

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

**November 21, 1995**

The minutes of the proceedings of the regular meeting of the City Council of the City of Coos Bay, Coos County, Oregon, beginning with a work session in the Council Chambers at 7:00 p.m. 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, Gary Combs, Cindi Miller, Judy Weeks, and Dave Williams. City staff present were City Manager Bill Grile, City Clerk Joyce Jansen, City Attorney Randall Tosh, Library Director Carol Ventgen, Community Services Director Bruce Meithof, Police Chief Marc Adams, Fire Chief Cliff Vaniman, and Planning Administer Kevin Cupples. Members of the media were also present.

### **WORK SESSION**

Mayor Verger reviewed the items on the consent calendar. City Manager Grile said the Planning Commission's recommendation to the Council was to make a tentative decision not to expand the urban growth boundary into the Charleston-Barview area. He said this is not a land use decision that would be appealable to LUBA. Mr. Grile said it would give a message to the County that they would have different administrative rule requirements to deal with and it would show the City's support of the Charleston-Barview community's development efforts. Mayor Verger commented that she wished the Charleston area well in getting organized.

City Attorney Tosh explained the changes in Ordinance No. 217 were in the section dealing with live aboards and the definition for The City. He said the revision removed limitations as to the maximum period of time that a live aboard could stay aboard their boat, and established two classes of live aboard permits. Mr. Tosh said the definition for The City had been changed to include City Manager's designee under the agreement for management of the facility. City Manager Grile said there is a possibility of an agreement with the Port to oversee management of the facility and this change gives the City the flexibility enter into an agreement. Councilor Combs suggested that an arrangement with the Port be done on a six-month trial basis.

Mr. Tosh explained the changes in Ordinance No. 218 were requested by the Library Board because the council rules affect the way the board works. He said in the past the Library Board had made recommendations to the Council for appointments to the Board and removal from the Board was limited to cause situations. Mr. Grile commented that section 3(f) gives the Library Board the authority to dispose of real city property. Mayor Verger asked if the Board could sell the building and Mr. Tosh said essentially, yes they could. Mayor Verger said she felt the section was meant to deal with donated property.

Mr. Tosh said the intent of the amendment to Ordinance No. 219 was to add two members from the the Empire area to the Design Review Board. He said the revision also made a provision for allowing the Council to establish the funding for programs by resolution. He reported the other change was made to clarify the awnings are owned by the building owner.

Mr. Grile explained that Resolutions 95-32 and 95-33 amend the comprehensive plan and Ordinance No. 220 changes the zoning map. He said the amendments were required to enable the City to proceed with the Eastside boat ramp project. Mayor Verger commented that the Port had hired a consultant to do an overall plan of Port property and asked if the City's zoning changes would impact the Port's plan. Mr. Grile said the changes consider just the property for the boat ramp and he did not believe it would interfere with the Port's plan.

Mayor Verger said the Mayor's Citizens Academy is a nine-month course in city government. She said this is one way the City can encourage citizens to be involved with city government and better understand the workings of the City. Mayor Verger said she believed the Academy would build confidence in city government and city employees.

### **COUNCIL MEETING**

#### **Flag Salute**

Mayor Verger called the meeting to order 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 the minutes of the regular session of November 7, 1995
- b) appropriation of funds for city hall remodel - Resolution 95-30
- c) Myrtle Avenue street vacation - applicant request for a continuance

Councilor Weeks moved to approve the consent calendar as presented. Councilor Williams seconded the motion which carried with the Mayor and all Councilors present voting aye.

#### **Planning Commission Recommendation Regarding Barview-Charleston Urban Growth Boundary**

City Manager Grile said the Planning Commission's recommendation to the Council was to make a tentative decision expressing Council's intent not to pursue expansion of the Coos Bay Urban Growth Boundary into the Charleston-Barview area. Councilor Miller moved that the City Council express their intention to leave the urban growth boundary in the southwest portion of Coos Bay in its present location. Councilor Weeks seconded the motion which carried with the Mayor and all Councilors present voting aye.

