

CITY OF LINCOLN CITY

CITY COUNCIL MINUTES OF MEETING

June 22, 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: September 21, 2020

A. CALL TO ORDER

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

Staff present: Ron Chandler, City Manager; Richard Appicello, City Attorney; Jerry Palmer, Chief of Police; AnneMarie Skinner, Planning Director; Debbie Bridges, Finance Director; Jeanne Sprague, Parks and Recreation Director; Ken Murphy, Emergency Preparedness Coordinator; Cathy Steere, City Recorder; David Twigg, I.T. Support Specialist.

Mayor Anderson advised there was an agenda change. There would be an additional resolution pertaining to a 24 hour hold under section K, "Resolutions".

C. PLEDGE OF ALLEGIANCE

As the meeting was held remotely, the Pledge of Allegiance was skipped.

D. CONSENT AGENDA

Councilor Hinton advised that Ms. Steere had sent over two items for Council approval- a liquor license for Marci's Bar and Bistro and a liquor license for Gallucci's Pizzeria.

Ms. Steere said these were not license renewals; they were COVID-specific licenses allowing for off-premises alcohol sales.

MOTION:	Motion to approve the Consent Agenda: Off-Premises Liquor License for Marci's Bar and Bistro and Gallucci's Pizzeria
MOVER:	Riley Hoagland, Councilor Ward 2
AYES:	Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons
RESULT:	Passed

E. COUNCIL DELIBERATIONS

1. DELIBERATIONS: CPA & ZC 2020-01 Scrutton, et al zone change - request for approximately 2.06 acres to be changed to a comprehensive plan map designation of Commercial-Recreation District and a zone designation of Recreation-Commercial (RC) Zone.

Ms. Skinner advised Council that this is a request to re-zone 8 properties from Multi-Family residential to Recreation-Commercial. There is no development agreement involved with this zone change.

Councilor Mark asked Ms. Skinner how long it would take to update the Comprehensive Plan? Ms. Skinner said it'll take at least 2 years to update. Mr. Appicello said this issue is irrelevant since Council is reviewing a privately-initiated request and a decision needs to be made now.

Councilor Hinton said this proposal is not consistent with the current Comprehensive Plan. Councilor Hinton said staff do not recommend approval and she concurs with staff.

Councilor Casper said that the proposed uses for the properties are not in the best interests of citizens at this time and she recommends denial.

Mr. Appicello said that the Comprehensive Plan being overdue is not relevant. The City has not adopted a moratorium on re-zoning applications. Staff articulated before the Planning Commission that the rationale for not recommending approval was because the request is "spot re-zoning" and is not consistent and compatible with the current Comprehensive Plan. The Planning Commission did think the zone change was appropriate. The issue at hand is if Council thinks this is appropriate. Is it time to change the zoning from residential to recreation-commercial?

Mayor Anderson said that housing is our first priority. However, oceanfront properties such as these are expensive and all but 2 of 8 of these properties have structures on them. High-end rental housing would be a good fit for this area. Mayor Anderson doesn't like allowing single family housing in a multi-family area but this area will likely not have multi-family dwellings.

MOTION:	Motion to deny CPA & ZC 2020-01
MOVER:	Diana Hinton, Councilor Ward 1
SECONDER:	Riley Hoagland, Councilor Ward 2
AYES:	Casper, Hinton, Hoagland, Mark
NAYS:	Anderson, Kusz, Parsons
RESULT:	Passed by Roll Call Vote

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

Mr. Chandler said that 52 public comment emails have been received. Mr. Chandler summarized the comments. 21 comments were in support of the rule regarding the wearing of face coverings. 3 were against this rule. 1 comment regarding non-essential shopping was received. 1 comment was about the lack of leadership within Lincoln City.

Regarding the 24 hour hold rule for lodging, 13 were in support of removing the rule and 12 were against removing the rule.

*1 email was received thanking the City for COVID economic aid funds.
1 email was received about the lack of protection against the impact of vacation rental dwellings.
1 email was received about enforcing the state face covering guidance.*

G. PRESENTATIONS

H. PUBLIC HEARING / ORDINANCE

I. PUBLIC HEARINGS / PUBLIC COMMENTS

- 1. ZOA 2020-01 Procedures - an ordinance amendment to organize land use permits and applications into procedure types of Type I, II, III, or IV with associated application forms and checklists; add a table showing each permit and application with its associated number type

Staff recommended to move this item to July 13, 2020 to allow the Planning Commission time to finish their review. This was passed by Unanimous Consent.

