



PARKING ADVISORY COMMITTEE AGENDA
Wednesday, September 18, 2024 - 6:00 PM
Council Chambers, 169 SW Coast Hwy, Newport, Oregon 97365

All public meetings of the City of Newport will be held in the City Council Chambers of the Newport City Hall, 169 SW Coast Highway, Newport. The meeting location is accessible to persons with disabilities. A request for an interpreter, or for other accommodations, should be made at least 48 hours in advance of the meeting to Erik Glover, City Recorder at 541.574.0613, or e.glover@newportoregon.gov.

All meetings are live-streamed at <https://newportoregon.gov>, and broadcast on Charter Channel 190. Anyone wishing to provide written public comment should send the comment to publiccomment@newportoregon.gov. Public comment must be received four hours prior to a scheduled meeting. For example, if a meeting is to be held at 3:00 P.M., the deadline to submit written comment is 11:00 A.M. If a meeting is scheduled to occur before noon, the written comment must be submitted by 5:00 P.M. the previous day. To provide virtual public comment during a city meeting, a request must be made to the meeting staff at least 24 hours prior to the start of the meeting. This provision applies only to public comment and presenters outside the area and/or unable to physically attend an in person meeting.

The agenda may be amended during the meeting to add or delete items, change the order of agenda items, or discuss any other business deemed necessary at the time of the meeting.

1. WELCOME AND INTRODUCTIONS

1.1 Memorandum: [Memorandum](#)

2. ROLL CALL

3. APPROVAL OF MINUTES

- 3.1 **August 21, 2024 Parking Advisory Committee Meeting**
[Draft Parking Advisory Comm Mtg Minutes 08-21-2024](#)
[08-21-2024 Parking Advisory Committee Meeting Video Link](#)

4. DISCUSSION ITEMS

- 4.1 **Request from Rogue Brewery for 20-Minute Loading Zone.**
- 4.2 **Update on the Bayfront Parking Management Program.**
- 4.3 **Off-Season E-Permit Fees for Bayfront Permit Zones A and B.**
- 4.4 **Policy Considerations and Outreach Needs for Establishing a Parking Management Program in Nye Beach (continued).**

5. PUBLIC COMMENT

This is an opportunity for members of the audience to bring to the Work Group's attention any item not listed on the agenda. Comments will be limited to three (3) minutes per person with a maximum of 15 minutes for all items. Speakers may not yield their time to others.

6. ADJOURNMENT

HANDOUTS

Meeting Materials:

- [Request for 20-min parking from Rogue Brewery \(with photos\)](#)
- [T2 Iris Transaction Reports for Paystations and Mobile Pay](#)
- [Council Minutes Regarding Parking Policies](#)
- [Ordinance 2163 - Adopted Parking Policies](#)
- [Nye Beach Managed Parking Concept Map \(reference\)](#)
- [Bayfront Parking Management Map \(reference\)](#)

Memorandum

To: Parking Advisory Committee
From: Derrick Tokos, Community Development Director
Date: September 12, 2024
Re: Topics for the September 18, 2024 Parking Advisory Committee Meeting

For this meeting, we have identified four agenda items for the Parking Advisory Committee's consideration. The first item relates to a request by Rogue Brewery to add a 20-minute loading zone near their restaurant. This comes on the heels of a similar request from Mo's Enterprises that the Committee considered and approved at its last meeting. The closest loading zone on the same side of Bay Blvd is 170-ft to the south. The new loading zone that the City will be establishing in response to the request by Mo's Enterprises will be adjacent to the mini-market about 380-ft to the north. There are parallel parking spaces on the opposite side of the Rogue Brewery restaurant, with 60-minute loading zones to the north and south on the Bay side of the road. Mo's has also asked that the City reconsider the placement of the 20-minute loading zone that they requested, since the mini-market has its own parking to accommodate drop in traffic. Alternatively, they suggest the space just west of the intersection of Bay Blvd and Fall Street might make more sense. Attached for your consideration are photos of the parking spaces at issue.

As noted at the last meeting, if the Committee is comfortable with the proposal then it would be appropriate to make a motion to that effect so that it is captured in the minutes. The next step then would be for the City Engineer to prepare a traffic order for the City Manager's signature. The traffic order would then be routed to the City's streets crew, who would put it in the queue for install (fabricating the sign, setting the post, painting the curb, etc.).

Next up, we have an update on the Bayfront Parking Management Program. As of September 9, 2024, there have been 88,774 transactions at the pay stations or through mobile pay, resulting in \$202,667.20 in net revenue. Electronic permit revenue nets out at \$46,753.95, and parking ticket collections totaled \$28,776.20. Total net revenue across all of these programs is \$278,197.35. Parking ticket collections are for the full year, whereas the collection of electronic permit, paystation, and mobile pay revenue started on May 1st. Attached are reports showing mobile pay and paystation collections broken down for each section of the bayfront. It is important that revenues be sufficient keep the program sustainable. That is, revenues must cover enforcement expenses, debt related to last years improvements to three parking lots (i.e. \$250,000), and future parking improvement needs.

The City's Public Works Department will be supplementing parking signage along Bay Blvd between Fall Street and the boardwalk. Additional pay to park and/or 4hr regulatory signs will be installed at the Fall Street intersection, and in the vicinity of Inca's Alpaca, Newport Candy Shoppe, Bohemian Candle, and Doodle Bugs. On the waterfront side of Bay Blvd, signs will be installed near Clearwater, Bayscapes, Pacific Seafood (near the Moby Dick mural), Mo's Annex and across from the Abbey Street Parking Lot (near Rogue Brewery's restaurant). Several will involve new pole installations. The street crews will also be

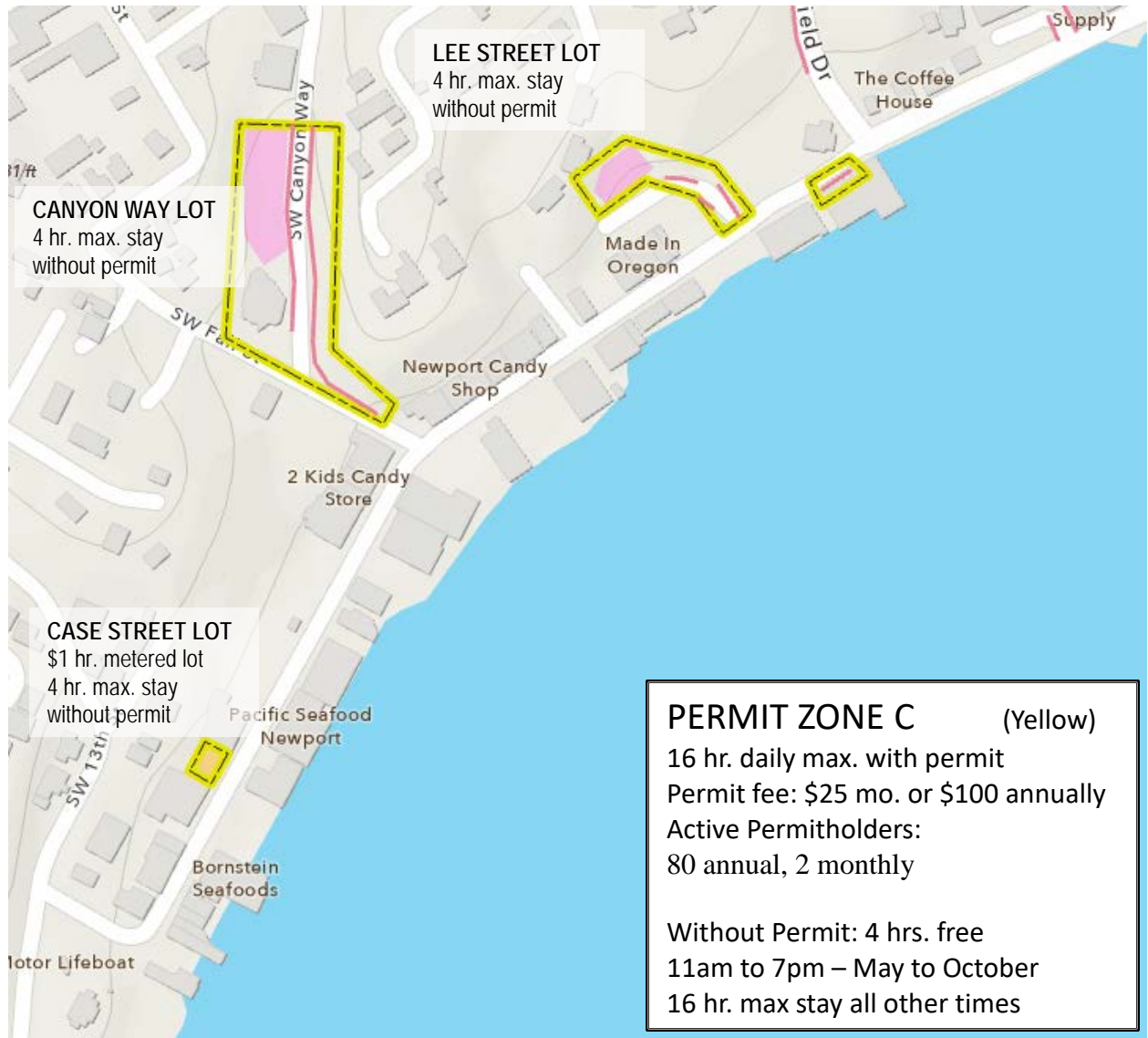
fabricating signs advising the public that they are entering a metered parking area, and I passed along the Committee’s feedback on that point from the last meeting.

