

October 17, 2011
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, Brusselback, Beemer, Allen, Sawyer, Bertuleit, Roumagoux, and McConnell were present.

Staff present was City Manager Voetberg, City Recorder Hawker, Community Development Director Tokos, Finance Director Marshall, Public Works Director Gross, Parks and Recreation Director Protiva, Police Chief Miranda, Lieutenant Malloy. Parks and Recreation Director Protiva arrived at 6:30 P.M.

PLEDGE OF ALLEGIANCE

Council and audience participated in the Pledge of Allegiance.

ADDITIONA/DELETIONS AND APPROVAL OF AGENDA

Council agreed to add action item C., consideration of Resolution No. 3560, to the agenda.

McConnell noted that a clipboard was located in the entryway for sign up by folks interested in speaking on the plastic bag community plan.

PUBLIC COMMENT

McConnell noted that a three minute time limit for public comment will be observed.

Jodi Lindquist addressed Council regarding issues she has with the Police Department.

Rennie Ferris addressed Council regarding business licenses, and suggested that the city attorney be required to obtain a business license. Marshall reported that she is sending a check for this fiscal year.

Tyson Franck suggested that the city reevaluate the police department staffing.

Don Searcy and Jorge Hernandez requested Council consider a resolution regarding fairness and equity for immigrants, and recognizing International Peace Day. McConnell noted that staff can redraft this document as a proclamation, and it can be renewed annually.

Regina Martinez, owner of Under the Pumpkin Patch and Martinez Day Care, addressed Council regarding emissions from the Road and Driveway asphalt plant. It was suggested that she notify responsible agencies as the city has no jurisdiction over this issue.

PROCLAMATIONS AND RECOGNITIONS

McConnell proclaimed October 24, 2011 as World Polio Day in the City of Newport. Carol Ruggeri, Mark Miranda, and Jim Voetberg accepted the proclamation.

McConnell proclaimed the city's gratitude and appreciation to Lincoln County Sheriff's Deputy Sergeant Robert Jozwaik upon his retirement from law enforcement.

McConnell reported that Bike Newport received an award for business from the Austin Family Business program.

CONSENT CALENDAR

The consent calendar consisted of the following items:

- A. Approval of City Council minutes from the work session of September 19, 2011, and the work session and regular meeting of October 3, 2011;
- B. Report of accounts paid for September 2011;
- C. Fire and Police Department monthly reports for September 2011.

It was noted that the city attorney has requested an amendment to the September 19, 2011 work session minutes, and that a copy of the revised minutes had previously been distributed to Council. MOTION was made by Bertuleit, seconded by Brusselback, to adopt the consent calendar as presented. The motion carried unanimously in a voice vote.

OFFICER'S REPORTS

Mayor's Report. McConnell appointed Liz Martin, Rick Letherer, Jeff Strike, Don Taylor, and Dennis Lancaster to the Non-Profit Funding Review Task Force. MOTION was made by Brusselback, seconded by Beemer, to ratify the Mayor's appointments. The motion carried unanimously in a voice vote.

City Manager's Report. Voetberg reported that the packet contains the updated suggestion/concern/complaint report. He noted that the packet also contains an update on key city projects. Bertuleit asked about the sidewalk under bridge, and Gross reported that quotes are needed, and this will occur when certain other projects are advanced. McConnell asked whether there is funding for the fence for the North Jetty Trail. Gross noted that it is in the budget, but quotes are needed. Brusselback asked about the status of the NW Third Street sidewalk. Gross noted that this is a project that will be delegated to the new project manager. McConnell asked about the Agate Beach wastewater improvements. Gross reported that the system in the north part of the city is past its useful life; a system analysis has been performed; and the analysis is being reviewed with the goal of obtaining an estimate from the consultant. He added that this is a part of the master plan process. Allen asked whether the city is looking at engaging stakeholders regarding storm drainage improvements work during development of the next budget. Voetberg reported that he would have a cost estimate for storm drain

analysis at the next meeting. McConnell noted that the next quarterly meeting with ODOT will be held on October 19. Beemer asked about the status of permitting and bursting at Big Creek. Gross reported that the permit has been submitted and the city is awaiting a response. Gross added that the contractor has been selected to perform the Nye Beach storm drain work, and that work should begin within the next few weeks.

Voetberg reported that the city had received a gold safety award at the recent LOC Conference.

DISCUSSION ITEMS AND PRESENTATIONS

Marshall delivered a PowerPoint presentation on the first quarter financial results for fiscal year 2011/2012. He responded to Council questions.

PUBLIC HEARINGS

Plastic Bag Community Plan. McConnell opened the public hearing on the plastic bag community plan at 7:00 P.M. He asked for public comment.

The following people spoke in support of a ban on single use plastic bags:

Terry Obteshka, Newport resident and business owner;

Joe Gilliam, Northwest Grocery Association;

Matt Hawkyard, local chair of Surfrider's Foundation;

Daniella Crowder, small business owner and member of "Buy Lincoln County" board of directors;

Dennis Fry, Newport resident and small business owner;

Frank DiFilippis, Newport resident;

Teri Allen;

Ellen Franklin, Newport resident;

Charlie Plybon, representing Surfrider's Foundation;

JoAnn Barton, Newport resident;

Vince Pappalardo, Newport resident and Surfrider Foundation member;

Greg Harlo, Newport resident;

Rhonda Fry, Newport resident and manager of Oceana Natural Foods;

Matthew Gray, graduate student at HMSC; and

Mar Lehrman, Dave Mathews, and Fran Recht (via e-mail).

