

CITY OF LINCOLN CITY

CITY COUNCIL MINUTES OF MEETING

February 10, 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 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: April 13, 2020

A. CALL TO ORDER

Mayor Anderson called the meeting to order at 6:07 pm due to a technical issue with the sound system.

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 Joint City Council and Planning Commission – October 7, 2019 1:00 PM

The minutes in the packet was replaced with reformatted minutes.

E. COUNCIL DELIBERATIONS – None

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

None

G. PRESENTATIONS

2. Sustainability Committee: 3 initiatives - Plastics Reduction, Sustainable Landscaping, Sustainable Food Event

Dave Price, Sustainability volunteer, used a PowerPoint to present information from the Sustainability Committee. Mr. Price provided a response to a recent news article that was totally opposite of what he actually said. Clarification letter was provided to the news media involved. Mr. Price spoke on zero waste, local sustainable food, sustainable landscaping, plastics reduction, protecting waterways and beaches, ban on polystyrene, and composting. Mr. Price suggested for a limited time to using portion of the transient room tax to make the difference between the cost of the polystyrene foam products and the replacement or paper product.

Councilor Hinton asked to add climate change to their list to work on, and offered a book called "Nature-Scaping for Clean Rivers" for review, wants to add ban plastic clam shell containers, and suggested working on a sustainability plan for city government. Councilor Casper provided additional information on zero waste. Councilor Kusz supports the options provided. Mayor Anderson notes he would like to move ahead with some of the suggestions, and expressed appreciation for the committee.

3. A Presentation of Explore Lincoln City's Planning and Creative Materials

Ed Dreistadt, Director of Explore Lincoln City used a PowerPoint to present information on Explore Lincoln City. Mr. Dresitadt provided a history of Lincoln City, noting the branding project, advertising agency, and now has a strategic plan in place. The Marketing Plan dovetails into the strategic plan. Also discussed was the "Finders Keepers" campaign, advertising in Portland, shadow box ads that brings imagery to life, "Finders Keepers" Pioneer Square Takeover on June 12, public relations, and it was noted that the visitors are staying only 1 or 2 nights. Mr. Dreistadt reviewed promotions, various current and proposed events, festival for July 4 to celebrate 65 years, holiday lights, and on a backup marketing plan he will be working on.

4. Naming of City Park Located on SE Keel Avenue

David Jamieson, Parks Board Chair and Loree Lafon used a PowerPoint presentation to present information on the naming of the City Park on SE Keel. The new name for the SE Keel City Park will be decided at a future Council meeting. Ms. Sprague corrected an error on comments on the staff report. The comments were from the contest participants. The Parks Board members introduced themselves, and information on the new park provided. The park will include more trails, nature play space, nature overlook and dog park. There will be an open house for the public to ask questions. Mr. Jamieson reviewed the parks naming policy and the top 6 name choices reviewed.

H. PUBLIC HEARING / ORDINANCE – None

I. PUBLIC HEARINGS / PUBLIC COMMENTS

5. Public Hearing: To consider a proposed zoning ordinance amendment (ZOA 2019-12) concerning LCMC 17.47.020 (Development in Identified Hazard Areas), including, but not limited to, clarifying measurement of the bluff setback.

Mayor Anderson opened the hearing. Anne Marie Skinner, Director of Planning and Community Development, presented the staff report. Mr. Appicello provided information with regard to the purpose of this ordinance is to clarify the Lincoln City Municipal Code.

MOTION:	Motion to close the public hearing and the record.
MOVER:	Mitch Parsons, Councilor Ward 1
SECONDER:	Judy Casper, Councilor Ward 3
AYES:	Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons
RESULT:	Passed via Voice Vote

6. Continued Public Hearing: To consider a proposed zoning ordinance amendment (ZOA 2019-16) concerning accessory dwelling units [LCMC 17.80.110], including, but not limited to, replacing subjective standards with clear and objective standards.