The City’s contract for collections with our vendor T2 Systems, Inc. is in place and that integration process is ongoing. T2 Systems has also provided the City with coin shutters that should help reduce jams in the paystations.

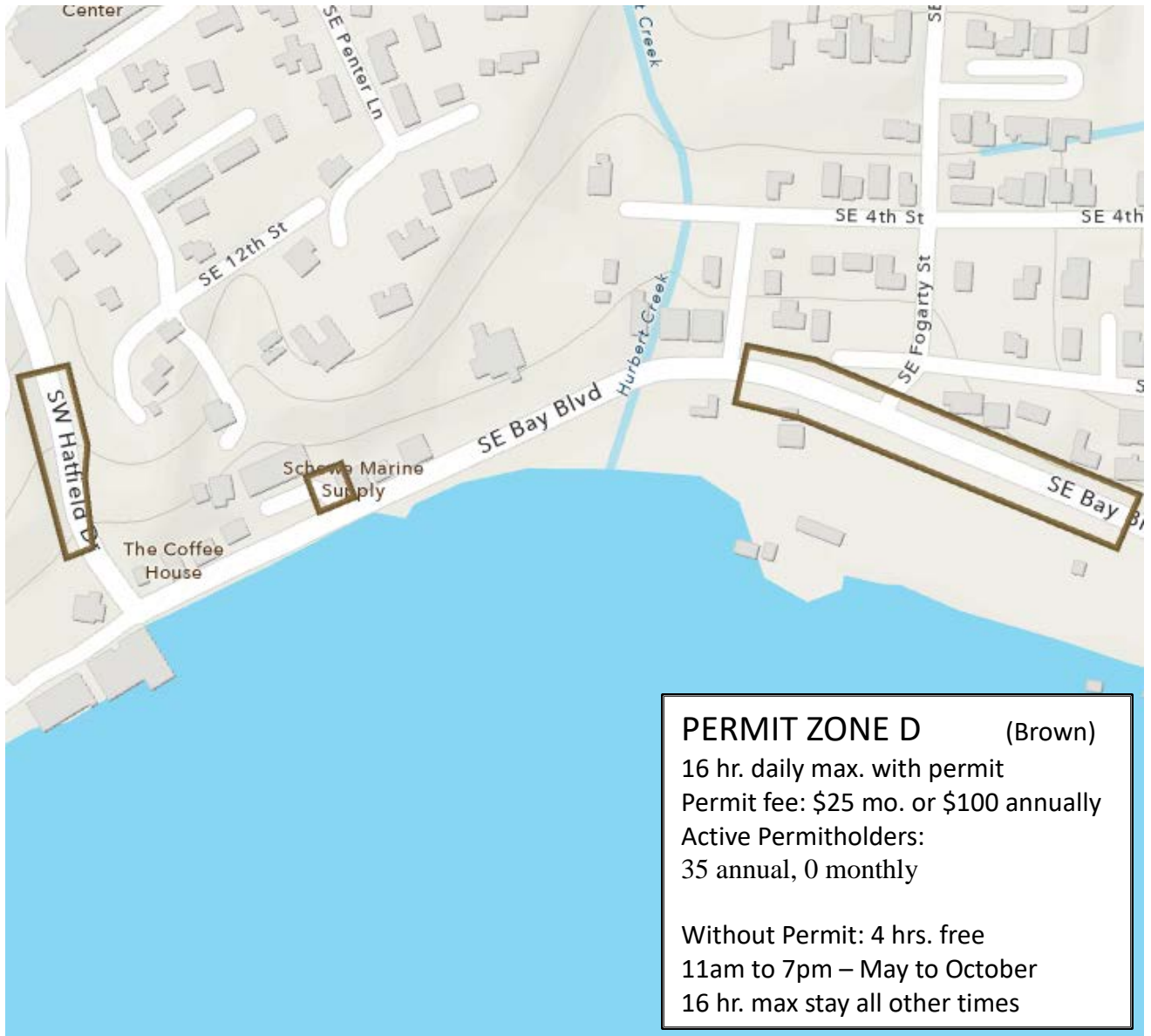
The third agenda item relates to establishing an off-season e-permitting rate for the Zone A and Zone B permit zones, which have the Tier 1 pricing (i.e. \$45.00 mo.). The off-season rate would apply from November through April. An off-season rate does not appear to be needed for Permit Zones C and D, as the City offers reduced rate annual permits in those zones and those annual permits have been quite popular. Here is a summary of where things currently stand in each permit zone.







It is relevant to note that while there are only two (2) monthly permits that are currently active, a total of 17 have been issued to date. This makes it clear that there is a need for a discounted monthly permit for those individuals that are working on the Bayfront for short periods of time.



A total of 5 monthly permits have been obtained, although none are currently active. Considering the above, it would make sense to offer an annual permit for Zones A and B. That would allow users that need a permit year round to transition at one-time. A reasonable annual price for a new Zone A or B permit might be \$350, or such other amount that the Committee feels is appropriate. The other option is to create an off-season parking permit for Zones A and B at a lower monthly rate. The drawback to that approach is that it forces users to switch permits twice a year.

The last item on the agenda is a continued discussion about policy considerations and outreach needs for ramping up a parking management program in Nye Beach. The Committee requested minutes from the City Council meetings where they discussed and ultimately adopted Ordinance No. 2163, which provided policy direction for implementing paid parking along the Bayfront and in Nye Beach. That information is included in the packet. The ordinance and reference map are enclosed as well.

Attachments

Request for 20-min parking from Rogue Brewery (with photos), T2 Iris Transaction Reports for Paystations and Mobile Pay, Council Minutes Regarding Parking Policies, Ordinance 2163 – Adopted Parking Policies, Nye Beach Managed Parking Concept Map (reference), and Bayfront Parking Management Map (reference)

**City of Newport
Draft Parking Advisory Committee Minutes
August 21, 2024**

LOCATION: CITY COUNCIL CHAMBERS, NEWPORT CITY HALL, 169 SW COAST HIGHWAY, NEWPORT	
Time Start: 6:05 P.M.	Time End: 7:54 P.M.

ATTENDANCE LOG/ROLLCALL

COMMITTEE MEMBER	STAFF
Chair Janell Goplen	Derrick Tokos, Community Development Director
Aracelly Guevara	Sherri Marineau, Community Development Dept.
Aaron Bretz	Donald Valentine, Community Service Officer
Gary Ripka (by video)	Jason Malloy, Police Chief
Bill Branigan (by video)	John Fuller, Communications Specialist
Doretta Smith (absent, excused)	
Robert Emond (by video)	PUBLIC
	Susan Armstrong
	Tony Bixler

AGENDA ITEM	ACTIONS
<p>CALL TO ORDER AND ROLL CALL</p> <p>a. Roll Call</p>	<p>None.</p>
<p>APPROVAL OF THE MINUTES</p> <p>a. Meeting minutes of July 17, 2024</p>	<p>Motion by Bretz, seconded by Branigan to approve the minutes of July 17, 2024 as written. Motion carried unanimously in a voice vote.</p>
<p>MO'S REQUEST FOR 20-MIN PARKING ON THE BAYFRONT</p> <p>a. Discussion on the collection services for unpaid parking tickets.</p> <p>b. Committee feedback and comments</p>	<p>Mr. Tokos reviewed the request from Mo's Restaurant owners to have a 20-Minute parking space on the Bayfront.</p> <p>The Committee discussed the history of 20-minute parking spaces, their locations and whether or not other businesses had asked for these spaces.</p> <p>Motion by Goplen, seconded by Bretz to approve a 20-minute parking space in front of the Bay Market in the last angled space. Motion carried in a voice vote. Branigan was a nay.</p> <p>Ripka entered the meeting at 6:24 p.m.</p> <p>Emond requested there was room for the Committee to discuss the distance requirements between loading</p>

	<p>zones to determine the guidelines for future discussions.</p>
<p>UPDATE ON THE BAYFRONT PARKING MANAGEMENT PROGRAM</p> <p>a. Discussion on the Bayfront Parking Management Program.</p> <p>b. Committee feedback and comments.</p>	<p>Tokos gave an update on the Bayfront parking management program covering the design and placement of the parking “begins/ends” signs; locations of where the signs would be placed; and collections for the pay stations, mobile pay and parking permits.</p> <p>The Committee requested the number of parking citations be provided at the next meeting.</p> <p>The Committee was in general agreement with the 12” x 18” example of the “begin/end” parking signs, but wanted it to be a larger size.</p> <p>Goplen shared public comments she received with the group.</p> <p>Bretz thought the kiosks needed bigger signs next to them so people could see them.</p> <p>Susan Armstrong, Bayfront business owner, reported her problems using the QR codes and kiosks. She wanted to see the cost to park on the signs, information added on who to contact for parking problems; warnings for first time offenders; and a consideration for the first two hours to be free parking.</p> <p>Goplen requested that the Committee revisit a discussion on the Canyon Way parking for free for Bayfront employees since the lot didn’t see be ever be full.</p> <p>Ripka wanted another discussion on the next agenda for the first two hours being free, and addressing the Commercial Fishing permits for the off-season.</p> <p>Tony Bixler, with Local Ocean, wanted to see discussions on the 20-minute loading zone; the public’s confusion on the pricing being \$1 an hour instead of \$4 an hour; locals perceiving the paid parking as a way to drum up funds for the city. He suggested public outreach to include on initiation to business owners to hold a discussion on paying for employees parking.</p>
<p>PARKING ENFORCEMENT - VEHICLE IMMOBILIZATION PROGRAM</p>	<p>Malloy reviewed the immobilization program covering the City Code language that showed the minimum criteria for immobilization of vehicles. He asked for comments on how to roll the program out.</p>

