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**City of Florence
City Council Regular Session
Florence Events Center
715 Quince Street, Florence, Oregon
Final Action Minutes
April 1, 2019**

CALL TO ORDER - ROLL CALL - PLEDGE OF ALLEGIANCE

Meeting called to order at 5:30 p.m.

Councilors Present: Mayor Joe Henry, Councilors Woody Woodbury, Ron Preisler, Joshua Greene and Geraldine Lucio.

Councilors Absent: None

Staff Present: City Manager Erin Reynolds, Public Works Director Mike Miller, Chief of Police Tom Turner, Planning Director Wendy FarleyCampbell, City Recorder / Economic Development Coordinator Kelli Weese, City Project Manager Megan Messmer, Florence Events Center Director Kevin Rhodes and Planning Technician Dylan Huber-Heidorn.

PRESENTATIONS & ANNOUNCEMENTS

- Military Child Month Proclamation – April 2019
- Child Abuse Prevention Month Proclamation – April 2019
- Earth Day Proclamation – April 20, 2019
- New Employee Introductions
 - Anne Baker – Administrative Services Director
 - Bailey Goodwin, Michael Cirilo, and Keenan Walker – Police Officers

Start Time: 5:30 p.m.

Action: Mayor Henry presented the proclamations for Military Child Month, Child Abuse Prevention Month, and Earth Day. The new employees were introduced to the City Council.

1. PUBLIC COMMENTS – Items Not on the Agenda

This is an opportunity for members of the audience to bring to the Council’s attention any item not otherwise listed on the Agenda. Persons wishing to address the Council must complete a Speaker’s Card available online at <http://www.ci.florence.or.us/council/request-address-city-council-speakers-card>, or at the meeting. Speakers Cards are due at least (5) minutes before the meeting. Comments will be limited to three (3) minutes per person, with a maximum time of 15 minutes for all items. Speakers may not yield their time to others.

Start Time: 5:43 p.m.

Commenter 1: Brenda Gilmer – Florence, Oregon

Handout: Speaker’s Card

Discussion: Ms. Gilmer discussed...

- o Concern for work sessions being held on the same day as Council meetings not allowing enough time for the public to understand the information before the Council

CONSENT AGENDA

2. APPROVAL OF MINUTES

Consider approval of the March 18, 2019 City Council work session minutes and the March 18, 2019 City Council meeting minutes.

3. TSUNAMI EVACUATION WAYFINIDNG SIGNS GRANT

Consider acceptance of the Oregon Department of Geology and Mineral Industries (DOGAMI) and the Oregon Office of Emergency Management grant to assist with the purchasing of additional tsunami evacuation wayfinding signage.

4. SAFE ROUTES TO SCHOOL PROJECT ENGINEERING

Consider accepting the engineering services proposal from Civil West Engineering for improvements to 26th Street and 27th Street as part of the Safe Routes to school project and authorize the City Manager to proceed with a professional services contract.

Start Time: 5:46 p.m.

Action: Approval of the consent agenda items as presented.

Motion: Mayor Henry

Second: Councilor Woodbury

Vote: Unanimous

PUBLIC HEARING & ACTION ITEMS

The public will have an opportunity to offer comments on public hearing items after staff has given their report. Persons wishing to address the Council must complete a Speaker's Card available online at <http://www.ci.florence.or.us/council/request-address-city-council-speakers-card>, or at the meeting. Speaker's cards are due at least five (5) minutes before the meeting. Comments will be limited to five (5) minutes per person. Speakers may not yield their time to others.

5. CENTRAL LINCOLN PUD MURAL

A. PUBLIC HEARING

Hear and consider written and oral testimony regarding the application from the City of Florence Public Arts Committee for a permit to paint a mural entitled 'Stitching Time, Weaving Cultures', on the eastern and southern walls of the Central Lincoln PUD storage building located at 966 Hwy 101.

Mayor Henry discussed an overview of the agenda item and the public hearing procedures and requested audience members be positive and civil during their testimony.

