

# City of Bandon

<b>CITY COUNCIL AGENDA DOCUMENTATION</b>	<b>DATE:</b> May 11, 2020
<b>SUBJECT:</b> City Council Meeting Minutes	<b>ITEM NO:</b> 6.1.1

**BACKGROUND:**

Meeting Minutes of the City Council as submitted by Denise Russell City Recorder, Beth Hager Administrative Assistant, and Richard Taylor Minutes Clerk.

- Special Council Meeting – April 24, 2020
- Special Council Meeting – April 28, 2020
- Council Work Session – May 6, 2020
- Regular Council Meeting – May 11, 2020
- Special Council Meeting – May 21, 2020

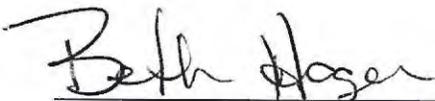
**FISCAL IMPACT:**

None

**RECOMMENDATION:**

Motion to approve the minutes.

**SUBMITTED BY:**



Beth Hager, *Administrative Assistant*

**SPECIAL CITY COUNCIL MEETING  
BANDON CITY HALL  
April 24, 2020**

**Present:** Mayor Mary Schamehorn, Council President Peter Braun, Councilors Claudine Hundhausen, Chris Powell, Geri Procetto, Madeline Seymour, Brian Vick

**Staff:** City Manager Dan Chandler, City Attorney Fred Carleton, City Recorder Denise Russell

**Call to Order**

Schamehorn called the meeting to order at 4:00 p.m. Roll was taken as indicated above.

**PROCEEDINGS**

**Discussions**

- **Discuss Resolution No. 20-08 – Short-term Rentals Expiration Date**

Chandler introduced the discussion of the expiration date of, May 1, 2020, in Resolution No. 20-08 that suspended short-term rentals in the City of Bandon with exceptions for family, medical and work needs. The Resolution was adopted because of the COVID-19 virus and the influx of people in the area in late March around spring break.

Central to this discussion is the Governor's Executive Order 20-12 - Stay at Home, Save Lives. This impacts what happens in the City of Bandon. There does seem to be some confusion about what is affected by the Governor's order and what is affected by the City's Resolution. The City has received calls for relief and enforcement of the Governor's order. The Governor's order closes many business; requires social distancing for those that stay open and that someone be designated to make sure that the social distancing is being followed; closed all public campgrounds with the exception of RV Parks that are not campgrounds and directed individuals to minimize travel.

The reopening of the economy and businesses in Oregon follows the federal plan of a three-phase opening strategy with gating requirements. The gating requirements have to do with the spread of the virus and curve flattening, so hospitals and medical facilities have capacity to deal with the virus, and availability of testing. Most Counties in Oregon are asking the Governor to move to phase one. Coos County's short-term rental order is expiring on April 30, 2020, which means Bandon Dunes will reopen mid-May.

Currently, there are eight cases of COVID-19 in the inmate population at Shutter Creek. These cases were caused by an inmate that was transferred into the facility by the state from out of the area. Dr. Anthony Fauci, Director of the National Institute of Allergy and Infectious Diseases, says that the virus will be with us until there is a vaccine and vulnerable people will have to shelter for an extended period. The virus is expected to be in Bandon. The State has the capacity to do 9,000 tests a week.

The City has four options:

1. Do nothing and allow the Resolution to expire May 1, 2020,
2. Extend the expiration date through mid-May to allow time to prepare and have additional masks, washing stations, guidance for hotels and their employees, and any other measures to be put into place,
3. Extend the short-term rental ban until the State approves Coos County's request to move to phase-one reopening, or
4. Extend the short-term rental ban until Coos County moves to phase-two reopening, which sounds like late June.

Schamehorn feels that the restrictions placed on the South Coast is because of the inundation of visitors on the North Coast after the Governor had said people should stay at home. The coast is the only place that has short-term rental closures in the state.

Seymour would like to keep short-term rentals closed for two more weeks and see what the Governor chooses to do.

Vick believes that the issue is politicized and wonders if it will be extended past what is reasonable. Businesses need to be allowed to reopen. The curve is starting to trend downward. Seymour noted that this area has not hit the peak yet.

Procetto would like the short-term ban to extend through mid-May.

Powell wondered what the difference is of walking into McKay's and Ray's, or the bookstore, which is closed?

Hundhausen would like the second option but having the expiration in the first week of May to allow for additional planning and guidance between the Chamber, Council and businesses on how to reopen. Businesses need to be allowed to reopen so that they can feed their families. The individual merchants should be able to decide what works for their business. Hundhausen's suggestion is to start out slower and allow the hotels and motels to rent half of their rooms and all the vacation rentals, which are all very separate entities. Also, businesses could post signs that say *no mask, no service*.

Braun noted that the Council cannot do anything about when the nonessential businesses can open. The only authority the Council has is over short-term rentals because the Governor's order controls those decisions.

The question is, do we want to incentivize tourism and people coming back to Bandon or do we want them staying home. Opening the hotels says that Bandon is open for tourism. Powell stated that tourism is already going on. There have been cars driving up 2<sup>nd</sup> Street going the wrong way and are not likely locals.

Braun is in favor of following the State's guidelines for nonessential business. If other cities in Coos County have hotels open for business, it does not make any sense for Bandon to remain closed. Bandon should at the very least follow the County's lead and parallel with them.

Schamehorn called Bandon Dunes and they are not taking any overnight guests until May 11, 2020. They are talking about a soft opening the week prior to May 11<sup>th</sup> to prepare staff. Staff and guests will have masks provided to them. The guests will be asked not to come into Bandon until the restaurants and bars are open.

Council discussed what if anything could be done to require the community and tourist to wear masks while shopping. Vick suggests that the lodging businesses provide masks to guests. Schamehorn hopes that Coos County Commissioners follow through on requiring people to wear masks when at the grocery store, which is what the Governor has talked about for pharmacies and hair salons, etc. once they open, to require masks while using their services. The County has purchased \$5,000 worth of masks to distribute to the hotels for the employees and to encourage guests to wear masks.

Vick noted that hospitals in Coos and Curry Counties have furloughed staff, and funding that was earmarked at the Federal level and distributed to the states for rural hospitals has not made it to the hospitals. Schamehorn noted that the elective services restrictions for the hospitals have been lifted.

**Steve Buntin, 10543 Rue D Flore Reno, NV 89511**

He has owned a vacation rental in Bandon for nine years. The management company has stated that they will be following all the Center for Disease Control's guidelines for COVID-19 when things begin to open. Everybody understands the health and economic issues for the Bandon's economy. A lot of people will continue to suffer particularly those that are low income. The economic impact is important, not only to him as vacation rental owner but the local community. There is nothing wrong with no mask, no service suggestion. The vacation rentals are discrete units that are rented by families who have been together for the last 30 to 45 days. Ninety percent of the people that rent the vacation rental are from the Western United States, which have done some of the best jobs at managing the virus. The travesty for Bandon would be if people remember it as not being open for business.

**Bryan Longland, Sunset Motel, Bandon, OR 97411**

The business has been in Bandon for over 70 years, and Longland has lived here for 32 years. The motel has regular monitoring through the health department, and they have used the time they have been closed to comply with customer safety and to keep staff well. They have put in a plexiglass sneeze shield and are using appropriate cleaning supplies for the virus. The laundry system runs at higher temperatures than domestic home use. Longland does not believe that the hotels will fill up completely on the expiration of the short-term rental ban.

In response to Seymour's question, they will either change their breakfast to grab and go or there will be no breakfast offered.

**Carla and Dr. Rex Smith, 121 Deer Valley, Eugene, OR 97405**

Dr. Smith noted that he is a retired doctor. Some of the information out there on COVID-19 is dubious. The point is to flatten the curve and not overwhelm the medical system. The idea of soft openings is better than waiting until July and open all at once. Truthfully, based on information from their vacation rentals, people are still scared which means people will be traveling rather timidly. Whether or not the opening starts May 1<sup>st</sup> or the 15<sup>th</sup>, someone must make that decision. Dr. Smith

recommends opening earlier rather than later adding, "we will not be able to stop the disease, just flatten the curve."

