

CITY OF LINCOLN CITY

CITY COUNCIL MINUTES OF MEETING

March 14, 2022, 6:00 PM

The final minutes for this meeting are supplemented by an electronic recording of the meeting, which may be viewed online at www.lincolncity.org under the tab "Agendas, Packets and Videos". The staff reports, resolutions, ordinances, and other documents related to this meeting are also available at the same location. This meeting is rebroadcast on Cable Channel 4. (See Channel 4 guide on the hour at <http://www2.lincolncity.org/program-guide/>).

APPROVED BY CITY COUNCIL

DATE: 3/28/2022

A. CALL TO ORDER

Mayor Wahlke called the meeting to order at 6:00 PM. Mayor Wahlke advised the public that there are now three ways to provide public comment.

1. Comments can be made through email to publiccomment@lincolncity.org;
2. Comments can be made via Zoom if a request is emailed to publiccomment@lincolncity.org by noon on the meeting day;
3. Comments can be made in person at the Council Chambers (COVID-19 precautions are taken).

B. ROLL CALL

Attendee Name	Title	Status	Arrived
Susan Wahlke	Mayor	Present	6:00 PM
Elaine Starmer	Councilor Ward 1	Present	6:00 PM
Sydney Kasner	Councilor Ward 2	Present	6:00 PM
Judy Casper	Councilor Ward 3	Present	6:00 PM
Riley Hoagland	Councilor Ward 2	Excused	6:00 PM
Rick Mark	Councilor Ward 3	Present	6:00 PM
Mitch Parsons	Councilor Ward 1	Present	6:00 PM

Staff Present: Lila Bradley, Interim City Manager; Richard Appicello, City Attorney; Chief Palmer, Lincoln City Police Department; Abigail Edwards, Human Resources Director; Jeanne Sprague, Parks and Recreation Director; Stephanie Reid, City Engineer; Anne Marie Skinner, Planning and Community Development Director; Kirsten Brodbeck-Kenney, Library Director; Tony LaSoya, I.T. Director; Jamie Young, City Recorder.

C. PLEDGE OF ALLEGIANCE

Mayor Wahlke led The Pledge of Allegiance.

D. CONSENT AGENDA

MOTION:	Consent Agenda
MOVER:	Elaine Starmer, Councilor Ward I
SECONDER:	Mitch Parsons, Councilor Ward 1
AYES:	Wahlke, Starmer, Kasner, Casper, Mark, Parsons
EXCUSED:	Hoagland
RESULT:	Passed

1. Regular Meeting – Minutes of Regular Meeting – February 28, 2022, 6:00 PM
2. Arbor Day 2022 Proclamation

E. COUNCIL DELIBERATIONS

None

F. COMMENTS FROM CITIZENS PRESENT ON AGENDA/NON-AGENDA ITEMS

Ms. Bradley summarized an email comment received from Nikki Hayes regarding Uber and Lyft.

G. PRESENTATIONS

3. Update - Planning & Community Development

Anne Marie Skinner, Planning and Community Development Director, gave an update and goals of the Planning and Development Department. Ms. Skinner also thanked Michael Phillips and Amanda Gustafson for their work updating application packets. Ms. Skinner said that she would be holding sessions for the public to give feedback on the Comprehensive Plan. Ms. Skinner also said that she has a wonderful staff. Mayor Wahlke thanked Ms. Skinner for her presentation at the REIA meeting on Saturday. Councilor Mark said that he is pleased to hear code enforcement is being stepped up. Councilor Mark asked about the parking requirements when renovating a downtown property and what can be done. Ms. Skinner said the parking requirement comes into play if the building is expanded or the improvements are more than 50% of the assessed value. Ms. Skinner said that once the 50% is exceeded it requires landscaping and public infrastructure improvements as well. Ms. Skinner said that additional requirements also happen through FEMA when the 50% benchmark is reached. Ms. Skinner said that if the FEMA regulations were not followed the City would risk losing all of the FEMA Federal Insurance. Ms. Skinner said that she would work with Stephanie Reid and bring back some ideas to Council for changing the City's 50% requirement.

H. PUBLIC HEARING / ORDINANCE

- 4.

