

Minutes of the
CANNON BEACH CITY COUNCIL
Tuesday March 2, 2010
Council Chambers

Present: Mayor Mike Morgan; Council President Sam Steidel; Councilors Nancy Giasson, Melissa Cadwallader and Wendy Higgins

Excused: None

Staff: City Manager Rich Mays, City Attorney Tamara Herdener, City Land Use Attorney Bill Kabeiseman, City Planner Rainmar Bartl, Public Works Director Mark See, Police Chief Gene Halliburton and Administrative Assistant Brandy Brien

CALL TO ORDER AND APPROVAL OF THE AGENDA.

Mayor Morgan called the meeting to order at 7:00 p.m.

Motion: Giasson moved to approve agenda as presented; Higgins seconded the motion.

Vote: Steidel, Giasson, Higgins, Cadwallader and Morgan voted AYE; the vote was 5/0 in favor and the motion passed unanimously.

CONSENT AGENDA

- (1) **Consideration of the Minutes of the Council Special Meeting of January 27, 2010, the Council Regular Meeting of February 2, 2010, the Council Special Work Session of February 4, 2010 and the Council Work Session of February 9, 2010.**

Motion: Steidel moved to approve the minutes; Higgins seconded the motion.

Vote: Steidel, Giasson, Higgins, Cadwallader and Morgan voted AYE; the vote was 5/0 in favor and the motion passed unanimously.

ACTION ITEMS

- (2) **Consideration of Final Findings of Fact for APP 09-01, Paulson et al Appeal of the Planning Commission Approval of CU 09-03, City of Cannon Beach Request for a Conditional Use Permit to Construct a Pedestrian Trail from E. Second Street to E. Monroe Street, at Elm Street.**

Mayor Morgan introduced the item and removed himself from this action item, as did Steidel and Cadwallader, because of owning property within the notice area. All three members vacated the dais.

Bartl summarized his staff report. He noted that staff recommends approval and noted that Council may wish to make two motions, one to adopt the findings and two to authorize the chair to sign the appropriate order.

In response to Bartl, Council stated that they have no questions of staff.

Brien contacted the City's Land Use Attorney, Bill Kabeiseman, by phone, in the event Council wished to ask specific questions regarding the matter.

Motion: Higgins moved to adopt the findings of fact denying APP09-01, the Paulson et al Appeal and to uphold the Planning Commission's decision to approve CU 09-03, the City of Cannon Beach's conditional use request and authorize the chair to sign the appropriate order. Giasson seconded the motion.

Vote: Giasson and Higgins voted AYE; the vote was 2/0 in favor and the motion passed unanimously.

Bartl stated that this decision may be appealed to the LUBA within 21 days.

AGENDA ITEM DISCUSSION

Mays noted that several members of the audience are present tonight asking that the Council amend the agenda to discuss a matter that he earlier discussed with the Mayor and if the agenda will not be amended tonight, he recommended that the Mayor announce that fact to the audience.

Mayor Morgan asked if the Council wished to amend the agenda for a discussion of a proposed sculpture memorial for Mari Rockett. As he discussed earlier, he had asked that the Council weigh in on the matter. Morgan noted that he is more interested in discussing a policy in general and not this specific issue. He believes that it would be interesting for the Council to take a look at the issue and be aware of it.

Steidel suggested that the matter be discussed at the "Good of the Order".

In response to a question from Giasson, Morgan replied that the discussion item would be Mari Rockett Sculpture. Council contemplated the matter.

Motion: Giasson moved to amend the agenda to add discussion of the Mari Rockett Sculpture. Higgins seconded the motion.

Vote: Steidel, Giasson, Higgins, Cadwallader and Morgan voted AYE; the vote was 5/0 in favor and the motion passed unanimously.

(3) Discussion of a Mari Rockett Sculpture.