	<p>The Committee suggested doing a humorous social media campaign to get people’s attention, which Chief Malloy had concerns with. The group also expressed concerns on how aggressive the rules were. Malloy explained how the Police Department would enforce for chronic offenders; and how they were already giving warnings and doing extensive outreach for the program.</p>
<p>POLICY CONSIDERATIONS FOR MANAGING PARKING IN NYE BEACH (CONTINUED DISCUSSION)</p>	<p>Tokos suggested the Nye Beach discussion be continued to the next meeting due to Doretta Smith not being in attendance. He reported the Visual Arts Center lot couldn’t have sufficient ADA spaces until they did significant work to the parking lot.</p> <p>Ripka wanted the city to better explain to the public that the parking program wasn’t a money grab and that the funds went back into parking improvements and enforcement.</p> <p>Valentine reported that he had been asked by tow companies, Fire engines, EMTs, and park rangers if the first portion of the parking on the Nye Beach turnaround, by the Archway Market, could be eliminated so they could have access for their vehicles. The public that were parking in the parallel spaces made it hard to maneuver these vehicles and were creating a traffic hazard.</p> <p>Emond asked for a status on the Committee interviews be done. He noted the Nye Beach Association would like Committee members speak to their group.</p>
<p>CITIZEN/PUBLIC COMMENT</p>	<p>Tony Bixler suggested that business owners be told the difference between towed and booting vehicles. He wanted to know what amount of traffic was being affected on the Bayfront due to the parking program. Bixler suggested sharing the data that showed that the parking program was creating traffic turnover.</p> <p>Ripka asked for a breakdown on what was being spent to park in each zone.</p>

Submitted by: _____

Sherri Marineau, Executive Assistant

August 21, 2023 - Parking Advisory Committee Meeting Video Link:

https://thecityofnewport.granicus.com/player/clip/1317?view_id=44&redirect=true

Sherry Marineau

From: Derrick Tokos
Sent: Thursday, September 05, 2024 6:25 PM
To: Sherry Marineau
Subject: FW: 20 Min Parking by Rogue

For the upcoming parking advisory committee meeting.

Derrick

From: Jim Cline [REDACTED]
Sent: Thursday, September 5, 2024 5:36 PM
To: Derrick Tokos <D.Tokos@NewportOregon.gov>
Subject: 20 Min Parking by Rogue

[WARNING] This message comes from an external organization. Be careful of embedded links.

Derrick, Rogue would like to see what it will take to get one of the 20 Min parking spot designations at or very near the Bayfront Pub. We have numerous people who run back and forth between the Brewery and Bay Pub on a regular basis to deliver supplies etc. We also have customers that pick up ???To Go orders???.?? I understand this would not be a ???Rogue spot??? but would be available to anyone needing a quick trip. What are next steps to get this accomplished?

Jim

??

Jim Cline

Old Rogue ??? New Mother Shucker

[REDACTED]

??

View west down Bay Blvd past Rogue Brewery



Closest Loading Zone South of Rogue Brewery's Restaurant



Location that the Parking Advisory Committee Supported for 20-Minute Loading (Mo's request)



Alternate location for 20-Minute Loading Requested by Mo's Enterprises



T2 Iris Transaction Summary 09/09/2024 8:25 AM PDT

Date/Time: 01/01/2024 12:00:00 AM to 09/09/2024 8:25:38 AM PDT

Ticket #: All

Organization: City of Newport

Coupon Code: N/A

Location: Abbey St. Lot Station, Bay St. Station, Case St. Station, Central Boardwalk Station, East Boardwalk Station, Fall St. Lot Station, Fall St. Station, Hurbert St. Station, Lee St. Lot, Unassigned, West Boardwalk Station

Transaction Type: All

Stall Number: N/A

Plate Number:

Grouping: Location

Location: Abbey St. Lot Station

Group Summary

CASH			CREDIT CARD			PATROLLER CARD			TOTAL		
Total Collections	390	\$598.30	Total Collections	14265	\$33694.00	Revenue	0	\$0.00	Total Transactions	14686	
Revenue	419	\$598.30	Revenue	14265	\$33694.00	Test Transactions	0	\$0.00	Total Collections	14655	\$34292.30
Change Issued	0	\$0.00							Revenue	14684	\$34292.30
Refund Tickets	24	\$19.30									
Total Refunds	0	\$0.00	PASSCARD			SMART CARD					
Excess Payment	24	\$19.30	Total Collections	0	\$0.00	Revenue	0	\$0.00			
Attendant Deposit	0	\$0.00	Revenue	0	\$0.00	Recharges	0	\$0.00			

Location: Bay St. Station

Group Summary

CASH			CREDIT CARD			PATROLLER CARD			TOTAL		
Total Collections	262	\$369.85	Total Collections	7714	\$17484.00	Revenue	0	\$0.00	Total Transactions	7999	
Revenue	285	\$369.85	Revenue	7714	\$17484.00	Test Transactions	0	\$0.00	Total Collections	7976	\$17853.85
Change Issued	0	\$0.00							Revenue	7999	\$17853.85
Refund Tickets	30	\$17.85									
Total Refunds	0	\$0.00	PASSCARD			SMART CARD					
Excess Payment	30	\$17.85	Total Collections	0	\$0.00	Revenue	0	\$0.00			
Attendant Deposit	0	\$0.00	Revenue	0	\$0.00	Recharges	0	\$0.00			

Group Summary

CASH			CREDIT CARD			PATROLLER CARD			TOTAL			
Total Collections	110	\$146.00	Total Collections	4329	\$9383.00	Revenue	0	\$0.00	Total Transactions		4448	
Revenue	117	\$146.00	Revenue	4329	\$9383.00	Test Transactions	0	\$0.00	Total Collections	4439	\$9529.00	
Change Issued	0	\$0.00							Revenue	4446	\$9529.00	
Refund Tickets	13	\$9.00										
Total Refunds	0	\$0.00	PASSCARD			SMART CARD						
Excess Payment	13	\$9.00	Total Collections	0	\$0.00	Revenue	0	\$0.00				
Attendant Deposit	0	\$0.00	Revenue	0	\$0.00	Recharges	0	\$0.00				

Group Summary

CASH			CREDIT CARD			PATROLLER CARD			TOTAL		
Total Collections	222	\$331.90	Total Collections	6163	\$13760.00	Revenue	0	\$0.00	Total Transactions		6397
Revenue	233	\$331.90	Revenue	6163	\$13760.00	Test Transactions	0	\$0.00	Total Collections	6385	\$14091.90
Change Issued	0	\$0.00							Revenue	6396	\$14091.90
Refund Tickets	24	\$21.90	PASSCARD			SMART CARD					
Total Refunds	0	\$0.00	Total Collections	0	\$0.00	Revenue	0	\$0.00			
Excess Payment	24	\$21.90	Revenue	0	\$0.00	Recharges	0	\$0.00			
Attendant Deposit	0	\$0.00									

Group Summary

CASH			CREDIT CARD			PATROLLER CARD			TOTAL		
Total Collections	131	\$203.95	Total Collections	3573	\$8491.00	Revenue	0	\$0.00	Total Transactions		3708
Revenue	135	\$203.95	Revenue	3573	\$8491.00	Test Transactions	0	\$0.00	Total Collections	3704	\$8694.95
Change Issued	0	\$0.00							Revenue	3708	\$8694.95
Refund Tickets	15	\$16.95	PASSCARD			SMART CARD					
Total Refunds	0	\$0.00	Total Collections	0	\$0.00	Revenue	0	\$0.00			
Excess Payment	15	\$16.95	Revenue	0	\$0.00	Recharges	0	\$0.00			
Attendant Deposit	0	\$0.00									

Group Summary

CASH			CREDIT CARD			PATROLLER CARD			TOTAL			
Total Collections	276	\$488.15	Total Collections	2894	\$7166.00	Revenue	0	\$0.00	Total Transactions		3193	
Revenue	299	\$488.15	Revenue	2894	\$7166.00	Test Transactions	0	\$0.00	Total Collections	3170	\$7654.15	
Change Issued	0	\$0.00							Revenue	3193	\$7654.15	
Refund Tickets	13	\$14.15										
Total Refunds	0	\$0.00	PASSCARD			SMART CARD						
Excess Payment	13	\$14.15	Total Collections	0	\$0.00	Revenue	0	\$0.00				
Attendant Deposit	0	\$0.00	Revenue	0	\$0.00	Recharges	0	\$0.00				

Group Summary

CASH			CREDIT CARD			PATROLLER CARD			TOTAL			
Total Collections	713	\$1175.60	Total Collections	5317	\$12329.00	Revenue	0	\$0.00	Total Transactions		6036	
Revenue	718	\$1175.60	Revenue	5317	\$12329.00	Test Transactions	0	\$0.00	Total Collections	6030	\$13504.60	
Change Issued	0	\$0.00							Revenue	6035	\$13504.60	
Refund Tickets	63	\$42.60										
Total Refunds	0	\$0.00	PASSCARD			SMART CARD						
Excess Payment	63	\$42.60	Total Collections	0	\$0.00	Revenue	0	\$0.00				
Attendant Deposit	0	\$0.00	Revenue	0	\$0.00	Recharges	0	\$0.00				

