



City of Rockaway Beach

Regular City Council Meeting Minutes

Date: Wednesday, December 11, 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

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

Council Members Absent: Councilor Kristine Hayes

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

4. CONSENT AGENDA

Start time: [06:02:48 PM \(00:01:32\)](#)

- a. Approval of November 13, 2024 Regular Meeting Minutes
- b. Approval of November 13, 2024 Workshop Minutes
- c. Approval of November 20, 2024 Special Meeting Minutes
- d. Review of Financial Reports
- e. Review of OLCC Annual Renewals for Favorable Recommendations
- f. Approval to Move Regular January Meeting from January 8th to January 15, 2025

Martine made a **motion**, seconded by Cheek, to approve the consent agenda.

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

Aye: 4 (Cheek, McGinnis, Martine, Franken)

Nay: 0

5. OLD BUSINESS

a. Deliberation & Decision on Land Use Appeal # 24-1, Nedonna Wave Planned Unit Development - Phase 2

Start time: 06:04:37 PM (00:03:21)

McNeilly stated the Council will now return to our deliberations and decision for Land Use Appeal # 24-1, Nedonna Wave Planned Unit Development - Phase 2.

McNeilly announced that the City Council held a Public Hearing on this matter on November 20, 2024, and after the staff report, applicant's presentation, appellant's presentation, public testimony, Council questions, and applicant rebuttal, the Council moved to close the Public Hearing. McNeilly stated the applicant waived the right to submit final written argument, and the City Council further moved to set deliberations on this matter to December 11, 2024. McNeilly explained that since the Public Hearing was closed after testimony was heard on November 20th, there would be no public comment tonight. During the deliberations phase, no other parties or members of the public may participate, and councilors may only ask clarifying questions to staff.

McNeilly invited the Council to declare conflicts of interest, bias and ex-parte contact.

Cheek declared that she was serving on the Planning Commission in 2011 when the matter was discussed. Cheek affirmed that she could render an impartial decision.

Martine declared that he had conversations with his wife years ago regarding purchasing a house in Nedonna Beach and she expressed concerns regarding tsunami evacuation. Martine further disclosed that he served on the Fire Department for 25 years and was part of the initial installation of the tsunami evacuation sites, and friends built the stairway on the north end of Nedonna. Martine declared that he had a construction background and had repaired homes in the area that had settled into the ground. Martine expressed concerns about evacuation times. Martine affirmed that he could render an impartial decision.

McGinnis declared that she inadvertently had a conversation with a Nedonna Beach resident about tsunami evacuation, and that she attended the Emergency Management meeting on December 4, 2024, where tsunami evacuations were discussed. McGinnis referred to previous disclosures at the November 20, 2024 meeting. McGinnis stated that it would not affect her decision-making or present a bias.

Franken referred to disclosures made at the November 20, 2024 meeting, and reiterated that she had only read emails that were introduced as public testimony. Franken declared that she was a member of North Coast Communities for Watershed Protection (NCCWP) and had not read emails pertaining to the topic. Franken stated that she could make an impartial decision.

McNeilly referred to and restated ex-parte contacts that were reflected in the minutes from the November 20, 2024 meeting. McNeilly disclosed he had continued to receive emails that he had chosen not to read and had deleted. McNeilly stated that he could deliver a fair and impartial decision on the matter.

McGinnis declared that she was a member of the North Coast Community for Watershed Protection (NCCWP) and hadn't read emails she received that contained subject matter related to the appeal.

McNeilly stated that the Council had reviewed the record of the Planning Commission decision, and the relevant criteria in the City code. McNeilly said we received both oral and written testimony from the applicant, the appellant and the public; we heard testimony from staff with a recommendation to deny the appeal. McNeilly asked for a show of hands, did any of the Councilors hear testimony or review evidence in the record that persuaded them otherwise and have grounds based on the criteria to grant the appeal? No Council members raised their hands.

McNeilly asked if any Councilors wished to speak in support of the staff recommendation to deny the appeal.

