

# **MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL**

**January 2, 2001**

The minutes of the proceedings of the regular meeting of the City Council of the City of Coos Bay, Coos County, Oregon, beginning at 7 p.m. in the Council Chambers at City Hall, 500 Central Avenue, Coos Bay, Oregon.

## **Those Present**

Those present were Mayor Joe Benetti and Councilors Anna Marie Larson, Cindi Miller, Don Spangler, Kevin Stufflebean, and Judy Weeks. Councilor Jeff McKeown was absent. City staff present were Acting City Manager Joyce Jansen, City Attorney Randall Tosh, Clerical Assistant Stacey Babb, Fire Chief Stan Gibson, Police Chief Chuck Knight, Community Services Director Shanda Shribbs, and Planning Administrator Laura Barron.

## **COUNCIL MEETING**

### **Flag Salute**

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

### **Consent Calendar**

Mayor Benetti reviewed the consent calendar which consisted of the adoption of Resolution 01-01 accepting and appropriating a Local Law Enforcement Block grant. Councilor Stufflebean moved to approve the consent calendar as presented. Councilor Miller seconded the motion which passed with the Mayor and all Councilors present voting aye.

### **Report from Marshfield High School**

Marshfield High School representative Nick Gerritsen reported the move-in day for the new math and science building has been scheduled for the 16<sup>th</sup>. The boys and girls recently participated in their first annual Red Lion's holiday tournament with the Red Lion donating four free rooms for each team. The boys placed second and the girls won the tournament. The MHS wrestling team won the Fortuna tournament in Fortuna, California and placed second at the Myrtle Point tournament last week. The annual Breakfast of Champions is planned for next week and the theme this month is accepting of others. Before the Christmas break MHS competed against North Bend in a canned food drive with North Bend winning the contest. MHS student collected 6500 cans of food for community food banks.

### **Department Head Report by Fire Chief Stan Gibson**

Fire Chief Gibson reported department personnel and their families hosted at Shore Acres last week and on Saturday picked up 200 to 250 Christmas trees. Chief Gibson noted the trees are stockpiled at the Empire Station and some are given to the stream enhancement program. Personnel will also be picking up trees next Saturday. Chief Gibson reported the department responded to 1,414 calls in 1999 and 1,494 calls

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in 2000. Approximately 60 percent of the calls were emergency medical and 40 percent were either fire calls or public assist calls. Chief Gibson reported there was one fire fatality on December 1<sup>st</sup> in Bunker Hill and the total fire loss is at \$605,000. The largest fire loss was the Burger King fire and another loss was Boyd's Market in Eastside on September 30<sup>th</sup>. Chief Gibson reported the new vehicle has been ordered and is expected to arrive in a few weeks. Councilor Spangler inquired if the smoke detector program is still going on. Chief Gibson reported the program is on-going and the department recently received a donation from the Coos Bay-North Bend Rotary Club and from the Rental Owners Association for \$500 total to purchase additional smoke detectors.

### **Report from Tourism Promotions Committee**

Tourism Promotions Director Beve Saukko reported five conventions have been booked with an estimated revenue of \$.5 million beginning in 2002 through 2004. The Rotary 2002 convention will be held in Coos Bay and surrounding communities are involved in planning the convention. Ms. Saukko reported the weather camera is now on line and is shown in Eugene and Roseburg several times a day. The first quarter of room tax funds was larger this year by \$4,100 in part due to The Mill Hotel and Casino. Ms. Saukko reported the Promotions Committee has been advertising in Bend and Klamath Falls for the holiday lights and has received a good response from the ads. Mayor Benetti asked if the hotel/motel tax funds were lumped together. Ms. Saukko reported Coos Bay's percentage is down by approximately \$4,000 and North Bend is up almost \$8,000; the total amount taken in for Coos Bay was \$42,265 and North Bend was \$14,234. Councilor Spangler commented the amounts were in line with the action taken by the budget committee to move the revenue from Coos Bay to North Bend.

### **Approval to Appointment of Pro-tem Judge**

Mayor Benetti reported Judge Davis is requesting appointment of a pro tem judge to hear cases when she is not available. The memo from the city attorney gives the Council the option of interviewing candidates or receiving a recommendation from Judge Davis. Consensus of the Council to take a recommendation from Judge Davis. City Attorney Tosh reported he would have a resolution making the appointment at the next Council meeting.

