

1 **CITY OF YACHATS**

2
3 **CITY COUNCIL WORK SESSION AND REGULAR MEETING**

4 October 4, 2017

5
6 Minutes

7
8 Mayor Gerald Stanley called the October 4, 2017 work session and regular meeting of the City
9 Council to order at 9:30 am in Room 1 of the Yachats Commons. Council members present: Mayor
10 Gerald Stanley, Barbara Frye, Jim Tooke, Max Glenn, Greg Scott. Staff present: City Managers
11 Shannon Beaucaire and Joan Davies. Audience: 25.
12

13 **I. Work Session Discussion Topics**

14 Mayor Stanley asked for a moment of reflection for those who were killed or injured in Las Vegas
15 and those who are still suffering in Puerto Rico.
16

17 Mayor Stanley welcomed new City Manager Shannon Beaucaire.
18

19 Mayor Stanley acknowledged Waldport City Manager Kerry Kemp.
20

21 Mayor Stanley acknowledged and thanked retired Manager Davies for her service as City
22 Manager.
23

24 Mayor Stanley announced a workshop on Coastal Resilience on October 10, 2017 in Newport.
25 Councilor Tooke indicated he would attend.
26

27 **A. Transients living in community, private property and City property issues**

28 Councilor Glenn noted this issue is a continual problem. He noted two reasons why transients end
29 up in Yachats: 1) Yachats is the end of the southbound bus route, and 2) The picnic shelter is an
30 attractive location to rest. Glenn questioned whether there was an actual increase in transients or
31 whether there were just more incidents. He was concerned that the City does not have social
32 services. Councilor Frye acknowledged the complexity of the homelessness issue. Frye stressed
33 the presence of a knife indicated in the complaints is of great concern. Frye also does not like that
34 people are consuming alcohol when kids are playing in the area. She believed safety is something
35 the Council should address, especially drunk and disruptive behavior and armed transients.

36 Councilor Scott suggested Parks and Commons Commission may have some suggestions, and
37 noted the Presbyterian Church has been trying to address this issue. Councilor Tooke wanted
38 more information on police response to the complaint reported in the documentation. He was
39 curious about what police said to the transients in light of the complainant having been told to walk
40 away from the situation. Mayor Stanley recalled small crime waves in Yachats over the years, and
41 wondered if the current complaints were a passing problem or whether this is a trend. Stanley
42 noted a Sheriff had told him he believed homelessness is more of a trend than a passing issue.
43

44 Mayor Stanley noted Waldport offers limited police support to Yachats. He suggested the City
45 should take financial responsibility for police services at some point going forward and the Finance
46 Committee could investigate the cost of contracting with the Sheriff's Office. Frye noted citizens
47 pay taxes that support the County Sheriff's Office and thought Yachats was entitled to some
48 Sheriff's services. Tooke understood that Sheriffs provide services for the County, not
49 incorporated cities.

1
2 Joan Davies noted Parks and Commons has not seen the complaints, state law requires the
3 Sheriff to cover cities, and Waldport pays \$330,000 for 80 hours of law enforcement each month.
4 Davies indicated she approached people camping in the picnic shelter five times in the past few
5 weeks. Davies noted it is not illegal to be homeless or to sit in the picnic shelter, but the City does
6 want to protect children playing in the area. Davies noted that a homeless person claimed to have
7 driven off the offensive transients, but the City does not want vigilantes either.

8
9 Scott noted there is a tendency to go to the dark side around confrontational situations, and he
10 asked that a sensitive tone similar to Glenn's approach be followed. Glenn hoped an active Code
11 Enforcement Officer might help to remedy the problem. Frye argued the current situation involving
12 a knife and transients hanging out around the kids is a more serious concern.

13
14 Frye speculated on educating people about calling the police and adding signage to areas like the
15 picnic shelter. Davis said that she and Dave Buckwald had already added signage to the picnic
16 shelter. Mayor Stanley noted people at the Newport meeting wanted to be proactive on helping the
17 homeless.

18
19 Jim Schanback (551 Lemwick Lane) summarized his historical experience with facing homeless
20 people in Yachats, especially when he was new and eager to bring in law enforcement to address
21 the matter. He noted he has mellowed over time and has noticed citizens who act to help
22 homeless persons.

23
24 Lawrence Calkins (230 1st St) has experienced the homeless through the Lion's Club Thrift Store
25 where some are pleasant and some are not. Calkins did not believe the City should offer more
26 comforts to the homeless.

