

City of Port Orford
City Council Meeting
In the Gable Chambers / Virtual participants
Thursday, November 17, 2022 at 5:30 P.M.

Mayor and Council	Present	City Staff	Present
<i>Pat Cox, Mayor</i>	X	<i>CA Ginsburg</i>	X
<i>Tim Pogwizd, President</i>	X	<i>Shala Kudlac, City Attorney</i>	
<i>Gary Burns</i>	X	<i>John Isadore, Public Works</i>	X
<i>Lorin Kessler</i>	X		
<i>James Garratt</i>	X		
<i>Greg Tidey</i>	X		
<i>Ann Vileisis</i>	X		

The minutes were prepared to the best of our ability considering the challenging quality of the audio for those attending in the Gable Chambers.

Others Present: Penny Suess/Dana Gurnee, Monica Ward, Gary Robinson, Rowland Willis, Steve Lawton, Greg Thelen, Brett Webb.

1. Call to Order

Mayor Cox called to order this Meeting of the Common Council on Thursday, November 17, 2022, at 5:30 p.m. Mayor Cox and attendees recited the Pledge of Allegiance.

2. Additions to the Agenda: None.

3. Presentation to Council/Citizens: Skaidra Scholey representing Southwest Regional Early Learning presents a follow up from last meeting. She clarified that part of her role is to offer support of Early Learning programs. The same support would be offered to anyone who wanted to start an Early Learning program in Port Orford. Port Orford is unique in that Main Street is involved in opening this Rise and Shine.

Ms. Scholey introduced Summer Madison of Rise and Shine who presented to the City Council. Summer Madison is employed by Curry County Economic Development. Property locations are provided to the councilors including maps and information from GIS. Included in the list are properties that do not appear to have been used for years. Councilors are presented with a draft to include a copy of the Declaration of Childcare Emergency adopted by the Board of Commissioners a few weeks ago. The presentation addressed the economic development of the community. There has been a shift in the industry from just daycare to include preschool. Ms. Madison reported the importance of community development for the success of the youth. She asked the council to consider developing a strategic plan or publishing council goals for public access. Ms. Madison will email a timeline outlining how this project has gotten to where it is today.

4 **4. Consent Calendar:**

5 Approval of minutes from October 27, 2022 minutes. Minutes are not available and will be
6 approved next month.

7
8 **5. Citizens' Concerns:**

9 Gary Robinson, local resident, reported he was the chairman of the Planning Commission in
10 the past. He spoke on his interpretation and support of the short-term rental ordinance in the
11 residential zones. He spoke on what he defined as a major fundamental flaw in the draft
12 pointing out it is a business ordinance that is a blanket put on the entire city in both
13 residential and commercial zones. This causes serious issues in the commercial properties,
14 which has different expectations than residential zones. He feels this is a zoning issue as well
15 as a business issue. The ordinance draft is written residential heavy. The parking portion
16 restricting off-street parking will affect all businesses, which will not work for some
17 businesses. As zoning and ordinance changes take time, he suggested making the zoning
18 changes in R1 and R2. If regulations are set in the entire city, then there will have to be
19 different regulations in commercial zones than residential zones.

20
21 Rowland Willis, Port Orford resident, presented the council members with a written
22 statement suggesting improvement for Citizen's Concerns on the agenda. He suggested
23 Citizen's Complaints. Complaints verses concerns is outlined. He would like to see the
24 concern or complaint included in the packet along with the actions taken to prevent repeated
25 topics and repeated calls to the office.

26
27 Steve Lawton, Port Orford resident, expressed his appreciation for authorizing the funding to
28 include Attorney Daniel Kearns in short term rentals. He feels the short-term rental draft is
29 premature and incomplete. He suggested the Council not rush but take their time, get citizens
30 input, tap Attorney Daniel Kearns expertise, and contact other communities. He pointed out
31 issues the current draft does not address. He feels the fee structure, compliance and
32 enforcement needs addressed.

