



City of Rockaway Beach

City Council Meeting Minutes

Date: Wednesday, October 12, 2022
Time: 6:00 P.M.
Location: Rockaway Beach City Hall, 276 HWY 101 -Civic Facility

View the meeting live here:

<https://janescottvideoproductions.com>

Join here to testify remotely:

<https://us06web.zoom.us/j/82375036756?pwd=dDZlbzdEZVptZWtGZ2FDQXNDZGwzdz09>

Meeting ID: 823 7503 6756

Passcode: 800425

Dial by your location

253 215 8782 US (Tacoma)

CALL TO ORDER – Susan J Wilson, Mayor

PLEDGE OF ALLEGIANCE

ROLL CALL

[Mayor – Susan J Wilson: Present](#)

[Position #3 - Kristine Hayes: Present](#)

[Position #4 - Terry Walhood: Present](#)

[Position #1 - Mary McGinnis: Present](#)

[Position #5 - Penelope Check: Present](#)

[Position #2 - Tom Martine: Present](#)

CONSENT AGENDA

Hayes stated, “I think we got emailed a correction by a citizen about their testimony, and thought all council was included”. Wilson said, “my internet has been down for the past week, unfortunately I have not been able to get anything or access it”. Check stated, “I have not received anything”. Walhood asked what it said. Hayes said, “I believe it was Daniel Howlett and it had to do with his testimony at the end, he asked for what he read to be included into the public testimony and asked for it to happen through email to all of us” Hayes stated, “I make motion to include what he asked”. Mary stated, “I don’t remember how long it was but maybe we could just include a link to it and have it on the website rather than the whole thing” Hayes said “Sure, I think he just wants it to be part of the record”. Wilson stated, “I would like to have a second for that motion”. No second was made. Shepard clarified that they wanted to amend the minutes. Hayes said, “yes I think we need to include the public testimony from Daniel Howlett like he asked us to”.

Walhood made a motion to amend the September 2022 minutes and approve the September 2022 check register; motion carried

[Position #4 - Terry Walhood: Motion](#)
[Position #1 - Mary McGinnis: 2nd](#)
[Mayor - Sue Wilson: Approve](#)
[Position #3 - Kristine Hayes: Approve](#)
[Position #4 - Terry Walhood: Approve](#)
[Position #1 - Mary McGinnis: Approve](#)
[Position #5 - Penelope Cheek: Approve](#)
[Position #2 - Tom Martine: Approve](#)

PRESENTATIONS, GUESTS & ANNOUNCEMENTS.

CITIZEN INPUT ON NON-AGENDA ITEMS

Wilson read the following: Anyone joining us remotely who wishes to provide testimony can notify the meeting monitor by clicking the *raise hand* icon.

Lisa Finkle, thanked Shepard for working on addressing her issues from the last council meeting.

Will Chappell introduced himself to the council as a new reporter for the Headlight Harold.

Jason Maxfield, 211 N Beacon spoke on his concerns with general city business.

Daniel Howlett spoke on selling the police station without public input.

Charles McNeilly spoke on his concerns with flooding in Rockaway.

Carol Bolten stated her concerns with the new ordinance 22-442.

STAFF REPORTS

Fire Dept: Chief Todd Hesse spoke on the call volume for September and stated the department has had 91 trainings this year. Hesse said the department had a life flight training and the public was notified of the event. Hesse thanked the public works department for sealing the Radio Shack.

Sheriff's Office: Deputy Shawn Ahlers spoke on two major calls that went on in the September month in rockaway. Ahlers also stated that October is Breast Cancer and Domestic Violence Awareness month so you may see deputies wearing purple. Hayes asked questions on call abbreviation numbers, Ahlers explained.

Public Works: Superintendent Dan Emerson stated that the department bought and placed new signage around rockaway. Emerson said the city received the permit to start working on the Community Center as well as starting the 3rd Ave reservoir rehabilitation project. Emerson also thanked the Public Works staff for stepping and covering where needed since the department is down an employee.

City Manager Luke Shepard stated the city is entering the home stretch on the active election season and wishes everyone the best of luck. Shepard said at the next council meeting the council would have a hearing on an appeal from the latest planning commission's decision for a preliminary subdivision approval. Shepard also introduced the council to the attorney Aaron Hisel.

OLD BUSINESS

EXECUTIVE SESSION PER ORS 192.660 (2)(H) TO CONSULT WITH COUNSEL CONCERNING THE LEGAL RIGHTS AND DUTIES OF A PUBLIC BODY WITH REGARD TO CURRENT LITIGATION OR LITIGATION LIKELY TO BE FILED.

Wilson read the following: At this time the City Council will meet in Executive session in accordance with ORS 192.660 (2)(h) To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed. Executive sessions are closed to the public. Representatives of the news media and designated staff may attend the Executive Session. Representatives of the news media are specifically directed not to report (tape/video record) any of the deliberations during the executive session, except to state the general subject of the session as previously announced. No Council decision may be made in executive session. Again, at the end of the executive session, the meeting will return to open session.