- Start Time: 5:48 p.m.
Handouts: City Council Testimony Packet – Received after packets and before 4.1.19 at 12:00 p.m.
City Council Testimony Packet – Received between 12pm and 5pm on 4.1.09
Hearing Reading: CR Weese read the Land Use Hearing Script and officiated the public hearing procedures
Handout: Public Hearing Script
Declarations: The City Council did not declare any conflicts of interest.

The Council discussed their ex-parte contact received from the community.

- Mayor Henry discussed the emails that he had received which were included in the meeting materials. Mayor Henry discussed his conversation with Mr. Harlen Springer the Chairperson of the Florence Public Arts Committee.
- Councilor Lucio discussed the ex-parte conflicts she had received regarding the mural at her business and her direction to commenters to forward their comments to the City Council for inclusion in the meeting materials.
- Councilor Preisler noted that it was very difficult not to receive communication on the mural but it would not affect his judgement on the matter.
- Councilor Woodbury noted his agreement with Councilor Preisler's statements.

- Councilor Greene discussed his work to stay away from Facebook and not read the comments, however he noted he had difficulty not reading the newspaper articles. He noted that the majority of the newspaper articles, in particular the letters to the editor, were included in the Council meeting materials.

The Council discussed their potential biases on the subject.

- Councilor Greene noted his ability to make an impartial decision on the action item and noted the need to make a determination based upon the facts in the record.
- Councilor Woodbury noted his ability to make an impartial decision on the action item and noted that he would not make his decision until he had heard all the testimony to be presented that evening.
- Mayor Henry noted his ability to make an impartial decision on the action item.
- No other Councilor wished to declare a bias.

No member of the public challenged a Councilor's impartiality.

Public Hearing: Opened at 6:03 p.m.

Handouts: Staff Presentation

Discussion: None

Applicant: Harlen Springer – Chairperson of the Public Arts Committee

Handout: Speaker's Card
PowerPoint Presentation
Passport to Art Brochure
Art Exposed Brochure
Public Art Timeline

Discussion: Mr. Springer discussed...

- Overview of the Public Arts Program history
- Process for the Central Lincoln PUD Mural Selection
- Next steps for the mural placement

Comments: Mayor Henry

- Number of members on the Central Lincoln PUD Mural subcommittee and selection committees
- Agencies that provided input on the mural design

Proponents

- Proponent 1: Kurt Vander Bogart – Florence, Oregon
Handout: Speaker’s Card
PowerPoint Presentation
Discussion: Mr. Vander Bogart discussed...
- Concerns for filtering art and not focusing on one particular part of art
 - Role of a City in Motion as a progressive city
 - Overview of public art in Florence and other possibilities for art in Florence
- Proponent 2: Jo Beaudreau – Florence, Oregon
Handout: Speaker’s Card
Discussion: Ms. Beaudreau discussed...
- Request for a different party to keep time
 - Art as a form of expression and appreciation for different types of art and different interests in art
 - Examples of controversial art pieces in other locations
 - Appreciation to the City of Florence for bringing the Public Arts Committee together
 - Request the community come together for the community
 - Concern for the misinformation and bullying throughout the community
- Proponent 3: Mark Freeman – Central Lincoln PUD
Handout: Speaker’s Card
Discussion: Mr. Freeman discussed...
- Central Lincoln PUD’s support of the mural application
 - Appreciation for the inclusion of the Public Arts Committee toward Central Lincoln PUD
- Proponent 4: Edward Gunderson – Florence, Oregon
Handout: Speaker’s Card
Discussion: Mr. Gunderson discussed...
- Request the Council support the mural
 - Appreciation for the artists in the community
 - Role of arts in attracting a younger population

Proponent 5: Sally Wantz – Florence, Oregon
Handout: Speaker’s Card
Speaking Notes
Discussion: Ms. Wantz discussed...

- o Murals in other locations including Olympia, Washington and their role in economic development and tourism
- o Central Lincoln PUD mural design evokes the colors and themes of the City in Motion logo
- o Appreciation for the public process of the Public Arts Committee
- o Role as a co-founder of the backstreet gallery and work to create Florence as an arts movement on the coast and role of the mural in doing so

Proponent 6: Greg Carlton – Florence, Oregon
Handout: Speaker’s Card
Discussion: Mr. Carlton discussed...

