

# MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

**September 17, 2019**

The minutes of the proceedings of a regular meeting of the City Council of the City of Coos Bay, Coos County, Oregon, held at 7:00 pm in the City Hall Council Chambers, 500 Central Avenue, Coos Bay, Oregon.

## **Those Attending**

Those present were Mayor Joe Benetti and Councilors Stephanie Kilmer, Phil Marler, Carmen Matthews, and Rob Miles. Councilors Lucinda DiNovo and Drew Farmer were absent. City staff present were City Manager Rodger Craddock, City Attorney Nate McClintock, Finance Director Nichole Rutherford, Deputy Finance Director Melissa Olson, Public Works and Community Development Director Jim Hossley, Fire Chief Mark Anderson, and Police Chief Gary McCullough.

## **Flag Salute**

Councilor Marler opened the meeting and led the Council and assembly in the salute to the flag.

## **Public Comments**

Bittin Duggan, Coos Bay stated she was the chair of the Human Rights Advocates of Coos County and program director for Growing Through It a program of Coos Commons. The Human Rights Advocates were interested in becoming involved in the Oregon Community Remembrance Project led by the Equal Justice Initiative in Alabama and requested the City Council become involved in Finding Truth through Reconciliation to recognize and place a historical marker for a lynching that occurred in Marshfield (Coos Bay) in 1902.

## **Consent Calendar**

Councilor Marler reviewed the consent calendar which consisted of:

- 3a: Approval of minutes of September 10, 2019
- 3b: Approve Special Council meeting minutes September 10, 2019
- 3c: Acceptance of August 2019 Check Registers
- 3d: Acceptance of August 2019 Financial Reports

Councilor Kilmer moved to approve the consent calendar as presented. Councilor Miles seconded the motion which carried. Ayes: Kilmer, Marler, Matthews, Miles. Absent: Benetti, DiNovo, Farmer.

## **Report by Marshfield High School Key Club Members**

Marshfield High School (MHS) Key Club representatives Emerald Russell and Zachariah Sahli summarized upcoming Key Club activities, shared various ongoing fundraising activities and achievements by various MHS clubs, committees, and athletic teams. Ms. Russell stated Club representatives met with the Parks Commission, were given permission to install outdoor fitness equipment at Pirate Park, received a \$3,000 grant from Bay Area Hospital Foundation, and purchased three pieces of equipment.

## **Public Hearing to Consider Enactment of the Proposed Utilities Fees and Penalty Ordinance and Adoption of Resolution 19-19 Amending the City Fees Schedule**

Public Works and Community Development Director Jim Hossley stated in 2018 the Federal Communication Commission (FCC) issued a ruling and order that limited local municipal government regulations and fees placed on telecommunication infrastructure and services. The ruling and order clarified and adopted new time frames to complete regulatory and permitting reviews of multiple types of cellular telecommunication facilities and established new regulations for small cell facilities. More specifically the FCC ruling and order:

- Codified approval time frames and previously defined telecommunication terms;
  - Added new small cell facility standards that define facilities based on size;
  - Required small cell facilities be allowed in the city right-of-way and on private property;
  - Limited the application of aesthetic and other commonly used criteria to small cell facilities;
- and
- Limited fees associated with siting small cell facilities located in the right-of-way.

Staff prepared for Council's consideration an ordinance to meet FCC rules regarding fees charged for telecommunication utilities who wish to install small cell wireless facilities within the City's right-of-way. Staff also revised the City's fee schedule to include the fees charged associated with the installation of small cell wireless facilities and other utilities using the City's right-of-way. Unrelated to telecommunications, staff also added language to page three of the fee schedule regarding payment by applicants and appellants of the City's cost for the use of any contracted services to process land use applications or appeals.

Ordinance 74, amended by Ordinance 152, codified as Coos Bay Municipal Code 13.20 Utility Fee, addressed franchise fees the City imposed on utilities using the right-of-way. The ordinances need to be repealed and new ordinance enacted to improve clarity, particularly by defining a utility license and franchise fee. The recent FCC ruling and order limited fees cities can impose on utilities deploying small cell facilities. The fees the City would collect per the current Ordinance 74 and 152 is not consistent with the FCC ruling and order. The new ordinance needs to be consistent with the FCC ruling and order so the City can collect fees from a utility for its occupancy and/or operation in the city right-of-way. The City received interest from at least one utility that wants to deploy small cell facilities. Staff reviewed other city ordinances to identify those that may need to be amended to ensure compliance with the FCC ruling and order.