33
34 **6. Departmental Reports:**

- 35 **a. Public Works:** A written report has been provided to councilors by Jon Isadore.
36 Dredging report was sent out. Tracer study will be run after the second pump is in.
37 Waterline breaks were repaired. Wastewater plant is running well. Current grant
38 applications were discussed and clarified.
- 39 **b. Administration/Financial Report:** CA Ginsburg provided a written report to councilors.
40 Removal of asbestos piping was discussed. Additional grant discussion. Councilor
41 Pogwizd expressed appreciation to CA Ginsburg and Jon Isadore for their participation in
42 Career Day. Citation collection was clarified. Monica Ward gave information on the
43 FEMA water system grant application and how it works with time frames. There will be
44 options for changes in scope in the future. Citizen complaint procedure is outlined by CA
45 Ginsburg.
- 46 **c. Planning:** Refer to 7. b.
- 47 **d. Fire District:** Councilor Garratt is inaudible.
- 48 **e. TLT:** Councilor Pogwizd asked CA Ginsburg to reach out to applicants for a December
49 report.

- 4 **f. Watershed:** Councilor Vileisis reported they are nearing completion for the paperwork
- 5 to buy the Wilson land. The document for the grant application is an eye opener. The
- 6 draft will be shared with councilors. The forester did a walkthrough for the Forest
- 7 Management Plan. The Watershed Management Plan will be presented to City Council
- 8 when completed. Port Orford' purchase of the Wilson property was used as an example at
- 9 the Source Water Protection workshop.
- 10 **g. Port:** Mayor Cox updated on the crane replacement. Crab season may be delayed.
- 11 **h. Parks:** Councilor Tidey reported on a disk golf tourney October 27 that brought in 43
- 12 participants. Another is scheduled for December 23. Trash cans were placed in the
- 13 parks. An Oregon Lottery grant will be pursued next year.
- 14 **i. Emergency Management:** Councilor Burns reported no meeting was held.
- 15 **j. School:** Councilor Kessler updated on the part time school superintendent.
- 16 **k. Main Street:** Councilor Burns reported Main Street is organizing a shop visit Saturday
- 17 November 26 after Thanksgiving. There will be a trolly, as well as raffles and hot drinks
- 18 outside the church at the crab pot Christmas Tree. Business awards ceremony was last
- 19 week and successful.

21 **7. Old Business**

- 22 **a. Roof Repair Quotes:** City Hall and Water roofs were budgeted at 40,000. The roofs will
- 23 remain flat. Public Works will take care of the Community Center roof. One bid is from
- 24 JamesCo Roofing who is experienced with flat roofs.
- 25 Councilor Pogwizd moved to approve JamesCo Roofing for City Hall and Wastewater
- 26 Treatment plant roof repairs for a total of 27,123 dollars with Councilor Kessler as
- 27 second. *Motion carried 4-3.*

28 Discussion: Pitched versus flat roof longevity is discussed. Councilor Garratt gave his

29 experience with flat roofs and feels investing in a metal pitched roof is preferable. Cost of

30 flat repair versus pitching the roof is discussed.

31 *Councilor Pogwizd Yes Councilor Burns No Councilor Vileisis Yes*

32 *Councilor Kessler No Councilor Tidey Yes Councilor Garratt No*

33 *Tie – Mayor Cox Yes*

34

35 After further review, Councilor Pogwizd pointed out flaws in the contract. Councilor

36 Vileisis moved to revoke the previously passed adoption of JamesCo Roofing estimate

37 with Councilor Pogwizd as second. *Motion carried 6-0.*

38 Discussion: Councilor Garratt would like to see bids for membrane restoration of flat and

39 pitch.

