

MINUTES OF THE REEDSPORT CITY COUNCIL REGULAR SESSION APRIL 7, 2014 7:00 P.M. CITY HALL COUNCIL CHAMBERS

PRESENT: Mayor, Keith Tymchuk
Councilors Frank Barth, DeeDee Murphy, Linda McCollum, Diane Essig, Debby Turner and Kathi Wall-Meyer
City Manager, Jonathan Wright
City Attorney, Steve Miller

OTHERS PRESENT: Vera Koch, Deanna Schafer, Chief Duane Wisehart, Allen Teitzel, Gail Adamson, Debbie McKinney, Deborah Yates, Charmaine Vitek, Bill Knerr, Joe Coyne, Jessica Terra, Steve Reese, Chris, Fred Jacquot, William Husko, Steve Lindsley (Umpqua Post)

CALL TO ORDER/PLEDGE OF ALLEGIANCE

1. CITIZEN COMMENTS

This time is reserved for citizens to comment on items that are not on the Agenda. Maximum of five minutes per item, please.

2. PRESENTATIONS, PROCLAMATIONS, AWARDS

Mr. Allen Teitzel reported on the upcoming Farmer's Market and the need to place banner hangers on the corner of the Community Center. He has met with the Public Works maintenance staff and there doesn't seem to be any issues.

3. APPROVAL OF THE AGENDA

Councilor Diane Essig motioned to approve the agenda.

Councilor Kathi Wall-Meyer seconded the motion.

MOTION:

that the City Council approve the agenda.

VOTE:

AYES 7 NAYES 0

(Mayor Keith Tymchuk, Councilors Barth, Murphy, Essig, Turner, Wall-Meyer and McCollum, voted in favor of the motion.)

Mayor Tymchuk declared the motion passed unanimously.

4. PUBLIC HEARINGS

None

5. CONSENT AGENDA

Routine items of business that require a vote but are not expected to require discussion by the Council are placed on the Consent Calendar and voted upon as one item. In the event that a Councilor or citizen requests that an item be discussed, it will be removed from the Consent Calendar and placed under General Business.

- A. Approve minutes of the work session of March 3, 2014.
- B. Approve minutes of the regular session of March 3, 2014.
- C. Motion to approve the Consent Calendar.

Councilor Kathi Wall-Meyer motioned to approve the Consent Calendar.

Councilor Linda McCollum seconded the motion.

MOTION:

that the City Council approve the Consent Calendar.

VOTE:

AYES 7 NAYES 0

(Mayor Keith Tymchuk, Councilors Barth, Murphy, Essig, Turner, Wall-Meyer and McCollum voted in favor of the motion.)

Mayor Tymchuk declared the motion passed unanimously.

6. GENERAL BUSINESS

- A. Shall the City Council appoint members to the City's boards and committees?

City Manager Jonathan Wright said that on December 31st of each year, various positions on the Reedsport citizen participation boards and committees expire. At the January 6th, 2014 meeting many of those positions were filled by interested applicants.

Three positions for the Budget Committee were not filled due to a lack of applicants. However, an application has been submitted by Ms. Linda Lanegan.

This board is appointed by the Mayor and ratified by a vote of the City Council and is a three year term.

MAYOR APPOINTMENTS:

Reedsport Budget Committee

1 Vacancy

3 year term

December 31, 2016

Applicant: Linda Lanegan

Councilor Frank Barth motioned to ratify the Mayors appointment of Ms. Linda Lanegan to fill the vacant Budget Committee position, expiring on December 31, 2016.

Councilor Debbie Turner seconded the motion.

MOTION:

that the City Council ratify the Mayors appointment of Ms. Linda Lanegan to fill the vacant Budget Committee position, expiring on December 31, 2016.

VOTE:

AYES 7 NAYES 0

(Mayor Keith Tymchuk, Councilors Barth, Murphy, Essig, Turner, Wall-Meyer and McCollum voted in favor of the motion.)

Mayor Tymchuk declared the motion passed unanimously.

- B. Shall the City Council adopt an Ordinance creating a moratorium prohibiting the operation of medical marijuana facilities within the jurisdictional boundaries of the City of Reedsport until May 1, 2015, declaring an emergency and assign 2014-1132 as the title?

Mayor Keith Tymchuk said that in March 2014, the Oregon Legislature passed Senate Bill (SB) 1531, which restricts local government regulation of medical marijuana facilities to time, place and manner (i.e., City's Municipal Code and Land Usage Ordinance restrictions), unless a city enacts an ordinance declaring a moratorium and notifies the Oregon Health Authority of such moratorium by May 1, 2014. SB 1531 limits the moratorium to May 1, 2015. He said that over 200 dispensaries have applied for licenses in the State and only 32 have been approved.

City Manager Jonathan Wright said that a lot of Cities are taking the approach of passing the moratorium to allow more time to see what will come out of the legislature in the coming year. The temporary moratorium is based on the understanding that the moratorium represents an exercise of the jurisdiction's home rule authority and police powers to prohibit certain activities within the territorial limits of the City. Pursuant to SB 1531, the moratorium has the additional effect of removing the immunity provisions of the Oregon Medical Marijuana Act for anyone operating a medical marijuana facility in an area of a moratorium, notwithstanding that they may be a medical marijuana card holder or previously registered with the Oregon Health Authority under ORS 475.314.