McConnell read an e-mail from Kevin Redding expressing opposition to a proposed ban on single use plastic bags.

A discussion ensued regarding a deposit or fee for use of paper bags. Joe Hayward stated that the fee concept has a constitutional problem.

Plybon reported that the opposition to the proposed state ban was well organized and well funded, and coordinated in South Carolina where many plastic bags are manufactured.

McConnell noted that the packet contains a list of 40 small local businesses that support a single use plastic bag ban.

Hearing no further public comment, the hearing was closed at 8:22 P.M.

Brusselback noted that some very interesting comments were made this evening. He agreed that customers need an incentive, as this is a cultural shift. He noted that he is in favor of a fee for use of a paper bag. He added that this is a great branding opportunity;

a great leadership opportunity; and that it is time that the issue is addressed. MOTION was made by Brusselback, seconded by Roumagoux, to move forward with using the Surfrider's Foundation Option 1, with the fee concept, rather than a deposit and to direct staff to bring an ordinance to Council at the earliest opportunity. Allen suggested that there may be community members who do not share this opinion, and that another way to gauge public opinion would be to hold an advisory vote of the people. He noted that there would be little cost if the vote was held during a primary or general election. Sawyer noted that he would like to lessen the impact on businesses and lower income folks. McConnell noted that the plight of lower income folks could be addressed in the ordinance. Brusselback noted that in terms of outreach, this is a publicly noticed meeting and there are no opponents. He added that this can be seen as a measure of the support of the general population. Bertuleit noted that he is disappointed in the corporate structure. He added that he would rather ban nonbiodegradable products that are used for packaging. He noted that he agrees with Allen regarding the advisory vote. Voting aye in a voice vote were Roumagoux, Brusselback, McConnell, Sawyer, and Beemer. Voting no were Allen and Bertuleit. It was agreed that staff provide a schedule at the next meeting regarding when the ordinance will come back to Council. The schedule should include public hearings to allow for adequate public comment. It was noted that the ordinance will not likely appear on an agenda until January.

ACTION ITEMS

Consideration of Resolution No. 3559 adopting an Adopt-A-Park Policy for the City of Newport. Protiva reported that the attached Adopt-A-Park policy has been reviewed by legal counsel, previously discussed by the City Council, and recommended for approval. McConnell asked whether adopting a streetscape would be considered a park. Brusselback asked when a new parks master plan will be completed. Protiva stated that it is not budgeted in the immediate future. MOTION was made by Brusselback, seconded by Beemer, to adopt Resolution No. 3559 adopting an Adopt-A-Park Policy for the City of Newport. The motion carried unanimously in a voice vote. McConnell suggested identifying a way for volunteers to assist in the maintenance of non-park city properties.

Consideration of Adoption of Ordinance No. 2023 regarding Transient Room Tax Revenues. It was noted that the issue before Council is consideration of the adoption of Ordinance No. 2023 which would amend Section 2 of Ordinance No. 1849 requiring that the city place certain room tax revenues in a "Tourism Facilities Fund" and that the Fund be used for an event center, conference center, convention center, or similar tourist facility. It was noted that the Tourism Facilities Fund was never established. If adopted, the ordinance would formalize past and current accounting of transient room tax revenue and accurately state how the funds for tourism facilities are contemplated to be spent. Allen asked whether there was any money from the 1.5% rate subject to the 70/30 allocation. MOTION was made by Beemer, seconded by Bertuleit, to read Ordinance No. 2023, regarding transient room tax revenues, by title only, and place for final passage. The motion carried unanimously in a voice vote. Voetberg read the title of Ordinance No. 2023. Voting aye on the adoption of Ordinance No. 2023 were McConnell, Allen, Bertuleit, Beemer, Sawyer, Roumagoux, and Brusselback.

Consideration of Adoption of Resolution No. 3560, Adopting Minor Amendment Eight to the South Beach Urban Renewal Plan. It was noted that this is the same resolution adopted earlier this evening by the Urban Renewal Agency. MOTION was made by Brusselback, seconded by Sawyer, to adopt Resolution No. 3560, a resolution adopting Minor Amendment Eight to the South Beach Urban Renewal Plan. The motion carried unanimously in a voice vote.

COUNCIL REPORTS AND COMMENTS

Roumagoux reported on a recent meeting of the Recreation Facility Management Review Task Force at which the Task Force reviewed information from other facilities. She noted that the Task Force is on schedule.

Roumagoux reported that she attended the OCCC scholarship ceremony. She added that she is amazed at the number of students, and their good work.

Brusselback reported that he attended the recent Homeless Connect program, and was impressed with the program and that many young people volunteered.

Beemer reported that he had participated in the recent tsunami evacuation drill. He noted that he will have a report for Council at a later date. Sawyer thanked the participants in the drill.

Bertuleit reported on the work of the Tourism Facilities Task Force. He added that the application will be sent for legal review, and that a short Task Force meeting will be needed. He noted that it should come to Council soon.

Bertuleit reported on the HMSC running club, and noted that a number of folks from out of town attended a recent event.

Allen updated Council on the recent OPAC meeting.

Allen reported on the quarterly OCZMA meeting. He added that he and Tokos spoke at this meeting.

PUBLIC COMMENT

Jodi Lindquist suggested a clean sweep of the Police Department. She stated that she had a negative experience with the Police Department.

ADJOURNMENT

Having no further business, the meeting adjourned at 9:17 P.M.

Margaret M. Hawker, City Recorder

Mark McConnell, Mayor