MOTION:	Move the Public Hearing for ZOA 2020-01 to July 13, 2020 to allow the Planning Commission time to finish their review
AYES:	Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons
RESULT:	Passed via Voice Vote

- 2. ZOA 2020-02 Parking and Landscaping - consolidates parking and landscaping requirements from various chapters and sections of Title 17 and places them in one chapter each, with that chapter being Chapter 17.56 for parking requirements and creating Chapter 17.55 in which to place all of the code's landscaping requirements

Mr. Appicello advised Councilors to declare any conflict or potential conflict of interest. No Councilors declared a conflict.

Ms. Skinner said this Ordinance combines items scattered throughout Title 17 and puts them in one place. Currently Lincoln City has a chapter for Parking but Parking Requirements are also listed in Design Standards and in chapters on the various areas of the City.

Currently Landscaping is a section of Chapter 17.52 and this ordinance would create a separate chapter for Landscaping and consolidate Landscaping requirements into that chapter. These changes would simplify the review of landscaping requirements for contractors, the public, and staff.

There are no substantive changes with this Ordinance.

Mr. Appicello said there are several ordinances addressing definitions. Mr. Appicello asked for approval to pull out definition sections and bring back definition changes in one ordinance for Council review. Mr. Appicello said the Ordinances are not on the agenda tonight for approval, but they will all be in final form on July 13.

Mayor Anderson asked why the City was having a Public Hearing if all that was being done was moving around text within sections and chapters? Mr. Appicello said there were small changes that some people might believe are substantive. In addition, a notice was sent to residents about this public hearing.

Councilor Hinton said she had three corrections and a question. Mr. Appicello asked Councilor Hinton to email him the corrections. They are pertaining to punctuation.

Councilor Hinton asked about parking for one bedroom units. The ordinance currently says one parking space. Councilor Hinton thought that two had been approved due to the need for caregiver parking. Mayor Anderson said the conversation was that one bedrooms might require more than one space but by allowing 1.5 spaces per unit there ought to be enough parking for caregivers.

Councilor Casper asked if we had a specific ordinance regarding light pollution? Mayor Anderson suggested that Mr. Appicello define light pollution when the definition ordinance goes before Council.

Mr. Chandler confirmed that no public comments were received.

Council gave unanimous consent to Mr. Appicello to return with an Ordinance on July 13.

MOTION:	Motion to close the record and the hearing for ZOA 2020-02
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

3. ZOA 2020-04 Permanent Signs - proposed language to replace Chapter 17.72 Signs by clarifying definitions, placing temporary sign provisions in Chapter 9.34, providing consistent permanent sign regulations throughout the city, and providing clear and objective standards for sign illumination

Mayor Anderson asked Council to declare any conflicts or potential conflicts of interest. None were declared.

Ms. Skinner said this Ordinance Amendment was a carryover from one that was started about a year ago. The main proposed change is the removal of temporary signs from the land use chapter. This amendment also provides clear standards for sign illumination.

Ms. Skinner also noted this ordinance will make sign requirements consistent throughout Lincoln City. Currently there are slightly different sign standards in Taft, Nelscott and Oceanlake compared to the rest of the City.

Mayor Anderson asked Ms. Skinner to explain the Planning Commission's recommended amendment to clarify the area measurement for tenant sign space. Ms. Skinner said that the code appeared to only allow one tenant sign space, even if there was more than one tenant in the building. That was not the intent of the code.

Ms. Skinner said she had received one public comment regarding the definition for original art display. The comment came from Alison Robertson, Economic Development Director. The comment pertained to graphic designers who create representations via computer. The comment expressed that these designers should be allowed to display their art.

Councilor Hoagland said he would like to allow this. The definition is currently limiting.

Mr. Appicello said it was important to make sure art displays are not signage. With direction, Mr. Appicello can return on July 13th with alternate definitions for consideration.

Ms. Skinner said that an original art display was not a sign and does not require a sign permit. It does not need to meet sign size requirements. Digitally generated items that are part of a sign are not prohibited. They are allowed- however, they're not exempt from sign permit requirements.

Councilor Parsons asked how to distinguish a sign from art. Is it the business name? Ms. Skinner said that if you have the business name it becomes a sign.

Mr. Appicello said the issue of projection onto the building could be addressed under temporary signs.

Council gave staff unanimous consent to bring back an Ordinance. Mr. Appicello said he would also bring back temporary sign provisions on July 13. These are not subject to public hearing requirements.