27
28 Leslie Vaaler (205 Radar Rd) expressed concern about a trailer parked near 7th and King St,
29 especially with winter coming and colder temperatures necessitating heat sources, which could be
30 a fire hazard. She noted sanitation might become an issue. Frye asked Vaaler if she had filed a
31 complaint.

32
33 Davies reported she has talked to the person who uses the trailer. Davies noted the City does not
34 have an ordinance against non-motorized vehicles on City right-of-way. She reported the Sheriff
35 can cite motor vehicles.

36
37 Doug Conner (490 Lemwick Lane) stated he believed this country uses public safety to quiet
38 people who make them feel uncomfortable. He argued when Yachats invites people to come visit,
39 they are also inviting homeless persons to come.

40
41 Linda Hetzler (Drift Inn) has thought much about the homeless and tries to employ homeless
42 people. She believed it would be useful to have a plan where the City applies for grants to set up a
43 program where temporary housing is provided contingent upon their working in or for the City. She
44 believed some sort of supervision would be needed to help address mental and addiction issues.

45 46 **B. Housing Needs**

47 Glenn stated he is a representative on the Lincoln Community Land Trust Committee, where new
48 developments are taking place with Proud Ground in Portland developing a hub and spoke system
49 for the State. This Legislature approved \$80 million for the LIFT (Local Innovation and Fast Track)
50 Program for subsidized housing in rural areas. He was encouraged to see the State implementing
51 some programs and local businesses working toward creating workforce housing. He noted House

1 Bill 4079 establishes a pilot program for expanding affordable housing, and Yachats could apply for
2 this project. Mayor Stanley expressed confidence in Glenn shepherding these programs.
3

4 **C. Re-examine Construction Excise Tax**

5 Glenn noted this one percent tax is on new construction, where 50% stays with City and the rest
6 goes to State programs. Mayor Stanley noted the SDC charges could be prorated if development
7 is for affordable housing. Glenn noted an excise tax was approved in Newport, Corvallis, and
8 Portland. Scott noted the breakdown of expending these fees as indicated in Newport's resolution
9 adopting the tax. While this tax may be enacted through an Ordinance, Scott would like to see the
10 matter put to the citizenship for a vote. Mayor Stanley would like to get citizen input on this topic at
11 another meeting.
12

13 **D. Update on HB 4079 pilot project for adjusting urban growth boundaries**

14 Scott understood this bill applied to land outside the urban growth boundary, and the urban growth
15 boundary and the City limits are the same. Davies noted the area on the north end of town the
16 only area that could be expanded into.
17

18 **E. Ocean View Drive – County's intention to deed street over to City**

19 Mayor Stanley summarized that Marine Drive and Ocean View Drive are County roads. The
20 County intends to give the City this property bring the road "up to standard" if the City accepts the
21 land. If the City does not accept, the County will abandon the land. He noted there are several
22 private properties on Ocean View Drive with lots overlapping the roadway in the area from 4th
23 Street to Pontiac Street.
24

25 Davies noted the County is currently short of road funds and is committed to getting rid of this
26 property by the spring of 2018. Initially, the County offered to apply a two-inch overlay, but only
27 from 7th to 2nd Streets. Davies noted there are problems with "alligating" (pavement cracking)
28 and the overlay from the State Park to Highway 101 is at least 16 years old. Davies asked the City
29 Attorney to talk with the Lincoln County Counsel. There is a hearing on October 18, 2017 where
30 legalization of Ocean View Drive will be addressed. Ocean View Drive goes over parts of five
31 private properties from 4th St. to Pontiac St. The County paved three feet into the west end of
32 Kemp's lot. Davies firmly stated the City's position is property owner rights come first.
33

34 Davies noted, as a separate subject, the State wants the 804 Trail revamped. She suggested the
35 transfer of Ocean View Drive is the ideal time to also address 804 Trail issues.
36

37 Scott believed the Council needs to let the work group proceed further, as he is not ready to take a
38 position. Frye expressed confusion over how the 804 Trail was involved, the news about private
39 property boundaries, and the existence of a workgroup.
40

41 Davies noted the workgroup is not official and was suddenly formed because of activity by the
42 County. Glenn has an established relationship with the County. Tooke is the Council shepherd for
43 this area. Tooke noted the State is concerned about disturbing archeological sites, which would
44 add hundreds of thousands of dollars to the project. Scott believed the Council should formalize
45 this group. Stanley questioned the need to formalize, and Glenn asserted more details are needed
46 before formalization. Glenn asked Manager Beaucaire to bring a recommendation to the next
47 meeting.
48

49 **F. Exemption to Sign Ordinance – allow sandwich boards for special one-day events**

50 Davies was approached by the Lion's Club about using temporary sandwich boards. Section
51 9.44.040.B of the Yachats Municipal Code prohibits "portable, a-frame, and wheeled signs."

