

CITY OF LINCOLN CITY

CITY COUNCIL MINUTES OF MEETING

January 13, 2020, 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: February 24, 2020

**A. CALL TO ORDER**

Mayor Anderson called the meeting to order at 6:00 pm, and asked for consensus to move agenda items as follows:

1. L-10 and L-11 moved to between "D" and "E".
2. Agenda item number "H" (6) was withdrawn and the public hearing canceled.

**B. ROLL CALL**

Attendee Name	Title	Status	Arrived
Dick Anderson	Mayor	Present	6:00 PM
Judy Casper	Councilor Ward 3	Present	6:00 PM
Diana Hinton	Councilor Ward 1	Present	6:00 PM
Riley Hoagland	Councilor Ward 2	Present	6:00 PM
Diane Kusz	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

**C. PLEDGE OF ALLEGIANCE** - Mayor Anderson led The Pledge of Allegiance.

**D. CONSENT AGENDA**

1. Regular Meeting – Minutes of Regular Meeting – October 28, 2019 6:00 PM
2. Regular Meeting – Minutes of Special Meeting – November 4, 2019 1:00 PM
3. Regular Meeting – Minutes of Regular Meeting – November 25, 2019 6:00 PM

<b>MOTION:</b>	<b>Consent Agenda</b>
<b>MOVER:</b>	<b>Diana Hinton, Councilor Ward 1</b>
<b>SECONDER:</b>	<b>Mitch Parsons, Councilor Ward 1</b>
<b>AYES:</b>	Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons
<b>RESULT:</b>	<b>Passed</b>

**E. COUNCIL DELIBERATIONS**

**4. RESOLUTION 2020-02 A RESOLUTION AUTHORIZING DISPOSITION OF REAL PROPERTY FOR PURPOSES OF TRANSITIONAL HOUSING**

*Mayor Anderson notes that at the public hearing of December 9, 2019, the hearing and record closed at that meeting. Mayor Anderson provided a brief update on the property for Transitional Housing. City Manager, Ron Chandler and City Attorney, Richard Appicello, provided information with regard to the resolution.*

*Mr. Appicello spoke on the label of "Transitional Housing", and advised that the Planning Director withdrew the proposed amendments to the code, which involved the definition of "Transitional Housing" which was not needed for this application. Mr. Appicello provided an update on the subject.*

*Council discussed the one-year time limit, discussed "Helping Hands", how to prevent over-use of the proposed new facility by individuals from other jurisdictions on the Lincoln City taxpayers money. Also discussed was the difficulty of meeting construction deadlines, the conditional use permit, if the building use is allowed during construction so they can make a profit, and the Certificate of Occupancy. Also discussed was the loan, and scenarios as to what happens if they are unable to pay it back. Mr. Appicello spoke on the types of documents the City will hold with regard to the transaction.*

*Mayor Anderson asked Council to consider the City's priority list, and the funding (\$750,000) for this project, noting that this project takes a chunk of the money on the wish list for other priorities. He asked Council to be sure that they believe that this project is the number one priority. Stated was that the facility has a responsibility to keep the neighborhoods safe.*

*Also discussed was that housing is the number one priority for Lincoln City, that the City may have ventured into social services, although it is believed that the City is not responsible for providing social services, and notes the Public Employee Retirement System (PERS) increasing debt, and concerns for the financial draw down on the reserves. The "Helping Hands" organization has a good reputation, and it is believed that this project may reduce the money spent cleaning up the City parks.*

*The new revised resolution title is: Resolution 2020-02: A Resolution of the City of Lincoln City Authorizing and Directing Disposition of City Real Property to Helping Hands Re-entry Outreach Centers for the Use as Described and Approved in CUP 2019-04.*

<b>MOTION:</b>	<b>Motion to approve Resolution 2020-02(a) as approved in the Conditional Use Permit regarding Ordinance 2013-19-04.</b>
<b>MOVER:</b>	<b>Judy Casper, Councilor Ward 3</b>
<b>SECONDER:</b>	<b>Diana Hinton, Councilor Ward 1</b>
<b>AYES:</b>	Casper, Hinton, Hoagland, Kusz, Mark, Parsons
<b>NAYS:</b>	Anderson
<b>RESULT:</b>	<b>Passed via Voice Vote</b>

