



City of Rockaway Beach

Regular City Council Meeting Minutes

Date: Wednesday, March 13, 2024

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: [06:01:10 PM \(00:00:33\)](#)

[Mayor - Charles McNeilly: Present](#)

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

[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 Deputy.

4. CONSENT AGENDA

Start time: [06:01:40 PM \(00:01:03\)](#)

- a. Approval of February 14, 2024 Regular Meeting Minutes
- b. Approval of February 14, 2024 Workshop Minutes
- c. Review of February 2024 Check Register

Martine made a **motion**, seconded by Cheek, to approve the Consent Agenda.

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

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

5. PRESENTATIONS, GUESTS & ANNOUNCEMENTS

a. Presentation – Neah-Kah-Nie School District Strategic Planning Process – Tyler Reed, Superintendent

Start time: [06:02:54 PM \(00:02:17\)](#)

Tyler Reed, Neah-Kah-Nie School District Superintendent, shared a presentation on the District's strategic planning process. McGinnis and Hayes provided comments.

b. Presentation – Jetty Creek Working Group Update - Daniel Wear, Sustainable Northwest

Start time: [06:17:35 PM \(00:16:58\)](#)

Daniel Wear of Sustainable Northwest shared a presentation providing an update on the Jetty Creek Working Group. At the request of McGinnis, Wear shared examples of other communities that Sustainable Northwest has worked with.

c. Presentation – Streets Capital Improvements Plan Projects - Matt Del Moro, HBH Engineering

Start time: [06:29:04 PM \(00:28:27\)](#)

Matt Del Moro, HBH Consulting Engineers, gave a presentation providing an overview of the Streets Capital Improvements Plan. Cheek commented that she agreed that if you don't take care of street issues when they arise, the issues get much worse.

d. Presentation – South Coral Street Stormwater Feasibility Study - Matt Del Moro, HBH Engineering

Start time: [06:45:55 PM \(00:45:18\)](#)

Matt Del Moro, HBH Consulting Engineers, gave a presentation providing an overview of the South Coral Street Stormwater Feasibility Study. Del Moro answered clarifying questions for the Council. In response to a question from Hayes, Del Moro recommended proceeding first with project 1, which would provide faster drainage after flooding, while simultaneously pursuing funding for a hydrology study to understand potential impacts of project 2. McGinnis concurred that something needed to be done quickly in the short term, but that the entire area needs to also be evaluated with a long-term plan. Del Moro confirmed for McNeilly that there were no unintended consequences with project 1. McGinnis thanked the City Manager and Public Works for taking on both the streets and flooding projects.

6. STAFF REPORTS

a. Fire Department

Start time: [07:02:32 PM \(01:01:55\)](#)

Hesse presented his staff report on the activities and operations of the Rockaway Beach Fire Rescue department for the month of February 2024. He commented on a recent rapid response to a call that was possible due to having full-time staff on site. Hesse acknowledged Robin Bach for

initiating the Narcan program. He reported that the new ladder truck was expected to be delivered in February 2025. Hesse added that the department applied for state fire marshal staffing grant to hire two seasonal firefighters. Hayes commented on the Fire Department's response to a fire on International Women's Day and noted she took photos of volunteer female firefighters. McGinnis thanked Bach, noting that Bach is a nurse.

b. Sheriff's Office

Start time: [07:11:52 PM \(01:11:15\)](#)

Deputy Kevin Grogan summarized the Sheriff's Office report for February 2024. Grogan noted that he was looking forward to the proposed street improvements. At the request of McGinnis, Grogan shared information on anticipated Sheriff's Office staffing levels for Spring Break.

c. Public Works

Start time: [07:14:35 PM \(01:13:58\)](#)

Emerson presented his report on recent developments in the Public Works department. Hayes commented that she liked the new Wayside restrooms. Cheek commented that the new restrooms were very attractive.

d. City Manager

Start time: [07:18:40 PM \(01:18:03\)](#)

Shepard shared a presentation providing background information on the business items on the agenda. Shepard recognized employee Rob Bierly, acknowledging his 10-year anniversary in the Public Works department. Shepard shared slides of the Anchor Street and Wayside Restroom projects.

Hayes inquired about the permit for the beach access. Del Moro responded that the City was still waiting to receive the permits from the Oregon Parks and Recreation District (OPRD). In response to a question from McGinnis, Shepard shared that contractors were estimating the Anchor Street and Wayside projects to be completed in mid-April, which may be an ambitious estimate.