To accommodate the allowable FCC fees in the ordinance proposed above, the City's fee resolution needs to be revised. The proposed revised fee resolution included changes to provide for utility license fees for small cell wireless facilities to be installed within the City's

right-of-way. This includes a one-time utility license of \$500 for installation of up to five devices, with an additional \$100 per device installed over five, and an annual renewal license of \$270 per year, per device. These rates are in compliance with FCC guidelines for reasonable fees municipalities can charge utility companies so as to not to inhibit the deployment of additional facilities. Verizon Wireless Network Engineer Alan Bar was present to answer Council questions and thanked the City staff for their work.

Mayor Benetti entered the meeting at 7:10 p.m.

Mayor Benetti opened the public hearing for public comments. No comments were made and the public hearing was closed.

Councilor Marler moved to repeal Ordinances 74 and 152, enacting the proposed ordinance providing for franchise fee, utility license and penalty. Councilor Kilmer seconded the motion. Deputy Finance Director Melissa Olson read the ordinance by title only and Ordinance 516 was enacted by the following vote:

Aye: Benetti, Kilmer, Marler, Matthews, Miles.

Nay: None.

Absent: DiNovo, Farmer.

Councilor Kilmer moved to adopt Resolution 19-19 amending the City's fee schedule. Councilor Marler seconded the motion which carried. Ayes: Benetti, Kilmer, Marler, Matthews, Miles. Absent: DiNovo, Farmer.

### **Authorize No Parking Zone Along South 10th Street and Fifteen Minute Parking Along North Wasson Street**

Public Works and Community Development Director Jim Hossley stated South 10th Street roadway width from Johnson Avenue to Southwest Boulevard is approximately twenty-five feet. Currently the street is not posted "No Parking" which creates safety issues for both pedestrian and motoring public. The City Manager authorized temporary No Parking until Council could review the issue. Per Coos Bay Municipal Code 10.05.050 Public Danger, *Under conditions constituting a danger to the public, the manager or his or her designee may install temporary traffic control devices.*

In addition, the owner of a new doughnut business at the northwest corner of Wasson Street and Newmark Avenue met with the City Manager and requested the City designate two 15 Minute Parking spots, during business hours, on the west side of North Wasson Street in front of his business. Council also discussed an issue of vehicles parking on City sidewalks and getting information out to the public why it is an issue.

Councilor Miles moved to authorize staff to permanently post "No Parking" signs on the West side of 10th Street between Johnson Avenue and Southwest Boulevard; and designate two "15 Minute Parking" spots on the West side of North Wasson Street at Newmark Avenue. Councilor Marler seconded the motion which carried. Ayes: Benetti, Kilmer, Marler, Matthews, Miles. Absent: DiNovo, Farmer.

### **Approval of Adoption of Resolution 19-20 Regulating Transient Business**

Public Works and Community Development Director Jim Hossley stated in August 2019 Council discussed possible changes to where transient vendor carts can park. In particular, Councilors did not want vendors to set up in front of the murals on the Preway. At the September 10, 2019, City Council and Urban Renewal Agency work session, Councilors considered and discussed possible options in the Preway and boardwalk presented by staff. City property locations to be allowed for vendor carts include the West three quarters of the Preway to minimize visual impact to the existing mural and along the Boardwalk except for blocking the entrance. The Visitor Information Center and Hollering Place Wayside would no longer be available for vendor carts; the Hollering Place Wayside is now owned by the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians. Additionally, the existing Resolution 13-02 required transient business to provide proof of insurance and implies a health license certificate is required; Resolution 19-20 clarifies a health license certificate is required. Council discussed in the future to possibly have a designated, centralized spot for food vendors.

Councilor Matthews moved to adopt Resolution 19-20 Regulating Transient Business on Specifically Designated City-Owned and Public Right of Ways. Councilor Marler seconded the motion which carried. Ayes: Benetti, Kilmer, Marler, Matthews, Miles. Absent: DiNovo, Farmer.