**Steve Dimock, La Kris Inn, PO Box 252 Bandon, OR 97411**

Dimock closed his Inn a couple of day prior to Bandon's Resolution because they felt it was important to mitigate for the virus. To the contrary, employees, customers and vendors come and go with no protection. In addition, there are contractors coming from the valley over here to work that are staying in hotels, which are still people outside the County. Closing hotels is not stopping anything if there are only restrictions on a few of those business. Everyone needs to stop going out, limit the number of people in stores and enforce the rules or remove all restrictions and let the hotels do business.

Vick stated conversely there are people from the area that are still going over to Roseburg to Costco, so they are leaving the area and coming back.

Seymour would like to have the opening mid-May because if there are test kits coming it gives time for those tests to reach Bandon, it gives time to plan and to see if citizens will start wearing masks out in public and get used to it.

Chandler stated that May 11, 2020, is the next Council meeting so it could be discussed then or the Council can just set a date now.

Vick is fine for May 5<sup>th</sup> but not extend it to mid-May.

Hundhausen made a motion to extend the short-term rental ban to May 5 2020 and get a committee together to get the protocol together and a clear understanding of what will happen. If there is trouble or concerns between May 5<sup>th</sup> and the Council meeting, then Council can deal with it.

Braun would like to follow Coos County or go with the May 11, 2020, date.

Carleton, in point of order, is the motion to pass Resolution 20-11 and insert May 5, 2020, into it? Vick indicated that to be correct.

Hundhausen would compromise on the date, maybe May 8, 2020. She would like to have something in place by the time the Council meets, so that if there is a problem, it could be addressed. Business need to be able to open. There will be a lot of frustration and anger if it does not get off the ground.

Powell suggested, if the Council wants to let business get off the ground, let the Resolution expire on its original date of May 1, 2020. The hotels are ready to open for business. Vick agrees with Powell.

Hundhausen is concerned about not having Council and businesspeople go over the basics prior to and make sure they are on the same page prior opening everywhere.

Powell wondered what the basics are. Hundhausen gave examples of signage, what is or is not permitted in Old Town, how many hotel rooms will become available and whether all vacation rentals are going to be available.

Powell does not believe the Council should regulate the number of rooms that will be available. Historically, it is not likely that all the hotel rooms would be rented in May.

Braun noted that the overseeing body for the hotels is the Oregon Health Authority has recommendations for the regulation of these businesses and does not believe that the Council has the capacity to oversee whether or not the rules are being followed.

Hundhausen withdrew her motion after Council discussion to not pick an arbitrary date but go with Coos County or Bandon Dunes date.

Hundhausen made a motion to go with May 1, 2020 and go with what the Coos County is doing and remove the short-term rental restrictions on May 1, 2020. Vick seconded the motion. The motion passed 4:2, Seymour and Procetto opposed.

Schamehorn noted that the Council could bring it back for discussion if it becomes necessary.

**Other: Council/Mayor/Staff Remarks – None**

### **Adjournment**

The meeting was adjourned at 4:53 pm

Denise Russell  
City Recorder

**SPECIAL CITY COUNCIL MEETING  
BANDON CITY HALL  
April 28, 2020**

**Present:** Mayor Mary Schamehorn, Council President Peter Braun, Councilors Claudine Hundhausen, Chris Powell, Geri Procetto, Madeline Seymour, Brian Vick

**Staff:** City Manager Dan Chandler, City Attorney Fred Carleton, City Recorder Denise Russell

**Call to Order**

Schamehorn called the meeting to order at 4:00 p.m. Roll was taken as indicated above. The Special Council Meeting is to consider the petition that has been submitted to reconsider the expiration of the short-term rental ban that is set to expire on May 1, 2020, from the April 24, 2020, Special Council Meeting.

**PROCEEDINGS**

**Discussions**

- **Consideration of Petition – Short Term Rentals Expiration Date**

Hundhausen made a motion to consider the signed petition that has been submitted to Council. Procetto seconded the motion and it passed unanimously, 6:0.

Schamehorn state the City of Bandon has received a Facebook petition addressed to the Council and Coos County Commissioners that has been signed by 852 people most of whom are residents. Coos County Commissioners have already voted and are not modifying their decision to open on May 1, 2020. Schamehorn and other council members have received emails over the weekend regarding this issue. There is a lot of concern over opening too soon.

Schamehorn noted that Curry County, on Friday, thought that they would open short-term rentals on May 1, 2020, but the cities in Curry County felt differently. Schamehorn spoke with the city managers in Port Orford, Gold Beach, and Brookings and found that all are waiting until the end of May to open. Part of their reasoning is to determine and open concurrently with the Governor's permission for Curry County to enter phase one reopening, which will include the State Parks.

The Facebook petition asks Council to:

Please reconsider reopening hotel/motel, park visitors until May 11<sup>th</sup>, at that time it can be reconsidered with the advice of medical professionals taken into consideration. If at that time it is decided to reopen, please have a safety plan which includes testing, masks and how they will be obtained and other appropriate guidance and guidelines. We stand together and we will get through this together if we all work together. Safety for our citizens must come first.

Schamehorn noted that the Council understands to the position of the vacation rental and hotel owners, but for the greater good of the people that have been contacting them, to at least postpone the decision to reopen the short-term rentals until May 11, 2020, Council Meeting. In the meantime, as suggested by Chandler, the Council could hold a workshop with the Chamber to finalize the

details. Margaret Pounder, President and CEO of the Chamber, has worked closely with the hotels/motels in devising a protocol for them to follow for employees and guests.

There are a lot of things that could change by the May 11<sup>th</sup> Council meeting. The Governor, as part of phase one reopening, may open the restaurants, if that happens, it may help Council with the decision.

Currently, there are 15 cases of COVID-19 at Shutter Creek. Thirteen of them are inmates and two staff members. Coos County Commissioner Sweet indicated that all the inmates that have tested positive have been transferred out of Coos County to an isolation facility in Wilsonville. The two staff members remain in Coos County in isolation.

Seymour noted that the problem with the virus is that it may be asymptomatic for up to two weeks and the potential for person to person contact innocently during that time can be very high. Coos County is far behind the curve for the State, and the occurrences of cases are just starting to climb.

Hundhausen noted that this petition does not request anything more than what she suggested at the April 24, 2020, meeting. Hundhausen moved to honor the request and wait until May 11, 2020, to see what has happened in the area and decide then and to hold a work session prior to the Council meeting.

Powell asked what would be discussed at the work session. Pounder provided to the Council a draft report and protocol on how hotels would address reopening and pandemic cleaning/safety procedures, item 2.1 in meeting packet.

Seymour noted that a concern is the sanitation of mattresses and pillows between guests and how they will be cleaned to mitigate cross contamination of visitors.

Hundhausen added to her motion to accept the draft report from the Chamber as a guide. Seymour seconded the motion.

Chandler followed up on the idea of the Council having a work session. It makes sense to discuss details and determine a direction to go in a work session format that can be decided on at the May 11, 2020, Council meeting.

Procetto clarified that the motion is to rescind the April 24, 2020 decision to open short-term rentals on May 1, 2020, and to postpone the decision to open short-term rentals through May 11, 2020, and to hold a work session prior to the Council meeting.

#### **Public Comment Regarding Short Term Rental Expiration Date**

Schamehorn opened the meeting up for public comment on the short-term rental topic.

#### **Steve Dimock, La Kris Inn, Bandon OR 97411**

Dimock stated that he is frustrated, at the April 24, 2020 meeting, he stated that it was too early to be opening and the steps that were being taken were not effective. The Council voted to open on May 1, 2020. He called customers and started preparing to be open because of the decision and put up a Special Bandon City Council 4/28/2020

sneeze shield. The problem is a community problem, not a hotel problem because social distancing guidelines and wearing masks are not being followed at the hardware store, the lumber store or the post office. The virus is spreading because of a lack of source control.

He understands that there is a desire to keep people from outside the community coming into our community, getting sick and filling up the hospital. If that is the reason the hotels are closed, then, the contractors should be closed as well. They are not practicing safe spacing. La Kris Inn was closed prior to the order to do so; it is not a case of the hotels being greedy. They are trying to use logic to stop the disease. What is happening now will not stop it; it only harms the hotels.

Hundhausen thanked Dimock for sharing his feelings and it is why the Council needs to talk to all the lodging businesses in a work session, which is what was requested earlier without too much enthusiasm. The details matter. Hundhausen would like to see signs in town that say no mask, no service.