Mays summarized that Eeva Lantella has commissioned an artist to construct a sculpture in honor of the late Mari Rockett. Rockett was an active volunteer in the community through the Parks and Community Services (Parks) Committee; the Public Art Ad Hoc Committee (aka Sculpture Without Walls SWW Committee) among other things. The idea was discussed at a Parks Committee meeting and referred to the Public Art (SWW) Committee. SWW passed a motion to accept the piece as part of this year's SWW Public Art Program with the condition that it be removed with the other pieces on April 30, 2011 following the display.

Mays noted that the Public Art (SWW) Ad Hoc Committee identified the following reasons for reaching their decision: 1) the quality of the piece; 2) the temporary placement of the piece (the permanent installation will be in Arch Cape); 3) Mari Rockett's contribution to the City; and 4) 2010 represents the final year of the SWW program as we know it (the program will reconstructed to be a site specific program).

Morgan noted that he has not seen the sculpture and Rockett was a wonderful contribution to the City, however he is concerned with the process in that the Council did not consider prior to approval. He suggested that the Council hold a work session to discuss this and memorial benches. He asked if Council had any comments.

Giasson agreed to review a memorial policy and impose some general guidelines.

Steidel stated that there is a lack of information on this matter and SWW has overstepped their bounds. He would like to discuss this matter further.

Higgins noted that she would like to listen to public comment and hear a response from SWW. Cadwallader agreed and noted that the City already has a memorial policy and a process it follows.

Morgan agrees with the temporary nature of the piece and the temporary policy for all future memorial requests.

Carol Hungerford, SWW Committee member, reviewed that the memorial policy should not apply in this case as it's not a permanent installation. She reiterated the four reasons cited by Mays in making their decision. Hungerford apologized if it appeared to the contrary, the intention of SWW was not to overstep any bounds; the decision was made within the scope of the mission and authority of the Public Art Ad Hoc Committee. She also

noted that the Committee was very careful in accepting this piece, made certain that it met all the relevant criteria to the current program and felt that it be wonderful addition to the SWW program.

Giasson noted concerns of other members of the community approaching the City with a similar request. Hungerford replied that this will not be permitted in the future since the program will be restructured next year. However, Hungerford noted an exception of one other piece that may be considered for the late John Williams, if it meets the relevant criteria.

Cadwallader stated that it has been said that “art is in the eye of the beholder” and the placement of art is a sensitive subject in communities. The SWW program was designed to prevent conflict within the community and it was her understanding that SWW program submittals are vetted through a panel of jurors, which are usually curators.

In response to a question from Cadwallader, Hungerford stated that this piece was not vetted through a panel of jurors since it is not for permanent installation. If the sculpture was to be for permanent installation then the Committee would not have made the decision to accept the piece.

Eeva Lantella, owner of Mari Rockett Sculpture, provided some background with regard to the sculpture and noted that at least 40 artists donated pieces in Mari Rockett’s memory to be sold to fund the creation of a sculpture in her honor. Lantella reiterated statements regarding Rockett’s contributions to Cannon Beach. She also noted that the inspiring kinetic sculpture, approximately 10’8” in height and is composed of glass and metal will be unveiled on March 20, 2010. Lantella thanked the Council for their time.

PUBLIC HEARING

(4) Public Comment and Consideration of the Proposed 2010 Parking and Traffic Management Plan.

Mayor Morgan introduced the item and stated that the Council will be accepting public comment on the City’s proposed Parking and Traffic Management Plan for 2010.

Bartl summarized his staff report. He noted that the Planning Commission held two work sessions and a public hearing and is recommending approval of the proposed plan. Bartl also noted that the Planning Commission has recommended that two items not be included in the plan: 1) the designation of designated Zipcar parking spaces; and 2) use of the Cannon Beach Elementary School site for parking during the summer months.

