



CITY OF EAGLE POINT

"Gateway to the Lakes"

OREGON

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

SEPTEMBER 8, 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 (via Skype), 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: Colleen Roberts, Jackson County Commissioner; Gary Whittle, Applicant; Charlotte Hoppe, Parks and Recreation Commissioner; Kevin Walruff, 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

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

4. PRESENTATIONS

There were no presentations.

5. PUBLIC HEARINGS

5.1 Public Hearing in the matter of a request for the reactivation of, and amendment to, Final Order #02/03-31:SUB/PUD/CUP (Cottonwood Village Subdivision) to allow

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modifications to the original approval applicable to the undeveloped portion of the project site. This property does not yet have a street address, and is therefore described as map 361W03BD, tax lot 13101, on Cottonwood Drive in the R-3 Multi-Family Medium Density zoning district. Planning Action #15-03:SUB/PUD/CUP (Cottonwood Phase II).

Mayor Russell opened the public hearing at 7:03 p.m. to accept comment regarding a request for the reactivation of, and amendment to, Final Order #02/03-31:SUB/PUD/CUP (Cottonwood Village Subdivision) to allow modifications to the original approval applicable to the undeveloped portion of the project site. Mayor Russell announced the applicant as Gary Whittle under American Building Company. Next, Mayor Russell explained 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, presented the application for reactivation and amendment to Cottonwood Subdivision Phase II (Submission No. 1). Mr. Upston explained that the project was originally approved in 2005 as a whole project. Shortly thereafter, the Developer applied for a final plat for the Phase I portion and developed 19 homes. Following that, the economy slowed and a portion of the subdivision remained vacant. Since then, the demand for housing has increased and a number of developers have approached the City to renew old applications.

Mr. Upston explained that the Application and Reactivation and Amendment to Cottonwood Village Subdivision Phase II includes minor modifications from the original Phase II. As indicated in the Agenda Statement, Phase II had not received final approval. Mr. Upston explained the approval process and reviewed standards for Planned Unit Development approval; Conditional Use Permit approval; and Tentative Subdivision approval. Additionally, Mr. Upston reviewed the Conclusions of Law, noting there had not been any concerns although the Oregon Department of Transportation had been involved as the original application included an entrance off of Highway 62. All involved agreed it would no longer be appropriate or needed. The other significant change was the reduction in the number of lots from six to five.

Staff recommended adoption of the findings and approval of the Tentative Subdivision application. The next step would be submission of the Final Subdivision Application.

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Discussion followed about:

- A half-street, 20 foot pavement width to allow two-way traffic and connection to Old Highway 62.
- Original PUD requirement of one acre minimum and allowing for some flexibility, although this is not a new project but an amendment to the old project and is legally acceptable.

Mayor Russell invited public testimony which was made by the following individual:

- Applicant Gary Whittle, spoke in favor of the Application and offered to answer questions. Mr. Whittle discussed having the street completed in the spring, the road being 20' plus 2', no parking on the street but two-way traffic, probably a stop sign or two, and 6' sidewalks included. Mr. Whittle further reported each home would have two car driveways with normal garages; and the lot sizes would be 8' wider.

There being no further public testimony, Mayor Russell closed the public hearing at 7:24 p.m.

Next, Mayor Russell requested the Council's consent to change the order of business to deliberate Item No. 10.1, Resolution No. 2015-47, regarding the proposed the reactivation of, and amendment to, Final Order #02/03-31:SUB/PUD/CUP (Cottonwood Village Subdivision) to allow modifications to the original approval applicable to the undeveloped portion of the project site. There was no objection.

Mayor Russell asked for a motion to approve Resolution No. 2015-47. Councilor Bilden made a motion to approve Resolution No. 2015-47 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 August 25, 2015.

Mayor Russell announced the Consent Calendar and asked for a motion. Council President Bilden moved to approve the Consent Calendar as presented and Councilor Sell 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.

7. CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT CALENDAR

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

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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 and Councilor Jenks 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.

9. OLD BUSINESS

9.1 Discussion regarding local regulation of legal marijuana.

Henry Lawrence, City Administrator, reported this topic was last discussed with the Council at the meeting of July 14th. At that meeting, there was discussion about possibly going to the November 2016 ballot to allow citizens to vote on whether to opt out locally on allowing sales within the City. There had also been discussions about the City's business license requirements and medical marijuana. Last November, Measure 91 regarding recreational marijuana was passed. Revisions to Measure 91 were passed under Oregon House Bill 3400, providing a road map for regulation within our City, also allowing opting out of sales by Ordinance or Resolution if Measure 91 passed by 55% or more in the County. Nevertheless, at the County level there was 47% against, and 53% in favor. City wide the vote was 57% and 58% against Measure 91. Mr. Lawrence sought the Council's direction and there was discussion regarding:

1. Continuing denial of business license applications based on federal law;
2. Referring opt out prohibition vote to the November 2016 general election;
3. Referring local option tax to the November 2016 general election;
4. Creating time, place and manner regulations for retail sales if appropriate; and
5. Creating standards to mitigate odor impacts, particularly with outdoor grow sites if appropriate.

Points of that discussion were about:

- Denial of business licenses and Eagle Point's requirement being established in 1999. Attorney Kellerman discussed how the City could or would deal with the business license point; however, it is unclear at this time.
- Whether pre-existing tax is grandfathered in.
- Submitting opposing measures regarding the above 2 (prohibition) and 3 (taxation).
- Support of following Federal Law, putting on the November 2016 ballot, and taxation at the higher rate.
- Time, place and manner: 8' high fencing, number of plants and plant height, indoor grows, odor standards; although this conversation did not apply to determining to place the item on the ballot.