### **Recommendation on Placement of Traffic Signal at Cammann and Newmark**

Mayor Benetti reported the Council is being asked to consider placement of a traffic signal at Cammann Street and Newmark Avenue. The recommendation came to the Council during talks with Madison Elementary School officials and parents on school safety issues. There is an existing signal at the Wasson and Newmark intersection one block west of the Cammann and Newmark location. Councilor Weeks inquired if consideration had been given to placing the signal at Morrison and Newmark. Community Services Director Shanda Shribbs reported staff had looked at just what the safety committee had requested. Councilor Stufflebean commented the staff report meets the needs of the Council and he agreed with the recommendation to not install a traffic light at Cammann and Newmark. Councilor Spangler commented the principal at Madison School had sent him a letter indicating there was not an interest now in relocating the light as not a sufficient number of children cross at this location. Consensus of the Council was to accept staff's recommendation.

### **Public Comments**

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Patrick Momsen, 468 South Empire Boulevard, expressed concern regarding the vandalism to the street trees in the Empire area. Mr. Momsen wanted to know what was being done to find out who had committed the vandalism. Acting City Manager Joyce Jansen reported the vandalism occurred over a weekend and Steve Doty of the Community Services Department had filed a report with the Police Department immediately and the trees have been replaced. She noted articles would be placed in The World newspaper and the City News requesting information on the incident. Also a reward would be offered through the Stop Crime Committee.

Steve Clay, Coos Bay, commended the City Council for doing a good job of taking care of the boardwalk. The paint has made an enormous difference, however the birds still create a nuisance on the boardwalk and he offered his services to the Community Services Department to resolve the problem.

### **City Attorney's Report**

City Attorney Randall Tosh reported the first meeting with the Police Association has been scheduled for next week, and he will be bringing a draft of the Empire facade program to the next meeting. Councilor Spangler expressed concern about Mr. Olyae's violations and that unsafe buildings remain months after the Council had taken action. Mr. Tosh reported the proceedings had to do with the notices of not to occupy and suggested the matter not be further discussed at this time. He commented the next step would be to file in circuit court for an injunction that would prohibit anyone staying in the building. Mr. Tosh noted enforcement actions are difficult and take time. Mayor Benetti suggested further discussion take place at another time.

### **City Manager's Report**

Acting City Manager Joyce Jansen reported the January issue of the City News would be coming out next week and one of the articles in the paper is entitled *Meet Your City Council*. Ms. Jansen reported the monthly finance report from the finance director and a reminder of January meetings had been distributed to the Council.

### **Public Hearing on the Proposed Empire Design Standards**

Mayor Benetti opened the public hearing on the proposed Empire Design Standards. Planning Administrator Laura Barron read the public hearings disclosure as required by State law. Ms. Barron reported on November 14, 2000 the Planning Commission recommended approval of architectural design review goals and standards for a portion of the Empire District as a result of direction from the City Council at the request of the Urban Renewal Agency. Implementation of the proposal requires final approval by the Council and an amendment to the text of the Land Development Ordinance. The purpose of the design review is to stimulate economic development by improving the overall appearance of the area and provide a more attractive living, working and shopping environment in the commercial area. The proposal is based on guiding construction of private and public development to evoke architectural styles of buildings which existed in Empire in the mid to late 1800s. The proposal would not require everyone to remodel the exterior of their buildings, however, when an exterior of a building is remodeled or expanded or a new building is constructed, design goals and standards would be applicable. Because of the wide variety of structures already existing in the area the Planning Commission was sensitive to develop a review that is open to creativity and diversity, and yet make it possible to successfully complete a design review. The design review is broken into goals and standards. The goals make up the conceptual framework that establish the objectives and the standards are the actual approval criteria to implement the goals. There were several issues that came up during the review;

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one is the geographic area to be defined by the design review. Currently the proposal reflects the area from the Y intersection to Empire Boulevard. Another issue is the creation of a historical design review committee that would be part of the process of reviewing an application. As it is proposed at this time, the Planning Commission would make a decision and it could be appealed to the City Council. The Historical Design Committee would be an advisory committee who would help an applicant along the way to be sure they were following the guidelines, the goals and standards, and be a source of information.