Group Summary

CASH			CREDIT CARD			PATROLLER CARD			TOTAL			
Total Collections	148	\$223.40	Total Collections	2717	\$6120.00	Revenue	0	\$0.00	Total Transactions		2881	
Revenue	164	\$223.40	Revenue	2717	\$6120.00	Test Transactions	0	\$0.00	Total Collections	2865	\$6343.40	
Change Issued	0	\$0.00							Revenue	2881	\$6343.40	
Refund Tickets	10	\$10.40										
Total Refunds	0	\$0.00	PASSCARD			SMART CARD						
Excess Payment	10	\$10.40	Total Collections	0	\$0.00	Revenue	0	\$0.00				
Attendant Deposit	0	\$0.00	Revenue	0	\$0.00	Recharges	0	\$0.00				

Group Summary

CASH			CREDIT CARD			PATROLLER CARD			TOTAL			
Total Collections	100	\$151.40	Total Collections	2691	\$5999.00	Revenue	0	\$0.00	Total Transactions		2797	
Revenue	105	\$151.40	Revenue	2691	\$5999.00	Test Transactions	0	\$0.00	Total Collections	2791	\$6150.40	
Change Issued	0	\$0.00							Revenue	2796	\$6150.40	
Refund Tickets	10	\$4.40										
Total Refunds	0	\$0.00	PASSCARD			SMART CARD						
Excess Payment	10	\$4.40	Total Collections	0	\$0.00	Revenue	0	\$0.00				
Attendant Deposit	0	\$0.00	Revenue	0	\$0.00	Recharges	0	\$0.00				

Location: West Boardwalk Station

Group Summary

CASH			CREDIT CARD			PATROLLER CARD			TOTAL			
Total Collections	266	\$378.65	Total Collections	5513	\$11968.00	Revenue	0	\$0.00	Total Transactions		5793	
Revenue	280	\$378.65	Revenue	5513	\$11968.00	Test Transactions	0	\$0.00	Total Collections	5779	\$12346.65	
Change Issued	0	\$0.00							Revenue	5793	\$12346.65	
Refund Tickets	21	\$11.65	PASSCARD			SMART CARD						
Total Refunds	0	\$0.00	Total Collections	0	\$0.00	Revenue	0	\$0.00				
Excess Payment	21	\$11.65	Revenue	0	\$0.00	Recharges	0	\$0.00				
Attendant Deposit	0	\$0.00										

Overall Summary

CASH			CREDIT CARD			PATROLLER CARD			TOTAL			
Total Collections	2618	\$4067.20	Total Collections	55176	\$126394.00	Revenue	0	\$0.00	Total Transactions		57938	
Revenue	2755	\$4067.20	Revenue	55176	\$126394.00	Test Transactions	0	\$0.00	Total Collections	57794	\$130461.20	
Change Issued	0	\$0.00							Revenue	57931	\$130461.20	
Refund Tickets	223	\$168.20	PASSCARD			SMART CARD						
Total Refunds	0	\$0.00	Total Collections	0	\$0.00	Revenue	0	\$0.00				
Excess Payment	223	\$168.20	Revenue	0	\$0.00	Recharges	0	\$0.00				
Attendant Deposit	0	\$0.00										

T2 Iris Transaction Summary 09/09/2024 8:25 AM PDT

Date/Time: 01/01/2024 12:00:00 AM to 09/09/2024 8:25:21 AM PDT

Ticket #: All

Organization: City of Newport

Coupon Code: N/A

Pay Station: T2-MobilePay

Transaction Type: All

Stall Number: N/A

Plate Number: N/A

Grouping: Location

Location: Abbey St. Lot Station

Group Summary

CASH			CREDIT CARD			PATROLLER CARD			TOTAL		
Total Collections	0	\$0.00	Total Collections	8919	\$21272.00	Revenue	0	\$0.00	Total Transactions	8919	
Revenue	0	\$0.00	Revenue	8919	\$21272.00	Test Transactions	0	\$0.00	Total Collections	8919	\$21272.00
Change Issued	0	\$0.00							Revenue	8919	\$21272.00
Refund Tickets	0	\$0.00									
Total Refunds	0	\$0.00	PASSCARD			SMART CARD					
Excess Payment	0	\$0.00	Total Collections	0	\$0.00	Revenue	0	\$0.00			
Attendant Deposit	0	\$0.00	Revenue	0	\$0.00	Recharges	0	\$0.00			

Location: Bay St. Station

Group Summary

CASH			CREDIT CARD			PATROLLER CARD			TOTAL		
Total Collections	0	\$0.00	Total Collections	4637	\$10803.00	Revenue	0	\$0.00	Total Transactions	4637	
Revenue	0	\$0.00	Revenue	4637	\$10803.00	Test Transactions	0	\$0.00	Total Collections	4637	\$10803.00
Change Issued	0	\$0.00							Revenue	4637	\$10803.00
Refund Tickets	0	\$0.00									
Total Refunds	0	\$0.00	PASSCARD			SMART CARD					
Excess Payment	0	\$0.00	Total Collections	0	\$0.00	Revenue	0	\$0.00			
Attendant Deposit	0	\$0.00	Revenue	0	\$0.00	Recharges	0	\$0.00			

Group Summary

CASH			CREDIT CARD			PATROLLER CARD			TOTAL		
Total Collections	0	\$0.00	Total Collections	2396	\$5330.00	Revenue	0	\$0.00	Total Transactions		2396
Revenue	0	\$0.00	Revenue	2396	\$5330.00	Test Transactions	0	\$0.00	Total Collections	2396	\$5330.00
Change Issued	0	\$0.00							Revenue	2396	\$5330.00
Refund Tickets	0	\$0.00									
Total Refunds	0	\$0.00									
Excess Payment	0	\$0.00									
Attendant Deposit	0	\$0.00									

Group Summary

CASH			CREDIT CARD			PATROLLER CARD			TOTAL		
Total Collections	0	\$0.00	Total Collections	3074	\$7090.00	Revenue	0	\$0.00	Total Transactions		3074
Revenue	0	\$0.00	Revenue	3074	\$7090.00	Test Transactions	0	\$0.00	Total Collections	3074	\$7090.00
Change Issued	0	\$0.00							Revenue	3074	\$7090.00
Refund Tickets	0	\$0.00									
Total Refunds	0	\$0.00									
Excess Payment	0	\$0.00									
Attendant Deposit	0	\$0.00									

Group Summary

CASH			CREDIT CARD			PATROLLER CARD			TOTAL		
Total Collections	0	\$0.00	Total Collections	1890	\$4613.00	Revenue	0	\$0.00	Total Transactions		1890
Revenue	0	\$0.00	Revenue	1890	\$4613.00	Test Transactions	0	\$0.00	Total Collections	1890	\$4613.00
Change Issued	0	\$0.00							Revenue	1890	\$4613.00
Refund Tickets	0	\$0.00									
Total Refunds	0	\$0.00									
Excess Payment	0	\$0.00									
Attendant Deposit	0	\$0.00									

Group Summary

CASH			CREDIT CARD			PATROLLER CARD			TOTAL		
Total Collections	0	\$0.00	Total Collections	1282	\$3300.00	Revenue	0	\$0.00	Total Transactions		1282
Revenue	0	\$0.00	Revenue	1282	\$3300.00	Test Transactions	0	\$0.00	Total Collections	1282	\$3300.00
Change Issued	0	\$0.00							Revenue	1282	\$3300.00
Refund Tickets	0	\$0.00									
Total Refunds	0	\$0.00									
Excess Payment	0	\$0.00									
Attendant Deposit	0	\$0.00									

Group Summary

CASH			CREDIT CARD			PATROLLER CARD			TOTAL		
Total Collections	0	\$0.00	Total Collections	4149	\$9760.00	Revenue	0	\$0.00	Total Transactions		4149
Revenue	0	\$0.00	Revenue	4149	\$9760.00	Test Transactions	0	\$0.00	Total Collections	4149	\$9760.00
Change Issued	0	\$0.00							Revenue	4149	\$9760.00
Refund Tickets	0	\$0.00									
Total Refunds	0	\$0.00									
Excess Payment	0	\$0.00									
Attendant Deposit	0	\$0.00									

Group Summary

CASH			CREDIT CARD			PATROLLER CARD			TOTAL		
Total Collections	0	\$0.00	Total Collections	1025	\$2325.00	Revenue	0	\$0.00	Total Transactions		1025
Revenue	0	\$0.00	Revenue	1025	\$2325.00	Test Transactions	0	\$0.00	Total Collections	1025	\$2325.00
Change Issued	0	\$0.00							Revenue	1025	\$2325.00
Refund Tickets	0	\$0.00									
Total Refunds	0	\$0.00									
Excess Payment	0	\$0.00									
Attendant Deposit	0	\$0.00									

Group Summary

CASH			CREDIT CARD			PATROLLER CARD			TOTAL		
Total Collections	0	\$0.00	Total Collections	529	\$1222.00	Revenue	0	\$0.00	Total Transactions		529
Revenue	0	\$0.00	Revenue	529	\$1222.00	Test Transactions	0	\$0.00	Total Collections	529	\$1222.00
Change Issued	0	\$0.00							Revenue	529	\$1222.00
Refund Tickets	0	\$0.00									
Total Refunds	0	\$0.00									
Excess Payment	0	\$0.00									
Attendant Deposit	0	\$0.00									

