

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

August 2, 2022

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, Stephanie Kilmer, Carmen Matthews, Rob Miles, and Sara Stephens. Councilors Carmen Matthews and Sara Stephens attended remotely by teleconference. Councilor Drew Farmer was absent. City staff present were City Manager Rodger Craddock, Assistant City Manager Nichole Rutherford, Finance Director Melissa Olson, Public Works and Community Development Director Jim Hossley, Deputy Public Works and Community Development Director/City Engineer Jennifer Wirsing, Fire Chief Mark Anderson, Police Chief Chris Chapanaar, and Library Director Sami Pierson. City staff attending remotely by teleconference was 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

James Behrends, Coos Bay stated the library was an important part of the community, there was an issue where to put the library, and suggested putting on the ballot a yes or no for the park location. Mayor Benetti stated everything was on the table for the location of the library as it was important for the community to have a library. Darien Lynn, Coos Bay stated concern for homelessness and it was a good time to merge the Charleston, Coos Bay, and North Bend areas into one jurisdiction to push homelessness issues. Mayor Benetti stated the city could not be involved and it would have to be a citizen driven process to be approved. Larry Moon, Coos Bay stated to get rid of any issue it needed to be taxed.

Public Comment Form

No public comment forms were received.

Consent Calendar

Mayor Benetti reviewed the consent calendar which consisted of:

3a: Approval of July 19, 2022 Minutes

3b: Approval of July 26, 2022 Minutes

3c: Acceptance of USDA Rural Development Grant Funds for Fire Department "Jaws of Life"

The Coos Bay Fire Department would like to utilize US Department of Agriculture (USDA) Rural Development grant funds to purchase hydraulic extrication tools.

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

Presentation of the Semi-Annual Report on the Coos Bay/North Bend Visitor and Convention Bureau

The City of Coos Bay, the City of North Bend, and the Coquille Indian Tribe created an intergovernmental entity to be known as the Coos Bay/North Bend Visitor and Convention Bureau (VCB) in 2010. The VCB engages in activities designed to promote events and attractions in the Coos Bay/North Bend geographic area so as to attract tourists; and thereby, foster an important component of the local economy. When possible, the VCB works to coordinate efforts with other efforts in the area to achieve maximum return on monies expended on tourism promotion from all sources. The Coos Bay / North Bend Visitor Convention Bureau (VCB) provides quarterly reports to the council detailing the activities of the VCB, the events and attractions which have been promoted by the VCB, and the funds spent to date. VCB Director Janice Langlinais stated the VCB was responsible for the promotion, advertising, and marketing of the area to existing and potential travelers to increase overnight visitation year-round, utilizing print, digital, and broadcast advertising, social media, trade shows, familiarization tours, public and media relations, promotions, and more. Sample advertising, campaigns, and promotions were presented. Coos County - Charleston would be added from the passed ballot measure, transient tax would start being collected in October, and first payment to VCB was anticipated in February 2023. Ms. Langlinais reviewed the budget, plan for moving forward, and stated visitor trends showed 2021 was significantly better than 2019; 2020 started strong, floundered when the pandemic hit, but rebounded over the summer months and 2021 was stronger though it dipped towards the end of the year. The Visitor Information Center between January and June 2022 had 6,218 visitors for \$11,347.93 in sales and 1,481 volunteer hours.

Public Hearing to Consider Enactment of Ordinance to Amend Coos Bay Municipal Code Title 17 Development Code

Community Development Administrator Carolyn Johnson stated based upon Council's May 24, 2022 direction, the Planning Commission held a public hearing on and recommended changes to three (3) sections of CBMC Title 17. The first change is the addition of a "Development" definition to Chapter 17.150:

Development: "Actions requiring a land use permit resulting in the placement or erection of any solid material or structure, alterations to land and new or remodeled structures, use of land area for exterior display or storage, construction, of parking and loading areas, landscaping, installation of paved or graveled areas, change in the density or intensity of use of land including subdivisions, partitions, replats and property line adjustments, alterations of final flats and partitions, construction, reconstruction, demolition or alteration of the size of any structure, including any facility of any private, public, or municipal utility."

