

City of Port Orford
City Council Special Meeting
In the Gable Chambers / Virtual participants
Thursday, October 21, 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>	Excused
<i>Lorrin Kessler</i>	X	<i>Chief Hobart, Police</i>	
<i>James Garratt</i>	X		
<i>Carolyn LaRoche</i>	X		
<i>Greg Tidey</i>	X		

Others Present: Suess/Gurnee, Steve Lawton, Ciaran Fraser, Ann Vileisis, Linda Tarr, Daniel DeSurra, Craig Rosenaur, Doug Calamar, Julie Gavrilko, Monica Ward of Curry County, Leila Thompson, Chris Hawthorne, Susan Russell from Arts Council.

1. Call to Order

President Cox called to order this Meeting of the Common Council on Thursday, October 21, 2021, at 5:32 p.m.

2. Additions to the Agenda: None.

3. Presentation to Council / Citizens:

a. Text my Gov Presentation (pg. 1-5): Carson, Technical Expert at Text my Gov reported he has presented their platform to CA Ginsburg. He described the platform as a 2-way texting system for citizens to receive alerts from their city as well as be able to text in and receive answers to questions or report issues. Carson shared his screen with councilors, which showed the presentation describing the texting system platform. System setup and training is included with the system. A la carte cost is 3000 annually with an initial setup one-time fee. A price proposal has been provided to CA Ginsburg. A discussion on this system will be added to the agenda next meeting.

4. Consent Calendar

a. Approve Minutes September 16, 2021: Councilor Pogwizd moved to approve the minutes for the September 16, 2021, council meeting with Councilor Burns as second.

Motion carried 6-0.

Discussion: None.

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

4 **b. Approve Minutes September 23, 2021:** Councilor Pogwizd moved to approve the
5 minutes for the September 23, 2021, special council meeting with Councilor Burns as
6 second. *Motion carried 6-0.*

7 Discussion: None.

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

10
11 **5. Citizens' Concerns:**

12 Leila Thompson, resident of Port Orford spoke on the use of the A-frame at Buffington Park.
13 She outlined that the A-frame was used by a youth club and children in the 90's. She
14 supported the city council in bringing the A-frame back into full community use. She asked
15 the City Council to support the Parks Commission in that vision. Ms. Thompson addressed
16 the topic of vacation rentals. She confirmed that not all Airbnb owners live out of town. Her
17 Airbnb helps pay household expenses and would like councilors to consider the different
18 circumstances of Airbnb owners.

19
20 Chris Hawthorne, business owner of four Airbnbs, disagrees with what has been stated
21 regarding Airbnb guests and the local economy. He can verify the Airbnbs contribute a lot to
22 the Port Orford economy. He, as well as other Airbnb owners, lives in the community and
23 spends the earnings and expenses of the accommodations in Port Orford. He is able to verify
24 that three of the four Airbnbs eat out in Port Orford at least once a day. He is aware of the
25 housing crises that afflicts Port Orford and many, if not all, communities on the west coast,
26 which is due to many factors. There are limited high-end accommodations available to
27 travelers that want to explore this area of the south coast and spend their money here. They
28 will find another town if they are not able to locate a place to stay in Port Orford. He would
29 like the city council to give careful consideration to the Airbnbs that currently exist and
30 consider the ramifications to the town if a blanket rule affecting everybody is made.

31
32 Craig Rosenaur, Port Orford homeowner, reiterated that half of the last meeting was spent
33 discussing the water system repair needs. It seemed to Mr. Rosenaur that the vacation rental
34 homeowners are being blamed for the water problems. He accounted for the lack of
35 affordable hotels. He stated that he spends the money on his vacation rental expenses locally.
36 He is concerned that people on the council are misquoting the facts, stating that vacation
37 rental owners are making a lot of money. He corrected that the owners spent a lot of money
38 and gambled on an investment in Port Orford. He was told that he did not need a permit. He
39 feels the councilors have singled his property out by implementing the building height
40 restrictions lowering the allowable height of his building, thus lowering the value of his
41 property. Mr. Rosenaur reported taking property that was said to be a teardown and made
42 into something nice. He questions why a particular hotel is closed most of the time. He
43 suggested it be used for a senior living or affordable housing. The water problems need
44 addressed and repaired by the city. He feels that long-term rentals are a business just as short-
45 term rentals.