7. PUBLIC HEARING

a. Streets Capital Improvement Plan

Start time: [07:28:23 PM \(01:27:46\)](#)

McNeilly opened the public hearing at 7:28 p.m.

There being no audience members who wished to comment, McNeilly closed the public hearing at 7:29 p.m.

b. Resolution 2024-09 Establishing Fees for Short-Term Rental Waiting List Requests & Provisional Applications

Start time: [07:29:26 PM \(01:28:49\)](#)

McNeilly opened the public hearing at 7:29 p.m.

There being no audience members who wished to comment, McNeilly closed the public hearing at 7:30 p.m.

8. CITIZEN INPUT ON NON-AGENDA ITEMS

Start time: [07:30:31 PM \(01:29:54\)](#)

Sandy Johnson and Robin Swain, co-chairs of the Rockaway Beach Volunteers, shared the Volunteer's goals and gave an overview of their activities. They stated that they were seeking volunteers, and showed the sign and clothing that were purchased with funds from a grant from the City. They thanked the Council for the grant.

Robin Swain spoke regarding the Rockaway Writers Rendezvous. She asked community members to visit their website for information on the event.

Robin Bach commented that she had acquired from Adventist Hospital a supply of naloxone, the drug that will reverse a drug overdose. Bach shared that she had provided naloxone to local businesses and had opioid rescue kits that could be installed outdoors throughout the city. Bach noted that a rescue kit would be installed outside the fire station.

Dave Newton commented that they bought property in Nedonna Beach with the intention to build four STRs. Newton shared that they had acquired a zoning permit, and wanted to know if they met the deadline for applying to be on the under-construction waiting list, and was seeking clarification on the specifics of the waiting list. McNeilly asked Shepard to reach out to Newton to provide answers to his questions.

9. OLD BUSINESS – None Scheduled

10. NEW BUSINESS

a. Proclamation - American Red Cross Month March 2024

Start time: [07:45:24 PM \(01:44:47\)](#)

McNeilly explained that the City received a request from the American Red Cross, Cascades Region, to proclaim March 2024 as American Red Cross Month. McNeilly read aloud the proclamation.

McNeilly entertained a motion that the City Council approve or deny the proclamation.

Cheek made a **motion**, seconded by Franken, to proclaim March 2024 as American Red Cross Month.

Cheek commented that it is a wonderful organization that has supported the public for many years.

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

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

b. Consideration to Amend Section 1 of Proposed Resolution 2024-08 Establishing Limits (Cap) on the Number of Short-Term Rental (STR) Licenses that May be Issued

Start time: [07:49:25 PM \(01:48:48\)](#)

McNeilly explained that the Council discussed STR cap options presented in a Staff Report at that evening's workshop that was included in this meetings packet, and may now consider language for the cap to be included in Section 1 of proposed Resolution 2024-08. McNeilly commented that the cap would not have an impact on current STR license holders.

McNeilly invited public comment. No audience members wished to comment.

McGinnis made a **motion**, seconded by Martine, to Council amend Section 1 of proposed Resolution 2024-08 in its entirety, to read: "Section 1: Under the authority of City of Rockaway Beach Code of Ordinances Section 113.02, effective March 15, 2024, a total of 420 licenses will be available at any one time."

McGinnis commented on recent court cases, noting that the City had a lot of STRs in non-commercial zones, and expressed concern that the City might have to rezone if STRs were determined to be commercial lodging businesses. McGinnis commented that 420 is the number that City had in June 2023, and it served businesses well. She noted that the City would review the cap annually beginning in October 2025 and make adjustments as needed. Franken clarified that the count was 410 in June 2023. McNeilly commented on the benefits of STR businesses. He noted that the costs to the City and impacts of STRs on neighborhoods were not as well understood. McNeilly shared concerns expressed by residents that STRs were hollowing out their neighborhoods. McNeilly noted that the City was experiencing record crowds. He commented that by adopting the cap, he wanted the Council to communicate to the community, to residents and to voters that they understand the impacts of STRs, and don't want to unnecessarily hollow out our neighborhoods, and that a 420 cap will serve the community's needs going forward. McGinnis commented that the city was doing what it could to ensure that the business community is getting the full benefit of STRs. McNeilly noted that current STR license-holders and those in the pipeline prior to the cap would be able to retain and renew their license unless they got three strikes.

