

**City of Port Orford
City Council Meeting Minutes
In the Gable Chambers
Thursday, September 19 at 3:30 P.M.**

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

Media Present: Port Orford News –

Others Present:

1. Call to Order

Mayor Pogwizd called to order this Regular Meeting of the Common Council in the City of Port Orford Gable Chambers on Thursday, September 19, 2019 at 3:30. He asked those present to rise and join him in the Pledge of Allegiance.

2. Additions to the Agenda – None.

3. Special Presentation to Citizens / Council –

Samuel Baugh, Executive Director South Coast Development: Defines South Coast Development Council as economic development organization focused on helping the south coast from Florence to Brookings in service almost 20 years. Mr. Baugh is requesting the city of Port Orford to be part of the South Coast Development Council. South Coast Development has been working with Main Street providing public listening sessions. South Coast Development defines economic development as creating a community that children do not have to leave to find a better job, creating a community that the children want to live when they grow up, and creating a community that sustains the retired people.

Samuel Baugh introduced Live Culture Coast that is coming to Port Orford in October during the ten-day event to highlight the benefits of the entire coast from Reedsport to Brookings. Samuel Baugh is asking for financial assistance for their efforts in Port Orford. Most cities that are of comparable size are assisting with 2,500 dollars, which is enough funding to justify the manpower needed for the community. Councilor Cox asks for confirmation that South Coast Development is set up more for business promotion than housing. Mr. Baugh confirms. South Coast Development would like to keep the businesses open and operating. It is easier to build 200 businesses one job at a time than pull in an organization that needs 200 people to work. Business dictates housing needs. Trained workforce is required for business growth. Currently a low percentage of graduates return to Port Orford’s workforce. Port

Orford does not have adequate housing to support workforce growth. Mr. Baugh is involved in a housing development organization.

Mayor Pogwizd expressed appreciation to Mr. Baugh and the South Coast Development. Port Orford council will consider the request.

Linda Maxon and Felix Jaramillo, Coast Community Health: Ms. Maxon reports with an update on the work Coast Community Health is doing in the community. Mr. Jaramillo is the program and project director who is leading the renovation and construction projects with local contractors. Ms. Maxon presented with packets to council and the community to brief the community on the status of the project and the services Coast Community Health is bringing into the community. They have three projects currently.

- 1) Umpqua Bank facility: Umpqua Bank donated a facility two years ago. Coast Community Health chose to use the facility as an interim facility that will deliver primary care services, a pharmacy and licensed clinical social worker on a part time basis as well as a substance use disorder counselor. The facility is planning to open the pharmacy October 3, 2019. Medical services will be integrated into the facility after the permitting is completed. The facility will provide two exam rooms. The outreach office on Tichenor will be moving to the new facility. Facility will include a 340B pharmacy for patients and a retail pharmacy for non-patients. The pharmacy will be open five days a week to patients of Doctor Pitchford and all other doctors who have prescribing rights in the state of Oregon.
- 2) Tichenor facility: This facility is adjacent to and north of the elementary school. Over the next year the community will see site development for a full-service community health center to accommodate five exam rooms, procedure room and the services and pharmacy at Umpqua Bank will move to this facility. A separate building at this site will provide outreach services to accommodate showers, laundry, meeting rooms, counseling rooms and support rooms. Visiting medical specialist providers will be welcome to use the facility. The Umpqua Bank building will develop into other services as Coast Community Health defines what the need is. They are discussing dental.
- 3) Oregon Health Science University relationship: OHSU is a medical school. Coast Community Health supports OHSU students to come and study, a preceptorship. The students come into communities, including Port Orford in the future, to live. They study and they practice medicine. These students learn what it is like to be a doctor, nurse practitioner, PA or pharmacist in the community. A family has donated a second modular home. The two modular homes will be a dorm-style student housing. The students rotate monthly. Three students are coming this fall. In 2020 three additional students will be living in the community for one-month rotations. The modular homes are down the street from the Umpqua bank facility, which will be a campus for OHSU student housing.

