



# City of Rockaway Beach

## Regular City Council Meeting Minutes

---

**Date:** Wednesday, December 13, 2023  
**Location:** Rockaway Beach City Hall, 276 Hwy 101 - Civic Facility

---

### 1. CALL TO ORDER

Mayor McNeilly called the meeting to order at: 6:01 p.m.

### 2. PLEDGE OF ALLEGIANCE

### 3. ROLL CALL

Start time: 06:01:34 PM (00:00:29)

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; and Kevin Grogan, Sheriff's Deputy.

### 4. CONSENT AGENDA

Start time: 06:02:09 PM (00:01:03)

- ~~a. Approval of November 8, 2023 Regular Meeting Minutes (removed from Consent Agenda)~~
- b. Approval of November 8, 2023 Workshop Minutes
- c. Review of November 2023 Check Register

McGinnis removed item 4a from the Consent Agenda.

Franken made a **motion**, seconded by McGinnis, to adopt the Consent Agenda.

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

Position #4 - Alesia Franken: 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 – None Scheduled**

**6. STAFF REPORTS**

**a. Fire Department**

Start time: 06:04:46 PM (00:03:40)

McNeilly explained that Fire Chief Todd Hesse was excused from the meeting. McGinnis acknowledged the report submitted by Hesse, commented that the recent Emergency Preparedness meeting was well-attended, and commended Hesse and Fire Captain Geoff Grace for starting the Community Emergency Response Team (CERT) program.

**b. Sheriff's Office**

Start time: 06:05:29 PM (00:04:23)

Deputy Kevin Grogan summarized the Sheriff's Office report for November 2023 and answered clarifying questions for the Council. Grogan noted that Rockaway Beach fared well during recent cold weather.

**c. Public Works**

Start time: 06:07:19 PM (00:06:13)

Emerson presented his report on operations within the Public Works department for November 2023. He acknowledged local contractors that provided sand for use during emergency beach access.

**d. City Manager**

Start time: 06:10:18 PM (00:09:13)

Shepard shared that Chief Hesse was excited about the CERT team and he was looking forward to sharing more about it next month. Shepard gave a presentation providing background information on the business items on the agenda. He shared updates on city activities and anticipated agenda items for January 2024. Shepard noted that his End of Year Message was available online and highlighted city accomplishments for the past year. Shepard recognized City employee Fire Department Captain Geoff Grace, noting that he was an EMS instructor and was responsible for contributing to the certification of 50 EMS responders within the County.

**7. PUBLIC HEARING – None Scheduled**

**8. CITIZEN INPUT ON NON-AGENDA ITEMS**

Start time: 06:24:01 PM (00:22:55)

Jon Orloff shared photographs of a house located on Longview Loop with the City Council. Orloff shared that the house did not seem to be occupied and was deteriorating, and expressed concerns that the house could cause potential hazards. He requested the City contact the property owner to address the issues.

Nancy Lanyon commented that it was the time of year for tide tables. She commented that the tree lighting was phenomenal. Lanyon commented on the City Council Workshop, suggesting that the City should carefully word any links regarding topics such as short-term rentals and beach access to make residents aware and be careful not to lobby on issues. Lanyon shared that she was glad the Council has consensus to request a grant applicant resubmit their grant as two separate submissions.

Nancy Webster, representing the North Coast Communities for Watershed Protection, commented that she was happy that the City was looking at protecting watershed and hoped that the City would look at more than one proposal for sourcewater protection plans. Webster asked the City to consider how the Jetty Creek Working Group could be more open. Webster thanked the city for considering the grant for the speaker series regarding watersheds, and commented that we would all enjoy seeing the Jetty Creek Watershed restored.

## 9. OLD BUSINESS – None Scheduled

## 10. NEW BUSINESS

### a. **Consideration of Resolution 23-1014 Recommending Granting of Liquor License Approval for Nirankar, Inc.**

Start time: 06:32:27 PM (00:31:21)

McNeilly explained that this resolution is to consider recommending that OLCC grant the Change of Ownership liquor license application from Nirankar, Inc. for off-premise liquor sales at Center Market #34. He said that as part of the application process, OLCC requests that the local government provide a recommendation that they grant or deny the application.

No audience members wished to comment.

Hayes made a **motion**, seconded by Martine, to approve Resolution 23-1014.

Hayes commented that it was just a name change.

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

Position #3 - Kristine Hayes: Motion

Position #2 - Tom Martine: 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

**b. Consideration of Resolution 23-1013 Approving Additional Awards for the 2023 Community Grant Program**

Start time: 06:34:39 PM (00:33:34)

McNeilly explained that this resolution approves additional awards to applicants for the 2023 Community Grant Program. McNeilly said the Council reviewed new applications at their Workshop that evening, and may now consider granting awards for the 2<sup>nd</sup> Annual Developmental Disability Program Picnic and the North Coast Communities for Watershed Protection Speakers Series.

