PUBLIC COMMENT
SUBMITTED FOR
OCTOBER 8, 2025
CITY COUNCIL MEETING

From: michael crie [redacted]
Sent: Monday, October 6, 2025 10:46 AM
To: City Hall <cityhall@corb.us>
Subject: Fw: written testimony to be read into the records

Sent from Yahoo Mail for iPhone

Begin forwarded message:

On Tuesday, September 30, 2025, 12:35 AM, michael crie [redacted]

Dear Mayor McNeily, and City council members I understand that the Council will be reviewing the city planning commissions recommendation outline that will potentially create an exemption for an STR home that has met certain requirements to accommodate Americans with disabilities. I would like to emphasize that the important thing is and the key element is mobility accessibility. Over the last five or six months I have spoke with a number of visitors here in Rockaway Focusing on people that were in a wheelchair or had a walker. I learned The number one issue Is the entry most visitors are accompanied by at least one or more family members so the other issues inside normally can be overcome you know the bathrooms, etc. showers, grab bars, etc.But more importantly, there was nothing available within the city of Rockaway or even in the surrounding areas So obviously, That should be the focus mobility accessible..

I would like to respectfully remind the Council that Title II of the Americans with Disabilities Act (ADA) applies to all local governments, regardless of size. Title II requires that cities ensure individuals with disabilities have equal access to services, programs, and activities. When existing ordinances or policies create barriers to such access, local governments are legally obligated to make reasonable modifications unless doing so would fundamentally alter the nature of the program.

Currently, Rockaway Beach's short-term rental (STR) licensing system creates a barrier:

- Not a single licensed STR in the city is ADA-certified or mobility accessible.
- As a result, visitors with disabilities have no short-term rental options available to them in Rockaway Beach.

This situation is inconsistent with the requirements of Title II. A reasonable and narrowly tailored modification — such as creating a unique cap or specific licensing category for fully ADA-certified accessible STRs — would bring the City into compliance with federal law while preserving the integrity of the overall STR cap policy.

Importantly, this is not simply a matter of local discretion. The ADA does not ask cities if they will provide access; it requires cities to provide access. The only question is how Rockaway Beach chooses to comply. Making this policy modification proactively will protect the City from potential

ADA compliance complaints, investigations, or litigation, while also enhancing Rockaway Beach's reputation as an inclusive and welcoming community.

I urge the Council to adopt the Planning Commission's recommendation and move forward with preparing an ordinance amendment that provides for ADA-accessible STR licensing. This is both a legal necessity and a moral opportunity to make Rockaway Beach a leader in accessibility on the Oregon coast.

Thank you for your consideration. I look forward to the upcoming discussion and am happy to provide documentation of my property's ADA-certified mobility accessibility features upon request.
Respectfully,
Denny Calloway
[redacted]
Rockaway Beach, OR 97136
[redacted]

From: Daniel Howlett <[redacted]
Sent: Monday, October 6, 2025 12:47 PM
To: Melissa Thompson
Subject: STOP Rockaway Leaders Political Attacks - Public Testimony
Attachments: Untitled document (3).pdf; [redacted]_rightofway_2025-04-30.pdf; [redacted]_Firepit_2025-04-30.pdf; [redacted]_composting_2025-04-30.pdf; No Code Violations Present.pdf

Hi Melissa,

Please include this text and the 5 attachments for October city council meeting public testimony:

I am writing to place on the record my concerns regarding the conduct of Councilor McGinnis and Mayor McNeilly.

At the April council meeting and workshop, both officials made misstatements that named me personally as justification to deny funding to the nonprofit NCCWP. For clarity, I have no official connection to this non profit organization. This is a clear case of “guilt by association” used to discredit me and a community organization. See attached.

In May, Mayor McNeilly also filed three code violations against me. See attached. On July 11, I was contacted by Public Works (by phone, not in writing) and told to remove a garden on public land that predates my property ownership. Yet, multiple neighboring violations—bridges, signage, a fish-cleaning station, and equipment stored in the right-of-way—were ignored. After following up, I finally received an email on September 26 confirming there were *no violations present*. This selective enforcement raises serious concerns of political retaliation and lack of due process.

These incidents raise three fundamental issues:

1. **Selective enforcement** – Why are some residents targeted while others are overlooked?
2. **Lack of due process** – Why does the City rely on phone calls instead of official written notice?
3. **No clear procedures** – My public records request confirmed that the City has no written guidelines for code enforcement.

To restore fairness, accountability, and public trust, I respectfully request that the City:

- **Adopt written policies & procedures** for consistent enforcement.
- **Guarantee due process**, allowing residents to respond and contest violations.
- **Ensure equal treatment under the law**, free from political or personal bias.
- **Require written documentation** for all enforcement actions.

- **Implement complaint, appeal, and review processes** with safeguards against conflicts of interest.

Our community deserves transparency, fairness, and governance free from personal grudges. I urge you to take action to ensure equal treatment and protect the integrity of our city government.

Sincerely,
Daniel Howlett

Political attacks on me personally as justification to deny grant funding to a local non profit group.