Linda Maxon introduced Lindsey Woodward who is in her first year of medical school at OHSU. Ms. Woodward is interested in OB/GYN and intends to come back and practice in a rural community.

Ms. Maxon expresses appreciation for the investment through Health and Human Services through a grant to renovate the inside of the Tichenor building and the opportunity to work with Main Street Port Orford in receiving a grant to renovate the outside of the building. Coast Community Health is fortunate to have had Umpqua Bank donate their building. Through contract, the ATM will remain for three years and hopefully longer.

Mayor Pogwizd expressed appreciation for the name Auburn Center of Wellness as a dedication for Mayor Jim Auburn.

Mayor Pogwizd leads a moment of silence for Marvin Combs, police chief who passed September 11, 2019.

4. Public Hearing – Zone Amendment

Mayor Pogwizd calls the hearing to order. Councilor Williams recuses from voting due to conflict of interest.

Staff reports: Crystal Shoji reports zoning hearing does not need discussion. Council may need to adopt an ordinance for the change. Council is presented with recommendations of Planning Commission to City Council. The staff report includes application by applicant, map that shows zoning and property, and exhibits B through F that is testimony already received from neighbors and citizens.

Ms. Shoji reviewed Planning Commission recommendation with Council members. Planning commission looked at what the ordinances say and how they apply to this application.

Planning Commission findings:

- 1) Purpose of title 17 zoning as the City of Port Orford municipal code is to encourage appropriate use and development of land within the city of Port Orford in a manner that does not have adverse effects on the community and its residents. Subject application requests to re-designate property on maps from the residential to 4C commercial.
- 2) The residential zone 2R allows for various outright and conditional uses outlined in section 17.12.020. According to a statement in the rezone application provided by the applicant, the existing use of subject property is a heavy equipment shop for a road construction business. The existing commercial use is grandfathered under the non-conforming use provisions. At the time that Port Orford adopted their zoning and comprehensive plan, there was a thought that the city would grow a lot more than it did. There was a thought that residential would be needed. There was a thought that, that would be a good location for residential, but it has never been used for residential. It has had a nonconforming use for many years.
- 3) The proposed auction house use is consistent with the retailer service establishment use that is permitted in the outright 4C zone. They are applying for the zone change so they can have a specific retail use, which in this case is an auction barn use.

Ms. Shoji reminds council members that zoning is something permanent. The zoning is not for one use. It could be for other uses at a later date.

Planning Commission finding number 12: Population of the Port Orford has not grown at the rate that was expected when the comprehensive plan map designated subject property for residential use. The character of the area is that larger timber related industries that employed many people are not so plentiful as they were at the time that the initial comprehensive plan and zoning were put into place. Tourism has grown and unique retail uses are important to attract visitors and residents.

Planning Commission finding number 15: The applicant is proposing to utilize a site and structure that has been utilized for industrial use as a grandfathered use for many years. The structure that is proposed for commercial use already exists on the property. The property has been an industrial use in the past. The site appears to be suitable for a less-intensive use than industrial, which is commercial.

Planning Commission finding number 16: The proposed rezone will make it possible to utilize the space that is seeking a use. The proposed rezone will provide an opportunity for a use that will provide an economic benefit to the city. The proposed rezone and comprehensive plan amendments comply with the city's policies for economic development. The applicant is proposing to utilize subject property for a commercial type use, the historic use, which in turn will continue to contribute to the city's tax base and economic opportunities.

Planning Commission finding number 17: Surrounding zones and uses are mixed to the south, southeast and northwest surrounding properties are zoned 2R. To the southwest and west surrounding properties are zoned 1R. To the north, northeast and east properties are zoned public facilities and park zone 8PF. Adjacent to the east is a parcel zoned 8PF, identified as tax lot 1100, which houses an Oregon Department of Transportation maintenance yard. There is no site redevelopment or expansion proposed as part of this application. The proposed allowed uses appear to be more compatible with surrounding zoning than a heavy equipment shop, which is the traditional use of subject property.