Location: West Boardwalk Station

Group Summary

CASH			CREDIT CARD			PATROLLER CARD			TOTAL		
Total Collections	0	\$0.00	Total Collections	2942	\$6491.00	Revenue	0	\$0.00	Total Transactions		2942
Revenue	0	\$0.00	Revenue	2942	\$6491.00	Test Transactions	0	\$0.00	Total Collections	2942	\$6491.00
Change Issued	0	\$0.00							Revenue	2942	\$6491.00
Refund Tickets	0	\$0.00									
Total Refunds	0	\$0.00									
Excess Payment	0	\$0.00									
Attendant Deposit	0	\$0.00									

Overall Summary

CASH			CREDIT CARD			PATROLLER CARD			TOTAL		
Total Collections	0	\$0.00	Total Collections	30843	\$72206.00	Revenue	0	\$0.00	Total Transactions		30843
Revenue	0	\$0.00	Revenue	30843	\$72206.00	Test Transactions	0	\$0.00	Total Collections	30843	\$72206.00
Change Issued	0	\$0.00							Revenue	30843	\$72206.00
Refund Tickets	0	\$0.00									
Total Refunds	0	\$0.00									
Excess Payment	0	\$0.00									
Attendant Deposit	0	\$0.00									

March 2, 2020
6:10 P.M.
Newport, Oregon

CITY COUNCIL MEETING

CALL TO ORDER AND ROLL CALL

The Newport City Council met on the above date and time in the Council Chambers of the Newport City Hall. On roll call, Allen, Sawyer, Goebel, Hall, Botello, and Parker were present. Jacobi arrived at 6:27 P.M.

Staff in attendance was Spencer Nebel, City Manager; Peggy Hawker, City Recorder/Special Projects Director; Derrick Tokos, Community Development Director; Mike Murzynsky, Finance Director; Rob Murphy, Fire Chief; Tim Gross, Public Works Director; and Jason Malloy, Police Chief.

PLEDGE OF ALLEGIANCE

Council, staff, and the audience participated in the Pledge of Allegiance.

UPDATE ON CORONAVIRUS

Nebel reported staff have discussed any issues the city may be facing relating to the Coronavirus. Murphy stated the Coronavirus emerged from China and started in December 2019. He noted it is known as COVID 19, and it's a viral respiratory disease that causes fever, cough, and difficulty breathing. He indicated symptoms may occur between 2 and 14 days after exposure. He added it's a new virus. He reported there 60 countries with confirmed cases, including U.S. He noted there are confirmed cases in 10 states, including Oregon, which today has three cases. He explained essential city services have begun developing staffing plans in case employees must stay home for extended periods of time. He added the departments have adequate personal protective equipment. He stated as the situation changes, he will provide updates. He noted he provided Council a link to the county public health website.

Sawyer clarified the situation with the Kirkland Fire Department. Hall requested a banner on the city website with relevant links. Murphy replied he plans to do that. Goebel asked how response has changed today from yesterday. Murphy replied there are interim response protocols in place now. Malloy replied the Police Department has taken precautionary measures as well. Botello asked if the departments are prepared to send out alerts in different languages. Malloy replied the city relies on the school district to reach out using Spanish. Murphy noted public health messages that come from the state or national level are in other languages. Nebel added the city will be very careful not to confuse the message and will rely heavily on the Oregon Department of Health and County Health Department. Murphy stated Lincoln County Public Health is the lead on this, and the city follows their guidance.

PUBLIC COMMENT

Mona Linstromberg stated she is providing a monthly follow-up on the \$241,000 in fines that Rogue has requested relief from paying. She stated her understanding was the fine was \$500 a day, which increased to \$1,000 because of Oregon DEQ standards. She asked if these fines are being accrued in 2020.

She added she was encouraged that because of an ongoing challenge to a citation before municipal court, the city may be looking into how the municipal court process may not be working in the implementation of the short-term rental code violations. She urged the city to consider, generally, that the result of following code will result in better compliance.

CONSENT CALENDAR

The consent calendar consisted of the following items:

- A. Approval of the minutes of the work session of February 18, 2020;
- B. Approval of the minutes of the executive session of February 18, 2020;
- C. Approval of minutes of the regular meeting of February 18, 2020;
- D. Approval of the minutes of the executive session of February 24, 2020;
- E. Receipt of the monthly financial report.
- F. Ratification of the Mayor's appointment of Eric Seil as a lodging representative of the Destination Newport Committee for a term expiring on December 31, 2020.

MOTION was made by Goebel, seconded by Parker, to approve the consent calendar as presented. The motion carried unanimously in a voice vote.

LOCAL CONTRACT REVIEW BOARD CONSENT CALENDAR

The City Council, acting as the Local Contract Review Board, began its meeting at 6:32 P.M.

Authorization of an Award of a Goods and Services Agreement with Road and Driveway Company for the Nye Beach Turnaround Improvements Project in the Amount of \$67,635.77. Hawker introduced the agenda item. Goebel asked what is the cost of the concrete. Nebel replied that is a separate contract for \$29,000. Gross noted the project will start in the next couple of weeks, and striping will be done inhouse. Allen noted Gross will be adding additional ORS provisions to Exhibit C.

MOTION was made by Parker, seconded by Hall, to approve the Local Contract Review Board consent calendar as presented. The motion carried unanimously in a voice vote.

Sawyer closed the Local Contract Review Board at 6:34 P.M.

PUBLIC HEARING

Public Hearing and Potential Adoption of Ordinance No. 2163, an Ordinance Regarding a Comprehensive Plan Amendment Regarding Public Parking. Hawker introduced the agenda item. Nebel reported the city contracted with Lancaster StreetLab, in 2016, to prepare a Parking Management Plan to identify strategies to maximize available parking in the Bayfront, Nye Beach, and city center areas of the city. He noted

this work followed multiple actions taken to assess and improve parking and parking management in the city. He stated a historical timeline of city actions is included as an attachment to this packet. He indicated after extensive public outreach, and review by the Parking Study Advisory Committee, the committee approved a motion to recommend that the Planning Commission initiate the legislative process to amend the Newport Comprehensive Plan to add a new parking facilities element as outlined in the draft set of amendments under consideration at this time. He reported the Planning Commission recommended that Council create a new advisory committee with instructions that it revise the draft to eliminate or minimize recommendations related to metering. He noted on November 18, 2019, Council held a public hearing on how the city should manage its public parking assets in Nye Beach, city center, and the Bayfront. He stated Council chose to hold a work session to discuss a path forward with the proposed amendments. He indicated at that work session, there was a consensus of Council that there was sufficient business and property owner support to schedule a public hearing on an ordinance to amend the Comprehensive Plan. He added Ordinance No. 2163 amends the Newport Comprehensive Plan incorporating the recommendations from the Parking Advisory Committee, which were the result of extensive public outreach and discussion.

Sawyer opened the public hearing at 6:38 P.M. He called for public comment.

Botello announced her husband works at one of the fish companies.

Pete Senak, owner of 101 Local on the Bayfront, stated none of the businesses were given notice of these hearings. He noted in a state opposed to sales tax, the city is proposing to tax citizens and visitors to have the opportunity to shop here. He indicated the city seems to be stopping people from walking up and down Bayfront without stress of feeding the meters. He stated he has not heard complaints from any business owners or customers. He asked where is the data that shows there is a problem. He noted Vancouver, BC, saw a decrease in visits by 20 percent after parking meters. He provided research stating small towns saw increases in visits after meters are removed. He added most research supporting meters is for big cities. He indicated Council is trying to get rid of small businesses. He stated he hopes the Council decides to follow the Planning Commission recommendations.

Gary Ripka, who worked on the parking committee, stated the Bayfront has a major parking problem. He noted the area juggles tourism, fishing, and commercial, and there is not enough parking. He indicated the only way to increase parking is to turn over spaces faster. Ripka stated he was initially opposed to meters, but after working on the committee, it became apparent the Bayfront needs meters. He stated he also represents fishermen. He emphasized they have no parking. He reported a parking structure is not realistic because the city does not have the money or the space. He stated something has to be done, because people will not come to Newport if there is nowhere to park.

Cris Torp, a Newport resident, stated this has been a long process. He noted he served on the advisory committee. He reported city center, Nye Beach, and the Bayfront all met the threshold for meters. He indicated that only the Bayfront having meters seems less than equitable. He stated he remains doubtful of the Lancaster StreetLabs methodology, critical of this recommendation, and believes this does not sync with Vision 2040. He suggested removing all angle parking on Bay Boulevard between Bay and Fall streets; compiling accurate inventory of existing parking; redoing currently published math in the Lancaster report to produce accurate cost to benefit ratio; and inventorying and striping all potential spaces in the district. He stated removing angle spaces would significantly

reduce congestion on the west end by effectively creating 7,000 SF of wider, safer, open travel lanes. He added 20 spots on west end would be lost, but 200 spots could be marked on Hatfield and Bay Boulevard east of Eads. He recommended the Council move with care in creation of the standing parking committee. He stated the committee should be a real committee on equal standing with other committees.

Linda Neigebauer, a Newport resident, stated her comments are in a letter distributed to Council.

