



# CITY OF EAGLE POINT

*"Gateway to the Lakes"*

OREGON

EAGLE POINT CITY COUNCIL  
17 BUCHANAN AVE. SOUTH, EAGLE POINT, OREGON

NOVEMBER 10, 2015

## REGULAR MEETING MINUTES

### 1. CALL TO ORDER – 7:00 P.M.

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

Council Members Present: Bob Russell, Jonathan Bilden, Wayne Brown, Bill Fierke, Ruth Jenks, Aaron Prunty, and Kathy Sell.

Staff Members Present: Henry Lawrence, City Administrator; Joe Kellerman, City Attorney; Robert Miller, Public Works Director; Melissa Owens, Finance Officer; Vern Thompson, Police Chief; Mike Upston, Planning Director; and Cindy Hughes, City Recorder.

Guests: Tim Fountain, Rogue Valley Transportation District; Brandon Givens and Nick Brandt, Rogue Valley Community Television; Joshua Wetzell, applicant to the Economic Development Commission; Suzi Collins, Planning Commissioner; Millie Wewerka, Budget Committee Member and Planning Commissioner; Jerry Zieman, Budget Committee Member; and members of the public and press.

### 2. FLAG SALUTE AND INVOCATION

Mayor Russell led the Pledge of Allegiance and Jerry Zieman offered an invocation.

### 3. AUDIENCE QUESTIONS OR COMMENTS CONCERNING ITEMS NOT ON THE AGENDA

Sellar Nugent of Eagle Point reported previously discussing the Idlewood Subdivision with Mike Upston, Planning Director, which alleviated his concerns. However, Mr. Nugent expressed concern about heavy truck traffic and property damage to roads and private property. Mr. Nugent further reported attempts to work with the Police Department but the truck traffic has continued to be problematic. Mr. Nugent proposed a 3-way stop at Robert Trent Jones and Stevens to enhance safety and slow down traffic. Additionally, Mr. Nugent expressed that the speed and weight of trucks should be reduced.

Robert Miller, Public Works Director, responded to Mr. Nugent's concerns noting that when discussions about this started several months ago, he researched the truck route

## City of Eagle Point Council Meeting Minutes

November 10, 2015

Page 2 of 10

designation on Stevens and there was no history or record of the designation. Currently, the City is working toward removing the designation although rock delivery within the City would not be prohibited. Mayor Russell suggested Mr. Nugent check in with the City periodically on this matter. Additionally, Mayor Russell liked the suggestion about stop signs and slowing traffic, and promised the City would look into the matter. Mr. Nugent also commented about the use of Jake Brakes.

Aaron Schultz, an Eagle Point property owner, reported attending a number of Council and Economic Development Commission meetings, wherein City funding for façade improvements had been discussed. Mr. Schultz encouraged this as he and his wife own buildings downtown and would appreciate the help. Council President Bilden confirmed there had been discussion at the last Economic Development Commission meeting. Mr. Schultz further explained his properties include three buildings, 121 W. Main, the Barbwire Grill building, and a house on a commercial lot near the high school.

Jerry Zieman of Eagle Point reminded everyone about the upcoming local events: Veterans' Day breakfast, Saturday Quilters' Sale, Gobble til you Wobble, and a chilli feed and auction to benefit the Charter Academy.

There were no other audience questions or comments concerning items not on the agenda.

### 4. PRESENTATIONS

#### 4.1 Presentation by Rogue Valley Transportation District regarding Connector Service.

Tim Fountain, the Alternative Transportation Manager for the Rogue Valley Transportation District (RVTD), discussed the Connector Service which began December, 2014. The Connector Service provides transportation services to older adults and disabled individuals in the Upper Rogue area, providing approximately 3,000 trips since December, 2014.

Special Transportation Funds through the Oregon Department of Transportation are specifically assigned and allocated based on population. Mr. Fountain explained RVTD plans to use those funds to extend its service to the general public including a route within Eagle Point. However, it was specifically noted that Seniors and disabled individuals will not be displaced. Trips require prior arrangement, cost \$5 each way, and include a day use pass within the RVTD service area. At present, RVTD is seeking suggestions of locations for passengers to be able to sit and be out of the elements. A brief discussion followed about the service.

