



City of Rockaway Beach

Regular City Council Meeting Minutes

Date: Wednesday, July 12, 2023
Location: Rockaway Beach City Hall, 276 Hwy 101 - Civic Facility

1. CALL TO ORDER

Mayor McNeilly called the meeting to order at 6:00 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Start time: [06:00:34 PM \(00:00:52\)](#)

[Mayor - Charles McNeilly: Present](#)

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

[Position #4 - Alesia Franken: Present](#)

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

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

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

Staff Present: Luke Shepard, City Manager; Melissa Thompson, City Recorder; Dan Emerson, Public Works Superintendent; Todd Hesse, Fire Chief; and Kevin Grogan, Sheriff's Department Deputy.

4. CONSENT AGENDA

Start time: [06:01:07 PM \(00:01:25\)](#)

- a. Approval of June 14, 2023 Regular Meeting Minutes
- b. Approval of June 14, 2023 Workshop Minutes
- c. Review of June 2023 Check Register
- d. ~~Consideration of **Resolution 23-1000** Reappointing Budget Committee Members Dave May and Susan Hennessy Schaeffbauer (item removed from consent agenda)~~
- e. Consideration of **Resolution 23-998** Adopting the Rockaway Beach Public Works Department's Mobile Equipment Plan

Hayes requested that item 4d be removed from the consent agenda.

Martine made a **motion**, seconded by McGinnis, to adopt the Consent Agenda minus item d.

The **motion carried** by the following vote:

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

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

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

5. PRESENTATIONS, GUESTS & ANNOUNCEMENTS

a. Community Grant Recipients End of Year Reports

i. Friends of the Rockaway Beach Library – Jean Scholtz

Start time: [06:04:29 PM \(00:04:46\)](#)

Scholtz presented a report on how the Friends of the Rockaway Beach Library utilized grants in 2022-2023. She thanked the city for its support. McGinnis commented that the library is a vital part of the community and the City is glad to support it with grants.

ii. Meals for Seniors, Inc. – Teri Bruneau

Start time: [06:40:24 PM \(00:40:42\)](#)

Bruneau provided a report on how Meals for Seniors, Inc. used Community Grant funds to help provide meals to homebound seniors. She shared they were in the process of remodeling the kitchen facilities they rent at St. Mary by the Sea. She noted that during the remodel they wanted to use the city's civic facility kitchen to prepare meals, but it is not licensed for commercial use. Bruneau shared that they were able to use Beach Bite's kitchen to prepare meals. Bruneau answered clarifying questions and thanked the City for the support.

iii. Tides of Change – Valerie Bundy

Start time: [06:13:18 PM \(00:13:36\)](#)

Bundy presented her report on how Community Grant funds were used by Tides of Change to directly support survivors of domestic and sexual violence. She expressed her appreciation for the funding. Hayes commented that the Chamber of Commerce offers a non-profit table at the market and suggested that Tides of Change provide the Chamber with a list of requested items for donation to display on the table. Councilors expressed their appreciation to Bundy for the important work the agency provides.

b. Stormwater Feasibility Study – Matt Del Moro, HBH Consulting Engineers

Start time: [06:18:20 PM \(00:18:38\)](#)

Del Moro shared a presentation, providing an overview of HBH Consulting Engineers' proposal for a stormwater feasibility study. In response to a question from Shepard regarding the timeline, Del Moro estimated that the site survey would start in mid-July and be completed mid-August, with a goal to complete the final report by the end of September.

McNeilly expressed appreciation for HBH's practical approach. Cheek commented on a specific area of flooding concern. Del Moro and Shepard answered clarifying questions for Hayes regarding fees for survey work.

6. STAFF REPORTS

a. Fire Department

Start time: [06:26:20 PM \(00:26:37\)](#)

Hesse summarized his staff report, noting that July was much busier than June. He acknowledged Vacasa for participating in a public education trial to place fire safety and campfire rules, as well as water safety information, in vacation rentals. Hesse announced that the countywide burn ban will take effect on July 15, 2023, noting that permitted residential fire pits are allowed until further notice. He added that two new seasonal firefighters, Dante Diaz and Warner Bryan, joined the department the previous week. He also shared that Geoff Grace was promoted from part-time to the full-time Captain position. Hesse reported that the department began working with the Insurance Services Office (ISO) on a new rating survey for fire protection for the community. He indicated that the community was currently rated at level 5 and there was potential to improve the rating, which could help improve fire insurance costs. Hesse shared that the department would be doing a live controlled fire operation near Jetty Fishery on July 13th.