Franken stated that as much as we might hope that there was something in the code to take a step back, the Planning Commission decision and staff report showed that the current code doesn't provide for that, and all conditions presented by the Planning Commission had been met.

McGinnis concurred with Franken and expressed concerns regarding wetlands. McGinnis stated that the Council must apply the law and not go by personal feelings. McGinnis addressed the 5 issues raised by the appellant, noting that the appellant bore the burden of proof. McGinnis commented that the Planning Commission recommendation and staff report indicated that developers would enhance tsunami evacuation, and suggested that the enhancement should meet the newly established standards of the emergency management department. Johnson confirmed for McGinnis that the applicant had not proposed to build within the 15-foot riparian zone of McMillan Creek. McGinnis suggested that building should never be allowed within the setback. McGinnis commented that the wetland zone had historically been applied as an overlay zone. She noted that the Comprehensive Plan takes precedence if there is a conflict, and it addresses development in the special wetlands areas and how it will occur. Regarding the issue of requiring a new application, McGinnis stated that zoning ordinances had not been substantially updated and the Comprehensive Plan hadn't been updated since 2008, so the developer would be going by the same regulations as in 2008. Regarding the time allowed for development, McGinnis stated that in 2008 the developer was given permission for phase one, and applied for phase two about a year or so later, and had certain infrastructure conditions. McGinnis stated that they put in most of that infrastructure, including sewer lines, and met the improvement conditions imposed in 2008. McGinnis said that it didn't feel good to think about building there, but her job was to look at the law and apply the law.

Martine commented that he was voting to deny the appeal.

McNeilly explained that to issue a final decision, the Chair will entertain a motion to deny or a motion to grant the appeal.

Franken made a **motion**, seconded by Martine, to deny Appeal No. 24-1 on all grounds, affirm the Planning Commission's July 18, 2024, decision on PUD 24-1, and direct staff to prepare findings and conclusions consistent with this decision, and authorize the Mayor to sign an order to that effect.

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

Aye: 4 (Cheek, McGinnis, Martine, Franken)

Nay: 0

6. PRESENTATIONS, GUESTS & ANNOUNCEMENTS

a. Presentation - EV Charging Stations at Anchor Street Parking Lot - Charlie Botsford, EV Charging Solutions

Start time: [06:24:20 PM \(00:23:04\)](#)

Botsford explained that EV Charging Solutions (EVCS) was seeking to establish an agreement with the City in the form of a long-term lease to install electric vehicle (EV) chargers at the Anchor Street Parking Lot. He explained that the project was funded by the US Department of Transportation and EVCS would own and operate the chargers at no cost to the City. In response to questions from the Council, Botsford stated that PlugShare was the primary app used to locate EVCS charging stations, charging costs were competitive, and remote monitoring was used to resolve most issues with the chargers.

b. Presentation - Action Plan on Great Shakeout – Todd Hesse, Fire Chief

Start time: [06:38:46 PM \(00:37:30\)](#)

Hesse gave a presentation on the October 2024 Great Shakeout event. Conclusions for action included: development of formal emergency operations plans and procedures; continued growth and training of RBEPC Volunteers; interoperability between participating entities (local, county and state); continue to educate the public with earthquake and tsunami awareness; clearly identify evacuation routes and assembly sites; and purchase supplies of water, food, shelter, sanitation and a storage container. Hesse confirmed for Franken that improved signage was just discussed with the Department of Geology and Mineral Industries (DOGAMI), and should move forward within the next few months. McGinnis encouraged Hesse to include any needs in the next proposed budget.

7. STAFF REPORTS

a. Fire Department

Start time: [06:59:51 PM \(00:58:35\)](#)

Hesse presented his staff report on the activities and operations of the Rockaway Beach Fire Rescue department for the month of November 2024.

b. Sheriff's Office

Start time: 07:05:23 PM (01:04:07)

Deputy Kevin Grogan summarized the Sheriff's Office report for November 2024 and answered clarifying questions for the Council.