- o Role on the Public Arts Committee but comments represent his personal beliefs
- o Appreciation for the role of the Public Arts Committee
- o Review of murals from around the world and their positive impacts for Cities
- o Role of the mural to bring young people to Florence and get them involved

Proponent 7: Nancy Rickard – Florence, Oregon
Handout: Speaker’s Card
Discussion: Ms. Rickard discussed...

- o Appreciation for the role of art in her hometown of Sheridan, WY and it’s role in tourism

The City Council took a break from 7:31 – 7:41 p.m.

Proponent 8: Daniel Okonski – Florence, Oregon
Handout: Speaker’s Card
Discussion: Mr. Okonski discussed...

- o Appreciation for the work of the Public Arts Committee

- Proponent 9: Annie Schmidt – Florence, Oregon
 Handout: Speaker’s Card
 Discussion: Ms. Schmidt discussed...
 - o Mural on the bowling alley wall 25 years ago
 - o Murals she had noticed in other communities that were not as noticeable as the proposed mural and their lack of usefulness
 - o Appreciation for the selection process
 - o Mural role of speaking towards Florence’s past, present, and future
- Proponent 10: Julie Peake – Florence, Oregon
 Handout: Speaker’s Card
 Discussion: Ms. Peake discussed...
 - o Role of art for individuals and communities and its role in promoting discussion
- Proponent 11: Jesse Beers – Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians
 Handout: Speaker’s Card
 Discussion: Mr. Beers discussed...
 - o Role of the tribes in reviewing the mural’s design for historical consistency including changes to the design
 - o Tribal Council’s review of the proposed mural and the process for approval
- Proponent 12: Annalee Griffis – Florence, Oregon
 Handout: Speaker’s Card
 Discussion: Ms. Griffis discussed...
 - o Youth of Florence appreciate the excitement of the art
 - o Mural would assist youth in understanding different types of art
 - o Appreciation of the Public Arts Committee in the work they did to come to the design decision
 - o City in Motion mantra means that the City is striving to evolve and change
- Proponent 13: John Scott – Florence, Oregon
 Handout: Speaker’s Card
 Discussion: Mr. Scott left prior to his comments

Opponents

- Opponent 1: Brian Jagoe – Florence, Oregon
Handout: Speaker’s Card
Discussion: Mr. Jagoe discussed...
- Role on the Planning Commission, Central Oregon Coast Board of Realtors, and Siuslaw Valley Fire and Rescue but statements reflect his own personal opinion
 - Past role of the Planning Commission in review of murals and recommendation that the Planning Commission review the mural proposals
 - Concern for the safety of the intersection and the distraction the mural may cause
 - Not against art but did not believe that it was the proper location for the art piece
 - Concern that a member of the City Council sat on the selection committee and did not recuse himself from the City Council decision
- Opponent 2: Nina Stianson – Florence, Oregon
Handout: Speaker’s Card
Discussion: Ms. Stianson left prior to her comments
- Opponent 3: Don Drozdenko – Florence, Oregon
Handout: Speaker’s Card
Discussion: Mr. Drozdenko discussed...
- Attended the meeting fully against the mural and its abstract style
 - Appreciation for the work of the Public Arts Committee and the presentations earlier in the evening
 - Hope the Public Arts Committee would consider placement of sand dunes, representation of the book / movie Dune, honor of the Coast Guard, and other iconic Florence scenes in future art pieces
 - Stance as neutral for the proposed mural

Opponent 4: Tony Cavarno – Florence, Oregon
Handout: Speaker’s Card
Discussion: Mr. Cavarno discussed...

- Letters to the editor in the Siuslaw News against the mural
- Expectations for something decent and pleasant as opposed to the proposed mural design
- Belief that the proposed mural does not represent Florence
- Concern that the mural would be a distraction
- Belief that the people of Florence agree that the mural was not representative of Florence
- Concern for the cost of the mural and use of public funding

Opponent 5: Sheldon Meyer – Florence, Oregon
Handout: Speaker’s Card
Discussion: Mr. Meyer left prior to his comments

Opponent 6: Trisha Wymore – Florence, Oregon
Handout: Speaker’s Card
Discussion: Ms. Wymore discussed...