McGinnis thanked Hesse for the Fire Rescue Department's work and acknowledged the level of comfort that having well-trained staff provided over the July 4th holiday. There was brief discussion regarding encouraging all vacation rentals to participate in the trial public education program, and additional materials that could be provided. Hesse answered clarifying questions for McNeilly regarding staffing. At the request of Martine, Hesse reported how a drone was successfully used to locate a lost child.

b. Sheriff's Office

Start time: [06:44:22 PM \(00:44:40\)](#)

Grogan commented on summer traffic and requested that people be observant of pets, property, and people. He summarized the Sheriff's Office report for June 2023. Grogan added that Tillamook County dispatched extra Deputies to work traffic over the past few weeks, resulting in more citations and conversations. He reported that he recently attended Emergency Medical Technician (EMT) training. Grogan requested that residents use the Sheriff's dispatch non-emergency number, (503) 815-1911, to report issues that are not an emergency.

McGinnis expressed appreciation for the Sheriff Department's work.

c. Public Works

Start time: [06:47:18 PM \(00:47:35\)](#)

Emerson presented his report on Public Works department activities in June. He answered clarifying questions for the Council. Cheek commended the Public Works Department's work for the July 4th parade. Hayes also thanked Emerson, commenting on the benefit provided by having extra restroom and garbage facilities for the holiday.

d. City Manager

Start time: [06:51:24 PM \(00:51:42\)](#)

Shepard expressed thanks to all of the volunteers for their work on the 4th of July events. He reviewed the business items on the agenda. Shepard explained that the Public Works Department's Mobile Equipment Plan being considered for adoption through Resolution 23-998 was presented at the City Council Workshop in June.

7. PUBLIC HEARING

a. Ordinance 23-443 Amending the Rockaway Beach Code of Ordinances, Sections 95.07, 90.02 and 90.99 Regulating the Sale, Discharge, and Noise of Fireworks within the City of Rockaway Beach

Start time: [06:59:42 PM \(01:00:00\)](#)

McNeilly introduced the public hearing to receive comment on proposed Ordinance 23-443.

McNeilly opened the public hearing at 7:00 p.m.

In response to an audience member question, it was reported that a map of city limits is available on the city website.

Carolyn Walters read a statement from someone unable to attend the meeting, commenting in opposition to any fireworks except for the professional show. Walters also shared a comment from North Coast Ecology, indicating that the scale of what was left on the beach was an ecological disaster, and noting that Cannon Beach compliance had been achieved by full support of the city and utilization of assistance from CERT teams with radios. Walters requested that the City form a group of volunteers now in order to have a plan to assist law enforcement with compliance next July. She offered to assist or chair the group.

McNeilly noted that four written comments were received, with three in favor of the ordinance and one opposed.

There being no further public comments, McNeilly closed the public hearing at 7:04 p.m.

b. Ordinance 23-444 Amending the Rockaway Beach Code of Ordinances, Chapter 33, Sections 33.01 and 33.02, and Removing Section 33.10 and Sections 33.12 through 33.38

Start time: [07:04:43 PM \(01:05:01\)](#)

McNeilly introduced the public hearing to receive comment on proposed Ordinance 23-444.

McNeilly opened the public hearing at 7:05 p.m.

No audience members wished to comment.

McNeilly closed the public hearing at 7:06 p.m.

8. CITIZEN INPUT ON NON-AGENDA ITEMS

No audience members wished to comment.

9. OLD BUSINESS – None Scheduled

10. NEW BUSINESS

a. Consideration of Resolution 23-997 Approving a Proposal from HBH Consulting Engineers for a Feasibility Study to Evaluate Flooding that Exists on Coral Street and South 2nd Avenue

Start time: [07:06:55 PM \(01:07:13\)](#)

McNeilly explained that the resolution would approve a proposal for a feasibility study that will include proposed project alternatives and cost estimates for addressing flooding issues. The proposal estimate for time and materials is \$26,750.

No audience members wished to comment.

McGinnis made a **motion**, seconded by Hayes, to approve Resolution 23-997.

McGinnis commented that the City Manager has kept the Council apprised of the ongoing flooding issue, and it was now time to take action to address it.

