

**City of Port Orford**  
**City Council Meeting Minutes**  
**In the Gable Chambers / Virtual participants**  
**Thursday, August 19, 2021 at 5:30 P.M.**

Mayor and Council	Present	City Staff	Present
<i>Pat Cox, Mayor</i>	X	<i>CA Ginsburg</i>	X
<i>Gary Burns</i>	X	<i>Shala Kudlac, City Attorney</i>	X
<i>Tim Pogwizd, President</i>	X	<i>John Isadore, Public Works</i>	X
<i>Lorrin Kessler</i>	X		
<i>James Garratt</i>	X		
<i>Carolyn LaRoche</i>	X		
<i>Greg Tidey</i>	X		

Others Present: Monica Ward, Jim and Jenna Howe, Penny Suess/Dana Gurnee, Hal Lowry, Linda Tarr of TLC, Steve Lawton, Gordon Clay, Aaron Ashdown

**1. Call to Order**

Mayor Cox called to order this Regular Meeting of the Common Council on Thursday, August 19, 2021, at 5:30 p.m. Mayor Cox lead the council in the Pledge of Allegiance.

**2. Additions to the Agenda:** None.

**3. Presentations to Council/Citizens:** None.

**4. Consent Calendar** – Councilor LaRoche moved to approve the City Council minutes of June 17, 2021, and July 15, 2021, with Councilor Burns as second. Councilor LaRoche withdrew her motion and Councilor Burns withdrew his second. ***Motion withdrawn.***

Councilor LaRoche moved to approve the City Council minutes of June 17, 2021, meeting and City Council minutes of July 15, 2021, as amended, with Councilor Burns as second.

***Motion carried 6-0.***

Discussion: Councilor LaRoche asked for amendment in the June 17, 2021, and July 15, 2021, minutes at discussion of 15.17.070 subsection E stating signs to be off from 8:00 a.m. to 6:00 a.m. She stated that should read 8:00 p.m. to 6:00 a.m. Mayor Cox advised CA Ginsburg to review the ordinance to be sure it reads correct.

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

**5. Citizen’s Concerns:** (Old and New Business on Agenda).

Steve Lawton, resident of Port Orford, expressed appreciation to city councilors and city administration for considering vacation rentals on the agenda. He advised that other coastal towns are limiting the number of vacation rentals in specific zones within their communities. Other communities are also requiring occupancy caps, off street parking, city compliance inspections and having someone available to respond to problems 24 hours a day. Mr.

4 Lawton stated many vacation rentals are lodging businesses located in residential  
5 neighborhoods with the sole purpose of generating business income. Mr. Lawton is  
6 concerned about the city infrastructure stating that vacation rentals are hard on water and  
7 sewage systems. Vacation rentals can invite parking issues and noise problems. Mr. Lawton  
8 feels that vacation rentals negatively impact affordable housing. Available rental houses that  
9 are converted to vacation rental resulting in net loss of affordable housing. He notes that  
10 vacation rentals in other communities have increased real estate values, which impacts the  
11 affordability for local residents. Vacation rentals are not always licensing or paying TLT  
12 taxes. Mr. Lawson respectfully requested the City of Port Orford consider appropriate limits  
13 to vacation rentals, appropriate regulations to vacation rentals and how the city might be able  
14 to monitor and ensure compliance to protect the livability of the residential community.

15  
16 Gordon Clay reminded councilors that September is suicide awareness and prevention  
17 month. Mr. Clay stated suicide is a serious public health issue. Suicide rates went down from  
18 2019 to 2020 for the first time since 2003; however, there was found to be an increase in  
19 suicide ideation, attempts and self-harm during the COVID-19 pandemic. Mayor Cox  
20 reminded Mr. Clay this subject is not on the agenda. Mayor Cox offered a ten-minute  
21 presentation by Mr. Clay to be put on an agenda. Mayor Cox and councilors agree to allow  
22 Mr. Clay to continue at this meeting. Mr. Clay asked to be put on the September agenda. He  
23 will provide the proclamation to councilors at that time. Mr. Clay continued reading the  
24 proclamation to council.

