

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

November 15, 2005

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

Those Attending

Those present were Mayor Joe Benetti and Councilors Jon Eck, Roger Gould, Jeff McKeown, Cindi Miller, John Muenchrath, and Kevin Stufflebean. City staff present were City Manager Scott McClure, Deputy Recorder Joyce Jansen, City Attorney Nate McClintock, Community Services Director Jim Hossley, Finance Director Janell Howard, Fire Chief Stan Gibson, Battalion Chief Howard Owens, Library Director Carol Ventgen, Assistant Library Director Ellen Thompson, and Police Chief Eura Washburn.

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 approval of the minutes of October 18, 2005 and November 1, 2005, and approval of OLCC new owner application for AIMS, Inc. dba Goonies Sports Bar. Councilor Stufflebean moved to approve the consent calendar as presented. Councilor Eck seconded the motion which passed with the Mayor and all Councilors present voting aye.

Appeal of the Planning Commission's Denial of the Remand of Architectural Design Review (ZON2005-00084) (ZON2005-000076) – Mark McPeek

Planning Administrator Laura Barron read the public hearing disclosure to the assembly. Ms. Barron reported the City Council heard the applicant's first appeal on September 6th and Mr. McPeek's proposal for a metal building located at 985 Newmark was remanded to the Planning Commission. The Commission denied the proposal for the second time and Mr. McPeek appealed the denial to the City Council. Mr. McPeek has proposed no changes to his plans since the initial denial by the Planning Commission. Councilor Stufflebean moved that the appellant filed the notice of appeal in a timely manner and has standing to appeal. Councilor Miller seconded the motion which passed with the Mayor and all Councilors present voting aye.

Mayor Benetti opened the public hearing. Mark McPeek, 985 Newmark Avenue, commented he wanted to be left alone and to build his project without squandering funds on a structure intended to look a certain way by city ordinance. He further commented that he had been assured five years ago when the standards ordinance passed, that it wouldn't be a problem. Mr. McPeek asked the Council to make the appropriate decision and overrule the standards. Councilor Stufflebean inquired if Mr. McPeek had considered any of the suggestions presented at the September 6th Council meeting. Mr. McPeek stated he looked at them and they were not remotely acceptable.

Councilor Muenchrath commented on the committee recommendations for an awning and landscaping. Mr. McPeek stated the awning is not the factor; it's a case for metal siding and the Design Review Committee. There was further discussion regarding on the use of metal siding and the recommendations from the Design Review Committee and Planning Commission. Councilor Gould asked if Mr. McPeek was interested in agreeing with Historic Design Committee's recommendations for the awning. Mr. McPeek commented he already has a sign and does not need the awning, and the only suggestion given is to not use metal siding. He stated he has jumped through all their hoops, and those are simply suggestions, not requirements. Mayor Benetti asked Mr. McPeek if he felt he didn't need to follow the design standards. Mr. McPeek stated not all, the standards are silly and no one should have to apply the standards. He further stated he had previously approached the Council about removing the standards. Mr. McPeek commented several businesses have told him they will not do improvements because of the standards. He further stated we harm our community with these restrictions, and tourists are not going to fail to come to Coos Bay because the Athletic Club didn't follow the standards. Mayor Benetti commented the standards are in place for the betterment of everyone and a lot of public input went into the standards.

Councilor Miller commented it appears Mr. McPeek did make some changes in his proposal. Mr. McPeek stated he changed the windows, signage and color. Ms. Barron displayed Mr. McPeek's final proposal. She commented the issue is the metal siding and the Historic Design Committee recommended that the new structure visually relate to the existing building. The Planning Commission does not expect the building to look historical. Ms. Barron explained the intent is to invoke the standards, and the standards for Empire prohibit metal buildings, but state that one or more standards may be waived if the goals are met and the goals have to do with the size of the building. Ms. Barron commented the Planning Commission received no changes or suggestions from Mr. McPeek; therefore, the metal siding is prohibited and standard cannot be waived. Councilor Miller requested information on what changes Mr. McPeek would need to make to his proposal. Ms. Barron reported Mr. McPeek needs to show on his drawing what he intends to build; and if architectural features were added to break up the mass of the building, it would be possible to waive the metal siding. Councilor Muenchrath commented the Council would really like to see the structure built, and based on public input and desire to have standards, it is not reasonable for the Council to throw the standards out.

