

April 15, 2013
Noon
Newport, Oregon

CITY COUNCIL WORK SESSION

Councilors present: Beemer, Sawyer, Busby, Saelens, Roumagoux, Allen, and Swanson.

Staff present: Voetberg, Hawker, Breves, Tokos, and City Attorney, Christy Monson.

Others present: Lincoln County Commissioner Bill Hall; and Larry Coonrod from the Newport News-Times.

Roumagoux called the meeting to order and the roll was taken.

1. Roumagoux asked for additional work session items that are not listed on the agenda, for this or future work sessions.

Allen suggested designating an alternate to the Audit Committee at this evening's meeting.

Allen reported that a Retirement Board of Trustees meeting is scheduled for May 9, at 9:00 A.M., and the alternate will need to attend in his stead.

Saelens noted that he would like to update Council on the Bicycle/Pedestrian Committee.

Roumagoux referenced an article in the Local Focus magazine regarding tribes and interest based assessment. It was suggested that Roumagoux contact the Lincoln City Mayor and ask whether there is anything that the City of Newport can do.

Roumagoux reported that, as a result of the recent municipal court ruling, she would like a timeline on the evolution of the Carpenter hedge complaint. She asked whether the city is liable for hedge height in the city right-of-way.

Busby stated that he would like to discuss the letter from the Bayfront Coffee House and the response from Tokos.

2. Roumagoux welcomed City Attorney Monson. Busby asked why Council would need to discuss the resolution regarding the City Manager's authority to settle lawsuits in executive session. Monson noted that when settlement limits become public, it can be detrimental to the city's position. She noted that Council needs to weigh the pros and cons regarding risks and benefits. Allen noted that even though the discussion

may occur in executive session, that the matter had been discussed in public until this time.

MOTION was made by Swanson, seconded by Saelens, to enter executive session pursuant to ORS 192.660(2)(f) to discuss attorney-client privileged documents. The motion carried unanimously in a voice vote, and Council entered executive session at 12:17 P.M.

At the conclusion of the executive session, MOTION was made by Saelens, seconded by Swanson, to return to the Council work session. The motion carried unanimously in a voice vote, and Council returned to its work session at 1:28 P.M.

Roumagoux noted that Monson had been given direction on the revision of the resolution regarding the City Manager's authority to settle lawsuits. Allen stated that Council had an executive discussion regarding two documents that had been provided by the City Attorney. He noted that the discussion centered around attorney-client privileged documents, and that some of the discussion could have been held in open session.

3. Monson reviewed a memo she had prepared regarding public meetings law and serial meetings. She reviewed the Lane County case, Dumdi v. Lane County. Monson reported that it is a violation when the City Council takes steps to deliberately keep their deliberations and decision making hidden from the public. Busby asked when an issue is officially on an agenda. Monson encouraged Council not to use the "reply all" feature when communicating with Councilors via e-mail. She urged Council to be careful in communicating, and not to be, or appear to be, orchestrating anything. Monson noted that if a quorum of Councilors are meeting with any organization, that meeting should be noticed as an official meeting of the City Council. A brief discussion ensued regarding the upcoming hospital luncheon, and it was concluded that no more than three Councilors would attend.
4. A discussion ensued regarding workforce housing. Tokos updated Council on activities associated with workforce housing. He noted that the Community Services Consortium has rethought its' role and has concerns with the guaranty language. Busby stated that he has problems with the concept and most importantly giving \$250,000 in land and paying parties to take the land after it is given to them. He expressed additional concern in that the proposal would only benefit six families. He asked whether Council is willing to tell the voters that it wants to give away property and raise water rates fifteen percent. He stated that the Lincoln County Land Trust is made up of officials, and that cities should not be paying them to manage this. He noted that he has questions regarding the CSC's ability to manage the program. Roumagoux asked whether this was a state or national model. Tokos noted that it is used nationally in many states. Tokos stated that he could bring information regarding the conveyances to an upcoming meeting. He noted that Lincoln City has made funds available for construction, but no land. Allen noted that he has policy questions that need to be answered before action is taken, and that he would like to have Bill Hall or other representatives to attend an evening meeting to respond to

Council concerns. Sawyer asked whether the city had ever put properties on the open market. Tokos reported that the properties that he has described are examples of the types of properties the city owns. A discussion ensued regarding potential future development of those properties. Further discussion ensued regarding the proposed 99-year inheritable lease, and what happens if the heirs don't need the property - would the property be available to others who would qualify for workforce housing. Sawyer asked how more families could be helped. Tokos noted that exploring potential CDBG funds with other small cities could provide an ongoing source of revenue.

5. Busby addressed the SDC issue relative to the recent request by the coffee shop on the Bayfront. It was asked whether the city has a process to address small projects. Busby recommended giving staff direction to remedy this issue. Allen noted that there are three issues: the building permit; the conditional use permit; and the SDC's. Allen asked whether there is a process for code interpretation. Tokos noted that staff is charged with implementing the ordinance. Allen asked whether there is the ability to clarify language in the code without changing the ordinance. Tokos noted that Council has some limitations regarding what it can do under state law. Allen noted that if an issue requires interpretation, the City Council or City Manager can make a determination as an administrative rule. A discussion ensued regarding methodology. Busby asked whether there is consensus to have staff look into and amend the ordinance if necessary. Tokos reported that SDC assessments can be appealed to the City Council. Allen suggested allowing the appeal to proceed and revisiting the methodology is necessary.
6. Saelens reported on a recent Bicycle/Pedestrian Committee meeting. He noted that, after research, it was determined that the committee had never been formalized. Saelens added that an ordinance, which would formalize the committee, was discussed at the last Committee meeting, and that everyone in attendance supported the document as revised at that meeting. Saelens noted that within 24 hours, the Committee received a broadcast e-mail, from the chair, suggesting that the ordinance not be used, but to put an ordinance number on the Committee by-laws and call it good. Saelens suggested moving forward with the ordinance, as amended by the Committee; and appointing the current members to the newly-formed Committee. He added that after the formal agenda was discussed, the chair spoke for an additional hour regarding items not on the agenda, and venting over communication with other city departments.
7. Roumagoux noted that she will follow-up on the issue of tribes and interest based assessments.
8. Roumagoux asked that the timeline on the Carpenter hedge issue be discussed at the next work session.

Having no further business, the meeting adjourned at 2:45 P.M.