

City of Port Orford
City Council Meeting Minutes
In the Gable Chambers / Virtual participants
Thursday, February 18, 2021 at 3:30 P.M.

Mayor and Council	Present	City Staff	Present
<i>Pat Cox, Mayor</i>	X	<i>Planner Crystal Shoji</i>	X
<i>Gary Burns</i>	X	<i>Shala Kudlac, City Attorney</i>	X
<i>Tim Pogwizd, President</i>	X	<i>David Johnson, Finance and Admin</i>	X
<i>Lorvin Kessler</i>	X		
<i>James Garratt</i>	Excused		
<i>Carolyn LaRoche</i>	X		
<i>Gary Tidey</i>	X		

Media Present:

Others Present:

1. Call to Order

Mayor Cox called to order this Regular Meeting of the Common Council on Thursday, February 18, 2021 at 3:31 p.m. The meeting is held via internet connection due to COVID-19 restrictions set in place by the State of Oregon.

2. Additions to the Agenda: Mayor Cox announced a brief executive session to follow this meeting adjournment.

3. Presentations to Council/Citizens

None.

4. Consent Calendar – Councilor LaRoche moved to approve the minutes for the council meeting of January 21, 2021 as written with Councilor Tidey as second. ***Motion rescinded.*** Discussion: Councilor Pogwizd stated that when speaking about item 31, living quarters and parking, in the January 21, 2021 meeting, the minutes indicate Councilor Pogwizd stated there was a parking problem in Port Orford. He wanted that statement removed from the minutes, as it was not what he meant to say. Councilor LaRoche and Councilor Tidey withdrew their motion and second.

Councilor LaRoche moved to approve the minutes for the council meeting of January 21, 2021 with discussed amendment with Councilor Tidey as second. ***Motion carried 4-0.***

Councilor Burns Yes Councilor LaRoche Yes Councilor Pogwizd Yes
Councilor Tidey Yes

5. Citizen Concerns:

Jennifer Head, resident of Port Orford requested to read a letter submitted to council in favor of lowering heights. She stated the letter does not add material to the record, but it comments on the process. The letter expressed disappointment with the process followed in making

4 decisions regarding lowering height limits is Port Orford. Reductions made in some zones
5 was appreciated; however, it appeared that substantial public input was not adequately
6 acknowledged or considered at the January 21, 2021 hearing. The letter outlined the
7 following concerns:

- 8 • Dozens of substantive letters and a petition with more than 100 signatures in support of
9 lowering heights.
- 10 • At the hearing on January 21, 2021, it seemed not all council members were familiar with
11 the public input.
- 12 • Staff did not provide an adequate map and council members did not seem familiar with
13 zones.
- 14 • Some council members did not have all testimony in their meeting packets.
- 15 • Council members did not have email access to review public comments.
- 16 • Some councilors made dismissive comments in response to information and concerns
17 presented by citizens about fire risks and water and did not provide evidence for public
18 trust.

19 Ms. Head read that she believed it was important for local government representative to be
20 more responsive to community members who provide input on key issues who are committed
21 to maintain the livability and character of Port Orford. Ms. Head expressed her appreciation
22 for the council members' time and efforts.

23
24 Ann Vileisis continued reading the same letter, which addressed decisions previously made
25 in the public hearing. Ms. Kudlac reminded council that the record was closed for public
26 comment. If council would like to consider new public comment, they will have to reopen
27 the hearing with notice, etc. Ms. Vileisis expressed her appreciation for the council members'
28 time and efforts.

29
30 Cathy Boden, Port Orford resident, stated she previously submitted testimony and her
31 opinion on this topic. She addressed the process. She stated that community development
32 evolves either by privilege or by community involvement, which is why she feels it is
33 important to consider what the citizens have to say prior to voting. She asked that city
34 council members listen to the community and have what they say play a role in their
35 decisions. Ms. Boden expressed her appreciation for the council members' time and efforts.

