

City of Rockaway Beach



City Council Meeting Minutes

Date: Wednesday, June 12, 2019
Time: 6:00 P.M.
Location: Council Chambers, City Hall

Present: Mayor Sue Wilson, Councilors Kristine Hayes, Terry Walhood, James Doyle.

Excused: Councilor Nathan Beeman

Staff: City Manager Terri Michel, City Attorney John Putman, Public Works Director Luke Shepard, Police Chief Charles Stewart, Interim Fire Chief Shawn Vincent, Finance Officer Marni Johnston, City Planner Cassandra Dobson and Parks & Recreation Director Melissa McCarty

CALL TO ORDER

[Appointed Mayor Wilson called the meeting to order at 6:00 p.m.](#)

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

ADMINISTER OATH OF OFFICE

[Johnston administered the Oath of Office to Mayor, Susan Wilson.](#)

CONSENT AGENDA

[Wilson asked for a motion to approve the May 18, 2019, City Council minutes and the May 2019 check register.](#)

Motion: Doyle moved to approve the minutes of the May 8, 2019 City Council meeting as presented; Walhood seconded.

Vote: Wahood and Doyle voted AYE, Hayes voted NAY; the vote was 2:1 and the motion passed.

Motion: Walhood moved to approve the May 2019 check register, Doyle seconded.

Vote: Hayes, Walhood and Doyle voted AYE: the vote was 3:0 and the motion passed unanimously.

PUBLIC COMMENT

Wilson asked for public comment on items of interest that were not on tonight's agenda.

[Public comment was given by Jim Haley, 821 S. Miller, Rockaway Beach, OR 97136.](#) He read a letter in which he threatened to sue the City and said that prior to taking legal action against the City he was there at the advice of three land-use attorneys to make an official complaint about the 1) lack of a short-term rental ordinance, 2) failure of the City to follow City ordinances and 3) the City allowed construction of a motel in a residential area which did not meet with height and oceanfront setback rules and 4) the Planning Commission Chair not following Robert's Rules of Order. [City Attorney John Putman explained](#) that he had not yet found any authority which proved that Robert's Rules of Order applied to Planning Commission, but added that the City Council could adopt Robert's Rules as a Planning Commission requirement. Putman added that he was still looking into whether or not Robert's Rules of Order applied to the Planning Commission and said that the findings could affect the outcome of a Planning Commission tie vote.

PRESENTATIONS, GUESTS & ANNOUNCEMENTS

[Tillamook People's Utility District \(PUD\) General Manager Todd Simmons](#) gave a brief presentation of community engagement opportunities, energy efficiency programs and upcoming Tillamook PUD project updates.

PUBLIC HEARING FOR TSUNAMI HAZARD OVERLAY ZONE

[Dobson gave a presentation](#) about the Tsunami Hazard Overlay Zone and also the Tsunami Evacuation Facilities Improvement Plan (TEFIP). She explained that the project was paid for by a \$14,000 grant from the National Oceanic and Atmospheric Administration and it was administered by the State Department of Land Conservation and Development. She then gave a brief overview of the project and answered questions about the project.

Wilson asked for public comment at 6:59 p.m.

Patricia Jones, 145 North Miller, Rockaway Beach, OR 97136 stated that she had read the plan and had she did not see that plan specifically address the location of critical facilities located in the tsunami inundation zone. Dobson said the project was too large to include several important issues and added that the City did recognize the importance of addressing those issues in the future. [Shepard said the City was currently looking into the possibility of purchasing some land](#) outside of the inundation zone and provided information about the land purchasing process. [Putman clarified](#) that the TEFIP describing it as a planning tool and was a first step in terms of recognizing that the City wants to plan for an event. Shepard explained that the plan was a gateway to state and federal funding which could lead to larger projects.

Wilson closed the public hearing at 7:05 p.m.

ADOPTION OF ORDINANCE NO. 19-433 AMENDING THE ROCKAWAY BEACH ZONING ORDINANCE

[Wilson asked for a motion.](#)

Motion: Hayes moved to approve the first reading of Ordinance No. 19-433 amending the Rockaway Beach zoning ordinance; Walhood seconded.