Eileen Obteshka, a Newport resident, stated reading the draft of the ordinance she found estimates for parking meters in Nye Beach on multiple pages. She recommended if Nye Beach is not getting parking meters, that the ordinance be corrected to reflect that.

Ken Bishop, who has a practice in Nye Beach, stated he doesn't think parking meters, at this time, is a good fit for Newport anywhere. He noted he would like the Council follow the Planning Commission recommendations.

Sawyer closed the public hearing for Council deliberation at 6:55 P.M.

Tokos reported the ordinance includes the summary of the analysis that was done by Lancaster as modified by the advisory committee. He stated it does include some information about potential metering in Nye Beach, but the kicker is the policy recommendations do not push for that. He indicated for Nye Beach, the city is going to have further discussion about whether a non-meter option is workable at that location. He added what the exhibit captures is the analysis, but the polices are clear about next steps.

Botello asked what information was sent to fish plant workers and fishermen in different languages. Tokos replied there have been direct mail notifications to business owners and property owners in the district. He noted, with specifically the fish processors, the city has had meetings with them and conversations with Sharon Snow. He noted information was posted on bulletin boards there. He reported Pacific had discussions with employees, and they would not oppose this because they have the option of buying parking permits. Botello asked if there are any proposals for the employers to pay for these permits. Tokos replied there is nothing preventing employers from paying for the permits for employees, but he doesn't know if they will offer that.

Allen asked if prior public hearings were noticed the same as tonight's meeting. Tokos replied staff updated this list as they went along, but also provided the same notice for prior hearings. Allen asked if the prior hearings did not have as complete a list of notifications. Tokos replied it was the same list that has been updated as they went along. Allen noted in the policies for the comprehensive plan, Implementation Measure 1.3.3 states to conduct outreach with Nye Beach community to assess whether or not a scaled down metering concept focused on core commercial areas is acceptable or a non-metering option that consists of fees, permit parking or other dedicated funding sources is preferable. He asked who will be conducting the outreach. Tokos replied the advisory committee would be involved in outreach and attend outreach meetings.

Allen pointed out there are references to the Newport Parking Management Plan, but the plan on the website says draft throughout. Tokos replied that is the final plan. Allen asked if Council should give final approval to that plan. Tokos replied he doesn't know there is a need to have Council approval. He explained the Newport Parking Management Plan is a facility plan, and the city has many such plans that don't receive Council approval. Allen suggested updating the plan on the website from draft to final.

Goebel asked if this ordinance passes, can staff make a decision to meter Nye Beach without coming to Council. Tokos replied that is not possible. Nebel replied the metering on the Bayfront would also come back before Council if this was approved. He suggested Council change the language regarding Nye Beach. Tokos clarified the policies talk about metering, timed parking, and permits on the Bayfront. Botello suggested when the city moves, it needs to be very specific on the Bayfront. She asked if the advisory committee had employees of businesses on the Bayfront as representatives. Tokos replied there was outreach to employees, but the committee was appointed by the Council and included businesses. Botello suggested the future committee have employee representatives. Tokos clarified the role of the committee. Botello asked possibility of having transportation to move people more often or places in parking lots for bus stops. Tokos replied the transportation recommendations would be rolled into transportation system plan update, and the recommendations do call for an enhanced transit loop. He explained the cost for that loop is estimated at a couple hundred thousand. He noted meter revenue could be used to help pay for that.

Goebel asked why the maps show an area called unrestricted. Tokos replied unrestricted means it would not be governed by permit or timed parking. Goebel asked if it is possible to take those areas off the maps. He stated he is concerned that parking meters could be placed in the unrestricted areas in the future. Tokos replied those can be taken off the map, but there won't be parking management changes without Council involvement. Goebel added he feels same way about unrestricted parking identified in Nye Beach.

Parker stated as far as transportation for folks who work at fish plants, his understanding is that they have blue shuttle, and they have said they would continue that shuttle. Tokos replied Pacific Seafood offers a shuttle for seasonal employees when they are here during processing time. He noted that's not all of their employees, and they have permanent full-time workers. He indicated it is his understanding that Pacific plans to continue that shuttle. Parker suggested once changes take place, employees receive information of all their parking options and site visits. Tokos replied, with any significant change of parking, before the final rollout occurs and the real changes are made on the ground, there is an expectation of engagement with businesses and employees on these options.

Goebel stated since September he has been on the Bayfront nearly every day, and congestion has not been a problem. He noted this is the winter season. He asked Tokos to explain the timing of the meters. Tokos replied the concept for the Bayfront is a seasonally adjusted approach to implementing metering. He noted there would be meter kiosks that are programmable. Goebel clarified the kiosks and when they would be operating would be obvious.

Botello asked if kiosks are ADA accessible. Tokos replied ADA requires that those who are disabled are exempt from paying meters.

Hall asked how can this be enforced. She noted the limited parking enforcement and asked how will that change with meters. Tokos replied the city would adjust parking enforcement to align with its parking management strategy. He noted metering would be a dedicated revenue stream to pay for additional enforcement needed down the road.

Nebel suggested changing Implementation Measure 1.3.3. to read to conduct outreach with Nye Beach community to address non-metering options that consist of fees, permit parking, and other dedicated funding sources.

Allen noted the language change would need to be included in the motion as an amendment. Goebel stated he also wanted the changes to the maps he requested earlier to be included. He stated there is no rush, and he does not feel comfortable approving it now. Botello agreed. Allen asked Tokos' recommendation on changing the background data, Exhibit A. Tokos replied he does not recommend changing background data.

Goebel asked why the comprehensive plan change isn't just for the Bayfront. Tokos replied there are lots of parking issues mutual to all districts. Nebel reported at the last work session, Council direction was to get this done. He stated Council has to be comfortable with this before approving it. He explained the study has been done, and the Council is at the point where they must decide what to do with it. He indicated the comprehensive plan amendments would provide guidelines for how the city goes forward in future. He added the comprehensive plan is not the final approval on any of this. He explained as the city goes forward with policies and purchasing, all of that will come back to Council. He added Council will revisit these components in future. He emphasized right now, the city has no direction. He stated if Council is comfortable making decision, do it, and if not, then Council will discuss next steps.

Parker asked Council if there was consensus on changing the language on Implementation Measure 1.3.3. Jacobi replied she is comfortable with the language change. Goebel replied even with that change; he is not comfortable moving forward. He noted there is not consensus on the Bayfront on metering. Allen replied he is comfortable with the change to the language.

MOTION was made by Parker, seconded by Allen, to read Ordinance No. 2163, an ordinance amending the Newport Comprehensive Plan to create a policy framework for managing the city's public parking, by title only, and place for final passage including an amendment to Implementation Measure 1.3.3, which reads, "to conduct outreach with the Nye Beach community to address non-metering options that consist of fees, permit parking, or other dedicated funding sources." Botello clarified this motion includes all districts. The motion carried 4-3 with Botello, Goebel, and Hall voting against. Hawker read the title of Ordinance No. 2163 and the amendment. Voting aye on the adoption of Ordinance No. 2163 were Allen, Sawyer, Parker, and Jacobi. Voting against were Botello, Goebel, and Hall.

Public Hearing and Potential Adoption of Ordinance No. 2164, an Ordinance Establishing a Parking Advisory Committee. Hawker introduced the agenda item. Nebel reported it has been recommended Council establish a permanent standing advisory committee to assist policymakers and staff in the development and implementation of parking policies and programs. He noted this group would assist staff in the implementation of policies and measures identified in the Comprehensive Plan amendment, including the further refinement and implementation of demand management solutions along the Bayfront. He stated this was structured as seven members, but Allen suggested changes to that language. Allen reported in Subsection A of the code incorporated in this ordinance, it states to be eligible to be on the committee, applicants have to reside, own property or business, or work within three special parking areas. He suggested changing subsection A.1 from two members each to at least two members from the Bayfront, Nye Beach, and City Center special parking areas.

Allen asked whether seven is enough. He suggested moving the total to nine with three from each of the parking areas. He explained the previous ordinance and the

comprehensive plan policies are setting a framework, further outreach, implementation, and decisions are going to have to be made at not just staff level but at the Council level. He stated if Council is going to rely on this committee to do the outreach and engagement and make recommendations up the chain, more diversity and more representation is needed.

Sawyer opened the public hearing at 7:56 PM. He called for public comment.

Gary Ripka, who served on the committee previously, stated the Committee is where changes are made. He indicated he strongly supports the public committee and would be willing to work on this committee.

Cris Torp, a Newport resident, recommended three from each area and two additional at-large members.

Pete Senak, a resident on the Bayfront, stated he would like to be on the committee.

Sawyer closed public hearing for Council deliberation at 7:58 P.M.

Goebel stated he is in favor of an advisory committee. He indicated the interest of fisherman and Port may not be the same interest. Allen stated he agreed, and if representation increased to nine or 11, one member could be from commercial fishing and another could be from the Port. Goebel noted he would like to see the businesses on the Bayfront represented as well. He pointed out Nye Beach has a resident requirement, and he would like to see the same requirements for the Bayfront and city center. He added 11 members sounds good to him.

Nebel reported it may be appropriate to have a larger group representing the parking areas, but asked Tokos for further input. Tokos replied there was discussion about different sizes. He stated enlarging the committee is fine, and staff will make it work. He noted the reason Nye Beach was specified as having a resident was because that area is a mixed-use community and there are a larger number of residents there. He added it is important to have flexibility in order to get seats filled. He stated if all 11 seats are identified, specifically, it is sometimes hard to fill all the seats.