Schamehorn said Dimock is correct about the mask problem and it is not a motel problem because she has witnessed community members out doing business and only a few individuals are wearing masks. The Council talked about whether they could mandate that everyone wear masks. The Coos County Commissioners have not made the decision but are discussing making wearing masks at the grocery stores, pharmacies and anywhere else people are in close contact mandatory. Masks are the number one and least expensive method of protection.

Chandler noted the City is working with Amazon Business to get washable, reusable masks at cost. The masks will be received within two days of ordering them.

**Roger Straus, 1149 12<sup>TH</sup> Street SE, Bandon, OR 97411**

Straus received an email from Margaret Pounder that sent out an email from the Regional Solutions Coordinator for the Governor of the State Oregon. Straus encourages people to read it. There are five items that describe what businesses will have to comply with through State regulations to open. Part of what happened in the April 24, 2020 meeting is we did not have a plan. There needs to be a written plan that has been developed with medical professionals and the lodging industry that is agreed. The State may regulate it for each type of business with stringent constraints.

**Melvin De LaMotte, Windermere Motel, Bandon, OR 97411**

They have owned the Windermere Motel in Bandon for over 40 years. They have been patiently waiting to be able to open and have followed all the Governor's and Council's instructions. In good faith after the April 24, 2020, meeting, rehired all of their staff and have brought them back to work to clean all the surfaces, installing safety precautions for staff, and provided written rules for customers to stay safe in preparation for a May 1<sup>st</sup> opening. They have been proactively advertising and taking reservations based on last week's Council decision, and to wait until two days prior to renege on the date is inappropriate. De LaMotte does not believe there is a scientific reason that compels the Council to continue this closure and the prudent thing to do is to go forward with the May 1<sup>st</sup> date.

**Keven Shaw**

Shaw is curious about the Center for Disease Controls and the Governor's Executive Order 20-20 and their requirements for wearing masks when six-foot distancing cannot be done. Businesses are

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to have designated staff that make sure social distancing requirements are being adhered to. They seem to be conflicting with what he is hearing here.

**Nichole Bennett and David Pittman, Bandon Wayside Hotel and RV, Bandon, OR 97411**

Pittman stated that the safety in reopening Bandon up for commerce is up to every individual whether they are traveling or live here. His partner and he believe their business responsibility is to create an environment where customer's feel safe and welcome.

The main goal, as guests interact with the community, will be to provide information on ways to be responsible. As business owners, they ask the City of Bandon to look for ways to support these businesses on implementation of COVID-19 guidelines.

Motels are asking to be open to provide lodging for out-of-town guests, which brings additional risk to travelers and potential bringing COVID-19 to our community. While travelers are staying at local lodging facilities, they will also be using local stores and restaurants. Lodging businesses are being asked to provide travelers with masks. Is there a directive from the City for all open businesses to enforce or encourage strongly to wearing those masks and adhering to social distancing guidelines. We recommend to the community to see this measure through and to become more stringent in their security measures.

Bennett wondered about the City's plan for contact tracing and suggested putting up signs in wayside parking places. Upon reading the Governor's assistant's email, the guidelines for the general public is not travel further than fifty miles. The assumption is that everyone that has reservations are from guests within fifty miles. People are going to hear open and are going to start traveling, and Bennett does not think the City is ready for travelers to come in. It is unknown whether all businesses are onboard with enforcing the mask guidelines as evidenced by how few people are wearing masks in the stores. Bandon Wayside Hotel and RV is not opening for a couple of weeks. They do not understand what the City's plan is and how to organize day travelers or overnight guests going into businesses and then get to leave, leaving the community behind with whatever happens.

**Steve Wenzel, Bandon, OR**

Wenzel's concerns are that there is very spotty recognition that there is a serious issue. Technical issues and we were unable to hear all of Wenzel's comments.

**Scott McEachern, Chief Information Officer, Southern Coos Hospital, Bandon, OR 97411**

McEachern thanked the Council and Margaret Pounder for inviting the hospital to participate in the meeting. McEachern introduced Director of Nursing Debi Ellis and Quality and Risk Manager Victoria McNeely who is leading the preparation for the hospital's response to COVID-19 surge, and CEO Eugene Suksi. The hospital has been preparing for COVID-19 for approximately two months.

Schamehorn requested that the hospital make their presentation at the work session. The hospital agreed to participate at the work session.

**Bryan Longland, Sunset Lodging, Bandon, OR 97411**

They are business owners that live in the area and participate in community events and festivals. They are anticipating a light start during May and are doing their best to comply with all the guidelines. His understanding for the closure in March was the influx of people during spring break.

He estimates that maybe about 20 rooms will be occupied to begin with and does not expect a rush of people. He has taken precautions to make sure that he and the staff feel safe.

**Margaret Pounder, President/CEO – Bandon Chamber of Commerce**

Pounder reported they were asked to contact the lodging facilities in Bandon to obtain their safety protocols and plans as most of the businesses are members of the Chamber. This is not a typical role for the Chamber, but they do have a reliable and effective way to reach these businesses. The Chamber abides by the City Council resolutions and was asked to provide the report. The information was gathered and presented in a concise manner to help make the decision. Regarding the advice of medical professionals, Southern Coos Hospital is on the call and can answer but it has been moved to a work session.

Safety plans were put into place immediately when the Council voted last Friday (April 24, 2020) to let the resolution expire. It was fairly simple, these steps are what the businesses do every day. Further steps needed to be taken for social distancing training with staff and a virtual no touch check-in/out that is now the formal way to do business. They have implemented what works for their businesses. Masks are already being ordered and will be on premise by the time they open. The specific plan for most of the facilities has been submitted to the Council.

**Peggy Backholm, Bandon Inn, Bandon, OR**

Backholm thanked Pounder for all the work that she does.

Backholm stated that we are all fearful because we are not sure how this will affect Bandon. For the work session, is everyone willing to meet in person? If not, how are we going to feel comfortable bringing hundreds of people to Bandon? If the decision makers do not feel comfortable meeting in a room together following the guidelines, how can the Council feel comfortable bringing people into town?

Vick responded that we would follow the Governor's mandate of no more than a group of twenty-five people.

Chandler added that the work session would be for the Council to discuss the issue after obtaining all the information from the community, and for those that the Council specifically wants to hear from during the work session.

Backholm wants to open her business again, just as much as anyone else but is willing to work through all the issues to get there.

**Valerie Caliguire, Windermere Prestige Properties, Bandon, OR**

Caliguire has been using the time that businesses have been closed, preparing to open for a couple of weeks. They have had a meeting with all their staff on the procedures and extra precautions that need to be taken and asked them for their comments and concerns. They are ready to open. Everyone is concerned but at some point, we have to get off of the fence.

**Carla Smith, Bandon Crossings, Bandon, OR**

Smith noted that we could not open until fall and be safer but are we willing to throw away about a year's worth of income. Bandon Crossings is open and it is a little different but is working well. Their vacation rentals have been ready since the City passed the resolution to close short-term rentals. The units have had a thorough cleaning, no face-to-face contact, will require people to have a face mask and if they do not – they will be provided. Smith believes that they can open, and it can be done safely. Staying shut will not keep the virus from being in our area, it will come at some point.

**John Mackin**

Mackin acknowledge that the testimony has provided good points. Mackin understands the reasoning for the resolution was because of the concern of a large influx of people coming to town during spring break. Now that spring break is over, the potential for the influx of people is over and perhaps that is why the order can expire. He sees emphasis being placed on the hotels to keep Bandon safe. As social distancing is concerned, hotels do not have the issues that most other business do have because not all the customers will be hanging out in one room. There are other concerns, and he would like to see sole focus being placed on the hotel industry.

Schamehorn addressed the issue of centering on motels and hotels. The fact is short-term rentals are the only businesses the Governor's Executive Order leaves to the county/local governments jurisdiction.

Hundhausen responded to the comment about the hotels giving up business to the City. The City will be hurt by the loss of transient occupancy taxes (TOT) more than any other entity because it relies so heavily on TOTs. To assume that this is a benefit to the City itself is an error.

The only purview of the Council is over the lodging businesses and she feels bad that they are feeling pressure from the focus on whether they can be open. Everything is under the jurisdiction of the Governor's office or the County. This is a difficult situation, and everyone is very cognizant that our businesses are vital to the health and wellbeing of the City and the people of the City of Bandon but are responsible for lives lost if adequate preparation is not made for what may happen. Council is working toward the best solution. Hundhausen encouraged the community to communicate with the Council because they are open to the concerns.