1 Davies noted it would be a simple fix to exempt one-day special events from this law. Davies noted
2 they could stipulate signs would not block the sidewalks. Several noted some of these events are
3 multi-day. Glenn raised the issue of size. Manager Beaucaire suggested persons apply to have
4 permission to post such signs so there is a record of permissions. Hetzler asked how this rule
5 would apply to regular businesses, such as the Drift Inn having a Sunday Brunch. Hetzler raised
6 issues about how the signs appear, weather worthiness, how lampposts are used, and more.
7 Hetzler would like to see a longer term plan for signage. Mayor Stanley concluded this matter
8 should be assigned to the Planning Commission.
9

10 **G. Manager Transition**

11 Stanley noted that the job description for the City Manager position was more enormous than they
12 realized. Manager Davies noted Manager Beaucaire had not seen the job duties list prior to her to
13 getting to Yachats, as the recruiters had not included it in the job packet. Glenn asked for input on
14 what should be included for the position, to be discussed in November. Frye suggested forming a
15 group to review the list provided by Davies. Mayor Stanley suggested he, Glenn, Davies, and
16 Manager Beaucaire work to identify duties that should be assigned elsewhere.
17

18 **H. Approve agenda for October 11, 2017 City Council meeting**

19 Mayor Stanley asked about agenda item D Amnesty Program. Davies indicated the topic was
20 there to provide an update on the program. Hetzler noted she has a plan for the Event Manager
21 Program and is ready to be included on the new agenda. Consensus was given to approve the
22 agenda.
23

24 Mayor Stanley adjourned the work session at 11:18am.
25

26 **REGULAR MEETING**

27 Mayor Stanley called to order the regular meeting of the City Council at 11:25am.
28

29 **I. Public Comment**

30 Tom Lauritzen (204 Shell St) summarized his project work for the City over the past 16 months.
31 He expressed concern over the assimilation of the City Manager position into the City system,
32 noting the transition to date has not gone well. He noted there has been no follow up on a
33 recommendation of a work group to the Council about the roles and responsibility of Commissions,
34 Councils, and staff. He noted the City Manager works for the Council as a body, not for individual
35 Councilors. He asked the Council to think of this time as an opportunity to make a good
36 impression on the second City Manager.
37

38 John Moore (514 Lemwick Lane) noted most cities in Oregon have rules for Council members,
39 codified in a Code of Conduct. Citing the existing City Administrative Policy 6, "Use of City Staff."
40 Moore read into the record proposed changes to address appropriate interactions between staff
41 and Council. Moore noted all Administrative Policies need to be updated to reflect the new City
42 Manager form of government.
43

44 Moore explained the importance of clarifying these roles for both citizens and Councilors. Frye
45 asked if this proposal was in response to something that happened. Moore indicated this policy is
46 overdue. Mayor Stanley suggested this matter be discussed by Councilors at the November work
47 session. Moore read what is required of Councilors as indicated by the League of Oregon Cities
48 and noted Councilors likely read this policy in an orientation session. Glenn stated he believed this
49 document is a helpful clarification. Glenn stressed the importance of the Council acting as a body,
50 rather than as individuals. Glenn stated that emails between Councilors are a matter of public

1 record. Glenn asked that this item go on the agenda for a vote at the October 11, 2017 meeting.
2 Tooke agreed with Glenn.
3

4 Frye noted there are complicating factors, such as the IT Manager's need to interact with staff
5 regularly. Mayor Stanley summarized his history with the City Manager on working out their
6 interactions, particularly noting how much time he is at City Hall. Stanley recognized there were
7 particular issues that brought this proposal about. Mayor Stanley expressed his discomfort. Frye
8 stated she has been taken aback by how some Councilors hang around the office asking questions
9 and noted she always makes appointment with the City Manager so they may plan their day. On
10 the other hand, Frye noted that being physically in the office was a way of finding out what is going
11 on. Frye did not understand the issue around emails and indicated she shared some of Mayor
12 Stanley's discomfort.
13

