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

<table>
<thead>
<tr>
<th>Mayor and Council</th>
<th>Present</th>
<th>City Staff</th>
<th>Present</th>
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<tbody>
<tr>
<td>Pat Cox, Mayor</td>
<td>X</td>
<td>Planner Crystal Shoji</td>
<td>X</td>
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<tr>
<td>Gary Burns</td>
<td>X</td>
<td>Shala Kudlac, City Attorney</td>
<td>X</td>
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<td>Tim Pogwizd, President</td>
<td>X</td>
<td>David Johnson, Finance and Admin</td>
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<td>Lorrein Kessler</td>
<td>X</td>
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<tr>
<td>James Garratt</td>
<td></td>
<td>Excused</td>
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<td>Carolyn LaRoche</td>
<td>X</td>
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<tr>
<td>Gary Tidey</td>
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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 Motion rescinded.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
decisions regarding lowering height limits is Port Orford. Reductions made in some zones was appreciated; however, it appeared that substantial public input was not adequately acknowledged or considered at the January 21, 2021 hearing. The letter outlined the following concerns:

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

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

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

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

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

Pamela Berndt, Port Orford resident, expressed her appreciation for the mayor and council members’ time and efforts. Ms. Berndt brought to the attention of the council members the signed petitions, 160, from the Port Orford community and asked for an acknowledgement that they were received. Mayor Cox explained that the hearing process is finished.
6. **Departmental Reports:**

   a. Public Works: Public Works superintendent, John Isadore, presented a detailed paper report to council members. He reported on the Stagecoach Lane area being developed, which will require reviewing the lift stations to see if they are functional. Mr. Isadore reported on the progress of the contact tank. Foundations are in and backfilled. Most of piping is in. He updated councilors on road maintenance, grit system, water services where needed, and a large leak repair. Councillor LaRoche expressed her appreciations to the public works employees.

   b. Admin/Finance: Mayor Cox complimented Dave Johnson on the new streamlined finance report format. Councillor Pogwizd asked for update on new hires for sewer plant operator, finance director and city administrator. CA Johnson reported the city has advertised for the wastewater treatment operator, which ends next Friday. No applications have been received to date. The job description for city administrator is being updated to include more of a financial focus. Mayor Cox will present an update at next month’s meeting.

   c. Planning: None.

   d. Watershed: None.

   e. Port: Mayor Cox reported the Port is moving ahead with redevelopment. The seawater system will be addressed first. Crab season is struggling with numbers, but prices went up a bit.

   f. Coast Community Health: Councillor Burns reported starting a community mental health group at Coast Community Health in an attempt to evolve effective programs for Port Orford in an attempt to help law enforcement. Regarding the emergency response plan, he has 50 people interested in taking the CERT (Citizen Emergency Response Training) class. It has been stated that almost every community ends up hiring somebody to create their emergency plan. There is money available; however, hiring could delay having a plan in place for up to two years.

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

7. **Old Business:**

   a. Parks and Planning: There are suggested appointments to the Parks and Planning Commissions. Mayor Cox suggested councilors not vote on Mr. McManus’ application until councilors can interview him. Councillors concurred. Mayor Cox spoke on Ms. Schofield’s application that has a P.O. Box and a street address; however, it does not say Port Orford. He stated Eddie Kessler also did not enter a Port Orford address on his application. Councilor Burns inquired about family members serving on commissions. Councilor Kessler and Parks applicant Eddie Kessler are related. Legal Counsel Kudlac clarified the resolution applies to spouses only.
Councilor Burns moved to accept Eddie Kessler as a Parks Commissioner with Councilor Pogwizd as second. **Motion rescinded.**

Discussion: Mayor Cox is concerned that no address is listed on the application. Councilors need to review and confirm addresses. Councilor Burns rescinded his motion and Councilor Pogwizd rescinded his second. Legal Counsel Kudlac did not find a statute pertaining to Park Commissioners’ location of residence.

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

Discussion: None.

**Councilor Burns** Yes **Councilor LaRoche** Yes **Councilor Pogwizd** Yes
**Councilor Tidey** Yes **Councilor Kessler** Abstain

Councilor Burns moved to accept the applications of Michelle Leonard, Diane Schofield and Greg Thelen for Planning Commissioners with Councilor LaRoche as second. **Motion passed 4-1.**

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

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

8. **New Business:**

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

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

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

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

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

**Councilor Burns** Yes **Councilor LaRoche** Yes **Councilor Pogwizd** Yes
**Councilor Tidey** Yes **Councilor Kessler** Yes
Ordinance 2021-02, an ordinance of the Common Council of the city of Port Orford amending building heights within use zones is read by title by Mayor Cox.

