

City of Rockaway Beach

City Council Workshop Minutes



Date: Wednesday, September 11, 2024
Location: Rockaway Beach City Hall, 276 HWY 101 – 2nd Floor Conference Room

1. CALL TO ORDER

Mayor McNeilly called the meeting to order at 4:30 p.m.

2. ROLL CALL

Council Members Present: Mayor Charles McNeilly; Councilors Penny Cheek, Mary McGinnis, Tom Martine, Kristine Hayes, and Alesia Franken

Staff Present: Luke Shepard, City Manager; Melissa Thompson, City Recorder; and Mary Johnson, City Planner

[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](#)

3. COUNCIL BRIEFING/DISCUSSION

a. Discussion Regarding Scope of Review for Land Use Appeal # 24-1, Nedonna Wave Planned Unit Development - Phase 2

Start time: [04:31:44 PM \(00:00:39\)](#)

Shepard explained that the Council will determine the scope of review for Land Use Appeal # 24-1 in the regular session, and that the City's land use attorney, Armand Resto-Spotts, and City Planner Johnson will give presentations. City Planner Johnson shared a presentation providing an overview of the Planning Commission's land use decision and the section of the City Zoning Ordinance regarding scope of review. Johnson answered clarifying questions for the Council. Resto-Spotts prefaced his comments by stating that the City Council cannot discuss the substance or the merits of the appeal. Resto-Spotts explained the scope of review options: hearing the appeal on the record, de novo, admitting new evidence related to specific issues necessary to resolve the matter, or remanding to the Planning Commission. He shared comments on each approach. Resto-Spotts suggested that a remand to the Planning Commission was not appropriate as there were no procedural issues. He explained that the other options were at the Council's discretion.

Johnson provided the Council with a document listing options for possible motions.

McNeilly noted that the option labelled “b” would limit additional evidence to one or more issues that the appellant has raised. McGinnis indicated she was leaning toward that option, and allowing new evidence on all five criteria raised in the appeal. Franken and McNeilly concurred. There were brief comments regarding tsunamis and wetlands. Resto-Spotts cautioned against talking about particulars of the property.

Hayes disclosed past work with the developer involved in the appeal, a call from the developer that she did not return, and past work with the wetlands specialist, noting potential conflict of interest. Hayes clarified that she did not anticipate working with the developer again. Resto-Spotts explained that prior relationships could be a potential conflict of interest or bias and should be put on the record at the hearing. He further explained that ex-parte contact and potential bias must be declared, and she should decide whether to recuse herself based on further consideration and if involved parties raise the issue at the hearing. Resto-Spotts stated that he did not consider it an actual conflict of interest related to the decision.

There was consensus to consider the scope of review to allow additional evidence regarding all five issues raised in the appeal. Johnson indicated she would prepare a motion for the Council based on their discussion. Resto-Spotts suggested wording for the motion.

Cheek disclosed she served on the Planning Commission in 2011. Resto-Spotts stated that did not pose any conflict or bias.

b. Review of Resolution 2024-41 Budget Resolution for Sound Amplification Equipment

Start time: [05:05:21 PM \(00:34:17\)](#)

Shepard explained that some members of the public had expressed difficulty hearing the Council in meetings, and staff was directed to address it. The Council reviewed the quotes and proposed resolution. Shepard answered clarifying questions. Hayes advocated to include a loop system for those with hearing aids.

c. Public Meetings Law Training Update

Start time: [05:10:22 PM \(00:39:18\)](#)

Shepard gave a brief overview of new requirements imposed by House Bill 2805, including annual public meeting law training. Shepard explained the city was on the waitlist for in-house training, possibly in November, with online training available starting in October. Thompson added that corresponding state administrative rules were still in the process of being adopted.

Additional Discussion:

In response to a request from McGinnis, Shepard provided an update on the Lake Lytle project and milfoil management, sharing a slide from the upcoming regular Council meeting presentation.

Cheek shared that she had heard requests from community members to lower speed limits on Highway 101. In response to a question from Hayes, Shepard shared that Alta was planning to provide an update on the Salmonberry Trail in October.

4. ADJOURNMENT

Start time: [05:21:39 PM \(00:50:35\)](#)

Martine made a **motion**, seconded by Franken, to adjourn the meeting at 5:22 p.m.

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

Aye: 5 (Cheek, McGinnis, Martine, Hayes, Franken)

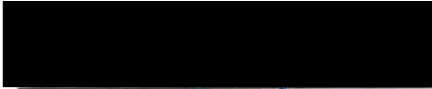
Nay: 0

MINUTES APPROVED THE
9TH DAY OF OCTOBER 2024



Charles McNeilly, Mayor

ATTEST



Melissa Thompson, City Recorder