- Appreciation for the work of the Public Arts Committee and placement of other art in the community
- Personal dislike for the mural design
- Concern that sentiments noting that the mural design speaks to a younger populace were incorrect
- Belief that the size, location and the message of the mural were not appropriate
- Concern that the mural represents the type of art in large cities with gang problems
- Belief that the mural makes for division in the community
- Concern for the style of the public hearing allowing for all proponents then opponents to speak
- Appreciation for the work put into Florence City Hall
- Concern that the native American figures do not look like native Americans
- Lack of representation of those that built Florence

Opponent 7: Russell Wymore – Florence, Oregon
Handout: Speaker’s Card
Discussion: Mr. Wymore discussed...

- Dislike for the design of the mural and lack of representation of the dunes, ATVs or recreational opportunities within the design
- Appreciation of the City’s efforts to bring art to Florence
- Concern that the Public Arts Committee meetings are held during the day and not a time appropriate for working people
- Concern for the style of the public hearing allowing for all proponents then opponents to speak
- Interesting that the artist’s work is very bright and showy and is not representative of Florence

Opponent 8: Jacquie Beveridge – Florence, Oregon
Handout: Speaker’s Card
Discussion: Ms. Beveridge discussed...

- Appreciation for the Public Arts Committee’s work and presentation
- Concern for the lack of social media postings to the Florence Oregon page
- Belief that more than 90% of the people who posted comments on the Florence Oregon Facebook site were opposed to the mural design
- Concern for the funding of a non-local artist

Opponent 9: Ron Caputo – Florence, Oregon
Handout: Speaker’s Card
Discussion: Mr. Caputo discussed...

- Concern that the mural does not represent Florence
- Wish that the mural portrayed Rhododendrons, the Dunes and the Ocean
- Concern for the abstract style of the mural
- Appreciation for the mural placement but believes the content should be changed
- Appreciation for the work of the Public Arts Committee and appreciation for art in general

Opponent 10: Joel Marks – Florence, Oregon
Handout: Speaker’s Card
Discussion: Mr. Marks discussed...

- o Disappointment for the process and the time it took to hear opponents to the mural
- o Wish to amend the process to alternate speakers
- o Appreciation for those who voted against the mural at the Florence Urban Renewal Agency level
- o Concern for the use of public dollars on art and belief in the lack of constitutional necessity for art
- o Concern the mural’s modern progressive art does not represent Florence

Opponent 11: Lita Edwards – Florence, Oregon
Handout: Speaker’s Card
Discussion: Ms. Edwards left prior to her comments

Opponent 12: Roger McCorkle – Florence, Oregon
Handout: Speaker’s Card
Discussion: Mr. McCorkle discussed...

- o Began the evening opposed to the mural and now considered himself neutral at best
- o Personal dislike for the mural design and it’s hodgepodge design
- o Original wishes to have murals be either history based or commercial based
- o Other mural locations in town including the side of the Sportsman and other types of murals relating to businesses
- o Appreciation for history-based murals
- o Work with the City for 45 years and prior history on the Council
- o Appreciation for the location of the mural
- o Concern for the potential distraction the mural may cause
- o Mural contract specifics and logistics of work with the Florence Urban Renewal Agency

Response: CM Reynolds

- o Florence Urban Renewal Agency’s (FURA) direction to enter into a contract and FURA’s purchase of the mural

Neutral Parties

- Neutral 1: Alicia Hickson – Florence, Oregon
Handout: Speaker’s Card
Discussion: Ms. Hickson discussed...
- Belief that there was no such thing as bad art, just art that we may not understand
 - After learning more about the mural and comments from the Public Arts Committee and other parties, changed her opinion
 - Mural title ‘Stitching Time, Weaving Cultures’ is fitting
 - Changed from looking at the mural with logic to looking at it with imagination and changed her opinion from neutral to for the mural
 - Appreciation for the City Council and the decision
 - Concern of changing the mural to be more of a billboard and wish the Council to keep the mural as an art piece

Mayor Henry apologized to the neutral and opponent parties who had to wait a long period to have their testimony. He recommended the Council address the format in the future.