Addition of a "Development" definition will enhance the developer's understanding of City's land use permit requirements and planning staff Title 17 administration. The second change to Title 17 was proposed language adding Townhouse dwellings as a conditional use in the

Low Density Residential zoning district, in table 17.220.020. The third change to Title 17 was a proposed removal from table 17.220.030, a maximum lot size for development of multi-unit dwellings. Each change was described in the provided Supplemental Report.

Action on the Ordinance would not have City budget implications; however, implementation of the revised land use regulations was anticipated to create a savings in staff time for land use permit processing. Cost savings to future developers was also likely. Ms. Johnson stated some public concern seemed to be in the Procedure section for notification; if two acres or more there was public notice, but no notice if development on less than two acres. If Council wished to have this section changed it would go back to the Planning Commission.

Mayor Benetti opened the public hearing. Kay Martin, Coos Bay stated development would cause slope failure at Pacific Crest, traffic issues, and sewer infrastructure. Kim Winker, Coos Bay stated development at Pacific Crest would create high density causing issues with traffic, emergency vehicles getting in and out, and compromise water/sewer infrastructure. Jim Behrends, Coos Bay stated intersections of Blanco/Fulton and Kentucky/Prefontaine had low visibility, road restrictions, and limited sight lines caused issues; no transportation plans for the city. Donald Spier, Coos Bay stated Pacific Crest was a diverse community, development would cause traffic concerns, concern of fire, and water management. Brandon Gordon, Coos Bay stated specifically moved the Pacific Crest area for the nature and quiet, development would create noise, traffic pollution, and small streets for so many vehicles. Chad Putman, Coos Bay stated the timing of changing the development code rules at the same time as hearing of a potential development caused alarm and asked to have HOA notified ahead of time. Sharon Swartly, Coos Bay stated was told Title 17 was being changed to eliminate notifications to surrounding homeowners and the HOA regulates only single family homes in the area. City Manager Rodger Craddock stated Oregon House Bill 2001 allowed duplexes in single family areas and any issues between the HOA and developers would be a civil manner. Bob Guarillo, Coos Bay stated land surrounded by the Tribes and needed permission to put in the roads. Councilor DiNovo stated the parcels of land in question were in trust. Sherry Horn, Coos Bay stated there was city owned land abutting and had trees cut. City Manager Rodger Craddock stated it was undeveloped land which has planned timber harvests. Janet Mitchell, Coos Bay stated there was no definition or standard for an approved townhome, Nautical Lane had limited access and egress, and the development code would reduce/reduce notification to surrounding property owners of proposed developments. The public hearing was closed.

Council discussion ensued; consensus for the proposed changes and send back to the Planning Commission to review the notification of surrounding homeowners for two acres or less in the Procedure section.

Councilor Miles moved to send the ordinance back to the Planning Commission to review the procedure section with Council support of the Planning Commission recommendation. Councilor Kilmer seconded the motion which carried. Ayes: Benetti, DiNovo, Kilmer, Matthews, Miles, Stephens. Absent: Farmer.

Consideration to Award the S. 5th Street and Bennett Avenue Storm Drain Project Construction Contract to Knife River

Deputy Public Works and Community Development Director/City Engineer Jennifer Wirsing stated staff identified a major deficiency in the storm drain system at and around the intersection of S. 5th Street and Bennett Avenue. Due of the damage caused to the

intersection because of the storm drain deficiencies, it made the most sense to replace the entire intersection and install new ADA ramps while the storm drain repairs were being made. The storm drain improvements consist of replacement of approximately 140 linear feet of eight inch pipe and 80 linear feet of twelve inch pipe. The City contracted with The Dyer Partnership to perform the design. Design was complete and the project was advertised for construction bids on June 29th, 2022. Bids were opened on July 26, 2022 and two bids were received: Knife River for \$299,948 and Laskey Clifton for \$469,597. Engineer's estimate was \$277,650. The responsible bidder was Knife River and in-line with the engineer's estimate. As a result, staff recommended moving forward with this repair plus a 15% contingency for an amount not to exceed \$344,940. As a part of a value engineer effort, the construction contract allows for the contractor to close the intersection of 5th and Bennett and a portion of the road leading up to the intersection. It was estimated this reduced the cost of construction by \$50,000. This was a value provided by Knife River. The road closure was anticipated to not exceed fifteen days and would be open on weekends and holidays. The City Manager approved the road closure as it reduced costs and potentially safety hazards to vehicles and pedestrians. Staff would coordinate with the Fire Department, Police Department, and Bus Company prior to closing the road. The funds for this project would come from two funds: \$289,640 from the Water Quality Improvement Fund 29, Stormwater Collection System - Capital Projects account 29-810-530-3001 and 55,300 from URA dollars.