Planning Commission finding number 18: Proposal from the applicant.

Planning Commission finding number 19: Subject property owned by Forest Acres Access, Inc is proposed for a rezoning to 4C commercial zone. Forest Acres Access, Inc also owns the properties to the west, which is tax lot 100. There is some question about whether tax lot 100 may be landlocked. It would take some proof if he wanted to split that lot off, because it is not apparent from the maps. Owner can not sell that lot off without due diligence to make sure it is not a landlocked property. That is only pertinent to this application to the applicant statement that he wants to use that lot as a buffer, because it is covered with trees. He cannot use that lot for commercial even if the zoning is changed, because he is not asking for a zone change on tax lot 100. He is only asking for a zone change on the larger lot.

Planning Commission finding number 20: Ms. Shoji received an email from the DLCD suggesting that city of Port Orford be careful with housing findings due to state organization involved in housing for cities since housing is needed in almost all cities in Oregon. The

Planning Commission finding is that this is not a major concern at this location. This property never was used for housing. It probably would not be used for housing even if the zoning does not change. There are several lots in the city of Port Orford that were approved for housing and unfortunately are not developed.

Ms. Kudlac with a note to the council: Council may agree with the planning commission recommendation or not agree, but any decision made will need findings to support that decision. If council makes a different decision than the Planning Commission findings will need adjusted today or ask the staff to come back with findings and carry the issue to the next meeting time. The decision the council makes needs findings. Council can change Planning Commission findings, toss out findings, make new findings, but all need to be based on criteria or council beliefs about the property from research. Council has 120 days to make the decision from application completion on 06/07/2019. Applicant had previously been willing to sign a waiver to allow more time.

The zone change will not be negative for possibilities for funding such as low-income housing or grants. Ms. Shoji advised that DLCD does not get involved in influencing how council decides on the rezone. The email was sent just to warn that the housing organization might be contacting Port Orford. DLCD does not want to see appeals in any city. DLCD is in support of city council decisions.

Councilor Cox addressed finding 17 stating there is a mixed use. Councilor Cox points out there is no commercial properties around the lot, only residential and public facilities. Ms. Shoji reminds there is a commercial industrial use by ODOT.

Public Testimony:

Lori Crosby introduces herself as being one of the representatives for the auction house. Ms. Crosby reports this property has historically been a commercial/industrial property since the 1940's. This property has never been residential. The cost of the development fees is unfortunately too high and not affordable to try and develop the property for residential. Due to the cost of development the property would have to be high-end homes and not affordable housing. At the first Planning Commission meeting, Ms. Crosby presented a petition from those that could not attend the planning meeting in favor of the rezone. Mayor Pogwizd advised the petition is in the council packet.

Karen Jennings advises she lives at 2 Hamlet, which is at the very entrance to the Hamlet. The property is directly across the street from 2 Hamlet. Karen Jennings is against the zone change. She does not feel it is a unique retail experience. She feels the Hamlet is totally residential aside from the state highway garage. Ms. Jennings feels traffic to the property will be excessive in a quiet neighborhood. Ms. Jennings is concerned people will be bringing merchandise in at all hours of day and night. Ms. Jennings identifies neighbors opposed.

Sandra Anderson reports she has been a real estate broker in Port Orford for close to 30 years. She sees this property being by the park and schools as a good area for a residential zone. She thinks there are other properties that would be a better location for an auction house.

With no further citizen comments, Mayor Pogwizd closed the public testimony session.

Councilor Cox moved to deny the zone change with Councilor LaRoche as second. ***Motion carried 3-2.***

Discussion: Ms. Kudlac reminds that the findings set out by the Planning Commission are what city council should be looking at to see what it is they do not agree with. The motion is to deny, so council will need to create findings to support the denial.

