

MURAL from page 1A

Williamson.

Williamson, Reynolds and City Recorder Kellie Weese were cognizant as the meeting progressed to remind coun-

cilors of a number of legal requirements regarding the mural application process and later the City Work Plan. Some of these requirements were cited by Williamson as he reviewed in detail with councilors the im-

portance of recusal if there was any question of bias or conflict of interest. Williamson then asked councilors to declare any conflicts of interest that might require recusal, and all stated they had no such conflicts.

Williamson then continued with a detailed explanation of bias and exparte communication. This was another required communication and Williamson was clear on the need for councilors to be made aware of reporting requirements.

"Now is the time to declare and discuss any exparte contacts you may have read, heard or otherwise received after the land use application was deemed complete on February 28 of this year," Williamson said. "Examples of exparte contacts include any newspaper articles, social media posts, site visits, meetings at the grocery store or the gas station. Anything of that nature to report?" he asked.

Mayor Henry responded to Williamson's explanation with a lengthy observation of the seeming impossibility of councilors to not have had exparte communication in the recent past.

"I would suggest that all of us were bombarded with personal contacts, phone calls, emails, texts, social media all over the place... Since that time, I have attempted to avoid social media... I don't know how any other councilor is going to claim they haven't had any exparte communication, because they are deceiving themselves," Henry said.

This observation prompted Councilors Geraldine Lucio, Woody Woodbury and Joshua Greene to declare some level of communication, but all reported they had immediately stopped any line of discussion in that area with the individuals involved. They also mentioned limiting social media contact regarding the mural.

Williamson then turned to the question of bias. "This is your ability to judge the application on the facts and the criteria fairly based upon the record before you," he said. "As you know, this is a quasi-judicial matter, so you are basically sitting as the jury. So, we want to make sure you are able to listen to the evidence, judge the criteria and judge the application fairly."

Williamson first asked Henry and then Woodbury and Greene specific questions about their involvement and participation in the public arts decision-making process. All three men responded that they felt sure they would be able to fairly judge the application and neither Lucio nor Councilor Ron Preisler declared a bias when asked directly.

The next step in the process to decide the fate of the Quince Street mural was the presentation of staff recommendations

regarding the application.

City Planner Wendy Farley Campbell gave a comprehensive recap of the steps taken by the applicant, Harlen Springer, as a representative of the Public Art Committee, to meet the requirements of an application for a mural in the city. Farley Campbell explained in detail that the decision sitting before the council was a land-use decision, and as such there were a number of important criteria that needed to be met by the applicant. She then presented a lengthy and detailed review of what she termed "Applicable Criteria."

Some of the more relevant requirements reviewed by Campbell included a determination of whether the mural is compatible with the aesthetic appearance of adjacent buildings and the surrounding community character. She also added the overall objective is for viewers of all ages to experience a sensation of engagement, humor, wonder or delight — or all of these emotions when viewing the mural. In evaluating this criterion, the following are examples of factors that she suggested could be used to measure appearance and attractiveness.

1. The mural will not adversely dominate the building or surrounding area.
2. The mural will not create traffic or safety hazards.
3. The mural is harmonious with the scale, color, details, materials, and proportion of the building.

The issue of possible distraction to passing motorists was addressed by Campbell as she included in her presentation communication regarding the number of accidents at this location from the Oregon Department of Transportation (ODOT), which indicated the department did not believe the mural would present increased risk or danger to motorists or pedestrians.

There were also a number of physical requirements having to do with durability, materials used and long-term maintenance that staff had considered, and these were included in the final recommendation from Campbell, which was positive.

"Staff did review the applicable criteria and made a finding to support approval of resolution 5, Series 2019, with some conditions made," said Campbell. The conditions she referred to were minor, having to do with an application update, landscaping and lighting.

This positive recommendation was received by the council and the Public Comments section of the meeting began. Springer, as the applicant, spoke first in support of his request, re-capping the history of the Public Art Committee and the process used to select the location, theme and the artist chosen to create the mural. Springer's presentation was followed by comments from individuals in support of the approval of the mural. The most notable comments came from two individuals that represent groups involved in the process.

Jeese Beers, affiliated with the Confederated Tribes, had been working with the PAC to receive approval of the native design elements in the mural from his tribe. "I work as Cultural Stewardship Manager for the Confederated Tribes of Coos, Umpqua and Siuslaw Indians and the Confederated Tribes support this mural," he said, then gave a brief recap of the steps taken by the PAC

and the Confederated Tribes to modify some of the design elements to more closely align with local tribal customs and the result of those changes.

