

Minutes of the
CANNON BEACH CITY COUNCIL
WORK SESSION
Tuesday June 8, 2010
Council Chambers

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

Excused: None

Staff: City Manager Rich Mays, City Planner Rainmar Bartl, Finance and IT Director Renée Sinclair, Building Official Mark Brien and Administrative Assistant Brandy Brien

CALL TO ORDER

Mayor Morgan called the work session to order at 5:25 p.m.

DISCUSSION ITEMS

(1) City's Authority to Regulate Bells and Chimes

Herdener referred to her memo. She noted that the issue is does the City have the legal authority to regulate the playing of chimes and would the language of the City's noise ordinance in its present form permit the Church to play the chimes for to denote the time of day, to announce times of services and to celebrate special occasions.

As outlined in her memo, per her review of the Religious Land Use Law, the Institutionalized Persons Act, the Constitutional provisions of the Free Exercise Clause and the Equal Protection Laws of the 14th Amendment, Herdener summarized the following. The City does have the legal authority to regulate the playing of church chimes through the City noise ordinance for the health and safety of the community and the language of the City's noise ordinance does not permit the Church to play the chimes to announce church services or to celebrate special occasions, however the language would allow for the Church to play the chimes to denote the time of day.

Herdener also stated that in response to recent correspondence received regarding the ruling in a case in Phoenix that the judge ruled that the City could no longer enforce the chimes ringing due to the fact that the text of their ordinance was unconstitutional.

Giasson excused herself from the discussion and noted a conflict of interest in that her employer, the Cannon Beach Presbyterian Church, is significantly affected by the particular section of the noise ordinance in question.

Morgan noted that Council has received several pieces of correspondence and heard public testimony at its last work session and will not accept public testimony on this matter tonight.

Steidel recommended that the Council not consider amending the ordinance and permit the Church to ring the new Carillon Bell System and continue with the chimes as it had prior to the System's failure in 2000.

Cadwallader noted that she appreciates the time and thought on this matter, she would like the ordinance to be more specific, however she agrees with Steidel.

Higgins agreed that if written more specifically in the ordinance this would eliminate future issues on the matter, ultimately however, she agrees with Steidel.

In response to a question from Morgan regarding the request, Bartl read the following "Plan" of David Robinson's letter to the City Council, dated June 7, 2010, "We will reduce the time the bells are tolled from two

minutes down to one minute; and on Monday through Saturday the bells will sound traditional bell chimes, rather than ringing hymn melodies. A summary of our planned schedule: Monday – Saturday: Noon and 6:00 p.m., one minute each time, ringing neutral bell chimes. Sunday: 9:00 a.m Noon, 6:00 p.m. and 7:00 p.m. p.m. one minute each time at Noon and 6:00 p.m. on Sundays, we will ring a hymn melody, 1 minute each time and at 9:00 a.m. 10:30 a.m. and 7:00 p.m. on Sunday, we will ring neutral bell tones.”

In response to Morgan, Herdener stated that the “Plan” is consistent with the City’s ordinance in the purpose to denote the time of day.

Council agreed by consensus that the Church shall operate their Carillon Bell System in the manner outlined in the “Plan”.

(2) 2009-2010 Third Quarter Financial Statements Report

Sinclair summarized her staff report and reviewed the financial statements with the Council.

(3) Future Use of the Cannon Beach Elementary School

Bartl summarized his staff report.

Building Official Mark Brien reviewed his evaluation of options for a potential reuse of the Cannon Beach Elementary School.

Council discussed the conditions of the existing structures with M. Brien.

M. Brien confirmed that once the School has been vacated, the buildings will not be permitted to be used as the same or similar use. If such use was desired the buildings would necessitate extensive and costly upgrades. In his opinion, the most cost effective solution would be to replace the buildings. M. Brien noted that the existing gymnasium structure may be used as a less critical facility with less extensive upgrades.

Council further discussed the gymnasium’s potential historical value, the need for the School District to request that the County remove the revisionary clause on the property and the preferred reuse options.

Council asked that staff further evaluate the gymnasium building and present options to the Council for a potential park use or a combination of park use and potential retention of the gymnasium for approval at a future meeting. M. Brien stated that in order to accurately assess the building it would require a structural engineer’s analysis.

Higgins noted concerns with expending funds on an evaluation of the building at this time.

(4) East Second Parking Revocation - Discussion of Alternative Designs

Mays reviewed that the renovation project involves eight different projects. He provided a quick status report on each and asked that Council direct staff on this component to proceed forward with these projects.

Bartl reviewed the concept of a loop to be constructed around the lagoons. He reviewed alternative designs for the East Second parking renovation to provide additional parking in the downtown area. The preliminary engineer’s estimate for the cost of the project is to be approximately \$500,000. Bartl referred to the packet materials and noted that the first design option would be to not fill in a portion of the lagoon and would provide an additional 30 parking spaces. The second design option would be to fill a minor amount of fill in lagoon which would create an additional 57 parking spaces.

Mays noted that previous Council approved the concept of renovating the East Second Street area as a means of creating additional parking to serve the downtown.

Following a lengthy discussion, Council considered their options and ultimately decided to proceed with an application to the Planning Commission requesting approval for the option with minimal fill relevant to trail. Council will then proceed with a public process for the parking renovation component following the completion of other projects associated with this overall renovation.

(5) Good of the Order / Public Comment

Mays noted that the City Council Special Meeting for budget adoption is scheduled for Tuesday, June 22, 2010, at 6:00 p.m., however another potential matter is pending for Council consideration and Council may wish to move the meeting up a week depending on the outcome. Mays will contact Council with potential changes.

Giasson asked that staff address questions from the Emergency Preparedness (EPREP) Committee regarding a recent email from a member of the Budget Committee to the EPREP Committee.

ADJOURNMENT

The work session was adjourned at 7:00 p.m.

Brandy Brien, Administrative Assistant

ATTEST:

Mike Morgan, Mayor