

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

January 6, 1998

The minutes of the proceedings of the regular meeting of the City Council of the City of Coos Bay, Coos County, Oregon, beginning with interviews for Planning Commission appointments at 6 p.m. the Manager's Conference Room and proceeding to a regular session in the Council Chambers at 7:30 p.m.

Those Present

Those present were Mayor Joanne Verger, Councilors Joe Benetti, Jeff McKeown, Cindi Miller, Don Spangler, Kevin Stufflebean, and Judy Weeks. City staff present were City Manager Bill Grile, Deputy Recorder Joyce Jansen, City Attorney Randall Tosh, Accounting Systems Supervisor Mary Beth Holst, Community Services Director Bruce Meithof, Police Captain Jack Bushmaker, and Fire Chief Stan Gibson.

INTERVIEWS FOR PLANNING COMMISSION APPOINTMENTS

The City Council interviewed Dave Atkinson, Ken Harlan, Andrew Locati, Jeff Marineau, Larry McCabe, Kyle See, Julia Spangler, and Susan Spargo for consideration to appointments to fill two positions on the Planning Commission.

COUNCIL MEETING

Flag Salute

Mayor Verger opened the meeting and led the assembly in the salute to the flag.

Consent Calendar

Mayor Verger read the consent calendar which consisted of the following items:

- a) Approval of OLCC license for Nick of Time — 180 South Empire Boulevard
- b) Approval of second hand store license for Snuffy's Quick Cash — 257 South Broadway
- c) Proclaiming January as Community Development and Enhancement Month

Councilor Miller moved to approve the consent calendar as presented. Councilor Weeks seconded the motion which carried with the Mayor and all Councilors present voting aye. Mayor Verger then read the proclamation to the assembly.

Appointments to the Planning Commission

Interviews of eight applicants, Dave Atkinson, Ken Harlan, Andrew Locati, Jeff Marineau, Larry McCabe, Kyle See, Julia Spangler and Susan Spargo were held in the Manager's Conference Room prior to the Council meeting. Voting was done by ballot and Jeff Marineau was re-appointed and Susan Spargo was appointed to the Planning Commission by a majority of the Council. Councilor Spangler abstained from voting due to a conflict of interest. Mayor Verger and Councilors Benetti, McKeown, Miller and Weeks voted for Mr. Marineau and Ms. Spargo; Councilor Stufflebean voted for Mr. See and Ms. Spargo.

Continuation of the Discussion of the Proposed Tobacco Free Ordinance

Carl Siminow, Americans for Non Smokers' Rights of Coos County, commented it was not their desire to keep people from smoking, but to protect non-smokers from secondhand smoke. He distributed copies of his letter in the newspaper's public forum. Mr. Siminow reported that facts show businesses can save money with the non-smoking law. He encouraged the Council to enact the ordinance before things get out of hand and the big tobacco companies send in their people.

Flora Lee Lockhart, downtown business owner, commented she was not sure she could support the proposed ordinance totally and that it is a matter of freedom from smoke. She suggested the City provide tobacco receptacles around town. Ralph Larson, Coos Bay, did not support enactment of the ordinance without a vote of the people and encouraged the Council to place the matter on the May ballot. Debra Kontra, Benton County Health Department, explained the ordinances enacted by the City of Corvallis and Benton County, noting the emphasis was on keeping cigarettes out of the hands of youth, and protecting children, pregnant women and employees from second hand smoke.

Eva Germaine-Shimotakahara and Danielle Shimotakahara, displayed anti-tobacco posters done by children and Danielle read a portion of a play written by Ms. Shimotakahara about the affects of tobacco use. Dr. Gerber, North Bend, reported on the health problems caused from smoking and breathing second hand smoke. He asked the Council to enact the proposed ordinance commenting it would prevent many kids from starting the habit and becoming smoking adults. Dr. Gerber commented the ordinance would not affect bars or residences. Dr. Shimotakahara, North Bend, reported he works daily with the affect tobacco smoke has on people, especially children, and strongly encouraged the Council to enact the proposed ordinance.

Dana Gaab, Coos Bay, as an ex-smoker supported the ordinance as written and commented smokers have rights, but those rights do not extend to polluting the air others have to breath. Steven Brown, Bandon, commented on the addictiveness of nicotine and reported one-third of all deaths in this country are related to the use of tobacco. He encouraged enactment of the ordinance to protect non-smokers from second hand smoke. Lee Benson, Executive Director of the American Cancer Society, said their primary goal is to protect children and people from second hand smoke, and the ordinance would help limit the sales of tobacco products to the youth. Mr. Benson did not feel enforcement would be a problem.