"The City came to our Cultural Committee down in Coos Bay and the cultural committee approved the changes. I got the call this afternoon and they did give final approval for the mural," Beers said.

Another addition to the discussion was made during the statement given by CLPUD representative Mark Freeman, who spoke in support of the mural and submitted written statement with his testimony.

"Since 2017, the Florence Public Art Committee and Central Lincoln PUD have been working together to install a mural at the corner of Quince and Highway 126. After signing the Intergovernmental Agreement in April of 2018, the Public Art Committee has been communicative and has included the PUD in as many steps as possible, including presenting to the Board of Directors on the project and inviting PUD staff to PAC meetings and including staff in the decision-making process," Freeman said. "Central Lincoln's Board unanimously approved the mural and is excited to see it happen. We are very pleased we are able to participate in creating an impactful welcome for visitors to Florence."

After a series of statements of support, individuals opposed to the mural had an opportunity to speak, although it was well into the second hour of the meeting. As a result, some speakers had left by the time they were called to speak. This prompted criticism of the order in which speakers were selected, with some in attendance suggesting those in favor of the mural alternate with those opposed. Speakers in opposition to the mural spoke mostly about the fact that they felt the mural did not reflect Florence.

However, the content of the mural was not one of the criteria being considered by the council to determine final approval during Monday's Land-Use hearing.

One resident, Brian Jagoe, offered an argument for his opposition that spoke specifically to one of the criteria to be considered. "In the past, murals were part of a Planning Commission review and during the last comp plan it was removed," he said. "I'd like to make a recommendation that it be put back to give another layer of review and another option for the city and a chance to review the guidelines. I am opposed to the mural. The comments from all the proponents is it's a 'wow' mural. I don't think that's the location — at the busiest intersection in Florence — with the traffic and the weekend traffic and ATV's coming into town, to be distracted. We have enough accidents there and that's one of the reasons they installed cross walks. People were being hit at that intersection."

After another review of the Resolution and council options from Weese, the council was allowed to discuss the resolution.

Lucio stated her opposition to the mural based on what she believed to be a potential danger to the public caused by distraction from the mural. Woodbury stated his understanding that the decision before the council was one of appropriate land use and not one related to content; Greene reiterated the decision was one that had to do with meeting land use criteria, which the city had supported.

Henry then called for a final

reading of the resolution and called for a vote. Councilors Greene, Preisler and Woodbury voted to approve the resolution, with Lucio and Henry voting opposed to the resolution — leading to 3-2 vote in favor of the project.

The council then heard a proposal on the Vacation of a Pine Street Right-of-Way. Staff made an in-depth statement in support of the application and the council approved Ordinance No. 4, Series 2019.

Perhaps the most consequential discussion of the evening actually took place after most audience members had left the FEC following the mural decision and a short break. That's when the council was asked by Reynolds to approve the City of Florence 2019 Work Plan, which included a number of objectives that the council will work on in the coming fiscal year. Many of these had to do with larger issues facing the city, such as updating the development codes, addressing housing development, business retention, marketing, staff recruitment and tourism promotion. There are also major sections of the plan devoted to transportation, city facilities, entrepreneurship, education and workforce issues.

There was, however, one objective that was more specific than the others, which was Objective 5: Complete actions to encourage private funding and/or donations of public art to leverage City funding.

- Task 1: Limit funding sources for the Public Art program to the City of Florence general fund, grants and private donations, and do not include funding from the Florence Urban Renewal Agency.

- Task 2: Research grant opportunities and prepare grant applications through staff and volunteer time.

- Task 2: Develop public art donation program.

- Task 3: Support efforts for nonprofit development of public art funding.

The goals of this objective were specifically highlighted by the mayor in his closing comments as one of the issues that he believed most needed to be addressed in the immediate future.

The statement also reflected Henry's dissatisfaction with the outcome of the mural decision.

"I clearly support the obligations we have incurred by the Public Art Committee through urban renewal. Obviously, we certainly have to pay those based on the land-use decision that was just made, but I believe there was consensus at our meeting this morning and in previous discussions, at least three of the councilors agree that the PAC should not be an entity of the Urban Renewal Agency," Henry said. "It's clearly a committee of the City of Florence. No other committee is supported by funds from urban renewal and there is just no logic to it. I have to admit I actually watched that happen and initially voted for it, so I think it is time to rectify that."

The statement by Henry was made without response from the other councilors. The Work Plan submitted by staff was accepted and approved by the council, establishing what will be an ongoing discussion on cutting ties with the PAC in terms of its association with funding through FURA.

Reports from city manager and city council were cancelled due to the length of the meeting and without further discussion the meeting was adjourned.



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