Councilor Cox wants council to work on another variance for the new use. It is viewed as always having been commercial but Councilor Cox states it has always been residential with a variance for commercial use. Ms. Kudlac clarifies that it is a non-conforming use, which means the use that it has existed prior to the zoning ordinance going in place. This property is not applicable to a variance, because a variance cannot change a use. Councilor Cox points out the lot is over three acres, which allows a planned unit development. That option will not be if the property is not residential. Councilor Cox wonders if an auction house is truly a retail facility. Councilor Cox addresses page 45, a notice attached to letter from Christine Roney, saying if current zoning does not change, the use could allow logging operation and heavy equipment. Ms. Shoji advised council to review uses in 4C. Councilor Cox states 4C does not allow a planned unit development, which conflicts with council declaring a housing emergency. Mayor Pogwizd clarifies that a 4C allows for housing in a conditional use.

Councilor Burns does not have a problem with the auction house but has a problem with the future uses that could be harmful to the park and residential area. Mayor Pogwizd uses his property on Port Orford Loop as an example. That property is the only commercial property on Port Orford Loop with the exception of the city yard across the street. His neighborhood has a positive reaction to the RV park in the neighborhood, as an example.

Councilor Cox asked about the cost to put the applicant property back to residential from nonconforming use being the same as changing the zoning to commercial. It is clarified there will not be a cost if they use the existing building. A future owner may make changes to the property within 4C at a cost.

Councilor LaRoche is concerned that the people that live in the neighborhood do not want the zone change. Councilor LaRoche feels that those that live in the neighborhood are concerned about future use of the property if rezoned.

Councilor Burns sees the auction house as a low impact type of business that will be an advantage to the community in bringing people in. Councilor Burns is also concerned about future use if the zone is changed to commercial use. He does not know of another way to

accommodate the auction house without the rezone to commercial. Councilor Burns asks if there is a way to have the auction house without the rezone to commercial. Ms. Kudlac informs that non-conforming use remains in the zone until the type of use is changed. The new use will have to be in conformance with the zone.

Mayor Pogwizd points out there are very few commercial areas in Port Orford. He understands it might be a good lot for an apartment project, but no developers have come forward. The cost of a housing project is high.

Ms. Kudlac defines 2R zone as allowing single family dwelling or duplex, manufactured home, multifamily dwelling, private stables, farming where building site is one acre or more, home occupation, child care facility, residential care home, residential care facility and then the conditional uses as mobile home park, church or school, grange hall, community building, public use facility defined as something like ODOT warehouse, city shop, etc.

Public Testimony Reopened: Mayor Pogwizd offers to reopen public testimony if council would like to hear Mr. Williams speak. Councilors Garratt and Cox requested the public testimony be reopened.

Mr. Travis Williams speaks as a citizen. Mr. Williams advises council this property is not his. He is working on purchasing the property from Forest Access, Inc. This property has had the nonconforming use. Mr. Williams does not want the 4C zoning as per say, but 4C is their only option for using the property. Due to nonconforming, there is not a conditional permit for this. Mr. Williams wants the property for an auction house. He cannot promise that the property would stay an auction house in the future. If the property is not purchased now, someone else will buy it and continue the nonconforming use. The nonconforming use makes it a valuable piece of property for someone to operate their logging equipment business or road construction business out of, which is also a concern in the future. The nonconforming use goes with the property regardless of who uses the property. The property will change in the future regardless of zoning changes. Mr. Williams informs council that his sole purpose for the zone change is for an auction house. It is not a good location for a retail store being far away from highway 101. Mr. Williams agrees it is an idealistic for housing; however, with development fees so high to put housing in, it would be exponential for the cost. Regardless of what happens with the property now, it will change hands and either the nonconforming use continues, or someone builds homes or apartments.

Councilor Garratt asks Mr. Williams what the odds are that the auction house will be a long-term business. Mr. Williams states that if the property is purchased the auction house is intended to be a lifetime business for him.

Diana Marmon, 28 Hamlet Street, did not know about this zone change until now. She wonders why she did not hear about this zone change request. Ms. Kudlac advised that perimeter for notice delivery is 250 feet from the property in questions.