McGinnis complemented Grogan and Deputy Ahlers on the work they do and encourage the public to view the incident report on the City website.

c. Public Works

Start time: 07:07:38 PM (01:06:22)

Emerson presented his report on operations within the Public Works department for November 2024. McGinnis complemented the department's work on holiday decorations.

d. City Manager

Start time: 07:13:42 PM (01:12:26)

Shepard shared a presentation providing background information on the business items on the agenda. Shepard explained updates to sign regulations would allow installation of a reader board sign at City Hall, funded mostly by the Tillamook County wayfinding program. Shepard shared updates on public meetings and other upcoming events in December and January. Shepard thanked everyone for their work on the tree lighting ceremony. He provided updates on the Wayside Beach Access project. Shepard recognized Public Works employee Logan Romig, who marked his 10-year anniversary with the City and was recently promoted to Utility Worker III.

McNeilly called for a 5-minute recess of the meeting at 7:23 p.m. McNeilly called the meeting back to order at 7:29 p.m.

8. PUBLIC HEARING

a. Ordinance 2024-06: An Ordinance Amending City of Rockaway Beach Zoning Ordinance 143 Section 4.050 Sign Requirements

Start time: 07:30:00 PM

At 7:30 p.m., McNeilly opened the public hearing.

McNeilly explained that this public hearing allows public input regarding proposed changes to the City's code regarding sign requirements.

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

McNeilly closed the public hearing at 7:31 p.m.

9. CITIZEN INPUT ON NON-AGENDA ITEMS

Start time: 07:31 PM

Nancy Albro announced that the Rockaway Beach Business Association and the Fire and Rescue Department were working together on a light parade and Santa at the Station event. Albro explained how to participate and encouraged all to attend.

Nancy Lanyon expressed concerns about hacking and advocated for adding a clause regarding data protection to the EVCS site host agreement. Lanyon expressed appreciation for efforts made toward water protection. She thanked Public Works for their work preparing for storms. Lanyon encouraged the City to request repairs of Highway 6. Lanyon thanked the City for providing tide tables.

Kevin Brandon spoke about EV charging stations and wondered if the City had considered installing them in other locations. McNeilly said he would contact Brandon directly to answer questions.

10. NEW BUSINESS

a. First & Second Reading of 2024-06: An Ordinance Amending City of Rockaway Beach Zoning Ordinance 143 Section 4.050 Sign Requirements

Start time: 07:39:16 PM

McNeilly explained Ordinance 2024-06 amends the City of Rockaway Beach Code of Ordinances regarding Sign Requirements. This amendment was approved by the Planning Commission and reviewed by the City Council at last month's workshop. McNeilly shared the process for ordinance adoption.

McGinnis made a **motion**, seconded by Martine, to perform the first & second reading by title only of Ordinance 2024-06.

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

Aye: 4 (Cheek, McGinnis, Martine, Franken)

Nay: 0

McNeilly performed the first and second reading by title only of Ordinance 2024-06.

Martine made a **motion**, seconded by Franken, to approve the first and second reading by title only of Ordinance 2024-06.

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

Aye: 4 (Cheek, McGinnis, Martine, Franken)

Nay: 0

b. Consideration to Adopt 2024-06: An Ordinance Amending City of Rockaway Beach Zoning Ordinance 143 Section 4.050 Sign Requirements

Start time: [07:42:04 PM \(00:05:26\)](#)

McNeilly explained that with the first and second reading now complete, Ordinance 2024-06 was ready for adoption.

Franken made a **motion**, seconded by Cheek, to adopt Ordinance 2024-06.

McGinnis commented that citizens mentioned that they wanted an informational sign, and it was a way to get info out to those without internet.

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

Aye: 4 (Cheek, McGinnis, Martine, Franken)

Nay: 0

c. Consideration of Resolution 2024-47 Adopting Public Meetings Law Grievance Policy

Start time: [07:42:28 PM](#)

McNeilly explained that this resolution establishes a process for receiving and processing public meetings law grievances in accordance with state law.

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

Cheek made a **motion**, seconded by Martine, to adopt Resolution 2024-47.

McGinnis noted that this policy was in compliance with a new State law.