Seymour called for the vote on the motion rescinding the April 24, 2020, decision to open short-term rentals on May 1, 2020, and to postpone the decision of opening short-term rentals through May 11, 2020, and to hold a work session prior to the Council meeting to hear the presentation from the hospital. Procetto seconded the motion. Motion passed 5:1 – Powell opposed.

Schamehorn noted that this is not an easy decision and apologized for the decision that was made Friday. They were unprepared for the backlash that decision received. If there had been a clear picture that the rest of the area was not opening, Council decision may have been different. Schamehorn apologized on behalf of the Council for the confusion.

Vick apologized for the comments he has received about hotel/motels only caring about profit. As a small business owner that is closed, he feels for their businesses and is sorry that it has come to this.

Pounder asked for the businesses who took reservations between April 24, 2020, and April 28, 2020, if the Council would let them honor those reservations. Council had mixed opinions on whether those reservations should be honored.

Carleton stated that the hotel/motels relied on the action that the Council took on April 24, 2020. By dropping the restriction, there was an open period that reservations were made. The business owner and the customer relied on it. And while the rescission could bar them, it is the Council's decision on whether to allow an exception for reservations made between April 24 and April 28, 2020.

Schamehorn acknowledged that the hotels acted in good faith based on the decision made April 24, 2020, and believes the Council should honor them.

Vick made a motion to honor the reservations made between April 24 and April 28, 2020. Powell seconded the motion. The motion passed unanimously by those present, 5:0.

#### **Accept Resignation from Committees and Commissions**

Seymour made a motion to accept the resignations of Committee/Commission members Linda Frick and Tracy Hodson from the Budget Committee. Hundhausen second the motion. The motion was passed unanimously by the council members still present. (Procetto was absent for the vote.)

#### **Appointment to Committees and Commissions**

Seymour made a motion to accept the appointment of Committee/Commission members Matt Winkel and Renee Taylor to the Budget Committee. Hundhausen second the motion. The motion was passed unanimously by the council members still present. (Procetto was absent for the vote.)

**Other: Council/Mayor/Staff Remarks – None**

#### **Adjournment**

The meeting was adjourned at 4:55 pm

Denise Russell  
City Recorder

**City Council Work Session  
at Bandon City Hall  
May 6, 2020**

**CITY COUNCIL AND MAYOR:**

- Mary Schamehorn, Mayor
- Peter Braun, Councilor
- Claudine Hundhausen, Councilor
- Chris Powell, Councilor
- Geri Procetto, Councilor
- Madeline Seymour, Councilor
- Brian Vick, Councilor

**STAFF:**

- Dan Chandler, City Manager
- Fred Carleton, City Attorney
- Denise Russell, City Recorder

**1.0 CALL TO ORDER/ROLL CALL**

Schamehorn called the meeting to order at 4:00 p.m., and Roll Call was taken as indicated above.

**2.0 PROCEEDINGS—DISCUSSIONS**

**2.1 Short Term Rentals and Reopening Strategies**

Chandler began the Work Session with a PowerPoint presentation he had prepared, “COVID-19 and Getting Back to Business.”

First, he addressed the fact that much was still not known for sure about COVID-19. For example, the infection rate was unknown. A study in Santa Clara, California determined there were more people in that community that already had the virus than had initially been thought, suggesting a low infection rate, but after a few weeks that study received sufficient criticism that its validity came into question.

Mortality rates from COVID-19 were hard to determine, with so many factors involved, such as socioeconomic influences and the quality of medical care. Chandler said the full scope of the long-term effects of having COVID-19 were unclear. It was not known whether people might gain lasting immunity once they have had COVID-19, nor if the virus would cycle through society more than once. The timing of developing an effective vaccine was also unknown.

Chandler noted that around 7,500 scientific papers had been published since the pandemic began, and many of them were published before being peer reviewed. He observed he and many others tended to read something that caught their interest and aligned with what they already thought, and then become excited and share that information.

Moving on to what was known, Chandler stated that Governor Brown’s order—not a City order—was in control of most aspects of distancing and reopening affecting Bandon. This included when and how State Parks and Beaches would open. The day before the Work Session,

Chandler had spoken with someone at the State Parks who welcomed feedback from the City and indicated the first phase of reopening Bullards Beach, Face Rock, and Devil's Kitchen would be for day use only.

Chandler said it was known there had been community transmission of COVID-19 in Coos County, and that the virus would be around until an effective vaccine is developed or 70 percent of the population has gained immunity. He told the Council that the economic effects were real. It was also understood that there was no way to completely shut the City of Bandon down to visitors, truckers, and others who would be passing through. The City learned before the meeting that the city of Coos Bay had lifted its lodging restrictions the night before.

Actions the City could take would include educating the community using informative handouts and posters. The City could assist the community by providing masks, wash stations, and hand sanitizer, and it could adapt to changing circumstances in dealing with COVID-19 by continuing to monitor health care information, hospital capacity, and local contact tracing efforts.

Chandler stated that the City had talked to Southern Coos Hospital about providing screening kits to lodging establishments, to enable them to screen their employees for COVID-19. The kits would include thermometers, pulse oximeters, checklists of screening questions, and sheets telling what to do and where a guest or employee should go if they are sick.

Chandler shared a list of local businesses that have established special shopping hours for seniors—Ray's, McKay's, Dollar Tree, and Dollar General. He said this type of information could be incorporated in a handout for visitors as well as local citizens. Councilors were shown a poster that said, "Welcome to Bandon" and offered guidance on COVID-19 mitigation procedures such as physical distancing, wearing face coverings, hand washing, and use of hand sanitizers.

Chandler shared excerpts from guidelines for lodging operators that were prepared by Bandon Dunes, covering sanitizing protocols for guest rooms, high-traffic areas, bedding, fixtures, and appliances. The guidelines stated that in the event of a presumptive case of COVID-19 the guest's room would be removed from service and quarantined until the case had been confirmed or cleared. In the event of a positive case, the room would only be returned to service after undergoing an enhanced sanitization protocol.

Chandler provided a few photos he had posted on the City's Facebook page, showing examples of some actions taken by lodging facilities to modify their check-in and check-out and lobby areas, to help limit contact and maintain social distancing. One photo showed a front desk shielded by clear plexiglass, with a credit card reader for guests placed outside the shield.

At the conclusion of his presentation, Chandler offered the Councilors three options regarding the City's temporary lodging restrictions during the COVID-19 pandemic:

1. Allow the restrictions to expire on May 11, which would happen if the Council were to take no further action. The City would monitor conditions and be prepared to adapt to circumstances and re-enact the restrictions or impose additional restrictions if necessitated by the severity of future outbreaks or upon hospital recommendations.
2. Extend the lodging restrictions until further notice. Chandler advised against setting specific dates, and he said easing the City's restrictions could be tied to regional

developments based on phases of business and social reopening recommended by the Governor.

3. Extend the restrictions to a specific date.

Injecting humor into his presentation and in keeping with the theme of potential disasters, Chandler remarked that the subject of next week's presentation would be "murder hornets."

Margaret Pounder, Executive Director of the Bandon Chamber of Commerce, was in attendance at the Work Session and provided the Councilors with copies of a packet the Chamber had produced to give guidance to local businesses about reopening. The materials included a sheet covering how to wear a face mask as well as a sign that could be posted in a business, telling the public that a disinfection and sanitation plan was being followed by that business and that it practices physical distancing measures, has protective gear, has given employee training on a COVID-19 plan, and conducts temperature and symptom checks on employees. The sign had a space for a business to fill in the maximum number of people that can be in its building. An additional sign in the packet would tell customers to stop and wait if that business is monitoring its capacity. Another sign was designed to be posted for employees, to help them distinguish between the flu, a cold, and COVID-19. Pounder said the information in the packet was aimed at businesses and did not necessarily reflect any influence by the City.

Retail businesses were beginning to open under the Governor's orders. Pounder cited Executive Order 20-12, page 5, number 6, which allowed stores to open if they could provide appropriate physical distancing. Carleton interjected that stores would be required to have a monitor, and Pounder agreed.

Vick asked who would enforce this order on a small business. Braun responded that it would be the owner and a person designated as the safety officer.

Pounder and Chandler had already discussed the possibility of setting up hand wash stations, but the necessary equipment was all backordered. They had been looking at hand sanitizer systems that can be attached to walls, hoping to set up 20 or 30 of them around town.

