

**MINUTES OF THE PROCEEDINGS OF THE
CITY OF COOS BAY CITY COUNCIL**

April 6, 2010

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 the City Council Meeting

Those present were Mayor Jeff McKeown and Councilors Mark Daily, Jon Eck, Joanie Johnson, Stephanie Kramer, Gene Melton, and John Pundt. City staff present were City Manager Rodger Craddock, City Attorney Nate McClintock, Deputy Finance Director Susanne Baker, Public Works and Development Director Jim Hossley, City Engineer Carl Nolte, Fire Chief Stan Gibson, Library Director Carol Ventgen, and Police Sergeant Chris Chapanar.

Flag Salute

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

Consent Calendar

Mayor McKeown reviewed the consent calendar which consisted of 2a: approval of the minutes of March 16, 2010; 2b: approval of Change Order No. 12 for Fire Station No. 1; and 2c: approval of Fire Station No. 1 furnishing package No. 2 (Express Blinds and Beyond, \$13,430 and Business Interiors by Staples, \$101,155.25). Councilor Eck moved to approve the consent calendar for the approval of the minutes of March 16, 2010, approval of Change Order No. 12 for Fire Station No. 1, and approval of Fire Station No. 1 furnishing package No. 2 (Express Blinds and Beyond, \$13,430 and Business Interiors by Staples, \$101,155.25). Councilor Melton seconded the motion which carried with Mayor McKeown and Councilors Daily, Eck, Johnson, Kramer, Melton, and Pundt voting aye.

Presentation of a Tree City USA Award by Mike Hogan

Mike Hogan of the local Oregon Department of Forestry presented the City of Coos Bay with a Tree City USA award. Mr. Hogan briefly reviewed the purpose of the program and presented the City of Coos Bay with their 16th Tree City USA award.

Presentation of a Proclamation on National Telecommunicator's Week

Mayor McKeown read the Proclamation on National Telecommunicator's Week. Mayor McKeown moved to approve the proclamation. Councilor Kramer seconded the motion which carried with Mayor McKeown, Councilors Daily, Eck, Johnson, Kramer, Melton, and Pundt voting aye.

Public Hearing on a Proposed Zone Change from "Residential Professional (R-4P)" to "Central Commercial (C-1)" and Plan Map Change from "Residential High-Density (R-H)" to "Commercial (C)" for Property Located at 825 Central – Approval Would Require Enactment of the Proposed Ordinances

Planning Administrator Laura Barron read the public hearing disclosure and stated the proposed amendment to the Comprehensive Plan and proposed zone designation would change the plan designation of a 12,600 sf property located at the southwest corner of Central Avenue and South 8th Street, with a small restaurant building, from “Residential High-Density (R-H)” to “Commercial (C)”. In 2006 the restaurant closed and in 2008 a retail use opened and subsequently closed in less than a year whereby leaving the building unoccupied. The nonconforming status for the commercial use in a residential zone was nearing expiration. Upon expiration of the nonconforming status, and the use would have had to conform to the “Residential Professional (R-4P)” zoning. The applicant submitted the applications required to change the plan and zone designation to allow a commercial use.

Councilor Daily asked if a buffer of a residential-professional zone would be appropriate wherein Ms. Barron stated the property in the area changed zones several times in the past, the use is consistent with the adjacent properties, and the proposed zone would allow the restaurant use to continue with the size of the parcel limiting the type of use allowed in a C-1 zone.

Mayor McKeown opened the public hearing. Bob Arnold, North Bend: Stated he was a retired veteran and the issue at hand was un-American wherein Mayor McKeown asked Mr. Arnold if his comment related to the zone change. Mr. Arnold said no, he misunderstood and would reserve his comments until later.