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

City Manager Rodger Craddock stated over the last weekend over 170 volunteer members from the Church of Jesus Christ of Latter-Day Saints and the Knights of Columbus assisted the City with maintenance tasks at several facilities throughout the City. Mr. Craddock wanted permission to have a thank you letter written and signed by the mayor; Council agreed. City auditors were on-site for final audit of fiscal year 2018-2019 the week of September 9, 2019; the City received a clean audit with no findings and would received the final audit report in December 2019. Both Community Enhancement Plan Enterprise Zone Agreements were approved and a signing date would be scheduled for all parties. The grand opening for Empire Donuts would be at 9 a.m. on September 18, 2019 at 114 N Wasson Street in Empire; the lower floor of this building had been empty for almost twenty years. Many Urban Renewal Agency Empire District Capital Street improvements had been completed, two streets were in progress with two streets remaining and then begin the ADA (Americans with Disabilities Act) compliant curb return projects. The City was notified by a citizen a inlaid brick was missing at 3rd Street and Commercial Avenue. It was determined a storm connection drain pipe had deteriorated creating a sinkhole under the sidewalk, so a four foot section of twenty-four inch pipe was replaced, and the curb will need to be replaced for ADA compliance.

Fun Festival was scheduled for September 21-22, 2019. Get Ready Coos Bay for disaster preparedness was scheduled for September 28, 2019 and City Hall had a tsunami drill on September 13, 2019. League of Oregon Cities (LOC) conference was scheduled for September 26-28, 2019. The City of North Bend had six delegates attending and wanted to schedule a networking dinner with Coos Bay City Councilors on September 26 or 27, 2019. The City was part of two grants, written by a staff member on behalf of the Coos Bay Downtown Association for visioning and economic development plan, providing funds for the Main Street Program and with the contract coming up on it's expiration date Mr. Craddock proposed to look at the economic plan and tie expectations to the plan to expand the agreement; continue to fund it with deliverables based on the new plan. The other grant was

for the Front Street, the Chamber of Commerce Outlook forum in December 2019 will spotlight on Front Street, the City will coordinate with various business owners in two 15 minute slots to share what is happening.

### **Council Comments**

Councilor Matthews thanked the volunteers that helped clean the City this last weekend and for all to use that as an example on how to lend a hand. Councilor Marler thanked Verizon Wireless Network Engineer Alan Bar for coming to the meeting and expanding wireless capacity in our area. Councilor Kilmer stated she was pleased and appreciated the grant work done for economic vitality and growth; the Coos Bay Downtown Association had a preliminary meeting the previous week for strategic planning for marketing, business development, and identifying vacancies downtown; thanked City staff for a clean audit; thanked the street crews work leading up to Fun Festival; stated the Fun Festival would begin with the 40th annual Prefontaine Memorial race that was designated as the Road Runners Club of America Western Regional Championship 10K race with medals being presented; and mentioned various activities through the weekend in downtown Coos Bay September 21-22, 2019. Councilor Miles stated the kids Prefontaine run on September 21, 2019 at 10 a.m. was free; thanked the volunteers for cleaning and requested a thank you card for all Council to sign for the volunteers; requested signs to be put up for street projects stating sponsored by Transportation User Fee; and thanked the Fire Department and staff for cleaning on Ocean Boulevard. Mayor Benetti thanked Councilor Matthews for cleaning in front of his place of business and adjoining the parking lots; requested everyone attend the Empire Donuts grand opening; and to attend the Fun Festival. Also asked what work was being done by Rock Face LLC and what the current interest rate was on the Jurisdictional Exchange. Finance Director Nichole Rutherford stated Rock Face LLC was doing work on the Coos Bay Village development and the rate as of August 6, 2019 was 2.6%.

### **Adjourn**

There being no further business to come before the Council, Mayor Benetti adjourned the meeting. The next regular Council meeting was scheduled for October 1, 2019 in the Council Chambers at City Hall.



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Joe Benetti, Mayor

Attest: Nichole Rutherford  
Nichole Rutherford, City Recorder