

1 Depoe Bay City Council
2 Regular Meeting
3 Tuesday, July 5, 2017 - 7:00 PM
4 Depoe Bay City Hall

5
6

7 PRESENT: Mayor B. Leff, C. Bates, D. Callender, R. Gambino, L. Goddard, J. Grant, J. Wiseman

8

9 STAFF: City Superintendent B. Weidner, Recording Secretary E. LuMaye, City Planner L. Lewis,
10 City Attorney P. Gintner

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12

13 I. PLEDGE OF ALLEGIANCE

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

15

16 II. CALL TO ORDER

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

18

19 III. APPROVE MINUTES: June 20, 2017 Regular Meeting

20 Motion 1: Wiseman moved to approve the June 20, 2017 Depoe Bay City Council and Executive
21 Session minutes. Bates seconded the motion.

22

23 Mayor Leff said it was moved and seconded and called for discussion. There was none.

24

25 Vote: Motion 1 passed.

26 Ayes: Bates, Callender, Gambino, Goddard, Grant, Leff, Wiseman

27

28 IV. ACCOUNTS PAYABLE

29 Motion 2: Gambino moved to approve Accounts Payable as presented. Wiseman seconded the motion.

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

32

33 Vote: Motion 2 passed.

34 Ayes: Bates, Callender, Gambino, Goddard, Grant, Leff, Wiseman

35

36 V. SPECIAL ORDERS

37 A. Interview/Appoint Applicants for City Commissions and Committees

38 Planning Commission applicant Michael Phillips was present and came forward to tell about himself and
39 why he was interested in participating, and answered questions from Councilors regarding his
40 qualifications and applications.

41

42 Ballots were filled out, signed, and handed in. LuMaye tallied the votes (copy of ballot attached to
43 original of these minutes) and announced the results. The vote to appoint Phillips to the Planning
44 Commission was unanimous.

45

46 Motion 3: Gambino moved to accept the canvass of votes and appoint Michael Phillips to Planning
47 Commission Position #2. Callender seconded the motion.

48

49 Mayor Leff said it was moved and seconded, and called for discussion. There was none.

1
2 Vote: Motion 3 passed.

3 Ayes: Bates, Callender, Gambino, Goddard, Grant, Leff, Wiseman
4

5 B. Public Hearing: Tent Camping in City Parks

6 Mayor Leff opened the public hearing and called for public testimony on the subject of tent camping in
7 City Parks during the solar eclipse. Lee Kosby, 282 NE Sea Star Drive, encouraged the Council to
8 charge a fee if tent camping is allowed; when asked whether he felt the City should allow camping, he
9 said his opinion was they were going to be there no matter what, so why not get money for it. Cathy
10 Neylon, 235 SE Anchor Avenue, spoke in opposition to allowing tent camping with a focus on fire
11 hazards, and submitted written testimony (copy attached to original of these minutes). Michael
12 Ginsberg, Bradford Street, spoke for himself and the people he lives with; he questioned enforcement,
13 and spoke in opposition to allowing tent camping. Mayor Leff called for further testimony; there was
14 none. LuMaye read written testimony from Lindsay Bedingfield, Pamela Martinelli, Mel and Cathy
15 Neylon, and Valerie Sovern, received prior to the meeting, into the record (copies attached to original of
16 these minutes). Mayor Leff called for further testimony. Mel Neylon spoke regarding his concerns over
17 enforcement. Mayor Leff called for further testimony. There was none; she called for Councilor
18 comments. Goddard said he had been approached by several citizens who were against allowing tent
19 camping. Callender said her neighbors were also concerned about fire hazards and noise. Mayor Leff
20 asked City Attorney Gintner if it was legal to charge a fee; Gintner said you can cover your expenses,
21 but the Charter would have to be consulted if the City wanted to make a profit. Mayor Leff called for
22 further testimony; there was none. She declared the public hearing closed.
23