The **motion carried** by the following vote:

[Council Position 1 - Mary McGinnis: Motion](#)
[Council Position 3 - Kristine Hayes: 2nd](#)
[Council Position 1 - Mary McGinnis: Approve](#)
[Council President - Penny Cheek: Approve](#)
[Council Position 2 - Tom Martine: Approve](#)
[Council Position 3 - Kristine Hayes: Approve](#)
[Council Position 4 - Alesia Franken: Approve](#)

b. Consideration to Make an Appointment to the Planning Commission to Fill Vacant Position 6

Approximate start time: 7:10 PM

McNeilly noted that the applications received for the open position were included in the Council packets for review, and the two applicants for the vacant Planning Commission Position 6 were Victor Troxel and Nancy Laga Lanyon. McNeilly thanked the applicants on behalf of the Council for their willingness to serve the community. He explained that the City Charter authorizes the Mayor to nominate for such vacancies, for appointment by a majority of the Council.

No audience members wished to comment.

McNeilly announced that after careful consideration he nominated Nancy Laga Lanyon to fill position #6 of the Rockaway Beach Planning Commission.

Hayes made a **motion**, seconded by Franken, to appoint Nancy Laga Lanyon to the Rockaway Beach Planning Commission.

Hayes commented that Lanyon had a great resume. In response to an inquiry from Cheek, Lanyon confirmed that she did not have a real estate license. Hayes added that Lanyon was very involved in the community.

The **motion carried** by the following vote:

[Council Position 3 - Kristine Hayes: Motion](#)
[Council Position 4 - Alesia Franken: 2nd](#)
[Council Position 1 - Mary McGinnis: Approve](#)
[Council President - Penny Cheek: Approve](#)
[Council Position 2 - Tom Martine: Approve](#)
[Council Position 3 - Kristine Hayes: Approve](#)
[Council Position 4 - Alesia Franken: Approve](#)

McGinnis commented that the next Planning Commission meeting was July 20th and Lanyon should plan to attend.

c. Consideration of Resolution 23-995 Adopting City Council Meeting Rules and Procedures

Approximate start time: 7:13 PM

McNeilly explained that the resolution would approve updating Council Meeting Rules and Procedures. He noted that included in the Council packets was a markup copy showing changes to the rules since the June workshop. McNeilly explained that the amendment and removal of the old rules would be enacted by Ordinance 23-444 later in the meeting.

No audience members wished to comment.

McGinnis made a **motion**, seconded by Hayes, to adopt Resolution 23-995 Adopting the City Council Meeting Rules and Procedures.

The **motion carried** by the following vote:

[Council Position 1 - Mary McGinnis: Motion](#)
[Council Position 3 - Kristine Hayes: 2nd](#)
[Council Position 1 - Mary McGinnis: Approve](#)
[Council President - Penny Cheek: Approve](#)
[Council Position 2 - Tom Martine: Approve](#)
[Council Position 3 - Kristine Hayes: Approve](#)
[Council Position 4 - Alesia Franken: Approve](#)

d. First & Second Reading by Title Only of Ordinance 23-444 An Ordinance Amending the Rockaway Beach Code of Ordinances, Chapter 33, Sections 33.01 and 33.02, and Removing Section 33.10 and Sections 33.12 through 33.38

Approximate start time: 7:15 PM

McNeilly introduced the proposed Ordinance and explained the City Charter provisions for Ordinance adoption.

Martine made a **motion**, seconded by Cheek to perform the first & second reading by title only of Ordinance 23-444.

McGinnis commented that one of reasons that the first and second reading were being performed back-to-back was that this was just a simple procedure to bring the codes up to compliance.

McNeilly performed the first and second reading by title only.

McGinnis made a **motion**, seconded by Martine, to approve the first and second reading by title only of Ordinance 23-444.

Hayes expressed her enthusiasm that the Ordinance was finally being approved after six months' time.

The **motions carried** by the following vote:

[Council Position 1 - Mary McGinnis: Motion](#)
[Council Position 2 - Tom Martine: 2nd](#)
[Council Position 1 - Mary McGinnis: Approve](#)
[Council President - Penny Cheek: Approve](#)
[Council Position 2 - Tom Martine: Approve](#)
[Council Position 3 - Kristine Hayes: Approve](#)
[Council Position 4 - Alesia Franken: Approve](#)

e. Consideration to Adopt Ordinance 23-444 An Ordinance Amending the Rockaway Beach Code of Ordinances, Chapter 33, Sections 33.01 and 33.02, and Removing Section 33.10 and Sections 33.12 through 33.38

Approximate start time: 7:18 PM

McNeilly explained that with the first and second reading now complete, Ordinance 23-444 was ready for adoption.

