

# City of Bandon

<b>CITY COUNCIL AGENDA DOCUMENTATION</b>	<b>DATE:</b> Januaray 3, 2022
<b>SUBJECT:</b> City Council Meeting Minutes	<b>ITEM NO:</b> 6.1.1

**BACKGROUND:**

Meeting Minutes of the City Council as submitted by Richard Taylor, Minutes Clerk.

- December 6, 2021 – Regular Meeting

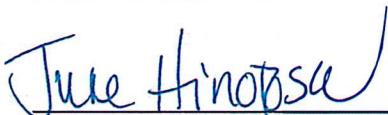
**FISCAL IMPACT:**

None

**RECOMMENDATION:**

MOTION: to approve City Council meeting minutes from December 6, 2021

**SUBMITTED BY:**

  
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*June Hinojosa, City Recorder*

# City Council Regular Meeting at Bandon City Hall and via Zoom Meetings December 6, 2021

## **CITY COUNCIL AND MAYOR:**

- Mary Schamehorn, Mayor
- Peter Braun, Councilor
- Chris Powell, Councilor
- Geri Procetto, Councilor
- Madeline Seymour, Council President
- Geoff Smith, Councilor
- Brian Vick, Councilor

## **STAFF:**

- Dan Chandler, City Manager
- Shala Kudlac, City Attorney
- Paula Burris, Finance Director
- June Hinojosa, City Recorder
- Dana Nichols, Planning Manager
- Sgt. Larry Lynch, Bandon Police

## **1.0 CALL TO ORDER / PLEDGE OF ALLEGIANCE / ROLL CALL**

Schamehorn called the meeting to order at 7:00 p.m. and Roll Call was taken as indicated above. Powell participated remotely by way of Zoom. The Mayor and the other Councilors were present in the Council Chambers.

Seymour led the Pledge of Allegiance.

## **2.0 PUBLIC REQUESTS (none)**

## **3.0 PRESENTATIONS (none)**

## **4.0 HEARINGS (none)**

## **5.0 PROCEEDINGS**

### **5.1 ACTIONS**

#### **5.1.1 Approve City Council Meeting Dates for 2022**

Vick moved to approve the meeting dates. Procetto seconded the motion and it passed by unanimous show of hands (6:0).

#### **5.1.2 Approve Holiday Schedule for 2022**

Procetto moved to approve the holiday schedule. Vick seconded the motion, which passed by unanimous show of hands (6:0).

#### **5.1.3 Appoint City Manager as Budget Officer for Fiscal Year 2022-2023**

Seymour moved to make the appointment and Smith seconded the motion. By unanimous show of hands, the motion passed (6:0).

#### **5.1.4 Approve Budget Calendar for Fiscal Year 2022-2023**

Seymour made a motion to approve the calendar. Procetto seconded the motion and it passed by unanimous show of hands (6:0).

### **5.1.5 Memorandum of Understanding with Seabird Village II Subdivision Homeowners Association**

Chandler requested to have this item tabled until the January, 2022, City Council meeting.

## **5.3 RESOLUTIONS**

### **5.3.1 Res. No. 21-23, Initiating Vacation of an Alley**

Nichols stated that the Council had taken action to move forward with the vacation of an alley that had been platted as part of the Ocean Terrace Subdivision, Phase 3. Nichols explained that Phase 4 of the subdivision was never constructed, so the alley was not constructed. She said because the lots on Seabird Drive were required to be accessed via the alley and have a Variance to their front yard setbacks, they could not be developed until something happened to the alley. The resolution before the Council would initiate the vacation process, which would include distribution of a Public Notice and holding a Public Hearing at the Council's next meeting.

Braun put forward a motion to approve Resolution No. 21-23 and Procetto seconded the motion.

Vick asked if the 20-foot alley would be divided, with half going to one side and half to the other.

Nichols clarified that the alley was platted as part of the Phase 3 section of the subdivision and did not consist of land taken from the section to the south, so the entire alley would go back to the nine lots to the north.

Referring to the second "Whereas" in the resolution, which stated, "the alleyway was created to allow rear vehicle access and parking," Procetto wondered if that was going to be enforced.

Nichols replied that access would have to be from the front of the lots on the street side if the alley were to be vacated.