Daryl Fromm introduces himself as the owner of the property. He advised that he operated from that property for 30 years and never injured anybody. The neighbors did not complain about the traffic going in and out of the property. An auction house provides parking on the property off of the street. He does not see a safety issue with the auction house use.

Lisa Crosby addresses Caroline who stated all the opponents are at this meeting. She wants to remind council that she did turn in information that there are neighbors who agree with the change. She reiterates that they plan on a once-a-month Saturday auction. Traffic will be from 10 to 5 on a Saturday once a month. The auction house is a general merchandise auction and not heavy equipment auction. It is new merchandise and not junk. They are not bringing in junk. It will be a multi-state advertised auction to let people know there is good general merchandise. People attending the auction are not resale purchasers but will be purchasing new merchandise for their retail businesses.

Councilor LaRoche asks who the people are that support the zone change. She is advised that they have the signatures. Councilor LaRoche asks for statements from the citizens, not signatures.

Lisa Crosby spoke for those in favor, stating they want the buffer zone left and would like to see an auction house business rather than having apartments with the buffer zone torn down and apartment residents able to look into their back yards and into their houses. The neighbors in favor of the zone change stated they would rather have commercial zoning than lose their privacy with the removal of the buffer zone. The neighbors on 12th street stated it was not a big deal to them to have the auction house at the property.

Karen Jennings again speaks against the zone change and is concerned about when the merchandise will be brought into the property.

Tracy Fromm identifies doing business on the property for 20 years six to seven days a week that brought in heavy truck traffic. The traffic comes in on 14th Street. There are only two residences on 14th street. In all those years, six or seven days a week of heavy traffic, there was never an issue or complaint.

With no further citizen comments, Mayor Pogwizd, again, closed the public testimony session.

Councilor Concerns:

Councilor LaRoche points out that people that are in favor of the zone change do not live on the Hamlet. Mayor Pogwizd reminds council there is no requirement a person has to live in a certain location to support or be against the zone change.

Councilor Garratt states that pursuing the denial of this, the findings need to be modified. If the denial passes council needs to stop debating and modify the findings. Ms. Kudlac advised that the planning commission went through the findings and decided which findings they did not agree with to determine their findings. Ms. Kudlac recommends the process of discussing the findings that council does not agree with they should know which findings they support.

Councilor Burns summarized that the auction house will be gathering items to sell during the month, thus very limited traffic during the month. Once a month the public will come into the property for the auction. If the zoning to support the auction house does not get approved, then property would come up for sale. At that time, it is a nonconforming use, which means somebody can go in there and bring heavy equipment and do what has been done there in the past. The nonconforming use can be worse than an auction house for the next 30 years where there is no heavy equipment involved. A purchaser can turn the property into a farm with current zoning.

Councilors Burns and Cox would like to see the nonconforming use ordinance to be clear on the uses that could be in the future. Councilor LaRoche asked if Mr. Fromm sold the property zoned R2 could the purchaser put trucks and stuff there. Ms. Kudlac replied that if nonconforming use has changed, it should be changed only to a use conforming with the zoning regulations. Once changed, it shall not be changed back again to the original nonconforming use. Change of ownership does not change the nonconforming use. This property can be used as R2 or a heavy equipment shop.

Councilor Burns states the main question is, does the city want to take away that big of a residential piece or gamble that somebody is going to put a like business in that has not been there for 18 years. If turned into commercial the property could change to anything in the future. The city council is here to promote business.

Mayor Pogwizd advised if the change is approved council is finished with this item. If the change is not approved council has to have findings to support the denial. Options are to leave the hearing open and continue next month or continue the hearing at present time and make a decision.

Ms. Kudlac directs the councilors to page 36, item C, says the map and must be compatible with surrounding zoning. She is hearing that a commercial zone there is not compatible with the residential that is around it. That finding can be amended. Legal Council Shoji states correction that findings are on page 25. Finding 17 is the correct finding. Councilor Cox feels the auction house is more compatible with the finding, and there were no complaints when it was a shop with 30 to 40 employees and heavy equipment.