No audience members wished to comment.

Hayes made a **motion**, seconded by Cheek, to approve Resolution 23-1013.

Hayes commented that they were both new applications and great community members were working together for the betterment of all of us.

McGinnis noted that City Manager Shepard would be contacting the Friends of the Library regarding resubmitting their application for consideration.

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

Position #3 - Kristine Hayes: Motion

Position #5 - Penelope Cheek: 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

**c. Consideration of Resolution 23-1007 Authorizing Abatement by the City of Nuisances at 603 S. Easy Street**

Start time: 06:37:33 PM (00:36:27)

McNeilly said that this resolution authorizes City staff to proceed with abatement of nuisances at 603 S. Easy Street, and charge the person responsible for the property with the costs for the abatement, including a 20% fee for administrative overhead. McNeilly explained that the property was provided with a Notice to Abate nuisances by December 1, 2023, and the person in charge of the property failed to do so. Rockaway Beach City Code provides that if within the time allowed, the nuisance has not been abated by the person responsible, the Council may cause the nuisance to be abated.

No audience members wished to comment.

McGinnis made a **motion**, seconded by Hayes, to approve Resolution 23-1007.

McGinnis commented that the City has been working with the location for months and has followed all of the steps and processes to get to this point. Hayes commented that the City has been working on this issue for 25 years. Cheek commented that it had been at least 15 years. McNeilly commended Shepard and City Hall staff for getting to the point where the City could take these actions and improve the problem.

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

Position #1 - Mary McGinnis: Motion  
Position #3 - Kristine Hayes: 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

## **RECESS INTO EXECUTIVE SESSION**

### **d. EXECUTIVE SESSION**

Start time: 06:40:19 PM (00:39:14)

At 6:40 p.m., McNeilly announced that the City Council would now recess to a conference room and into Executive Session pursuant to ORS 192.660 (2)(i) to Review and Evaluate the Employment-Related Performance of the City Manager.

## **RECONVENE REGULAR SESSION**

At 7:22 p.m., the City Council reconvened the regular session.

### **e. Consideration of Resolution 23-1015 Approving City Manager Performance Evaluation Annual Summary**

Start time: 07:22:06 PM (00:40:50)

McNeilly explained that the City Council evaluated the City Manager in executive session. McNeilly provided an overview of the performance evaluation process. He noted that Shepard was scored on 50 performance traits grouped into 10 categories. In the combined job performance evaluations, Shepard generally exceeded standards in 7 out of 10 categories, and generally met performance standards in the remaining 3 categories. Shepard's overall average score was 4.10 on a 5-point scale.

McNeilly explained that the resolution approves the City Manager Performance Evaluation Annual Summary.

No audience members wished to comment.

Martine made a **motion**, seconded by Franken, to approve Resolution 23-1015.

McNeilly noted that comments shared in Executive Session could not be shared in open session. McGinnis commented that it was the first time in many years that the City Council used a professional, standard evaluation, in accordance with what most high-functioning cities do.

McNeilly read aloud an email he received from City Planner Mary Johnson indicating that Johnson felt that Shepard was doing a fantastic job moving the City in a positive direction and that Shepard was the type of boss many could only hope to be. (A copy of the email is included in the record of the meeting.) City Recorder Thompson added that she concurred with Johnson's email.

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

Position #2 - Tom Martine: Motion

Position #4 - Alesia Franken: 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

**f. Consideration of Resolution 23-1016 Authorizing Amendments to Compensation for the City Manager**

Start time: 07:29:40 PM (00:48:24)

McNeilly explained that in November 2022, two salary components that are standard to a City Manager's compensation, the cost-of-living adjustment and longevity pay, were removed from Shepard's contract. McNeilly noted that he was not on the City Council at the time of that action, but he thought that the action was misguided. McNeilly commented that Shepard returned the City to financial solvency, continued to guide the community forward in a collaborative and thoughtful manner, and had demonstrated his dedication to the City for the past 16 years, serving the past 4 years as City Manager. McNeilly recommended that the Council approve the resolution to restore the cost-of-living adjustment and longevity pay to Shepard's compensation retroactively.

No audience members wished to comment.

Franken made a **motion**, seconded by McGinnis, to approve Resolution 23-1016.

Franken commented that it was what the Council needed to do to set things right. McGinnis commented that it was a mistake to take it out the first time and it was nice that the Council was rectifying it.

