

# City of Rockaway Beach

## City Council Meeting

### Agenda

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**Date:** Wednesday, March 13, 2019  
**Time:** 6:00 P.M.  
**Location:** Council Chambers, City Hall

#### **ROLL CALL**

Mayor - Joanne Aagaard: Absent  
Position #1 - Nathan Beeman: Present  
Position #2 - Sue Wilson: Present  
Position #3 - Kristine Hayes: Present  
Position #4 - Terry Walhood: Present  
Position #5 - James Doyle: Present

Also present: City Manager Terri Michel and City Attorney John Putman, Public Works Director Luke Shepard, Fire Chief Barry Mammano and Police Chief Stewart.

#### **APPROVAL OF MINUTES**

Walhood made a motion, seconded by Beeman, to approve the February 13, 2019 City Council meeting minutes and the February 2019 check register; motion carried.

Position #4 - Terry Walhood: Motion  
Position #1 - Nathan Beeman: 2nd  
Mayor - Joanne Aagaard: Absent  
Position #1 - Nathan Beeman: Approve  
Position #2 - Sue Wilson: Approve  
Position #3 - Kristine Hayes: Abstain  
Position #4 - Terry Walhood: Approve  
Position #5 - James Doyle: Approve

#### **CITIZEN INPUT ON NON-AGENDA ITEMS**

Linda Hanratty representing the Tillamook County Wide Prayer Team said that National Day of Prayer would be observed on May 2, 2019 at the Tillamook County courthouse and that the public was welcome to join. She said she wanted to invite all leaders in the county to participate in the Sunset Prayer Train which she described as a spiritual think tank.

#### **PRESENTATIONS, GUESTS & ANNOUNCEMENTS**

None

#### **STAFF REPORTS**

Park and Recreation Director Melissa McCarty thanked everybody for their help and support with the Italian Dinner which she said raised \$2,000 for the Park and Recreation Summer Youth Program. She said the Easter Egg Hunt would take place at noon on April 20, 2019, at Phillis Baker Park.

Fire Chief Barry Mammano said that Fire Department welcomed three new volunteers in February. He described the calls which the Fire Department had responded to in February and also gave details of an impressive drone demonstration which could improve the Department's ability to perform water rescues. He described the drone as being capable of picking up thirty pounds available at a cost of forty-five thousand dollars and said the drones were being manufactured in Banks, Oregon.

Police Chief Charles Stewart gave the February call statistics saying the numbers were higher than the previous year. He stated that the Police Department had recently worked on vehicle maintenance and added that donations had been used to pay for surveillance system equipment upgrades. He explained that online vacation rental scams, PUD lack-of-payment for services scams, and IRS scams had recently occurred. He described recent arrests and thanked the Police Department volunteers for their efforts. He said the Police Department was waiting for grant approval from the Siletz Tribe adding that the grant would be used to provide infrared devices which could be useful when searching for suspects. He gave a breakdown of police response statistics and described the trend in police-related calls. Wilson asked if the police knew who had recently caused damage to the Washington Street Crosswalk and Stewart responded that the City had turned over all their evidence to the Oregon State Police adding that there was a potential suspect. Hayes stated that she wanted to receive a copy of Stewart's report and Stewart responded that it had previously been emailed and that he would provide her with a hardcopy of the report.

Public Works Director Luke Shepard said that in the proposed budget for next year the City would have enough money for the grant match portion to go forward with Phase II of the Nature Preserve Project enabling the City to extend the boardwalk trail all the way to the giant cedar tree. He said the City was putting together a grant application with the Oregon Parks and Recreation Department to pay for the project and stated that the second phase was expected to cost approximately \$350,000 to \$400,000. He said that Public Works had two sewer projects up for bid as the City planned to replace approximately 1,000 feet of sewer line adding that one section was located on South 3<sup>rd</sup> and the other section was located at East Coral. He said the bids were due by March 29<sup>th</sup> and were expected to be in front of City Council for approval in April. He said that a paving project on North 3<sup>rd</sup> Avenue was still open to bids and he further explained that notices would soon go out. He noted that the road would be closed on two occasions and asked for patience due to the inconvenience which would be caused by the paving project. He announced that the annual water main flushing would take place during the first part of April. He said that wood chips at the parks would soon be removed and replaced with new chips. He stated that someone had hit one of the electrical peds at the Wayside very hard which damaged conduit and wiring underground adding that an insurance claim had been filed. Hayes said there were surveillance cameras filming the area where the ped was hit which were available for review. Hayes said a citizen slipped on decking at nature preserve trail and Shepard said the City had already contacted the insurance company to assess the situation to decide what the City should do to prevent slipping in the future.