MOTION:	Close the hearing and the record for ZOA 2020-04 - Signs
MOVER:	Diana Hinton, Councilor Ward 1
SECONDER:	Judy Casper, Councilor Ward 3
AYES:	Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons
RESULT:	Passed via Voice Vote

4. ZOA 2019-08 Design Standards - amends design standards in the zoning ordinance to make them consistent throughout all commercial zones and pearls

Ms. Skinner said this ordinance makes the design standards consistent throughout the City. It also removes the options for single-family residences in multi-family zones as per discussion at the Planning Commission and City Council work sessions.

Councilor Casper discussed day care homes. She noticed that licensing approval was removed from the ordinance. Is this not necessary? Ms. Skinner said licensing is necessary but the ORS chapter is different. Ms. Skinner will work with Mr. Appicello to make sure license requirements are addressed. Councilor Casper asked who determines variances? Ms. Skinner said the Planning Commission determines these, as the review authority.

Mr. Appicello said the Planning Commission did not like the "Review Authority" term and wanted to change it. Mr. Appicello asked what Council thought about it? Ms. Skinner said Planning Commission wanted the "Review Authority" term changed in specific areas, and she changed it as they requested. Council did not request further changes to the "Review Authority" term.

Councilor Casper brought up colors. Are the colors for new construction? Does the City have color recommendation throughout the City, as part of zoning? Ms. Skinner said there's nothing like that now. The color recommendations are for new construction.

Mayor Anderson asked if the idea was that new construction would inspire remodels for older construction. Ms. Skinner said yes.

Council gave Unanimous Consent for an Ordinance to come before them regarding Design Standards.

MOTION: Motion to close the hearing and the record for ZOA 2019-08
MOVER: Judy Casper, Councilor Ward 3
SECONDER: Riley Hoagland, Councilor Ward 2
AYES: Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons
RESULT: Passed via Voice Vote

RE-OPENING OF PUBLIC HEARING FOR ZOA 2019-08

Mayor Anderson re-opened the hearing and asked if there were any public comments? Ms. Skinner and Mr. Chandler said no public comments had been received. No-one was in the Council Chambers to offer comments.

MOTION: Second motion to close the public hearing and the record for ZOA 2019-08
MOVER: Judy Casper, Councilor Ward 3
SECONDER: Riley Hoagland, Councilor Ward 2
AYES: Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons
RESULT: Passed by Voice Vote

6. Public Comment: Resolution 2020-17 Proposed Revisions to City-Wide Fee Schedule

Ms. Bridges said that during the budget process a 6% increase was included for Community Center revenues. Ms. Sprague did an analysis against other cities and Lincoln City's rates were below all comparable jurisdictions.

No public comments were received regarding this matter.

J. ORDINANCES

K. RESOLUTIONS

7. RESOLUTION NO. 2020-17 A RESOLUTION OF THE CITY OF LINCOLN CITY ADOPTING REVISIONS TO THE PARKS AND RECREATION FEE SCHEDULE

Councilor Mark said that the increase in rates seemed reasonable. Councilor Mark said he'd like to see the rain gutters not leak as much at the Community Center.

MOTION: Motion to Approve Resolution 2020-17 Revisions to Fee Schedule
MOVER: Judy Casper, Councilor Ward 3
SECONDER: Diane Kusz, Councilor Ward 2
AYES: Anderson, Casper, Hinton, Kusz, Mark
NAYS: Hoagland, Parsons
RESULT: Passed by Roll Call Vote

8. RESOLUTION 2020-16 A RESOLUTION AUTHORIZING AND DIRECTING BUDGET TRANSFERS FOR THE CITY OF LINCOLN CITY, OREGON IN THE 2019-2020 FISCAL YEAR BUDGET

Ms. Bridges said detail on the transfers was provided in the staff report.

Mayor Anderson confirmed that these changes will impact the 2019-20 budget. He asked if the 2020-21 budget will have the actual figures for 2019-20? Ms. Bridges confirmed that these transfers will be included in the actual figures for 2019-20.

Mayor Anderson confirmed these were smaller amounts. Ms. Bridges explained that the largest transfer is for \$56,000, and this transfer was included in the estimated year end and the proposed budget. The next largest transfer is for \$30,000, and the rest are quite small.

