

**CITY OF MANZANITA
DECEMBER 7, 2011
CITY COUNCIL MEETING**

CALL MEETING TO ORDER: The meeting was called to order at 7:00 p.m. in the City Council Chambers by Mayor Garry Bullard.

ROLL: Members present were: Garry Bullard, Leila Salmon, Mike Scott and Linda Kozlowski. Ray Scales was absent and excused. Staff present: City Manager Jerry Taylor, Office Support Specialist Judy Wilson and Public Works Director Bret Siler.

AUDIENCE INTRODUCTION: There were 14 citizens in attendance.

PUBLIC COMMENTS & COMMUNICATIONS:

Owen Nicholson announced that Zed Merrill and Associates' DVD "The Secret of NeahKahNie" is for sale at the Historical Society for \$20 each. He then commented on today being Pearl Harbor Day.

CONSENT AGENDA:

- A. APPROVAL OF MINUTES – November 9, 2011 Regular Council meeting and November 7, 2011 Special Council workshop
- B. APPROVAL OF BILLS FOR PAYMENT

A motion was made by Kozlowski, seconded by Scott, to approve the consent agenda that included approval of the minutes of the November 9, 2011 Regular Council meeting and November 7, 2011 Special Council workshop; and approval of payment of bills and all subsequent bills subject to approval by the Mayor or Council President. Salmon noted that, in the minutes of November 7, 2011, the reference to Ray Scott needs to be changed to Ray Scales. Motion carried unanimously as amended.

PUBLIC HEARING - PLANNED DEVELOPMENT OVERLAY ZONE FOR A RESIDENTIAL PLANNED DEVELOPMENT (CLASSIC STREET COTTAGES). LOCATION: SOUTHEAST CORNER OF DORCAS LANE AND CLASSIC STREET. APPLICANT: MANZANITA INVESTMENT PROPERTIES, LLC (JIM PENTZ)

Mayor Bullard introduced and opened the public hearing noting the hearing procedure and the applicable criteria.

- A. **CHALLENGE TO CITY COUNCIL JURISDICTION** – None was expressed.
- B. **PERSONAL BIAS OR CONFLICT OF INTEREST** – None was expressed.
- C. **EX PARTE CONTACTS INCLUDING SITE VISITS** – All councilors noted they had been to the site, but had no ex parte contact.
- D. **STAFF REPORT** – City Manager Taylor gave an overview of the proposed project and zone overlay. He explained that it meets the density requirements, that there would be no change to the public right-of-way in this first phase, and

that the off-street parking requirement was being met in principle. He then stated that there had been no official opposition expressed. Discussion followed concerning the houses to be built, if the houses could be used as short term rentals, storm water drainage and the phasing of the project. It was noted that there was an error in the numbering of the build-out of houses which will be corrected on the final plan.

- E. APPLICANT'S PRESENTATION** – Jim Pentz, Manzanita Investment Properties, LLC, gave a short history of the project and concept.
- F. TESTIMONY PRO** – Colleen Everroad asked about setback requirements and if the properties would be able to meet the off-street parking requirement of the Short Term Rental Ordinance. Taylor explained the proposed right-of-way width and how the off-street parking requirement will be met in principle. Dick Everroad asked who would maintain the common areas and the area that is not developed in the first phase. Taylor explained that the Covenants, Conditions & Restrictions (CC&Rs) require the public area be maintained by a professional. The developer stated that he would be responsible for the undeveloped phases until they are completed. Sandy Heaman asked about the impact of increased traffic once phase 3 is completed. Taylor explained that there should be no extra impact on the Classic Connector and less impact than from the use that was previously approved for the site. Councilor Salmon asked if the CC&Rs are enforceable. Taylor explained that CC&Rs are privately enforced or changed; however, the ones that are important to the City have been made conditions of the plan or plat so the City can enforce them. Salmon expressed concern about enforcement of CC&Rs if the Homeowners' Association were to disband. Taylor explained that the Council could add the requirement of maintenance of the common areas to the development plan if it chose to.
- G. TESTIMONY CON** – None was presented.
- H. GENERAL QUESTIONS** – None were presented.
- I. DISCUSSION BY COUNCIL MEMBERS** – Mayor Bullard stated that he was opposed to adding a maintenance requirement to the planned development overlay. Pentz stated that he was not against adding the maintenance requirement, but expressed the need for a clear definition of the maintenance requirement. Taylor explained that it could be added to the adopted planned development overlay. After discussion, Mayor Bullard asked Pentz to work with Taylor on agreeable language concerning required maintenance to add as a condition of the plan.
- Mayor Bullard closed the Public Hearing.
- J. DECISION BY COUNCIL WITH MOTION** – Taylor explained that the Council is amending Ordinance 95-3 and Ordinance 95-4 by adopting the planned development overlay on this property. He then stated his recommendation that