25  
26 Harold Lowry, city resident, expressed appreciation for the virtual meetings. Mr. Lowry  
27 spoke on water infrastructure with an old system, leaks and a lot of need for repair and  
28 maintenance. Mr. Lowry shared that part of the city's comprehensive plan is to maintain and  
29 improve the quality of air, water and land resources in the City of Port Orford. Mr. Lowry  
30 reported getting a letter from Oregon Health Authority that was a legal notice for public  
31 review and comment period if interested in proposing an intended use plan attached to  
32 Oregon Drinking Water revolving fund. The deadline is September 15. Mr. Lowry suggested  
33 there are a lot of options for funding at this time, confirmed by Mayor Cox who stated this  
34 funding is on the agenda. Mr. Lowry expressed his appreciation for councilors' work.

## 35 36 **6. Departmental Reports**

- 37 a. Public Works: John Isador not available due to urgent water issue. CA Ginsburg reported  
38 three large leaks this week. She reported Mr. Isador is working on moving the meter at  
39 the school.
- 40 b. Administration: CA Ginsburg had the Curry County building inspector come in  
41 anticipation of opening City Hall. The payment window needs a fire rated glass, and the  
42 wooden frame is in a firewall, so it needs replaced. Bricks above the window need  
43 support. CA Ginsburg spoke to the inspector of abandoned building abatement laws  
44 regarding buildings that need condemned or fixed. The inspector was informative. The  
45 inspector will start in September. The city will provide addresses and let the inspector  
46 choose which to work with first. It takes two or three months per building prior to

4 beginning demolition or repair. CA Ginsburg suggested getting city volunteers from the  
5 juvenile probation program that need volunteer hours as well as high school graduates  
6 that need volunteer hours. Local landscaping businesses were contacted about donating  
7 time for landscaping around city hall. CA Ginsburg reminded councilors that Assistant  
8 Planner Clark is retiring in December. A new job description is being created and will be  
9 presented to City Council. Union contract was approved and signed. Oceanview was  
10 paved and crosswalk will be put back in. A wastewater treatment plant operator was hired  
11 and will start in September.

- 12 c. Finance: CA Ginsburg provided councilors with notes. She introduced that the new  
13 accountant, Tami Graham, started in July. CA Ginsburg and Accountant Graham  
14 reviewed receivables missed. The three biggest were in utilities, some municipal codes  
15 and receivables for citations. Some receivables for utilities are over six years old and  
16 cannot be collected by Oregon law. A list of those will be provided to councilors at the  
17 next meeting. Payments are being collected on older receivables that are collectable and  
18 accounts are being closed out. Tami is working on updating and collecting on business  
19 licenses. An open citation list was made of the citations the city can suspend or had  
20 already suspended. The judge provided ideas for collection. A report with numbers will  
21 be provided to councilors when audit is complete.

22 d. Planning: None.

23 e. Liaison

24 **Fire District:** Councilor Garratt spoke with the Fire Chief. They are holding regular  
25 meetings. Nothing special to discuss.

26 **Port:** Application to EDA submitted for seawater system. New funding available for  
27 other infrastructure.

28 **School District:** Councilor Kessler reported that next week is orientation for the staff.  
29 Mask and vaccination status will not be known until after the Monday meeting. The new  
30 science teacher has left. Councilor Kessler will sit in until the replacement arrives.

31 **TLT:** Councilor Pogwizd advised he needs to meet with Mayor Cox and CA Ginsburg  
32 prior to starting cranberries since starting earlier. He is concerned about the advertising  
33 piece of TLT. TLT is collecting the 1% and he would like to be sure they are advertising  
34 the City of Port Orford.

35 **Parks:** Councilor Tidey reported Parks Commission had an in-person meeting. The putt-  
36 putt fundraiser for Community Center has been postponed. Commissioner Fraser gave  
37 ideas for grants and fund raisers for new playground equipment at Buffington Park. The  
38 councilors and commissioners will walk around the park to observe the layout of the disk  
39 golf course. Councilor Tidey reported Parks is looking into a security camera system for  
40 the Visitor Center due to recent thefts.

41 **Watershed:** Councilor LaRoche introduced Linda Tarr for update. Ms. Tarr stated the  
42 most important item is the need for the Forest Management Plan to be eligible for source  
43 water protection grants, which is the money needed for the land acquisition for the  
44 Wilson property. Ms. Tarr recommended prioritizing a meeting between CA Ginsburg  
45 and Erin Minster from the Soil and Water Conservation District regarding the Forest

4 Protection Plan. Ms. Minster is hoping to host a walk with councilors and administration  
5 on the city properties that are part of the water shed.

6 **Main Street:** Councilor Burns attended the Main Street meeting. Susan Russel will be  
7 the head of Main Street. Bylaws were reviewed at the last meeting. Three projects are  
8 being created to work on this next year. Mary Bosch of Main Street Organization is  
9 assisting with reorganizing Port Orford Main Street.