Executive session started at 7:00pm
Executive session ended at 7:42pm

Martine made a motion to authorize City Manager Shepard and attorney Aaron to move forward as discussed in the executive session, seconded by Cheek; motion carried.

[Position #2 - Tom Martine: Motion](#)

[Position #5 - Penelope Cheek: 2nd](#)

[Position #3 - Kristine Hayes: Approve](#)

[Position #4 - Terry Walhood: Approve](#)

[Position #1 - Mary McGinnis: Approve](#)

[Position #5 - Penelope Cheek: Approve](#)

[Position #2 - Tom Martine: Approve](#)

APPROVE FUNDING AWARDS FOR THE 2022 COMMUNITY GRANT

Wilson read the following: The city appropriated \$20,000 for the 2022 Community Grant Program as part of its 2022-2023 Budget. \$9078.67 in grant funding remains unawarded. This Grant program provides funding to non-profit entities and other organizations that serve the Rockaway Beach Community. The city received two additional grant applications. Joe's Snack and Bar has requested \$5,000.00 for building maintenance, and Tides of Change has requested \$5,000.00 for emergency assistance for survivors of domestic and sexual violence. The Rockaway Beach City Council shall determine the grant recipients and the dollar amount of each grant award based on the grant program evaluation criteria.

Shepard stated there is a little over \$9,000 remaining in the budget unawarded if the council were to award both requests in the full amount.

Norma the director of services for Tides of Change introduced herself to the council and gave the council a gift bag representing domestic violence awareness month.

Hayes made a motion to approve the Tides of Change application for \$5,000, seconded by McGinnis; motion carried

[Position #3 - Kristine Hayes: Motion](#)

[Position #1 - Mary McGinnis: 2nd](#)

[Position #3 - Kristine Hayes: Approve](#)
[Position #4 - Terry Walhood: Approve](#)
[Position #1 - Mary McGinnis: Approve](#)
[Position #5 - Penelope Cheek: Approve](#)
[Position #2 - Tom Martine: Approve](#)

McGinnis had a question regarding Joe's Snack and Bar application and the criteria it needs to meet.

McGinnis made a motion to have the Joe's Snack and Bar application returned for better completion, seconded by Martine ; motion carried

[Position #1 - Mary McGinnis: Motion](#)
[Position #2 - Tom Martine: 2nd](#)
[Position #3 - Kristine Hayes: Approve](#)
[Position #4 - Terry Walhood: Approve](#)
[Position #1 - Mary McGinnis: Approve](#)
[Position #5 - Penelope Cheek: Approve](#)
[Position #2 - Tom Martine: Approve](#)

NEW BUSINESS

OLCC LICENSE FOR ROCKWAY ROASTERY LLC

Hayes made a motion to recommend approval for the OLCC License, seconded by Walhood; motion carried

[Position #3 - Kristine Hayes: Motion](#)
[Position #4 - Terry Walhood: 2nd](#)
[Mayor - Sue Wilson: Approve](#)
[Position #3 - Kristine Hayes: Approve](#)
[Position #4 - Terry Walhood: Approve](#)
[Position #1 - Mary McGinnis: Approve](#)
[Position #5 - Penelope Cheek: Approve](#)
[Position #2 - Tom Martine: Approve](#)

DISCUSSION ON IMPOSING A TEMPORARY LIMITATION ON THE ISSUANCE OF NEW SHORT-TERM RENTAL LICENSES WITHIN THE CITY OF ROCKAWAY

Wilson read the following: On August 10, 2022, the City Council adopted new short-term rental regulations and created a new short-term rental license program. In order to evaluate the new short-term rental license program and evaluate possible changes to the program, the City Council may wish to place a temporarily hold on the issuance of new short-term rental licenses so that the city can determine the best next steps for the program.

Lisa Finkle stated she was in favor of the moratorium. Carol Bolton said she is not in favor of the moratorium. Hayes stated she would like to see a workshop to discuss the moratorium and stated her opinion on the moratorium. Shepard stated this would not be decided at this meeting it would only be discussed. Elkins stated he is not in favor of the moratorium. Catherine Lewis stated her thoughts on the moratorium. Charles McNeilly said he is in favor of the moratorium. Hayes spoke to the council

about the current tax rates for the short-term rentals in rockaway, and about majority of people who rent short term rentals.

McGinnis made a motion to have City Manager Shepard set a public meeting date to discuss the temporary limitation on the issuance of new short-term rental license, seconded by Hayes; motion carried

[Position #1 - Mary McGinnis: Motion](#)
[Position #3 - Kristine Hayes: 2nd](#)
[Position #3 - Kristine Hayes: Approve](#)
[Position #4 - Terry Walhood: Approve](#)
[Position #1 - Mary McGinnis: Approve](#)
[Position #5 - Penelope Cheek: Approve](#)
[Position #2 - Tom Martine: Approve](#)

COUNCIL CONCERNS

McGinnis thanked city hall staff and other city staff for all their hard work that has been done. McGinnis mentioned there would be a candidates' forum at the Neah-Kah-Nie District Office. McGinnis stated she would like to see more rockaway beach citizens at the transportation district meetings.