36
37 Steve Lawton expressed his appreciation for the council members' time and efforts. Mr.
38 Lawton spoke to the process in that he thought it was cumbersome and not very effective. He
39 feels that building heights are such a big issue to the character and livability of the
40 community, that the cost of going back and opening the record is rather small.

41
42 Pamela Berndt, Port Orford resident, expressed her appreciation for the mayor and council
43 members' time and efforts. Ms. Berndt brought to the attention of the council members the
44 signed petitions, 160, from the Port Orford community and asked for an acknowledgement
45 that they were received. Mayor Cox explained that the hearing process is finished.

46

4 Sarah Lovendahl, Port Orford resident, inquired as to why it is difficult to reopen the
5 building height ordinance if there is a lot of current community input.

6

7 **6. Departmental Reports:**

- 8 a. Public Works: Public Works superintendent, John Isadore, presented a detailed paper
9 report to council members. He reported on the Stagecoach Lane area being developed,
10 which will require reviewing the lift stations to see if they are functional. Mr. Isadore
11 reported on the progress of the contact tank. Foundations are in and backfilled. Most of
12 piping is in. He updated councilors on road maintenance, grit system, water services
13 where needed, and a large leak repair. Councilor LaRoche expressed her appreciations to
14 the public works employees.
- 15 b. Admin/Finance: Mayor Cox complimented Dave Johnson on the new streamlined finance
16 report format. Councilor Pogwizd asked for update on new hires for sewer plant operator,
17 finance director and city administrator. CA Johnson reported the city has advertised for
18 the wastewater treatment operator, which ends next Friday. No applications have been
19 received to date. The job description for city administrator is being updated to include
20 more of a financial focus. Mayor Cox will present an update at next month's meeting.
- 21 c. Planning: None.
- 22 d. Watershed: None.
- 23 e. Port: Mayor Cox reported the Port is moving ahead with redevelopment. The seawater
24 system will be addressed first. Crab season is struggling with numbers, but prices went up
25 a bit.
- 26 f. Coast Community Health: Councilor Burns reported starting a community mental health
27 group at Coast Community Health in an attempt to evolve effective programs for Port
28 Orford in an attempt to help law enforcement. Regarding the emergency response plan,
29 he has 50 people interested in taking the CERT (Citizen Emergency Response Training)
30 class. It has been stated that almost every community ends up hiring somebody to create
31 their emergency plan. There is money available; however, hiring could delay having a
32 plan in place for up to two years.

33

34 Mayor Cox will go through the liaison list and present it to council next month for updated
35 amendments.

36

37 **7. Old Business:**

- 38 a. Parks and Planning: There are suggested appointments to the Parks and Planning
39 Commissions. Mayor Cox suggested councilors not vote on Mr. McManus' application
40 until councilors can interview him. Councilors concurred. Mayor Cox spoke on Ms.
41 Schofield's application that has a P.O. Box and a street address; however, it does not say
42 Port Orford. He stated Eddie Kessler also did not enter a Port Orford address on his
43 application. Councilor Burns inquired about family members serving on commissions.
44 Councilor Kessler and Parks applicant Eddie Kessler are related. Legal Counsel Kudlac
45 clarified the resolution applies to spouses only.

4 Councilor Burns moved to accept Eddie Kessler as a Parks Commissioner with Councilor
5 Pogwizd as second. *Motion rescinded.*

6 Discussion: Mayor Cox is concerned that no address is listed on the application.
7 Councilors need to review and confirm addresses. Councilor Burns rescinded his motion
8 and Councilor Pogwizd rescinded his second.

9 Legal Counsel Kudlac did not find a statute pertaining to Park Commissioners' location of
10 residence.

11 Councilor Burns moved to accept Eddie Kessler as a Parks Commissioner with Councilor
12 Pogwizd as second. *Motion carried 4-0.*

13 Discussion: None.

14 *Councilor Burns* Yes *Councilor LaRoche* Yes *Councilor Pogwizd* Yes

15 *Councilor Tidey* Yes *Councilor Kessler* Abstain

16

17 Councilor Burns moved to accept the applications of Michelle Leonard, Diane Schofield
18 and Greg Thelen for Planning Commissioners with Councilor LaRoche as second. *Motion*

19 *passed 4-1.*

20 Discussion: Councilor LaRoche questioned Diane Schofield's residential address. The
21 address listed on the application is an out-of-town address.