10 **Emergency Management:** None.

11 **Health:** Councilor Burns reported the new clinic has opened. They are reviewing  
12 signage for entry and exit.

- 13  
14  
15 7. **Old Business:** Councilor Garratt reminded attendees it has been determined they cannot use  
16 the chat for equal opportunity reasons. Others cannot participate in that fashion and cannot  
17 read those messages. It also circumvents council rules.

18 **Vacation rentals:** Councilors need to consider whether or not to pursue vacation rental  
19 limitations or moratorium. Councilor Burns suggested passing vacation rentals to Port  
20 Orford Planning Commission that partners with affordable housing for the commission's  
21 next project. He suggested a moratorium in the interim.

22  
23 Councilor Pogwizd agreed to the idea of sending this to the Planning Commission. He  
24 wanted clarification on which zone is being addressed. Commercial zones are designed for  
25 rentals. Councilor Pogwizd agrees with problems vacation rentals cause, but ADUs create the  
26 same issues. Business licenses on vacation homes in residential zones could lead to other  
27 commercial activity in the residential zones.

28  
29 Councilor Burns suggested this might be a cottage industry. People can do business in their  
30 homes. Councilor LaRoche reported there are currently vacation homes in residential areas  
31 with out a license. This makes it difficult to track TLT tax.

32  
33 Councilor Garratt advised he has extensive background in vacation rentals and long-term  
34 rentals. He clarified that one- or two-time incidents do not create status quo. He reminded  
35 that travelers do not always cause parking issues due to the fact they travel in one car and  
36 rental properties have driveways. There are occasional exceptions. Councilor Garratt  
37 suggested councilors review licensing fees for businesses and what they grant or do not  
38 grant. He recommended councilors create a list of related material, review it and then come  
39 back for a discussion on facts. He agreed with sending the topic to Planning Commission  
40 with City Council's intended intention and goal.

41  
42 Legal Counsel Kudlac advised that this will likely have to go through planning since it will  
43 be a land use regulation. Legal Counsel Kudlac advised that council has the authority to enter  
44 a moratorium while reviewing vacation rentals. There is a process, including a hearing on the  
45 moratorium and plan on working out of it.

Councilor Garratt suggested CA Ginsburg and Legal Counsel Kudlac get information on what is related to the vacation rentals including licensing and provide this to councilors. He suggested a bullet point list of concerns and considerations for organized discussion.

Councilor Garratt moved to table the discussion of vacation rentals until next meeting with Councilor Burns as second. *Motion passed 6-0.*

Discussion: As above.

<i>Councilor Garratt</i>	<u><i>Yes</i></u>	<i>Councilor LaRoche</i>	<u><i>Yes</i></u>	<i>Councilor Burns</i>	<u><i>Yes</i></u>
<i>Councilor Kessler</i>	<u><i>Yes</i></u>	<i>Councilor Tidey</i>	<u><i>Yes</i></u>	<i>Councilor Pogwizd</i>	<u><i>Yes</i></u>

**8. New Business:**

a. **Mike DuBose, Right of Way Usage:** Right of way for a fence from existing fence line and gate towards roadway, not following the line of the current fence, as if to create a barrier. The fence would be extended 20 feet more than anything else on the edge of that road up to 10 feet from the pavement. No hydrant interference. Signed off by public works. Police Chief is on vacation. CA Ginsburg is not sure about fire signoff. CA Ginsburg will signoff after all others are signed off. Councilor Garratt questioned the purpose of the fence. Councilor Pogwizd questioned city criteria regarding fences on right of ways. Applicant not available for questions.

Councilor Garratt moved to decline the right of way request of Mike DuBose with Councilor Burns as second. *Motion carried 6-0.*

Discussion: Per Mayor Cox, the applicant can resubmit an application with more information.

<i>Councilor Garratt</i>	<u><i>Yes</i></u>	<i>Councilor LaRoche</i>	<u><i>Yes</i></u>	<i>Councilor Burns</i>	<u><i>Yes</i></u>
<i>Councilor Kessler</i>	<u><i>Yes</i></u>	<i>Councilor Tidey</i>	<u><i>Yes</i></u>	<i>Councilor Pogwizd</i>	<u><i>Yes</i></u>

b. **Geoffrey Smith, Right of Way Usage:** The is a request to put new gravel on the existing road. Councilor Garratt observed the site of request. They are not making a change other than adding gravel for maintenance of the right of way.

