

CITY OF LINCOLN CITY

CITY COUNCIL MINUTES OF MEETING

October 10, 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](http://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: 10/24/2022

**A. CALL TO ORDER**

Mayor Wahlke called the meeting to order at 6:00 PM.

**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 | Present | 6:00 PM |
| Rick Mark      | Councilor Ward 3 | Present | 6:00 PM |
| Mitch Parsons  | Councilor Ward 1 | Present | 6:00 PM |

Staff Present: Daphnee Legarza, City Manager; Richard Appicello, City Attorney; Lt. Broderick, Lincoln City Police Department; Anne Marie Skinner, Planning and Community Development Director; Tony LaSoya, I.T. Director; Jamie Young, City Recorder.

**C. PLEDGE OF ALLEGIANCE**

Mayor Wahlke led The Pledge of Allegiance.

Mayor Wahlke spoke about Indigenous Peoples Day and read part of the Governor's statement. Mayor Wahlke also recognized the nine tribes in Oregon; Burns Paiute of Harney County, Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians, Confederated Tribes of Grand Ronde, Confederated Tribes of Siletz, Confederated Tribes

*of Umatilla Reservation, Confederated Tribes of Warm Springs, Cow Creek Band of Umpqua Indians, Coquille Indian Tribe, and the Klamath Tribes.*

**D. CONSENT AGENDA ITEMS ONE THRU FOUR**

|                  |  |
|------------------|--|
| <b>RESULT:</b>   | <b>PASSED [UNANIMOUS]</b>                                |
| <b>MOVER:</b>    | Riley Hoagland, Councilor Ward 2                         |
| <b>SECONDER:</b> | Sydney Kasner, Councilor Ward 2                          |
| <b>AYES:</b>     | Wahlke, Starmer, Kasner, Casper, Hoagland, Mark, Parsons |

1. Regular Meeting – Minutes of Regular Meeting – September 26, 2022, 6:00 PM
2. Regular Meeting – Minutes of Work Session – September 28, 2022, 4:00 PM
3. Oregon Liquor Control Commission - Request for an Off-Premises Sales License- Left Coast Libations
4. Oregon Liquor Control Commission - Request for Full On-Premises Sales License- La Roca Mexican Restaurant
5. First Amendment to PBS Contract for Environmental Evaluation -Villages

|                  |   |
|------------------|---|
| <b>MOTION:</b>   | <b>Motion to Approve First Amendment to PBS Contract for Environmental Evaluation -Villages</b> |
| <b>MOVER:</b>    | <b>Rick Mark, Councilor Ward 3</b>  |
| <b>SECONDER:</b> | <b>Sydney Kasner, Councilor Ward 2</b>  |
| <b>AYES:</b>     | Wahlke, Starmer, Kasner, Casper, Hoagland, Mark, Parsons  |
| <b>RESULT:</b>   | <b>Passed by Roll Call Vote</b>   |

*Councilor Mark pulled item 5. Councilor Mark asked about the total dollar amount. Mr. Appicello explained.*

**E. COUNCIL DELIBERATIONS**

*None*

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

*Ms. Legarza summarized a comment from Brenda Scotton and stated that Parks is aware and the stainless bollards are here.*

*Tamara Staples of Depoe Bay spoke regarding the Senior Center and the social gambling permit.*

**G. PRESENTATIONS**

*None*

**H. PUBLIC HEARING / ORDINANCE**

*None*

**I. PUBLIC HEARINGS / PUBLIC COMMENTS**

1. ZOA 2022-09 Tiny House Definition and Extension Ordinance 2022-36

**MOTION:** Motion to Close the Public Hearing and the Record, ZOA 2022-09 Tiny House Definition and Extension  
**MOVER:** Riley Hoagland, Councilor Ward 2  
**SECONDER:** Sydney Kasner, Councilor Ward 2  
**AYES:** Wahlke, Starmer, Kasner, Casper, Hoagland, Mark, Parsons  
**RESULT:** Passed via Voice Vote

*Mayor Wahlke opened the public hearing at 6:16 PM. Council had no conflict. Anne Marie Skinner, Planning Director, explained the ordinance. Council and Staff discussed the ordinance and language. No citizens were present for the public hearing.*

**J. ORDINANCES**

2. ORDINANCE NO. 2022- 36 AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17, (ZONING), AMENDING CHAPTER 17.08 (DEFINITIONS), SECTION 17.08.010 (DEFINITIONS), DEFINITION OF TINY HOUSE, CHAPTER 17.18 (VACATION RENTAL ZONE), SECTION 17.18.020 (PERMITTED USES), CHAPTER 17.28 (RECREATION-COMMERCIAL ZONE), SECTION 17.28.020 (PERMITTED USES), CHAPTER 17.32 (GENERAL COMMERCIAL ZONE), SECTION 17.32.020 (PERMITTED USES), AND CHAPTER 17.76 (PROCEDURES), SECTION 17.76.020 (SUMMARY OF PROCEDURE TYPES), SECTION 17.76.140 (EXPIRATION OF DECISION) AND SECTION 17.76.150 (EXTENSION OF DECISION)

**MOTION:** Motion to Approve First Reading of Ordinance 2022-36 - ZOA 2022-09 with the Changes  
**MOVER:** Judy Casper, Councilor Ward 3  
**SECONDER:** Sydney Kasner, Councilor Ward 2  
**AYES:** Wahlke, Starmer, Kasner, Casper, Hoagland, Mark, Parsons  
**RESULT:** Passed by Roll Call Vote

3.