Arthur Cordell, North Bend, reported many people are very allergic to tobacco smoke and supported keeping smokers away from open doors and windows of businesses. Jim Bice, North Bend, opposed the ordinance as an infringement on free trade and individual freedom. He commented many businesses and restaurants currently do not allow smoking and suggested anyone not wishing to be exposed to smoke, not patronize the establishment. Geno Landrum, Coos Bay, commented there already are laws addressing smoking and noted the ordinance would be an infringement on personal choice. He supported education of youth against the use of tobacco.

Jerry Dee, Coos Bay, opposed the ordinance and suggested the matter be placed on the ballot. He further stated the City should not pay for the election. Paul Sutherlin, Coos Bay, opposed enactment of the ordinance and suggested posting signs and educating the youth. Eldridge Eddy, Coos Bay, said he has smoked for 60 years and it hasn't hurt him a bit and opposed enactment of the ordinance. Sargent Webster, North Bend, opposed the ordinance and suggested it be put on the May ballot. He noted businesses already have the option to declare they are a smoking or non-smoking establishment.

City Attorney Randall Tosh explained the referendum in Corvallis addresses the portion of the ordinance dealing with smoking in bars, and there is currently a suit brought by the Oregon Restaurant Association against the ordinance. Mr. Tosh noted there is a question of whether a local jurisdiction can enact a law that goes further than the State law, and commented the Oregon Indoor Clean Air Act provides for criminal penalties. Councilor Spangler commented the people in Benton County went to the public and did

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a survey and suggested Mr. Siminow do the same. Mr. Siminow responded the committee did not have money for a survey and would rather the Council handle the situation. Mayor Verger asked for Council comments on the subject.

Councilor Spangler said he believes in representing all the people of the City and feels strongly the committee has a charge to go to the public to gather information to bring to the Council. He suggested they collect the necessary signatures to place their ordinance on the ballot. Councilor Stufflebean commented smoking affects everyone and he would like to see the Council active in preparing the ordinance and ballot measure. Councilor Benetti noted the committee did not approach the County and he felt it should have been presented on the State level. He agreed the matter should be placed on the May ballot and if done at this time the election would not cost the city. Councilor Miller agreed with placing the matter on the May ballot, and commented she had been contacted by a number of people and very few are in favor of the ordinance. Councilor Weeks supported the committee gathering the required signatures to place on the ballot and suggested other cities also be approached. Councilor McKeown commented the committee did a disservice to the City by bringing this to the Council and felt it should have gone to the State. He supports protecting non smokers against second hand smoke. Mayor Verger commented she would like more input from the community on whether they would like an ordinance for a smoke free community, and supported placing the matter on the May ballot for an advisory vote. There was further discussion on what the content of the ordinance would be and Mayor Verger noted it would be an advisory vote.

Mayor Verger moved to place the question on the May ballot as an advisory vote asking if the voters would like a smoke free community. Councilor Stufflebean seconded the motion which passed with the Mayor and all Councilors present voting aye.

Enactment of Ordinance No. 247 Vacating a Portion of Birch Avenue

City Manager Grile reported the Planning Commission had reviewed the vacation and recommend approval. Deputy Recorder Joyce Jansen read the ordinance by title only and the Council was polled with the following results:

Voting Aye: Mayor Verger, Councilors Benetti, McKeown, Miller, Stufflebean, Spangler, and Weeks.
Voting No: None
Absent: None

Enactment of Ordinance No. 248 Regulating Activities and Uses within the Coos Bay Parks System

City Manager Grile reported the ordinance had been previously reviewed by the Council and had been through a second review by the city attorney and staff. Deputy Recorder Joyce Jansen read the ordinance by title only and the Council was polled with the following results:

Voting Aye: Mayor Verger, Councilors Benetti, McKeown, Miller, Stufflebean, Spangler, and Weeks.
Voting No: None
Absent: None

Consideration of a Proposal for Parking Lot Realignment from the Chamber of Commerce

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Kathi Joy, Chamber of Commerce Director, briefly reviewed a proposal for changing the parking configuration in the lot. Ms. Joy reported the plan would add 15 additional parking spaces and would close the southern entrance on Broadway near the traffic light. She commented on the problem of employees using spaces that should be available for customers. Councilor Spangler inquired if Ms. Joy would agree with the Parking Committee's recommendation to use the 16 spaces facing Commercial Avenue for employee parking, and Ms. Joy said it would help with the parking situation. Councilor McKeown asked if their plan would preempt the Kittelson study and Mr. Grile said it would not and he suggested moving ahead with refinishing the lot. Ms. Joy explained the funding would come from the City's building repairs allotment for the Chamber building. Councilor McKeown moved to adopt the plan as recommended by staff and authorize the city manager to amend the lease with the Chamber of Commerce. Councilor Spangler seconded the motion which passed with the Mayor and all Councilors present voting aye.