14 Scott acknowledged Frye's confusion on his role as IT director. He noted he cannot do his job as
15 IT director without talking to Staff. Scott stated he would be willing to step down as a Councilor if
16 other Councilors felt his role as IT director was a conflict. Frye noted Scott had been in charge of
17 IT for at least five years, and suggested the Council needs to formally acknowledge the position of
18 IT director.
19

20 Glenn suggested the IT question and the proposed Code of Conduct are two separate decisions.
21 Glenn noted the original IT proposal had a clause to have an oversight committee, which has never
22 been created. Lauritzen noted the difficulty in management of changing behavior without a
23 perceived attack on an individual. Lauritzen argued the roles of all Commissions and Committees
24 needs to be evaluated. Mayor Stanley was concerned about having a task that is normally
25 handled by a contractor being done by a Council member.
26

27 Glenn suggested the Council has an opportunity to see what the 16 months of having a City
28 Manager position tells them they need to adjust. Glenn noted from his experience the time to
29 address change is during the time when the transition is happening.
30

31 Davies strongly suggested to the Mayor to not approach the issue as his needing to avoid being
32 present in City Hall, and she noted that they had developed a more efficient working relationship.
33

34 Mayor Stanley asked for clarification on the committee that would address identifying roles and
35 responsibilities of Committees, Commissions, and groups that make up "The City." Glenn clarified
36 there are two action items: the first is to revise Policy 6, to be done at the October 11, 2017
37 meeting. The second is to enact the committee to work on definition of governmental body roles.
38

39 **II. Ordinance 348 – Amendments to Yachats Municipal Code: Formula Businesses**

40 Frye wanted clarification on the language in the ordinance. Scott was content with the language
41 but does not believe the topic is complete. Scott would like the Planning Commission to readdress
42 the matter. Tooke argued the document reflected the work of the Planning Commission, the City
43 Manager, the City Attorney, and the citizens of Yachats. Glenn indicated he was ready to vote,
44 although he would like to see greater restrictions on a formula business. Mayor Stanley wanted to
45 see revision of the ordinance, as he believes the City is trying to overreach its authority. Mayor
46 Stanley did not see that a formula business would change the nature of the City and noted that the
47 size of a building would change the character.
48

49 Gerald questioned a line in the ordinance that indicated a new business could only be one of the
50 four types listed, meaning that a gas station could not have a market.
51

1 Helen Anderson, Chair of the Planning Commission, explained the process the Commission
2 followed in researching regulations in other cities, reviewing the Comp Plan, and developing
3 language for a Yachats ordinance using the language used by other jurisdictions. She noted the
4 Commission was never instructed to focus on a particular type of formula business, so their work
5 was based on what had been done elsewhere.
6

7 Davies retraced the history of the proposal, noting the Planning Commission had been instructed
8 by the former City Recorder that they could not consult with the City Attorney. Davies noted the
9 Attorney revised their proposal and returned a very complicated discussion of how the ordinance
10 might be developed. Davies gave some of the legal reasoning of why a business cannot be
11 regulated based on who they are, but only in terms of standards. Davies indicated she requested
12 clarification from the Attorney based on a discussion with Manager Beaucaire and Mayor Stanley a
13 few days prior. Davies argued ignoring the advice of the Attorney is not appropriate and sending
14 the document back to the Planning Commission is not appropriate. Anderson reiterated the
15 difficulty of regulating the inside appearance of a business and noted factors such as increased
16 trash is the result of individual customer behaviors, rather than something the business is doing.
17 Mayor Stanley asked Anderson why a formula business regulation was needed as opposed to a
18 general business ordinance. Anderson referred to the Comp Plan where there are many
19 references to supporting tourism and “mom and pop” stores. She argued having one company
20 dominate the retail market would be detrimental to the City.
21

22 Scott had concerns over explaining consistency with “the small town coastal character,”
23 determining compatible building scale, and identifying what constitutes “adverse impact.”
24

25 Planning Commissioner Shelly Shrock noted Yachats does not have a “theme,” unlike Santa Fe for
26 example, which is Southwestern Adobe. She suggested developing language that explains what
27 Yachats is, noting “coastal town” does not describe a building. Planning Commissioner Ginny
28 Hafner expressed her frustration at the speed at which this ordinance has progressed and argued
29 that a decision needs to be made now.
30

31 Doug Conner (490 Lemwick Lane) argued bigger formula business are driven solely by economics,
32 open and close stores based on cash flows, and “have no dog in the fight.”
33

34 Keith Perkins (25 Rock Drive) suggested Council is “beating a dead horse” in that corporations are
35 not expanding. He believed Yachats is not going to be a location of interest to formula businesses.
36