the Council read the Ordinance by title only for its first reading and to approve the Ordinance as of its first reading.

A motion was made by Scott, seconded by Kozlowski, to read “an Ordinance amending Ordinance 95-3 and Ordinance 95-4 by adopting a planned development overlay zone for a residential planned development (Classic Street Cottages)” by title only for its first reading and to approve said Ordinance as of its first reading. Motion passed unanimously.

NEW BUSINESS:

A. RECOGNITION PLAQUE AT CITY PARK

Taylor gave an overview of the request for a recognition plaque for Walt Stickel at City Park. He explained his recommendation to prepare an appreciation plaque for him and present it to him rather than put it in the park. After much discussion concerning volunteer appreciation, the former ad hoc Park Committee was asked to work with Taylor to come up with a recommendation on how to best honor Walt Stickel.

B. AGREEMENT FOR SPECIAL CITY ALLOTMENT GRANT (LANEDA – US 101 TO DIVISION

Taylor gave an overview of the \$50,000 grant and his recommended action for the Council to move to authorize the Mayor to sign the agreement on behalf of the City. Discussion followed of the project to improve Laneda Avenue between US 101 and Division Street, improving Classic Street, and of partnering with Tillamook County and Oregon State Parks.

A motion was made by Kozlowski, seconded by Salmon, to authorize the Mayor to sign the 2012 Special City Allotment agreement with the State of Oregon. Motion passed unanimously.

OLD BUSINESS: None was presented.

CITY MANAGER’S REPORTS:

- A. PUBLIC WORKS DEPARTMENT** – Bret Siler, Public Works Director, stated that the tank divers are here today and tomorrow to make repairs at the reservoir and water treatment plant, and that the water meters will be read at the end of the month. Siler then explained the need for updating the storm drainage system and upgrading the water system by adding water-tight joints to the storm drainage line on S. Third Street and adding water valves to the water main along S. Carmel. Taylor explained where the funds might come from. Mayor Bullard stated the need to bring the problems before the citizens to get their input on how the problems should be addressed financially.

Taylor explained that Oregon State Parks would like permission to put directional signs for the Oregon Coast Trail on some of the City’s sign posts. The Council gave approval by consensus.

Taylor next explained that the contract with Oregon State Parks for police services expired at the end of June 2011 and they are proposing to renew the contract for two years from then at the same rate.

A motion was made by Salmon, seconded by Scott, to extend the same contract with Oregon State Parks for police services through June 30, 2013 and authorize Taylor to sign it. Motion passed unanimously.

MISCELLANEOUS:

- 1 December Court** – Friday the 9th at 1:30 is the scheduled date.
- 2 Holiday Closures** – City offices will be closed December 23, 2011, December 26, 2011 and January 2, 2012 for the Christmas and New Year’s holidays.
- 3 Electrical Inspection program** – Taylor gave an update on the City’s quest to bring this program in-house, noting that there will be a public hearing scheduled after the first of the year.
- 4 Highway 101 curves project** – Taylor gave an update on the fish passage culvert piece of the project and described the planned highway improvements.
- 5 Other items** – It was noted that the tree lighting went well. This was followed by discussion of why some of the merchants’ Christmas lights were not staying lit.

Mayor Bullard announced that the meeting was adjourned at 8:52 p.m.

**MINUTES APPROVED THIS
4TH DAY OF JANUARY, 2012**

Leila N. Salmon, City Council President

Attest:

Jerald P. Taylor, City Manager/Recorder