Councilor Spangler asked if each application would be submitted to the Planning Commission and if it was a normal action for all land development items to be handled by the Planning Commission. Ms. Barron said not all applications would be required to go to the Planning Commission and depending on the zoning, not all development items require approval of the Planning Commission. Mayor Benetti clarified that the advisory committee would not be mandatory and neither would the use of the architect be mandatory. Councilor Larson asked if all property owners would be required to fund the renovations. Ms. Barron reported at this time yes, however, incentives have been discussed as a way to help with renovations. There are many details still to be worked out such as the percent of renovation that would require review. Mayor Benetti commented the Council would be holding a work session to review the proposal and work out some of the details. Ms. Barron commented Ballot Measure 7 could have an effect on the outcome of the design standards proposal and will be taken into account before a decision is made. Mayor Benetti commented this is a time for comments from the public and opened the public hearing.

Julia Spangler, Coos Bay, strongly supported the design standards and expressed concern regarding the affect of Ballot Measure 7. She commented the Planning Commission has worked hard on the standards to insure they would be workable and fair to all property owners. It is not the intention of the standards to require all property owners to change their buildings. City Attorney Tosh reported if Measure 7 is ultimately upheld by the Courts, there would be a Measure 7 claim if any restrictions are adopted by the City. There is, however, a provision in the ordinance that establishes a process for seeking an exemption from the restrictions.

Bruce Harlan, Chair of the Planning Commission, commented the Historic Design Review Committee is an important component of the proposal. He explained in the design of a structure there is a vast array of details, which may or may not meet the criteria of the goals. Judgements can be made based on the guidelines established by people who have some background in the historical design aspects of this proposal and that is the reason the Planning Commission is recommending the Historical Design Review Committee. A member of the Committee would also be available to come before the Planning Commission with the applicant to present their point.

Mayor Benetti thanked the Planning Commission for their hard work on the design standards proposal and there being no further comments to come before the Council, Mayor Benetti closed the public hearing. Planning Administrator Barron asked that the public hearing be continued to a date certain. Councilor Spangler asked why another public hearing is important to the Council. Ms. Barron commented it is not required but gives another opportunity for the public to give input; if the hearing date is not set tonight and the Council decides they want another hearing, full public notice would be required to be given. Acting City Manager Jansen recommended setting the work session for February 8<sup>th</sup> at 7 p.m. with a continuance of the public hearing held on March 6<sup>th</sup> at the regular Council meeting. Consensus of the Council was to schedule the work session for February 8<sup>th</sup>. Ms Barron commented there are a number of issues the Council has to discuss and changes to be made at the Council's discretion. Councilor Miller moved to continue the public hearing at the March 6, 2001 at 7 p.m. Councilor Weeks seconded the motion which passed with the Mayor and all Councilors present voting aye.

### **Mayor and Council Comments**

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**Councilor Weeks** wished everyone a happy new year and expressed concern about children riding scooters without the proper head gear and arm and leg protection.

**Councilor Spangler** commented on two articles from The World newspaper regarding the lack of public input to the South Coast Economic Development Council. Councilor Spangler reported he had been assured by SCDC that town hall meetings and public input would be taken. He expressed deep concern that the article listing the County Commissioners' list of ten projects for 2001 did not include any of Coos Bay's projects in the top ten.

**Councilor Larson** wished everyone a happy new year and expressed concern regarding parking along 7<sup>th</sup> Street. Currently there are three-hour parking limit signs along the street and the time limit is not enforced. Chief Knight reported it is a school zone and he will have it checked into. Councilor Larson asked for additional garbage cans to be placed in the downtown area.

**Mayor Benetti** commented the City is moving in a positive direction for 2001 which is evidenced with the number of completed and ongoing projects in the downtown and Empire areas and he wished everyone a happy new year.

### **Executive Session**

Councilor Weeks moved to go into executive session pursuant to ORS 192.660 (1) (h) for the purpose of consulting with legal council regarding pending litigation. Councilor Stufflebean seconded the motion which passed with the Mayor and all Councilors present voting aye.

The Council reconvened in regular session. Councilor Stufflebean moved to authorize the city attorney to stipulate a stay with 1000 Friends of Oregon vs City of Coos Bay regarding Ballot Measure 7. Councilor Miller seconded the motion which passed with the Mayor and all Councilors present voting aye.

### **Adjournment**

There being no further business to come before the Council, Mayor Benetti adjourned the meeting to January 9, 2001 at 6:30 p.m. in the Manager's Conference Room at City Hall.

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Joe Benetti, Mayor

ATTEST:

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Joyce Jansen, Deputy Recorder