- Staff Response: CM Reynolds and PD FarleyCampbell responded to the public testimony with the following discussion...
- Clarification on the Council rules governing land use hearing procedures
 - Testimony related to the content of the mural and clarification that the decision before the Council would need to be content neutral
 - Testimony referring to identifying Florence’s character, defined as, ‘the sum of all attributes and aspects that make a community unique and establishes a sense of place’.
 - Staff’s recommendation that the resolution be modified to clarify who the applicant is, and that condition 1 be modified to replace Planning Commission with City Council

- Applicant Resp.: Harlen Springer – Chairperson of the Public Arts Committee
Discussion: Mr. Springer discussed...
- Appreciation to all the input given
 - Clarification on the request from one party that the mural should go before the Planning Commission
 - Testimony received regarding safety concerns at the intersection and crash data regarding intersection
 - Public Arts Committee meeting times and the struggle to obtain a time for all the volunteers to meet
 - Oregon Mural Trail clarification and the timelines for the Public Arts Trail
- Response: CR Weese
- Clarification on land use code requirements for murals

Public Hearing: Closed at 8:39 p.m.

Applicant Resp.: The Applicant elected to waive the submission of final written argument.

B. APPROVAL OF MURAL APPLICATION

Consider approval of **Resolution No. 5, Series 2019**, a resolution approving the installation of a mural by artists Marino Heidel Studios per mural permit application CC 19 03 MUR 01.

Start Time: 8:41 p.m.

- Discussion: The City Council discussed...
- Councilor Lucio's appreciation for the work of the Public Arts Committee but belief that the mural would be a traffic hazard at that intersection
 - Councilor Woodbury's appreciation for the clarification on the Council's function for the decision for the land use criteria
 - Councilor Woodbury's hope the Public Arts Committee would consider the testimony received in their future public art installations
 - Councilor Greene's appreciation for the Public Arts Committee's presentation and the work put into the project and program in general
 - Councilor Greene's gratitude for the testimony and the subjective function of art
 - Councilor Greene's overall explanation of the purpose of the mural and the public art program in general

- Councilor Preisler’s reference to former Councilor Lacer’s written comments and clarification from staff to focus not on the content of the mural but whether it met the code criteria, which he believed the mural meets
- Mayor Henry elected to reserve his comments

Comments: All Councilors

Action: Approval of Resolution No. 5, Series 2019 with the amendments to clarify the applicant and amend condition 1 to replace Planning Commission with City Council.

Motion: Councilor Preisler

Second: Councilor Greene

Roll Call Vote: Councilor Lucio – Nay
 Councilor Preisler – Aye
 Councilor Woodbury – Aye
 Councilor Greene – Aye
 Mayor Henry – Nay
 Motion Passes 3-2.

The City Council took a break from 8:49 – 8:55 p.m.

6. PINE STREET VACATION

A. PUBLIC HEARING

Hear and consider written and oral testimony regarding the request to vacate the Pine Street right-of-way located near the 32nd Street right-of-way.

Start Time: 8:55 p.m.

Public Hearing: Opened at 9:12 p.m.

Handouts: Staff Presentation

Discussion: The City Council discussed...

- Clarification on the different zoning at the two sides of the proposed vacation

Comments: Councilor Greene

- Applicant: Dave Bielenberg – Florence, Oregon
 Discussion: Mr. Bielenberg discussed...
- Clarification on dwelling location at the southern end of the property that protrudes into the alley and the amount of property the applicants may have to give up to make the alley whole
 - Request that the City give the applicants consideration for the property they would have to give up in the same amount per square foot that they were asked to pay for the vacation
 - Development plans submitted parallel to the vacation application and request the city clear the alley before the property sale
- Response: Mayor Henry, PD FarleyCampbell and PT Huber-Heidorn
- City of Florence’s need for affordable housing and deferral to the Planning Department and City Manager
 - Clarification on the requirements for a vegetation clearing permit and clearing of City right-of-way
- Staff Response: Staff discussed...
- Clarification on the role of the zone change and the next steps for the proposed development

Public Hearing: Closed at 9:19 p.m.