Mr. Appicello presented information on this agenda item, noting the local governments usually make this decision.

Council discussion was on concerns with changes to lot sizes and minimum distances between buildings. Mayor Anderson advises he takes exception to the state telling us what we have to do as the city has long had accessory dwelling units (ADU's).

MOTION:	Motion to close the public hearing and the record.
MOVER:	Rick Mark, Councilor Ward 3
SECONDER:	Diane Kusz, Councilor Ward 2
AYES:	Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons
RESULT:	Passed via Voice Vote

7. Public Hearing: To consider a proposed zoning ordinance amendment (ZOA 2019-03) concerning LCMC 17.80.160 (Mobile Food Units and Mobile Food Unit Pods), including, but not limited to, designating Districts where use is permitted. Requesting public comment (hearing not required) on amending Title 5 to add mobile food unit licensing provisions.

Mayor Anderson opened the public hearing reading from the script. No abstentions or disqualifications disclosed. Anne Marie Skinner, Director of Planning and Community Development presented the staff report.

Council discussed non-food trucks and Ms. Skinner advised the ordinance does not include non-food trucks, noting the health department has stringent requirements for mobile food units that would not apply to units selling non-food items. Non-food trucks would be under a street vendor license. Discussed was whether the food units would be required to have porta-pot and hose. Ms. Skinner advises the mobile food unit is required to be self-contained. Discussed was the difference between class 1 and class 2, and concerns with not allowing the sale of prepackaged foods. Mr. Chandler explained the classifications. Planning advised that they sent out notification letters to all restaurant owner addresses and received feedback from only two.

Dan Clanton, owner of 1646 and owns several food carts spoke in support of class 1 and 2 food items, and asked that they not be eliminated. Dan also expressed concerns with the section involving generators that relates to noise and air pollution, and limitation on licensing. Also discussed was restroom availability.

Council discussed concerns with trash receptacles and who is responsible for the pod trash, where food is prepared, and brick and mortar establishments pay taxes and food carts do not.

Leslie Portune, owner of Snug Harbor Bar and Grill, expressed concerns specific to the Taft Village Core with a proposed pod unit going into the area where the old Pines Restaurant used to be located. Ms. Portune asked that pedestrian access be on both sides so the mobile unit backs will not be visible from Hwy 101. She also expressed concerns with the mobile food carts being able to remove the wheels as they are then no longer "mobile", noting they would be stored that way as an empty food truck for the winter if the wheels are removed.

Alison Robertson, Director of Economic Development spoke in support of the mobile food carts.

Council discussion occurred on why the issues of the wheels had been removed from the ordinance, the noise ordinance with regard to generators, the difficulty in enforcing the noise ordinance, eliminating packaged food and reasons why, home-made food might be encouraged over prepackaged food and concerns with eliminating packaged food wrapped in plastic, street vendors and non-profits not having to pay a fee and street vendors in comparison with mobile food trucks, and different foods and which classification they fall under.

Council consensus is to strike the prohibition of class 1 and 2 in the definitions, to include wheels are required, and that external generators are prohibited.

MOTION:	Motion to close the public hearing and the record.
MOVER:	Riley Hoagland, Councilor Ward 2
SECONDER:	Mitch Parsons, Councilor Ward 1
AYES:	Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons
RESULT:	Passed via Voice Vote