MOTION:	Motion to Close the Public Hearing and the Record for Ordinance 2022-10 Duplex Fix HB2001
MOVER:	Rick Mark, Councilor Ward 3
SECONDER:	Sydney Kasner, Councilor Ward 2
AYES:	Wahlke, Starmer, Kasner, Casper, Mark, Parsons
EXCUSED:	Hoagland
RESULT:	Passed by Voice Vote

Mayor Wahlke opened the public hearing at 6:42 PM. Ms. Skinner explained the ordinance and said this was triggered by the City exceeding a population of 10,000. Ms. Skinner said the duplex ordinance has to match the single-family dwelling requirements. No Citizens were present for public comment. Councilor Starmer asked about the parking requirements for a duplex. Ms. Skinner explained that she sent the

ordinance to the Oregon Department of Land Conservation & Development for review and this is the standard given to each jurisdiction. Councilor Starmer said the parking standard for a duplex looks inappropriate.

5.

MOTION:	Motion to Close the Public Hearing and the Record for Ordinance 2022-11 Bluff Fix
MOVER:	Sydney Kasner, Councilor Ward 2
SECONDER:	Rick Mark, Councilor Ward 3
AYES:	Wahlke, Starmer, Kasner, Casper, Mark, Parsons
EXCUSED:	Hoagland
RESULT:	Passed by Voice Vote

Mayor Wahlke opened the public hearing at 6:49 PM. Ms. Skinner said this is to correct a word because there is not a maximum erosion rate. No Citizens were present for comment.

I. PUBLIC HEARINGS / PUBLIC COMMENTS

1. Closing the Public Comment Period for Resolution 2022-07 - Planning and Community Development Fee Schedule Update

Mayor Wahlke opened the public hearing at 6:52 PM. No Citizens were present for public comment. Council gave unanimous consent to close the public comment period.

J. ORDINANCES

2. ORDINANCE NO. 2022-09 AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 10 (VEHICLES AND TRAFFIC), CHAPTER 10.20 (TAXICABS), TO ADD REGULATIONS TO ADDRESS OTHER VEHICLES FOR HIRE, SUCH AS TRANSPORTATION NETWORK COMPANIES.

MOTION:	Motion Approve First Reading of Ordinance 2022-09 Taxi Cab Services
MOVER:	Mitch Parsons, Councilor Ward 1
SECONDER:	Rick Mark, Councilor Ward 3
AYES:	Wahlke, Starmer, Kasner, Casper, Mark, Parsons
EXCUSED:	Hoagland
RESULT:	Passed by Roll Call Vote

Councilor Mark said that on packet page 30, under C., should read vehicles for hire. Councilor Mark said page 32, under C., feels like there is a word missing. Mr. Appicello said that he would look at clarifying that. Councilor Mark asked about the steps to complete the application. Mr. Appicello said the reason he is asking to delay the second reading, is to work with the Finance department on the application process. Councilor Kasner asked about the application fee. Mr. Appicello said that is determined after the second reading within 30-days. Mayor Wahlke asked about limousines as they were previously listed. Mr. Appicello said that he would check that. Mayor Wahlke also asked about the airport shuttle service, that has a stop in Lincoln City and if they are licensed with the Port of Portland. Mr. Appicello said that he would verify that as well. Mayor Wahlke asked that on page 5 of the ordinance, lines 31 and 32, it looks like there is singular and plural. Mr. Appicello said he would make the changes and read them for the second reading. Mayor Wahlke said on the very last page, are the permits annually that are prorated or one year from the date of issue. Mr. Appicello said that is one of the issues the Finance Department wants to work with him about.

3.

MOTION:	Motion to Continue Second Reading of Ordinance 2022-09 Taxi Cab Services
MOVER:	Mitch Parsons, Councilor Ward 1
SECONDER:	Sydney Kasner, Councilor Ward 2
AYES:	Wahlke, Starmer, Kasner, Casper, Mark, Parsons
EXCUSED:	Hoagland
RESULT:	Passed by Voice Vote

Postponed until March 28, 2022.