Councilor Gould reported the Design Review Committee offered suggestions to place awnings over the windows and masonry on the siding, which would allow the building to meet standards; however, Mr. McPeek chose not to accept the suggestions and the Planning Commission has chosen not to waive the metal siding standard. Mr. McPeek stated this only has to do with the metal structure and the Planning Commission has not said anything about not meeting standards, they have only referred to the metal siding. Jerry Miller, Executive Director of Star of Hope, 657 Newmark Avenue, read a prepared statement from the Concerned Citizens of Empire in support of the standards, which is attached and hereby made a part of the record.

There being no further comments, Mayor Benetti closed the public hearing. Councilor Gould disclosed for the record conversations with Steve Skinner regarding this matter. Councilor Gould commented he agrees with the Historic Design Committee and if Mr. McPeek would agree to make architectural changes, he would have no problem with waiving the metal siding. Councilor Gould further commented the point is to improve the ambiance of the area, and since Mr. McPeek does not want to change his proposal, the Council should uphold the Planning

Commission's denial. Mayor Benetti disclosed he had contact with Mr. McPeek and commented the Council would like to see the construction move forward, but within the standards, and he also supported the Historic Design Committee's recommendation. Councilor Muenchrath also disclosed contact with Mr. McPeek and supported maintaining the design standards and the Planning Commission's denial. Councilor Stufflebean agreed with keeping the standards and commented many recommendations were given to Mr. McPeek to bring his building into compliance with the standards; however, Mr. McPeek has not demonstrated an attempt to comply with the standards. Councilor Stufflebean supported the denial of the appeal.

Councilor Miller disclosed contact with Mr. McPeek and also supported the Planning Commission's denial. Councilor Eck commented both the Planning commission and Historic Design Review Committee made suggestions to Mr. McPeek and it appears he has not done much to move forward with the suggestions. Councilor Gould commented the presence of metal siding does not prevent Mr. McPeek from constructing the building. The Planning Commission would approve the metal siding as waived by the standards, provided Mr. McPeek would incorporate architectural features suggested by the Historic Design Committee. Mr. McPeek has discarded all suggestions and the Council has no choice but to affirm the Planning Commission's denial to site a 100' x 140' metal structure adjacent to the existing structure on the site.

Councilor Gould moved to affirm the Planning Commission's denial of the remand of Application ZON2005-00038. Councilor Eck seconded the motion. Councilor McKeown abstained from the vote as he arrived at the end of the public hearing. The motion passed with Mayor Benetti and Councilors Eck, Gould, Miller, Muenchrath and Stufflebean voting aye.

Consideration of Enactment of an Ordinance Amending Ordinance No. 32 Providing the Method and Form of Nomination for Elective City Offices

City Attorney Nate McClintock explained the ordinance has been reviewed and staff's recommendation is to amend the ordinance to conform to state election law. Councilor Stufflebean moved to enact the ordinance and Councilor Eck seconded the motion. Deputy Recorder Joyce Jansen read the ordinance by title only. Ordinance No. 378, amending Ordinance No. 32 providing the method and form of nomination for elective city offices in the City of Coos Bay, Oregon, was enacted by the following vote:

Aye:	Mayor Benetti and Councilors Eck, Gould, McKeown, Miller, Muenchrath, and Stufflebean
No:	None
Absent:	None

Consideration of Enactment of an Ordinance Repealing Ordinance No. 58 Prescribing Initiative and Referendum Procedures and Providing a Penalty