Approval to Purchase Additional City Limits Entry Signs

City Manager Bill Grile commended Community Services Director Bruce Meithof on his efforts with the State in coming up with three more city limit entry signs. Mayor Verger inquired about the sign on Newmark and noted it was too small to be seen and Mr. Meithof reported the could be replaced with a larger sign. Mr. Meithof reported there are six locations allowed by the State for the signs and the City has two signs in storage. Currently there is a sign at the south entrance of Coos Bay on Hwy 101. The additional signs would be located at the south entrance of the Empire district, the east and south entrances of the Eastside district, and the south entrance to the Englewood district. Mayor Verger moved to authorize purchase three additional signs. Councilor Miller seconded the motion which passed with the Mayor and all Councilors present voting aye.

Public Comments

Julia Spangler, Coos Bay, representing the Empire Community Association, asked for an update on the Empire Urban Renewal District. Mr. Grile reported a problem with the placement of the gateway has stopped the project and the Urban Renewal Agency will be looking into the matter.

Geno Landrum, 2800 Libby Drive, reported 320 work hours has been donated for the improvement of 440 10th Court. He noted a lot of debris has been removed and the dumping fees have been expensive; he encouraged people to donate money to the project.

Dorothy Davis, Coos Bay, requested an extension from the Council until the end of the year to give her time to decide what she wanted to do with the property.

State of the City Report

Mayor Verger read her annual State of the City Report which is attached hereto and made a part thereby.

City Manager's Report

City Manager Bill Grile briefly reported on proceeding with amending the sidewalk ordinance, reminder of the Urban Renewal Agency meeting on January 15, 1998, and distributed the expenditure report.

Mayor and Council Comments

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Councilor McKeown complimented Mayor Verger on her work in the community and state wide as mayor. He reported attending a practice burn with the fire department and said he has gained a new perspective on fighting fire.

Councilor Weeks reported on the Parks Commission meeting at which it was announced the Coos Foundation has approved \$1000 in matching funds for the skateboard park. She reminded everyone of the employee recognition lunch on January 23rd which the Council would be hosting.

Councilor Miller reported publication of the City News and selling ad space had gone well.

Councilor Stufflebean introduced Stephanie Kilmer as the new executive director for Public Access TV. He congratulated Jeff Marineau and Susan Spargo on their appointments to the Planning Commission. He asked about the situation at the skating rink. Mr. Meithof reported they were contacted in early November to take out permits to make the repairs. A week after the deadline a child fell and broke her arm due to water on the floor. Mr. Meithof said the owner did not have liability insurance and the facility was closed down as a public safety matter until the necessary repairs have been made.

Councilor Spangler said it was a pleasure to work with the Mayor and Council. He briefed the Council on the progress of the Enhancement Committee and reported their 1998 goals (1) low cost program, (2) an awards program to recognize the business or residence for the most improvement, and (3) establish a reduced rate at the solid waste facility to help people get rid of their stuff. Councilor Spangler requested \$500 from the hotel/motel fund to begin building an enhancement fund and noted the committee would be requesting funds from businesses in the area. Mayor Verger moved to approve a \$500 donation to the Community Enhancement Committee. Councilor Miller seconded the motion which passed with the Mayor and all Councilors present voting aye. Councilor Spangler invited councilors to attend the next OCZMA meeting which will be held in Coos Bay.

Executive Session

Mayor Verger moved to meet in executive session. The motion was seconded by Councilor Weeks and passed with all members present voting aye. The City Council met in executive session pursuant to ORS 192.660 (1) (e) and (h) for the purpose of consulting with legal council regarding real property purchase and potential litigation.

The Council reconvened into regular session.

Adjournment

There being no further business to come before the Council, Mayor Verger adjourned the meeting to January 20, 1998 at 7 p.m. in the Council Chambers of City Hall.

Joanne Verger
Mayor of the City of Coos Bay
Coos County, Oregon

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ATTEST:

Joyce Jansen
Deputy Recorder of the City of Coos Bay
Coos County, Oregon