City Manager Terri Michel said Shepard had accompanied her to a Goal 18 focus group meeting where definitions for beach front protective structures were discussed and added that the next meeting would address how to protect infrastructure. She said that Tillamook PUD had announced a five percent rate increase. She stated that first wayfinding sign meeting would take place at Civic Facility on March 18<sup>th</sup>. She explained that on Tuesday, March 26<sup>th</sup> the Planning Commission meeting to approve or deny a non-conforming use would be held early and would be immediately followed by a tsunami resilience open house. She stated that there were five more zoning permits for single family dwelling units in the current year than there were at the same date in the prior year. She said the City needed letters of support to provide to the Oregon Parks and Recreation

Department for the Nature Preserve grant application. She gave details of Fire Chief Barry Mammano's retirement party which would take place on April 6th at the Neah-Kah-Neah high school.

#### UPDATE ON N. PACIFIC STREET PROJECT

Shepard said the City had needed to decide whether there was enough support to get into the project into the current year's budget or if the project might possibly need to be modified and delayed until the following year. He said the City mailed a letter out with a survey explaining the project, costs, and issues and said that only about half of the property owners responded to that survey. He explained the results of the survey and said he did get a lot of feedback about the project. He noted that nobody seemed to be in favor of the additional width of the road for a bike path which meant the project cost could potentially be decreased by twenty percent. He said to get the support needed it was clear that the Road Department would need to contribute a sizable amount of money to the project causing the need to delay the project for at least another year to allow time to look for other funding.

#### APPOINT BUDGET OFFICER FOR FISCAL YEAR 2019/2020 BUDGET

Walhood made a motion, seconded by Doyle, to appoint City Manager Terri Michel as Budget Officer; motion carried.

Position #4 - Terry Walhood: Motion  
Position #5 - James Doyle: 2nd  
Mayor - Joanne Aagaard: Absent  
Position #1 - Nathan Beeman: Approve  
Position #2 - Sue Wilson: Approve  
Position #3 - Kristine Hayes: Approve  
Position #4 - Terry Walhood: Approve  
Position #5 - James Doyle: Approve

#### REQUEST FOR USE OF WAYSIDE

Wilson said that the Lions Club's Wayside application to sell hot dogs for thirty-three days in the summer had met all of the City's requirements.

Hayes made a motion, seconded by Beeman, to accept the application for the Lions Club use of the Wayside; motion carried.

Position #3 - Kristine Hayes: Motion  
Position #1 - Nathan Beeman: 2nd  
Mayor - Joanne Aagaard: Absent  
Position #1 - Nathan Beeman: Approve  
Position #2 - Sue Wilson: Approve  
Position #3 - Kristine Hayes: Approve  
Position #4 - Terry Walhood: Approve  
Position #5 - James Doyle: Approve

#### SET HEARING DATE FOR THE BANNING OF SINGLE USE PLASTIC BAGS

Wilson explained that the City would need to hold a public hearing to discuss the banning of single use plastic bags and stated that if there were no objections the meeting would take place on April

10, 2019. Michel said that date was preferable because it would allow Master Recycler Beverly Stein to attend. Michel said that Stein had supplied the City with a draft of a plan which was borrowed from Newport and Beeman stated that there were drafts available from many other cities as well. Michel asked if the date met the approval of City Council and there were no objections.

### **DISCUSS PROPOSED TLT ORDINANCE AMENDMENTS**

City Attorney John Putman said that the proposed amendments were drafted using a model ordinance which was prepared by the League of Oregon Cities. He explained that the draft varied from the one which was previously proposed by the City's Finance Officer to avoid involving land use matters. He explained that there were additional amendments which were not included in the meeting materials that had been supplied to City Council and at 6:40 there was a brief recess to allow the distribution of those amendments to City Council, City Staff, and other attendants at the meeting. The meeting reconvened 6:48 p.m. Putman explained that the model ordinance used the term Transient Lodging Tax (TLT) which was the equivalent of the City's term Transient Room Tax (TRT) adding that either term would be acceptable moving forward. He gave some history of the Transient Room Tax and described the tax allocations and uses of the tax. He explained that the proposed model would not increase the tax and stated that the purpose of the changes was to help with the collection process for that tax. He said that the internet had created many changes as to how lodging reservations were handled due to the use of online hosting platforms which did not exist when the original ordinance was created adding that because platforms did not cleanly fit the existing definitions changes were needed. He explained that intermediaries would not take responsibility for collecting and remitting the taxes and said the amendments would correct that problem. He further explained that the changes would require intermediaries to register with the City and to collect and remit the tax money to the City. He explained exemptions in the model and read those definitions. Hayes asked if the model was a complete and separate issue from the Short-Term Rental Ordinance draft and whether that would be addressed. Putman said the Short-Term Rental ordinance would need to be addressed separately from the Transient Room Tax ordinance amendments. Putman gave specific explanations for the proposed amendments and described some of the differences between the original and the proposed language the he described the process for adopting the proposed changes. Michel said the proposed amendments needed to be in place quickly allowing for sufficient time to notify the public of the changes prior to the beginning of the next fiscal year. Wilson recommended an effective date of June 1<sup>st</sup> and Putman explained that taxes are remitted quarterly so to prevent accounting problems it would be best to implement the changes on the first day of a new quarter. Hayes said she wanted to see the proposed changes posted on the City's website. Doyle asked for an explanation of the administrative fee portion of the tax and Putman explained that allowing the tax collector to keep five percent of the taxes they collect as a handling fee was something that was mandated by a State statute. Citizen Steve Press asked if the tax rate was going to change and Putman said there was no change in the tax rate further explaining that the proposed changes bring everybody who had a short-term rental under the same umbrella and treat everybody the same by changing the terminology. Doyle asked if there would be discussion about requiring identification on short-term rental advertising and Putman explained that the idea had been brought up but was not part of the proposed change in the proposed ordinance amendment at that time adding that such a requirement could impose on the right of free speech. Hayes asked if the Short-Term Rental ordinance proposal would go to the Planning Commission before it would reach City Council and Putman answered no and said it was currently on the shelf.

