

December 6, 2010
6:00 P.M.
Newport, Oregon

The City Council of the City of Newport met on the above date in the Council Chambers of the Newport City Hall. On roll call, Bain, McConnell, Bertuleit, Brusselback, Patrick, and Obtshka were present.

Staff present was City Manager Voetberg, City Recorder Hawker, City Attorney McCarthy, Community Development Director Tokos, Finance Director Marshall, Public Works Director Ritzman, Public Works Project Director Gross, and Police Chief Miranda.

PUBLIC COMMENT

Bain explained the public comment process.

Doug Fitts addressed Council regarding flooding in Nye Beach, noting that the frequency and volume of flooding has increased in the last 15 years. He requested city assistance in dealing with the flooding.

Kathy Cleary addressed Council regarding flooding in Nye Beach. She noted that a group has been formed to determine what can be done to mitigate the flooding, and that the group wants to work with the city to find a solution. She read a handout that was distributed to Council containing requests to the city by the Nye Beach Flood Committee.

Catherine Rickbone thanked the City Council for the tourism marketing grant for the Jazz at Newport program. She reviewed program statistics.

Ken Dennis requested a status report on the Naterlin sidewalk project

Carla Perry stated that the city lost a great benefactor with the passing of Norm Winningstad. She asked that the city officially honor him in an on-going and permanent way, and noted that this honor could be announced at the upcoming memorial service. It was noted that the City of Mombetsu is planning something in his memory.

PROCLAMATIONS AND RECOGNITIONS

Bain recognized Ed Simon for his work in organizing police volunteer programs.

CONSENT CALENDAR

The consent calendar consisted of the following items:

- A. Approval of City Council minutes from the work sessions of November 15 and November 29, and the regular meeting of November 15, 2010, and an amendment to the October 18, 2010 minutes;
- B. OLCC license application - La Maison Restaurant;
- C. Canvass of ballots from November 2, 2010 election;
- D. Annual adjustment to the city's System Development Charges.

The OLCC license application for La Maison Restaurant and the annual adjustment to the SDC's were removed from the consent calendar.

MOTION was made by Patrick, seconded by McConnell, to approve the consent calendar as amended. The motion carried unanimously in a voice vote.

OLCC license application - La Maison Restaurant. Miranda noted that the Police Department report is in the packet.

Katrina (Kate) Brown, new owner of La Maison, stated that she is the sole proprietor of La Maison, and her husband is the cook, and has no decision making authority relative to the business. She reported that she was informed by Miranda that he is recommending disapproval of the license due to her husband. She acknowledged that her husband has made mistakes, but is moving forward in a positive direction. She stated that having a liquor license will help the business grow. She requested an opportunity to hold a license.

Judie Rickus stated that the licensure would be a wonderful opportunity for a young couple, and she praised the hard work and dedication of the restaurant owners.

MOTION was made by Bertuleit, seconded by Patrick, to move forward with a favorable recommendation since the licenses are renewed annually. The motion carried unanimously in a voice vote.

Annual adjustment to city system development charges. Tokos reported that the city began annual SDC adjustments in 2008, and the adjustments are based on changes to the construction cost index. MOTION was made by Brusselback, seconded by Obteshka, to approve the annual SDC adjustment. The motion carried unanimously in a voice vote.

COUNCILOR'S REPORTS AND COMMENTS

Bertuleit reported on a recent Airport Committee meeting at which a draft outside contractor agreement was discussed. A final agreement will come before Council at a later date.

Obteshka reported on a recent meeting of the Library Board at which officers were elected, and CRSN fees were discussed. The Newport Reads book selection will be announced soon, and the upcoming Literary Flicks movie will be "Treasure Island."

Obteshka reported on meetings with Nye Beach merchants regarding the flooding issue. He stated that he will be the liaison between the merchants and city in seeking a resolution to flooding in the area.

Obteshka reported that the recent Business After Hours program attracted more than 50 people.

Obteshka reported that he had attended the retirement party for Dave Teem. Obteshka acknowledged the Newport Middle School cross country team.

McConnell reported that he had attended a meeting with Obteshka, Brusselback, and city staff on the sustainability project. He stated that the next step is to finalize the format and locate community partners.

McConnell reported that he had attended a recent Air Sustainability Task Force meeting, at which the committee recommended that staff continue a dialogue with SeaPort Air encouraging SeaPort to find ways to continue the service.

McConnell thanked businesses and individuals for repeatedly supporting many local groups and projects.