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

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

c. Consideration of Resolution 2024-08 Establishing Limits (Cap) on the Number of Short-Term Rental (STR) Licenses that May be Issued

Start time: [08:01:46 PM \(02:01:09\)](#)

McNeilly explained this resolution sets a cap on the number of Short-Term Rental (STR) licenses that may be issued within City limits.

Martine made a **motion**, seconded by Cheek, to approve as amended Resolution 2024-08.

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

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

d. Consideration of Resolution 2024-09 Establishing Fees for Short-Term Rental Waiting List Requests & Provisional Applications

Start time: [08:03:06 PM \(02:02:29\)](#)

McNeilly explained that this resolution sets an administrative fee of \$95.00 for submitting a short-term rental license waiting list request or short-term rental provisional application.

Martine made a **motion**, seconded by Cheek, to approve Resolution 2024-09.

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

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

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

e. Consideration of Resolution 2024-11 Appointing Members to the Sourcewater Protection Plan Development Advisory Committee

Start time: [08:04:33 PM \(02:03:56\)](#)

McNeilly explained that this resolution appoints members to the Sourcewater Protection Plan Development Advisory Committee that was previously established by Resolution 2024-05. McNeilly stated that the Rockaway Beach Charter Chapter III, Section 7 authorizes the Mayor, with the approval of a majority of the Council, to appoint Liaison Councilors and members to committees.

McNeilly invited public comment. No audience members wished to comment.

McNeilly thanked the applicants, noting that the quality of candidates was outstanding. He explained the nomination process. McNeilly stated that the Sourcewater Protection Plan Development Advisory Committee was established for the purposes of receiving project information, reviewing reports, and providing community input to the Sourcewater Protection Plan facilitator during the development of the City's Sourcewater Protection Plan.

McNeilly nominated Sandra Johnson to be appointed to the Sourcewater Protection Plan Development Advisory Committee.

Cheek made a **motion**, seconded by Franken, to approve the appointment of Sandra Johnson to the Sourcewater Protection Plan Development Advisory Committee.

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

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

McNeilly nominated Jason Maxfield to be appointed to the Sourcewater Protection Plan Development Advisory Committee.

Hayes made a **motion**, seconded by McGinnis, to approve the appointment of Jason Maxfield to the Sourcewater Protection Plan Development Advisory Committee.

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

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

McNeilly nominated Lydia Hess to be appointed to the Sourcewater Protection Plan Development Advisory Committee. Hayes questioned whether Hess resided within city limits.

Franken made a **motion**, seconded by McGinnis, to approve the appointment of Lydia Hess to the Sourcewater Protection Plan Development Advisory Committee.

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](#)

McNeilly nominated Ron Clemen to be appointed to the Sourcewater Protection Plan Development Advisory Committee.

Martine made a **motion**, seconded by Franken, to approve the appointment of Ron Clemen to the Sourcewater Protection Plan Development Advisory Committee.

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](#)

McNeilly nominated Jay Udelhoven to be appointed to the Sourcewater Protection Plan Development Advisory Committee. In response to a comment from Hayes, Shepard that Udelhoven was within the City's water district.

Martine made a **motion**, seconded by McGinnis, to approve the appointment of Jay Udelhoven to the Sourcewater Protection Plan Development Advisory Committee.

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](#)

McNeilly nominated Alesia Franken to be appointed to the Sourcewater Protection Plan Development Advisory Committee as the Council Liaison.

McGinnis made a **motion**, seconded by Cheek, to approve the appointment of Alesia Franken as Council Liaison to the Sourcewater Protection Plan Development Advisory Committee.

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

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

McGinnis made a **motion**, seconded by Martine, to approve Resolution 2024-11 Appointing Members to the Sourcewater Protection Plan Development Advisory Committee as stipulated by the City Council.

McGinnis commented that she was awestruck by the amazing group of applicants and encouraged those who weren't appointed to continue looking for opportunities.

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

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

McNeilly welcomed the appointees to the Sourcewater Protection Plan Development Advisory Committee, and thanked them for taking on the responsibility.

f. Consideration of Resolution 2024-17 Approving Additional Awards for the 2023-2024 Community Grant Program

Start time: [08:17:59 PM \(02:17:22\)](#)

McNeilly stated that due to time limitations at the workshop, he requested a motion to table consideration of Resolution 2024-17 until next month's meeting.

Martine made a **motion** seconded by Cheek to table consideration of Resolution 2024-17 until next month's meeting.