J. ORDINANCES

8. ORDINANCE 2020-03 AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17, (ZONING), AMENDING CHAPTER 17.08 (DEFINITIONS); AMENDING CHAPTER 17.80 (PROVISIONS APPLYING TO SPECIAL USES); SECTION 17.80.110 (ACCESSORY DWELLING UNIT STANDARDS) TO REMOVE DISCRETIONARY STANDARDS; AMENDING THE FOLLOWING CHAPTERS TO REFLECT THE REVISION: CHAPTER 17.16 (SINGLE FAMILY RESIDENTIAL (R-1) ZONE); 17.17 (SINGLE FAMILY RESIDENTIAL ROADS END (R-1-RE) ZONE); CHAPTER 17.18 (VACATION RENTAL (VR) ZONE); CHAPTER 17.20 (MULTI-FAMILY RESIDENTIAL (R-M) ZONE); CHAPTER 17.28 (RECREATION COMMERCIAL (RC) ZONE); CHAPTER 17.32 (GENERAL COMMERCIAL (GC) ZONE); CHAPTER 17.34 (NELSCOTT PLAN (NP) DISTRICT); CHAPTER 17.40 (RECREATION RESIDENTIAL (R-R) ZONE); CHAPTER 17.45 (TAFT VILLAGE CORE (TVC) ZONE) AND CHAPTER 17.50 (OCEANLAKE PLAN (OP) DISTRICT); CHAPTER 17.52 (SUPPLEMENTAL REGULATIONS AND EXCEPTIONS).

Mr. Appicello completed first reading by title only.

MOTION:	Motion to approve first reading of Ordinance 2020-03.
MOVER:	Mitch Parsons, Councilor Ward 1
SECONDER:	Riley Hoagland, Councilor Ward 2
AYES:	Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons
RESULT:	Passed by Roll Call Vote

Mr. Appicello completed second reading by title only.

MOTION:	Motion to approve second reading and adoption of Ordinance 2020-03.
MOVER:	Mitch Parsons, Councilor Ward 1
SECONDER:	Rick Mark, Councilor Ward 3
AYES:	Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons
RESULT:	Passed by Roll Call Vote

9. ORDINANCE NO. 2020-04 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), PARAGRAPHS B AND D, TO CLARIFY THE STARTING POINT FOR THE BLUFF SETBACK AND OTHER CLARIFICATIONS

Mr. Appicello completed first reading by title only.

MOTION:	Motion to approve first reading of Ordinance 2020-04.
MOVER:	Mitch Parsons, Councilor Ward 1
SECONDER:	Judy Casper, Councilor Ward 3
AYES:	Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons
RESULT:	Passed by Roll Call Vote

Mr. Appicello completed second reading by title only.

MOTION:	Motion to approve second reading and adoption of Ordinance 2020-04.
MOVER:	Mitch Parsons, Councilor Ward 1
SECONDER:	Judy Casper, Councilor Ward 3
AYES:	Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons
RESULT:	Passed by Roll Call Vote

10. ORDINANCE NO. 2020-05 AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17, (ZONING), TO ADD MOBILE FOOD UNITS AS PERMITTED USES IN THE FOLLOWING ZONES - AMENDING CHAPTER 17.24 (PROFESSIONAL CAMPUS (PC) ZONE); SECTION 17.24.020 (USES PERMITTED); AMENDING CHAPTER 17.28 (RECREATION COMMERCIAL (RC) ZONE), SECTION 17.28.020 (USES PERMITTED), AMENDING CHAPTER 17.32 (GENERAL COMMERCIAL (GC) ZONE), SECTION 17.32.020 (USES PERMITTED), AMENDING CHAPTER 17.34 (NELSCOTT PLAN (NP) DISTRICT), SECTION 17.34.050 (PERMITTED USES); AMENDING CHAPTER 17.36 (PLANNED INDUSTRIAL (PI) ZONE), SECTION 17.36.020 (USES PERMITTED); AMENDING CHAPTER 17.42 (PARK (P) ZONE), SECTION 17.42.020 (PERMITTED USES); AMENDING CHAPTER 17.45 (TAFT VILLAGE CORE (TVC) ZONE), SECTION 17.45.040 (LAND USE ACTIVITIES), AMENDING CHAPTER 17.50 (OCEANLAKE PLAN DISTRICT (OP) ZONE), SECTION 17.50.050 (PERMITTED USES), AND AMENDING CHAPTER 17.80 (PROVISIONS APPLYING TO SPECIAL USES), ADDING A NEW SECTION 17.80.170 (MOBILE FOOD UNITS) ESTABLISHING STANDARDS FOR MOBILE FOOD UNITS AND MOBILE FOOD UNIT PODS

Mr. Appicello completed first reading by title, and reviewed the revisions.