4. ORDINANCE NO. 2022-10 AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17, (ZONING), AMENDING CHAPTER 17.16 (SINGLE FAMILY RESIDENTIAL (R-1) ZONE), CHAPTER 17.17 (SINGLE FAMILY RESIDENTIAL ROADS END (R-1-RE) ZONE), AND CHAPTER 17.40 (RECREATION RESIDENTIAL (R-R) ZONE, TO ADD DUPLEX USES CONSISTENT WITH HB 2001, AND CHAPTER 17.55 (OFF-STREET PARKING AND LOADING) TO MAKE DUPLEX OFF-STREET PARKING REQUIREMENTS CONSISTENT WITH HB 2001 REQUIREMENTS

MOTION:	Motion Approve First Reading of Ordinance 2022-10 (Duplex Fix)
MOVER:	Mitch Parsons, Councilor Ward 1
SECONDER:	Rick Mark, Councilor Ward 3
AYES:	Wahlke, Kasner, Casper, Mark, Parsons
NAYS:	Starmer
EXCUSED:	Hoagland
RESULT:	Passed by Roll Call Vote

5.

MOTION:	Motion to Continue Second Reading and Adopt Ordinance 2022-10 (Duplex Fix) to March 28, 2022.
MOVER:	Rick Mark, Councilor Ward 3
SECONDER:	Sydney Kasner, Councilor Ward 2
AYES:	Wahlke, Starmer, Kasner, Casper, Mark, Parsons
EXCUSED:	Hoagland
RESULT:	Passed by Voice Vote

6. ORDINANCE NO. 2022-11 AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17, (ZONING), AMENDING CHAPTER 17.47 (NATURAL HAZARDS BEACHES AND DUNES), SECTION 17.47.020 (DEVELOPMENT IN IDENTIFIED HAZARD AREAS), PARAGRAPH D, TO CLARIFY THE CALCULATION FOR THE BLUFF SETBACK

MOTION:	Motion Approve First Reading of Ordinance 2022-11 (Bluff Fix)
MOVER:	Rick Mark, Councilor Ward 3
SECONDER:	Elaine Starmer, Councilor Ward 1
AYES:	Wahlke, Starmer, Kasner, Casper, Mark, Parsons
EXCUSED:	Hoagland
RESULT:	Passed by Roll Call Vote

7.

MOTION: Motion Approve Second Reading and Adopt 22-11 (bluff fix)
MOVER: Judy Casper, Councilor Ward 3
SECONDER: Mitch Parsons, Councilor Ward 1
AYES: Wahlke, Starmer, Kasner, Casper, Mark, Parsons
EXCUSED: Hoagland
RESULT: Passed by Roll Call Vote

8. ORDINANCE NO. 2022-12 AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 1 (GENERAL PROVISIONS), CHAPTER 1.16 (VIOLATIONS) AMENDING SECTION 1.16.070 (FINES AND ASSESSMENT AMOUNTS) AND SECTION 1.16.080 (RESPONSE BY DEFENDANT) TO CORRECT FINES FOR CLASS E VIOLATIONS

MOTION: Motion Approve First Reading of Ordinance 2022-12 Correct Fines for Class E Violations
MOVER: Judy Casper, Councilor Ward 3
SECONDER: Rick Mark, Councilor Ward 3
AYES: Wahlke, Starmer, Kasner, Casper, Mark, Parsons
EXCUSED: Hoagland
RESULT: Passed by Roll Call Vote

9.

MOTION: Motion Approve Second Reading and Adopt Ordinance 2022-12 Correct Fines for Class E Violations
MOVER: Rick Mark, Councilor Ward 3
SECONDER: Judy Casper, Councilor Ward 3
AYES: Wahlke, Starmer, Kasner, Casper, Mark, Parsons
EXCUSED: Hoagland
RESULT: Passed by Roll Call Vote

K. RESOLUTIONS

10. RESOLUTION NO. 2022-07 A RESOLUTION OF THE CITY OF LINCOLN CITY, ADOPTING FEES AND CHARGES FOR LINCOLN CITY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS

MOTION: Motion to Approve Resolution 2022-07 Planning and Community Development Fee Schedule Update with Changes
MOVER: Rick Mark, Councilor Ward 3
SECONDER: Mitch Parsons, Councilor Ward 1
AYES: Wahlke, Starmer, Kasner, Casper, Mark, Parsons
EXCUSED: Hoagland
RESULT: Passed via Voice Vote

Ms. Skinner explained the resolution and the changes made. Councilor Starmer said that she would like to revisit the fee schedule as a whole. Council gave consensus to change the VRD Land Use Review Fee from \$262.50 to \$300. Mr. Appicello said that VRD Land Use Review Fee would change from \$262.50 to \$300 and the format would change to landscape.