Councilor Matthews stated a perceived conflict of interest as an adjacent property owner. City Manager Rodger Craddock stated it was not a conflict of interest as he would not be benefiting directly.

Councilor DiNovo moved to award the construction contract to Knife River for the S. 5th Street and Bennett Avenue Storm Drain Project for amount not to exceed \$344,940 which includes a 15% contingency. Councilor Kilmer seconded the motion which carried. Ayes: Benetti, DiNovo, Kilmer, Matthews, Miles, Stephens. Absent: Farmer.

Public Hearing to Consider Approval of Psilocybin Ban Ballot Title - Approval Would Require Adoption of Resolution 22-22

Assistant City Manager Nichole Rutherford stated a recent state-wide vote passing Ballot Measure 109 allowed for psilocybin-related businesses to operate within Oregon. Included within the measure was options for local governments to enact ordinances prohibiting such businesses, however, the ordinance must be referred to the electors within that city. At the July 26, 2022 work session, staff presented information regarding the recently approved statewide ballot measure #109, known as the Oregon Psilocybin Service Act. From that presentation, Council shared an interest in placing a citywide ban on psilocybin-related businesses. This process includes placing a measure on the upcoming November 8, 2022 ballot, adopting a resolution, and enacting an ordinance. Ms. Rutherford read the ordinance in its entirety.

Mayor Benetti opened the public hearing. Janice Langlais, Coos Bay stated it did not state two years and the city was potentially putting a ban on a pharmaceutical company who would bring in jobs. The public hearing was closed.

Councilor Kilmer moved to enact the Ordinance to place a ban on psilocybin-related businesses within Coos Bay. Councilor Miles seconded the motion. Finance Director Melissa Olson read the ordinance by title only, "An Ordinance declaring a ban on Psilocybin

service centers and the manufacture of Psilocybin products." and Ordinance 560 was enacted by the following vote:

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

Nay: None.

Absent: Farmer.

Councilor DiNovo moved to adopt Resolution 22-22 approving the ballot title and addition to the November 8, 2022 election. Councilor Miles seconded the motion which carried. Ayes: Benetti, DiNovo, Farmer, Kilmer, Matthews, Miles, Stephens.

City Manager's Report

City Manager Rodger Craddock stated the floating boat ramp docks were estimated to be delivered by September 2022, the Empire fishing pier project could not begin until October 2022, boardwalk cleaning was delayed, had 100% engineering plans for the John Topits kayak launch and the kayak platform would not be delivered until September 2022, secured a contractor for the landscaping improvement and parking lot resurfacing project at the Visitor Center then there would be a slurry seal of the two parking lots and and restriping, and provided Council a list of the number of short-term rentals of which twenty-four were in residential areas, two in commercial, and two in mixed use areas.

Council Comments

Councilor Matthews stated it was a delicate balance between development and the housing issue, thanked everyone for their comments, and was excited for the boardwalk connection. Councilor DiNovo thanked everyone for coming out to make comments and stated the city was making strides to improve the community. Councilor Miles asked the status of Central and 4th project, gave an update on the Boys and Girls summer programs, gave Library Board statistics, stated the Mill Casino Food Truck event was scheduled for August 6-7, 2022, and thanked everyone for coming out to make comments. Public Works and Community Development Director Jim Hossley stated the street project was going out for bid. Councilor Kilmer stated Wine Walk was scheduled for August 5, 2022, Blackberry Arts Festival was scheduled for August 27-28, 2022, and IGA for Coos County and North Bend met to put together a strategic plan for homelessness. Mayor Benetti stated Coos Bay Art Works was in full swing, thanked everyone for attending the meetings with ideas, and asked everyone to vote for the jail measure. Councilor Stephens asked to welcome the local alcohol and drug study commission to a meeting to discuss strategic plans for a sobering center.

Adjourn

There being no further business to come before the council, Mayor Benetti adjourned the meeting. The next regular council meeting was scheduled for August 16, 2022. These minutes were approved as presented by City Council on October 4, 2022.



Joe Benetti, Mayor

Attest: Nichole Rutherford
Nichole Rutherford, City Recorder