37 Sherry Secreast (490 Lemwick Lane) stated there is a recent formula business in the form of Dollar
38 General. She stressed she does not want businesses like the Drift Inn to suffer because of formula
39 business driving them out.
40

41 Planning Commissioner Ron Urban (30 8th St) noted the original proposal sent to the Council by
42 the Commission was less than a half page. He noted public input during Planning Commission
43 work was similar to what people have discussed today.
44

45 Tooke moved to adopt Ordinance 348 Amending the City of Yachats Zoning and Land Use Code
46 and Establishing Special Conditional Use Review Criteria for Formula Businesses: Aye - 4; No – 1
47 (Stanley).
48

49 Davies explained the Council will need to vote on this Ordinance again at the next meeting, and if
50 they make any changes, they would need to consult with the City Attorney.
51

1 **III. Appointment to Emergency Planning Committee – Crews and Davies**

2 Tracy Crews (921 Yachats River Rd) stated she currently manages the Marine Education
3 Programs at the Hatfield Marine Science Center and is interim Director of the Oregon Coast
4 Science, Technology, Engineering and Math Club. She has been involved in emergency planning
5 around Newport. Glenn noted the Emergency Planning Committee has recommended both
6 candidates for appointment. Frye and Scott believed Crews has great skills to add to the
7 Commission: Glenn moved to appoint Tracy Crews to the Emergency Planning Committee: Aye -
8 5; No - 0.

9
10 Joan Davies (782 Driftwood Lane) indicated she has worked in emergency management since the
11 1980s and noted she has two FEMA certifications, which are necessary to get Federal grants. She
12 reported she wrote the Emergency Operations Plan for a Sheriff's Department in eastern Oregon,
13 worked with the Oregon Emergency Management Division on Search and Rescue issues, and has
14 been involved with Emergency Planning Committees in all of the jurisdictions where she has been
15 employed. Glenn moved to appoint Joan Davies to the Emergency Planning Committee: Aye - 5;
16 No - 0.

17
18 **IV. Resolution 2017-10-001 Amending Vacation Rental Fees**

19 Jamie Michel (Sweet Homes Rentals, 665 Hwy 101 N) wanted to know how many current licenses
20 there are and to be on record as asking the Council to consider revoking a license that is not being
21 used. She believed the proposed fines are extreme and asked the Council to consider a softer
22 penalty tier.

23
24 Scott moved to approve Resolution 2017-10-001 Amending Resolution 2014-01-01 by Setting
25 Fees for Vacation Rental License, Inspection and Re-inspection Fees, and Violation Penalty with
26 exception of Section 1, Item B: open to discussion

27
28 Scott explained he did not intend for Section 1, Item B, setting a reduced fee for licenses granted
29 after August 1 to be in this fee structure. He also noted the Council only sets the fee range and a
30 municipal judge will set the actual fine. Davies clarified the first posting of the resolution included a
31 mention of a \$1,000 fine, which the City Attorney asked to be removed because it is already in the
32 Code.

33
34 Glenn called for the vote: Aye – 5; No – 0.

35
36 **V. League of Oregon Cities request for donation to LOC conference scholarship**

37 Mayor Stanley read into the record the first two paragraphs of the letter from the League of Oregon
38 Cities. Glenn noted the City donated \$50 last year. Glenn moved to donate \$100 to the League of
39 Cities conference scholarship fund: Aye – 5; No – 0.

40
41 **VI. Manager Transition/Council Goals – October authorization for Manager**

42 Glenn noted Manager Beaucaire will be gone two weeks in October, returning October 28, 2017,
43 and the City had asked that Davies cover during this time, but the Council has not given proper
44 authorization for Davies to act as City Manager.

45
46 Glenn moved that Joan Davies be authorized to continue in her role as City Manager for the month
47 of October 2017 to complete ongoing projects and to cover for Manager Beaucaire in her absence:
48 Aye – 5; No – 0.

49
50 **VII. Other Business**

1 Frye invited people to the Keesey Parliamentary Workshop on Friday, November 10, 2017 at
2 10:00am.

3
4 Frye reported she will not attend the October 11, 2017 Council meeting.

5
6
7 Mayor Stanley adjourned the regular meeting at 1:24 pm.

8
9
10
11
12 _____
13 GERALD F. STANLEY, Mayor

14 ATTEST:

15
16
17 _____
18 Shannon Beaucaire, City Manager Date

19
20