11.

MOTION: Motion to Address the Fees Removed From the Planning Fee Schedule at the Meeting of 3/28/2022
MOVER: Sydney Kasner, Councilor Ward 2
SECONDER: Mitch Parsons, Councilor Ward 1
AYES: Wahlke, Starmer, Kasner, Casper, Mark, Parsons
EXCUSED: Hoagland
RESULT: Passed by Voice Vote

12. RESOLUTION 2022-08 A RESOLUTION DECLARING THE PROPERTY DESCRIBED IN EXHIBIT A AS SURPLUS PROPERTY, PROVIDING AN EXEMPTION FROM PUBLIC CONTRACTING RULES [LCMC CHAPTER 2.05, SECTION 2.05.080(L)], AND APPROVING DISPOSAL BY AUCTION

MOTION: Motion to Approve Resolution 2022-08 Declaring Property as Surplus
MOVER: Elaine Starmer, Councilor Ward I
SECONDER: Judy Casper, Councilor Ward 3
AYES: Wahlke, Starmer, Kasner, Casper, Mark, Parsons
EXCUSED: Hoagland
RESULT: Passed by Roll Call Vote

Mayor Wahlke said that she appreciates the items coming before Council so the public knows what is available for auction.

- 13.

MOTION: Motion to Approve Resolution 2022-09 Authorizing Application for OPRD Local Government Grant
MOVER: Judy Casper, Councilor Ward 3
SECONDER: Elaine Starmer, Councilor Ward I
AYES: Wahlke, Starmer, Kasner, Casper, Mark, Parsons
EXCUSED: Hoagland
RESULT: Passed by Roll Call Vote

Jeanne Sprague, Parks and Recreation Director, explained the ordinance and told Council about funding received from the State. Ms. Sprague said this grant application requires approval from the Council to apply. Councilor Mark wanted to know what the potential ask is on this grant. Ms. Sprague said it is \$750,000. Mr. Appicello said he would correct the footer.

L. SPECIAL ORDER OF BUSINESS

14. Boards and Committees Application Process

MOTION: Boards and Committees Application Process to Include a 30 Day Application Period
AYES: Wahlke, Starmer, Kasner, Casper, Mark, Parsons
EXCUSED: Hoagland
RESULT: Passed via Voice Vote

Council gave unanimous consent for the 30 days and a 30-day extension if no applications are received.

15. Planning Commission Vacancy

MOTION: Motion to Leave the Planning Commission Vacancy Open for 30-days from March 1st.

MOVER: Elaine Starmer, Councilor Ward I

SECONDER: Mitch Parsons, Councilor Ward 1

AYES: Wahlke, Starmer, Kasner, Casper, Mark, Parsons

EXCUSED: Hoagland

RESULT: Passed via Voice Vote

M. CITY MANAGER/CITY ATTORNEY REPORTS

Ms. Bradley said there is a work session on March 16th at 3 pm to talk about the Water Alliance and Council goals. Ms. Bradley said the work session on April 13th at 3 PM, would talk about Parks and Recreation and the Logan Road update. Councilor Starmer asked for a work session on March 30th at 3 PM to discuss the fee schedule.

N. ACTIONS, IF ANY, BASED ON WORK SESSION OR EXECUTIVE SESSION

16.

MOTION: Motion to Approve the Final Offer Version of the City Manager Employment Contract, with Changes, as Discussed in Executive Session, to Present to the Candidate for a Decision by End-of-Business on Friday, March 18, 2022, and Authorize Execution of the Contract by the Mayor and All Signers via DocuSign.

MOVER: Judy Casper, Councilor Ward 3

SECONDER: Elaine Starmer, Councilor Ward I

AYES: Wahlke, Starmer, Kasner, Casper, Mark, Parsons

EXCUSED: Hoagland

RESULT: Passed by Roll Call Vote

17.