Vote: Hayes, Walhood and Doyle voted AYE: the vote was 3:0 and the motion passed unanimously.

Michel read Ordinance No. 19-433 by title only.

STAFF REPORTS

[McCarty](#) encouraged participation in the Summer Youth Program. [Vincent](#) said members of the RBVFD had attended classes and said that a second remote controlled boat-style drone called EMILY had been purchased for water rescue operations. [Stewart](#) gave recent crime statistics and described scams that were occurring as people had booked vacation rentals online from illegitimate advertisers. [Shepard](#) thanked the citizens for their patience during recent paving projects which were paid for by grants and described upcoming public works projects. He said that Charles Downey had retired after 25 years of service and that the City would soon welcome a new employee to replace Downey. [Michel](#) said that Oregon had the strongest plastic bag bill in the nation and added that KATU television's Wesleigh Ogle would be the Grand Marshal in the 4th of July parade. She stated that David Elkins was the City's new Emergency Manager.

ADOPT RESOLUTION NO. 19-679 DECLARING CITY'S ELECTION TO RECEIVE STATE REVENUE

[Wilson for a motion](#)

Motion: Walhood moved to adopt Resolution No. 19-679 declaring the City's election to receive State Revenue; Hayes seconded.

Vote: Hayes, Walhood and Doyle voted AYE: the vote was 3:0 and the motion passed unanimously.

2nd READING OF ORDINANCE NO. 19-432 AMENDING REGULATIONS TO THE TRT ORDINANCE

[Wilson asked for a motion.](#)

Motion: Walhood moved to approve the second reading of Ordinance No. 19-432 amending the Rockaway Beach TRT ordinance; Doyle seconded.

Vote: Walhood and Doyle voted AYE, Hayes voted NAY; the vote was 2:1 and the motion passed.

Michel read Ordinance No. 19-432 by title only.

ADOPTION OF ORDINANCE NO. 19-432 AMENDING REGULATIONS TO THE TRT ORDINANCE

Wilson asked for a motion.

Motion: Doyle moved to adopt Ordinance No. 19-432 amending the Rockaway Beach TRT ordinance; Walhood seconded.

Vote: Walhood and Doyle voted AYE, Hayes voted NAY; the vote was 2:1 and the motion passed.

REMOVE CHECK SIGNER & ADD CHECK SIGNER

Michel explained that the City needed to remove the former Mayor as a bank check signer and add the new Mayor as a check signer. She said that moving forward this would allow the bank to acknowledge that any time a mayor leaves the City the new mayor would automatically become a check signer on the Columbia Bank checking account.

Wilson asked for a motion.

Motion: Doyle moved that the City replace the former Mayor as a check signer and make the current Mayor a check signer; Walhood seconded.

Vote: Hayes, Walhood and Doyle voted AYE: the vote was 3:0 and the motion passed unanimously.

Motion: Walhood moved that anyone who holds a mayoral position at any given time in the future will be a check signer; Doyle seconded.

Vote: Hayes, Walhood and Doyle voted AYE: the vote was 3:0 and the motion passed unanimously.

APPROVE RESOLUTION NO. 19-680 PROVIDING FOR FEES FOR SHORT-TERM RENTALS

Wilson said that when the fiscal year 2019-2020 budget was adopted it included the revenues from the implementation of this short-term rental fee which would allow the City to have better regulation of the short-term rentals in the City. Michel said that by adopting the fee short-term rental owners would obtain a short-term rental license for a fee of \$250.00 per year and that other business owners would continue to pay \$65.00 per year for a regular business license. She added that a new one-time fee of \$20.00 would be applied to any first-time business license applicants. Hayes stated that she wanted the proposed fee to go through the Planning Commission and Putman explained that a revenue generating fee would go before City Council rather than the Planning Commission.

Wilson asked for a motion.

Motion: Walhood moved to approve Resolution No. 19-680 proving fees for short-term rentals; Doyle seconded.

Vote: Wahood and Doyle voted AYE, Hayes voted NAY; the vote was 2:1 and the motion passed.