Brusselback recommended discussion on replacement of the swimming pool. He stated that the Wilder Twin Park trail was roughed in from the OCCC to Mike Miller Park. He added that the dog park has new agility equipment provided by the OCCC aquarium science program. He reported that the construction at the senior center is on hold due to flooding issues. He noted that the trash issue, specifically the requirement for drop boxes for construction debris, was not resolved, but that a recommendation will be forthcoming. Bertuleit noted that the flooding at the senior center was well known before the commencement of construction.

Patrick reported that she had attended a recent Air Sustainability Task Force meeting at which staff was charged with asking Seaport what it will take to make the service sustainable. She stated that the new Council will need to monitor this issue.

Patrick reported on a recent Port of Newport work session, at which there was an update on the terminal project and transportation in South Beach. She stated that it was clear from the Port commissioners that infrastructure is the Port's highest priority. She stated that she hopes the new Council and URA are mindful of this.

Patrick reported that she and Obteshka have been working on evaluation materials for the city manager and city attorney, and that a draft was available. She reported that an employee questionnaire had been developed that would give Council good information. She stated that missing is a form developed for input from community leaders. Obteshka stated that the real intent of the evaluation process is to improve communications. Patrick stated that the City of Fort Collins, Colorado website is phenomenal, and contains a citizen survey and excellent financial data.

Patrick displayed a 2011/2012 Oregon coast calendar featuring the photography of Laren Wooley and Johanna Weinert.

Bain reported that tomorrow is Pearl Harbor Remembrance Day.

OFFICER'S REPORTS

Mayor's Report. Bain reported that committee appointments will be forwarded to the new Council.

City Manager's Report. Voetberg reported that the joint meeting of the City Council and Lincoln County Commissioners will be held February 2, 2011.

Voetberg reported that at the City Council meeting of January 3, 2011, outgoing Councilors will be recognized, and newly-elected Councilors sworn in, after which, there will be a short reception.

Voetberg thanked the outgoing Councilors and Mayor for their commitment to making Newport a great place to live. He reviewed successes achieved during the tenure of the City Council.

Voetberg noted that a parking enforcement report is included in the packet.

Voetberg reported that the packet contains a letter from the Yaquina Arts Association regarding space the group rents at the VAC. He noted that the group is asking to use the space for \$660 annually, and at regular rental rates would be approximately \$11,000 annually.

Voetberg reported that a recent FAA inspection had gone well. He credited the airport and fire staff.

Voetberg reported that he had met with a representative from OMSI who is interested in constructing a camp that would be accessible through city property.

Voetberg reported that the packet contains a public works project update. Ritzman reviewed the status of the Naterlin drive sidewalk project, noting that it is in the final design phase, and the consultants are seeking a fee adjustment to compensate for challenges with wetlands and a retaining wall. Ritzman noted that the project has been redesigned so that it does not impact the identified wetland. Ritzman reported that the recommendation is for 11-foot lanes. Obteshka noted that the issue is public safety.

Patrick asked whether the street overlays would be done with a warm mix that is environmentally friendly.

Patrick requested an update on the water treatment plant project. Ritzman reported that GMP #2 had been signed, and that ground preparation was complete and concrete will be poured in the next several weeks.

McConnell asked whether the city will have easements from the Coast Guard for the Naterlin Drive project by the end of December. He asked that Council be advised if the easements are not granted in this timeframe. Ritzman reported that the project will be bid in February; work started in March; and completion mostly by July; with a required grant completion date in September.

Voetberg reported that the concern/complaint/suggestion update is in the packet.

Voetberg updated Council on the stormwater infrastructure in Nye Beach.

A discussion ensued regarding parking enforcement and whether it is more economically feasible to have this function in-house rather than contracted. Voetberg noted that information will be available after a full year with the contractor. Bertuleit stated that parking is mainly a problem during the summer months, and he would not want to see parking enforcement as a revenue source to fund a staff position.

City Attorney's Report. McCarthy reported that she had received a question from a Councilor on conflict of interest, and that the new Council will receive training on conflicts of interest that will address the question.