24 C. Public Hearing – Sign Ordinance Text Amendments

25 Mayor Leff opened the public hearing. Lewis summarized the proposed text amendments (copy attached
26 to original of these minutes), and said they would be incorporated into the zoning code. Mayor Leff
27 called for public testimony. Callender asked whether existing signs would be grandfathered in; Lewis
28 responded that any sign lawfully existing or lawfully permitted and constructed prior to the adoption of
29 the Text Amendments would be considered a lawful, conforming sign and could remain. He added that
30 there are a lot of existing signs that are not permitted or have been in existence that were not in
31 conformance with the existing Sign Ordinance, and those would not be grandfathered. Roy Hageman,
32 325 SW Coast Avenue, said he was in favor of the Text Amendments, and that it had been well vetted
33 through public outreach. He said the Planning Commission wants to put it into the Zoning Ordinance so
34 there's a standardized, documented way to appeal. Lewis said there were three written and/or oral
35 comments received, and summarized the testimony. He said his personal opinion on prohibiting murals
36 on buildings was that advertising can be controlled, and that murals are usually tasteful. Hageman said
37 that cities that allow murals typically have a review committee for them, and that variances are always
38 possible. Mayor Leff called for further testimony; there was none. She declared the public hearing
39 closed.
40

41 VI. REPORTS OF OFFICERS, BOARDS OR STANDING COMMITTEES

42 A. August 21 Solar Eclipse Planning Committee

43 An unidentified speaker said the Committee decided at their last meeting to hold a town hall meeting at
44 the Community Hall on July 20.
45

46 VII. PUBLIC COMMENTS

47 Lee Kosby, President of the Homeowners Association for View of the Bay, expressed the association's
48 concerns regarding the eclipse. There was discussion regarding residents taking care of themselves and
49 their properties, and being prepared.

1
2 Jim White 1) Said he learned during his 27 years as a law enforcement officer, that about three percent
3 of people are troublemakers, and three percent of a large number of visitors expected during the eclipse
4 would be a lot of people. 2) He asked if the Council had gone back to the State Parks to find out about
5 getting the July 3 fireworks back, saying the economic impact of losing the fireworks was great and he
6 would like to see if they can be restored. There was discussion.

7
8 Motion 4: Mayor Leff recommended that we have a committee of Grant, Gambino, and White to work
9 on a plan for getting the fireworks back. Goddard seconded the recommendation.

10
11 Discussion: Goddard said the situation originally came up because of a single complaint. There was
12 brief discussion.

13
14 Vote: Motion 4 passed.
15 Ayes: Bates, Callender, Gambino, Goddard, Grant, Leff, Wiseman

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17 VIII. UNFINISHED BUSINESS

18 A. Proposed Ordinance #313 – An Ordinance Amending #22, as Amended, Increasing the Transient
19 Room/Occupancy Tax from Eight Percent (8%) to Nine and One Half Percent (9.5%); and
20 Declaring an Emergency (Second Reading)

21 Mayor Leff called for questions on the proposed Ordinance. There was brief discussion regarding the
22 passage that was of concern at the first reading; Gintner explained it applied to Transient Occupancy
23 Tax only, and the only difference in the proposed Ordinance was the 1.5% increase. Callender
24 acknowledged there was written testimony received from Chris Walson at Keystone Vacation Rentals.
25 Mayor Leff called for further testimony; there was none.

26
27 Motion 5: Grant moved to read the Ordinance by title only. Gambino seconded the motion.

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

30
31 Vote: Motion 5 passed.
32 Ayes: Bates, Callender, Gambino, Goddard, Grant, Leff, Wiseman

33
34 Mayor Leff read proposed Ordinance #313 by title only, and called for a motion to adopt.

35
36 Motion 6: Gambino moved that we, at this second reading, adopt Ordinance 313. Goddard seconded the
37 motion.

