City of Port Orford
City Council Special Meeting
In the Gable Chambers / Virtual participants
Thursday, October 21, 2021 at 5:30 P.M.

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<th>Mayor and Council</th>
<th>Present</th>
<th>City Staff</th>
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<tr>
<td>Pat Cox, Mayor</td>
<td>X</td>
<td>CA Ginsburg</td>
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<tr>
<td>Gary Burns</td>
<td>X</td>
<td>Shala Kudlac, City Attorney</td>
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<td>Tim Pogwizd, President</td>
<td>X</td>
<td>John Isadore, Public Works</td>
<td>Excused</td>
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<td>Lorrin Kessler</td>
<td>X</td>
<td>Chief Hobart, Police</td>
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<td>James Garratt</td>
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<td>Carolyn LaRoche</td>
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<td>Greg Tidey</td>
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Others Present: Suess/Gurnee, Steve Lawton, Ciaran Fraser, Ann Vileisis, Linda Tarr, Daniel DeSurra, Craig Rosenaur, Doug Calamar, Julie Gavrillo, 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
b. Approve Minutes September 23, 2021: Councilor Pogwizd moved to approve the minutes for the September 23, 2021, special council meeting with Councilor Burns as second. Motion carried 6-0.

Discussion: None.

| Councilor Garratt | Yes | Councilor LaRoche | Yes | Councilor Burns | Yes | Councilor Pogwizd | Yes |

5. Citizens’ Concerns:

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

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

Craig Rosenaur, Port Orford homeowner, reiterated that half of the last meeting was spent discussing the water system repair needs. It seemed to Mr. Rosenaur that the vacation rental homeowners are being blamed for the water problems. He accounted for the lack of affordable hotels. He stated that he spends the money on his vacation rental expenses locally. He is concerned that people on the council are misquoting the facts, stating that vacation rental owners are making a lot of money. He corrected that the owners spent a lot of money and gambled on an investment in Port Orford. He was told that he did not need a permit. He feels the councilors have singled his property out by implementing the building height restrictions lowering the allowable height of his building, thus lowering the value of his property. Mr. Rosenaur reported taking property that was said to be a teardown and made into something nice. He questions why a particular hotel is closed most of the time. He suggested it be used for a senior living or affordable housing. The water problems need addressed and repaired by the city. He feels that long-term rentals are a business just as short-term rentals.
Daniel Desurra, Port Orford homeowner, expressed his appreciation to the councilors for addressing the topic of short-term rentals. He owns long-term rentals. He would like to see the council consider making short-term rentals an asset to Port Orford, so it is a win-win situation for the owner and the community. He supports getting the short-term rentals permitted so they pay taxes to the communities to bring revenue to the community to help with the infrastructure of the water system. Out of state and out of country investors are looking for short-term rentals to purchase as an investment, which is a concern to him. He would like to see short-term rental permits limited to local people. Typically, vacation rentals are higher-end rent and not the only cause of the lack of affordable housing.

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

6. Department Reports
   a. Public Works: John Isadore reviewed the written report he submitted in the packet. Civil West is helping with temporary fixes on the dam leak. Electrical components for finish water pump at the treatment plant was received but still waiting for the pump. They are waiting for two more quotes on the Coast Guard Hill pump station. Water intake has increased significantly. Mr. Isadore addressed parking in the right of ways. There is a large RV on one right of way over the water access. He is hoping this will be on the agenda next meeting to review right of way parking, especially when affecting water mains and utilities. The new wastewater treatment employee is very knowledgeable and a great addition to the city. Mr. Isadore reported the park benches at Battle Rock are donated. There are plaques installed that have to be removed due to rot. Mr. Steve Lawton volunteered to replace the benches.
   b. Administration: A new officer has been hired, which makes four officers plus a parttime traffic person.
   c. Finance: Information for the grant for the Ocean View paving has been sent. It will take 45 days to get the funding back.
   d. Planning: No report from Planning. They have an upcoming meeting that will address height restrictions.
   e. Liaison:
      Fire District – Councilor Garratt met with a representative and was informed that they are maintaining status quo They will contact Councilor Garratt if something of interest comes up.
      Port – Mayor Cox reported they progressed with the phase 1 funding of the Build Back Better grant. They are hopeful. They started on some infrastructure funding through Connect Oregon.
Schools – Councilor Kessler reported the school system has 227 students. The track and
steps going down are complete and will be used this year.

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

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

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

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

Health – See above.

7. Old Business

a. Water Infrastructure / State of Emergency / Ending-Adjusting Water Restrictions:
Councilor Pogwizd moved to end the emergency water restrictions in Port Orford with
Councilor Garratt as second. **Motion withdrawn.**

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

b. Vacation Rentals Moratorium: Mayor Cox addressed comments from the public’s
understanding that the city council is shutting down vacation rentals. Mayor Cox
corrected that the moratorium was to assist the city in managing or controlling the
growth. The city does not want to obliterate vacation rentals or make them go away. He
clarified that the city wants to promote business and promote new people in town, but the city wants a good balance. This is a large-scale problem, not just Port Orford.