Councilor Cox asked for clarification on finding 20 that states there is a small subdivision but wonders what the land partitioning is that will provide new opportunities for housing. Ms. Shoji thinks it was a small subdivision and then there was a land partitioning also. The subdivision is four lots on Arizona. He also asked for clarification on finding 16, the proposed rezone will make it possible to utilize a space that seeking a use. He feels it already has a use. Councilor Garratt points out that it is not actively being a productive part of the community at this time. It is just sitting there.

Mayor Pogwizd interjects that he is not as concerned with removing the R2 status, because there are many lost is Port Orford ready to build on that are not being built on. Ms. Kudlac replies that

council keeps talking about PUDs being available for that lot. She reminds council that a PUD brings a lot of people, a lot of traffic, a lot of housing in one area. Does the city want to set that on that piece of property should be considered? Ms. Shoji advised that PUD is allowed in commercial and in residential as a conditional use.

Mayor Pogwizd stated he would much rather have an auction house than trucking type entity on the property.

With no further discussion offered, Mayor Pogwizd called for a vote on the motion.

Councilor Cox *Yes* ***Councilor LaRoche*** *Yes* ***Councilor Williams*** *Recused*
Councilor Burns *No* ***Councilor Garratt*** *No*

Mayor Pogwizd addressed the tie. Based on the information that he has and knowing what that property can be in the future, Mayor Pogwizd is going to vote No, not to deny.

Shala Kudlac reads Title of ordinance as ordinance #2020-01 amending the city of Port Orford's zoning map and comprehensive plan map from a residential 2R zoning designation to a commercial 4C designation for property identified as Curry County Assessor's map description T33SR15W section 05AC tax lot 1200, 3.04 acres. The motion would be to pass it to a second reading.

Councilor Garratt moves to approve ordinance #2020-01 onto the second reading based on the findings with no second. Motion dies for lack of a second.

Councilor Garratt moves to table the zone change to the next meeting with Councilor Burns as second. ***Motion carried 4-0.***

Councilor Cox *Yes* ***Councilor LaRoche*** *Yes* ***Councilor Williams*** *Recused*
Councilor Burns *Yes* ***Councilor Garratt*** *Yes*

Council deliberation continues to the next council meeting on October 17, 2019 at 3:30 in the council chambers. Crystal Shoji will get the 120-day waiver.

After a five-minute break, Shala Kudlac explains that the proponent of the zone change has declined to sign the waiver of the 120-day rule, which means City Council needs to decide on this zone change by October 4. If the decision is not made today, a special meeting will have to be announced with date, time and place so the public knows when that meeting is going to occur. A decision will have to be made at that meeting to meet the deadline.

Mayor Pogwizd announced that people involved in the hearing have left, thinking it was over. This is not a technical problem; however, just a courtesy problem. Public comment has already been closed. A decision has to be made to table the decision to October 4 or make a decision now.

Councilor Cox moves to reconvene Wednesday the 2nd at 3:30 p.m. with Councilor Burns as second. *Motion carried 4-0.*

Discussion: None.

<i>Councilor Cox</i>	<u><i>Yes</i></u>	<i>Councilor LaRoche</i>	<u><i>Yes</i></u>	<i>Councilor Williams</i>	<u><i>Recused</i></u>
<i>Councilor Burns</i>	<u><i>Yes</i></u>	<i>Councilor Garratt</i>	<u><i>Yes</i></u>		

Mayor Pogwizd announced a meeting Wednesday the 2nd of October at 3:30 p.m. CA Richards will post the meeting. Persons attending this meeting will be notified of the continuance.