PUBLIC HEARINGS

Public hearing on an ordinance establishing an economic improvement district in the City Center area for parking system improvements. Tokos delivered the staff report. He reported that the issue before Council is an ordinance creating an economic improvement district in the City Center for parking system improvements. He noted that the district will be financed through a surcharge on business licenses. He reported that 14 businesses (13%) have objected, and this is well below the 33% threshold required to stop formation of the district. He added that this applies only to commercial properties. He stated that a change to the zoning code is necessary to expand the payment-in-lieu of parking area in zoning code to match the district description. Bain opened the public hearing a 7:46 P.M. He called for abstentions and ex parte contact by members of Council. Patrick stated that she is a property owner in the area. Bain called for objections to the City Council hearing the matter. There were none.

Bain called for public comment, noting that participants will have a three-minute limit, and suggested that if someone agrees with a previous speaker, that be simply noted.

Speaking in support of the establishment of an economic improvement district in the city center was: Patrick Hannan, Mike Larson, Michelle Harris, Twylah Olson, Wayne DeMoray, Rebecca Glenn, and Pete McKeeman. Other supporters, in the audience, stood to show support for formation of the district.

Bain closed the public hearing at 7:56 P.M., for Council deliberation. He noted that the city asked three areas to develop parking districts, one of which is the city center. He added that he has heard broad and general support and would like to see it move forward. Brusselback and McConnell agreed with Bain. Patrick reported that she has not had a chance to read all the information. Bertuleit stated that he would not stand in the way, but noted that he does have concerns. Obteshka noted that the district would generate \$2,500 - \$3,500 annually, and this amount will fall short of what is needed to fix the parking problem. He added that he would like to see an alternative. He suggested the city assist in the revitalization of the city center streetscaping, and possibly review the Glick study. MOTION was made by Brusselback, seconded by McConnell, to read Ordinance No. 2009, establishing an economic improvement district in the City Center area for parking system improvements, by title only, and place for final adoption. The motion carried in a voice vote with Obteshka voting no and Patrick abstaining. Voetberg read the title of Ordinance No. 2009. Voting aye on the adoption of Ordinance No. 2009 were Bain, McConnell, Brusselback, and Bertuleit. Obteshka voted no, and Patrick abstained.

Public hearing on an ordinance amending Section 2-3-6 of the Newport Zoning Ordinance relating to off-street parking, loading, and access requirements for new development. Tokos delivered the staff report. He reported that the issue before Council is the consideration of an ordinance regarding whether it is in the public interest to amend the zoning code relative to off-street parking, loading and access requirements for new development. He added that the ordinance would bring the zoning code into compliance with the ADA requirements, update parking ratios, provide criteria for drive-through facilities, add access management standards consistent with the 2008 TSP policies, allow shared parking arrangements outright, and update the payment-in-lieu of parking boundaries for the City Center area. He added that the Planning Commission had voted unanimously to recommend adoption of the changes. A discussion ensued regarding the expansion of the district, temporary parking lots, and green surfacing. Bain opened the public hearing at 8:05 P.M. He called for abstentions and ex parte contact by members of Council. There were none. Bain called for objections to the City Council hearing the matter. There were none.

Bain called for public comment. There was none.

Bain closed the public hearing at 8:18 P.M., for Council deliberation. MOTION was made by Patrick, seconded by McConnell, to read Ordinance No. 2010, amending Section 2-3-6 of the Newport Zoning Ordinance, relating to off-street parking, loading, and access requirements for new development, by title only, and place for final passage. The motion carried in a voice vote with Bertuleit voting no. Voetberg read the title of Ordinance No. 2010. Voting aye on the adoption of Ordinance No. 2010 were Obteshka, Brusselback, McConnell, Patrick, and Bain. Bertuleit voted no.

Continued Council deliberation on amendments to the Newport Comprehensive Plan, Zoning Ordinance and Municipal Code relative to geologic hazards. Bain noted that he perceived some hesitation in moving forward with this ordinance because the Planning Commission had not considered the possibility of a lesser report level in moderate hazard zones. He suggested that it might be advisable to consider asking the Planning Commission to review this narrow issue. He added that other options include moving forward with the recommendation from staff or some iteration of the staff recommendation. Tokos reported the Planning Commission recommended a full report or geologic reconnaissance form in moderate hazard areas. After the Planning Commission made this recommendation, the State Board of Geologist Examiners concluded that the reconnaissance form would not work due to the risk of litigation. A discussion ensued regarding requiring a geologic report in moderate risk areas. Bain asked for Council positions on this matter. Brusselback noted that he hoped to resolve the issue this evening, and asked whether any Planning Commission members had weighed in on the possibility of further review. Tokos reported that the Planning Commission chair believed that this narrow issue, discussed in an on-the-record hearing, would be manageable. Bain noted that the Planning Commission did not have the advantage of the information from the State Board of Geologic Examiners. Brusselback recommended referring the matter back to the Planning Commission. Patrick, Bertuleit, and McConnell concurred with remanding the narrow issue to the Planning Commission. MOTION was made by McConnell, seconded by Brusselback, to forward the proposed ordinance to the Planning Commission for an on-the-record review and recommendation on how to approach geologic permit requirements in moderate hazard areas in light of concerns raised by the Oregon State Board of Geologist Examiners about the viability of the reconnaissance form option and other testimony the Council received on the issue after the Planning Commission provided its initial recommendation. The motion carried unanimously in a voice vote.