Martine made a **motion**, seconded by Hayes, to adopt Ordinance No. 23-444.

The **motion carried** by the following vote:

[Council Position 2 - Tom Martine: Motion](#)
[Council Position 3 - Kristine Hayes: 2nd](#)
[Council Position 1 - Mary McGinnis: Approve](#)
[Council President - Penny Cheek: Approve](#)
[Council Position 2 - Tom Martine: Approve](#)
[Council Position 3 - Kristine Hayes: Approve](#)
[Council Position 4 - Alesia Franken: Approve](#)

- f. **First & Second Reading by Title Only of Ordinance 23-443 An Ordinance Amending the Rockaway Beach Code of Ordinances, Sections 95.07, 90.02 and 90.99 Regulating the Sale, Discharge, and Noise of Fireworks within the City of Rockaway Beach**
Approximate start time: 7:20 PM

McNeilly announced that this was consideration to perform the first & second reading of Ordinance 23-443. He explained that the Ordinance amends the Code of Ordinances regulating the sale, discharge, and noise of fireworks within the City of Rockaway Beach. It removes Section 95.07, the noise exemption for fireworks. It amends Sections 90.02 E & F to make all sales within the City of Rockaway Beach unlawful without exception and eliminates the reference to fireworks on the beach. It amends Section 90.99 to add specific penalties.

Cheek made a **motion**, seconded by McGinnis, to perform the first & second reading by title only of Ordinance 23-443.

Cheek commented that the public made it clear that they don't want fireworks discharged in Rockway and it doesn't make sense to allow the sale of something that is not allowed. Hayes commented that she would like to see the city do a survey of citizens, and that she heard comments in favor of fireworks. Hayes acknowledged that there were many layers to the different types of fireworks and expressed desire to address illegal fireworks. Hayes also expressed concern about removing fundraising opportunities from the Chamber of Commerce. She commented that some fireworks discharged on the beach were legally permitted by the state.

The **motion carried** by the following vote:

[Council President - Penny Cheek: Motion](#)
[Council Position 1 - Mary McGinnis: 2nd](#)
[Council Position 1 - Mary McGinnis: Approve](#)
[Council President - Penny Cheek: Approve](#)
[Council Position 2 - Tom Martine: Approve](#)
[Council Position 3 - Kristine Hayes: Disapprove](#)
[Council Position 4 - Alesia Franken: Approve](#)

McNeilly performed the first and second reading.

Martine made a **motion**, seconded by Cheek, to approve the first and second reading by title only of Ordinance 23-443.

The **motion carried** by the following vote:

[Council Position 2 - Tom Martine: Motion](#)
[Council Position 1 - Mary McGinnis: 2nd](#)
[Council Position 1 - Mary McGinnis: Approve](#)
[Council President - Penny Cheek: Approve](#)
[Council Position 2 - Tom Martine: Approve](#)
[Council Position 3 - Kristine Hayes: Disapprove](#)
[Council Position 4 - Alesia Franken: Approve](#)

g. Consideration to Adopt Ordinance 23-443 An Ordinance Amending the Rockaway Beach Code of Ordinances, Sections 95.07, 90.02 and 90.99 Regulating the Sale, Discharge, and Noise of Fireworks within the City of Rockaway Beach

Approximate start time: 7:27 PM

McNeilly explained that with the first and second reading now complete, Ordinance No. 23-443 was ready for adoption.

Cheek made a **motion**, seconded by Martine, to adopt Ordinance 23-443.

The **motion carried** by the following vote:

[Council President - Penny Cheek: Motion](#)
[Council Position 2 - Tom Martine: 2nd](#)
[Council Position 1 - Mary McGinnis: Approve](#)
[Council President - Penny Cheek: Approve](#)
[Council Position 2 - Tom Martine: Approve](#)
[Council Position 3 - Kristine Hayes: Disapprove](#)
[Council Position 4 - Alesia Franken: Approve](#)

11. ITEMS REMOVED FROM CONSENT AGENDA

Approximate start time: 7:28 PM

a. Consideration of Resolution 23-1000 A Resolution Making Appointments to the Budget Committee

McNeilly introduced the proposed resolution to reappoint Dave May and Susan Hennessy Schaeftbauer to the Budget Committee.

No audience members wished to comment.

Hayes made a **motion** to deny Resolution 23-1000. The **motion died** for lack of a second.

Martine made a **motion**, seconded by McGinnis, to approve Resolution 23-1000.