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

Aye: 4 (Cheek, McGinnis, Martine, Franken)

Nay: 0

d. Consideration of Resolution 2024-48 Approving 2025-2026 Community Grant Program Materials for Small and Large Community Grants

Start time: [07:45:16 PM \(00:08:38\)](#)

McNeilly explained that this approves the materials to implement the new Small and Large Community Grant program.

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

Martine made a **motion**, seconded by Franken, to approve Resolution 2024-48.

McGinnis commented that at the request of the City Council the Planning Commission spent months revising the grant process, and it is now streamlined and more objective. McNeilly reviewing grants and providing money to the community to make all our lives better was one of the most enjoyable things that the City Council does. He noted that the Community Grant was now broken into a small and large grant. McGinnis encouraged non-profits to apply. It was noted that \$70,000 was allocated in the budget for the program.

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

Aye: 4 (Cheek, McGinnis, Martine, Franken)

Nay: 0

e. Consideration of Resolution 2024-49 Authorizing the City Manager to Execute Safe Drinking Water Revolving Loan Fund Grant Contract for Forest Management Planning & Appraisal for the Jetty Creek Watershed

Start time: [07:48:23 PM \(00:11:45\)](#)

McNeilly stated that this resolution authorizes staff to execute a grant contract for Forest Management Planning & an Appraisal for the Jetty Creek Watershed.

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

Franken made a **motion**, seconded by Martine, to approve Resolution 2024-49.

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

Aye: 4 (Cheek, McGinnis, Martine, Franken)

Nay: 0

f. Consideration of Resolution 2024-50 Approving Updated Memorandum of Understanding (MOU) Among Participants of the Jetty Creek Working Group

Start time: [07:50:09 PM \(00:13:31\)](#)

McNeilly explained that this resolution extends an MOU between the City of Rockaway Beach, Nuveen Natural Capital, Sustainable Northwest, North Coast Land Conservancy, and

local community representatives, collectively known as the Jetty Creek Working Group, in the effort to create a collaborative solution for long-term stewardship of the watershed.

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

McGinnis made a **motion**, seconded by Cheek, to approve Resolution 2024-50.

McGinnis commented that the MOU updates and clarifies some of the things in the original MOU that have already been completed and was the underlying document for a lot of the work toward watershed acquisition. Franken added that the MOU was about to expire. McNeilly commented that it kicked off action for taking control of our water future.

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

Aye: 4 (Cheek, McGinnis, Martine, Franken)

Nay: 0

McNeilly acknowledged that City staff have prepared, and the City Council has passed, 50 resolutions this year.

RECESS INTO EXECUTIVE SESSION

At 8:07 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. McNeilly stated that this session is closed to the public. No final action will be taken in this closed session. If a decision needs to be made, it will be done when the open session resumes. Representatives of the news media are specifically directed not to record or report any of the deliberations during the executive session, except to state the general subject of the session as previously announced.

RECONVENE REGULAR SESSION

McNeilly called the regular session back to order at 8:20 p.m.

g. Consideration of Resolution 2024-51 Approving City Manager Performance Evaluation Annual Summary

McNeilly stated that the City Council evaluated the annual performance of the City Manager in Executive Session. McNeilly explained that this year's evaluation consists of reviews of City Manager Shepard by Council President Cheek, and Councilors Franken, Martine and McGinnis and the Mayor.

McNeilly provided an overview of the performance evaluation process. He noted that Shepard was scored on 50 performance traits grouped into 10 performance categories. Each trait was scored on a five-point scale – 1 = Poor and 5 = Excellent. McNeilly explained that he and Councilors also answered four open-ended questions regarding City Manager Shepard’s job performance. McNeilly announced that in the combined job performance evaluation City Manager Shepard generally exceeded the performance standard in all 10 performance categories. Averaging the scores on the 10 performance categories, City Manager Shepard received an overall score of 4.78 on the five-point scale. This represents a substantial job performance improvement over 2023, which was strong. McNeilly stated this resolution approves and adopts the summary of that performance evaluation.

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

Martine made a **motion**, seconded by Cheek, to approve Resolution 2024-51.

