

**CITY OF PORTORFORD
CITY COUNCIL MEETING MINUTES
IN THE GABLE CHAMBERS
THURSDAY, APRIL 18, 2019**

Mayor and Council	Present	City Staff		Present
<i>Vacant</i>		<i>Terrie Richards</i>	<i>City Admin/Recorder</i>	<i>X</i>
<i>Jim Campbell</i>	<i>Excused</i>	<i>Shala McKenzie Kudlac</i>	<i>City Attorney</i>	<i>X</i>
<i>Carolyn LaRoche</i>	<i>Excused</i>	<i>David Johnson</i>	<i>Finance Director</i>	<i>X</i>
<i>Pat Cox, President</i>	<i>X</i>	<i>Hank Hobart</i>	<i>Police Chief</i>	<i>X</i>
<i>James Garratt</i>	<i>X</i>			
<i>Tim Pogwizd, Mayor</i>	<i>X</i>			
<i>Travis Williams</i>	<i>X</i>			

Media Present: Port Orford News – Brice Wagner
Others Present: 22

1. Call to Order

Mayor Pogwizd called to order this Regular Meeting of the Common Council of the City of Port Orford in the Gable Chambers on Thursday, April 18, 2019 at 3:30 p.m. He then asked those present to rise and join him in the pledge of allegiance.

The Mayor asked everyone to silence his or her phone.

2. Additions to the Agenda – None

The Mayor then asked for a moment of silence recognizing Past Mayor and Councilor Jim Auburn. He stated that we lost a great man a couple of weeks ago. The Mayor worked with Mr. Auburn for twelve years and appreciated his insight and that he did a lot for Port Orford. Celebration of Life is May 19, 2019 at 3:30 at the Zion Lutheran Church.

3. Special Presentation to Citizens/Council - None

4. Consent Calendar

Minutes of March 21, 2019

Budget Committee Appointments – Carren Copeland & John Leuthe

Councilor Williams moved to approve the Consent Calendar as presented with Councilor Cox as second. **Motion carried 6 - 0**

Councilor Cox Aye

Councilor LaRoche _____

Councilor Williams Aye

Councilor _____

Councilor Garratt Aye

Councilor Campbell _____

5. Citizens' Concerns - None

6. Departmental Reports

*Public Works – Council questions answered earlier in the workshop. Mr. Eckhoff invited all the council to stop by the plant so they could have a better understanding of the operations.

*Police Department – Article in Santa Rosa Ca. praising the Chief for a job well done on a stolen car/dog from that area.

*Planning Department – Councilor Cox asked what the conditions were on a proposed subdivision. Legal Counsel Shala Kudlac said she could not remember them and suggested reading the staff report. City Planner Crystal Shoji explained some of the general conditions.

* PORT – they are going after bigger funding, they have a contractor starting demolition on the old cannery, and they lowered the lift fees across the board. Breakwater repair this summer, going out for funding for a new crane,

*Main St. – Councilor Williams reading from notes given to him. Coming up: Open Heart Dinner, painting murals on trash receptacles, signs, whale mural, and refreshing planters.

*Main St – Upcoming meeting on April 25, 2019 at the OSU Field Station. Steven Dahl and Karen Auburn will attend a Main Street meeting in Seattle. Other exciting things happening.

*Fire Board – gearing up on contract and they are in need of volunteers. New water tender coming. Repairs to the Fire Hall starting next month.

*Watershed/Health – Councilor LaRoche reported they are working on a grant for gorse removal; they need someone to go in yearly to help with removal.

3:47 PUBLIC HEARING: Regarding Comp Plan Tsunami Policies, Tsunami Hazard Overlay Zone, and Overlay Zone Map.

Staff Report: City Planner Crystal Shoji explained she would not go through the whole staff report. The page numbers in the report do not match the ordinance, which is not a big deal.

Ms. Shoji is going to explain the ordinances as they are. First, explaining the grant from Department of Land Conservation and Development (DLCD) and the Department of Geology and Mineral Industries (DOGAMI) have been working this with us throughout the year.

Ordinance 2019-02 proposed Tsunami Overlay Zone. The way the Planning Commission has proposed this is that they only include in the ordinances is what state law requires. It talks about “Essential Facilities” meaning things such as hospitals, fire and police stations, tanks or other structures supporting fire suppression, emergency vehicle shelters, structures and equipment and standby power generating.

It talks about “Hazardous Facility” and these are the kinds of things that are somewhat restricted within the overlay zone.

Ms. Shoji presented a map that shows what this would look like. This proposes all along the edges, it does include some residential land as well. However it does restrict things like hotels, motels etc.