40 *Councilor Pogwizd Yes Councilor Burns Yes Councilor Vileisis Yes*

41 *Councilor Kessler Yes Councilor Tidey Yes Councilor Garratt Yes*

42

43 Councilor Garratt moved to get bids for a metal pitched roof for the Wastewater

44 Treatment plant and City Hall roof repairs with Councilor Vileisis as second. *Motion*

45 *carried 6-0.*

46 Discussion: None.

47 *Councilor Pogwizd Yes Councilor Burns Yes Councilor Vileisis Yes*

48 *Councilor Kessler Yes Councilor Tidey Yes Councilor Garratt Yes*

49

4 Councilor Burns moved to get bids for a membrane flat roof for the Wastewater
 5 Treatment plant and City Hall roof repairs with Councilor Kessler as second. *Motion*
 6 *carried 6-0.*

7 Discussion: None.

8 *Councilor Pogwizd Yes Councilor Burns Yes Councilor Vileisis Yes*
 9 *Councilor Kessler Yes Councilor Tidey Yes Councilor Garratt Yes*

10
 11 **b. STR Ordinance Update/Review:** When this went to the Planning Commission it was
 12 expected to focus on the Residential zoning.

13
 14 **Councilor Vileisis:** Expressed appreciation to the Planning Commission for their work.
 15 She is concerned that there is no break on the numbers or a cap. A zoning piece would
 16 address limiting numbers. A cap per zone will make this a land use ordinance and would
 17 have to be changed in the zoning code. This is a different process that would engage a
 18 planner. An overall cap is not a land use ordinance. Number of short-term rentals and
 19 locations is needed. Councilor Vileisis likes the home-use section. She would like
 20 recommendations of fee structure. She likes the daytime capacity. She would like to see
 21 wind and wildlife garbage cans. She would like to hear from the Planning Commission
 22 on why they chose what they chose. A map and numbers have been requested for months
 23 and is still not available.

24
 25 **Councilor Burns:** Would like to see liability insurance written in. STRs should be
 26 treated as a business and sold as a business. CA Ginsburg advised that business licenses
 27 in Port Orford are not transferable. Business license renewal needs better clarified.
 28 Parking space for every two bedrooms is not what he expected. He feels that CA may
 29 conduct a site visit should be changed to CA or designated representative will conduct a
 30 site visit.

31
 32 Councilor Vileisis moved to extend the City Council meeting with Councilor Burns as
 33 second. *Motion carried 6-0.*

34 Discussion: None.

35 *Councilor Pogwizd Yes Councilor Burns Yes Councilor Vileisis Yes*
 36 *Councilor Kessler Yes Councilor Tidey Yes Councilor Garratt Yes*

37
 38 **Councilor Garratt:** Much of Councilor Garratt's speaking was not audible. He Would
 39 like to see better defined what occurs after three years of permit extension. Vacation
 40 rentals in residential zones, business zones and MU zones should be treated differently.
 41 He feels this should be a land use issue. Daytime capacity and event details should be
 42 different in residential zones. The section specifying that complaints have to be in a
 43 reasonably timely manner should be more specific. Councilor Garratt spoke on maximum
 44 occupancy and standardization rules. Off street parking is allowed at other locations so
 45 should not be different per location and worded "not on our paved street." Water
 46 conservation fixtures should be required. Councilor Garratt reminded councilors they are
 47 dealing with freedom versus security. He supports a list of goals for this ordinance.
 48

4 **Councilor Pogwizd:** Stated people in town can use right of ways. Limiting off street
 5 parking on one industry and not another should not occur. Requiring proof of liability
 6 from STRs and not other industries should not occur. He agrees with finding the number
 7 of STRs and their location then implement a cap in R1 and R2. Leave commercial alone,
 8 as it is a business zone. STRs do generate income through the city by spending at local
 9 businesses and through TLT. He is concerned about enforcement. He does not feel it is
 10 reasonable to send CA Ginsburg to knock on the doors. He does not agree with large
 11 gathering control aimed at vacation rentals only.
 12

13 **Councilor Kessler:** Supported rules in all zones. The fines outlined as an enforcement
 14 penalty are a joke. He reminded that STRs in residential zones will never be used as a
 15 long-term rental house. He reminded that at the beginning of STR discussions, it was
 16 identified that STRs affect affordable housing availability. He would like to see business
 17 rules be required to be posted inside. He supports a local contact for each STR.
 18

19 **Legal Counsel Kudlac** reminded councilors that Attorney Kearns asked for the city to
 20 give him the goals and he can help. The city has not done that. By consensus, councilors
 21 agree to goals:

- 22 • Cap on STRs in Residential Zones.
- 23 • Do not want cap on 10MU and Commercial Zones.
- 24 • Spacing between vacation rentals or clustered needs decided.