City Attorney Nate McClintock explained the ordinance duplicates state election law and it is staff's recommendation to repeal the ordinance and enact the proposed ordinance which would conform to state election law and include a section stating that an initiative or referendum must

be proposed by an elector qualified to vote in the City of Coos Bay. Councilor Stufflebean moved to enact the ordinance and Councilor Miller seconded the motion. Deputy Recorder Joyce Jansen read the ordinance by title only. Ordinance No. 379, prescribing initiative and referendum procedures, repealing Ordinance No. 58 and Ordinance No. 1640, as amended by Ordinance Nos. 231 and 238 was enacted by the following vote:

Aye:	Mayor Benetti and Councilors Eck, Gould, McKeown, Miller, Muenchrath, and Stufflebean
No:	None
Absent:	None

Approval of the Employment Agreement for the City Manager

Mayor Benetti reported the city attorney has updated the employment agreement and it is ready for Council approval. Councilor Muenchrath commented he would like to address incentives in the contract. Councilor Miller moved to approve the employment agreement with City Manager Scott McClure. Councilor Eck seconded the motion which passed with the Mayor and all Councilors present voting aye.

City Attorney's Report

City Attorney Nate McClintock reported the lease with ODF&W for office space at city hall has been completed.

City Manager's Report

City Manager Scott McClure reviewed the project progress report with the Council. He noted the crossover intergovernmental agreement is in progress and the street SDC draft has been received and reviewed by staff. Staff will contact the Council to schedule a work session to review the street systems development charge document. Mr. McClure commented the League of Oregon Cities conference had some good ideas on processing and the leadership discussions were good.

Public Comments

No comments

Council Comments

Councilor Gould commented the Police Department is extremely professional, and he has been involved in instances with Coos Bay officers and by their demeanor and attitude, they kept things calm. Councilor Eck reported the Fire Department will be at Shore Acres this weekend to help with putting up lights, and will host on December 23rd. Councilor Miller commented the League of Oregon Cities conference workshops were good and very positive; although, she missed not having the whole Council there. Bus Jam 2005 will be held December 10th at area Bi-Mart stores and will be accepting donations of food and clothing items.

Councilor Muenchrath thanked the City for allowing him to attend the League conference, and he enjoyed the workshop on revitalization of arts and culture. He recently contacted Karl Kennedy with ORCA about setting up free internet access in downtown Coos Bay, and would like to have Mr. Kennedy give a presentation to the Council. Councilor Stufflebean thanked Chief Washburn for input from the Police Department on the planning session on youth on drug and alcohol. He requested replacement of the bridge at Empire Lakes be moved up on the priority list. Mr. McClure reported the bridge is part of the park improvement plan.

Councilor McKeown reported he had received a lot of positive comments on providing wireless access in the downtown area. He congratulated the Council on their decision on the Bay Area Athletic Club and commented expansion needs to be correctly. Councilor McKeown noted the Charleston Boat ramp will be down for a time and requested the City keep the Empire boat ramp floats in while Charleston is out of commission.

Mayor Benetti reported Santa will arrive on November 25th at the Fire Department, and Cooking with Kids will be held on Thursday at the Black Market Gourmet. Mayor Benetti commented on a complaint regarding the mayor being able to stop businesses from coming to Coos Bay. He followed up on the complaint and personally contacted the businesses mentioned.

Executive Session

Councilor Miller moved to go into executive session pursuant to ORS 192.660 (2) (d) for the purpose of discussing labor negotiations. Councilor Muenchrath seconded the motion which passed with the Mayor and all Councilors present voting aye.

The Council reconvened into regular session.

Adjourn

There being no further business to come before the Council, Mayor Benetti adjourned the meeting to December 5, 2005 in the Council Chambers at City Hall.

Joe Benetti, Mayor

ATTEST:

Joyce Jansen, Deputy Recorder