### 5. PUBLIC HEARINGS

#### 5.1 Public Hearing in the matter of approving the tentative subdivision plan and recommended conditions of approval associated with Planning Application No.15-04:SUB/PUD/CUP/SP, Idlewood Subdivision, at 55 Idlewood Drive in the R-3 Multi-Family Medium Density Zoning District.

## City of Eagle Point Council Meeting Minutes

November 10, 2015

Page 3 of 10

Mayor Russell explained the public hearing had been advertised and was quasi-judicial in nature. Further, all legal notifications and advertisements had been made in compliance with state and local laws. Mayor Russell also explained that in addition to a presentation from Staff about the details of the proposal, all persons interested in offering testimony would be allowed to do so.

Next, Mayor Russell opened the public hearing at 7:20 p.m. in the matter of approving the tentative subdivision plan and recommended conditions of approval associated with Planning Application No. 15-04:SUB/PUD/ CUP/SP, Idlewood Subdivision, at 55 Idlewood Drive in the R-3 Multi-Family Medium Density Zoning District.

Mayor Russell noted that in quasi-judicial hearings, the City makes a discretionary decision regarding an individual property, and that testimony is allowed to demonstrate whether the proposal is consistent with relevant goals and policies of the Comprehensive Plan, as well as applicable development provisions of the Zoning and Subdivision Ordinances. And last, Mayor Russell asked if any Council member wished to declare a conflict of interest, either actual or potential, make any disclosure, or abstain from participating or voting because of possible financial gain resulting from the decision, or because they owned property within the area entitled to receive notice of the action, or because of a direct private interest in the proposal, or because they had determined they could not be impartial. No Council declarations were made.

Mike Upston, Planning Director, explained the property is about 2.5 acres in size, and reviewed related documents displayed for Council and audience viewing (Submission No. 1). Mr. Upston also explained that normally we would see townhome developments but the proposed density is still high and the style is of a lower density type which fits better with the existing residential development. Mr. Upston reviewed the street map, project site, street view, actual drawings, and a pedestrian connection to an adjoining neighborhood.

Mr. Upston explained the approval requirements for land use and the Planning Commission's recommendation of Council approval. Discussion followed about the proposed development's area which will not go all of the way to Arrowhead. There was additional discussion about access through a white vinyl fence, homes being built to face the alley way, and concern about security with an alley way and pedestrian traffic. Mr. Upston explained that the City strives for all of the variables to come together in a positive manner but it cannot guarantee. However, a fairly low incidence of problems is anticipated, and while Eagle Point is still being suburbanized, alley ways such as this would have already evolved in older towns. In this instance, the alley way is proposed as an amenity by the developer.

## City of Eagle Point Council Meeting Minutes

November 10, 2015

Page 4 of 10

Additional discussion covered:

- Emergency vehicle use of the alley way;
- A cul-de-sac or hammerhead included in the drawing;
- Location of underground utility lines; and
- Planned improvements and safety aspects of the intersection although stop signs had not been included.

Mayor Russell invited public testimony; however, there was no public testimony. There being no further discussion, Mayor Russell closed the public hearing at 7:44 p.m.

Next, Mayor Russell explained that Resolution No. 2015-60, regarding the subject of the Public Hearing, was scheduled later in the Agenda as Item Number 10.1 under the "New Business" section of the Agenda. Mayor Russell requested and received the consent of the Council to change the order of business to deliberate Resolution No. 2015-60.

There being no additional staff report or discussion, Mayor Russell asked for a motion to approve Resolution No. 2015-60. Council President Bilden motioned to approve Resolution No. 2015-60, a Resolution in the matter of approving the tentative subdivision plan and recommended conditions of approval associated with Planning Application No. 15-04: SUB/PUD/CUP/SP, Idlewood Subdivision, at 55 Idlewood Drive in the R-3 Multi-Family Medium Density Zoning District. Councilor Fierke seconded the motion. There was no discussion. Roll call: Aaron Prunty, aye; Kathy Sell, aye; Jonathan Bilden, aye; Wayne Brown, aye; Bill Fierke, aye; Ruth Jenks, aye; and Bob Russell, aye. The motion passed unanimously.

- 5.2 Public Hearing in the matter of amending Chapters 17.60, 17.84 and 17.88 within Title 17 (Zoning) of the Eagle Point Municipal Code to establish administrative authority to reactivate and extend certain expired planning actions. Planning Application #15-05:ZOA.

Mayor Russell explained that in addition to a presentation from Staff explaining the details of the proposal, all persons interested in offering testimony would be allowed to do so.