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

*Mayor Anderson read from a statement prior to public comment.*

*Ryan Ulicni, Taft High School Soccer Coach - advised that he is working on fundraising to build an indoor soccer facility in Lincoln City. He is willing to share the plan and welcomes donations. Mayor Anderson asked that Mr. Ulicni contact the Planning Department about the facility and location. You can reach Ryan at [ryan@sandtigers.inc](mailto:ryan@sandtigers.inc).*

*Jay Hamilton, NW 8th Court, Lincoln City - Spoke on a safety/code enforcement issues on NW 8th Court, multiple code violations, and believes the street should be surveyed as it is narrow and difficult to navigate.*

*Perry Freed, NW 8th Court, Lincoln City - Spoke on safety/code enforcement issues on NW 8th Court with regard to multiple violations, and believes the street should be surveyed as it is narrow and difficult to navigate. Mr. Freed submitted photos into the record. Mr. Freed also provided a notarized affidavit from Richard Cloepfil on code enforcement issues on NW 8th Court.*

*Misting Eastburn, NW 8th Court, Lincoln City - Spoke on safety/code enforcement issues on NW 8th Court with regard to multiple violations, and believes the street should be surveyed as it is narrow and difficult to navigate, and it is a safety issue for emergency vehicles. Ms. Eastburn submitted photos for the record.*

*Lisa Corzine, NW 8th Court, Lincoln City - Spoke on safety/code enforcement issues on NW 8th Court, noting she had a fire at her house, and the fire truck could barely navigate NW 8th Court to make it to her home. She spoke of illegally parked trailers, and cars parked on the already narrow street, and asked for "No Parking" signs. Ms. Corzine asked for a call back from Code Enforcement, and has received no return call or contact.*

*Marlene Parks, NW 8th Court, Lincoln City - Spoke on the illegally parked motor home on NW 8th Court, and ongoing safety/code enforcement issues.*

*Byron Farley, Attorney, Salem, OR - Spoke on the revised resolution on housing, and expressed concerns that the resolution on transitional housing was amended in the deliberation stage without allowing the public to comment on the revised resolution. Mr. Farley advised that a written submission was sent to Planning and Community Development on or about 4:00 pm today.*

*Thomas Barnes, California - Spoke on the revised resolution, notes that the vast majority oppose, and came from California to be able to testify in opposition and objects to the removal of the agenda item. Mr. Barnes submitted a document for the record.*

*Richard Appicello, provided comment on the legalities of Mr. Farley's attack on the land-use matter under Resolution 2020-02.*

*Jitesh Desai, Lincoln City - spoke on the revised resolution, notes the vast majority are opposed. Mr. Desai also spoke in opposition to the transitional housing project. He notes there was there was confusion in the notice, and that they were not aware that they could oppose.*

*John Hoschauer, Lincoln City - Provided concerns with the location of the "Helping Hands" facility.*

**G. PRESENTATIONS**

**5. FY2018-19 Submission of Audited Statements**

Tim Gillette, from TKW provided a review of the annual audit report and opinion. Mr. Gillette touched on the high points, noting that the independent auditors report reflects that the financial statements have obtained a clean opinion. Mr. Gillette notes they found insignificant over expenditures, and that reviews should be more timely. Mr. Gillette notes that next year the accounting will change on leases that will affect the City.

**H. PUBLIC HEARINGS/ORDINANCES**

6. ZOA 2019-13 Transitional Housing - *This item removed from consideration.*

**H. PUBLIC HEARINGS / PUBLIC COMMENTS**

7. Public Hearing: Supplemental Budget

Mayor Anderson opened the public hearing for the Supplemental Budget. Ms. Bridges presented this item, reviewing the budget items. Ms. Bridges notes that \$60,600 was fundraised for the K-9 program to start the program.

Council and Mr. Chandler discussed the appropriated and un-appropriated fund balance and moving the money out of contingency.

<b>MOTION:</b>	<b>Motion to close the hearing and record on the Supplemental Budget.</b>
<b>MOVER:</b>	<b>Rick Mark, Councilor Ward 3</b>
<b>SECONDER:</b>	<b>Mitch Parsons, Councilor Ward 1</b>
<b>AYES:</b>	Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons
<b>RESULT:</b>	<b>Passed via Voice Vote</b>

**I. ORDINANCES**

8. ORDINANCE 2020-01 AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 15 (BUILDINGS AND CONSTRUCTION), CHAPTER 15.04 (ADOPTION AND ENFORCEMENT OF CONSTRUCTION AND CONSTRUCTION-RELATED CODES) TO REMOVE THE ADOPTION BY REFERENCE OF THE 1997 UNIFORM HOUSING CODE AND THE 1997 UNIFORM SIGN CODE.