Walhood thanked everyone for coming to the meeting.

Cheek thanked everyone for coming to the meeting and wished all the candidate's good luck in elections.

Martine stated it was nice to hear citizens input at the meetings. Martine mentioned that he sees people coming to every City Council meeting and always have complaints. Martine stated he would like the citizens to do more research before moving to Rockaway beach and try to change everything.

Hayes stated she is upset Pacific City had a trolley last year and Rockaway Beach did not. Hayes said Rockaway Beach could use a trolley in the summer.

MAYOR'S REPORT

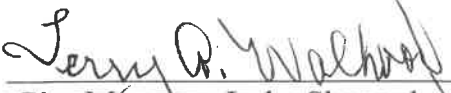
ADJOURNMENT

Martine made a motion to adjourn the meeting at 8:36pm, seconded by Cheek; motion carried

[Position #2 - Tom Martine: Motion](#)
[Position #5 - Penelope Cheek: 2nd](#)
[Position #3 - Kristine Hayes: Approve](#)
[Position #4 - Terry Walhood: Approve](#)
[Position #1 - Mary McGinnis: Approve](#)
[Position #5 - Penelope Cheek: Approve](#)
[Position #2 - Tom Martine: Approve](#)



Mayor, Susan J. Wilson



~~City Manager, Luke Shepard~~

Council President, Terry Walhood

CITIZEN SUBMITTED TESTIMONY

The city put the police building on the market without public input or council vote

Public Testimony

October 12th, 2022

Daniel Howlett

132 N Grayling St

Tonight I will be discussing my investigation into the mishandling of the police building sale. I posted all of the details on the community Facebook pages, but here are the highlights.

On July 8th, 2020 during the peak of the pandemic, when almost no citizens were showing up to public meetings, Temporary city manager Luke Shepard, only 2 months on the job, proposed the idea of selling the police building to relocate the PD to city hall. The council agreed for him to research the details and come back next month to discuss.

However, only 7 days later on July 15th, the city manager emailed the council with the plan to sell. 1. Market the building. Get an appraisal to determine market value. 2. Negotiate the price. 3. Hold a public hearing. 4. Council approves the sale. 5. Sell the building. No financial details were given. No leaders except for Counselor Hayse asked a single question.

23 days later on August 5th, 2020 with no appraisal completed, no cost benefit analysis presented, no council vote, and no public hearing, the city manager contracted to sell the PD building for \$349,000. No appraisal was done as required by law.

On October 26th, the city manager emailed the council to say that 2 offers came in, and a public hearing was finally held. The appraisal was ordered, only 3 months late. As for public notice, he placed 1 ad in the Tillamook Lighthouse Herald that ran on October 21st. Did anyone see it? Apparently not.

On October 29th, the council held a 6 minute public hearing where no citizens showed up to comment and no written comments were submitted. Despite this fact, our city council blindsided the community by voting unanimously to sell. In the end, the city made about \$152,000 from the sale. According to the 2021 Financial Audit, the city is worth over \$21 Million.

Why didn't the city manager perform any type of due diligence to present at the next council meeting, as he said he would? Did the city manager break the law by listing the property for sale without any council vote or public input? Did the city attorney consult on the plan

to sell? I tried to find out, but my public records request was denied by the city manager based on attorney client privilege.

As mayor, Sue Wilson, you have free unlimited access to all city documents. I respectfully ask the mayor to make this information public. Did the city attorney really advise the city to list the property without a council vote or a public hearing, as required by law? Or did the city manager push this through with no oversight? We have a right to know.

This legally questionable behavior represents a huge liability for the city. Sure, you added \$152k to the city coffers, but you also exposed the city to a major lawsuit. We cannot afford this abuse of power. Just wait until they raise our taxes to cover their mistakes.

There is a serious lack of transparency within the city. During my investigation, city staff ignored my emails, did not return my phone calls, and threw up roadblocks to prevent access to the facts. Does this sound familiar to anyone? In one example, the city staff even charged me \$6,400 for public documents.

As part of my research, I reviewed all of the council meeting notes from 2019 to present. And watched many hours of council videos. Be aware, what you see on video does NOT align with what you read in the minute notes. Whomever is taking the notes is whitewashing the comments, manipulating the facts in an attempt to rewrite history.

All taken together, the missteps in selling the building, weaponizing the public records requests, manipulating the meeting notes, restricting free speech, and so much more... All of this shows that our current leaders do not respect the citizens, and we are not going to take it anymore. Your toxic culture of secrecy is unacceptable. Mayor Wilson and Councilor Walhood... you are up for election in just a few weeks. You have proven that you cannot be trusted. To the registered voters of Rockaway Beach, please take action and vote these people out of office in November. We deserve better. Thank you