25 Legal Counsel Kudlac spoke on enforcement stating that the real penalty is revocation of
 26 the license and permit and not the fine. She spoke on process of attrition. She suggested
 27 not making the license transferable due to death, divorce or sale. A new application will
 28 be required at which point any caps, location restrictions, etc. decided on may interfere
 29 with that building staying a short-term rental. The option to the owner is a long-term
 30 rental.
 31

32 **Mayor Cox** suggested a workshop with Planning to hear from them on how they reached
 33 their decisions. He requested a map of STRs from Jessica prior to next meeting.
 34

35 8. New Business:

- 36 a. **Council Rules Update:** Council rules were discussed in a workshop, but decisions
 37 cannot be made in a workshop.
 38

39 Councilor Garratt suggested better use of additions to the agenda. Councilor Pogwizd
 40 would like protection from presenters and citizens throwing a large packet of info in front
 41 of councilors during the meeting. There is no time for review. Those need to be in the
 42 packet. Additional written information should not be accepted during the meeting.
 43

44 Councilor Garratt suggested making it mandatory for new councilors and current
 45 councilors choose some classes aimed at new council positions or government positions.
 46 He suggested the city reimburse travel. He spoke on the use of Roberts Rules of Order.
 47 He suggested councilors and council attendees read the rules and follow them to make the
 48 meetings more clear, concise and timely. Currently the liaison reports are time
 49 consuming.

4
5 Councilor Vileisis clarified that items cannot be added after the Wednesday the week
6 proceeding the meeting. She would like to know when the packet is coming out every
7 month in order to prepare her schedule. Councilors suggested packets are prepared Friday
8 prior to close of business.
9

10 **9. Continuing action Items.**

11
12 **10. Considerations:**

13 **Citizen:**

14 Greg Thelen, Port Orford resident and Planning Commissioner advised the Planning
15 Commission is functioning very well with the new members. He spoke about the Hood River
16 STR ordinance and its influence on the Port Orford draft ordinance. It addressed safety.
17 Rules are different in commercial zones. Hood River has the most restrictive rule for STRs.
18 They do not allow free standing rentals. He offered the information he found through studies
19 on this subject to the councilors.
20

21 Rowland Willis, Port Orford resident, spoke of ordinance enforcement. He disagrees with the
22 City Administrator handling the complaints. He feels the City Council should be aware of the
23 complaints and see the follow ups. He informed councilors that Gold Beach Lumber just put
24 a new building up. He wonders if they had permission to do so. The new building blocks a
25 trespassing light but brightened up the other trespassing light.
26

27 Brett Webb reminded councilors there is a levy for law enforcement coming up. Any
28 comments of favoritism in prosecution and enforcement gets in the way of public trust. He
29 asked that words being used needs to be considered.
30

31 **Staff:** None.
32

33 **Councilor:**

34 Councilor Vileisis reminded councilors of the training on December 7 and encouraged
35 councilors to attend. Mayor Cox is reviewing having a trainer come to Port Orford. Mayor
36 Cox will confer with CA Ginsburg and get back to councilors via email regarding the
37 training class.
38

39 Councilor Burns discussed the poor quality of audio during the City Hall meetings. He
40 suggested hiring somebody to come install a system.
41

42 **Mayor:** Mayor Cox discussed the December meeting. He feels it is important to plan on
43 having the meeting to clean up loose ends for the new councilors coming in.
44

45 **11. Future Meetings:**

46 **Thursday, December 15, 2022, Regular Council Meeting 5:30, hybrid.**
47

48 **Adjourn:** There being no further business, Mayor Cox Adjourned the meeting at 8:54 p.m.
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Attest:

Mayor, Pat Cox

City Recorder, Jessica Ginsburg