*Mr. Appicello completed first reading by title only, and added that the City Planning Department no longer administers these codes. The purpose of this is to remove redundant and old regulations.*

<b>MOTION:</b>	<b>Motion to approve first reading by title only.</b>
<b>MOVER:</b>	<b>Mitch Parsons, Councilor Ward 1</b>
<b>SECONDER:</b>	<b>Judy Casper, Councilor Ward 3</b>
<b>AYES:</b>	Casper, Hinton, Hoagland, Kusz, Mark, Parsons
<b>ABSENT:</b>	Anderson
<b>RESULT:</b>	<b>Passed by Roll Call Vote</b>

*Mr. Appicello completed second reading by title only.*

<b>MOTION:</b>	<b>Motion to approve second reading and adoption Ordinance 2020-01.</b>
<b>MOVER:</b>	<b>Mitch Parsons, Councilor Ward 1</b>
<b>SECONDER:</b>	<b>Rick Mark, Councilor Ward 3</b>
<b>AYES:</b>	Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons
<b>RESULT:</b>	<b>Passed by Roll Call Vote</b>

**J. RESOLUTIONS**

9. RESOLUTION 2020-01 A RESOLUTION ADOPTING THE SUPPLEMENTAL BUDGET OF THE CITY OF LINCOLN CITY, OREGON, FOR THE FISCAL YEAR 2019-2020, AS APPROVED BY THE CITY COUNCIL, AND MAKING APPROPRIATIONS

**MOTION:** Motion to approve Resolution 2020-01.  
**MOVER:** Rick Mark, Councilor Ward 3  
**SECONDER:** Mitch Parsons, Councilor Ward 1  
**AYES:** Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons  
**RESULT:** Passed by Roll Call Vote

**K. SPECIAL ORDER OF BUSINESS**

10. Interview for Planning Commission Vacant Position - Applicant: Kim Blackerby  
*Council interviewed applicant Kim Blackerby with each Council member asking questions from a list provided in advance to the applicant.*

*Mayor suggested waiting to bring forward both Mr. Blackerby and a new applicant for public interview. Council consensus was to move forward with the public interview of Mr. Blackerby.*

*Discussion held with regard to a concern as to the Urban Growth Boundary designation. The City Recorder advised that both applicants were City residents.*

**MOTION:** Motion to appoint Kim Blackerby to a Planning Commission position for the City Resident/Urban Growth Boundary position for a term that expires on 12/31/2023.  
**MOVER:** Diana Hinton, Councilor Ward 1  
**SECONDER:** Judy Casper, Councilor Ward 3  
**AYES:** Anderson, Casper, Hoagland, Kusz, Mark, Parsons  
**ABSENT:** Hinton  
**RESULT:** Passed via Voice Vote

11. Interviews for Budget Committee Applicants: Jean Celia, Chester Noreikis and Kevin Hohnbaum  
*Council interviewed applicants Kevin Hohnbaum and Chester Noreikis with each Council member asking questions from a list provided to the applicant in advance of the meeting.*

*Discussion held with regard to the third applicant, Jean Celia, who advised that an urgent matter came up and she was not able to attend the interviews. The City Recorder advised that Ms. Celia is still interested in the position. Council agreed to move forward with the two remaining applicants.*

**MOTION:** Motion to appoint Chester Noreikis and Kevin Hohnbaum to a position on the Budget Committee for terms that expire on 12/31/2022.  
**MOVER:** Diana Hinton, Councilor Ward 1  
**SECONDER:** Diane Kusz, Councilor Ward 2  
**AYES:** Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons  
**RESULT:** Passed via Voice Vote

12. Request for Appointment to Parks and Recreation Board - David Jamieson or Megan Sorensen  
*Councilor Kusz advised that she and Councilor Hinton interviewed both applicants. Councilor Kusz recommended David Jamieson for a position on the Parks Board.*

<b>MOTION:</b>	<b>Motion to appoint David Jamieson to the Parks and Recreation Board for a term expiring on 12/31/2022.</b>
<b>MOVER:</b>	<b>Diane Kusz, Councilor Ward 2</b>
<b>SECONDER:</b>	<b>Diana Hinton, Councilor Ward 1</b>
<b>AYES:</b>	Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons
<b>RESULT:</b>	<b>Passed via Voice Vote</b>