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

Position #4 - Alesia Franken: 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

**g. Consideration of Resolution 23-1017 Authorizing Amendments to the Base Rate Compensation for the City Manager**

Start time: 07:32:03 PM (00:50:46)

McNeilly said that this resolution makes amendments to the City Manager's base rate compensation. The City Council may amend by resolution the City Manager's compensation in accordance with the City Manager's Employment Agreement, Section 3. McNeilly explained that salary evaluations come in two types, market-based and performance-based, and both were considered in making the salary adjustment. He explained that he gathered salary and budget information from 16 coastal cities and the midpoint budget was 4 million dollars less than the City's and the midpoint salary was over \$10,000 more. McNeilly concluded that the market analysis supported an increase in salary to the midpoint. He noted that Shepard also earned a salary increase based on job performance. Based on his analysis, McNeilly recommended an 8% increase without hesitation.

Michael Weissenfluh commented in support of Shepard's pay adjustment to bring him in closer alignment with other comparable positions. He shared that he had participated in hiring at the community college and noted how difficult it could be. Weissenfluh said having Shepard here was a blessing and he encouraged the Council to adopt the resolution to adjust his pay. Weissenfluh said he had many interactions with Shepard for the budget committee and had opportunities to observe Shepard's skills. Weissenfluh shared further observations about the heavy workload of the City Manager, noted that the majority of residents trust that he is doing a good job, and that he has assembled an A-list management team. Weissenfluh encouraged all to review Shepard's year-end message detailing the work that the City has accomplished.

McGinnis made a **motion**, seconded by Franken, to approve Resolution 23-1017.

McGinnis commented that the City had adequate funds available for the adjustment, she appreciated the work the McNeilly did, and it was nice that the Council could come up to the level of other cities and retain the City Manager for some years. Hayes commented that when reviewing the salary last year, she was shocked when she broke down the salary to an hourly rate based on the hours Shepard was working. Hayes thanked Shepard for his time and dedication.

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

Position #1 - Mary McGinnis: Motion  
Position #4 - Alesia Franken: 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

## 11. ITEMS REMOVED FROM CONSENT AGENDA

### a. Approval of November 8, 2023 Regular Meeting Minutes

Start time: 07:39:04 PM (00:57:48)

McGinnis noted a correction to the minutes for the November 8, 2023 Regular Meeting Minutes.

Hayes made a **motion**, seconded by Martine, to approve the November 8, 2023 Regular Meeting Minutes as corrected.

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

Position #3 - Kristine Hayes: Motion  
Position #2 - Tom Martine: 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

## 12. COUNCIL CONCERNS

Start time: 07:41:08 PM (00:59:51)

Cheek commented that she wanted to thank Public Works for their help on the Tree Lighting event, noting that the lighting on the train was beautiful. She commented that Shepard was very deserving of the adjustments to his compensation. Cheek thanked the Sheriff's office for their efforts on the night of the Tree Lighting. She wished all a Merry Christmas.

Franken commented on how impressed she was with the Tree Lighting ceremony. She thanked all of the volunteers, as well as the Chamber, Public Works and Salty Strings.

Hayes commented that she wanted to establish more citizen committees and hold a weekend workshop to expedite some of the work backlog. She acknowledged the success of the Tree Lighting. She commented that Public Works filling potholes with gravel and helping citizens out in the rain demonstrated public service. She also acknowledged the service of office staff. Hayes thanked the Mayor for his work on the City Manger's evaluation.



Martine thanked Public Works for all their work during the flood.

McGinnis said both Public Works and the Fire Department did outstanding work during the flood. She commended the Tree Lighting ceremony and the work of Public Works, the Business Association and Chamber. She noted City was fortunate to have two separate business organizations and was gaining an understanding of their different visions. McGinnis commended city staff for getting materials to the Council in time to review materials. She noted that she would like to work on more citizen committees, more learning workshops, and updating the Comprehensive Plan. McGinnis commented that she had previously mentioned the City of Sisters Comprehensive Plan as a model, but made a correction that it was the City of Redmond's Comprehensive Plan she had referenced as a model. McGinnis encouraged residents to attend City Council Workshops.

### 13. MAYOR'S REPORT

Start time: 07:49:06 PM (01:07:50)

McNeilly shared that the Coffee with Mayor and Manager meeting was held on November 16<sup>th</sup> and a summary was included in the meeting packet. He noted that they were not holding a coffee meeting in December, and the next coffee meeting would be January 25, 2024. He thanked those who shared his first year as Mayor with him, noting the City Council had passed over 40 resolutions in 2023. McNeilly thanked City leadership and staff, volunteers, and community members. He wished all a happy, healthy, and prosperous new year.

### 14. ADJOURNMENT

Start time: 07:50:39 PM (01:09:22)

Hayes made a **motion**, seconded by Martine, to adjourn the meeting at 7:51 p.m.

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

Position #3 - Kristine Hayes: Motion

Position #2 - Tom Martine: 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

MINUTES APPROVED THIS  
10<sup>TH</sup> DAY OF JANUARY 2024

  
Charles McNeilly, Mayor

ATTEST



Melissa Thompson, City Recorder