MOTION:	RESOLUTION 2020-16 A RESOLUTION AUTHORIZING AND DIRECTING BUDGET TRANSFERS FOR THE CITY OF LINCOLN CITY, OREGON IN THE 2019-2020 FISCAL YEAR BUDGET
MOVER:	Rick Mark, Councilor Ward 3
SECONDER:	Riley Hoagland, Councilor Ward 2
AYES:	Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons
RESULT:	Passed by Roll Call Vote

9. RESOLUTION 2020-18 – A RESOLUTION CONCURRING WITH AN EMERGENCY RESOLUTION PASSED BY LINCOLN COUNTY WITH THE EXCEPTION OF TWO PROVISIONS

Mr. Appicello said that this resolution reflects the City taking a different position to Lincoln County on two items - the County's reduction from 25 people to 10 for social gatherings and the City's wish to remove the 24 hour lodging hold.

Councilor Hoagland said that the City is in Phase 1 and cases are increasing. He feels this is a bad move. He feels that visitors are not taking the appropriate precautions and there are a lot of people in Lincoln City.

Councilor Hinton agrees with Councilor Hoagland. Cases are increasing - 6 more cases were added today (Monday June 22). Today Lincoln County's first death was reported - a 68 year old man. Councilor Hinton is uncomfortable having people go into lodging rooms when the virus could be in there. AirBNB as of June 15 recommends a 24 hour waiting period. The CDC also recommends a 24 hour waiting period if there is a COVID-positive person staying in the room. We should treat all visitors as being COVID-positive.

Councilor Mark said he would speak in favor of the resolution. He said we have no idea who is COVID positive and who isn't. He believes the lack of testing for COVID is a national disaster. Councilor Mark said that there haven't been any outbreaks connected to hotel stays and Lincoln City and other towns in Lincoln County have been open to visitors for a month. Councilor Mark says he doesn't think limiting hotel reservations would have a huge impact on limiting visitors to the coast, citing the large amount of day trippers. Councilor Mark said he was concerned about the health of local housekeepers. He wondered if hotels could increase their check out and check in gap to 8 hours? This would allow housekeepers to do a more thorough job without feeling the time crunch. Councilor Mark asked if the City could have a dedicated complaint line for violations? Maybe this could tie in with a dedicated VRD complaint line. Councilor Mark also wanted to see the City use a data trigger, such as an outbreak occurring at a hotel, to revisit the 24 hour rule.

Councilor Casper said that she's pleased to see AirBNB put out cleaning protocols based on CDC recommendations. There's no enforcement however. Councilor Casper said that some organizations have excellent training for their housekeepers; other housekeepers are more independent. Councilor Casper suggested that inspections be done to make sure companies follow through with proper cleaning. Councilor Casper said Lincoln City's economy is dependent on the lodging industry and Lodging industry employees need to know that the City supports them in their work and safety.

Mayor Anderson said Lincoln County has done a lot more testing recently. Testing has been performed in hotspots. Last week testing was done in senior living facilities, including staff. We are seeing results based on the increased testing. Mayor Anderson said at this time no cases have been tied to the lodging industry, and lodging has been open since May 21. The rest of Oregon has had lodging open the whole time. Mayor Anderson said that lots of testimony had been received from service-sector staff who wanted to get back to work. Mayor Anderson said that the Oregon Department of Health said that the increase in cases is due to socializing and family networks. These aren't lodging.

Councilor Hinton said VRDs serve the needs of large gatherings. Councilor Hinton said that the CDC guidelines say rooms should be vacant for 24 hours if there is a known COVID case.

Councilor Hoagland said that lodging workers do not speak out because they are afraid. Councilor Hoagland said that comments in favor of re-opening appeared to be copy and pasted. Councilor Hoagland believes that employees were told to make these comments by their employers. Councilor Hoagland is not in favor of rescinding the 24 hour lodging hold.

MOTION:	Motion to Approve Resolution 2020-18 - A resolution of the City of Lincoln City concurring with the Lincoln County emergency resolution excepting two provisions
MOVER:	Mitch Parsons, Councilor Ward 1
SECONDER:	Diane Kusz, Councilor Ward 2
AYES:	Anderson, Casper, Kusz, Mark, Parsons
NAYS:	Hinton, Hoagland
RESULT:	Passed by Roll Call Vote

L. SPECIAL ORDER OF BUSINESS

10. COVID-19 Update

Mr. Chandler said there were three issues that the Council were dealing with at the beginning of last week. One issue was face coverings, and now the Governor has issued a statement regarding these. Mr. Chandler asks staff to continually read guidance from the state on face coverings. Words such as "may" or "required" are very important.