#### **Regulating Moorage at City Facilities - Ordinance No. 217**

City Attorney Tosh reviewed changes to the ordinance which addressed limiting the amount of time for live aboards and created permits for day to day and week to week duration. He said the permits were kept short because the facility was not currently outfitted for live aboards and gave the

City some control over the situation. Mr. Tosh said the second revision changed the definition of The City to include any designee under a management agreement for management of the facility. Consensus of Council was to authorize the City Manager to pursue an agreement with the Port to manage the facility. Council discussed the definition of a seaworthy craft and whether a barge would be allowed to moor at the city dock. Mr. Tosh recommended amending the ordinance rather than removing the definition from the ordinance. Mayor Verger suggested that if the situation of mooring a barge comes up, it be brought to the Council. Councilor Benetti moved to enact Ordinance No. 217 as presented. Councilor Miller seconded the motion which passed with the Mayor and all Councilors present voting aye.

#### **Amendment to Library Board Ordinance - Ordinance No. 218**

City Attorney Tosh reported the amendment to the ordinance was initiated by the Library Board. He said the Board was concerned that certain changes in Council Rules would affect the composition and tenure of the Board members. Mr. Tosh said the first amendment gives the Board the ability to recommend persons to the Mayor for positions on the Board; and second, that a provision be added which would limit removal from the Board to situations that are for cause. He said current practice allows the Board to make recommendations for appointment to the Board, and the Board is established under state statute which provides for removal for cause situations only. Mayor Verger asked for clarification on Section 3 (f) authorizing the Library Board to dispose of real and personal property. She asked if this was addressed under the state statute and Mr. Tosh responded it is under state statute that the City can provide for this provision in the ordinance setting up the Library Board. Mayor Verger asked if this section needed clarification. Mr. Tosh recommended an addition to the ordinance stating that prior to disposal, the property must be surplus and approved by the Council. Mayor Verger asked Library Director Carol Ventgen if this section were eliminated if it would cause any hardship for the Library. Ms. Ventgen said this section had been in the ordinance for many years and had never been a problem. Consensus of the Council was that disposal of City real property should be authorized by the Council. Mr. Tosh suggested that another subsection be added that sales would require the approval of the Council. He said the addition to the ordinance would be prepared and the ordinance would be brought back to the December 5, 1995 Council meeting.

#### **Amendment to Design Review Board Ordinance - Ordinance No. 219**

City Attorney Tosh reviewed the changes to the ordinance. He said the amendment was initiated by the Council for the purpose of expanding the Design Review Board by adding two members from the Empire area. Mr. Tosh said there were a number of changes made to accommodate the Empire urban renewal district and membership would include one person owning a business in the Empire area and one citizen at-large from the Empire area. He said the provision for initial appointment was that the business owner shall have a three year term and the citizen at-large shall have a two year term. Mr. Tosh reported that other changes were made to clarify that the building owner was the owner of the awning, and a section was added to enable Council to establish funding for the program by resolution. Councilor Williams noted the heading of the ordinance only referenced the downtown area. Mr. Tosh said an additional explanation would be added when the

ordinance was codified. Mayor Verger moved to enact the ordinance as presented. Councilor Miller seconded the motion which passed with the Mayor and all Councilors present voting aye.

#### **Eastside Boat Ramp Comprehensive Plan Amendment - Resolutions 95-32 and 95-33**

City Manager Grile explained the proposed plan amendment to the Comprehensive Plan was recommended by the Planning Commission was necessary for the City to proceed with the development of the Eastside boat ramp. Councilor Benetti moved to approve the Planning Commission's recommendation to amend the Comprehensive Plan by adopting Resolutions 95-32 and 95-33. Councilor Weeks seconded the motion which passed with the Mayor and all Councilors present voting aye.

#### **Eastside Boat Ramp Zoning Map Amendment - Ordinance No. 220**

City Manager Grile said Ordinance No. 220 rezones the property which was changed in the Comprehensive Plan by Resolutions 95-32 and 95-33. He said this will allow the application for the development of the boat ramp facility. Councilor Miller moved to enact Ordinance No. 220. Councilor Weeks seconded the motion which passed with the Mayor and all Councilors present voting aye.