22 *Councilor Burns* Yes *Councilor LaRoche* No *Councilor Pogwizd* Yes

23 *Councilor Tidey* Yes *Councilor Kessler* Yes

24

25 **8. New Business:**

26 a. Approval of Findings to Support Height Amendments: Councilor Burns moved to
27 approve the findings to support the height amendments with Councilor Pogwizd as
28 second. *Motions rescinded.*

29 Discussion: Planner Shoji reported the findings are made as a composite of decisions
30 from the past meetings. Legal Counsel Kudlac advised that the findings should come at
31 the end of the process, not the beginning.

32 Councilor Burns rescinded his motion and Councilor Pogwizd rescinded his second.

33

34 b. First reading Ordinance 2021-02, Amendments to building heights: Councilor Pogwizd
35 moved to pass ordinance 2021-02, an ordinance of the Common Council, the City of Port
36 Orford, amending building heights within all use zones to a first reading by title with
37 Councilor Burns as second. *Motion carried 5-0.*

38 Discussion: For the record, Mayor Cox acknowledged the clerical error on New Business
39 item on B and C showing ordinance 2021-03. It should read ordinance 2021-02. Planner
40 Shoji revealed an error in the title where it states, "all use zones." Heights were not
41 amended in all use zones. By consensus, the title will be amended to read, "an ordinance
42 of the Common Council of the City of Port Orford amending building heights within use
43 zones.

44 *Councilor Burns* Yes *Councilor LaRoche* Yes *Councilor Pogwizd* Yes

45 *Councilor Tidey* Yes *Councilor Kessler* Yes

4 Ordinance 2021-02, an ordinance of the Common Council of the city of Port Orford
5 amending building heights within use zones is read by title by Mayor Cox.

6
7 Port Orford Municipal Code Chapter 17.04 – Explains building heights.
8 Port Orford Municipal Code Chapter 17.12.010 – Residential zone 1R is 30 feet and 2-
9 stories in height.

10 Port Orford Municipal Code Chapter 17.12.020 – Residential zone 2R is 30 feet and 2-
11 stories in height.

12 Port Orford Municipal Code Chapter 17.12.030 – Commercial zone, no change.

13 Port Orford Municipal Code Chapter 17.12.040 – Industrial zone, height of buildings
14 except as provided in section 17.12.050 in 5I zone, no building shall exceed 45 feet in
15 height.

16 Port Orford Municipal Code Chapter 17.12.050 – Controlled development zone, height of
17 buildings except as provided in second 17.12.050 in a 6CD zone, no buildings shall
18 exceed 30 feet in height.

19 Port Orford Municipal Code Chapter 17.12.060 – Marine Activity Zone, no change.

20 Port Orford Municipal Code Chapter 17.12.070 – Public Facilities and Park Zone, no
21 change.

22 Port Orford Municipal Code Chapter 17.12.080 – Shoreland Overlay Zone, height of
23 buildings except as provided in 17.20.050 in the 9SO zone, no building shall exceed 30
24 feet in height.

25 Port Orford Municipal Code Chapter 17.12.090 – Battle Rock mixed use zone 10MU,
26 height of building except as provided in 17.20.050 in 10MU zone, no buildings shall
27 exceed 35 feet in height.

28 Port Orford Municipal Code Chapter 17.33 – Site plan review, no change.

29 Port Orford Municipal Code Chapter 17.20.050 – General exceptions to building height
30 limitations pertains to spires, elevator shafts and towers.

31 Additional standards governing conditional uses.

32 Port Orford Municipal Code Chapter 17.20.080 – Evacuation route improvement
33 requirements, no change.

34 In all other respects, the Port Orford municipal code titled 17 Zoning shall remain the
35 same and in full force and effect.