McGinnis commented that there were more funds requested than were available, and the Council had asked the City Manager to have the applicants provide more information. Hayes advocated that the Council re-open the façade grant and use that money to fund all of the grant applications that were received.

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

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

g. Consideration of Resolution 2024-18 Adopting the South Coral Street Stormwater Feasibility Study and Directing City Staff to Investigate Funding

Start time: [08:19:52 PM \(02:19:15\)](#)

McNeilly explained that this resolution adopts a study from HBH Consulting Engineers outlining projects to upgrade storm drainage and directs City staff to investigate funding for the proposed projects.

McNeilly invited public comment. No audience members wished to comment.

Hayes made a **motion**, seconded by Cheek, to approve Resolution 2024-18 Adopting the South Coral Street Stormwater Feasibility Study and Directing City Staff to Investigate Funding.

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](#)

h. Consideration of Resolution 2024-19 Appointing the City Manager as the Budget Officer for the 2024-2025 Fiscal Year.

Start time: [08:21:35 PM \(02:20:58\)](#)

McNeilly explained that this resolution designates City Manager Luke Shepard as the Budget Officer for the next fiscal year.

McNeilly invited public comment. No audience members wished to comment.

Cheek made a **motion**, seconded by Martine, to approve Resolution 2024-19.

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

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

11. ITEMS REMOVED FROM CONSENT AGENDA – None Removed

12. COUNCIL CONCERNS

Start time: [08:23:27 PM \(02:22:50\)](#)

Cheek commented that it was a busy evening, and a lot was accomplished. She thanked City staff for their work, and thanked the public for attending.

Franken commented that she excited to work with the new Sourcewater Protection Plan Development Advisory Committee and it was a great step to join the work being done to protect the watershed. She thanked volunteers who submitted applications, and said that she looked forward to working with them. Franken thanked City staff and emergency services for their work.

Hayes thanked Sourcewater Protection Plan Development Advisory Committee volunteers and congratulated Franken on her appointment. Hayes invited all to come see the new pavers around the Chamber caboose. She thanked Travel Oregon and community members who supported the project.

Martine said nice to see the new restrooms coming together, and to see the new little park going into the Anchor Street lot.

McGinnis acknowledged Fire Department Captain Grace, commenting on her participation in the CERT program and radio training. She encouraged those interested in CERT or radio training to see

Captain Grace. McGinnis thanked all city departments. She acknowledged Rob Bierly for keeping the parks so nice. McGinnis acknowledged staff for providing materials for the meeting.

13. MAYOR'S REPORT

Start time: [08:28:30 PM \(02:27:53\)](#)

McNeilly echoed McGinnis' comments acknowledging staff.

McNeilly commented that he and City Manager Shepard held their monthly Coffee with Manager and Mayor on Thursday, February 22nd, and a summary of the comments were shared in the meeting packet. McNeilly noted that the impact of STRs was the primary topic discussed. McNeilly shared that the next Coffee with Manager and Mayor would be Thursday, March 28th, and encouraged people to attend.

McNeilly clarified previous statements he made about lodging taxes, STR business license holders and residents' contributions in support of City services. He explained that lodging taxes (also known as TRT or TLT) do not fund infrastructure such as water, sewer, reservoirs, and pipes. He noted that a small portion can go to street and parking improvements. He acknowledged that property owners including STR business license holders do pay property taxes and water/sewer fees, and as such, STR business license holders do contribute to the maintenance and staffing for water, sewer, reservoirs, pipes, but not the expansion. He mentioned that developers pay system development charges as their contribution to funding infrastructure. McNeilly apologized for the confusion and anger he inadvertently caused last month.

McNeilly shared presentation slides showing the uses of lodging taxes as stipulated in City Code Chapter 34, Section 34.15 (A).

14. ADJOURNMENT

Start time: [08:32:24 PM \(02:31:47\)](#)

Hayes' Zoom connected ended.

Martine **moved**, seconded by Franken, to adjourn the meeting at 8:32 p.m.

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

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

[Position #4 - Alesia Franken: 2nd](#)

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

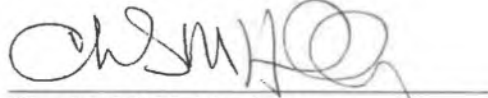
[Position #4 - Alesia Franken: Approve](#)

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

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


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

MINUTES APPROVED THIS
10TH DAY OF APRIL 2024



Charles McNeilly, Mayor

ATTEST



Melissa Thompson, City Recorder