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

40
41 Vote: Motion 6 passed.
42 Ayes: Bates, Callender, Gambino, Goddard, Grant, Leff, Wiseman

43
44 B. Request to Continue Use of City Hall Parking Lot – Janet K. Shields

45 Callender summarized the reason behind the request, and said that it would be nice if the City could as a
46 courtesy continue to allow the nurse to park in the City Hall lot so she wouldn't have to go to Newport.
47 Mayor Leff said that the CIS attorney had questioned why Ms. Shield's employer doesn't provide a
48 solution and it shouldn't be the City's problem, but it should be fine as long as there was no chance a
49 City employee could damage her vehicle. There was discussion, during which Weidner said there had

1 been a couple of close calls, that long trailers maneuver in the lot, which becomes congested, and work
2 has been impacted on occasion when the car was in the way.

3
4 Motion 7: Gambino moved that we allow Janet Shields to continue to park her vehicle in the parking lot
5 for a maximum of 30 days, and we notify her she'll need to find another governmental place. Wiseman
6 seconded the motion. Wiseman seconded the motion.

7
8 Mayor Leff said it was moved and seconded, and called for discussion. There was discussion about
9 when the 30 days would start, with no objection heard to 30 days upon notice. There was no objection to
10 a suggestion to include a statement that we are sorry and appreciate her service as well as the service
11 that she is providing to veterans.

12
13 Vote: Motion 7 passed.

14 Ayes: Bates, Gambino, Goddard, Grant, Leff, Wiseman

15 Noes: Callender

16
17 C. Williams Avenue – Street Signs

18 Weidner reported he ordered a Yield sign to post in the southbound lane of Williams Avenue just before
19 the road narrows to one lane. There was brief discussion regarding people parking in that area, which
20 further restricts visibility; Weidner said there is no parking allowed all along Williams Avenue, and that
21 more signage is needed.

22
23 IX. NEW BUSINESS

24 A. Oregon Mayors Association Summer Conference – July 27-29, 2017, Lebanon

25 Mayor Leff said she would be unable to attend, and hoped that Gambino would attend in her place.
26 LuMaye said registration was \$275, and mileage would be \$85.60 for a total of \$360.60, plus meals and
27 lodging.

28
29 Motion 8: Grant moved for the City to sponsor Gambino in a trip to the Mayors conference in Lebanon
30 to the tune of \$400 plus a room not to exceed \$300 for two nights. Bates seconded the motion.

31
32 Mayor Leff said it was moved and seconded, and called for discussion. Callender said he should wear
33 that shirt.

34
35 Vote: Motion 8 passed.

36 Ayes: Bates, Callender, Gambino, Goddard, Grant, Leff, Wiseman

37
38 B. State Marine Board 2017-18 Maintenance Assistance Program (MAP) Grant

39 Weidner said this grant is for funding the City gets from the State Marine Board (SMB) for maintenance
40 of the boat launch, fish cleaning station, restrooms, and the parking lot on the south side of the harbor.
41 He said there is always discussion about raising the launch fees, but that would cause a reduction in the
42 MAP funding. There was discussion. Weidner will do a written analysis of what the reduction would be
43 if the fees were to be increased. Goddard felt it would be appropriate for the City to approach the SMB
44 regarding raising the launch fees because they have not increased from \$2 since the program was begun
45 in the late 80s or early 90s, and he offered to take the lead in this. It was noted that the SMB wanted to
46 know whether the City intended to renew the contract by July 1. Weidner will provide his written
47 analysis at the next meeting, and Goddard will approach the SMB about increasing the launch fees
48 without losing a percentage of the MAP money, as well as getting the amount of the grant increased.