Councilor Tidey moved to approve Geoffrey Smith’s application for right of way usage with Councilor Kessler as second. *Motion carried 6-0.*

Discussion: Councilor Garratt expressed concern of compactor use next to engineered road. CA Ginsburg affirmed it has been signed off by public works.

<i>Councilor Garratt</i>	<u><i>Yes</i></u>	<i>Councilor LaRoche</i>	<u><i>Yes</i></u>	<i>Councilor Burns</i>	<u><i>Yes</i></u>
<i>Councilor Kessler</i>	<u><i>Yes</i></u>	<i>Councilor Tidey</i>	<u><i>Yes</i></u>	<i>Councilor Pogwizd</i>	<u><i>Yes</i></u>

c. **Sandra Anderson, Right of Way Usage:** Right of way request is for a driveway to a building site, signed off by public works. Chief of Police is on vacation; however, he is well aware of the application and is fine with it. CA Ginsburg will sign off when the police chief returns for signature. CA Ginsburg related that the fire department was at the scene with public works. Councilor Garratt identified that the plan submitted was not very technical and would like to see a more detailed plan with dimensions and engineering proposal to show what fill is needed, widening might be needed, etc. Trees

4 on the city right of way might need removed, which needs reviewed. Councilor LaRoche  
5 advised that trees have already been cut on 11<sup>th</sup> Street in the right of way and thrown over  
6 the hill, thus starting the project prior to permission. Mayor Cox reported the location is in  
7 close proximity to 1800 and 1801 Deady and runs the risk of crossing the property lines.  
8 City responsibility for access is discussed. Legal Counsel Kudlac will review. She  
9 suggested a planner look at the site. Ms. Anderson is not available for questions.  
10 Neighboring properties have not received notice of this request as is required. Additional  
11 information is needed from the applicant.

12 Councilor Garratt moved to table this application until the next meeting pending  
13 additional information with Councilor Kessler as second. **Motion carried 6-0.**

14 Discussion: Councilor LaRoche wants information on why trees were removed from city  
15 property. CA Ginsburg will contact the applicant.

16	<i>Councilor Garratt</i>	<u>Yes</u>	<i>Councilor LaRoche</i>	<u>Yes</u>	<i>Councilor Burns</i>	<u>Yes</u>
17	<i>Councilor Kessler</i>	<u>Yes</u>	<i>Councilor Tidey</i>	<u>Yes</u>	<i>Councilor Pogwizd</i>	<u>Yes</u>

18  
19 **d. Emergency Preparedness:** Grant funding fell through. Jenna and Jim Howe have put a  
20 lot of time into this. Councilor Burns informed councilors that they need to decide who is  
21 going to be making decisions on infrastructure and training moving forward and how far  
22 they want to take this plan. Councilor Burns suggested a board or commission. He stated  
23 expecting a volunteer for emergency coordinator is unrealistic. Councilor Burns feels the  
24 city will need an emergency coordinator and grant writer. He feels hiring Jim and Jenna  
25 for the project is reasonable. Mayor Cox stated the city will have to advertise for the  
26 position. CA Ginsburg addressed the budget, which was very small at 5,000 dollars for the  
27 full year. Past receivables that will be collected might be helpful as well as COVID funds.  
28 Councilors agree this is a very important department to fund.

29  
30 Councilor Garratt suggested using the funds to hire a grant writer first, which could  
31 provide needed funds for this project and also open other doors. Councilors agree funding  
32 a grant writer is the better way to start. CA Ginsburg claimed experience in grant writing.  
33 Councilor LaRoche suggested an experienced person to assist. Mayor Cox expressed  
34 importance of keeping emergency preparedness at the top of the list. He agrees with the  
35 importance of a grant writer. CA Ginsburg will research neighboring communities to  
36 ascertain the cost of a grant writer.

37  
38 Jenna and Jim Howe are in attendance. Jenna Howe has technical writing experience that  
39 is transferable though has not done grant writing. She is willing to work with CA  
40 Ginsburg. Councilor Garratt reminded that grant finding is the hardest part of grant  
41 writing. A team might be required with parttime positions included. He suggested  
42 publishing this to the community with a request for help.

43  
44 A list of grants needed will be provided to the Howes with a list of the master plan and  
45 Parks Commission's requests. The council asked CA Ginsburg to put out a notice publicly  
46 requesting volunteers with appropriate skills for grant finding and writing.