5. Consent Calendar

Minutes of August 15, 2019

Councilor Garratt moved to approve the Consent Calendar as presented with Councilor Burns as second. No Discussion. *Motion carried 5-0.*

<i>Councilor Cox</i>	<u><i>Yes</i></u>	<i>Councilor LaRoche</i>	<u><i>Yes</i></u>	<i>Councilor Williams</i>	<u><i>Yes</i></u>
<i>Councilor Burns</i>	<u><i>Yes</i></u>	<i>Councilor Garratt</i>	<u><i>Yes</i></u>		

6. Citizen's Concerns –

Teresa Kolibaba – Teresa wants to speak on a subject during the workshop. Mayor Pogwizd allows the topic. Teresa wanted to know why the city has to do more well testing since it has been four time in the past 20 years, and the information should be the same.

7. Department Reports –

Administration – Councilor Garratt speaks to CA Richards regarding the website inquiring the status and what is happening after the meeting with Denning Print LLC in regard to taking over the webpage, assuming meaning portorford.org. CA Richards replied that she has contacted four website builders that will work with the city. She has spoken with Denning, LLC and is waiting to hear back from the others. The city website is losing maintenance on the website December 31, 2019. Councilor Garratt volunteered to review anything CA Richards would like reviewed.

Councilor Cox asked for update on Small City Allotment grant. CA Richards reported they accepted the cities application. The city is now waiting to hear.

Councilor Cox asked if the city is simply doing standard valves and meters in leak detection or including Coast Guard Hill. CA Richards advises they are concentrating on the entire system, but Duane and CA Richards agree they need to spend a little extra time on Coast Guard Hill.

Police Department – Hank Hobart advising they are interviewing recruits on Saturday following the morning tests. If no candidates pass, another add will be passed.

Finance – Hearing no questions, Mayor Pogwizd released David.

PORT – Councilor Cox reports they are working on their preliminary funding still. CA Richards asks if they discussed anything about complaints about the construction noise. Councilor Cox did not hear any complaints. Mayor Pogwizd questioned why the crabbing dock is not being put down. Councilor Cox reports the water is too shallow. The PORT was trying to rehab that dock but was not able to.

Parks – CA Richards reports Battle Rock is still under discussion on whether or not to prohibit climbing.

Watershed/Health – Councilor LaRoche reported attending the meeting. It was a good meeting with visitors. She will request a report to add to the city council packets.

Emergency Management – Councilor Burns reported the emergency communication trailer is purchased and is now being outfitted with equipment. They have a radio that will work to communicate with law enforcement. This will be coordinated with the police chief. Water purification receptacles are for sale at cost and not for profit at the co-op.

Curry County – Christopher Posh asked Mayor Pogwizd to relay that there are several board seats in the county that need to be filled. They need people from the north county on the boards. Christopher Posh spoke on which boards are open and what their responsibilities are. Curry county would love to have Port Orford more involved. Curry county will have their Board of Commissioners meeting at 5:00 next Wednesday in Port Orford.

8. Old Business

a. PLC – CA Richards reports Dyer Engineering sent bids to four people who take care of PLCs and only received one back from Tag, the company that has been working with Port Orford to date. The others did not understand the old system and did not want to risk damage. The bid has been reviewed by Dyer Engineer and needs approved. The bid is 54,407.50 dollars. It is unknown if that includes the engineering costs. CA Richards will inquire about the engineering costs. David Johnson in finance agreed with the cost. Dyer will write into the contract that if the deadline is missed, Dyer will pay back some funds to Port Orford.

Councilor Garratt moved to approve the PLC contractor bid with Councilor Burns as second.

Discussion: CA Richards confirms the proposal is for 54,000 for Tag to come replace the PLC. Councilor Cox questions the clause pertaining to the deadline. Councilor's are not able to locate the clause. Mayor Pogwizd would like to see the bid approved on contingency the clause be added.

Councilor Garratt rescinds his motion with Councilor Burns rescinding his second.

Councilor Garratt moved to accept the bid for the PLC contractor with the contingency that a deadline be place in the contract and Port Orford is paid if the deadline is not met with Councilor Burns as second. **Motion carried 4-1.** PLC bid is accepted under contingency. CA Richards will be responsible for the contingency and update.