Pounder told the Councilors that the Farmers Market was to open on the next weekend (May 8 and 9). She said she had asked the Port of Bandon to increase the sanitation at its public restrooms, which she thought were the only public restrooms in the City at the time. She added that Port Manager Jeff Griffin would be assigning a part-time staff member to maintain the restrooms.

Braun reminded Pounder that there are public restrooms at Face Rock Creamery.

Pounder stated that the Chamber was encouraging all merchants to "smile with their eyes." She said several restaurants would be purchasing face shields so customers could see the smiles of their servers, instead of causing servers to have to speak through masks. She emphasized the need to have a unified message when the City began to have visitors, and that message would be something like, "You're okay here, and we're all trying to make you feel safe."

Unsure of how it would work, Braun asked for a demonstration of "smiling with your eyes." Hundhausen attested to her own experience that it does work. She recounted wearing her bandana in a grocery store and having other shoppers smile back at her when she smiled at them.

Schamehorn voiced a concern that some of the grocery store shelves did not appear to be well stocked, and there were worries that visitors staying in vacation rentals would further deplete the local supplies on grocery store shelves.

Vick thought the paper product shelves were full at McKay's at that time, but Schamehorn had observed many empty shelves there, with only small quantities of toilet paper. She suggested stores should limit the number of products such as toilet tissue that each customer can purchase.

Pounder said most visitors staying at vacation rentals are being told to bring their own.

Seymour asked Pounder if she had spoken to any businesses that might be opposed to wearing face coverings. Pounder replied that there had been a couple of businesses where masks were not being worn. She felt people may choose not to do business with a merchant who does not wear masks and that there would be peer pressure to wear masks.

Procetto remarked that she had been at a business earlier in the day where no one was wearing a mask or maintaining six feet of separation.

Braun pointed out that there would also be merchants who could lose business by preventing customers from coming in when there were already too many people in their store.

Schamehorn commented that it would at least be a step in the right direction to get businesses open again. She said that once a business closed down, it would be much harder to reopen. Schamehorn added that businesses could have been open all along, and she did not understand why the message from the Governor's office was not clear. She recalled that after one of the Councilors stated in a recent meeting that "nonessential businesses" would have to close, Bandon resident Karl Maxon called her the next day and sent her documentation showing her that was not true.

Carleton suggested the confusion was caused by the national press having fixated on the terms "essential" and "nonessential," which were not used in the Governor's order. He did not know why people were not able to discern that by reading the Governor's order, which he insisted was meant to be flexible. Carleton said the order did not say people had to stay home; rather, it encouraged people to stay home, but to maintain social distancing if they were not at home.

Carleton told the Councilors his own business had been open, but his doors had been locked to keep clients from freely entering. He has limited staff, so there was little concern about social distancing. Carleton said the Governor's order allowed him to operate this way, but it encouraged him to conduct as much business offsite as possible, and that is what he had done. Similarly, he continued, real estate offices could be open because of the need to meet with clients. He stated there never had been a "lockdown," but the extent to which there had been one was due to misinformation and misreading of the Governor's order.

Schamehorn observed that anyone walking down the street seeing one small business after another being closed would assume the business owners thought they were not supposed to be open. She said people had made nasty comments about Baja Imports being open, when in reality it was perfectly fine for that business to be open if it was complying with the guidelines. Schamehorn supposed people did not know it was okay, and she lamented that the business shutdown had been going on for nearly eight weeks.

Powell commented that people had asked him why the bookstore was not open. He wondered where they were from, and he learned that there had been a greater variety of businesses open elsewhere. Schamehorn added that the bookstore could have been open after all.

As a business owner, Braun said he asked himself if it was worth it to put himself at risk when it had been like a ghost town in Old Town for six to eight weeks. He questioned why he should open his shop with nobody there.

Schamehorn speculated if nobody had closed their businesses in the beginning but had complied with the Governor's guidelines, that the City would not look like a ghost town.

Vick pointed out that few people were traveling, so few would be stopping in Bandon. Braun added that locals were also trying to adhere to "shelter in place" or "self-quarantining," so they were not walking around town, walking their dogs, stopping for coffee, or coming in to look at some shoes the way they normally would. He thought it probably was not worth it to open under those conditions.

Vick had read that the Governor had okayed "nonessential" dental work, and Schamehorn said the Governor had opened dental offices and hospitals on May 1.

Schamehorn suggested it was time for a motion, but Seymour noted that the Councilors had only been discussing businesses but not lodging. Procetto said she had expected that someone representing lodging would have been present. She knew that Sunset Oceanfront Lodging had been approved to allow those who made reservations to stay there over the past weekend, and Vick and Seymour confirmed that Sunset had hosted four guests in three rooms. Vick and Schamehorn mentioned there continued to be a high number of cancellations, and Schamehorn felt that would mean the City's lodging would not be swarmed with people, particularly with the "stay at home" order still in place.

Braun suggested that if the City had continued with the original plan of lifting lodging restrictions on May 1, the results would have been the same as extending them.

Earlier on the day of the meeting, Seymour had talked with Bryan Longland of the Sunset Motel, who told her he had contacted the hospital to learn its protocol for cleaning mattresses and pillows. Vick said the hospital did the same thing as the motels—they completely strip the bed and spray the bare mattress with a disinfectant that will kill COVID-19. All the bedding is washed in super-hot water.

Braun believed many of the lodging facilities in Bandon were taking the recommendations from the Oregon Restaurant & Lodging Association, which was following the Oregon Health Authority's recommendations.

Hundhausen contended that the people who were going to come to Bandon were ready to do so and the motels were ready for them, because they were complying with the regulations that defined how they should function. However, she thought the problem facing the City was that the public did not realize the lodging facilities were so well-regulated. Hundhausen suggested an article in the local newspapers about how the lodging businesses are prepared for guests would help local residents feel better about what will happen when out-of-town visitors come to stay in Bandon.

Vick had traveled to Portland and back the previous Saturday, and he had noticed most of the hotels along I-5 were open.

Braun noted that the Oregon Health Authority never shut down short-term lodging.

Chandler said he had heard short-term lodging was down 80 percent statewide, even in communities such as Bend that did not close their lodging, and he thought that was an indicator of what would happen when Bandon lifted its short-term lodging ban.

Vick stated the traveling public was still scared. Chandler and Schamehorn agreed that Bandon would not be inundated with visitors right away.

Pounder pointed out that Florence did not close its lodging, but because its restaurants and most of its retail businesses closed, half of the lodging closed as well, having no reason to be open.

Schamehorn asked if that meant that people might not come to stay in Bandon until the restaurants opened. She added that they would still come to vacation rental dwellings because they could bring their own food. Vick cited the variety of restaurants offering takeout service in Bandon.

Vick wondered if a motion should be made to reopen lodging immediately or to reopen on May 11. Seymour and Hundhausen questioned the Council's ability to pass a resolution in a Work Session. Schamehorn assured them that she had already discussed the question with Chandler, who told her it was alright for the Council to do so.

Chandler deferred to Carleton but offered his opinion that the Work Session was a public meeting and public notice had been made, so he saw no restriction. Carleton responded that such a restriction would be self-imposed, and he was unaware of any stated policy.

Schamehorn remarked that if the Council did nothing, its lodging restriction would expire on May 11. Powell favored lifting the ban immediately, saying it should have been done on April 30. Vick made a motion to lift the ban immediately, and it was seconded by Powell.

Seymour urged the Council to give motels time to get their employees back. Powell countered that they did get their employees back on April 30 when they thought they were going to reopen.

Hundhausen stressed her desire to see informational posters for guests placed in standard places at each business in town so the public would get used to seeing them. She especially felt something about wearing a mask should be prominent. Hundhausen wanted to know if the City had any plan in the event of a sudden outbreak of COVID-19 cases, and how many cases would constitute a problem.

Vick said if a problem arose, the City would have to shut down again, based on what the medical experts said.

Schamehorn concurred, saying if the hospital were to indicate it had a serious problem, then the Council would have to take action with another emergency order. She had sent every Councilor a copy of an article written by Dr. Douglas Crane, a member of the medical staff at Southern Coos Hospital. He had called Schamehorn, as had Dr. Hank Holmes, to urge the Council to reopen Bandon.

