

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

**November 19, 1996**

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, Jeff McKeown, Cindi Miller, Don Spangler, Kevin Stufflebean, and Judy Weeks. City staff present were City Manager Bill Grile, Deputy Recorder Joyce Jansen, City Attorney Randall Tosh, Police Chief Marc Adams, Planning Administrator Kevin Cupples, Interim Fire Chief Mark Anderson, and Library Director Carol Ventgen. Members of the media were also present.

### **WORK SESSION**

Mayor Verger reviewed the items on the consent calendar. City Manager Bill Grile explained the joint powers agreement would pool resources for a training program with the Bureau of Land Management, School District 9, and Coos Bay-North Bend Water Board. Mr. Grile further explained the agreement had been previously approved by the Council, but Mr. Coffee, attorney for the Water Board, had requested a change in item 10 of the agreement. Councilor Spangler inquired what the cost to the City would be. Mr. Grile responded \$10,000 was budgeted for safety training and the City's share, to be paid to Wisestep, was \$5,739. Mayor Verger explained newly elected Council Members would be taking the oath of office and the Council would be electing a Council President.

Mayor Verger explained the process for public hearings and noted that a separate packet of additional information had been delivered to the Council regarding paving requirements. Mr. Grile reported that several months ago the Council had discussed paving requirements for commercial parking lots and had referred the matter to the Planning Commission for a recommendation. Mr. Grile noted there were three basic options and the Planning Commission's recommendation was option 2, which in effect tightens the requirements in the current ordinance. Mr. Grile explained the current ordinance allows a waiver for businesses of 25 employees or less, and the Planning Commission is recommending removal of this provision. Councilor McKeown asked why the Planning Commission changed the language and Mr. Grile read the section, emphasizing the word may, noting it was staff's feeling the desire of the Council was to not allow the 25 person exemption because the language was not clear. Councilor Stufflebean asked if there was a certain time frame for paving. Mr. Grile reported that option 3, which was rejected by Planning Commission, held a time frame for completing paving. Councilor Spangler commented extensions had been previously given and now could be for up to four months. Councilor Stufflebean expressed concern about the ability of small businesses to meet the paving requirements. Mayor Verger commented paving should also be looked at from the taxpayer and City point of view; in that damage is caused by gravel coming onto the pavement.

## **Council Minutes - November 19, 1996**

### **COUNCIL MEETING**

#### **Flag Salute**

Mayor Verger opened the meeting 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 meeting of November 5, 1996
- b) Approval of Joint Powers Agreement - Safety Training
- c) Resolution 96-30 - Support for Oregon Parks and Recreation Department

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

#### **Oath of Office for Newly Elected Mayor and Councilors**

Deputy Recorder Joyce Jansen issued the oath of office to Mayor Joanne Verger and Councilors Joe Benetti, Jeff McKeown, Kevin Stufflebean, and Judy Weeks.

#### **Election of Councilor President**

Councilor Miller nominated Councilor Benetti for Council President. Councilor Weeks seconded the motion which passed with a unanimous vote.

#### **Public Hearing - Paving Requirements for Off-Street Parking**

Mayor Verger opened the public hearing regarding paving requirements for off-street parking and asked if anyone present objected to the hearing on jurisdictional grounds. No objections were heard. Mayor Verger asked if any Council Member needed to disclose ex parte contact. Councilor Weeks reported she had visited Mr. Ed Eckes regarding a parking project. Mr. Grile explained the law requires disclosure of ex parte contact and whether you can render an impartial decision. Councilor Benetti asked if Mr. Eckes would be coming before the Council about his parking project and Planning Administrator Kevin Cupples said he would not. City Attorney Randall Tosh read a statement regarding receiving testimony applicable to the matter and stated the decision criteria. Mr. Grile reviewed the staff report and noted the Planning Commission recommended option 2 which would modify current ordinance language to maintain most of the allowances except delayed paving. Option 2 would eliminate the *may* statement and eliminate the exemption for small businesses of 25 or fewer employees. Mayor Verger asked if there was testimony in favor of the recommendation. Hearing none, the Mayor asked anyone opposing the proposal to give testimony.

Ralph Larson, Coos Bay, expressed concern about the cost of requiring homeowners to pave driveways and suggested paving 20 feet would be sufficient. Mr. Larson recommended other options be considered before requiring small businesses to pave their parking lots, such as a gravel stop, or partial paving. He felt the paving requirements would be a hardship for small businesses and could

## **Council Minutes - November 19, 1996**

discourage businesses from opening. Councilor Benetti asked Mr. Larson if he felt the ordinance should stay the way it is and Mr. Larson responded the language should be clarified for better understanding. There was further discussion regarding the exemptions to paving requirements in the current ordinance and consensus was the ordinance needed clarification.

