

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

October 19, 2021

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 Council Chambers, 500 Central Avenue, Coos Bay, Oregon.

Those Attending

Those present were Mayor Joe Benetti and Councilors Lucinda DiNovo, Drew Farmer, Carmen Matthews, Rob Miles, and Sara Stephens. Councilor Stephanie Kilmer attended remotely by teleconference. City staff present were City Manager Rodger Craddock, City Attorney Nate McClintock, Assistant City Manager/Finance Director Nichole Rutherford, Deputy Finance Director Melissa Olson, Public Works and Community Development Director Jim Hossley, Fire Chief Mark Anderson, and Police Chief Chris Chapanar. City staff attending remotely by teleconference were Library Director Sami Pierson and Community Development Administrator Carolyn Johnson.

Flag Salute

Mayor Benetti opened the meeting and led the council and assembly in the salute to the flag.

Public Comments

Bittin Duggan, Coos Bay stated from experience was disrespected by men in position of power, related a parking incident with City Manager Rodger Craddock, and wanted it on the record. Mayor Benetti thanked Ms. Duggan for her comments, apologized for her feeling threatened, and read a statement made by the City Manager related to the incident as reported to the Mayor and Council.

Public Comment Form

David Ross stated there should be stricter requirements on where marijuana businesses could operate and advertise. Brenda Hanson requested there not be a change in the 1,000 foot distance between marijuana businesses and residential zones. Mike Rhodes stated marijuana businesses should have an increased public safety fee, growers found engaged in illegal activity have permits revoked, and stores located away from populated areas.

Consent Calendar

Mayor Benetti reviewed the consent calendar which consisted of:

- 3a: Approval of October 5, 2021 Minutes
- 3b: Acceptance of September 2021 Financial Reports and Check Registers
- 3c: Acceptance of State Homeland Security Grant for Emergency Shelter Supplies - Would Require Adoption of Resolution 21-29 Appropriating the Grant Funds
The Coos Bay Fire Department would like to utilize State Homeland Security Grant funding to purchase emergency sheltering resources.

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

Approval of Native American Heritage Month Proclamation

City Manager Rodger Craddock stated the City of Coos Bay was built upon Native American lands and the city had greatly benefited since its founding in 1853, from Native American contributions and resources. Native Americans had enriched the community's heritage and continued to add to all aspects of the community through their generosity of culture and the continued practice of teaching economic, environmental, and cultural sustainability. Native American Heritage Month was celebrated every year to recognize Native American cultures, contributions, history, traditions, art and land. The history and culture of the City of Coos Bay have been significantly influenced by the surrounding Native American Tribes, whose customs and traditions were respected and celebrated as part of a rich legacy throughout the area. Mayor Benetti read the Native American Heritage Month Proclamation.

Councilor Stephens moved to approve the proclamation designating November 2021 as Native American Heritage Month. Councilor Farmer seconded the motion which carried. Ayes: Benetti, DiNovo, Farmer, Kilmer, Matthews, Miles, Stephens.

Consideration of Approval for Marshfield High School Permit Application to Amplify Music for Outdoor Dance

City Manager Rodger Craddock stated Marshfield High School was attempting to adapt to COVID-19 safety protocols while trying to maintain and provide for some traditional events like school dances which have traditionally occurred after home football games. On October 29, 2021, the student body hoped to hold an outdoor dance under the covered courtyard at the new junior high. School Resource Officer Robert Scoville stated dances usually occurred between 8 p.m. to 11 p.m., and as it involved amplified music, representatives from the school contacted City staff. Coos Bay Municipal Code (CBMC) 9.20.010 (11) prohibits the use or operation of any device designed for sound production or amplification so loudly as to disturb persons within the vicinity. However, upon application to the Council, permits may be granted to responsible persons or organizations for the broadcast or amplification of programs of music for certain events when the amplification would not be audible for a distance of more than 1,000 feet from the amplifier. If Council granted the permit, the student body would contact local residences in person prior to the dance with information about the event, including contact person and phone number for any questions. Officer Scoville would be working at the dance, along with school security staff, to ensure no problems. Permit conditions included the requirement the school was to notify neighboring residents in advance of the event.