4 Daniel Desurra, Port Orford homeowner, expressed his appreciation to the councilors for
5 addressing the topic of short-term rentals. He owns long-term rentals. He would like to see
6 the council consider making short-term rentals an asset to Port Orford, so it is a win-win
7 situation for the owner and the community. He supports getting the short-term rentals
8 permitted so they pay taxes to the communities to bring revenue to the community to help
9 with the infrastructure of the water system. Out of state and out of country investors are
10 looking for short-term rentals to purchase as an investment, which is a concern to him. He
11 would like to see short-term rental permits limited to local people. Typically, vacation rentals
12 are higher-end rent and not the only cause of the lack of affordable housing.

13
14 Steve Lawton expressed appreciation to the councilors and planning commissioners for
15 looking at the vacation rental topic. He feels the responsible vacation rentals in town
16 contribute to the local economy. He would like Port Orford to find the right number of
17 vacation rentals that meet the economic needs of the local economy without risking running
18 out of water during the driest months, which are the peak tourist months. He expressed
19 appreciation to John and public works staff for the work they have done on the water
20 infrastructure.

21 22 **6. Department Reports**

- 23 **a. Public Works:** John Isadore reviewed the written report he submitted in the packet. Civil
24 West is helping with temporary fixes on the dam leak. Electrical components for finish
25 water pump at the treatment plant was received but still waiting for the pump. They are
26 waiting for two more quotes on the Coast Guard Hill pump station. Water intake has
27 increased significantly. Mr. Isadore addressed parking in the right of ways. There is a
28 large RV on one right of way over the water access. He is hoping this will be on the
29 agenda next meeting to review right of way parking, especially when affecting water
30 mains and utilities. The new wastewater treatment employee is very knowledgeable and a
31 great addition to the city. Mr. Isadore reported the park benches at Battle Rock are
32 donated. There are plaques installed that have to be removed due to rot. Mr. Steve
33 Lawton volunteered to replace the benches.
- 34 **b. Administration:** A new officer has been hired, which makes four officers plus a
35 parttime traffic person.
- 36 **c. Finance:** Information for the grant for the Ocean View paving has been sent. It will take
37 45 days to get the funding back.
- 38 **d. Planning:** No report from Planning. They have an upcoming meeting that will address
39 height restrictions.
- 40 **e. Liaison:**
- 41 **Fire District** – Councilor Garratt met with a representative and was informed that they
42 are maintaining status quo They will contact Councilor Garratt if something of interest
43 comes up.
- 44 **Port** – Mayor Cox reported they progressed with the phase 1 funding of the Build Back
45 Better grant. They are hopeful. They started on some infrastructure funding through
46 Connect Oregon.

4 **Schools** – Councilor Kessler reported the school system has 227 students. The track and
5 steps going down are complete and will be used this year.

6 **TLT** – Councilor Pogwizd and CA Ginsburg will be working together to get the TLT
7 Committee ready for the January grants.

8 **Watershed** – Councilor LaRoche introduced Linda Tarr. Linda Tarr updated on the
9 watershed. She encouraged the city administration to accept the Forest Management Plan
10 grant. The scope of work on the outreach for the grant will be changed from the kiosk at
11 the co-op to a proposed brochure for the city with education around the watershed. They
12 discussed the possibility of using the TLT funds for a possible brochure educating
13 citizens about conservation. The brochures can go in motel rooms and vacation rentals.

14 **Parks:** Councilor Tidey reported three more applications for commissioners, making
15 seven. Applicants have been interviewed. Funding is going forward with the playground
16 improvement plans.

17 **Emergency Management** – New educational information has been received, which will
18 be reviewed prior to a plan for the school program.

19 **Health** – See above.
20

21 7. Old Business

22 a. **Water Infrastructure / State of Emergency / Ending-Adjusting Water Restrictions:**

23 Councilor Pogwizd moved to end the emergency water restrictions in Port Orford with
24 Councilor Garratt as second. *Motion withdrawn.*