An order was issued by the Governor that applies to Lincoln County and some others. Face coverings must be worn at grocery stores, fitness related organizations, pharmacies, public transit agencies and providers, personal service providers, restaurants, breweries, brew pubs, bars, wineries, retail stores, shopping centers, malls, and ride sharing services. Businesses are required to require employees, contractors, volunteers, customers and visitors to wear a face covering unless an accommodation or exemption is required by law. Exemptions include eating, drinking, or an employee being in a location where an employee is not interacting with the public if they can maintain a distance of 6 or more feet away from other employees. Businesses are required to provide face coverings for their employees and must provide accommodations when required by law. Businesses are required to post clear signs about face coverings. The state has a recommended sign for businesses to use.

Businesses are not required to (but should) provide at no cost disposable face masks for customers and visitors; provide signs about face coverings in languages that aren't commonly used; and communicate with visitors and customers about face covering exemptions.

The public is required to wear a face covering when at a business unless the individual is under 12 years old, has a medical condition, or has a disability that prevents an individual from wearing a face covering.

Mr. Chandler said that face coverings are not currently required outside.

Mr. Chandler discussed enforcement. There's no guidance currently available from the state regarding enforcement. Mr. Chandler said the state is not currently supporting giving tickets to violators. The question is how do you enforce a requirement without giving tickets?

Mr. Chandler said the County will forward calls regarding face coverings to the Lincoln County Health Department. Lincoln City dispatch will do the same. The City is waiting for more guidance from the state on dealing with this.

Councilor Casper provided the County Health Phone number: 541-265-0621.

Mr. Chandler said the County has reduced the gathering size limit to 10 but Lincoln City has remained at 25. Mr. Chandler provided Council with information regarding restaurants and requirements for their operate in Phase 1.

Mr. Chandler encouraged people to review all documentation and look at what is required (and enforceable) as opposed to what is recommended.

Mr. Murphy said that the Governor's website should be checked frequently.

Councilor Mark asked if businesses now need to post signs regarding face coverings? Mr. Chandler confirmed that was now required. Mayor Anderson stated that this didn't go into effect until June 24. Councilor Mark asked if the City could send information to businesses to help support them enforce the new requirements? Mr. Chandler said that the City could forward the state requirements to local businesses.

Councilor Casper hopes that local businesses support face covering requirements. Councilor Casper would like the Chamber of Commerce to take a stance on this issue.

Chief Palmer asked Council to remember there are exceptions to face covering rules.

Councilor Hoagland said that business owners aren't always at their businesses. Councilor Hoagland would rather not put enforcement onto customer service staff.

Mayor Anderson asked Mr. Chandler about the electronic sign on Highway 101. Should it change to "Face Coverings required"? Mr. Chandler said it will be changed.

Councilor Mark asked Chief Palmer if a store owner or customer service clerk asks a customer to wear a face covering and the customer refuses, is that grounds for trespassing? Chief Palmer said that if a store asks a customer to leave and a customer refuses, the Police can investigate the incident for trespassing and potentially issue a citation or arrest.

M. CITY MANAGER/CITY ATTORNEY REPORTS

Mr. Chandler said the joint meeting with the Siletz Tribe will be held via Zoom on July 20.

Mayor Anderson confirmed a joint meeting with Lincoln County will take place via Zoom on July 1.

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

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

Mr. Chandler read a comment from Cassandra Anderson, a Lincoln City resident. Ms. Anderson has noticed a drastically higher amount of people wearing face coverings in Newport compared to Lincoln City. Ms. Anderson asked for an ODOT sign saying that face coverings are required indoors in Lincoln City. Mr. Chandler said the City does not have a sign at its south entrance so he will contact ODOT to see if we can get one there. Councilor Hinton and Mayor Anderson commented that we have a sign at the north end of town already.

P. ANNOUNCEMENTS OR COMMENTS BY CITY COUNCIL

Councilor Hoagland made a statement regarding Black Lives Matter. He read a quote from Desmond Tutu.

Councilor Casper reminded Council that their legislative priorities are due and asked Councilors to get those to Mr. Chandler.

Councilor Parsons would like the Skate Park to reopen soon. It's outdoors and the only common surface is the handrail on the stairs. Mr. Chandler and Mr. Murphy said that opening the skate park was prohibited until Phase 2.

Councilor Kusz said that things were hard, especially for working people. We all are responsible for ourselves. Councilor Kusz does not want to see confrontation regarding face covering requirements. She would like to see everyone be kind and respectful to each other.

Councilor Hinton would like to talk about enforcement and what that means. Council tends to look to Chief Palmer for enforcement but the Police might not have to enforce everything. Councilor Hinton would like to lighten the load on the Police Department.

Q. ADJOURNMENT

// s //

DICK ANDERSON, MAYOR

ATTEST:

// David Twigg for //

CATHY STEERE, CITY RECORDER