1 C. Transient Lodging Tax Amendments – House Bill 2064

2 LuMaye said this was before the Council because the League of Oregon Cities is encouraging cities to
3 email or call to support the Bill, which will amend the definition of “transient lodging intermediary” to
4 ensure businesses like AirBnB and Expedia are required to collect and pay transient room taxes and file
5 returns. She said that currently there is no such requirement, and so cities must track these companies
6 down and try to get them to comply, and the Bill would mandate their compliance. (Copy of email dated
7 6/15/17 from Wendy Johnson at League of Oregon Cities attached to original of these minutes.)
8

9 Motion 9: Gambino moved to authorize the Mayor to write a letter of support. Goddard seconded the
10 motion.

11
12 Mayor Leff said it was moved and seconded, and called for comments. There were none.

13
14 Vote: Motion 9 passed.

15 Ayes: Bates, Callender, Gambino, Goddard, Grant, Leff, Wiseman
16

17 X. CORRESPONDENCE

18 There were six number of items of correspondence (copies attached to original of these minutes): 1) A
19 letter from James Pedersen requesting more time to pay his moorage. There was brief discussion.
20

21 Motion 10: Callender moved that the City allow James Pederson of the *Triumph* boat to pay his moorage
22 not more than 60 days late. Grant seconded the motion.
23

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

26 Vote: Motion 10 passed.

27 Ayes: Bates, Callender, Gambino, Grant, Leff, Wiseman

28 Abstain: Goddard
29

30 Correspondence, continued:

31 2) An email from Kathy Wyatt at the News-Times inquiring if the City wanted to advertise in the annual
32 “Coast Guard Appreciation” pages in the July 19 edition.
33

34 Motion 11: Wiseman moved to go ahead and place the ad, not to exceed \$200. Goddard seconded the
35 motion.
36

37 Mayor Leff said it was moved and seconded, and called for discussion. Goddard requested the ad reflect
38 the City was in support of of our hometown “Hole in the Wall Gang”; there was no objection.
39

40 Vote: Motion 11 passed.

41 Ayes: Bates, Callender, Gambino, Goddard, Grant, Leff, Wiseman
42

43 Correspondence, continued:

44 3) An email from the State of Oregon announcing the first quarterly distributions of local marijuana tax
45 revenue will be mailed out in the next week. 4) A Notice of Option to Renew Lease from the Coast
46 Guard. The lease expires in 2034. 5) An email from Ralph Prows regarding reserving transient moorage
47 during the eclipse. It was noted during discussion that the City has never taken reservations for transient
48 moorage. There was also discussion regarding the definition of a “port of refuge”.
49

1 Motion 12: Gambino moved that we direct Staff to write a letter to Ralph Prows informing him there
2 will be no exceptions to our Harbor Ordinance. Wiseman seconded the motion.

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

5
6 Vote: Motion 12 passed.

7 Ayes: Bates, Callender, Gambino, Goddard, Grant, Leff, Wiseman

8
9 Weidner had one item of Correspondence (copy attached to original of these minutes): A letter from
10 Josh Williams at the Fire District which he read into the record. Weidner also said there had been a
11 statement in the amount of \$1,669 issued by the previous City Recorder for the new 2” meter installed
12 during the recent fire hall remodel. There was lengthy discussion, during which a comparison of the
13 previous and current base rate billings of \$69.50 for one EDU and \$556.00 for eight EDUs; and a
14 distinction was made between businesses and government agencies.

15
16 Motion 13: Grant moved to leave the meter in place. Mayor Leff asked if that included charging the
17 \$1,669; Grant said no, to charge one EDU. Gambino seconded the motion.

18
19 Mayor Leff said it was moved and seconded, and called for discussion. There was none.

20
21 Vote: Motion 13 passed.

22 Ayes: Bates, Callender, Gambino, Goddard, Grant, Leff, Wiseman

23
24 X. CITY STAFF REPORT

25 LuMaye reported she had polled Staff as directed regarding their interest in Callender’s offer to bring in
26 a PERS financial advisor, and several employees were interested. Callender will contact LuMaye to
27 arrange a time.

28
29 Weidner 1) Requested authorization to allow Trenchless Pipe Repair (TPR) to start work on budgeted
30 sewer main repairs. The budgeted amount was \$100,000; the quote was for \$65,647. Mayor Leff asked
31 for a motion not to exceed \$65,647.