Mayor McKeown closed the public hearing. Councilor Kramer moved to approve the amendment based on the findings and conclusion set forth in the Planning Commission’s Final Recommendation, approve the plan map amendment to change the designation from “Residential High-Density (R-H)” to “Commercial (C)”, and enact the ordinance. Councilor Melton seconded the motion. Deputy Finance Director Susanne Baker read the ordinance by title only and Ordinance No. 423 was enacted by the following vote:

Aye:	Mayor McKeown, Councilors Daily, Eck, Johnson, Kramer, Melton, and Pundt
No:	None
Absent:	None

Councilor Kramer moved to approve the amendment based on the findings and conclusion set forth in the Planning Commission’s Final Recommendation, approve the zone change to change the designation from “Residential Professional (R-4P)” to “Central Commercial (C-1)”, and enact the ordinance. Councilor Melton seconded the motion. Deputy Finance Director Susanne Baker read the ordinance by title only and Ordinance No. 424 was enacted by the following vote:

Aye:	Mayor McKeown, Councilors Daily, Eck, Johnson, Kramer, Melton, and Pundt
No:	None
Absent:	None

Public Hearing to Consider Regulating Smoking in City Parks – Approval Would Require Enactment of the Proposed Draft Ordinance

Public Works and Development Director Jim Hossley stated at the January 19, 2010 Council meeting a group facilitated by Jennifer Stephens addressed the Council requesting the city parks be designated as smoke-free. Subsequently, Council directed staff to draft an ordinance for consideration. The proposed draft ordinance provided several options: ban smoking in all city parks; ban smoking in selected city parks; restrict smoking to certain areas within all or selected city parks; consider additional options; or do nothing. Councilor Melton asked for a show of hands from the audience of those against the smoking ban.

Mayor McKeown stated the public comment time would be limited to three minutes; everyone's opinion would be respected; and a Council committee would be formed to interact with the County on a task force to research into why Coos County had such a high cancer rate. Mayor McKeown opened the public hearing.

Bob Arnold, North Bend: Retold his experience as a veteran in Biloxi many years ago with regards to discrimination of African-Americans; spoke of the atrocities done to the Jewish people during Hitler's reign; the rights of a pedophile to be in the park; and stated the smoking ban was comparable to the aforementioned as a loss of personal rights and he was not in favor of the smoking ban. Steve Pickering, Coos Bay: Read portions of the proposed ordinance; stated the hospital did not know the reason why there were large numbers of residents with cancer; and encouraged meth reduction as a first priority. Diane Fisher Harrison, Coos Bay: Stated she did not like smoking but believed anyone should be able to use the park; encouraged tolerance; and suggested children are influenced first at home with regards to smoking. Ms. Fisher read a letter from Suzanne Fisher stating there was room for everyone in the parks and just because other cities were banning smoking did not mean Coos Bay should follow.

Frances Smith, Coos Bay: Stated as a public health official, Coos County ranks highest in lung cancer in Oregon along with mouth, throat, and bladder cancer; tobacco was the greatest cause for lung and bladder cancer; 19% of 11th grade students and 13% of 8th grade students use tobacco; stated the use of a vehicle was highly regulated wherein the use of tobacco was not; and was in favor of the smoking ban. Joe Smith, Coos Bay: Suggested he should not be subjected to second hand smoke while using the parks and was in favor of the smoking ban. Carl Siminow, Coos Bay: Asked that everyone remember who uses the parks (children, elderly, and joggers), they should be able to use the park smoke free, and was in favor of the smoking ban. Jim Bice, Coos Bay: Stated this was not just about smoking; people are generally tolerant; smoking was a behavioral issue and there are many other behavioral issues that are tolerated; stated the parks are in the open air; suggested using a common sense approach; and he was not in favor of the smoking ban.

Jesse Coggins, Coos Bay: Stated there was no constitutional right to smoke, it was not a protected right, and he was in favor of banning smoking in the park. Angie Webster, Coos Bay: Read a statement by Doug Miles, Counselor at Marshfield High School, in favor of the smoking ban. Mr. Miles teaches smoking cessation at Marshfield High School and stated many in his class start smoking again because of peer pressure and their environment. Mr. Miles stated a smoke free park would help teens in smoking cessation. Deb Lal, Coos Bay: As the owner of Downtown Health and Fitness she was in favor of the smoking ban and enjoyed a smoke free park during a recent visit to San Diego. Jacob Klien, Coos Bay: Stated kids are influenced by those around them, adults should model good habits, and presented a petition of those in favor

of the smoking ban.