36
37 c. Second Reading Ordinance 2021.02, Amendments to building heights: Councilor
38 Pogwizd moved to pass ordinance 2021-02, an ordinance of the Common Council, the
39 City of Port Orford, amending building heights within all use zones to a second reading
40 by title with Councilor Burns as second. *Motion carried 4-1.*

41 Discussion: None.

42 **Councilor Burns** Yes **Councilor LaRoche** No **Councilor Pogwizd** Yes
43 **Councilor Tidey** Yes **Councilor Kessler** Yes

44 Ordinance 2021-02, an ordinance of the Common Council of the city of Port Orford
45 amending building heights within use zones is read by title by Mayor Cox.

46

4 Port Orford Municipal Code Chapter 17.04 – Explains building heights.
 5 Port Orford Municipal Code Chapter 17.12.010 – Residential zone 1R is 30 feet and 2-
 6 stories in height.
 7 Port Orford Municipal Code Chapter 17.12.020 – Residential zone 2R is 30 feet and 2-
 8 stories in height.
 9 Port Orford Municipal Code Chapter 17.12.030 – Commercial zone, no change.
 10 Port Orford Municipal Code Chapter 17.12.040 – Industrial zone, height of buildings
 11 except as provided in section 17.12.050 in 5I zone, no building shall exceed 45 feet in
 12 height.
 13 Port Orford Municipal Code Chapter 17.12.050 – Controlled development zone, height of
 14 buildings except as provided in second 17.12.050 in a 6CD zone, no buildings shall
 15 exceed 30 feet in height.
 16 Port Orford Municipal Code Chapter 17.12.060 – Marine Activity Zone, no change.
 17 Port Orford Municipal Code Chapter 17.12.070 – Public Facilities and Park Zone, no
 18 change.
 19 Port Orford Municipal Code Chapter 17.12.080 – Shoreland Overlay Zone, height of
 20 buildings except as provided in 17.20.050 in the 9SO zone, no building shall exceed 30
 21 feet in height.
 22 Port Orford Municipal Code Chapter 17.12.090 – Battle Rock mixed use zone 10MU,
 23 height of building except as provided in 17.20.050 in 10MU zone, no buildings shall
 24 exceed 35 feet in height.
 25 Port Orford Municipal Code Chapter 17.33 – Site plan review, no change.
 26 Port Orford Municipal Code Chapter 17.20.050 – General exceptions to building height
 27 limitations pertains to spires, elevator shafts and towers.
 28 Additional standards governing conditional uses.
 29 Port Orford Municipal Code Chapter 17.20.080 – Evacuation route improvement
 30 requirements, no change.
 31 In all other respect, the Port Orford municipal code titled 17 Zoning shall remain the
 32 same and in full force and effect.

33
34 Councilor Pogwizd moved to accept ordinance 2021-02 as read with Councilor Burns as
35 second. *Motion carried 3-2.*

36 Discussion: None.

37	Councilor Burns	<u>Yes</u>	Councilor LaRoche	<u>No</u>	Councilor Pogwizd	<u>Yes</u>
38	Councilor Tidey	<u>No</u>	Councilor Kessler	<u>Yes</u>		

39
40 Councilor Tidey moved that the Port Orford City Council approve the findings for
41 ordinance 2021-02 in support of height amendments as read with Councilor Burns as
42 second. *Motion carried 3-2.*

43 Discussion: None

44	Councilor Burns	<u>Yes</u>	Councilor LaRoche	<u>No</u>	Councilor Pogwizd	<u>Yes</u>
45	Councilor Tidey	<u>No</u>	Councilor Kessler	<u>Yes</u>		

46

4 d. Letter of Intent for Purchase of Watershed Property: Linda Tarr introduced John Wros
5 from The Conservation Fund. The letter of Intent is a legal document that is not a
6 significant change from what has been agreed to. It allows the The Conservation Fund to
7 move forward with their work to purchase the property and hold it for the city to come up
8 with funding for purchase from The Conservation Fund. Councilors express their
9 gratitude to Linda Tarr for this opportunity.