32
33 Motion 14: Goddard so moved. Wiseman seconded the motion.

34
35 Mayor Leff said it was moved and seconded, and called for discussion. There was brief discussion.

36
37 Vote: Motion 14 passed.

38 Ayes: Bates, Callender, Gambino, Goddard, Grant, Leff, Wiseman

39
40 Return to X. Correspondence from the Fire District:

41 From the audience, Carla requested Staff direction on whether to proceed with collecting on the
42 outstanding invoice to the fire department. Weidner said new meters were installed all along Coast
43 Avenue during that project, and no one was charged, and that the existing meter was upgraded. Mayor
44 Leff clarified that was the City’s choice; Weidner added it was part of the Coast Avenue budget and the
45 billing had been a communication issue. Mayor Leff clarified that there should not have been an invoice.

46
47 Motion 15: Callender moved to void the \$1,669 invoice that was sent in error. Gambino seconded the
48 motion.

1 Mayor Leff said it was moved and seconded, and called for comments. There were none.

2

3 Vote: Motion 15 passed.

4 Ayes: Bates, Callender, Gambino, Goddard, Grant, Leff, Wiseman

5

6 Weidner continued his Staff Report:

7 2) Mr. Martin has been told to remove all materials from the wall adjoining the two properties, so Mr.

8 Crandell can build a fence, which will should resolve the problem with the Crandell property. 3) The

9 building at 70 SE Ainslee Avenue has been posted for violation of Ordinance 164 (garbage and rubbish).

10 4) The new security cameras are installed and running, but we are still waiting for Western States' IT
11 person to come and install the software; this is expected to be done by the 14th. The harbor cameras are
12 also installed.

13

14 XII. COUNCIL COMMENTS

15 Goddard said the Coho salmon fin clipping is happening this Saturday around 9 AM. The Kids Zone
16 will be there, and participation from the general public is welcome.

17

18 Gambino 1) Asked Mayor Leff if she would be going to the League of Oregon Cities (LOC) conference
19 September 28-30 in Portland; she will be attending. If any other Councilors are interested, please let
20 Mayor Leff or Gambino know by the next meeting. This item will appear on the next Agenda. 2) The
21 LOC regularly conducts a survey for cities, and he doesn't usually see Depoe Bay listed; Mayor Leff
22 said Depoe Bay does participate.

23

24 Grant 1) Asked Goddard's forbearance if he misunderstood the term "port of refuge", and implored him
25 to look it up. 2) Said there was no motion regarding the public hearing on the tent camping in City parks
26 during the eclipse. Mayor Leff said the Parks Commission would make a recommendation to the
27 Council.

28

29 Return to V.C. Public Hearing: Sign Ordinance Text Amendments:

30 From the audience, Hageman asked for a motion on the public hearing for the Sign Ordinance. Staff was
31 directed to prepare an Ordinance for adoption at the next meeting.

32

33 Return to V.B. Public Hearing: Tent Camping in City Parks:

34 From the audience, Jim said the Parks Commission made recommendations to the Council last month,
35 and a press release went out for public input, which has been done. He asked the Council to vote on it.

36

37 Motion 16: Gambino moved to approve the recommendations by the Parks Commission to allow
38 camping with those restrictions in the City Parks and Scenic View Areas. Wiseman seconded the
39 motion.

40

41 Mayor Leff said it was moved and seconded, and called for discussion. Wiseman read the Parks
42 Commission's recommendations into the record (copy attached to original of these minutes). There was
43 discussion.

44

45 Vote: Motion 16 failed.

46 Ayes: Gambino

47 Noes: Bates, Callender, Goddard, Grant, Leff, Wiseman.

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1 XIII. ADJOURN

2 There being no further business, the meeting was adjourned at 9:21 PM.

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Barbara Leff, Mayor

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15 Emma LuMaye, Recording Secretary