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

Discussion: Councilor Pogwizd clarified that he made the motion due to the fact that this discussion has taken place two to three times in the past, and he would like to see progress. He would like to see each councilor arrive at the meeting with Planning with five or more bullet points they would like to see in the vacation rental discussion. This is supported by Councilor Garratt. Legal Counsel Kudlac advised councilors this has to involve the city planner; thus, she contacted the city planner and made her aware. The code that might be adopted as relevant to vacation rentals will generally be a land use.

Councilor Pogwizd rescinded his motion. He reminded councilors that Councilor Kessler had a motion in place for a moratorium, but no action was taken since Legal Counsel Kudlac was not in attendance. Commissioner Garratt rescinded his second.

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

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

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

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

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8. **New Business**

a. **Seasonal Gas Tax:** Info has been presented to councilors in their packet. Councilor Garratt would like councilors to make a draft of the tax. He would like to see interaction with the public once drafted. The draft should include a definition of the season, amount of tax, how the tax revenue will be used, and how to go about educating the public. CA Ginsburg will put together a draft to be on the next agenda.
b. Parks Commissioner Appointment, Kelly Bechtel: Councilor Burns moved to accept Ms. Bechtel's application for the Parks Commissioner with Councilor Tidey as second. 
*Motion carried 6-0.*
Discussion: This candidate was interviewed by the Parks Commission.

Councillor Garratt     Yes  Councillor LaRoche  Yes  Councillor Burns   Yes
Councillor Kessler     Yes  Councillor Tidey  Yes  Councillor Pogwizd  Yes

c. Parks Commissioner Appointment, Clark Kocurek: Councilor Tidey moved to approve the application from Clark Kocurek for the Parks Commissioner with Councilor Burns as second. *Motion carried 6-0.*
Discussion: Mr. Kocurek lives in the urban growth boundary and not in the city limits. The commission will have two members in the urban growth boundary.

Councillor Garratt     Yes  Councillor LaRoche  Yes  Councillor Burns   Yes
Councillor Kessler     Yes  Councillor Tidey  Yes  Councillor Pogwizd  Yes

d. Parks Commissioner Appointment, Aimee Munford: Councilor Pogwizd moved to approve the application from Aimee Munford for Parks Commissioner with Councilor Burns as second. *Motion carried 6-0.*
Discussion: PO box is listed on the application. A physical address is needed. Councilors discussed applicant interview protocol.

Councillor Garratt     Yes  Councillor LaRoche  Yes  Councillor Burns   Yes
Councillor Kessler     Yes  Councillor Tidey  Yes  Councillor Pogwizd  Yes

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

Councillor Garratt     Yes  Councillor LaRoche  Yes  Councillor Burns   Yes
Councillor Kessler     Yes  Councillor Tidey  Yes  Councillor Pogwizd  Yes

f. A-Frame Discussion, Arts Council / Parks: Councilor Tidey introduced Bryan Thompson from the Parks Commission. Commissioner Thompson introduced himself as the Chair for Parks Commission, high school cross country coach and elementary track and field coach. He is very involved with families in the community. He reviewed the plans for the A-frame with councilors. The Parks Commission voted to revoke the Arts Council's contract renewal in hopes the Arts Council and city can use the A-frame for events in unison. The Parks Commission would like to see the A-frame used for events involving family, which is not possible currently due to the Arts Council's insurance issues. Parks Commissioners are hoping the A-frame can become a hub for community events. The City of Port Orford insurance will cover family events as they already do at the Legion Hall. A 90-day notice contract requirement will have to be met.
Susan, a representative of the Arts Council, advised councilors that their lease was signed in 2018 prior to COVID. The lease stipulated the Arts Council had to invest $1,500 a year for building improvements and pay the utilities, which was satisfied. The Arts Council would like an opportunity to recoup some of their funds, which was prevented in the
recent past due to COVID restrictions. Susan is in favor of sharing the A-frame with the
city; however, other Arts Council members are not.
Councilor Tidey moved to table this discussion until the next meeting with Councilor
Burns as second. **Motion carried 6-0.**
Discussion: Councilor Garratt called point of order that City Council is 30 minutes past
the time of meeting termination and advised continuing this at the next meeting. CA
Ginsburg suggested being a mediator at a joint meeting; however, Councilor Pogwizd
advised it is a council issue and not an administrative issue. Legal Counsel Kudlac
advised this decision has to be made before the end of November to honor the contract.
The termination would go into effect February at the time of the current contract
expiring.

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9. Considerations

a. Citizens:

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

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

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

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

d. Mayor: None.

10. Future Meetings

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

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

Attest:

[Signature]
Mayor, Pat Cox

[Signature]
City Recorder, Jessica Ginsburg