

May 20, 2019

3:05 P.M.

Newport, Oregon

CITY COUNCIL WORK SESSION

The Newport City Council met in a work session on the above date and time in Conference Room A of the Newport City Hall. In attendance were Sawyer, Botello, Jacobi, Hall, Allen, and Parker. Goebel arrived at 3:35 P.M.

Staff in attendance was Spencer Nebel, City Manager; Steve Rich, City Attorney; Gloria Tucker, Deputy City Recorder; Derrick Tokos, Community Development Director; and Jason Malloy, Police Chief.

Also in attendance were Jim Hanselman, Joann Ronzio, Rod Croteau, Norm Ferber, Adam Springer, Carla Perry, Jamie Michel, Cheryl Connell, and Gerry Barrett.

DISCUSSION ITEMS

Vacation Rental Dwellings Ordinance Implementation Discussion. Nebel introduced the agenda item. He reported the issues he would like the City Council to discuss are administrative issues, creation of an advisory committee, response to questions regarding potential code inconsistencies, enforcement, adequacy of parking requirements, and process for further code changes.

Sawyer announced he has applied for a home-share in the city.

Nebel said no new vacation rental license applications will be accepted until July 1. Parker clarified when the fiscal year changed previously, there was not an impact to vacation rental licenses. Nebel stated staff will develop rules for the waiting list and present ideas at the June meeting since a waiting list will occur on July 1 because of the cap. Hall clarified existing license holders are aware of the changes. Tokos stated those that have existing licenses will be sent packets with the requirements for renewal prior to July 1. He added that, likely, no new vacation rental licenses will be issued until the 45-day period for current business license renewal has been cleared.

Perry clarified that people outside the overlay zone who now operate vacation rentals will receive the renewal requirement information.

Jacobi asked what happens after there are three violations by a property. Tokos replied there will be a two-year suspension, and then they will have to start the process over again.

Nebel asked for input on the makeup of the new advisory committee.

Parker suggested including the City Manager in the group, limiting the scope of the group, and giving clear guidance on voting power and tasks. He also suggested the group be small, meet on a regular schedule, and report to Council on a scheduled interval.

Rich asked if the committee should be advisory in nature or if it would have administrative functions. Botello said she has found other cities use a five-member group that reviews how the process is working for the Council. She suggested city, community, and planning commission representation.

Allen suggested a pilot project basis for the group and creating a task force. He said a task force is created by resolution, which is a simpler process. He stated after a period of time, if the task force is working, then Council can consider whether to continue the task force and extend the time period or create a standing committee by ordinance. He added

if Council goes down the administrative route, they have to be very careful what is delegated and make sure Council has the final right to make a decision.

Sawyer suggested a group of three or five members that does not have administrative authority. Jacobi suggested something a little less formal that assesses how the ordinance and code was working. She said members could get together once a month to look at the code enforcement statistics and report to Council if there are issues. She added members could be the City Manager, two Council members, the code enforcement office, and the Community Development Director. Tokos suggested adding a Planning Commission representative.

Parker suggested the advisory group audit the enforcement side. He added the group could be five to seven members with two at-large positions that meets on a bi-monthly basis and brings data to Council.

Nebel said staff would pull together a recommendation on the advisory committee in two weeks. Allen added seven members is better than five members are for quorum purposes.

Tokos explained how he is addressing code inconsistency questions. He reported staff are looking into three or four vendors who offer 24-7 hotline service and track complaints. Hall asked what happens if people call police rather than the hotline service. Tokos said he will coordinate with Malloy to make sure those are captured and educate responders about the hotline.

Parker suggested having a link to the service on the city website. He asked if the violation logs would be a searchable, public document. Rich said the documents would be public. Parker asked if information would be provided to the public listing the number of violations. Nebel replied staff will check with the vendors if that is part of the service.

Sawyer suggested the advisory committee look at the violation reports. Botello asked how the vendors would be vetted. Nebel replied the vendors have several city clients and references should be easy to gather.

Parker clarified the agreement would be renewed on an annual basis. Jacobi clarified the contract would cost approximately \$30,000. Hall asked if the responsible party does not respond in time, if that is a violation. Nebel stressed the city will communicate clearly what is a strike. Rich emphasized the process will take time to work and education is key.

Botello suggested having a Q and A section on the website for quick reference.

Parker asked about the code language relating to idea or feeling of harm versus proof of harm. Allen explained the code requires demonstration of harm with credible evidence. Botello suggested information on how to make complaints also be in Spanish.

Tokos reported the parking advisory committee is handling adjustments to the parking code in Newport.

Parker asked for clarification on parking requirements for vacation rentals. Tokos explained the parking zones currently in Newport, and specific users of public parking can't be targeted individually. Allen clarified the parking codes would be in sync with the vacation rental codes.

Goebel asked for clarification on the right of survivorship in the code. Nebel explained the intent of the code is shown through the examples provided on survivorship. Allen added grandfathered properties do not transfer more than one generation. Parker stated he is in favor of a 10-year phase out outside the overlay zone.

Nebel suggested not making any changes to the code over the next year. He said the Council could then review the code in one year with input from the advisory committee. He emphasized there is a lot of work ahead to do.

Review of Council Rules. Nebel introduced the agenda item. Hall pointed out the Council Rules allow three minutes for public comment, not five. Nebel replied the agenda will be changed to reflect the rules. Hall also pointed out the rules do not limit public comment to 15 minutes. Allen said it is within the mayor's discretion as presiding officer to limit time. Sawyer stated it is his preference to only allow people who have signed up to give public comment. Allen suggested that be announced at the beginning of the meeting. Hall suggested one person instruct the public or councilors to press the button on the mic. Sawyer suggested the mics be hot the whole time. The committee agreed the witness stand mics should be live the whole meeting. Tucker clarified Hall will instruct people on mic use.

Allen said, recently, there was a lot of criticism from the public about staff that he felt was out of line. He suggested the mayor instruct people to be respectful of staff or anyone else spoken about at a public meeting. Hall agreed some comments have been inappropriate and less disparaging language should be allowed.

Rich presented on serial meetings.

Allen requested the review of council rules discussion be continued to the next work session. Nebel replied the discussion would be brought back.

Hall clarified the time of the work sessions in the future will be 4 P.M.

Executive Session. MOTION was made by Allen, seconded by Parker, to enter executive session pursuant to ORS 192.660(2)(e) regarding real property transactions. The motion carried unanimously, and Council entered executive session at 5:00 P.M.

Return to the Work Session. MOTION was made by Allen, seconded by Parker, to adjourn the executive session. The motion carried unanimously in a voice vote, and Council returned to its work session at 5:28 P.M.

ADJOURNMENT

Having no further business, the meeting adjourned at 5:30 P.M.

Gloria Tucker, Deputy City Recorder

Dean H. Sawyer, Mayor