**MOTION:** Motion to Approve Second Reading and Adoption Ordinance 2022-36 - ZOA 2022-09 with the Changes  
**MOVER:** Judy Casper, Councilor Ward 3  
**SECONDER:** Elaine Starmer, Councilor Ward I  
**AYES:** Wahlke, Starmer, Kasner, Casper, Hoagland, Mark  
**NAYS:** Parsons  
**RESULT:** Passed by Roll Call Vote

4. ORDINANCE NO. 2022-37 AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 12 (STREETS, SIDEWALKS, AND PUBLIC PLACES), AMENDING CHAPTER 12.18 (EXCLUSIONS AND CRIMINAL TRESPASS PUBLIC PLACES), AMENDING SECTION 12.18.050 (CITY MANAGER AUTHORIZED TO ADOPT RULES), AMENDING SECTION 12.18.060 (RULES OF CONDUCT) TO REDUCE RULE REVIEW TIME AND CLARIFY RULES OF CONDUCT.

*Council and Staff had a discussion regarding the ordinance.*

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| <b>MOTION:</b>   | <b>Motion to Approve First Reading of Ordinance 2022-37 Amending LCMC 12.18 Rules of Conduct</b> |
| <b>MOVER:</b>    | <b>Elaine Starmer, Councilor Ward 1</b>  |
| <b>SECONDER:</b> | <b>Riley Hoagland, Councilor Ward 2</b>  |
| <b>AYES:</b>     | Wahlke, Starmer, Kasner, Casper, Hoagland, Mark, Parsons   |
| <b>RESULT:</b>   | <b>Passed by Roll Call Vote</b>  |

5.

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|------------------|--|
| <b>MOTION:</b>   | <b>Motion to Approve Second Reading and Adoption of Ordinance 2022-37 Amending LCMC 12.18 Rules of Conduct</b> |
| <b>MOVER:</b>    | <b>Mitch Parsons, Councilor Ward 1</b>   |
| <b>SECONDER:</b> | <b>Elaine Starmer, Councilor Ward 1</b>  |
| <b>AYES:</b>     | Wahlke, Starmer, Kasner, Casper, Hoagland, Mark, Parsons   |
| <b>RESULT:</b>   | <b>Passed by Roll Call Vote</b>  |

*Mayor Wahlke said she would like to see clarification on camping and sleeping near the Siletz Bay, Council gave unanimous consent.*

**K. RESOLUTIONS**

*None*

**L. SPECIAL ORDER OF BUSINESS**

6. Appointment to Arts Committee - Applicant Cynthia Newman

|                  |  |
|------------------|--|
| <b>MOTION:</b>   | <b>Motion to Appoint Cynthia Newman to Arts Committee Term Expiring 12/31/2025</b> |
| <b>MOVER:</b>    | <b>Sydney Kasner, Councilor Ward 2</b>   |
| <b>SECONDER:</b> | <b>Riley Hoagland, Councilor Ward 2</b>  |
| <b>AYES:</b>     | Wahlke, Starmer, Kasner, Casper, Hoagland, Mark, Parsons                           |
| <b>RESULT:</b>   | <b>Passed via Voice Vote</b>   |

**M. CITY MANAGER/CITY ATTORNEY REPORTS**

*Ms. Legarza said she is planning a work session on October 19th at 2 PM to recap the League of Oregon Cities Conference, in Bend Oregon.*

*Mr. Appicello said the Council has received a complaint against a City Councilor, under the City Charter and the Council rules, the Council cannot consider or act upon the complaint until the completion of state law processes.*

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

*None*

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

*None*

**P. ANNOUNCEMENTS OR COMMENTS BY CITY COUNCIL**

*Councilor Hoagland spoke about the grand opening of the Siletz Art Heritage in Siletz.*

Councilor Mark said he also stopped at the grand opening of the Siletz Art Heritage. Councilor Mark spoke about people parking cars on their lawns and cars that are derelict.

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|------------------|---|
| <b>MOTION:</b>   | <b>Motion to Bring Back Information in Executive Session Regarding Amendments Necessary to the Code to Allow Social Gaming in the Senior Center at the Lincoln City Community Center and the Ramifications of such Amendments</b> |
| <b>MOVER:</b>    | <b>Rick Mark, Councilor Ward 3</b>  |
| <b>SECONDER:</b> | <b>Mitch Parsons, Councilor Ward 1</b>  |
| <b>AYES:</b>     | Wahlke, Starmer, Kasner, Casper, Hoagland, Mark, Parsons  |
| <b>RESULT:</b>   | <b>Passed via Voice Vote</b>  |

Councilor Mark said he would like to see changes made to the ordinance to allow social gaming at the Senior Center.

Mayor Wahlke said she was not at the Public Works Homeserve USA work session and asked if anyone wanted to bring anything forward. Council and Staff had a discussion regarding the services to the public.

**Q. ADJOURNMENT**

Mayor Wahlke adjourned the meeting at 7:24 PM.

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SUSAN WAHLKE, MAYOR

ATTEST:

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JAMIE YOUNG, CITY RECORDER