Steve Auer, Coos Bay, said he favored option 2 with minor changes and recommended not requiring complete paving but only 10, 20 or 30 feet which he felt would be sufficient to contain the gravel.

Julie Hamm, Coos Bay, stated the requirement to pave a 75 to 100 foot driveway would present an economic hardship on most residential and business establishments. Ms. Hamm suggested changes in the ordinance to allow partial pavement and exempt businesses of 25 or less employees.

Mayor Verger asked if there were any other citizens wishing to give testimony. There being none, Councilor Miller moved to close the public hearing which was seconded by Councilor Spangler. Council discussed the suggestions made during the public hearing, noting most of the concern was the paving requirements for residential driveways and small businesses. Also discussed was concern about the amount of traffic possible from a small business. City Attorney Tosh noted there is a distinction in the ordinance for employee parking which is separate from customer parking requirements and is exempt of paving. Mayor Verger commented the ordinance needed to be clear and concise, and commended the Planning Commission for their time on this matter. Councilor Miller moved to accept the Planning Commission findings and option 2 with the language in a-3 to include e-2 and adding the requirement for paving to be ten feet in length. Councilor Stufflebean seconded the motion which passed with the Mayor and all Councilors present voting aye.

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

City Manager Bill Grile commended staff for an exemplary job during the storm. He reported on a problem with the dams at Empire Lakes and said staff had the situation under control. Mr. Grile reminded Council the meeting on December 3rd would start with a work session with the City Attorney at 6:30 p.m. and noted that Stuart Rose would be meeting with fire department personnel on Monday regarding the recruitment for a new fire chief. Mr. Grile requested a special meeting with the City Council to discuss the affects of Ballot Measure 47 on the City. Mayor Verger suggested the meeting be after the holidays in January. He advised the Council the factfinding report on the Bay Area Mission had been completed and is now in the hands of the City Attorney. The report may be presented to the Council at the December 17th meeting. Mr. Grile reminded the assembly of the tree lighting ceremony the day after Thanksgiving.

### **Mayor and Council Comments**

Councilor Stufflebean congratulated Councilors Benetti, McKeown and Weeks and said he is looking forward to working with the Council. Councilor Stufflebean asked that a work session be scheduled to discuss economic development. He inquired as to the status of the LID for Blanco Street and City Manager Grile replied that the Blanco LID did not go through.

Councilor McKeown commented he is looking forward to serving on the Council and asked that everyone be patient while he is learning his duties and becoming familiar with City policies.

## **Council Minutes - November 19, 1996**

**Councilor Spangler** welcomed the new members of the Council. He reported on attending the OCZMA meeting on November 4th and 5th dealing with the salmon restoration task force. OCZMA is recommending water sheds take an active part in stream cleaning and supported the Governor's recommendation. Councilor Spangler said he would share more information with the Council when the report is received.

**Councilor Weeks** also welcomed Councilors McKeown and Stufflebean to the Council and congratulated Councilor Benetti on his re-election to the Council and as Council President. Councilor Weeks said she enjoyed LOC conference.

**Councilor Miller** welcomed Councilors McKeown and Stufflebean to the Council and welcomed back Councilors Benetti and Weeks. Councilor Miller reported she will be out of town for December 3rd meeting.

**Councilor Benetti** thanked the Councilor for electing him Council President and commented he enjoyed serving the Council and community in that capacity. Councilor Benetti congratulated Mayor Verger on her re-election to the League of Oregon Cities Board. He also congratulated Councilors McKeown and Stufflebean on being elected to the Council, and Councilor Weeks on her re-election.

**Mayor Verger** reported meeting with Bill Scott of the Economic Development Department, and noted he recommended not going out to look for businesses to bring to the city. He advised that companies are looking at rural areas to expand or start up businesses and they look at a city's quality of education, infrastructure, and quality of life. Mayor Verger extended her sympathies to outlying areas for damage caused by the storm. She thanked Councilors for their attendance at the League of Oregon Cities Conference and said she is looking forward to serving the League Board.

### **Executive Session**

On motion by Councilor Miller and seconded by Councilor Weeks the Council went into executive session pursuant to ORS 192.660 (1) (h) for the purpose of discussion of potential or threatened litigation.

### **Adjournment**

There being no further business to come before the Council, Mayor Verger adjourned the meeting to December 3, 1996 at 6:30 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  
Deputy Recorder of the City of Coos Bay  
Coos County, Oregon

**Council Minutes - November 19, 1996**