Port Orford Municipal Code Chapter 17.12.010 – Residential zone 1R is 30 feet and 2-stories in height.
Port Orford Municipal Code Chapter 17.12.050 – Controlled development zone, height of buildings except as provided in second 17.12.050 in a 6CD zone, no buildings shall exceed 30 feet in height.
Port Orford Municipal Code Chapter 17.12.060 – Marine Activity Zone, no change.
Port Orford Municipal Code Chapter 17.12.080 – Shoreland Overlay Zone, height of buildings except as provided in 17.20.050 in the 9SO zone, no building shall exceed 30 feet in height.
Port Orford Municipal Code Chapter 17.12.090 – Battle Rock mixed use zone 10MU, height of building except as provided in 17.20.050 in 10MU zone, no buildings shall exceed 35 feet in height.
Port Orford Municipal Code Chapter 17.33 – Site plan review, no change.
Port Orford Municipal Code Chapter 17.20.050 – General exceptions to building height limitations pertains to spires, elevator shafts and towers.
Additional standards governing conditional uses.
Port Orford Municipal Code Chapter 17.20.080 – Evacuation route improvement requirements, no change.
In all other respects, the Port Orford municipal code titled 17 Zoning shall remain the same and in full force and effect.

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

Discussion: None.

Councilor Burns  Yes  Councilor LaRoche  No  Councilor Pogwizd  Yes
Councilor Tidey  Yes  Councilor Kessler  Yes

Ordinance 2021-02, an ordinance of the Common Council of the city of Port Orford amending building heights within use zones is read by title by Mayor Cox.
Port Orford Municipal Code Chapter 17.12.010 – Residential zone 1R is 30 feet and 2-stories in height.
Port Orford Municipal Code Chapter 17.12.050 – Controlled development zone, height of buildings except as provided in second 17.12.050 in a 6CD zone, no buildings shall exceed 30 feet in height.
Port Orford Municipal Code Chapter 17.12.060 – Marine Activity Zone, no change.
Port Orford Municipal Code Chapter 17.12.080 – Shoreland Overlay Zone, height of buildings except as provided in 17.20.050 in the 9SO zone, no building shall exceed 39 feet in height.
Port Orford Municipal Code Chapter 17.12.090 – Battle Rock mixed use zone 10MU, height of building except as provided in 17.20.050 in 10MU zone, no buildings shall exceed 35 feet in height.
Port Orford Municipal Code Chapter 17.33 – Site plan review, no change.
Port Orford Municipal Code Chapter 17.20.050 – General exceptions to building height limitations pertains to spires, elevator shafts and towers.
Additional standards governing conditional uses.
Port Orford Municipal Code Chapter 17.20.080 – Evacuation route improvement requirements, no change.
In all other respect, the Port Orford municipal code titled 17 Zoning shall remain the same and in full force and effect.

Councilor Pogwizd moved to accept ordinance 2021-02 as read with Councilor Burns as second. Motion carried 3-2.
Discussion: None.

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<tr>
<th>Councilor Burns</th>
<th>Yes</th>
<th>Councilor LaRoche</th>
<th>No</th>
<th>Councilor Pogwizd</th>
<th>Yes</th>
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<tbody>
<tr>
<td>Councilor Tidey</td>
<td>No</td>
<td>Councilor Kessler</td>
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Councilor Tidey moved that the Port Orford City Council approve the findings for ordinance 2021-02 in support of height amendments as read with Councilor Burns as second. Motion carried 3-2.
Discussion: None
d. Letter of Intent for Purchase of Watershed Property: Linda Tarr introduced John Wros from The Conservation Fund. The letter of Intent is a legal document that is not a significant change from what has been agreed to. It allows the The Conservation Fund to move forward with their work to purchase the property and hold it for the city to come up with funding for purchase from The Conservation Fund. Councilors express their gratitude to Linda Tarr for this opportunity. Councilor Pogwizd moved to approve the letter of intent for purchase of the watershed property with Councilor LaRoche as second. Motion 5-0.

Discussion: None.

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

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

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

9. Considerations

a. Citizen

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

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

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

b. Staff

None.

c. Councillor

Councilor Burns would like new builds and permits to be included in the meeting packets each month. Councilor Burns would also suggest the council send the building height
ordinance back to planning. He would like the Planning Commission to be given the
direction to review ordinances in other towns in the area, especially 2-story towns. He
would like City Council to ask Planning Commission for a recommendation on how to
limit to a 2-story building and remove exceptions in the ordinance 2021-02.
Councilor Kessler would like recommendations on the 2-story limitation, but he does not
agree with removing exemptions for schools, hospitals or nursing home-type facilities.
Councilor Pogwizd agrees to review the ordinance and consider carefully.
Councilor LaRoche agrees to send the ordinance to Planning for more discussion.
Councilor Kessler agrees to send the ordinance to Planning for more discussion.
Due to councilor’s consensus, Mayor Cox recommended sending to Planning without any
height wordage, but to research a 2-story limitation and exemption review. CA Johnson
will direct Planning to research the 2-story limitation and exemptions.

d. Mayor

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

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

11. Future Meetings:
Thursday, March 18, 2021 Regular Meeting of the Common Council at 3:30 p.m.

12. Adjourned
There being no further business, Mayor Cox adjourned the meeting at 5:13 p.m.

Attest:

Mayor Pat Cox

City Recorder pro tem, David Johnson