Councilor Miles moved to grant a permit to Marshfield High School to amplify music for an outdoor dance from 9 p.m. to 11 p.m. October 29, 2021. Councilor Stephens seconded the motion which carried. Ayes: Benetti, DiNovo, Farmer, Kilmer, Matthews, Miles, Stephens.

Presentation of Service Recognition Plaque to Officer Looney and K-9 Katie

Police Captain Tom Lindahl stated since 2015 Senior Officer Looney and K-9 Katie have served as a Certified Drug Detection Dog Team, helping to remove many harmful drugs from

Coos Bay and all over Coos County. K-9 Katie would continue to serve the community, but would be transferred to Coos County Parole and Probation. K-9 Katie, a Springer Spaniel, was a certified drug detection canine, trained to locate methamphetamine, heroin, and cocaine. Senior Officer Looney and K-9 Katie had approximately 950 hours of training together. K-9 Katie deployed 193 times as a member of Coos Bay Police Department. Senior Officer Looney and K-9 Katie passed the Oregon Police Canine Association certification annually since she arrived at CBPD in 2015. Officer Looney was presented a service recognition plaque.

Public Hearing Regarding Proposed Amendments to Coos Bay Municipal Code Section 17 Related to Indoor Marijuana-related Business Regulations

Community Development Administrator Carolyn Johnson stated a November 2020 moratorium on new business licenses for marijuana businesses remained in place. At the Council's request, the Planning Commission met in August and September 2021 to review potential changes to Coos Bay Municipal Code (CBMC) 17.335.080 (1) related to distance between marijuana businesses and residential uses, in any zoning district; as well as, definitions related to marijuana use. Council was been presented with an ordinance identifying the Planning Commission's recommended revisions to CBMC.

The Planning Commission, on August 10, 2021 and September 14, 2021 recommended amendments to CBMC Section 17.335.080 (1), with 7 - 0 vote, for Council approval of an ordinance authorizing the revisions to the Location section of the code and addition of three definitions.

On October 5, 2021, Council opened the public hearing on the proposed amendments and elected to continue the public hearing to October 19, 2021. Council was provided with identified City zoning districts, where marijuana businesses were permitted, necessary findings in the record if the ordinance was enacted, and Planning Commission supplemental reports.

Mayor Benetti opened the public hearing. No public comments were provided. The public hearing was closed.

Council discussion ensued; Council consensus to amend the ordinance verbiage in Section 8. (1) to "(1) Location. The business must be located in a permanent building and may not be located in a trailer, cargo container, motor vehicle, recreational vehicle, manufactured home or greenhouse nor within 1,000 feet of another like marijuana business."

Councilor Miles moved to enact the proposed marijuana ordinance with changes amending Coos Bay Municipal Code 17.335.080 Indoor Marijuana related Business regulations. Councilor DiNovo seconded the motion which carried. Deputy Finance Director Melissa Olson read the ordinance by title only and Ordinance 547 was enacted by the following vote:

Aye: Benetti, DiNovo, Farmer, Kilmer, Matthews, Miles, Stephens.

Nay: None.

Absent: None.

Councilor DiNovo moved to lift the moratorium upon the ordinance effective date with exception of the four districts: Urban Public District, Waterfront Heritage District, Hollering Place District, and Medical Park. Councilor Matthews seconded the motion which carried.

Ayes: Benetti, DiNovo, Farmer, Kilmer, Matthews, Miles, Stephens.