Botello asked if it possible to reserve a spot for a member from the commercial fishing industry who is Latinx. Tokos replied the Council can structure the committee as it believes is appropriate. Parker summarized the Council would like three from city center, three from Nye Beach, including one resident, and four from the Bayfront, including a business, fish plant, Port official, and a fisherman.

Allen recommended the ordinance is deferred to another meeting so staff has time to work on the language. Goebel asked what is the process with implementing the previous ordinance if the committee is not appointed tonight. Nebel replied the process is to first appoint the standing committee, and then they will work through the details of the ordinance and bring back recommendations to the Council. He noted when Council creates a new committee, the Council does the initial interviews. Goebel clarified meters would not be going in on the Bayfront this summer. Allen explained that is not possible with the current ordinance. Nebel explained the Council approved a comprehensive plan which gives guidance, but the parking discussion will be coming back over the next 12 months. He stated if Council gives staff direction tonight, approves the ordinance in two weeks, then the city would advertise for applicants, set up interviews at a work session, Council would make a decision on membership, and then the committee begins working on recommendations on how to best implement the comprehensive plan. Botello suggested changing the language of the ordinance tonight so that there is more time to reach out to the community for applicants.

Parker summarized there is consensus for three members from each of the parking districts plus two at-large for membership, including at least one Latinx member. Goebel clarified the committee could recommend no meters on the Bayfront if they suggest amendments to the comprehensive plan. Goebel emphasized the need for the Port and fishermen to have separate representatives.

MOTION was made by Parker, seconded by Allen, to continue the public hearing and potential adoption of Ordinance No. 2164, an ordinance establishing a Parking Advisory Committee to March 16, 2020. The motion carried unanimously in a voice vote.

COMMUNICATIONS

From the Oregon Coast Council for the Arts - Annual Report Presented by Catherine Rickbone. Hawker introduced the agenda item. Rickbone presented the annual report. Hall asked how many donors there are. Rickbone replied it's difficult to give an exact number because OCCA has 450 members, there are one-time gifts, capital campaign donors, and resident companies that have their own donors. Hall clarified she was interested in the numbers for the Performing Arts Center and Visual Arts Center. Rickbone replied more than 550. Botello asked how OCCA is reaching diverse populations in the community. Rickbone replied the organization will have some performances by Native Americans, brings in the Hispanic community in dance, and the theater companies are looking at ways to be more diverse in programming. She added OCCA recently received a small grant to do community outreach on how to be more diverse.

From the Destination Newport Committee - Recommendation to Approve the Barrel to Keg Relay Tourism Grant Application. Hawker introduced the agenda item. Nebel reported on February 13, 2020, the Destination Newport Committee considered a request from the organizers of the Barrel to Keg Relay for a tourism marketing grant, in the amount of \$5,000. He noted the Destination Newport Committee recommends that Council act affirmatively on the grant request.

MOTION was made by Goebel, seconded by Parker, to approve a tourism marketing grant, for the 2020 Barrel to Keg Relay, in the amount of \$5,000. The motion carried unanimously in a voice vote.

From Tom Swinford - Consideration of Special Event Permit Fee Waiver Request for the Newport Marathon. Hawker introduced the agenda item. Nebel reported the 22nd Annual Newport Marathon will be held on Saturday, May 30, 2020. He stated this event brings more than 2,500 visitors and is organized by the Newport Boosters Club, raising money for high school sports and activities for many years. He noted the cost of Police Department services is estimated at \$1,172.64; Fire Department services is estimated at \$1,825.58; for a total of \$2,998.22. He added Council waived the entire amount in 2019.

MOTION was made by Hall, seconded by Allen, to approve the special event permit request from the Newport Marathon, in the amount of \$2,998, for its event to occur on May 30, 2020, and to transfer \$2,998 from the Transient Room Tax Fund to the General Fund to reimburse the Police and Fire Departments. The motion carried unanimously in a voice vote.

From the Audit Committee - Acceptance of a Report on the 2018/2019 Fiscal Year Audit, and Consideration and Potential Adoption of Resolution No. 3876, a Resolution Adopting a Corrective Plan of Action for Findings Related to the 2018/2019 Fiscal Year Budget. Hawker introduced the agenda item. Nebel reported the city's auditor is charged

with reviewing the city's financial reporting data, and to report to the city that it is in compliance with Generally Accepted Accounting Principles, and to issue an audit opinion. He noted Boldt, Carlisle, and Smith has concluded that the financial statements present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of Newport, as of June 30, 2019, and the respective changes in the financial position and, where applicable, cash flows thereof, and the respective budgetary comparisons for the General and Urban Renewal Funds for the year, ended in accordance with accounting principles generally accepted in the United States. He added this is the highest opinion they can provide relating to a financial audit. He congratulated Finance Director, Mike Murzynsky, and the Finance Department staff, for receiving this opinion on the city's financial statements.

MOTION was made by Goebel, seconded by Parker, to accept the report from Boldt, Carlisle, and Smith on the 2018/2019 Fiscal Year audit. The motion carried unanimously in a voice vote.

MOTION was made by Goebel, seconded by Allen, to adopt Resolution No. 3876 approving a corrective plan of action for the findings related to the 2018/2019 Fiscal Year audit. The motion carried unanimously in a voice vote.

From the Short-Term Rental Work Group - Update. Hawker introduced the agenda item. Nebel reported the work group met last week and the minutes are attached to the packet. He noted the work group will be able to provide good direction to the Council when they report in September. Goebel and Jacobi summarized discussions from the work group. Tokos noted, in the coming months, the work group will learn a little more about how municipal court works. Jacobi added a septic question will be added to the short-term rental application. Allen asked if the ordinance needs to be adjusted. He also asked how the process works for other communities with a municipal court. Tokos replied Judge Pridgeon needs the opportunity to work through it. He stated the city hasn't reached out to other jurisdictions yet. Goebel clarified the authority of the municipal court.

Hall indicated when discussing council goals, one was about creating a community forum to talk about how people could figure out the ADU process to create additional housing. She stated the Council will need to have conversation about that in the long-term.

CITY MANAGER'S REPORT

Consideration and Potential Adoption of Resolution No. 3877, a Resolution Authorizing the Exercise of Eminent Domain for Rights-of-Way Associated with Improvements to SE 35th Street. Hawker introduced the agenda item. Nebel reported on August 19, 2019, the City Council adopted Resolution No. 3867, which was a resolution authorizing the exercise of eminent domain for rights-of-way. He stated this resolution was approved at the request of ODOT to give ODOT the authority to acquire necessary property for the planned improvements for US Hwy 101 and SE 35th Street. He noted this resolution allows ODOT to utilize eminent domain to acquire property necessary for these public improvements.

Nebel reported as a result of design changes, the real property to be acquired along the south side of SE 35th Street, between US Hwy 101 and SE Ferry Slip Road, has been reduced and reconfigured so that it no longer matches the area targeted for acquisition

with Resolution No. 3867. He stated ODOT has requested that the Council approve a revised resolution that recognizes the reconfiguration of this parcel that will need to be acquired for public purposes. Goebel clarified both resolutions 3867 and 3877 would be in effect if this resolution is approved.

MOTION was made by Goebel, seconded by Botello, to adopt Resolution No. 3877, a resolution authorizing the exercise of eminent domain for rights-of-way relating to the Highway 101/SE 35th Street Signalization Project. The motion carried unanimously in a voice vote.

Report on the Government Finance Officers Association Excellence in Financial Report Program. Hawker introduced the agenda item. Nebel reported Finance Director, Mike Murzynsky, and the Finance Department submitted last year's comprehensive, annual financial report to the GFOA Excellence in Financial Reporting Program. He noted, unfortunately, the city did not receive this recognition during its first submission. He stated that Finance has submitted the 2018-2019 Comprehensive Annual Financial Report (CAFR) to GFOA in a second attempt to receive this recognition. Allen noted the issue that kept the city from receiving the award was also not caught by auditors. He added the CAFR is a great move forward.

Report and Possible Action on Electrical Vehicle Charging Stations for the City of Newport. Hawker introduced the agenda item. Nebel reported on February 3, 2020, the Council held a work session on the City's role relating to the provision of electrical vehicle charging stations for the City of Newport. He stated the options that were outlined included no involvement to purchase or lease EV stations for placement on public property for general public use. He noted Thor Hinkley, Senior Program Manager of Forth Mobility, indicated that they have 6 level two chargers that they would be willing to make available to the City of Newport. He explained these chargers are all single unit chargers, and it would make the most sense to install two at each location selected by the city for this purpose. He noted while the chargers would be free, the city would be responsible for the cost of installation and the provision of electricity to feed these chargers. He added the electrical service will be a high variable cost depending upon the availability of electricity at each site selected.

Nebel reported sites suggested included:

- The Ernest Bloch Wayside,
- The Performing Arts Center,
- The Nye Beach Turnaround, and
- On the City Hall campus.

He noted the units available are not networked, meaning the city would not be able to charge for the electricity utilized through the chargers. He asked Council to express its intent on this matter subject to identifying the funding to extend electricity and install the charging system at appropriate locations. He added Council could give direction as to whether any regulatory policies are desired to be considered tying in EV stations with certain new projects that are developed within the community. He noted there was staff concern on the cost of maintenance these would require.