MOTION: Motion to Consult with CIS on Project List Matter Where City Attorney Indicated a Conflict

MOVER: Mitch Parsons, Councilor Ward 1

SECONDER: Elaine Starmer, Councilor Ward I

AYES: Wahlke, Starmer, Kasner, Casper, Mark, Parsons

EXCUSED: Hoagland

RESULT: Passed by Roll Call Vote

18.

MOTION: Motion to Direct Staff to Prepare a Resolution to Set Forth Direct Report Complaint Process and Direct Process Be Used in the Interim

MOVER: Elaine Starmer, Councilor Ward I

SECONDER: Mitch Parsons, Councilor Ward 1

AYES: Wahlke, Starmer, Kasner, Casper, Mark, Parsons

EXCUSED: Hoagland

RESULT: Passed by Roll Call Vote

19.

MOTION: Motion to Direct Executive Session Notice be Given, as Written, for March 28, 2022 Meeting
MOVER: Elaine Starmer, Councilor Ward I
SECONDER: Judy Casper, Councilor Ward 3
AYES: Wahlke, Starmer, Kasner, Casper, Mark, Parsons
EXCUSED: Hoagland
RESULT: Passed by Roll Call Vote

20.

MOTION: Motion to Appoint a Subcommittee to Consider the Non-Profit Grant Applications and Bring Forward to Council
MOVER: Judy Casper, Councilor Ward 3
SECONDER: Mitch Parsons, Councilor Ward 1
AYES: Starmer, Kasner, Casper, Mark, Parsons
NAYS: Wahlke
EXCUSED: Hoagland
RESULT: Passed by Voice Vote

Councilor Casper, Councilor Kasner, and Councilor Mark were appointed to the subcommittee.

21.

MOTION: Motion to Direct Staff to Move Forward with an Ordinance to Ban All Retail Sales of Fireworks within the City Limits
MOVER: Rick Mark, Councilor Ward 3
SECONDER: Elaine Starmer, Councilor Ward I
AYES: Wahlke, Starmer, Kasner, Casper, Mark
NAYS: Parsons
EXCUSED: Hoagland
RESULT: Passed by Roll Call Vote

Councilor Parsons will forward the survey results from REIA to the City Manager.

22.

MOTION: Motion to Hire Lila Bradley as City Manager Starting March 15, 2022, Until The New City Manager is Hired
MOVER: Judy Casper, Councilor Ward 3
SECONDER: Elaine Starmer, Councilor Ward I
AYES: Wahlke, Starmer, Kasner, Casper, Mark, Parsons
EXCUSED: Hoagland
RESULT: Passed by Roll Call Vote

Mayor Wahlke said the reason for this motion is to give Ms. Bradley the authority to hire and fire staff without going before Council.

O. ADDITIONAL COMMENTS FROM CITIZENS PRESENT ON NON-AGENDA ITEMS

None

P. ANNOUNCEMENTS OR COMMENTS BY CITY COUNCIL

Councilor Starmer spoke about silent fireworks and will forward the email to Ms. Bradley.

Councilor Kasner said the HELP program through the Lincoln County School District is collecting donations of new undergarments with multiple drops located in Lincoln City including the Driftwood Public Library. Councilor Kasner said the emergency rental assistance closes tonight at midnight.

Councilor Mark is out of town on March 28th and March 30th. Councilor Mark thanked Ms. Bradley for filling in as City Manager.

Councilor Parsons said there is a ribbon-cutting Thursday, March 17th for Ginger Roots, 5 PM-7 PM at the Mall. Councilor Parsons said the grand opening for Tokyroll Sushi is Saturday, March 19th at 10 AM in the Mall. Councilor Parsons said the Chamber lunch is Tuesday, March 29th with Rep. David Gomberg speaking.

Mayor Wahlke said there would be a virtual town hall Thursday, March 17th with Senator Anderson and Rep. Gomberg. Mayor Wahlke said that she could provide more information or a link as needed. Mayor Wahlke asked about time and service recognition for employees. Mayor Wahlke would like to look at in-person meetings in May.

Q. ADJOURNMENT

Mayor Wahlke adjourned the meeting at 8:49 PM.

//S//

SUSAN WAHLKE, MAYOR

ATTEST:

//S//

JAMIE YOUNG, CITY RECORDER