Jurisdictions that adopt a moratorium must notify the Oregon Health Authority.

Councilor Kathi Wall-Meyer motioned to adopt the ordinance as proposed and title it Ordinance 2014-1132.

Councilor Debbie Turner seconded the motion.

MOTION:

that the City Council adopt the ordinance as proposed and title it Ordinance 2014-1132.

VOTE:

AYES 7 NAYES 0

(Mayor Keith Tymchuk, Councilors Barth, Murphy, Essig, Turner, Wall-Meyer and McCollum voted in favor of the motion.)

Mayor Tymchuk declared the motion passed unanimously.

- C. Shall the City Council adopt an Ordinance amending Title 6, General regulations, Chapter 6.20 City Parks, Moorages and Parking Lots, of the Reedsport Municipal Code to allow short term seasonal camping at Rainbow Plaza and assign 2014-1133 as the title?

Mayor Tymchuk asked Councilor Frank Barth to discuss the temporary camping Ordinance as he was instrumental in the project.

Councilor Barth said that every year, during fishing season, the lot fills up with people and he doesn't see any reason not to allow them to camp and to collect some revenue to improve our waterfront.

City Manager Jonathan Wright said that the City receives complaints of people camping on public streets or on private property (trespassing). In order to address this concern staff is asking the City Council to authorize temporary seasonal camping in Rainbow Plaza; thereby, mitigating the issue of not having any place for campers to be located and effectively enhancing the City's boat launch facility.

He stated that Rainbow Plaza is zoned Public/Semi Public land as set out in the City's Waterfront and Downtown Plan. The Public/Semi Public zone permits outright, "Parks, Playgrounds, Boating Facilities and other such recreational uses." The City's Municipal Code precludes camping in any City park; therefore, should the Council wish to allow temporary seasonal camping in Rainbow Plaza, the City must amend Chapter 6.20 "City Parks, Moorages and Parking Lots" Section **6.20.130 "Sleeping and camping"** of the Reedsport Municipal Code and revise it to read as follows (additions have been **Bolded**):

*"No person shall camp in any park except, **for fee temporary seasonal camping at Rainbow Plaza and by special permit issued by the City Manager.**"*

Staff has created a set of regulations by which to administer the camping activity.

If approved, Council will need to pass a Resolution establishing a fee by which to recover the City's costs for labor and material associated with implementation, maintenance and regulation of this Ordinance.

He also said that rules for the temporary camping area will be discussed in the work session of the City Council at the May 5th meeting.

Councilor Frank Barth motioned to adopt the ordinance as proposed and title it Ordinance 2014-1133.

Councilor Kathy Wall-Meyer seconded the motion.

MOTION:

that the City Council adopt the ordinance as proposed and title it Ordinance 2014-1133.

VOTE:

AYES 7 NAYES 0

(Mayor Keith Tymchuk, Councilors Barth, Murphy, Essig, Turner, Wall-Meyer and McCollum voted in favor of the motion.)

Mayor Tymchuk declared the motion passed unanimously.

7. MISCELLANEOUS ITEMS
(Mayor, Councilors, City Manager, City Attorney)

Mayor Keith Tymchuk asked Fred Jaquot, chair of the Lower Umpqua Economic Development Forum to give a brief overview of a project being developed in the Jordan Cove area. He said that the project will affect Reedsport in the way that there will be approximately 3000 people moving into the area temporarily. These people will shop, play and live among all of the communities, not just North Bend and Coos Bay.

Mayor Tymchuk said that the project will set up a community center in a work camp. This is an area that they will be bringing in mobile trailers for workers to live in.

The Mayor also reported that Ocean Power Technologies has abandoned the Gardiner wave energy project. He said that they had invested over 10 million dollars into the project. He said that Oregon State University is going to try to obtain the lease area but it is not known at this time whether they will be successful. The original permit states that it would revert back to natural habitat if OPT did not develop it the site.

City Manager Jonathan Wright said that regarding County leachate receiving, plans being required by the DEQ have come in at a cost higher than what was expected. The County asked the City to mitigate the cost in the improvement and staff was agreeable to that.

He noted that the City is now back on the 2015-17 STIP for the downtown sidewalks and improvements.

He also reported that the new floodplain mapping is getting underway. He said that do to new technology, the information that will be obtained will be much more accurate than the method used in the past.

He discussed a boat launch facility concept plan prepared by the Oregon State Marine Board for the Rainbow Plaza Boat Launch expansion.

And, the DEQ refinance will be a much lower rate and could potentially not cost the City any more debt than the current loan.

8. EXECUTIVE SESSION OF THE REEDSPORT CITY COUNCIL, APRIL 7, 2014 CITY HALL CONFERENCE ROOM.

PRESENT:

Mayor Keith Tymchuk, Councilors Frank Barth, DeeDee Murphy, Linda McCollum, Kathi Wall-Meyer, Diane Essig and Debby Turner

City Manager Jonathan Wright

Attorney Steve Miller

OTHERS PRESENT: Vera Koch, Deanna Schafer, Chief Wisehart and Debbie McKinney (stayed for first item only)

Pursuant to ORS 192.660(2)(h) – To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

9. ADJOURN

Mayor Keith Tymchuk

ATTEST:

Deanna Schafer, City Recorder