In the April 2025 City Council Meeting, Councilor McGinnis made multiple false statements. Specifically, she said Daniel Howlett, one of the leaders of NCWP, put out considerable misinformation about the city. “Daniel Howlett came to a city council meeting and spoke against the city joining the working group to negotiate and buy the watershed.” Not true.

The same day at the April 2025 City Workshop Meeting, Mayor McNeilly said, “one of their people sued the city and cost the city $30K and staff time of 80 hours and the suit was based on them not doing their homework and not understanding our ordinances and our charter. To me, that’s not a good thing.” Grant funding to NCWP was subsequently denied.

To quote Judge Hill in the Court Case Order:

“The question becomes when there are multiple reasonable ways to interpret at large, and it is not defined.

The realtor's position is frankly very reasonable.

However, the city's position is also reasonable.

The shortfall in this discussion is because the charter does not define what at large means.

The charter does not define at large block voting at large position voting.”

APR30 '25 11:12AM

City of Rockaway Beach, Oregon

276 S. Highway 101, PO Box 5
Rockaway Beach, Oregon 97136
(503) 374-1752 FAX (503) 355-8221
www.corb.us * cityhall@corb.us

Code Enforcement Complaint Form

All complaints and code enforcement concerns are required to be submitted via this complaint form. This form can be emailed to cityhall@corb.us, mailed, or delivered to City Hall directly. We are unable to take complaint emails or phone calls. For immediate issues, such as noise or parking, call the Sheriff's Department non-emergency phone number at (503) 815-1911.

Complainant/Reporting Party:

Name: Charles McNeilly Phone: [redacted]

Address: [redacted] Email: [redacted]

Address of Violation: [redacted] Date of Occurrence: April 29, 2025

Property Owner(s) – if known: Daniel Howlett

Supply as much detail as possible, if you have photos or other related information that can be used as evidence of this violation, please submit them with this form. The submitted documentation will not be returned and will become part of the complaint file.

Nature of Complaint: Daniel and Lyndsey created and cultivate a garden in the public right of way in violation of 93.55 Public Right of Way. (Photo provided)

Signature: [redacted] (Type name as electronic signature).

FOR OFFICE USE ONLY

Received By:_____ Date:_____

Follow-Up Notes:

APR30 '25 11:12AM

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Complainant/Reporting Party:

Name: Charles McNeilly Phone: [redacted]

Address: [redacted] Email: [redacted]

Address of Violation [redacted] Date of Occurrence: April 29, 2025

Property Owner(s) – if known: Daniel Howlett

Supply as much detail as possible, if you have photos or other related information that can be used as evidence of this violation, please submit them with this form. The submitted documentation will not be returned and will become part of the complaint file.

Nature of Complaint: Daniel and Lyndsey are operating a fire pit that violates 90.020(k) The fire pit has a 15-feet diameter around the pit which is noncombustible. The fire pit is placed on city property. I suspect they do not have a fire pit permit. (photo provided)

Signature: [redacted] (Type name as electronic signature).

FOR OFFICE USE ONLY

Received By:_____ Date:_____

Follow-Up Notes:

APR 30 '25 11:12AM

City of Rockaway Beach, Oregon

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Complainant/Reporting Party:

Name: Charles McNeilly Phone: [redacted]

Address: [redacted] Email: [redacted]

Address of Violation: [redacted] Date of Occurrence: April 29, 2025

Property Owner(s) – if known: Daniel Howlett

Supply as much detail as possible, if you have photos or other related information that can be used as evidence of this violation, please submit them with this form. The submitted documentation will not be returned and will become part of the complaint file.

Nature of Complaint: Daniel and Lyndsey installed composting and other equipment in the public right-of-way in violation of 93.55 Public Rights-of-way. (photos provided)

Signature [redacted] (Type name as electronic signature).

FOR OFFICE USE ONLY

Received By: Date:

Follow-Up Notes:

Gmail

Daniel Howlett [redacted]

Code Violation Complaint against 123 N Harbor st

Public Works <publicworks@corb.us> Fri, Sep 26, 2025 at 10:24 AM
To: City Hall <cityhall@corb.us>, [redacted]

Daniel,

I have reviewed your complaint and inspected the right of way near 132 N. Grayling St. At this time, I do not see any code violations present.

Thank you for bringing this matter to our attention. Public Works takes all complaints seriously, and we appreciate the opportunity to confirm that no violation exists in this case.

Thank you,

ROCKAWAY BEACH
OREGON

Dan Emerson

Superintendent

City of Rockaway Beach

p: 503-374-0586

c: 503-457-6094

a: 276 S Hwy 101 I PO Box 5 I Rockaway Beach, OR 97136

w: www.corb.us I e:publicworks@corb.us

From: City Hall <cityhall@corb.us>
Sent: Wednesday, September 24, 2025 8:37 AM
To: Public Works <publicworks@corb.us>
Subject: Fw: Code Violation Complaint against 123 N Harbor st

Lark Reifenstahl

Administrative Assistant

City of Rockaway Beach
Mon-Thur 8a-5p

p: 503-374-1752 x 104

a: 276 S Hwy 101 l PO Box 5 l Rockaway Beach, OR 97136

w: www.corb.us l e: lreifenstahl@corb.us

[Quoted text hidden]

We're here in Howlett, McMahan versus City of Rockaway Beach.