Consideration of Award for the Englewood School Brownfield Remediation Project

Public Works and Community Development Director Jim Hossley stated a Sponsorship Option (SO) project was an option under the Department of Environmental Quality (DEQ) State Revolving Fund (SRF) program in which a non-point source loan could be awarded which reduced the interest rate for a point source loan. The City was able to construct a non-point source project for the same amount as the original loan amount (based on the higher interest) of the point source project because DEQ reduced the interest rate on the point source loan to account for the cost of the non-point source loan. In this case, the City received a point source loan for the Plant 1-Phase 1 Upgrade project. As a result, the City also received approval for a Sponsorship Option project (non-point source) for the remediation of the Englewood School Brownfield site. The environmental processing had been completed and approved, and plans have been prepared for the school building demolition and site remediation of the old Englewood School. The City had agreed, via an Intergovernmental Agreement with the County, to remediate the site, grade the site to drain, and stabilize the site with vegetation. Once the site cleanup was complete, the County intended to transfer ownership to Oregon Coast Community Action (ORCCA) to design and construct low-income housing. Bids for the remediation were opened on October 12, 2021 and two responsive bids were received: Johnson Rock Products Inc. for \$876,978 and 3 Kings Environmental Inc for \$691,152. The engineer of record reviewed the bids, verified the experience of both contractors, and recommended award to 3 Kings Environmental Inc. Staff agreed and recommended a 15% contingency. A recommendation letter was provided to the Council. The school demolition and site remediation would be covered under the Sponsorship Option loan from the Wastewater Improvement Fund 29, DEQ SRF #R24005 SO for Englewood School and 2nd Street Parking 29-810-530-3025.

Councilor DiNovo moved to award the contract to 3 Kings Environmental Inc. for a total of \$794,825 which included a 15% contingency. Councilor Farmer seconded the motion which carried. Ayes: Benetti, DiNovo, Farmer, Kilmer, Matthews, Miles, Stephens.

City Manager's Report

City Manager Rodger Craddock stated Mingus Park pond dredging plans were put together for grant funds, but were delayed due to COVID and would be able to apply again in 2023; pond had invasive weeds taking over and staff was aerating the pond in preparation for treating the water. City of Coos Bay Police Department (CPBD) had been assisting the City of North Bend Police Department, with Police Chief Chris Chapanar and Police Captain Mike Shaffer providing administrative services. North Bend City Administrator announced hiring of interim administrators, retired CBPD Police Chief Gary McCullough and Captain Cal Mitts, while completing the process to hire replacements.

Council Comments

Councilor Kilmer stated it was the final couple of weeks for the Downtown Farmer's Market before it closed for 2021, Coos Bay Downtown Association was preparing for the holiday events, and the toy and food drive was scheduled for December 4, 2021. Councilor Stephens stated it was the 130th anniversary of the Coos History Museum, 60th anniversary of the United Way of Southwestern Oregon, and the Southern Oregon Coast Regional Housing Summit was scheduled for October 29, 2021. Councilor Miles gave an update on

the progress for the proposed Coos Bay Public Library at Topits Park and thanked Officer Looney and K-9 Katie for their service. Councilor DiNovo thanked Chief Chapanar, Captain Shaffer, and City Manager Craddock for assisting the City of North Bend, Coos Bay hosted the Oregon Coast Visitors Association (OCVA) Annual People's Coast Summit October 11-13, 2021 with many businesses showcased. Councilor Matthews recognized Heidi Sause for the Oregon Main Streets Excellence on Main award for work on 999 Front Street building project, happy to have adopted proclamation and requested Council to meet and collaborate with Tribal Councils and North Bend Council. Councilor Farmer stated North Bend was in good hands and asked citizens to include supporting research documents or links when submitting public comments which had references stated. Mayor Benetti stated was pleased to have passed the proclamation celebrating Native Americans, Marshfield High School had taken the opportunity to continue having the dance, congratulated Heidi Sause on the award, the OCVA Summit Conference was a huge success, and thanked staff for stepping up to help with North Bend.

Adjourn

There being no further business to come before the council, Mayor Benetti adjourned the meeting. The next regular council meeting was scheduled for November 2, 2021. These minutes were approved as presented by City Council on November 2, 2021.



Joe Benetti, Mayor

Attest: Nichole Rutherford
Nichole Rutherford, City Recorder