**13. Proposed Annual Meeting Dates**

*Council reviewed the proposed Joint Meeting dates, and chose July 1, 2020 for the joint meeting with Lincoln County Board of Commissioners. The City Recorder will contact the Confederated Tribes of Siletz Indians to obtain a new proposed date.*

*Councilor Parsons will not be attending the joint meeting with Lincoln County Board of Commissioners.*

**L. CITY MANAGER/CITY ATTORNEY REPORTS**

*Mr. Chandler spoke on the successful quarterly newsletter, noting they are moving forward with an e-mail version.*

*Mr. Appicello advises that the City closes [on property] in one week, and suggested moving into Executive Session to discuss this item. Council consensus is to move into Executive Session under ORS 192.660(2) (e) Real Property*

*Due to Council was preparing to go into Executive Session, Councilor Casper presented information from the Solid Waste Advisory Committee (SWAC) meeting, where she shared information on an organics plastic upcycling, green schools, Lincoln County recycling guide and how to reach every resident - get the message out, and a curbside composting program. Councilor Casper suggested placing the Lincoln County Materials Plan available on the City's website. Councilor Casper suggested a resolution for the organics recovery program, and asked that the resolution be on the agenda for consideration as soon as possible.*

*Mayor Anderson asked Mr. Chandler for a list from staff as to project priorities.*

<b>MOTION:</b>	<b>Motion to direct staff to bring forward a resolution for an organics recovery program for discussion as soon as possible.</b>
<b>MOVER:</b>	<b>Judy Casper, Councilor Ward 3</b>
<b>SECONDER:</b>	<b>Riley Hoagland, Councilor Ward 2</b>
<b>AYES:</b>	Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons
<b>RESULT:</b>	<b>Passed by Voice Vote</b>

**M. ACTIONS, IF ANY, BASED ON WORK SESSION OR EXECUTIVE SESSION - None**

**N. ADDITIONAL COMMENTS FROM CITIZENS PRESENT ON NON-AGENDA ITEMS - None**

**O. ANNOUNCEMENTS OR COMMENTS BY CITY COUNCIL - This item moved to before the recess to Executive Session.**

*Councilor Casper asked that the resolution be on for consideration in March, and provided examples.*

Council discussion continued with concerns expressed with prioritizing staff projects, an ordinance that bans all polystyrene and plastic clamshell to-go containers. Mr. Chandler asked for clarification as to what Council is asking of the Sustainability Committee, as they may have other ideas.

Councilor Hoagland reminded Council of the existing motion on the table.

After the motion passed, Councilor Hinton asked that an ordinance move forward for consideration to ban all polystyrene and plastic clamshell to-go containers. Councilor Hinton will forward to the City Manager the list of other jurisdictions that currently have the ban in place to use as an example.

Councilor Hinton asked Council's permission to work with the Emergency Preparedness Coordinator, Kenneth Murphy, to develop a public involvement plan for building awareness regarding the caches, their location, list of supplies, and how to access them in time of a disaster, and asked that Councilor's Kusz and Mark from Wards 2 and 3 to join.

Councilor Hinton was concerned that appointments [to outside agencies] were not on for consideration at this meeting. Mayor Anderson notes there are no appointments with terms that have expired. Discussion was held as to the representative on the Driftwood Public Library Board, and it was determined that it is not needed. Mr. Appicello will check to see if the Council representation is required under the Oregon Revised Statutes. Discussed also was who the alternates are for the Solid Waste Advisory Committee (SWAC), and the City Recorder will verify. Councilor Hinton advised that she wanted to remain on The Villages at Cascade Head Home Owner's Association, and Mayor Anderson advised that she will remain on the board. Mayor Anderson asked for an updated list of committee members.

**9:07 PM - RECESS TO EXECUTIVE SESSION**

Mr. Appicello advised that City Council now meet in Executive Session pursuant to ORS 192.660(2) (e) Real Property Transactions, and ORS 192.660(2) (h) Legal Counsel, Potential Litigation. This allows City Council to meet in Executive Session to discuss "Helping Hands", and associated property owner Peters Family Trust, and to discuss the threat of litigation received this Council Meeting.

**9:49 PM - RECONVENE CITY COUNCIL MEETING**

**P. ADJOURNMENT**

Mayor Anderson adjourned the meeting at 9:50 pm.

**/S/ JUDY CASPER, COUNCIL PRESIDENT**  
**JUDY CASPER, COUNCIL PRESIDENT**

**ATTEST:**

**/S/ CATHY STEERE, MMC**  
**CATHY STEERE, MMC**  
**CITY RECORDER**