The resolution was passed by unanimous show of hands (6:0).

### **5.3.2 Res. No. 21-24 Regarding the Application of ORS 197.307**

Chandler told the Mayor and Councilors that there had recently been changes to Oregon Statutes and interpretations of case law about "needed housing on buildable land." As a result, all land had essentially been deemed "buildable land," and only "clear and objective criteria"—involving measurable aspects such as setbacks and height limits—could be applied to needed housing on buildable land. Chandler said Planning Staff had observed that some of the City's processes did not sync up well with that statutory requirement. Many of the Plan Reviews were discretionary in nature. Others were not, but the process being used was still discretionary.

The resolution before the Council would direct Planning Staff to follow State law, applying only clear and objective criteria, and to work as quickly as practicable to amend the City's code to conform to State statutes. Chandler noted that Staff had already come a long way toward that goal in its code cleanup process. The resolution would "give the Staff cover" and clarify what was being done until the code could be changed.

Seymour asked if there was a deadline for changing the code.

Chandler responded that it should have been done previously. By passing the resolution, the Council would set a policy to bring the City into compliance with the State law, which he stated, "trumps the local code anyway."

Seymour moved to approve Resolution 21-24. Procetto seconded the motion and it passed by unanimous show of hands (6:0).



## **6.0 CONSENT AGENDA**

The Council considered the following items on the Consent Agenda:

### **6.1 APPROVAL OF COUNCIL MINUTES**

#### **6.1.1 City Council Meetings**

- November 6, 2021 – City Council Regular Meeting
- November 8, 2021 – City Council Special Meeting and Work Session

### **6.2 REVIEWING OF COMMISSION AND COMMITTEE MINUTES**

#### **6.2.1 Planning Commission Meetings**

- October 20, 2021 – Planning Commission Work Session
- October 28, 2021 – Planning Commission Regular Meeting

#### **6.2.2 Budget Committee Meetings**

- May 10, 2021
- May 17, 2021

### **6.3 INFORMATION ONLY: DEPARTMENT REPORTS**

#### **6.3.1 Accounts Payable Report for October 2021**

#### **6.3.2 Library Report – October 2021**

#### **6.3.3 Public Works Report for November 2021**

#### **6.3.4 Community Center and Sprague Theater Report for November 2021**

#### **6.3.5 Planning Department Report for November 2021**

#### **6.3.6 Police Department Report for November 2021**

#### **6.3.7 Finance Department Report for October 2021**

#### **6.3.8 Consolidated Municipal Utility Report**

### **6.4 INFORMATION ONLY: OTHER ITEMS**

#### **6.4.1 System Development Charge (SDC) Annual Report for FY 2020-2021**

#### **6.4.2 Appointment of Anthony Trilli to Parks and Recreation Commission**

### **6.5 EASEMENTS AND RIGHTS-OF-WAY**

### **6.6 COMMITTEE/COMMISSION DIRECTION AND REPORTS**

#### **6.6.1 Planning Commission**

#### **6.6.2 Parks and Recreation Commission**

Schamehorn highlighted an item in the Public Works Monthly Report for November, attributed to Public Works Supervisor Tim Lakey. It read, “ODOT has set back the 9<sup>th</sup> Street and Highway 101 crosswalk project,” and in bold lettering it stated, “ODOT has not responded to attempts to contact them regarding a start date for this project.”

Schamehorn wanted to make clear, out of fairness to ODOT (Oregon Department of Transportation) that ODOT had communicated to her and to Chandler. She had taken two calls from ODOT Southern Oregon Region Manager Darrin Neavoll in the past week, and she read aloud a press release from ODOT that said:

ODOT is preparing to break ground on a long-awaited pedestrian crossing at the intersection of 101 and 9<sup>th</sup> in January. The new crossing will be located on the north side of the intersection between Dairy Queen and NAPA Auto Parts. It will include flashing lights, a

pushbutton beacon along each side of the highway, and a concrete pedestrian island in the center median. The new crossing will likely get a lot of use due to its location...

The 9<sup>th</sup> Street crossing was added to a larger pedestrian safety project that involves placing more than a hundred ADA sidewalk ramps in Bandon, Camas Valley, and Winston. Brown Contracting of Eugene began work on that project in the fall of 2020, replacing several dozen ramps along U.S. 101 in Bandon before moving to other locations. The contractor will return to Bandon in January to finish the remaining ADA ramps and begin work on the new pedestrian crossing. All work is scheduled to continue through the spring of 2022.