Next, Mayor Russell opened the public hearing at 7:47 p.m. to consider amending Chapters 17.60, 17.84 and 17.88 within Title 17 (Zoning) of the Eagle Point Municipal Code to establish administrative authority to reactivate and extend certain expired planning actions.

Mike Upston, Planning Director, reviewed the proposed language which would give the Planning Director authority to extend the life of certain old Planning Commission approvals.

## City of Eagle Point Council Meeting Minutes

November 10, 2015

Page 5 of 10

A lengthy discussion ensued which led to the Council's motion to continue the public hearing at the next Council meeting. Some points of discussion included:

- Identifying the term of "significant deviation" or determining other language to equate to the intended meaning;
- Existing authority of Planning Director and City Administrator;
- Consideration of including a statute of limitations;
- Evolving development standards; and
- Benefit in time savings of six months to a year for staff approved renewals.

Mayor Russell invited public testimony in favor of the proposal. Sellar Nugent of Eagle Point requested permission to discuss the previous public hearing item. Mayor Russell apologized and explained about the public hearing process of receiving public testimony on the current public hearing. There was no public testimony either in favor or opposition.

Councilor Prunty motioned to continue the public hearing until the next City Council meeting, and Councilor Brown seconded the motion. There was no discussion. Roll call: Kathy Sell, aye; Jonathan Bilden, aye; Wayne Brown, aye; Bill Fierke, aye; Ruth Jenks, aye; Aaron Prunty, aye; and Bob Russell, aye. The motion passed unanimously.

### 6. CONSENT CALENDAR

#### 6.1 Presentation of Regular Meeting Minutes of October 27, 2015.

Mayor Russell announced the Consent Calendar. Council President Bilden moved to approve the Consent Calendar as presented and Councilor Sell seconded the motion. There was no discussion regarding the Consent Calendar. Roll call: Wayne Brown, aye; Bill Fierke, aye; Ruth Jenks, aye; Aaron Prunty, aye; Kathy Sell, aye; Jonathan Bilden, aye; and Bob Russell, aye. The motion passed unanimously.

### 7. CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT CALENDAR

There were no items considered for removal from the Consent Calendar.

### 8. PRESENTATION OF BILLS TO BE PAID

Mayor Russell asked if there were questions about the bills to be paid and there were no questions. Next, Council President Bilden moved to approve the Bills to be Paid including the Additional Bill List (Submission No. 2) in the amount of \$2,522.36 and Councilor Jenks seconded the motion. There was no discussion. Roll call: Bill Fierke, aye; Ruth Jenks, aye; Aaron Prunty, aye; Kathy Sell, aye; Jonathan Bilden, aye; Wayne Brown, aye; and Bob Russell, aye. The motion passed unanimously.

## City of Eagle Point Council Meeting Minutes

November 10, 2015

Page 6 of 10

### 9. OLD BUSINESS

- 9.1 Resolution No. 2015-59. A Resolution authorizing a contract with RVTV for a capital equipment upgrade to the Council Chambers for video production, cable television broadcasting, web streaming, and video conferencing.

Henry Lawrence, City Administrator, explained about the management of the City's Public Education and Government (PEG) cable television channel for public programming service provided by the SOU Media Center. Mr. Lawrence welcomed and introduced Brandon Givens, Manager SOU Media Center, and Nick Brandt, Technical Expert, Rogue Valley Community Television (RVTV).

Mr. Lawrence reviewed the potential use of PEG funds collected through the Charter Franchise Agreement. The proposed Council Chamber upgrade would allow broadcasting of City meetings but it would not be an immediate requirement. Eagle Point's PEG funds of approximately \$78,000 plus an additional \$10,000 in January are limited to the purchase of capital equipment upgrades. Eagle Point approved a contribution of \$10,000 at its last meeting to assist RVTV with digital equipment upgrades.

Mr. Givens joined in the discussion and confirmed that Mr. Lawrence was accurate in his statements and that PEG funds are limited as described. Mr. Givens also explained about annual service contracts for broadcasting meetings. There was additional discussion about Cloud archiving and services to other local municipalities. Typically, funding for broadcasting comes out of a city's General Fund, as PEG funds may be used but will eventually deplete.

Discussion continued about the Council Chambers being suitable for the equipment with screens placed as deemed appropriate. Equipment uses such as in emergency operations would be permissible but no commercial use could be permitted, and the space could not be rented.