It's time for a ruling on the record regarding the writ.

There was quite a bit of testimony regarding public policy and emotion, and then opinions about the Rockaway City Council, City Manager, or the functioning of the City of Rockaway Beach.

The court must decide this on the law and rules of statutory interpretation.

The court cannot decide this on the things I mentioned at first.

Okay, that would be impermissible.

Additionally, what is at issue is not whatever happened prior to February of 2024, so the timeframe between 2014 until February of 2024.

The issue is the City of Rockaway Beach compliance with the City of Rockaway Beach's own charter and whether the court should order they comply with it.

The standard would be a clear commencing standard.

The core of the issue is in Respondents Exhibit 104, Chapter 3, Section 6, Council, which states Council consists of a mayor plus five voting councilors nominated and elected from the city at large.

In reading through the charter, and as the parties argued, the charter doesn't define at large.

In the criminal law context, obviously at large has a different meaning.

Meaning, you know, a suspect who is a warrant or is on the run.

The model charter for Oregon cities in the dictionary have a very similar definition referring to at large as being the whole membership or whole population rather than a subset of that population.

The city charter is also silent on how at-large is to be accomplished.

Block voting, position voting, the court cannot insert or delete words from the charter or any document.

I have to read it for what is there.

Under the nominations chapter, which is Chapter 7, Section 27, Section 27 nomination, the council must adopt an ordinance prescribing the manner for a person to be nominated to run for mayor or city council position.

The ordinance, excuse me, at issue, regardless of what the intent of each party was, the court has to read what is there.

Sorry, I'm going to have to go directly to that.

I'm going to go to the exhibit online.

So the ordinance.

Ordinance 24 2024 dash 02.

Under section one.

And then it's 3601 nominated petition.

Perspective candidates shall file a nominating perspective petition to be nominated to run for mayor or a city counselor position.

Then section 3602 nominating petition form nominating petition shall be submitted to the city elections officer.

On the official candidate filing forms provided by the state in a manner prescribed by state law.

And the operative language for this discussion is this next sentence, the filing form must specify the office and petition, position, excuse me.

For which the candidates filing.

Goes on to say the number of signatures required, nominated position is set by state law.

Regardless of the intent of the people voting for the ordinance, the effect of it is that it creates a position voting system at large.

So the issue comes, circles back under statutory interpretation of the definition at large.

The city council can set forth a nominating process under the charter.

Again, when the charter was adopted at large was not defined.

The five positions are voted on and elected by the whole city.

So the five positions are elected at large.

The question becomes when there is multiple reasonable ways to interpret at large, and it is not defined.

Relators position is frankly very reasonable.

However, the city's position is also reasonable.

The shortfall in this discussion is because the charter does not define what at large means.

The charter does not define at large block voting at large position voting.

The court cannot insert words.

When, and this is cited in the briefs by one of the parties, Milwaukee company of witnesses versus Mullen. I think it is 214 Oregon 281.

When there's room for two reasonable opinions.

The action of the city government is not arbitrary and capricious.

Based on that, there was quite a bit of discussion regarding public policy and what would be better public policy.

It is not the court's place to determine public policy for the city of Rockaway Beach.

The city voters through the ORS provides for a way to amend a charter by referendum, or the city council can amend their ordinance.

But there was argument that the court should correct this.

These are public policy decisions, and the court has to operate within the grounds of the writ and the law.

The court cannot find a good cause to issue the writ.

So with that, Mr. Stone, we'll have you prepare the order.

I know there's requests for attorney's fees.

The court would not take that up today, generally would handle that through OR CP 68 filings.

Is that still being sought?

Stone: Your honor, I have to confer with.

Okay, I would know for both parties, both parties, again, position, the court found reasonable.

As the case law dictates, that would not allow.

Both interpretations are reasonable, but not allow the issue to be read (?).

That would be it for today, unless there's something else from realtors, Mr. Wolpert?

Tim: Nothing more, your honor.

Mr. Stone.

Stone: Your honor, just procedurally, so I'll prepare the order based on the court's judgment, or the court's announced ruling today. I'm uncertain whether this procedure requires a general judgment as well, or whether the order is sufficient. Perhaps the court knows, or perhaps if not, then I'll.

I would want to research that.

The court is not issuing the writ, and so I believe it would be.

So whoever is Emily making a thumbs down, we're going to disconnect you.

You're in a court of law, that's not appropriate.

Stone: I'll figure it out, judge.

I just, I thought you might know how to fend.

All right, thank you, everyone.

That would be it for today.

Tim: Your honor, thank you for taking the time and doing this in such an expedient manner. Citizens appreciate it.

We appreciate hearing from all of you. Thank you.

Thank you, everyone.

That would be it.