Shamehorn commented that the City had waited a long time for this good news.

“We’ll see,” Vick remarked, and others chimed in with similar sentiments.

Schamehorn thought ODOT had delayed the project to obtain all necessary easements, and she said the City had been assured that ODOT finally had all the easements.

Seymour moved to approve the Consent Agenda and Procetto seconded the motion. It passed by unanimous show of hands (6:0).

## **7.0 PUBLIC COMMENT (none)**

## **8.0 OTHER: COUNCIL/MAYOR/STAFF REMARKS**

Chandler informed the Council that the City’s new Library Director would begin working on January 1, 2022, and she and her husband had found a house. He said Bandon Police Officer Cory Dhillon would become Police Chief on January 1. Chief Bob Webb would be retiring at the end of December, after 20 years of service to the City of Bandon. Chandler thanked Webb for his long service to the City and he noted that Webb did not want any ceremony or event on his departure.

Chandler reported that the City’s purchase of the parking lot at 1<sup>st</sup> St. SE and Fillmore Ave. SE from Lisa Schilling was in escrow. She was in the process of doing a 1031 real estate exchange but had reopened the parking lot to the public. Chandler said he would be checking into how to handle drainage on the lot and how to go about paving it. He also reached out to the Port of Bandon to see if they would be interested in using their adjacent lot for parking as well. That would add about 15 spaces to the City’s 35, and the Port’s lot had a storm drain that the City would like to connect into to avoid digging and the associated archaeological issues.

Chandler said the City’s financial numbers looked good for that point in the fiscal year, with all City expenses being under-budget. He told the Councilors that by the end of December the City would have collected more Transient Occupancy Tax (TOT) money than had been anticipated for the entire fiscal year (through June 30, 2022). That reflected how well Bandon’s hotels were doing.

Chandler stated that the City’s audit was in its final review. He indicated there had been some frustration with the firm conducting the audit, so there would be an RFP (Request for Proposal) issued by the end of the month for a new firm for the next year. Chandler hoped the audit would be finished by the end of the month.

Vick offered everyone a Merry Christmas. So did Procetto.

Seymour thanked Chief Webb for all of his years of service, saying it had been nice to see his car come by her house once in a while. In the ten years she had lived in Bandon, she thought he had done a really good job. Seymour wished everyone a safe New Year and a Merry Christmas.



Schamehorn also thanked Chief Webb, remarking that there had been a number of police chiefs over her lifetime in Bandon, including one who got her and Vick recalled in the mid-'80s. She wished everyone a Merry Christmas and hoped they would "consider shopping at home." Schamehorn said, "I know it's easier to shop online sometimes, but the merchants in town, they support us all year long, and it would be nice if we could spend our dollars locally."

Schamehorn mentioned that the Light Parade was scheduled for Saturday, December 11, starting at 5:30 p.m.. The Nog and Wine Walk would begin at 3:00, with glasses available at the glass picnic shelter.

Vick interjected, "I'd like to give our City Manager an attaboy for doing a terrific job at the Christmas Tree lighting." The Mayor and the other Councilors concurred and applauded. Vick continued, "He looked like he was even having fun."

"That was the most fun I've had since I've been in Bandon," Chandler commented. "It was a wonderful thing to be able to participate in, seeing all the children around town." He added, "The whole event was really wonderful."

Schamehorn said, "It was good for them to meet you."

Braun thanked everyone who participated in the Lighted Christmas Parade the previous week, and he thanked Nichols for her hard work on the parade. He hoped the weather would cooperate for the Nog Walk and Christmas Parade on the coming Saturday. Braun urged everyone to reach out to Chief Webb and tell him how much they appreciated his service, and he wished everyone a Merry Christmas.

Powell also wished everybody a Merry Christmas and a Happy New Year.

## **9.0 ADJOURN TO JOINT CITY COUNCIL AND URBAN RENEWAL MEETING**

Schamehorn adjourned the City Council's Regular Meeting at 7:16 p.m.

City Council Regular Meeting Minutes  
Submitted by Richard Taylor, Minutes Clerk