25 **Discussion:** CA Ginsburg asked that water restrictions be ended with the exception of
26 new installs. Supported by John Isadore. The restrictions were for 60 days, which expires
27 November 1. John Isadore would like to see this extended for new installs until the
28 dredging of the dam is complete, city has storage for water back and the finished water
29 treatment pumps are replaced, and the city can “ramp up” the tracer study. Legal Counsel
30 Kudlac advised a more formal process will be needed to extend the moratorium for new
31 developments. This will include a hearing process, and notice will have to be given to
32 DLCDD. The same process will be needed for the vacation rentals if an extended
33 moratorium is put in place for new vacation rentals. Mayor Cox suggested making a
34 policy that implements a conservation plan automatically when the water is down to a
35 certain level. Legal Counsel Kudlac stated that policy will eliminate the moratoriums and
36 is a better course of action. An ordinance will have to be in put in place. A moratorium
37 extension directed at new users can be considered singling out new users. Councilor
38 Garratt suggested developing an ordinance over this wet season for the future. He
39 suggested dismissing the current motion on the table and allow the current moratorium to
40 expire in a week or so, which might help the water flow. Councilor Pogwizd rescinded
41 his motion and Councilor Garratt rescinded his second.

42 **b. Vacation Rentals Moratorium:** Mayor Cox addressed comments from the public’s
43 understanding that the city council is shutting down vacation rentals. Mayor Cox
44 corrected that the moratorium was to assist the city in managing or controlling the
45 growth. The city does not want to obliterate vacation rentals or make them go away. He

4 clarified that the city wants to promote business and promote new people in town, but the
5 city wants a good balance. This is a large-scale problem, not just Port Orford.

6 Councilor Pogwizd made a motion to table vacation rentals until the city council can
7 meet with planning to give planning clear direction on what council wants to see with
8 Commission Garratt as second. **Motion Rescinded.**

9 Discussion: Councilor Pogwizd clarified that he made the motion due to the fact that this
10 discussion has taken place two to three times in the past, and he would like to see
11 progress. He would like to see each councilor arrive at the meeting with Planning with
12 five or more bullet points they would like to see in the vacation rental discussion. This is
13 supported by Councilor Garratt. Legal Counsel Kudlac advised councilors this has to
14 involve the city planner; thus, she contacted the city planner and made her aware. The
15 code that might be adopted as relevant to vacation rentals will generally be a land use.
16 Councilor Pogwizd rescinded his motion. He reminded councilors that Councilor Kessler
17 had a motion in place for a moratorium, but no action was taken since Legal Counsel
18 Kudlac was not in attendance. Commissioner Garratt rescinded his second.

19
20 Councilor Kessler moved for Port Orford begin the process of putting a moratorium in
21 place for allowing establishment of any new vacation rental businesses within the City of
22 Port Orford with Councilor Burns as second. **Motion passed 5-1.**

23 Discussion: Councilor Garratt advised this motion will start the process and feels it
24 should put a moratorium “in place.” Councilor Pogwizd would like the motion to include,
25 “until Planning can present findings to the council.” Legal Counsel Kudlac stated the
26 timeline will be put in the findings that have to be adopted in a hearing after proper
27 notice. There will have to be a plan for the city to work out of the moratorium.

28 **Councilor Garratt** No **Councilor LaRoche** Yes **Councilor Burns** Yes
29 **Councilor Kessler** Yes **Councilor Tidey** Yes **Councilor Pogwizd** Yes

30
31 **c. ADUs, Send to Planning:** Mayor Cox asked councilors if they want to start the ADU
32 conversation and send directions to Planning. Councilor Burns moved to have a
33 workshop with planning on ADUs for clear direction with Councilor Pogwizd as second.
34 **Motion passed 6-0.**

35 Discussion: Councilor Garratt agrees for councilors to meet with planning prepared with
36 items of interest for presentation. A workshop will be scheduled.

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

39
40 **8. New Business**

41 **a. Seasonal Gas Tax:** Info has been presented to councilors in their packet. Councilor
42 Garratt would like councilors to make a draft of the tax. He would like to see interaction
43 with the public once drafted. The draft should include a definition of the season, amount
44 of tax, how the tax revenue will be used, and how to go about educating the public. CA
45 Ginsburg will put together a draft to be on the next agenda.

4 **b. Parks Commissioner Appointment, Kelly Bechtel:** Councilor Burns moved to accept
5 Ms. Bechtel’s application for the Parks Commissioner with Councilor Tidey as second.