McGinnis commented that in absence of any current written policy regarding reappointments or term limits for committee members, she felt that this was the fair thing to do. Hayes commented that one

of the members had been on the Budget Committee for over 20 years and did not seem engaged in the recent budget process. She advocated for new citizen engagement, posting of open committee positions, and adding to the agenda consideration of a procedure for appointments.

The **motion carried** by the following vote:

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

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

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

[Council President - Penny Cheek: Approve](#)

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

[Council Position 3 - Kristine Hayes: Disapprove](#)

[Council Position 4 - Alesia Franken: Approve](#)

12. COUNCIL CONCERNS

Approximate start time: 7:33 PM

Cheek commented that she was pleased with how the July 4th parade turned out and she thanked all the volunteers. She said that Laura Schmidt did an excellent job organizing the parade. Cheek shared that all of the decorated houses were beautiful, and it was difficult to choose medal-winners. Cheek thanked the Fire Rescue Department for allowing her to ride on the fire truck in the parade. She also thanked the business association for putting up beautiful banners, and thanked Shepard for storing them. Cheek suggested that the Council and public consider a drone light show in lieu of fireworks next year on a trial basis.

Franken thanked all of the July 4th volunteers, City staff and Chief Hesse. She acknowledged the Community Grant recipients and thanked them for their reports and the services they provide. Franken welcomed Nancy Laga Lanyon to the Planning Commission.

Hayes commented that she was grateful for the Fire Department and Public Works over the holiday. She said she thought that we could do half the number of fireworks and expressed concern about the mess from the city's permitted show. She reiterated that she wanted to survey the community before considering a drone light show. Hayes requested that Accessory Dwelling Units (ADUs), park and recreation, and the process for committee members be placed on the agenda. She commented that she wanted to focus on some of the goals that the Council identified in common that she felt had been lost.

Martine shared that he had heard nothing but nice things about the 4th of July, that it was very enjoyable, and the volunteers were amazing. He noted that he felt it was the quietest year he had experienced. Martine added that Rockaway Beach is a good place to live.

McGinnis thanked City staff and volunteers for all of their work on July 4th. She reported that she attended the Tillamook County Counseling Center's summer picnic at Phyllis Baker Park, commending Public Works for the cleanliness of the park. She noted that it was nice to have a city that can be showcased because of all staff's hard work. McGinnis commented that she was interested in investigating a drone light show and suggested it could be an item for discussion at the next workshop. McGinnis shared that she receives many questions from residents regarding short-term

rentals and explained that the City is still in the process of collecting short-term rental data. McGinnis noted that Senate Bill 406 (SB406) passed with bi-partisan support in the state legislature. It will require amending the city's zoning ordinances to allow multiple-family housing in all residential areas. McGinnis commented that she is aware that the Chamber made a lot of money from the sale of fireworks and that it will be important to support the Chamber in other activities so that they can make up for that loss of funding.

13. MAYOR'S REPORT

Approximate start time: 7:44 PM

McNeilly reported that he and Shepard held their monthly "Coffee with City Manager and Mayor" meeting, adding that a summary of issues shared by residents was included in the agenda packet. McNeilly commented on residents' concerns about the need for more parking in Rockaway Beach, noted the economic value of parking for merchants, and called upon the City Council to embrace the need for more parking. McNeilly mentioned the Town Hall scheduled for July 19th that will include a State of City address and Salmonberry Trail design workshop. McNeilly also commented on the success of the July 4th events, commending the staff, volunteers, Public Works, Fire Department, consultant, and visitors. He read a note sent from Robert Newell to City Manager Shepard regarding the success of the Weiner Dog Races event. McNeilly expressed his gratitude to all who brought the 4th of July alive in Rockaway Beach. He shared his desire to continue to work collaboratively as a community.

14. ADJOURNMENT

Approximate start time: 7:47 PM

McGinnis **moved**, seconded by Martine, to adjourn the meeting at 7:47 p.m.

The **motion carried** by the following vote:

[Council Position 1 - Mary McGinnis: Motion](#)

[Council Position 2 - Tom Martine: 2nd](#)

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

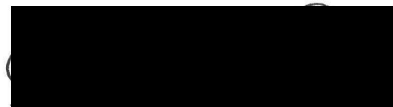
[Council President - Penny Cheek: Approve](#)

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

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

[Council Position 4 - Alesia Franken: Approve](#)

MINUTES APPROVED THIS
9TH DAY OF AUGUST 2023



Charles McNeilly, Mayor

ATTEST



Melissa Thompson, City Recorder