There is some stuff in black [bold] type and what that means; it is not the same [language] that the Planning Commission recommended because more information came in from the state and map so they had to adjust that language. You can also see on page 2 the list of prohibited uses 17.46.050; it starts with hospitals and medical facilities, fire and police stations on down to “k” medical facilities with fifty or more residents. These are common sense things most people are not going to put a hospital where you are most apt to have a tsunami. There are exceptions; the city could say they could do “this” if they wanted that strategic location for something.

Councilor Cox asked about adding a water tank at the water plant if it were in the yellow zone – could they feasibly get around that? Ms. Shoji will no speak for the state and federal government; she is just saying they [Planning] are saying what the state law says. In other words, that law 455 in front of you – the city may not want to adopt this. This is the city’s choice – we honor the council, the council makes the decision for Port Orford.

The good thing about adopting it would be that by incorporating the state law into your local law people are more aware of what it is they are going to have to do eventually in that zone. If people were out there planning a new hospital or a new fire station in that zone, they would know it from the beginning because it would be in your comp plan.

Ms. Shoji is not going to recommend the council adopt this today. Council can take it home and compare it if they so choose.

Ordinance 2019-03 Comprehensive Plan. This actually shows the wording they already have in the plan – the gray highlight is stuff they already have – the bold is new language. The Comprehensive Plan is more of a visionary document it is not a “must do this” document.

Ordinance 2019-04 described shows the tsunami overlay from state law. This is a zoning map the state made for the city. The real maps [in the packet] looks like this and you can’t figure out what they are saying. The Mayor asked if they were somewhat accurate – yes state adopted maps.

Ms. Shoji stated that she was done reviewing the ordinances. On the back of her staff report there is a list of recommendations. 1. The Council can suggest revisions or changes. 2. Carry this [hearing] over to May 16 because the state is making another map and things that were supposed to happen did not – they overshot their expectations, and 3. Adopt the Planning Commission recommendations.

Discussion: Councilor Cox is concerned about loopholes specifically on height restrictions. The tsunami evacuation structures are not subject to the building height limitations of this code. Is a tsunami evacuation structure specifically a tsunami evacuation structure that is built specifically for that and no other uses? Ms. Shoji stated other cities have designated the tops of certain buildings for that purpose. Is this a loophole to build a taller structure for personal tsunami evacuation structures?

Legal Counsel, Shala Kudlac believes a tsunami evacuation structure would be for public use. Height exception is for structures in the overlay zone. She does not think a hotel is allowed. Further discussion of motels and height restrictions. Councilor Cox asked what the timetable is – June 2019. Councilor asked if there was not engineering requirements for tsunami evacuation structures.

Citizen: Doreen Ames appreciates Pat's comments quite a bit. The reason why I think you need more specific language in there is if they put that external staircase going up and I've lived in hazard zones before; often they are padlocked and if the owner is not on property to unlock the gate . . . and they do do it and they've done it quite a bit in Malibu. A high number . . . yah we can watch them slide down the cliff, no of course. I like that wording a lot to change that and make it very specific that they still have to build within the city code. I think that is all you have to do. You [council] were discussing a little bit emergency building within the hazard zone which I know that James is on the fire department and you mentioned a water tower in the old building up by the water towers that should be designated as a location for fire services and ambulances to go during a tsunami warning. I believe if you repaired that building a bit, it is a brick building; it could be used for that if there was a tsunami. Because your fire department is right down here in the washout it might be wise to consider that now.

Councilor Cox – Luckily, they just have one truck in there and most of the equipment up on Cedar Terrace already – answer is inaudible.

Ms. Ames added that Cal-OR Ambulance anybody would know if the warning system goes off to move the equipment up there and not drive around in it until after . . . inaudible.

The Mayor then asked for any other comments – hearing none he stated the hearing would be carried over to May 16, 2019 at 3:30 in the Council Chambers.

Councilor Cox asked what would happen if they did not accept this. Ms. Shoji could not answer that however it was an opportunity for the city to review it. Planning had hearings and discussion and they all said go with what the state has.

7. Old Business

- a. Ordinance 2019-02 Zoning Amendment carried over to May 16, 2019
- b. Ordinance 2019-03 Comp Plan Amendment – Tsunami Overlay Zone carried over to May 16, 2019
- c. Ordinance 2019-04 Tsunami Overlay Map carried over to May 16, 2019
- d. Resolution 2019-12 Tourism Advertising Agency. Councilor x moved to table until they get more information with Councilor Williams as second. *Motion carried 3-0*

Councilor Cox Aye
Councilor _

Councilor LaRoche ____
Councilor Garratt Aye

Councilor Williams Aye
Councilor Campbell _____

- e. Ordinance 2019-05 Tourism Advertising Agency. Councilor Williams move to table Ordinance 2019-05 with Councilor Cox as second. *Motion carried 3-0*

Councilor Cox Aye
Councilor _

Councilor LaRoche ____
Councilor Garratt Aye

Councilor Williams Aye
Councilor Campbell _____

Councilor Williams asked to schedule a workshop – May 16, 2019 at 2:00 p.m.