Councilor Burns Yes *Councilor Garratt* Yes

f. Proclamation – Home Inventory Week.

Councilor Garratt moves to adopt the proclamation of Home Inventory Week with Councilor Burns as second. *Motion carried 5-0.*

Discussion: None.

Councilor Cox Yes *Councilor LaRoche* Yes *Councilor Williams* Yes
Councilor Burns Yes *Councilor Garratt* Yes

g. Proclamation – Suicide Prevention and Awareness Month.

Councilor Burns moves to adopt the proclamation for suicide prevention awareness month with Councilor Garratt as second. *Motion carried 5-0.*

Discussion: None.

Councilor Cox Yes *Councilor LaRoche* Yes *Councilor Williams* Yes
Councilor Burns Yes *Councilor Garratt* Yes

10. Continuing Action Items: None.

11. Considerations:

Citizen – Sandra Anderson – Expresses concern for new home buyers being responsible for delinquent water bills. The city extended credit to a homeowner, and that homeowner charged up 2,300 dollars of water and sewer fees that the seller had to pay in escrow. This was a short sale, so this was a hardship. Ms. Andersson would like to see something in place to prevent this from happening in the future and to limit landlord liability three months. If the city extends credit past the three months, the city takes responsibility for that.

Mayor Pogwizd spoke with Patty and David, who reported they are implementing the landlord get notice the second month that their tenant is not paying their water bill. A broad statement in a mailer is a good idea. Councilors Garratt, Cox and Mayor Pogwizd would like to see this on the agenda for the water workshop and the Council’s agenda. It is agreed to put this on both agendas.

Kirk Hamrick, local citizen without address drawing some empowerment from the citizen’s guide to Oregon Coastal Management program. He reports that DEQ has forgivable grant money for materials management. Mr. Hamrick addresses accessory dwelling units and solid waste prevention. He states the state government makes the materials management money is available to the city. Mr. Hamrick mentioned a tool library and OSU internship program in sustainability with a phenomenal tool library, which is a focus in the auction paper provided. Mr. Hamrick’s purpose is to educate the city on funds. Mayor Pogwizd warned of the three-minute time limit. CA Richards will research the information.

Jack Pruitt thanks the city council for voting yes on the proclamation Suicide Prevention Awareness month. He would like gun control considered in support of suicide awareness. He is disappointed the council voted in denial of the state law that requires background check on gun purchases. Councilor Williams advised Jack Pruitt that council did not deny the

opportunity to make a letter. He reminded Mr. Pruitt that he brought council a resolution that was dated prior to the current resolution and asked the council to approve a resolution that was for a previous time. It was not for council to make a letter to provide the background check.

Staff – None.

Councilor – Councilor LaRoche recommends that council writes a letter to oppose Jordan Cove. Mayor Pogwizd reports that would be a very controversial subject. By consensus, there is not enough support for the letter. Council members chose to do further research.

Councilor Williams would like for council to look at the 10-MU. This should be a workshop after water and sewer workshop.

Councilor Burns would like to consider the SCDC's proposal soliciting 2,500 dollars or another sum. Councilor Garratt suggests David prepare a statement as to how the city will come up with the 2,500. By consensus, this will be presented to David Johnson in finance for a statement preparation. This will be added to the agenda next month.

Mayor – Mayor Pogwizd is pleased with this meeting results.

12. Future Meetings

City Council Continuing Hearing > Thursday, October 2, 2019 > 3:30 > City Hall Council Chambers.

City Council Workshop for water and sewer > Thursday, October , 2019 > 2:00 > City Hall Council Chambers.

City Council Meeting > Thursday, October 17, 2019 > 3:30 > City Hall Council Chambers.

13. Adjourned

There being no further business, Mayor Pogwizd adjourned the meeting at _____ p.m.



Mayor Tim Pogwizd

Attest:



City Recorder, Terrie Richards