Braun had some thoughts about potential public response to whatever action the Council might take. After the Council had voted on April 24 to lift the lodging restriction at the end of April, hundreds of citizens signed a petition in opposition to that vote. Braun did not want the Council to keep going back and forth on reopening.

Schamehorn said that was why it would be better not to undo the decision the Council had made to delay reopening until May 11, based on that petition.

Braun felt the May 11 date would give the hotels the lead time they would need. He remarked that the hotels would need to make some accommodations if they were going to open on May 11 and be able take reservations for about 20 percent of their normal bookings.

Vick withdrew his motion and instead made a motion for the City to allow lodging to reopen on May 12. The motion was seconded by Seymour and received unanimous approval (6:0).

After the vote, Braun asked if a system was in place to disseminate information to merchants who may have been misinformed about whether they were allowed to open. Schamehorn responded that Pounder had already been doing that. Pounder left the meeting at this point.

## **2.2 Utility Shutoff Policy and Utility Receipts**

Chandler explained that when the Council initially adopted its emergency order, the City informed its utility customers it would not shut off anyone's power. He gave the Councilors copies of an aging report showing how many customers had late payments in January, February, and March. Past-due amounts over those three months went from \$50,000 to \$35,000 to \$107,000. At the time of the meeting, the total amount of past-due accounts for the City's combined utilities had risen to almost \$200,000, including around \$100,000 from the most recent month. Chandler said 119 accounts were three months or more past due, and he wanted to know how far the City should let people go without establishing a payment plan.

Seymour contended those who were late in January and maybe even February were not past-due because of COVID-19, so they should be paying their bill or setting up a payment plan. There followed a discussion among Powell, Schamehorn, Seymour, Chandler, and Procetto about which month of service was covered by a particular billing date. Billing dates are usually around a month after the conclusion of the service period they cover.

Powell pointed out that the usage dates were not as important as the dates the bills were sent out, because there were more people who were unable to work in March and who would have been less likely to be able to pay the charges incurred during the previous month.

Schamehorn observed that a lot of people had received unemployment and/or the \$1,200 checks the Federal government had issued. She urged working out payment plans with customers, because the City was not in a position to sustain such losses of revenue.

Chandler felt there was a consensus among the Councilors that the City should look into collections for those customers whose accounts were past-due more than 90 days. He interpreted the Council's stance in March as not meaning COVID-19 was a justification for people not to pay, but as a recognition by the Councilors that it would not be an appropriate time to cut off someone's service due to nonpayment.

Powell commented that those who weren't paying their utility bill were probably not paying their rent as well, so he suggested the City would be last in line to be paid.

Without naming anyone, Chandler hinted there were some large amounts owed by some “well-known players” on the past-due list.

Vick admitted to having been behind on his utility payments because he had not had any income for eight weeks, but he said he had paid his bill the previous day.

Seymour remarked that she knew a couple of business owners in town who had told her they wouldn't pay their utilities since they knew they were not going to be shut off, even though they had the money to pay at that time. She added that she wasn't suggesting that attitude was widespread.

Braun asked if there was a protocol in place to start working out payment plans, and Chandler replied that the City could return to its normal collections process.

### **2.3 TOT Collections and Fees**

Chandler had received some calls from lodging owners wanting a break on their TOT (Transient Occupancy Tax) payments. He stressed that the TOT is collected on behalf of the City and is owed for money that has already been collected from lodging guests. Chandler said fines and fees had begun to accumulate.

### **2.4 July 4<sup>th</sup> Fireworks**

Chandler told the Councilors that the City had a contract with Western Display Fireworks, and when he spoke with them he was told the City had two cancellation options: either pay a 25 percent charge to cancel or reschedule to another date later in the year. Chandler said the City conducted a survey and the results were slightly in favor of holding the Fourth of July fireworks.

Braun said the survey didn't mention the cancellation charge, but he wondered if the City could negotiate carrying the money it paid for fireworks over to 2021 and add to it then, for a bigger celebration.

Vick asked why the City could not just go ahead with the fireworks. Chandler did not think it would be possible to enforce social distancing at the fireworks event. He said some of the Chamber of Commerce members had suggested to Pounder that maybe the City should only have the fireworks display and not the other Fourth of July festivities. The waterfront area could be roped off, Chandler said.

Schamehorn noted that people could just sit in their cars and watch from almost anywhere, if the weather was good. Braun pointed out that at times in the past the fireworks has had to be cancelled due to fog, and he thought in those cases the fireworks inventory was carried over until the next year.

Anthony Zunino of Freedom Graphics and Chairman of the Bandon Chamber of Commerce Board of Directors, who was providing technical assistance at the Work Session, responded to Braun's comments, stating that the fireworks were shot off one year but held back another year, when there were foggy conditions.

Schamehorn was not aware that the City had paid for the fireworks, but Chandler clarified that the fireworks had already been purchased.

Braun wondered if it would be possible to store the fireworks until next year, and Zunino thought Heather Gobet, owner of Western Display Fireworks, might be willing to do that, possibly for a nominal fee for the storage space.

Chandler explained that Gobet had other contracts similar to Bandon's and had arrived at a policy of charging a fee for cancellation or rescheduling the display for a later date. Some thought had been given to delaying the fireworks and holding them at the Cranberry Festival.

Vick asked Zunino, who holds a pyrotechnician's license and usually directs Bandon's show, if he would call off the fireworks if conditions became too foggy. Zunino replied it was a waste of money to shoot the fireworks into the fog and it was dangerous for the crew, but sometimes it would be more hazardous to go through the process of discharging and removing the fireworks that had been prepared than to go through with the show in spite of the fog.

If Bandon's fireworks were to take place this year, Zunino indicated his crew would be fresh due to not having to do the Mill Casino show the night before, which had been cancelled. So, they would be able to pull up the fireworks and not shoot anything off if it turned out to be too foggy.

Vick remarked that more illegal fireworks than legal were set off around Bandon last year. Schamehorn said Bandon Rural Fire Protection District Chief Lanny Boston had expressed concern about all the illegal fireworks.

Although Zunino stated that Bandon does have some small fires every Fourth of July, he said those are easily contained because they are early in the fire season. Zunino was averse to holding the fireworks during the Cranberry Festival because that event takes place in a drier part of the fire season. Schamehorn added that Boston shared those concerns, and she noted that the Festival would be held within ten days of the anniversary of the 1936 Bandon fire and it would be the worst time of year, September.

Braun commented that if fireworks were held during the Cranberry Festival people would begin to have an expectation that fireworks was a regular part of that annual event. Zunino pointed out that the Festival itself was still up in the air for this year.

Schamehorn stated that indoor gatherings were the biggest concern among people she had talked to, including the two doctors she mentioned earlier. As an example, she said spending two hours inside the Sprague Theater with someone who is sick would be more hazardous than being outdoors where social distancing is easier.

Braun pointed out that the Jetty is packed with people and pandemonium on any Fourth of July.

Powell asked what day of the week the Fourth of July would fall on this year, and Zunino knew it was on a Saturday. He also knew that fireworks shows had been cancelled up and down the Oregon coast. If Bandon opted to have its annual show, it would be the place to go on July 4<sup>th</sup>.

Schamehorn voiced her hope that the fireworks Bandon had ordered could be held until next year. Hundhausen inquired what "holding" the fireworks would mean. Zunino explained that the fireworks were heavily regulated by BATF (Bureau of Alcohol Tobacco and Firearms) and would stay in the magazine at Canby, where Western is located.

Procetto thought there would be a charge for storing the fireworks, and Zunino assumed there would be some cost to cover the space, the taxes, and the utilities.

Vick wanted to make a motion to have the fireworks on the Fourth of July, asserting that there would be a lot of people in town on that day anyway.

Braun recommended tabling the topic of the fireworks until the May 11 Council meeting, to allow time to research the surcharge for storage if the fireworks were held until next year.

Chandler reiterated Western's request for a 25 percent cancellation fee, but Braun countered that his vendors have requested the same thing and he has disputed it. Zunino stated that he had worked with Western for 25 years and Gobet was a good friend, so he volunteered to call her.

Powell asked what the fireworks cost to the City, and Chandler told him \$15,00 was budgeted, supplemented by donations and contributions, which he supposed would be less than anticipated.

Schamehorn remarked that it would be troubling if Bandon had the only fireworks on the coast. Braun agreed, saying if everyone else's fireworks were cancelled, the crowds in Bandon would be three times worse than usual. Schamehorn also worried about the influx of people tripling the amount of illegal fireworks and seriously increasing the fire danger. Braun said Bandon had to follow suit and cancel its fireworks like the other coastal towns.