MOTION:	Motion to approve first reading of Ordinance 2020-05.
MOVER:	Mitch Parsons, Councilor Ward 1
SECONDER:	Diana Hinton, Councilor Ward 1
AYES:	Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons
RESULT:	Passed by Roll Call Vote

Mr. Appicello completed second reading by title only.

MOTION:	Motion to approve second reading of Ordinance 2020-05 and adoption of the ordinance with changes as read in first reading,
MOVER:	Mitch Parsons, Councilor Ward 1
SECONDER:	Judy Casper, Councilor Ward 3
AYES:	Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons
RESULT:	Passed by Roll Call Vote

11. ORDINANCE NO. 2020-06 AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 5 (BUSINESS TAXES, LICENSES AND REGULATIONS), ADDING A NEW CHAPTER 5.30 (MOBILE FOOD UNITS), ESTABLISHING LICENSING REQUIREMENTS FOR MOBILE FOOD UNITS.

Agenda item number 13 was considered before this agenda item.

Mr. Appicello provided corrections to the Table of Contents and a reference to street vending that should state mobile food units; definitions should include "wheeled" mobile food unit; and strike the language beginning with mobile food units are limited to class 3 or 4 as identified in the OAR, and class 1 and 2 units as identified in OAR are prohibited from functioning, and strike language that mobile food unit does not include a street vendor cart or a mobile vehicle, trailer or wagon

selling prepackaged foods that are not altered by the vendor such as ice cream. Mr. Appicello suggests that paragraph "F" be replaced with language: "Mobile food units shall comply with all city ordinances concerning packaging, including any prohibitions on specific materials, for example polystyrene." This would replace language on packet page 135, paragraph "F".

Mr. Appicello completed first reading by title, and reviewed revisions.

MOTION:	Motion to approve first reading of Ordinance 2020-06 with previous read changes.
MOVER:	Mitch Parsons, Councilor Ward 1
SECONDER:	Diana Hinton, Councilor Ward 1
AYES:	Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons
RESULT:	Passed by Roll Call Vote

Mr. Appicello completed second reading by title only.

MOTION:	Motion to approve second reading and adoption of Ordinance 2020-06.
MOVER:	Mitch Parsons, Councilor Ward 1
SECONDER:	Diane Kusz, Councilor Ward 2
AYES:	Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons
RESULT:	Passed by Roll Call Vote

K. RESOLUTIONS

12. RESOLUTION 2020-04 A RESOLUTION OF THE CITY OF LINCOLN CITY DESIGNATING A PORTION OF THE 51st STREET RIGHT-OF-WAY FOR INTERIM PARK USE, SUBJECT TO PERMITTING AND REGULATIONS UNDER LCMC CHAPTER 12.16

Mr. Appicello provided information on the proposed resolution, noting the resolution was modified after published in the packet, and described the changes.

MOTION:	Motion to approve Resolution 2020-04.
MOVER:	Riley Hoagland, Councilor Ward 2
SECONDER:	Mitch Parsons, Councilor Ward 1
AYES:	Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons
RESULT:	Passed by Roll Call Vote

L. SPECIAL ORDER OF BUSINESS

13. Public Interview: Request for Appointment to Planning Commission - MacNeale B Smith Council interviewed applicant MacNeale Smith with each Councilor asking questions.

MOTION: Motion to appoint MacNeale Smith to the Planning Commission for the open position.
MOVER: Judy Casper, Councilor Ward 3
SECONDER: Diana Hinton, Councilor Ward 1
AYES: Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons
RESULT: Passed via Voice Vote

14. Approval of Final Order 2020-01

Mr. Appicello presented this item. Council discussion held as to the ordinance coming forward with regard to off-street parking, and asked if the City can reach out to those affected to let them know. Mr. Appicello notes it is a resolution, and Mr. Chandler agreed to notify those affected.