10 Councilor Pogwizd moved to approve the letter of intent for purchase of the watershed
11 property with Councilor LaRoche as second. *Motion 5-0.*

12 Discussion: None.

13 *Councilor Burns* Yes *Councilor LaRoche* Yes *Councilor Pogwizd* Yes
14 *Councilor Tidey* Yes *Councilor Kessler* Yes

15
16 e. IGA with Curry Soil and Water Conservation District for watershed maintenance:
17 CA Johnson reported this is an IGA that has been previously approved with Curry Soil
18 and Water District. Due to changes to be made the grant was extended, so this is needed
19 to cover the time periods.

20 *Councilor Burns* Yes *Councilor LaRoche* Yes *Councilor Pogwizd* Yes
21 *Councilor Tidey* Yes *Councilor Kessler* Yes

22
23 **9. Considerations**

24 **a. Citizen**

25 Steve Lawton hopes council will consider reopening or starting another process to review
26 some concerns of citizens over the recently approved building height and planning
27 process. He does not think the cost is great when considering the potential benefit to the
28 community. Legal Counsel Kudlac affirms the first step is sending it back to Planning
29 Commissioners. This direction can be done without the topic being on the agenda since it
30 has to go all the way through the process again.

31
32 Penny Suess, resident of Port Orford, advised council that they approved a city
33 commission member that lied on her application about where she lives. Ms. Suess feels
34 this is a wrong thing to do and a wrong thing to approve. She feels this is a bad example
35 for other commission applicants in the future.

36
37 Ann Veleisis, resident of Port Orford, expressed appreciation for Mayor Cox's attempt to
38 get to the bottom of process issues. She would like citizens to understand better what the
39 process is and how to proceed.

40
41 **b. Staff**

42 None.

43
44 **c. Councilor**

45 Councilor Burns would like new builds and permits to be included in the meeting packets
46 each month. Councilor Burns would also suggest the council send the building height

4 ordinance back to planning. He would like the Planning Commission to be given the
5 direction to review ordinances in other towns in the area, especially 2-story towns. He
6 would like City Council to ask Planning Commission for a recommendation on how to
7 limit to a 2-story building and remove exceptions in the ordinance 2021-02.
8 Councilor Kessler would like recommendations on the 2-story limitation, but he does not
9 agree with removing exemptions for schools, hospitals or nursing home-type facilities.
10 Councilor Pogwizd agrees to review the ordinance and consider carefully.
11 Councilor LaRoche agrees to send the ordinance to Planning for more discussion.
12 Councilor Kessler agrees to send the ordinance to Planning for more discussion.
13 Due to councilor's consensus, Mayor Cox recommended sending to Planning without any
14 height wordage, but to research a 2-story limitation and exemption review. CA Johnson
15 will direct Planning to research the 2-story limitation and exemptions.
16

17 **d. Mayor**

18 Mayor Cox addressed a previous letter to the editor in the paper regarding electronic
19 meeting laws that portrayed that the City Council did not want the public to record the
20 meeting or have public interaction. Mayor Cox on record stated that is not true.
21 Recordings of meetings are available to the public at City Hall and can be recorded by
22 citizens. The council does not in any way want to inhibit public interaction or public
23 speaking.
24

25 **10. Continuing Action Items**

26 Councilor Pogwizd addressed continuing action items. Mayor Cox suggested councilors
27 review the current continuing action items and list them in order of importance. Each
28 councilor is asked to email their list to Mayor Cox. These will be addressed at next meeting.
29 TLT will be on the agenda for next month.
30

31 **11. Future Meetings:**

32 Thursday, March 18, 2021 Regular Meeting of the Common Council at 3:30 p.m.
33

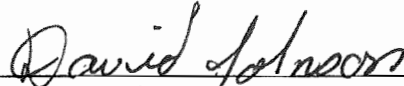
34 **12. Adjourned**

35 There being no further business, Mayor Cox adjourned the meeting at 5:13 p.m.
36
37
38

39 Attest:

40
41
42
43
44 

Mayor Pat Cox



City Recorder pro tem, David Johnson