8. New Business

- a. Army Corp of Engineers request a variance to the noise ordinance. Kate Groth of the Army Corp request a variance from sunrise to sunset to October 31, 2019. Councilor Williams moved to approve with Councilor Campbell as second. Motion Carried. ***Motion carried 3 - 0***

Councilor Cox Aye
Councilor _

Councilor LaRoche ____
Councilor Garratt Aye

Councilor Williams Aye
Councilor Campbell _____

- b. Curry Transfer and Recycle annual rate increase. Luke Pyke and Candie Wilks was present to explain the annual rate increase of 2.5%. They also rolled out the new cart recycle program approved by Curry County Commissioners with this program there is a monthly price increase of three dollars and seventy-five cents. Councilor Cox moved to approve the CPI increase and the cart increase for CTR with Councilor Williams as second. Motion carried. ***Motion carried 3 - 0***

Councilor Cox Aye
Councilor _

Councilor LaRoche ____
Councilor Garratt Aye

Councilor Williams Aye
Councilor Campbell _____

- c. Right-of-Way request for a wood fence at 928 Oregon Street. Passed with a 3 -1 vote at Planning. Councilor Williams moved to approve the right-of-way request at 928 Oregon Street fence with Councilor Garratt as second. ***Motion carried 3 - 0***

Councilor Cox Aye
Councilor _

Councilor LaRoche ____
Councilor Garratt Aye

Councilor Williams Aye
Councilor Campbell _____

- d. Right-of-Way request for parking at 1035 Oregon Street. The Planning Commission approved the ROW. Councilor Williams moved to approve the Right-of-Way for 1035 Oregon Street with Councilor Garratt as second. Councilor Cox is concerned about the drainage in that area. ***Motion carried 3 - 0***

Councilor Cox Aye
Councilor _

Councilor LaRoche ____
Councilor Garratt Aye

Councilor Williams Aye
Councilor Campbell _____

9. Continuing Action no action

10. Considerations

a. Citizens –

* Mr. Scott the Mayor reminded him from their earlier discussion they were going to try to stick to 3 minutes. Paul Scott 1620 Jackson St. explained to council a situation he experienced with our police department and his neighbors at 18th and Jackson Street. Mr. Scott stated, “All of this will come out in another court someday”.

* Doug Battersby stated for the record three minutes down from five is a preposterous amount of time to allocate a resident to speak about any matter of importance. The Mayor reminded him he was using up his time to state his concern eventually the Mayor gaveled him down and asked him to leave.

* Gordon Clay speaking on suicide prevention month.

* Gary Wickham asked about the striping at the post office and the patrons backing out going the wrong direction.

* Doreen Ames reported water damage to Hensley Hill Rd. due to bad drainage from new builds.

* George Robson stated for the record that he is a victim of gossip and vigilantism and explained his story.

* Theresa Kolibaba stated her concerns for the possible damage of the road to the Port with the big trucks bringing rocks in to fix the breakwater.

* Jack Pruitt followed up on Gordon Clay's comments on suicide. He reiterated what his group brought to council on gun control. So what is the council saying to this man?

b. **Staff** – The City Administrator asked Council to try to attend the next Parks Commission meeting May 2, 2019 for a presentation of the proposed upgrade to the Community Building. The Mayor stated that May was full with the budget meetings. The CA will ask the Parks to the next Council meeting.

c. **Council** - Councilor Williams reminded the council of the workshop direction for the City Administrator.

* Councilor Garratt thinks that some people have the wrong idea of what the citizens' considerations section is for. It is his belief and understanding from the council rules that the citizens consideration is for them to bring a topic to the council for them to think about and consider putting on the next meeting agenda. Therefore, he doesn't believe they should be composing a complete story, they should be saying, "here's the issue, here is my brief statement why the council should consider this issue and why it is important. The Council should take that issue to a meeting so a decision or a resolution can be made.

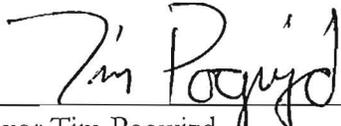
d. **The Mayor** recognized the police department and thanked them for their hard work.

11. Future Meetings:

City Council Meeting ♦ May 16, 2019 ♦ 3:30 PM ♦ City Hall Council Chambers

12. Adjourn

There being no further business Mayor Pogwizd adjourned the meeting at 5:21 p.m.



Mayor Tim Pogwizd

Attest:



City Recorder, Terrie Richards