4  
5 **e. Water Infrastructure Grants:** See above.  
6

7 **9. Considerations**

8 **a. Citizens:**

9 Steve Lawton addressed grant writing. He suggested a county-wide grant writer. Other  
10 counties and communities have found success in their Emergency Preparedness plans.  
11

12 Gordon Clay read information updating COVID cases in Curry County. He provided  
13 information with a chart to councilors. Mr. Clay addressed vacation rentals as related to  
14 Airbnb. City economy is a positive aspect in that it adds funds to the host to spend in the  
15 community. Airbnb brings in people to spend money into the community. Many want to  
16 return.  
17

18 Linda Tarr addressed the grant topic. She wants the city to be aware that once a grant  
19 has been granted, staff time is required to be able to utilize the grants effectively. She  
20 suggested utilizing the resources DEQ has to offer.  
21

22 **b. Staff:** None.  
23

24 **c. Councilors:**

25 Councilor Burns suggested moving forward on affordable housing and vacation rentals  
26 when Planning Commission is finished with building height limits. He suggested a  
27 possible workshop with Planning Commission.  
28

29 Councilor Pogwizd stated the importance of posting packets on time, prior to the  
30 weekend, to enable councilors to prepare. He asked for sign-off sheets for right of ways  
31 and all reports accompanying the agendas as well as financials and public works reports.  
32 Councilor Pogwizd expressed his appreciation to CA Ginsburg and Mayor Cox for their  
33 efforts. CA Ginsburg advised financials are being cleaned up. Once they are cleaned up,  
34 they will be provided to councilors. Public works has been shorthanded and busy, but CA  
35 Ginsburg will contact John Isadore.  
36

37 Councilor Garratt suggested a note at the top of the agenda specifying the typed chat in  
38 the virtual sessions is not allowed as per an official decision previously made by council.  
39 It would be nice to have documents in the packet in order. Previously, councilors made  
40 the decision that packets should have page numbering and numbered/lettered reference to  
41 agenda item. Councilor Garratt suggested considering amending council rules. Since  
42 virtual sessions are continuing, he suggested public comment pertaining to items occur as  
43 each item is brought up after councilors finish discussing the item. Also, items should be  
44 introduced by the mayor or person speaking on the topic, motions readily made versus  
45 haphazard discussions. Councilor Garratt would like to see gas tax move forward. It was  
46 supposed to be on the agenda this meeting. He asked it to be put on the agenda for next

4 meeting. Councilor Garratt addressed city volunteer contribution recognition and asked  
5 that City Council recognize the volunteers to encourage more volunteerism.

6  
7 Councilor Tidey spoke on neighboring communities adopting a State of Oregon  
8 ordinance about camping on public property. Councilor Tidey did not find a camping  
9 ordinance in Port Orford. At this time, the State of Oregon states that anybody can camp  
10 on public-owned property in the city limits. He feels this needs to be put on the agenda at  
11 the next meeting before this becomes a city problem.

12  
13 **d. Mayor:**


14 Mayor Cox asked councilors to touch bases with him prior to asking CA Ginsburg to put  
15 something on the agenda. If a councilor contacts CA Ginsburg without speaking at a  
16 council meeting or contacting the mayor, it is the same as a citizen going to City Hall and  
17 telling CA Ginsburg what to do. People are still sending messages to Terri Richards. CA  
18 Ginsburg stated those were being forwarded to David Johnson's email. David Johnson's  
19 email is going directly to Tami. CA Ginsburg will talk with Tami to follow up on the  
20 emails.


21  
22 Mayor Cox recollected that building heights of 45 feet was approved in the marine  
23 district. There were a handful of lots above that do not coincide with other districts where  
24 heights should be lower. When it went to Planning, commissioners recommended a 35-  
25 foot height for the entire marine district. Councilor Garratt believed that the height limit  
26 will be put in place, but the Port will have exceptions for what is necessary for Port  
27 functionality. This can be reviewed and addressed when the recommendations return  
28 from Planning Commission.

29  
30 **10. Future Meetings:** Thursday, September 16, Regular meeting of the Common Council at  
31 5:30 p.m.

32  
33 There being no further business, Mayor Cox Adjourned the meeting at 8:39 p.m.

34  
35  
36  
37  
38 Attest:

39  
40  
41   
42 \_\_\_\_\_  
43 Mayor, Pat Cox

41   
42 \_\_\_\_\_  
43 City Recorder, Jessica Ginsburg