6 *Motion carried 6-0.*

7 Discussion: This candidate was interviewed by the Parks Commission.

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

10 **c. Parks Commissioner Appointment, Clark Kocurek:** Councilor Tidey moved to
11 approve the application from Clark Kocurek for the Parks Commissioner with Councilor
12 Burns as second. *Motion carried 6-0.*

13 Discussion: Mr. Kocurek lives in the urban growth boundary and not in the city limits.

14 The commission will have two members in the urban growth boundary.

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

17 **d. Parks Commissioner Appointment, Aimee Munford:** Councilor Pogwizd moved to
18 approve the application from Aimee Munford for Parks Commissioner with Councilor
19 Burns as second. *Motion carried 6-0.*

20 Discussion: PO box is listed on the application. A physical address is needed. Councilors
21 discussed applicant interview protocol.

22 **e. Right of Way – Cynthia Freeman:** Ms. Freeman wants to put plants in the right of
23 way at 250 15th Street. The plants will not be on a waterline or city service and is
24 approved by the Police Chief. Applicant is present and stated the plants are 12 feet back
25 from the roadway and waterline. There is no parking available due to a ditch. Drainage is
26 not impaired. Councilor Burns moved to approve the right of way application with
27 Councilor Tidey as second. *Motion carried 6-0.*

28 Discussion: As above.

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

31
32 **f. A-Frame Discussion, Arts Council / Parks:** Councilor Tidey introduced Bryan
33 Thompson from the Parks Commission. Commissioner Thompson introduced himself as
34 the Chair for Parks Commission, high school cross country coach and elementary track
35 and field coach. He is very involved with families in the community. He reviewed the
36 plans for the A-frame with councilors. The Parks Commission voted to revoke the Arts
37 Council’s contract renewal in hopes the Arts Council and city can use the A-frame for
38 events in unison. The Parks Commission would like to see the A-frame used for events
39 involving family, which is not possible currently due to the Arts Council’s insurance
40 issues. Parks Commissioners are hoping the A-frame can become a hub for community
41 events. The City of Port Orford insurance will cover family events as they already do at
42 the Legion Hall. A 90-day notice contract requirement will have to be met.

43 Susan, a representative of the Arts Council, advised councilors that their lease was signed
44 in 2018 prior to COVID. The lease stipulated the Arts Council had to invest \$1,500 a year
45 for building improvements and pay the utilities, which was satisfied. The Arts Council
46 would like an opportunity to recoup some of their funds, which was prevented in the

4 recent past due to COVID restrictions. Susan is in favor of sharing the A-frame with the
5 city; however, other Arts Council members are not.

6 Councilor Tidey moved to table this discussion until the next meeting with Councilor
7 Burns as second. **Motion carried 6-0.**

8 Discussion: Councilor Garratt called point of order that City Council is 30 minutes past
9 the time of meeting termination and advised continuing this at the next meeting. CA
10 Ginsburg suggested being a mediator at a joint meeting; however, Councilor Pogwizd
11 advised it is a council issue and not an administrative issue. Legal Counsel Kudlac
12 advised this decision has to be made before the end of November to honor the contract.
13 The termination would go into effect February at the time of the current contract
14 expiring.

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

17
18 **9. Considerations**

19 **a. Citizens:**

20 Monica Ward from Curry County is attendance for her own awareness due to plans at the
21 county level.

22 Steve Lawton advised that Banks, Oregon extended their moratorium on new
23 development four times due to water issues. He encouraged councilors to think about the
24 best water infrastructure management practices. He expressed his appreciation to the
25 Planning Commission for their outstanding job.

26 **b. Staff:** John Isadore expressed concern that the owner of a motor home added gravel to a
27 right of way to accommodate parking their motorhome without a permit. The city
28 ordinance does state that the property owner is responsible for maintaining the right of
29 way.

30 **c. Councilor:** Councilor Pogwizd suggested that RV parking on right of way property be
31 on next month's agenda. There is nothing currently in the ordinances. CA Ginsburg
32 stated she contacted the motorhome owner, and they did not cooperate.

33 **d. Mayor:** None.
34


35 **10. Future Meetings**

36 **Thursday, November 18, 2021, Regular Council Meeting 5:30 virtual**
37

38 **11. Adjourn:** There being no further business, Mayor Cox Adjourned the meeting at 8:15 p.m.
39
40

41 Attest:

42
43
44 
45 _____
46 Mayor, Pat Cox

42
43
44 
45 _____
46 City Recorder, Jessica Ginsburg