APPROVE RESOLUTION NO. 19-681 WORKERS' COMPENSATION TO COVER VOLUNTEERS

[Wilson](#) said that the City runs on its volunteers and that the resolution was needed to cover volunteers on the workers' compensation policy. Hayes said she wanted emergency services to be covered on the resolution and Michel explained that the resolution had been reviewed by the City's insurance agent and that the resolution language was sufficient. Hayes asked why Fourth of July was not listed as an event and Johnston said she had originally added Fourth of July and other events but was advised by the City's insurance agent to remove the events as they were already covered under the Parks and Recreation event coverage. David Elkins, 363 Longview Loop, Rockaway Beach, OR said he wanted Citizen Emergency Response Team (CERT) volunteers and preparedness leadership team to be covered.

Motion: Hayes made a motion to amend the Public Safety Volunteer section of Resolution No. 9-681 to include CERT volunteers; Walhood seconded.

Vote: Hayes, Walhood and Doyle voted AYE: the vote was 3:0 and the motion passed unanimously.

[Wilson asked for a motion.](#)

Motion: Hayes made a motion to adopt Resolution No. 19-681 as amended; Doyle seconded.

Vote: Hayes, Walhood and Doyle voted AYE: the vote was 3:0 and the motion passed unanimously.

DISCUSS PROPOSED EXCLUSION ORDINANCE NO. 19-434

[Wilson](#) said that Police Chief Stewart had expressed interest in an exclusion ordinance to keep Rockaway Beach City employees and citizens safe should any disturbance take place in or on City property. [Stewart](#) explained that if a City official wanted to exclude someone from public property there would need to be a constitutional due process notice or a review process requirement to trespass someone from a facility. He said without having the ordinance in place the City would be very limited in their ability to restrict people from City facilities.

COUNCILOR COMMENTS

[Hayes](#) expressed her desire for a parking ordinance for the Wayside and [Michel](#) replied that a parking ordinance was already in the works. [Hayes](#) said she wanted to run proposed regulations for short-term rentals past the Planning Commission before putting them in front of City Council. [She requested](#) that her written complaint about a City staff member be to be added to the meeting record. [Michel](#) said that she was going to let the City Attorney review it because it mentioned the name of a staff member which Michel was not certain belonged inside of a public record. Hayes said she wanted the letter to become a part of the staff member's personnel record and Michel said she would have to receive attorney advice with regards to that request too. Hayes stated that her attorney had attempted to email the letter to Council members. [Putman](#) said that if her attorney knew that City Council was represented by an attorney, he should have directed the correspondence to Putman. He explained that the professional

code of conduct prohibits attorneys from communicating with attorney clients and that he would look into whether an ethics violation had occurred.

[Walhood](#) encouraged everybody to attend the grand opening of the Nature Preserve Trail on Saturday at 10: a.m. She said she would like everybody to come and see what a wonderful addition the 1,400-foot boardwalk was to the City.

[Doyle](#) said that earlier in the meeting he understood that citizen Jim Haley threatened the City Council to make a decision tonight and asked Haley for clarification. Haley said it was not a threat, rather, it was a request. Michel said it was not good practice to decide tonight. Doyle said he wanted clarification if an action was needed tonight and said he was concerned about Haley's comments.

MAYOR'S REPORT

[Wilson](#) said she was looking forward to the Fourth of July and hoped that everybody would come to see the fireworks.

ATTORNEY COMMENTS

[Putman](#) said that during the administering of oath the constitution of Oregon was not mentioned. He asked Wilson to affirm whether she would uphold the constitution of Oregon and she said she would.

[Hayes](#) asked to be updated on the Dang lawsuit and [Michel](#) said she would ask the case attorney Gerald Warren to update Council. [Putman](#) gave a brief update to Council with regards to the lawsuit and stated that he did not know where the case stands. Hayes asked to be informed if there were more upcoming court dates.


ADJOURNMENT

[Wilson adjourned the meeting at 8:08 p.m.](#)



Sue Wilson, Mayor

ATTEST:



Terri Michel, City Manager