There was additional discussion about whether the City would run afoul if it determined to not broadcast meetings. Mr. Givens explained that the City could be asked why it wasn't broadcasting meetings but could also be asked why they weren't using PEG funds. Ultimately, this Council or a future Council could decide about broadcasting.

One of the last points with this upgrade is that the technology is the current standard. Fortunately, replacement funds would likely be recuperated before future upgrades would be necessary. Last, if approved, the installation could be completed as early as December.

Mayor Russell asked for a motion to approve Resolution No. 2015-59. Council President Bilden motioned to approve Resolution No. 2015-59, a Resolution authorizing a contract with RVTV for a capital equipment upgrade to the Council Chambers for video production, cable television broadcasting, web streaming, and

## City of Eagle Point Council Meeting Minutes

November 10, 2015

Page 7 of 10

video conferencing. Councilor Prunty seconded the motion. There was no discussion. Roll call: Ruth Jenks, aye; Aaron Prunty, aye; Kathy Sell, aye; Jonathan Bilden, aye; Wayne Brown, aye; Bill Fierke, aye; and Bob Russell, aye. The motion passed unanimously.

### 10. NEW BUSINESS

- 10.1 Resolution No. 2015-60. A Resolution approving the tentative subdivision plan and recommended conditions of approval associated with Planning Application No. 15-04:SUB/PUD/CUP/SP, Idlewood Subdivision, at 55 Idlewood Drive in the R-3 Multi-Family Medium Density Zoning District.

Discussed and deliberated under Item No. 5.1.

- 10.2 Ordinance No. 2015-09. An Ordinance amending Chapters 17.60, 17.84 and 17.88 within Title 17 (Zoning) of the Eagle Point Municipal Code to establish administrative authority to reactivate and extend certain expired planning actions. Planning Application #15-05:ZOA.

Discussed and deliberated under Item No. 5.2. Public Hearing continued to the next Council meeting.

- 10.3 Resolution No. 2015-61. A Resolution appointing Joshua Wetzel to the Economic Development Commission.

Mayor Russell reported the vacancy on the Eagle Point Economic Development Commission had been advertised in the Upper Rogue Independent, City's website, utility newsletter and on the bulletin board in City Hall. He then announced that Joshua Wetzel had been selected for appointment to the Commission beginning immediately through December 31, 2018.

Mayor Russell asked for a motion to approve Resolution No. 2015-61. Councilor Sell made a motion to approve Resolution No. 2015-61 and Council President Bilden seconded the motion. There was no discussion. Roll call: Jonathan Bilden, aye; Wayne Brown, aye; Bill Fierke, aye; Ruth Jenks, aye; Aaron Prunty, aye; Kathy Sell, aye; and Bob Russell, aye. The motion passed unanimously.

Mayor Russell congratulated and welcomed Joshua Wetzel to the Economic Development Commission.

- 10.4 Discussion regarding local regulation of legal marijuana, specifically pertaining to standards for mitigating the impacts associated with outdoor grow sites.

Mike Upston, Planning Director, reported on the Planning Commission's recommendation of limiting residential marijuana growing to accessory buildings that meet certain standards to contain odor. Mr. Upston presented a drawing with an example of Home Grown Marijuana Zoning Standards (Submission No. 3), with a growing area not to exceed 35 square feet, and no more than four plants at a height

## City of Eagle Point Council Meeting Minutes

November 10, 2015

Page 8 of 10

of six foot or less. Mr. Upston reviewed other city's standards as well. Suzi Collins, Chair of the Planning Commission, expressed concern about minor children being exposed to indoor grows which was the Commission's basis for limiting growing to outdoor grows.

A lengthy discussion ensued with highlights shown below:

- Conditional Use Permits - \$500;
- Establishing evidence before the Council about the offensiveness of marijuana odor and it being a community wide concern prior to adopting an Ordinance;
- Citizens being intimidated or reluctant to offer testimony as they either fear retribution or just want to get along with their neighbors;
- Nuisance violation vs. zoning violation – nuisance allows greater enforcement authority;
- Serving the needs of the Council's constituents; and
- Staff time.

Mayor Russell concluded that enough discussion had been held for one meeting. Next, Attorney Kellerman sought the Council's direction about additional future discussion which resulted in the selection of the first meeting in January.