Cadwallader expressed a concern with regard to the designation of the off-street parking space immediately east of the Chamber building as “Chamber staff only.” Her concern is with reserving parking on City property for specific users. She suggested it be marked as a loading zone for Chamber events. She understands the need for loading in conjunction with Chamber events; however, parking during the summer months is difficult for everyone in Cannon Beach, not just for Chamber employees. Giasson concurred. Cadwallader also noted that motorists may assume that the requirement is only from 9 – 5 pm during regular Chamber business hours. Bartl replied that the space would not be a standard loading zone and the Chamber would be responsible for managing the space for use as a loading area in conjunction with Chamber functions.

Morgan stated that he thought that designated parking for the Chamber is reasonable.

Morgan stated that he initiated the idea of designated Zipcar parking. He stated that car sharing is a concept that deserves City support. He stated he would like to conduct a one year pilot project to evaluate the impact. He stated that starting with one parking space in the downtown area was acceptable to him. He stated that Chamber Director Jeff Jewel supports the idea. He stated the project will support the City’s sustainability goals and would put Cannon Beach on the map for Zipcar users.

Kaleb Miller, Marketing Manager for Zipcar, distributed materials and reviewed the overall program.

Council discussed the benefits of implementing a pilot program. There was a general consensus that it could provide some positive publicity with regard to the City’s sustainability goals. There may also be marketing

opportunities for local businesses that could raise the profile of the City as a green community.

Miller agreed with Higgins that partnerships between the lodging industry and Zipcar in terms of offering package deals has the potential to benefit both Zipcar and Cannon Beach's tourism sector.

Cadwallader described her experience as a Zipcar user. She stated the real benefit would not be in a designated parking space, but having a Zipcar stationed in Cannon Beach so that persons could arrive in Cannon Beach by alternative means such as the bus and then be able to use a car on the North Coast if desired.

Miller reviewed reasons why it is not feasible for Zipcar to station a vehicle in Cannon Beach at this time.

In response to Cadwallader, Halliburton stated that a designated Zipcar, as with all regulated parking spaces, will create an enforcement issue. There may be times when Zipcar users find that the space is not available because of a parking infraction.

Morgan stated that he is not interested in pursuing summer parking at the Cannon Beach Elementary School. Council concurred.

Marty Schwab-Harris, P.O. Box 1452, Cannon Beach, stated that she agrees with members of Council's concern regarding "Chamber only" parking space. She suggested an alternative means for providing off-loading opportunities adjacent to the Chamber.

Morgan asked if any one else wished to comment on the plan. There was not.

Cadwallader noted that implementing more restricted parking at Main City Park is not necessary given that only two tickets were given for the current "two hour" park use only spaces. Morgan disagreed.

Motion: Steidel moved to adopt the proposed 2010 Parking and Traffic Management Plan as recommended by the Planning Commission.

Vote: Steidel, Giasson, Higgins, Cadwallader and Morgan voted AYE; the vote was 5/0 in favor and the motion passed unanimously.

Motion: Giasson moved that the designation of one parking space in the downtown area, on a trial basis, for the exclusive use of Zipcars, be added to the 2010 Plan, Steidel seconded the motion.

Vote: Steidel, Giasson and Morgan voted AYE; Higgins and Cadwallader voted NAY, the vote was 3/2 and the motion passed.

ORDINANCES

(5) Consideration of Ordinance 10-03, for the Purpose of Amending Municipal Code, Title 17, Zoning, Section 17.32.030, Park Management (PK) Zone, Conditional Uses Permitted.

Motion: Steidel moved to adopt the final findings of fact. Giasson seconded the motion.

Vote: Steidel, Giasson, Higgins, Cadwallader and Morgan voted AYE; the vote was 5/0 in favor and the motion passed unanimously.

Motion: Steidel moved to read Ordinance 10-03 twice by title only. Giasson seconded the motion.

Vote: Steidel, Giasson, Higgins, Cadwallader and Morgan voted AYE; the vote was 5/0 in favor and the motion passed unanimously.

Herdener read the ordinance twice by title only.

Motion: Steidel moved to adopt Ordinance 10-03. Giasson seconded the motion.