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

Aye: 4 (Cheek, McGinnis, Martine, Franken)

Nay: 0

h. Consideration of Resolution 2024-52 Authorizing Amendments to the Base Rate Compensation for the City Manager

Start time: [08:22:58 PM](#)

McNeilly stated that this resolution makes amendments to the City Manager’s base rate compensation. He explained that 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 both market-based and performance-based salary evaluations were being considered in making an adjustment to the City Manager’s salary.

McNeilly shared budget and salary comparison data that he had collected from 17 coastal cities. He noted that the median budget among these 17 cities is \$18,063,657; and the median City Manager Base Salary is \$149,000. He noted that the City’s budget was larger and more complex than the median budget, and the City Manager’s current base salary was less than the median salary.

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

McNeilly suggested that City Manager Shepard was underpaid given his excellent job performance, and that there was cause to make a market adjustment and increase City Manager Shepard’s base salary by 4 percent.

McGinnis made a **motion**, seconded by Cheek, to amend Resolution 2024-52 Authorizing Amendments to the Base Rate Compensation for the City Manager to read: *Effective January 1, 2025, the City Manager’s base salary shall be increased by 4 percent (4 %).*

McGinnis commented that 4% would still be lower than the median. McNeilly explained that it would move the salary close to the median. Cheek recommended 5%. McGinnis inquired about the cost-of-living adjustment (COLA). McNeilly explained that Shepard would also receive a COLA and longevity pay based upon his employment contract. Shepard commented that he felt 4% was reasonable and 5% was the most that he would be willing to take. McGinnis commented that she was more comfortable with 4% knowing that a COLA would also be made.

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

Aye: 4 (Cheek, McGinnis, Martine, Franken)

Nay: 0

11. ITEMS REMOVED FROM CONSENT AGENDA – None removed

12. COUNCIL CONCERNS

Start time: [08:30:32 PM](#)

Cheek commented that it had been a terrific pleasure working with all of you. She stated that the City also had a wonderful staff now, and she appreciated it very much.

Franken concurred with Cheek's comments. She commented on the success of the Neah-Kah-Nie Coast Arts & Music Cultural Foundation (NCAM) spaghetti dinner. Franken thanked the community for participation in the Sourcewater Protection Plan Development Advisory Committee (SPPDAC) meetings. She reported attending a League of Oregon Cities (LOC) training for elected officials. Franken thanked all involved in the annual tree lighting. She also thanked staff and volunteers.

Martine acknowledged and expressed thanks for the Council's hard work in the past year. He welcomed Councilor-Elect Kiley Konruff.

McGinnis commented that it had been a very positive year. McGinnis said she looked forward to working with Councilor-Elect Konruff. She expressed thanks to Public Works. McGinnis thanked community members and business for their holiday decorations, noting that Lake Lytle stood out. McGinnis acknowledged the work ahead and looked forward to applying knowledge obtained from the LOC training.

13. MAYOR'S REPORT

Start time: [08:35:47 PM](#)

McNeilly shared that Coffee with Mayor and Manager meetings resumed in November and meetings notes were included in the agenda packet. McNeilly announced that the next Coffee

meeting would be held on January 23rd at 9:00 a.m. McNeilly acknowledged the end of his second year as Mayor and expressed gratitude to friends, family, the community, City Council, City leadership and staff. McNeilly looked forward to the next two years as Mayor and continuing to work collaboratively to move the community forward.

14. ADJOURNMENT

Start time: 08:37:09 PM

Franken made a **motion**, seconded by Martine, to adjourn the meeting at 8:37 p.m.

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

Aye: 4 (Cheek, McGinnis, Martine, Franken)

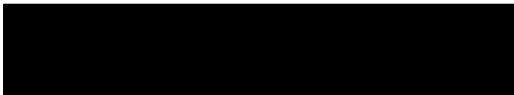
Nay: 0

MINUTES APPROVED THE
15TH DAY OF JANUARY 2025



Charles McNeilly, Mayor

ATTEST



Melissa Thompson, City Recorder