Despite his love for fireworks, having worked with them since he was 18, Zunino vowed he would not advocate for a dangerous situation for the community.

Vick reminded the Councilors that the Governor's order had been extended past the Fourth of July, meaning there would probably be a lot of people who would choose not to come to Bandon for fireworks.

Braun contended that Bandon would still see a surge in visitors if every other town on the coast was closed.

The consensus was to wait until May 11 to make a decision on the fireworks.

#### **4.0 ADJOURN**

Schamehorn adjourned the City Council Work Session at 4:56 p.m.

City Council Work Session Minutes  
Submitted by Richard Taylor, Minutes Clerk

**City Council Regular Meeting  
at Bandon City Hall  
May 11, 2020**

**CITY COUNCIL AND MAYOR:**

- Mary Schamehorn, Mayor
- Peter Braun, Councilor
- Claudine Hundhausen, Councilor
- Chris Powell, Councilor
- Geri Procetto, Councilor
- Madeline Seymour, Councilor
- Brian Vick, Councilor

**STAFF:**

- Dan Chandler, City Manager
- Fred Carleton, City Attorney
- Paula Burris, Finance Director

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

Schamehorn called the meeting to order at 7:00 pm, and Roll Call was taken as indicated above. Braun was present by viewing live streaming video of the meeting on the City of Bandon's Facebook page but was unable to establish a Zoom connection and could not speak or vote during the meeting.

**5.0 PROCEEDINGS**

**5.2 DISCUSSIONS**

**5.2.1 July 4<sup>th</sup> Fireworks Display**

Chandler stated that the City had co-sponsored Bandon's Fourth of July fireworks for many years. Given the need for social distancing this year due to the COVID-19 pandemic, he said most jurisdictions on the Oregon coast have cancelled their Fourth of July fireworks displays. If Bandon were to carry out its fireworks show, it would be the only location for miles up and down the coast, and it would likely be inundated with visitors, making crowd control difficult. Therefore, Staff recommended that the City should not hold the display this year. Chandler explained that there was a contract with Western Display Fireworks for \$16,500, but he learned earlier that day that Western was graciously allowing cancellations with no cancellation fee.

Before offering a motion, Seymour asked if any other July 4<sup>th</sup> events would be taking place downtown. Chandler responded that the Chamber of Commerce was not planning to conduct any other events. Seymour moved to not hold a fireworks display this year. The motion was seconded by Hundhausen and Procetto. The vote was 4:1:1 (Vick opposed; Braun was unable to vote due to technical problems).

Vick pointed out that Douglas and Jackson Counties are holding county fairs as usual, and Douglas County plans to have fireworks. Schamehorn was surprised because her understanding was that the Governor had announced no such gatherings could be held until September.

## **5.3 RESOLUTIONS**

### **5.3.1 Resolution #20-11—Approving the Real Estate Transaction between Face Rock Creamery and City of Bandon**

Carleton told the Councilors that for this meeting he had tried to gather everything needed to close the transaction with Face Rock Creamery, because he had repeatedly come before the Council in the past, saying there was just one more thing. He said Face Rock had objected to two old easements in the title report that was issued recently. Carleton advised Face Rock to talk to the title company to see why those easements needed to be maintained. He believed the appropriate legal concept to be applied was that easements do not survive the closing of a transaction when one owner owns the whole parcel, but the title company did not agree.

At the urging of Greg Drobot, Face Rock's owner and president, Carleton contacted Tim Lakey of Bandon Public Works, who went with Chandler to look at the property. They determined the old easements were not necessary for the City. Although there is currently no sewer line going through the easements, Carleton said Drobot and Face Rock vice-president Daniel Graham have engaged in a sidebar agreement with the City that will accommodate the City if it should decide, for example, that it needs to route the main line to the City's sewer plant through that easement.

Drawing up the release led Carleton to draw up an all-encompassing resolution to be voted on by the City and by the Urban Renewal Agency, approving all the transactions and documents. He recalled that there had been an issue with the City's first transaction with Face Rock several years ago. It was only discovered last year that the title company had made a mistake in the description of the property, and that was corrected. Finally, late the previous week, the Assessor and the title company were able to agree on the legal description, with one modification: They required Third Street, which curves through the property, to be mentioned as an exception.

Carleton asked the Council to approve the resolution. He commented that what the City will receive from the transaction did not change and stressed that he and Chandler agreed that it was a good deal for the City of Bandon.

Seymour made a motion to authorize the execution of Resolution #20-11, allowing the City Manager to enter into any and all sales and closing documents in connection with the transfer of the real estate by the City to FRC, Inc. for \$850,000.00, including a deed, and to accept the financing documents to be given to the Sellers and to execute such other documents to allow any extension of closing as necessary, including the Release of Easements. Procetto seconded the motion, which passed unanimously, 5:0:1 (Braun was unable to vote due to technical problems).

At 7:07 pm, the meeting was paused while Chandler attempted unsuccessfully to assist Braun in establishing a Zoom connection. The meeting resumed at 7:10 pm.

## **5.4 ORDINANCES**

### **5.4.1 Ordinance No. 1635—Advisory Boards and Commissions**

Chandler prefaced his remarks by saying that the City's advisory boards, commissions, and standing committees are important partners and a great vehicle for civic engagement, and in the short time that he has been in Bandon, he has heard about the great work they have done over the years. He asserted that the proposed ordinance changes were about fostering that partnership and making things clearer. Chandler conceded that some issues had arisen during his first months as City Manager with respect to inconsistent provisions in the Bandon Municipal Code (BMC) and duties assigned to boards that they legally are not permitted to have.

Chandler went over the recommendations for changes in the ordinance, beginning with a change in language. All standing committees would be referred to as advisory boards and commissions in the future, to clarify that they function in an advisory capacity. He observed that Staff and the Council have human resources rules to follow and spending constraints they need to live up to. For Staff, it could be a hardship at times if an advisory board or commission believed under the Code that it had supervisory or policy authority.

The current Code says that advisory board committee members serve at the pleasure of the Mayor and the City Council, but it goes on to say that they can be removed for misconduct. Chandler suggested if they serve at the pleasure of the Council and Mayor, then the Council and Mayor should be able to remove them at their pleasure. So, Chandler advised removing the term “misconduct,” because there could be many reasons short of misconduct why someone might not work out as a board member. He noted that keeping the word misconduct in the equation almost created a due process situation.

Chandler listed the following changes to the City’s boards, commissions, and committees:

- Utilities Commission—To indicate the appropriate role of the commission, its name would change to Utilities *Advisory* Commission. Existing language regarding the commission’s duties had included “to plan for, and advise the mayor and city council, the city manager *and the public* on the water, wastewater and electric utilities.” Chandler said some question had arisen as to whether the commission’s duty to advise the public was independent of the direction of the City Council and the City Manager. The new language in BMC Section 2.30.020 (Duties) would clarify the commission’s advisory capacity:

*The primary function of the Utilities Advisory Commission shall be to plan for, and advise the mayor and city council, and the city manager on long range and near term plans for the water, wastewater and electric utilities. The Utilities Advisory Commission may also engage in outreach and communication to the public on issues related to City utilities.*

Schamehorn requested the addition of “with approval of the Council” to the end of that description, so the commission would be required to inform the Council about what it intends to communicate.

- Parks and Recreation Commission—renamed Parks and Recreation *Advisory* Commission.
- Planning Commission—no change.
- Budget Committee— no change.
- Library Board—renamed Library *Advisory* Board. Chandler stated that the section in the Code regarding the Library Board was particularly at odds with the legal principles and professional obligations the City must follow. Existing language in the Code said the board’s duties included “*formulating* rules and policies for the governance of the library,” and “*preparing* an annual budget request through the *Librarian*.” The Code had also assigned specific responsibilities to the board for expenditures, handling of donated funds and property, selecting sites for library facilities, entering into contracts, and making an annual report. All of those duties were removed from BMC Section 2.16.030 (Duties) in the proposed ordinance, leaving only the following subsections:

- A. *Suggesting rules and policies for the governance and use of the library.*
- B. *Assisting in preparing an annual budget request through the Library Director.*
- C. *Advising on use of library reserve or memorial funds.*
- D. *Such other activities as the City Council may assign.*

Chandler said another minor change recommended in the Code was to remove duplicative language from the Planning Commission section defining a quorum, because it was already covered in the general section on advisory boards and commissions.