### 11. REPORTS FROM CITY COUNCIL AND CITY COMMITTEE REPRESENTATIVES

Councilor Fierke reported the next School Board meeting is scheduled for the following week. Additionally, School District 9 is still searching for a coordinator to assist with the Japanese student visits.

Council President Bilden reported on the recent Economic Development Commission meeting and its efforts of coordinating next year's events including the Economic Forum in January. Council President Bilden reported on discussions about a façade grant program, and expressed appreciation for Joshua Wetzel's appointment to the Commission. In addition, there had been positive discussion between the City, School District, and YMCA, regarding the future use of the old junior high school site. Last, Council President Bilden reported on the Southern Oregon Regional Economic Development Inc. (SORED) meeting held earlier in the day with a discussion about embracing the Rogue Valley as the "Napa Valley" for marijuana production.

Councilor Jenks reported attending the first meeting for the 4<sup>th</sup> of July celebration with the Chamber of Commerce taking the lead on the event.

Mayor Russell reported attending the Rogue Valley Council of Governments (RVCOG) meeting which focused on Meals on Wheels. Additionally, Mayor Russell reported attending a meeting with the School District and YMCA. Renovation of the old junior high was discussed and could become something great in future years. In conclusion, Mayor Russell welcomed everyone to the Gobble till you Wobble event, and Veterans' Day celebrations.

There were no other reports.



## City of Eagle Point Council Meeting Minutes

November 10, 2015

Page 9 of 10

### 12. STAFF REPORTS

Mike Upston, Planning Director, reported on the Economic Forum scheduled in January and encouraged the Council to attend. Furthermore, the Economic Development Commission is focused on determining how to promote business, improve the esthetics of downtown, and historic preservation. Mr. Upston discussed the Commission's interest in pursuing a work plan to inventory historic properties, looking into plaques for property owners of historic buildings, and grants. A brief discussion followed about historic preservation. With regard to development, Sienna Hills is progressing, Eagle Point Community Bible Church is looking at an expansion, and a waterline vacation easement is upcoming.

Melissa Owens, Finance Officer, reported the City had provided ample notice about the new pink notice late fee although there had been a few strong complaints. Statistics will be available within the next couple of months regarding pink notice fees and late notice fees. Meanwhile, staff is working on an analysis of credit card fees, and absorbing the cost to accept debit or credit card payments at City Hall.

Robert Miller, Public Works Director, reported on the progress of South Shasta improvements with minimal traffic delays. Additionally, the Main Street Phase 3 Project is scheduled to begin any day.

Police Chief Thompson expressed appreciation for the new Police vehicle. Councilor Jenks commended Chief Thompson's report in the recent Friday Letter.

Henry Lawrence, City Administrator, reported talking with the owner of the old bank building and his plans to open it as a coffee house. Mr. Lawrence also reported an upcoming meeting about the Eagle Point Bike Ride with Alan Curriston and representatives of the Velo Bicycle Club. As an information item, Mr. Lawrence announced a local effort to have the film *Project 22* shown at the White City theatre. *Project 22*, a documentary, is about the twenty-two Veterans in the United States that commit suicide every day.

### 13. INFORMATION

#### 13.1 Cancellation of November and December Parks and Recreation Commission meetings.

Mayor Russell announced the cancellation of the November and December Parks and Recreation meetings.

**City of Eagle Point Council Meeting Minutes**

November 10, 2015

Page 10 of 10

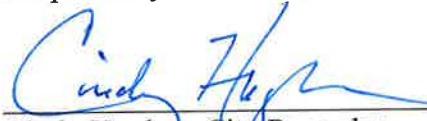
14. EXECUTIVE SESSION PURSUANT TO ORS 192.660(2)(f), To consider information or records that are exempt by law from public inspection.

Henry Lawrence, City Administrator, offered to defer the Executive Session; and Joe Kellerman, City Attorney, reported it was not time sensitive and noted the Council Rule on the length of meetings. There was no objection.

15. ADJOURN

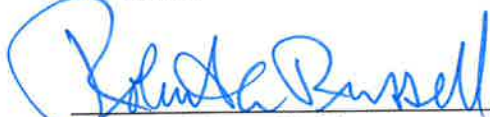
There being no further business, Mayor Russell closed the meeting at 9:45 p.m.

Respectfully submitted,



Cindy Hughes, City Recorder

ATTEST:



Robert E. Russell, Mayor