MOTION: Approval of Final Order 2020-01
MOVER: Mitch Parsons, Councilor Ward 1
SECONDER: Judy Casper, Councilor Ward 3
AYES: Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons
RESULT: Passed by Roll Call Vote

15. Amendment to the Intergovernmental Agreement with ODOT for Curb Ramp Design

Ms. Bradley presented the staff report, noting that the project is financed by ODOT, and they have agreed to pay the difference from the original estimate \$450,000 to the updated cost of \$513,008 for the project.

MOTION: Motion to authorize the Mayor to sign Amendment number 1 to the Cooperative Improvement Agreement Number 32331 with the Oregon Department of Transportation (ODOT) named City of Lincoln City Curb Ramp Design.
MOVER: Mitch Parsons, Councilor Ward 1
SECONDER: Riley Hoagland, Councilor Ward 2
AYES: Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons
RESULT: Passed by Roll Call Vote

M. CITY MANAGER/CITY ATTORNEY REPORTS

Mr. Chandler spoke on the proposed ordinance/resolution on banning certain products, noting the two items that will be brought forward (composting and banning of polystyrene and plastic clamshell containers); and asked if there were any other items to be added. In addition, he asked if Council wished to have a work session on the suggestions from the Sustainability Committee.

Council consensus is to hold a work session March 2, 2020, with possible topics for discussion of reviewing recommendations of the Sustainability Committee, discussion of the Zero Waste plan. Mentioned was the possibility of obtaining information as to how many restaurants are using the containers proposed to be banned and the number of containers they use and the difficulty of obtaining the information.

Mr. Appicello suggested having a public hearing on the matter.

Mayor Anderson asked for clarification on how to handle the naming of the park, and Mr. Chandler notes it will be brought back as an agenda item. Councilor Hoagland asked that Council contact Tribal Council to obtain permission to use the Tribal name suggested.

Mayor Anderson also spoke on Council priorities, and Mr. Chandler advised it will be brought forward in March, and added that after the priorities work session, he forwarded the proposed priorities list and tasks, and received a few comments, and will revise the list with the comments received and will resend it for review. Mr. Chandler advised it would be helpful to receive thoughts on the revisions prior to consideration.

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

MOTION:	Motion to approve the pre-development assistance for the NE 25th Street property development.
MOVER:	Judy Casper, Councilor Ward 3
SECONDER:	Mitch Parsons, Councilor Ward 1
AYES:	Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons
RESULT:	Passed by Roll Call Vote

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

None

P. ANNOUNCEMENTS OR COMMENTS BY CITY COUNCIL

Councilor Hinton asked about the League of Oregon Cities inquiring about a City response to Senate Bill 1530, asked for the City's response (feedback), and asked if the City will be responding as a .22 cent per gallon tax increase proposed for Lincoln City. Council consensus is for the City not to respond.

The LOC Small Cities meeting is February 20, 2020.

In honor of the late Councilor Ward (February 12), "The Crepery" will be opening soon, and the Nelscott Cafe is now called "The Nelscott Breakfast House".

Mayor Anderson spoke on the LOC Spring Conference in Hermiston, OR, suggesting that only 1 or 2 Council members attend as opposed to a large number, and then sharing the information upon return. Mayor Anderson congratulated Oregon Coast Community College's receiving accreditation after 33 years, which gives them more flexibility with classes and work-studies. Mayor welcomes anyone who wishes to attend Coffee With the Mayor on Valentine's Day.

Q. ADJOURNMENT

The meeting adjourned at 10:05 pm.

ATTEST:

/S/ DICK ANDERSON
DICK ANDERSON, MAYOR

/S/ CATHY STEERE, MMC
CITY RECORDER