Chandler brought up a potential change that had been discussed but was not reflected in the ordinance amendments presented to the Council. Existing language of Subsection O of Code Section 2.12.20 (Rules) stated, "Terms expire on June 30<sup>th</sup>. Members whose terms have expired may continue to serve until their replacement is appointed." A suggestion had been made to remove the second sentence, to reflect the City's practice more accurately.

Section 2.12.40 (Meetings/Quorum) originally called for meetings to be at least once a month, and the proposed language had been changed to say committees and boards would meet as directed by the City Council. It had been suggested to further change that section to read, "Committees and boards meet on a schedule approved by the City Council annually."

Schamehorn requested a change in BMC Section 2.24.20 (Membership and rules), Subsection 2, which states, "When a vacancy occurs within six months of a previous recruitment, the council has the option of selecting an applicant from the previous applicant pool without further recruitment." She wished to substitute *one year* for *six months*, because it would save work if applications were retained longer, and she said a call to applicants would quickly determine whether they still wanted to serve.

A motion was made by Seymour to approve Ordinance No. 1635 with amendments to a second reading, and Powell seconded the motion. The motion passed by voice vote, 5:0:1 (Braun was present electronically but not able to vote). Schamehorn added that because the full Council was not present, the Ordinance would be brought up at the next Council meeting for final approval, with time for any necessary changes before that meeting.

## **6.0 CONSENT AGENDA**

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

#### **6.3.1 A/P Report for March 2020**

Hundhausen inquired about five AT&T charges on page one of the Payment Approval Report dated March 29, 2020. She asked if they represented all the cell phones in use by the City.

Chandler replied that he believed there was another smaller account with a different carrier. Bandon Police Sgt. Larry Lynch was present and confirmed that the Police Department had cell phones through Verizon.

Hundhausen also referred to an entry on page three of the same report, which accounted for payment of a Teamsters Union dues deduction, and she wondered if it was standard practice for the municipality to pay the employees' union dues. Burris clarified that the City collects the dues on behalf of the employees and remits that payment to the union. Similarly, the City compensates the union for its members' health insurance premiums.

Vick moved to approve the Consent Agenda, and Procetto seconded the motion. The motion was passed by unanimous vote, 5:0:1 (Braun was still unable to vote).

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

Chandler noted that the City's Water Plant Supervisor had obtained his Level 3 Certification, which meant he was qualified to operate almost any water plant in Oregon. This would save the City a considerable amount of money, according to Chandler, since Bandon had been contracting with an outside party who had the certification. Chandler said Jim Youravish had worked hard to earn the certification. Vick concurred and asked Chandler to extend the Council's congratulations and appreciation to Youravish.

Vick told the Councilors he had regularly been in touch with a constituent through emails, discussing the recent lodging restrictions and other subjects. She told him she had also emailed other Councilors and not received responses from them. She had questions about when Bandon's restaurants would be opening. Vick had the impression that a "soft opening" would take place around May 15, but he thought Coos County had not applied to the Governor for approval.

Schamehorn stated that the County had sent its application in on Friday afternoon, May 8, and that the State had sent the application back with a request for more information. She added that Commissioner Sweet had said the Commissioners were finalizing the request on the day of the Council meeting.

Vick encouraged the Councilors to respond to emails they receive. Schamehorn told him she ordinarily emails everyone who contacts her, particularly if someone had misinformation that the City had anything to do with opening restaurants.

Procetto urged everyone to stay safe and wear their masks.

Seymour commented that she had heard of two recent cases of people in Oregon who were deceased from COVID-19 and had no underlying medical conditions. She thought that one was in Multnomah County and the other in Polk.

Seymour related a recent conversation with her mother, who was born in 1924. She asked her mother about the most important events she had seen and lived through. Her mother had lived through the Great Depression as a child, World War II, the Kennedy assassination, the lunar landing, and the 9/11 attacks. She said even during the blackouts of World War II she was never as concerned about her life as she has been with the coronavirus. So much about COVID-19 was unknown, with something new being learned every day, Seymour observed. So, she hoped everyone would stay cautious and careful, keep their distance, and wear masks in public, to help keep Bandon safe and healthy.

Schamehorn agreed with Seymour, saying she knew it was not mandatory to wear a mask. She had received an email from a concerned merchant who told her there was a posting on a business in town that said the City of Bandon had made it mandatory that people must wear masks. The emailer did not think that was true and wanted to know if they should post the same information. Schamehorn contacted the people who had the sign on their door and let them know that the City was not making masks mandatory, rather it was encouraging people to wear masks for the sake of their neighbors, grandparents, and friends when they were in a public setting.

**9. ADJOURN TO JOINT CITY COUNCIL/URBAN RENEWAL AGENCY  
REGULAR MEETING**

There was a two-minute break after which Schamehorn adjourned to the City Council/Urban Renewal Agency Regular Meeting at 7:30 pm.

The Urban Renewal Agency Meeting was adjourned at 7:32 pm.

**10. EXECUTIVE SESSION**

*ORS 192.660 (2)(d) The governing body of a public body may hold an executive session to conduct deliberations with persons designated by the governing body to carry on labor negotiations.*

The Board went into Executive Session at 7:32 pm and returned to open session at 7:53pm.

**11. ACTION & DISCUSSION**

11.1 Action/Direction to staff as a result of Executive Session - None

**12. ADJOURNMENT**

The meeting was adjourned at 7:53 pm

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

**City Council Special Meeting  
at Bandon City Hall  
May 21, 2020**

**CITY COUNCIL AND MAYOR:**

- Mary Schamehorn, Mayor
- Peter Braun, Councilor - Zoom
- Claudine Hundhausen, Councilor
- Chris Powell, Councilor - Zoom
- Geri Procetto, Councilor - Zoom
- Madeline Seymour, Councilor - Zoom
- Brian Vick, Councilor

**STAFF:**

- Dan Chandler, City Manager
- Paula Burris, Finance Director
- Beth Hager, Administrative Assistant

**1. CALL TO ORDER /ROLL CALL**

Schamehorn called the meeting to order at 4:03 pm, and Roll Call was taken as indicated above. Braun, Powell, Procetto, and Seymour all joined via Zoom.

**2. PROCEEDINGS- DISCUSSIONS & ACTIONS**

**2.1 Approve Coronavirus Relief Fund Application and Submission for Reimbursement**

Burris reported that last Friday, the State Emergency Board approved funding for cost reimbursement for local governments. The funding has been made available through the federal Coronavirus Relief Fund for jurisdictions with populations of under 500,000.

Reimbursement funding is scheduled to be available for costs incurred between March 1st and December 30th of this year.

On Monday, (May18th), Governor Brown announced that details for the first phase of the Reimbursement Plan. This first phase offers local governments an opportunity to be reimbursed for eligible costs related to the pandemic that were incurred between March 1st and May 15th. We are anticipating guidance for a second round of submissions in July.

To be considered an eligible expense, the City must have incurred the cost that was not budgeted and is necessary due to the current public health emergency.

Unfortunately, these funds may not be used to replace revenues lost during the pandemic or for regular wages.

The City's first proposed submission is for a total reimbursement of \$7,151. One of the qualifications to receive reimbursement is that the Council must authorize and approve our City Manager to submit the Federal Funding Certification and request for reimbursement for costs incurred during the period of March 1 through December 30, 2020, for reimbursement through the Coronavirus Relief Fund.

Powell asked if this is a Federal program, why are we going through the state

Burris explained that the Federal Government is providing the funding to the state, and the state determines the allocations for the funding. So, we are submitting to the state who is acting as the pass-through agency for the funding.

Hundhausen made a motion to approve the Coronavirus Relief Fund application and submission for reimbursement.

Vick clarified that the motion is to authorize City Manager Dan Chandler to submit the Federal Funding Certification and requests for reimbursements for costs incurred during the period of March 1, 2020 through December 30, 2020, for reimbursement through the Coronavirus Relief Fund. Which he seconded and was passed with a vote of 6:0.

### **3. OTHER: COUNCIL/MAYORS/STAFF REMARKS**

None

### **4. ADJOURNMENT**

The meeting was adjourned at 4:06 pm

Beth Hager  
Administrative Assistant