ACTION ITEMS

Application for tourism marketing funds from Food Share for the Bejeweled event. Hawker explained that the issue before Council is the consideration of a tourism marketing grant application, in the amount of \$750, from Food Share for marketing its Bejeweled event. Nancy Smith appeared on behalf of Food Share. McConnell noted that the Destination Newport Committee had recommended approval of the request. MOTION was made by McConnell, seconded by Brusselback, to approve the tourism marketing grant fund application by Food Share of Lincoln County, in the amount of \$750, to be used for marketing the Bejeweled event scheduled for January 29, 2011. The motion carried unanimously in a voice vote.

Resolution No. 3529 supporting legislation that would promote the use of reusable bags and ban single-use checkout bags/plastic bags or non-recycled paper checkout bags. Bain reported that the words "paper check-out" should be stricken from the resolution. McCarthy explained that the issue before Council is consideration of a resolution that would support the Oregon State Legislature in passing legislation that bans single-use plastic checkout bags at retail stores. It was noted that the attached senate bill is a draft, but the intent is that it will be presented to the legislature when it

convenes in January. She noted that the Northwest Grocery Association supports this legislation. It was noted that if the state legislation fails, the city can enact its own ordinance.

Bain asked for public comment, and the following people spoke in support of the resolution: Rhonda Fry, Terence Anderson, Tabitha Keefer, Gene Rorech, Matt Hawkyard, Jamie Holzgraf, Parker Ogburn, Mike Manzelli, and Charlie Plybon. It was noted that a hearing will be held on December 15 before the Environment and Natural Resources Committee.

MOTION was made by Obteshka, seconded by McConnell, to adopt Resolution No. 3529, as amended, supporting the Oregon State Legislature in adopting legislation that bans single-use plastic checkout bags. The motion carried unanimously in a voice vote.

Consideration of a special event fee waiver request for the 2011 Seafood and Wine Festival. Hawker reported that the issue before Council is whether to approve a special event permit fee waiver request for the Greater Newport Chamber of Commerce for the 2011 Seafood and Wine Festival to be held on February 25, 26, 27, 2011. Lorna Davis, executive director of the Greater Newport Chamber of Commerce, appeared on behalf of the request. MOTION was made by Patrick, seconded by McConnell, to approve the special event permit request for the Greater Newport Chamber of Commerce for its 34th annual Seafood and Wine Festival to occur on February 25, 26, 27, 2011, as the event complies with special event permit criteria and guidelines. A condition of approval is that the Community Development Department authorizes the temporary structure permit, and the temporary signage request, and that signs not be placed to create a hazard to pedestrian or vehicular traffic such as obstructing sight distance or other views. A further condition is that where public or emergency access could be blocked or impeded, event organizers are required to consult with the Fire and Police Departments prior to the event. An additional condition is that the event organizers apply for a building permit, if requested by the Community Development Department. And finally, that an amount of money corresponding to the costs of providing services be transferred from the transient room tax fund to the general fund. The motion carried unanimously in a voice vote.

PUBLIC COMMENT

Dennis Fry reported that Oceana Natural Foods has incurred flooding in recent year. He reported that the flooding is caused by storm drains in the area of the store. He asked that the city assess where the water is coming from and divert it to drains that can handle the volume of water. Rhonda Fry, manager of Oceana, reported that the store flooded twice last November, and in April of this year, and nearly flooded on November first and fifth. She noted that without the sandbags provided by the city, the store would have been flooded in November.

COUNCIL COMMENTS

Bain reported that he will convene the January 3, 2011 City Council meeting to conduct housekeeping business. Afterward, the new Council will be sworn in, and there will be a brief reception.

ADJOURNMENT

Having no further business, the meeting adjourned at 9:25 P.M.

Margaret M. Hawker, City Recorder

William D. Bain, Mayor