Tracey Scott, Coos Bay: Stated smoking was more of a privilege rather than a right, what about the rights of those who do not smoke; stated second hand smoke can cause an asthmatic event for those in the park; and was in favor of the smoking ban. Renee Menkens, Coos Bay: Stated her experience working at the hospital has revealed the negative results of smoking; she has witnessed the challenges of smoking cessation; and she supports the smoking ban. Lindy Quinn, Coos Bay: Stated she supports the smoking ban; believes in working to improve the lives of women; and stated she worked in radiology at Bay Area where the recruitment of health professionals was difficult as our community does not have a healthy profile. Teresa Muday, Coos Bay: Stated she was a local doctor; tobacco was the main cause of bladder cancer; there was no condition where smoking makes anything better; and believed modeling good behavior as an adult was the most influential factor for whether kids would start smoking.

Rick Hoffine, Coos Bay: Stated government regulation of individual rights was concerning; questioned the increase in power of those in government; and wondered what would be next. Jennifer Stephens, Coos Bay: Stated enforcement of smoke free parks is 90% self-enforcing; spoke with the Parks and Recreation Director of Corvallis where their transition has been low key and adequate signage has been instrumental; and stated Bandon's Mayor has had a good experience with their smoking ban. Marilyn Schmidt, Coos Bay: Stated she was in favor of the proposed ordinance; liked the idea of creating a healthier county; would like to participate in the task force; and read a letter from Emily Arnick who also was in favor of the smoking ban.

Stephen Brown, Bandon: Stated he was the Tobacco Prevention Coordinator for Coos County; tobacco usage was the single largest cause of cancer death in Coos County; smoking causes many issues for pregnant women and the unborn child; stated most adult smokers who started smoking as children state they desire to stop and wished they never started; and stated Coos County had a high rate of school age smokers. Dana Gaab, Coos Bay: Stated he was a non smoker; would stand up and vote for anyone's right to smoke; and referenced an article in The World the day after the last Council meeting regarding the smoking ban which referred to smoking as a habit which equals that of any other drug. Adam Gould, Coos Bay: Stated the Council should listen to the kids as they are important as soon they will be gone from Coos Bay and suggested we become "relevant". Michelle Caldera, Coos Bay: Supports the smoking ban and stated a few smokers should not spoil the park experience for everyone.

Nicole Katsikis, Coos Bay: Stated she was in support of the smoking ban; believed adults must model good behavior habits; and told of her father's health consequences and her mother's death due to smoking and second hand smoke. Hugh Tyson, North Bend: Stated he was the County Health Officer; was moved by the diversity of the opinions expressed; was impressed with the young people; told of his experience in the military picking up the remnants of cigarettes; and spoke of the negative image of our public areas littered with cigarettes. Neil Dewey, Coos Bay: Stated he was a respiratory therapist at Bay Area Hospital and he has nothing positive to say about smoking however it did keep him employed; stated kids must be bored to smoke; encouraged the Council do something positive to prevent kids from smoking; and believed tourism increases in communities with smoking bans.

Challis Casebolt, Coos Bay: Stated she was a health care worker; smoking increases cervical cancer over 28 times; and encouraged a ban on smoking in at least some of the parks if not all.

Frosty West, Coos Bay: Asked how the ban would be enforced; what would be the cost; who would enforce the ban; and was concerned about creating a law that was not enforceable. Ann Morgan, Bandon: Stated she was a nurse practitioner and mid-wife; she took care of the very young and those with chronic diseases and were suffering; the health of the unborn was important; and had seen the trauma of those who live in a house of smokers who are not considerate of the presence of a pregnant woman; and the elderly who had smoked at one point in their life were not able to have the quality of life they desired. Neil Marran, Coos Bay: Stated if smoking should be banned the federal or state government should make no smoking a law, not local government. Seymour Glassman: Stated he did not smoke, was concerned more with the chemicals in our food supply that causes cancer, and believes the tobacco industry was big business. Gino Landrum, Coos Bay: Stated EPA conducted a study showing that radon gas was the number one cause of cancer.