B. APPROVAL OF PINE STREET VACATION

Consider approval of **Ordinance No. 4, Series 2019**, an ordinance approving the request for the vacation of the Pine Street right-of-way located between Block 27 and Block 28 of the plat of Frazier and Berry’s as applied for by Mr. David Bielenberg.

Action: First Reading of Ordinance No. 4, Series 2019
 Vote: Unanimous

Action: Second Reading of Ordinance No. 4, Series 2019
 Motion: Mayor Henry
 Second: Councilor Woodbury
 Vote: Councilor Lucio – Aye
 Councilor Preisler – Aye
 Councilor Woodbury – Aye
 Councilor Greene – Aye
 Mayor Henry – Aye
 Motion passes 5-0.

ACTION ITEMS

The public will have an opportunity to offer comments on action items after staff has given their report. Persons wishing to address the Council must complete a Speaker's Card available online at <http://www.ci.florence.or.us/council/request-address-city-council-speakers-card>, or at the meeting. Speaker's cards are due at least five (5) minutes before the meeting. Comments will be limited to three (3) minutes per person. Speakers may not yield their time to others.

7. CITY OF FLORENCE 2019-2021 WORK PLAN

Consider approval of **Resolution No. 6, Series 2019**, a resolution reaffirming the City of Florence's Council Goals adopting the 2019-2021 City of Florence Work Plan.

Start Time: 9:20 p.m.

Handout: Updated Work Plan from 4.1.19 City Council Work Session

Discussion: The City Council discussed...

- Councilor Preisler's concerns that the Florence Urban Renewal Agency board was not contacted about any of the objectives and tasks presented and the changes that would affect the agency, particularly as they affect the funding of the public art program
- Councilor Greene's belief that the funding allocated by the Florence Urban Renewal Agency to the public art program should be honored and concerns for the implementation of the program in the future
- Mayor Henry's support of the obligations that have been incurred for the public art program through the Florence Urban Renewal Agency
- Mayor Henry's belief that three Councilors concur that the Public Arts Committee should not be an entity of the Florence Urban Renewal Agency since it was a committee of the City of Florence
- Councilor Woodbury expressed agreement with Mayor Henry

Comments: All Councilors

Action: Approval of Resolution No. 6, Series 2019

Motion: Councilor Woodbury

Second: Councilor Lucio

Vote: Councilors Lucio, Woodbury and Mayor Henry voted 'aye'; Councilors Preisler and Greene voted 'Nay'.

Motion passes 3-2.

8. INITIATION OF FLORENCE URBAN RENEWAL AGENCY RECRUITMENT

Receive the Mayor’s notice of positions to be filled and consider recruitment process for 2019 Florence Urban Renewal Agency membership.

Start Time: 9:31 p.m.
Discussion: The City Council discussed...
• Clarification on the purpose of the decision before the Council
Comments: Mayor Henry

Action: Direct that the entire City Council appoint the vacancies
Motion: Councilor Preisler
Second: Councilor Greene
Vote: Councilors Preisler and Greene voted ‘Aye’; Councilors Woodbury, Lucio and Mayor Henry voted ‘Nay’.
Motion failed - 2-3.

Action: Approval of the appointment process as presented.
Motion: Councilor Henry
Second: Councilor Woodbury
Vote: Councilors Lucio, Woodbury and Mayor Henry voted ‘aye’; Councilors Preisler and Greene voted ‘Nay’.
Motion passes 3-2.

REPORT & DISCUSSION ITEMS

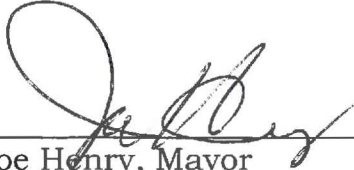
Mayor Henry elected that they would not hold City Manager and City Council reports.

9. CITY MANAGER REPORT & DISCUSSION ITEMS


10. CITY COUNCIL REPORTS & DISCUSSION ITEMS

Meeting adjourned at 9:36 p.m.

ATTEST:



Joe Henry, Mayor



Kelli Weese, City Recorder