the people and the Ordinance.

12

13 Patricia Neal, 1075 Walking Wood, Depoe Bay, said she felt the word "contiguous" was very, very
14 important to remain in the Ordinance and be honored. She thought anything over 15% was too hard to
15 handle.

16

17 John O'Brien, 270 Bensell Avenue, Depoe Bay, agreed that the proposed Ordinance as written is how it
18 should remain. He said it covers everybody, not just one development. He agreed with the 15% and
19 encouraged the Council to keep the Ordinance as written.

20

21 Roy Hageman, 325 SW Coast Avenue, Depoe Bay, said getting through the process was arduous. A lot
22 of testimony was received, including lots of letters from absentee property owners. He said we've seen
23 the hornet's nest of nightly rentals, and the last thing we want is to become like one of our neighboring
24 cities that are having serious problems with them. He lives in the overlay zone that allows TAs, and
25 parking, noise, and trash are always a problem.

26

27 Murray called for further comments or questions. There were none. She asked for a motion to adopt at
28 first reading.

29

30 Motion 7: Fisher-Brown moved that we adopt the Ordinance on first reading. Wiseman seconded the
31 motion.

32

33 President Gambino called for further discussion. There was brief discussion.

34

35 Vote: Motion 7 passed.

36 Ayes: Bates, Fisher-Brown, Gambino, Grant, Rustenhoven, Wiseman

37

38 Murray said because the vote to adopt was unanimous, it was at the Council's discretion whether to
39 proceed with the second reading tonight.

40

41 Motion 8: Wiseman moved to proceed with the second reading tonight. Fisher-Brown seconded the
42 motion.

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44 President Gambino said it was moved and seconded, and called for further discussion. There was none.

45

46 Vote: Motion 8 passed.

47 Ayes: Bates, Fisher-Brown, Gambino, Grant, Rustenhoven, Wiseman

48

1 Murray performed the second reading of proposed Ord. #310 by title only, and called for questions or
2 comments from the audience. There were none. She re-stated that there were three written items of
3 correspondence related to this Ordinance.

4
5 Motion 9: Wiseman moved that we adopt Ordinance #310 as is on the second reading. Fisher-Brown
6 seconded the motion.

7
8 President Gambino said it was moved and seconded, and called for discussion. There was none.

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10 Vote: Motion 9 passed.

11 Ayes: Bates, Fisher-Brown, Gambino, Grant, Rustenhoven, Wiseman

12 13 X. CORRESPONDENCE

14 There were two items of Correspondence (copies attached to original of these minutes): 1) A letter from
15 ODOT informing Weidner that the City's 2017 Special City Allotment Grant application was approved
16 and work can begin after January 1. 2) A letter from Elaine Elkin expressing a concern about customers
17 of the new medical marijuana dispensary potentially parking on her property. Murray said she spoke
18 with the dispensary manager, who offered to advise his customers to use public parking. There was
19 discussion regarding a rumor about someone living in the dispensary building, and the business license
20 approval and appeal process. Murray reported the dispensary manager said people were living there
21 during construction, but are not and will not be living there. She said at this point, a written complaint
22 would need to be filed if someone is suspected of living on site.

23 24 XI. CITY STAFF REPORT

25 Murray had no report.

26
27 Weidner 1) The Channel House owner wants all the brick pavers in the walkway in front of the building
28 to be replaced at the same time, rather than only the 10-foot-wide center section that was removed for
29 the water main replacement. This was not included in the RFP. The Channel House owner said he has
30 already lost business due to the aesthetics of the Coast Avenue project. He said there is a utility
31 easement but not a right of way. Devils Lake Rock got a quote from a mason for \$7,080 for the City's
32 portion, which is the outer edges and saw-cutting the asphalt.

33
34 Motion 10: Grant moved that we comply with the owner's request and the method of how he wants it
35 done. Fisher-Brown seconded the motion.

36
37 President Gambino said it was moved and seconded, and called for discussion. There was brief
38 discussion.

39
40 Vote: Motion 10 passed.

41 Ayes: Bates, Fisher-Brown, Gambino, Grant, Rustenhoven, Wiseman

42
43 Weidner will contact Devils Lake Rock tomorrow, and they will take care of it. He continued his Staff
44 Report: 2) Sewer lines on South Point, north Little Whale Cove, and Coast Avenue are being TV'd in
45 search of I&I (inflow and infiltration), and if there are any needed repairs they will be done in the
46 spring.

47 48 XII. COUNCIL COMMENTS

49 Wiseman said voting is almost over, so get your ballots in.

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President Gambino thanked everyone for showing up.

XIII. ADJOURN

There being no further business, the meeting was adjourned at 8:49 PM.

Robert Gambino, Council President

Emma LuMaye, Recording Secretary