Vote: Steidel, Giasson, Higgins, Cadwallader and Morgan voted AYE; the vote was 5/0 in favor and the motion passed unanimously.

RESOLUTIONS

(6) Consideration of Resolution 10-01, for the Purpose of Endorsing the Oregon Children's Bill of Rights to Support the Oregon Recreation and Park Association (ORPA) in Their Efforts to Increase the Amount of Time That Children and Families Spend in Nature.

Higgins stated her involvement with the Ford Family Program and promoting families and ORPA's efforts lines up with the Ford Family's views.

Motion: Higgins moved to adopt Ordinance 10-01, Giasson seconded the motion.

Vote: Steidel, Giasson, Higgins, Cadwallader and Morgan voted AYE; the vote was 5/0 in favor and the motion passed unanimously.

OTHER ACTION ITEMS

(7) Consideration of Appointments to the Parks and Community Services Committee.

Mays commented that, as stated in her email, Parks and Community Services Committee Applicant Eliza Davis would not be able to attend.

Motion: Giasson moved to appoint Eliza Davis to the Parks and Community Services Committee. Higgins seconded the motion.

Vote: Steidel, Giasson, Higgins, Cadwallader and Morgan voted AYE; the vote was 5/0 in favor and the motion passed unanimously.

(8) Consideration of Amendments to the Timberlands Purchase and Sales Agreement with Agency Creek Management Company, Regarding the Purchase of Forest Land in Conjunction with the Proposed Land Exchange for the Ecola Tract.

Bartl summarized his staff report. He noted that the primary reason for the difference in the valuation of the Agency Creek properties, comparing 2009 and 2010, was a change in appraisal methodology, with the Oregon Department of Forestry (ODF) requiring that values be based on a 50 year tree rotation. With regard to the Ecola Tract, the difference in appraised value was due to multiple factors, a major one being that the appraiser relied on data from ODF that turned out to be inaccurate. He stated that staff is recommending approval of the changes to the Purchase and Sales Agreement and that the City proceed with the purchase of the Agency Creek parcels for \$3,200,000.

Mayor Morgan asked if anyone wished to comment on the proposed amendment to the purchase and sales agreement.

Vera Vien, P.O. Box 1301, Cannon Beach, noted concerns with regard to the impact on taxpayers of paying \$700,000 more than the 2010 appraised value of the Agency Creek parcels. In response to Vien, Bartl stated that the City attempted to negotiate a lower price with Agency Creek but they were unwilling to do so. He noted that the City is acquiring the Ecola Tract for its high conservation values and these values are not necessarily reflected in an appraisal that looks only at timber values. Vien stated that she believes that there are many other City projects in need of funding and that these projects should be funded prior to this project.

Jan Siebert -Wahrmund, P.O. Box 778, OR 97110, stated that the conservation values of the property make the Ecola Tract priceless. She urged the Council to move forward with this project.

Motion: Cadwallader moved to approve the amendment to the purchase and sales agreement. Steidel

seconded the motion.

Vote: Steidel, Giasson, Higgins, Cadwallader and Morgan voted AYE; the vote was 5/0 in favor and the motion passed unanimously.

DISCUSSION / INFORMATIONAL ITEMS

(9) Monthly Status Report

Giasson noted that the report has been received early in the last few months and she appreciates the having the information ahead of time. Additionally, Cadwallader noted that she appreciates the addition of the Haystack Rock Awareness Program (HRAP) report.

(10) Mayor Communications

There was none.

(11) Councilor Communications

Steidel reviewed that the Long Term Recovery Committee recently met to organize long range plans.

In response to a question from Giasson, Mays stated that a meeting is scheduled for March 10, 2010 from 6:00 p.m. to 8 p.m. at the Seaside Convention Center to discuss the tunnel.

(12) Good of the Order/Public Comment

ADJOURNMENT.

The meeting was adjourned at 8:45 p.m.

Brandy Brien, Administrative Assistant

ATTEST:

Mike Morgan, Mayor