### **MAYOR'S REPORT**

None.

## COUNCIL CONCERNS

Hayes asked for more discussion about the Kite Festival and she sampled citizens in an online survey with regards to that festival. Michel stated that the Kite Festival was a Chamber event and commented that the survey was not valid because it did not give people any choice but to answer yes. Doyle said that since the festival was on the beach he considered it to be a State issue. Hayes said she had not had time to review the parking information but would like to have a discussion about parking added to a City Council agenda. Michel said that the parking discussion would not be specific to the Wayside only and would be about signage telling where one could or could not park. Hayes said her primary concern with parking was that around the Wayside because she feared that children could get injured due to people are not parking safely in summer. Michel said she had asked City Council to submit comments about the parking ordinance changes proposed but had only received feedback from Wilson and Stewart. Hayes said a citizen sent her a picture of a court document saying that the City was back in court again and stated that the City was being asked to pay for attorney fees for a lawsuit and an appeal adding that she had not received any correspondence with regards to the matter. Putman said he had not responded to Hayes email because he wanted to address the matter in an executive session. He said it was public record that the City was not out of that lawsuit yet adding that the decision was being appealed. He further explained that motion for attorney fees was part of that appeal and stated that the judge had not made a decision on that yet. Hayes asked if there was an amount that was being asked for and Putman answered that the amount was between \$200,000 and \$250,000. Hayes asked why she had not been informed and Putman answered that he had been removed and while he was still an attorney of record on the case yet he was no longer handling the case or document preparation for the case. He said his work on the case was at a minimum so the other attorney working on the case or the City Manager would keep City Council informed but typically those type of communications required attorney client confidentiality privileged information. He said one would want to keep confidentiality or risk losing the case and added that most of the information was public record at that point. Hayes said she wanted to be informed if similar situations happened in the future. Michel said she wanted to be very cautious because it was a sensitive case and added that she took her direction from the attorney who had guided her throughout the case. Michel said she was disturbed by this case and said she cares very much for the City and was doing what she could do to protect the case and would follow the advice of the professionals running the case. Wilson said she would like City Council to receive an update when things are in the pipeline and asked Michel to keep Council apprised if there was a court date, a motion, a large sum of money, or something that could materially impact the City and Michel responded that she would with guidance from the attorney. Hayes asked if they could talk in executive session and Putman said yes. Hayes said the community lost several special citizens in the last month and gave her condolences to their families.

Beeman thanked Public Works, the Fire Department and the Police Department for all of their hard work. He said he had recently walked on the Nature Preserve trail for the first time and was impressed and enjoyed it adding that it would be fantastic to obtain a grant to expand the trail.

Walhood said that Imie Camellie's memorial service was being held that weekend at the Pine Grove Community Center in Manzanita. She stated that the community garden spaces were filled but those interested in a space could leave their name in case a spot opened up. She added that she wanted to discuss with the City Manager the possibility of expanding the garden.

Doyle wanted to know what the City was doing to commemorate the retirement party for Fire Chief Barry Mammano and Michel told him it was a surprise. He asked that abbreviations not be used when speaking at City Council meetings because not everybody in the audience understands what those abbreviations stand for.

**ATTORNEY COMMENTS**

No Comment.

**EXECUTIVE SESSION UNDER ORS 192.660(1)(g) LEGAL COUNSEL**

Recessed meeting for executive session at 7:27 p.m. Meeting reconvened at 8:13 p.m.

**ADJOURNMENT**

Position #5 - James Doyle: Motion

Position #1 - Nathan Beeman: 2nd

Mayor - Joanne Aagaard: Approve

Position #1 - Nathan Beeman: Approve

Position #2 - Sue Wilson: Approve

Position #3 - Kristine Hayes: Approve

Position #4 - Terry Walhood: Approve


Position #5 - James Doyle: Approve

Doyle made a motion, seconded by Beeman, to adjourn; motion carried.

Councilor Wilson adjourned the meeting at 8:14 p.m.

MINUTES APPROVED THIS 10<sup>TH</sup> DAY OF APRIL, 2019

  
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City Manager Terri Michel

  
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Sue Wilson, Council President