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The Council nodded in agreement that it was in support of putting the item on the ballot. Attorney Kellerman further discussed the tax issues and made it clear that the City may not receive tax benefits if the local option is rejected; however, he recommended amending the existing Ordinance to provide for the maximum amount of tax allowed by law. Mayor Russell expressed that he would like to consider the odor impact in the future. It was agreed that the Planning Commission will be asked to make recommendations to the Council regarding backyard growing. Additionally, the business license restriction will continue to be enforced. The final discussion points were about drafting ballot language with guidance from the League of Oregon Cities.

10. NEW BUSINESS

- 10.1 Resolution No. 2015-47. A Resolution authorizing the reactivation of, and amendment to, Final Order #02/03-31:SUB/PUD/CUP (Cottonwood Village Subdivision) to allow modifications to the original approval applicable to the undeveloped portion of the project site. Planning Action #15-03:SUB/PUD/CUP (Cottonwood Phase II).

Item 10.1 was discussed earlier in the meeting as reflected in the Minutes under Item 5.1.

- 10.2 Resolution No. 2015-48. A Resolution authorizing an Intergovernmental Agreement in Support of a Community Development Block Grant from the 2015 Community Development Block Grant Program administered by the Oregon Business Development Department, Infrastructure Finance Authority.

Henry Lawrence, City Administrator, explained that Jackson County requested the City to approve the agreement to allow Eagle Point's citizens to participate in a home repair program for qualifying low-to-moderate income homeowners.

Mayor Russell asked for a motion to approve Resolution No. 2015-48. Councilor Jenks made a motion to approve Resolution No. 2015-48 and Councilor Prunty seconded the motion. Councilor Sell received clarification that the City was not contributing financially. There was no further 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.

- 10.3 Resolution No. 2015-49. A Resolution approving a job description and salary range for a Permit Technician.

Henry Lawrence, City Administrator, explained that the City's current Permit Technician is pursuing education outside of the area of building codes and permitting. The position was reduced to three-quarter time during the downturn in the economy and also at the Permit Technician's request to balance work and family. The City is now competing with other cities in the area and throughout the state to recruit an experienced individual to fill the vacancy and assist with the Planning

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Department and Public Works Department. Mr. Lawrence expressed that he would also consider a three-quarter time position if the individual could handle the work load but the Resolution was to increase the hours to full time. Mr. Lawrence reported the total cost of upgrading the position to full time is approximately \$26,000 per year. There was a brief discussion confirming the workload warranted the increase in hours.

Mayor Russell asked for a motion to approve Resolution No. 2015-49. Councilor Sell made a motion to approve Resolution No. 2015-49 and Councilor Jenks seconded the motion. There was no discussion. 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.

11. REPORTS FROM CITY COUNCIL AND CITY COMMITTEE REPRESENTATIVES

Councilor Fierke reported that the District 9 School Board planned to meet on September 9; however, he would not be able to attend. Last, Councilor Fierke requested the Council to submit City Administrator evaluations to the City Recorder.

Council President Bilden reported attending the Southern Oregon Regional Economic Development Inc. (SORED) meeting earlier in the day. Next, Council President Bilden announced the following upcoming meetings or events: Eagle Point Economic Development Commission on September 14, The Community Action Agency of Jackson County (ACCESS) – Mayors United on October 10, and the Charter School's open house to be announced.

Mayor Russell discussed attending a water coalition meeting regarding the comprehensive rate study, and plans to attend a similar meeting on the following day. Mayor Russell thought there was good news of a reduction and three or four key items remain to be addressed. Mayor Russell also reported attending a Rogue Valley Council of Governments (RVCOG) meeting.

12. STAFF REPORTS

Mike Upston, Planning Director, announced the Economic Development Commission meeting was rescheduled to September 14th. There are several old and new items on the agenda ranging from supporting events in the city, electronic reader board location along Highway 62, Highway 62 beautification, following up on businesses locating to Eagle Point, and preservation of historic aspects of Eagle Point. In regard to the Planning Commission, a Resolution about October Planning Month will be considered for the Council's approval. The Commission also planned to consider amendments to the Eagle Point Zoning Ordinance to provide administrative authority regarding reactivating old approvals, and to provide allowances for electronic message signs. Mr. Upston concluded with a report of the 2016 Calendar of Events listed in the Friday Letter.

Melissa Owens, Finance Officer, reported on recruitment efforts for the Permit Technician and Accounting Clerk with the first review of applications scheduled on September 14th.

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The Finance Department is in the process of finishing up the year-end reports for auditors and working on comparative reports for most revenues, expenditures, and payroll before their arrival.

Robert Miller, Public Works Director, reported Jackson County is scheduled to begin and finish chip sealing within the week. Mr. Miller further reported attending the Rogue Valley Area Commission on Transportation (RVACT) meeting earlier in the day which addressed the Oregon Connect VI program, and Region 3 Non Highway Enhance program. Jurisdictions were encouraged to submit requests for their needs although only \$4M of funding is anticipated for the entire state.

Chief Thompson reported on Officer Anselmi's first day of school and the Department's full staffing levels. National Take Back Day for safe disposal of prescription drugs is scheduled for September 26th.

Henry Lawrence, City Administrator, reported the City is close to bringing the Charter Franchise Agreement for the Council's review. Another future item will be a request from Rogue Valley Community Television (RVTV) for a small portion of public, educational, and government (PEG) fees to help them go digital at their facility. Last, highway exit signage will be brought forward at a future meeting as well.

Cindy Hughes, City Recorder, reported about ongoing recruitment for the Economic Development Commission.

13. INFORMATION

There were no information items to discuss.

14. ADJOURN

There being no further business, Mayor Russell closed the meeting at 8:15 p.m.

Respectfully submitted,


Cindy Hughes, City Recorder

ATTEST:


Robert E. Russell, Mayor