#### **Mayor's Citizens Academy - Resolution 95-34**

Mayor Verger reviewed Resolution 95-34 establishing the Mayor's Citizens Academy. She said the Academy's purpose was to better inform the public on city government and would foster an understanding of what elected officials and public employees do. Mayor Verger commented that classes would begin in January, 1996. Councilor Miller moved to adopt Resolution 95-34. Councilor Weeks seconded the motion which passed with the Mayor and all Councilors present voting aye.

#### **Public Comments**

Sargent Webster, North Bend. Mr. Webster commented about the moorage ordinance and questioned whether it had been researched sufficiently. He referred to an article from *Waterfront Magazine* on Oak Harbor Marina in which issues of transient moorage, live aboards, security, parking, restrooms, and water were addressed. He expressed concern about sewage treatment facilities on the vessels and the possibility of pollution of the bay.

Mr. Webster made reference to a newspaper published by the Bay Area Rescue Mission. Mayor Verger asked where Mr. Webster had gotten the newspaper and Mr. Webster replied that a friend of his had had it delivered in his paper box. He referred to an article which stated that the mission had had up to 19 men spending the night and Mr. Webster said his understanding was that the limit was 12. Mr. Webster commented that he did not believe Mr. Grile could prepare an unbiased report on the Mission as he had publicly stated his support of the Mission. Mayor Verger suggested Mr. Webster attend the meeting scheduled for factfinding. She commented that working with the Port would be very helpful to managing the dock. Councilor Benetti commented that the

## Council Minutes - November 21, 1995

meeting on the Mission would be a factfinding meeting and said he believed Mr. Grile could be impartial. Mr. Webster commended Mr. Grile for taking action on bringing to closure the Mission issue. Mr. Grile clarified that he would not be the factfinder and would be preparing a draft for the Council's review. Councilor Combs requested copies of the marina article be distributed to the Council and Mr. Webster gave the magazine to the City Attorney.

Mike Gaul, Director of Operations for the Port, commented that the Port had done extensive research before building their facility in Charleston and they would be willing to work closely with the City on managing the facility.

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

City Attorney Tosh reported that Mr. Ed Blower had accepted the City's offer to purchase his property for the library expansion project.

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

City Manager Grile reported that a regional problem solving meeting had been held with representatives from the city of North Bend, Department of Land Conservation and Development, and Coos County. He said the meeting went very well and the next meeting had been scheduled for December 20, 1995.

Mr. Grile congratulated Mayor Verger on her election to the League of Oregon Cities Board of Directors.

### **Mayor and Council Comments**

Councilor Weeks reported that the Bay Area Rotary Club will be honoring Officer Robert Lounsbury for his work as a DARE officer. She commented on an article in the paper about the use of praise coupons for visitors to city hall and the chamber.

Councilor Combs commented that he found many of the meetings at the League of Oregon Cities conference very helpful. He said the City is progressing well in becoming user friendly. Mr. Combs briefly reported the social and economic benefits of park facilities.

Councilor Williams congratulated the Mayor on her appointment to the Board of Directors for the League of Oregon Cities.

Councilor Benetti commented on the benefits of the City being on the Internet. He said this would be a great way to get council agendas, minutes, and other information accessible to the public.

Mayor Verger said she enjoyed the League of Oregon Cities Conference and that the LOC welcomes ideas from cities. Mayor Verger reported on the process for making appointments to vacancies on Budget Committee and Planning Commission. She said the City Clerk would be placing an ad in the newspaper, sending public service announcements to the media, and preparing an application form. Consensus of the Council was to hold interviews before the regularly scheduled council meetings for the openings with appointments made at the January 2, 1996 meeting.

Mayor Verger reminded everyone of the tree lighting ceremony on Friday at 6:30 p.m. which would be held on the boardwalk.

Council Minutes - November 21, 1995

**Adjournment**

There being no further business to come before the Council, Mayor Verger adjourned the meeting to December 5, 1995 at 7:00 p.m. in the Council Chambers of City Hall.

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

ATTEST:

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Joyce Jansen  
City Clerk of the City of Coos Bay  
Coos County, Oregon