Mayor McKeown closed the public hearing. Mayor McKeown stated freedom and personal liberties are fundamental and they hard to acquire; would like to ban smoking in the skateboard park and the ball field stands; and would like to defer any further extension of a smoking ban decision until the task force completes their analysis.

Councilor Daily stated he smoked in the past and quit to be a positive role model for his children and was in favor of a ban on smoking. Councilor Johnson stated she was in favor of selectively banning smoking in some areas, told of her father's death due to esophagus cancer due to smoking, and stated enforcement would be self-imposed. Councilor Melton stated he served as a veteran to protect the rights of those tonight to gather and discuss this issue; stated the health professionals have made good points however he has not found a proven fact where second hand smoke causes death; he supports the right of those who would choose to smoke; and would support a smoking ban at the skateboard park and in the area where the kids play.

Councilor Pundt stated the smoking ban was a complex issue, designating the children's play areas as no smoking would be important, and he would like to see more options. Councilor Kramer stated the areas around the playground equipment and Skateboard Park should be smoke free, she too would like to see additional options, and would like to see Coos Bay become "relevant" as suggested. Councilor Eck stated many things must first start at home as government cannot do everything, individual rights are too easily given up, and agreed the playground areas may be an area to consider designating as no smoking.

Mayor McKeown moved to request staff to bring back an ordinance eliminating smoking in the skateboard park, designated playground areas, and in the ball field stands at Mingus Park; and to reconsider the overall ban after the City's task force provides recommendations based on their findings. Councilor Melton seconded the motion which carried with Mayor McKeown, Councilors Daily, Johnson, Kramer, Melton, and Pundt voting aye. Councilor Eck voted no.

Public Comments

Adam Gould, Coos Bay: Stated he was Vice President of Music on the Bay, the group would like to construct a roof over the stage in Mingus Park, a \$50,000 matching grant from the Oregon Community Foundation had been awarded to Music on The Bay, and they request \$15,000 from the City to complete their fundraising. Steve Pickering, 2170 N 28th, Coos Bay: Questioned the status of the fire station and Lockhart building projects and would like to see the

overgrown sidewalks along Ocean Blvd cleared. Seymour Glassman, Coos Bay: Suggested streets that are not through streets should be considered for improvement so they become through streets. Diane Fisher Harrison, Coos Bay: Asked how to be appointed to the task force wherein Mayor McKeown directed Ms. Harrison to contact staff; and she also commended the Police Department staff on their professionalism and courtesy after a recent incident. Dana Gaab, Coos Bay: Stated Heartwood Resources near Winston may be helpful in deconstructing buildings. Billy Hawkins, Coos Bay: Presented information on the dunes.

City Attorney’s Report

No report was given.

City Manager’s Report

City Manager Rodger Craddock reminded the Council of a Special Council work session, April 8th, Thursday with the Visitors Convention Bureau, 6:00 p.m. at the Library; and stated the owners of a property on Park Avenue indicated a desire to deed the parcel to the City with the condition the parcel be used for a park, with preference for a tennis court. Mr. Craddock stated a recommendation would be brought to Council in May.

Council Comments

Councilor Daily stated there will be a Lab Band concert at the Egyptian on April 25th, Sunday afternoon. Councilor Johnson suggested the Coos Art Museum had great exhibits and encouraged support of local businesses. Councilor Kramer wished her mother a happy 90th birthday and found the weather poor in Florida. Councilor Melton attended the Coos County Commissioner’s meeting and noted a division among residents in moving our area forward. Mayor McKeown stated this Saturday will be the Mr. MHS fundraiser where he has been asked to participate as one of the judges.

Adjourn

There being no further business to come before the Council, Mayor McKeown adjourned the meeting. The next regular Council meeting was scheduled for April 20, 2010 in the Council Chambers at City Hall.



Jeff McKeown, Mayor

Attest: 

Rae Lea Cousens, City Recorder