Parker mentioned another option is 120-volt wall plug charging being part of city employee policy changes that could be adopted at no cost. He stated facilities for the plugs could be the water treatment plant or any city building that has exterior wall plugs, which would not require any additional wiring improvements. He emphasized that is an employee benefit that the city could consider. He noted the ev charging stations are

relatively well-built and wiring them is not an unusual task. Hall asked if Council needs to limit how long people are parked at the stations. Parker replied four-hour time limit signs are common. Sawyer asked if nearby businesses could chip in, tourism money pay for a portion of the cost, or Central Lincoln PUD might subsidize these. Parker noted Central Lincoln would be able to subsidize if meters were installed.

Nebel reported staff had philosophical discussions on the merits of providing free electricity to employees and stated there will be a need for talking points on why it makes sense to proceed with this. Parker explained how the state charges its employees for electricity use. Hall stated the reasons tie directly into the Vision 2040 in terms of infrastructure investment, sustainable economy, green development, and renewable energy. Goebel stated as a society, people are trying to move away from gas to electricity, and perhaps the service could inspire employees to be more proactive about their buying.

MOTION was made by Parker, seconded by Goebel, to indicate the city's favorable interest in acquiring the 6 level two EV chargers that Forth Mobility offered to the City of Newport, subject to the development of cost estimates, and appropriation of funds to install the EV charging units; request the city administration identify estimated costs for installation and budgeting in the 2020-2021 Fiscal Year Budget; and move city administration discuss creating an employee electric vehicle policy, which would include possible monthly flat costs and/or directing city staff to determine the most likely and favorable locations for employee charging in the City of Newport. The motion carried unanimously. Allen suggested administration use the budget process to allocate some funding from room tax revenues.

Scheduling a Public Hearing for the Adoption of the 2020-2021 Council Goals. Hawker introduced the agenda item. Nebel reported the Council met in a day-long goal setting session in January to identify goals and objectives impacting the 2020-2021 fiscal year. He recommended the Council schedule a public hearing to formally adopt the goals.

MOTION was made by Goebel, seconded by Botello, to accept the draft report for the 2020-2021 goals for the City of Newport and schedule a public hearing for March 16 prior to adopting these goals. The motion carried unanimously in a voice vote.

Allen declared an actual conflict of interest, recused himself, and left the room.

Recruitment and Hiring of a City Attorney for the City of Newport. Hawker introduced the agenda item. Nebel reported On November 4, 2019, the Council adopted Resolution No. 3873 to establish hiring standards, criteria, and direction on the recruitment and hiring of a City Attorney for the City of Newport. He stated the Council requested both employment applications, and proposals from individuals, and or firms to fill the capacity of City Attorney for the City of Newport. He explained the City Attorney's position is one of three positions hired directly by the City Council, with the other two being the City Manager, and the Municipal Judge. He noted Council received four applications, reviewed the candidates for City Attorney, and conducted interviews of two of those candidates.

Nebel reported Council is now in a position to formally delegate the responsibility for negotiating an agreement with the top candidate for this position, David Allen. He recommended Council designate the Mayor, and Council President, with the assistance of legal counsel, Ross Williamson, to negotiate an agreement and bring those terms back for Council review and approval. He added the last step of the process would be to make a contingent offer of employment based on the terms of the agreement subject to the final background check. He noted David Allen currently sits on the City Council, and Councilor

Allen has indicated it is his intent to resign his Council seat upon appointment as City Attorney.

MOTION was made by Jacobi, seconded by Goebel, to formally delegate the Mayor, Council President, and legal counsel, Ross Williamson to negotiate a contingent employment agreement for Council's consideration and approval subject to the completion of the background check. The motion carried unanimously in a voice vote.

Allen returned to the meeting.

Report on Cell Towers and Systems. Hawker introduced the agenda item. Nebel requested the audience turn off their cellphones. He reported at the February 18, 2020 Council meeting, Eva Bortnick expressed concern regarding radioactive emissions from cell towers and other systems. She requested that Council create a working group or task force to review this issue, and that it halts further construction of cell towers. He stated at the February 18 meeting, Tokos explained that under the existing code, the city's current provisions. Tokos reported that FCC regulations preempt what local governments can regulate. He noted that the League of Oregon Cities is a party to a lawsuit with the FCC regarding preemption of local authority, which is before 9th Circuit, and oral arguments were heard recently. He indicated several work session topics were discussed, including a discussion once the 9th Circuit renders its decision, and further when there is a model 5G ordinance available from the League of Oregon Cities.

Tokos explained the current AT&T tower is at capacity so they need the load provided by Verizon tower's additional arrays. Sawyer acknowledged e-mail from Jill Lyon.

Eva Bortnick asked for follow-up on a work session and withdrawal of AT&T application. She disputed Lyon's email. She emphasized the need for the city to regulate despite Federal regulations.

Mary Ely, a business owner, stated her business is a B&B for chemically and electrically sensitive people, and this tower will eliminate her business. She suggested looking at zoning regulations.

Shelly Fleming, a Newport resident, stated a lot of people don't know that 5G is military technology. She suggested using fiber optic cables.

Tokos reported height, setback, and aesthetics are under local control, but environmental and health aspects are pre-empted by the Federal government. He stated once the city has model code from LOC, the city could assess whether to make changes to local regulations.

REPORT FROM MAYOR AND COUNCIL

Council Reports. Parker clarified the work session on polystyrenes would be on April 6. He asked for an update on painting of the ADA parking spots in front of city hall. He also asked for an update on Rogue. Nebel replied he will have a report within a month. Parker noted the plan to stripe FBO lot at the airport and asked for an update. He asked for the management plan for Scotch broom on airport property. He offered to talk with the airport folks on management.

Hall reported she read to elementary school kids at Sam Case today and they are still looking for folks to do that. She noted Bike and Ped Committee is looking for more applicants. Hall noted the Council didn't cover meals in the work session. Goebel stated he received a request for better signing of the Vietnam Memorial. Nebel replied he asked Ken Spencer to come up with ideas, but never got response. He noted one of the concepts

was to have sub-signs to mark major components in all the parks. Goebel agreed with need to restripe the airport parking lot.

Nebel reported there would be a ribbon cutting on March 10 for the 6th Street Project and Agate Beach walkway. He noted there would be a dedication of murals on March 14 at the Nye Beach Pump Station. Sawyer mentioned there would be a fundraiser at Chowder Bowl for Samaritan House on Wednesday. He reported the Mayor's Association Conference in 2021 will be in Newport. He added Tokos has the new plans for a craft cheese store on Bayfront.

PUBLIC COMMENT

Mary Ehly asked if approval of panels have been postponed or if a working group will be created. Nebel replied there has not been a decision to create a working group, but staff suggested that one be created after LOC has created model ordinance language.

Eva Bortnick asked who to contact at LOC to find out the status of the ordinance. Allen suggested Jim McCauly, legislative director for LOC. She emphasized the need to not allow the additional panels on the cell tower.

Mona Linstromberg stated in Tokos summary, he mentioned that there were things cities could do regarding cell towers. She emphasized the need for a dedicated telecommunication ordinance.

Marletta Noe, a Newport resident, stated 6th Street is wonderful. She noted she knows people who live off the grid, and recommended that for people with sensitivities.

ADJOURNMENT

Having no further business, the meeting adjourned at 10:17 P.M.

Margaret M. Hawker, City Recorder

Dean H. Sawyer, Mayor

January 6, 2020
4:00 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, Goebel, Jacobi, Hall, Allen, Botello, and Parker. Also in attendance was Linda Neigebauer, Aaron Bretz, and Mona Linstromberg.

Staff in attendance was Spencer Nebel, City Manager; Community Development Director Derrick Tokos, Police Chief Jason Malloy, and Peggy Hawker, City Recorder/Special Projects Director.

DISCUSSION ITEMS

City Manager's Report. Nebel reported first on the agenda is the Sister City Committee interview, which is followed by the discussion of parking management plan recommendations for the Bayfront, Nye Beach and City Center Areas. He noted there are also three executive sessions regarding a performance evaluation on the city manager, employment of public officer - city attorney, and exempt public records regarding privileged attorney/client written communications.

Sister City Committee Interview of Richard Brodeur. Council interviewed Richard Brodeur.

Discussion of Parking Management Plan Recommendations for the Bayfront, Nye Beach, and City Center Areas. Nebel reported a public hearing was held on November 18, 2019. He stated one of the controversial issues is parking meters and asked if the Council wants to consider going forward with them on the Bayfront. He noted that was the recommendation of the ad hoc committee, while the Planning Commission took a different take. He emphasized the key thing is to determine a direction the Council wants to take. Parker asked how many times the Planning Commission voted over the three years of the study. Tokos replied the Planning Commission only voted once with, four against the ad hoc recommendations and three in favor. Tokos noted the testimony that the Planning Commission received is not the same as the testimony that the Council received. Goebel asked what was the reason for recommending another parking committee. Tokos replied the recommendation for a standing parking advisory committee came from the ad hoc committee. He explained the ad hoc committee's terms were phasing out with the parking districts, and a standing committee can provide oversight and guidance on parking related issues going forward. Goebel pointed out the Planning Commission recommended the committee eliminate or minimize metering when making recommendations. Tokos explained the Planning Commission suggested the advisory committee work on revising the recommendations. Goebel asked if the Planning Commission's recommendation was to start over. Tokos replied that was a perception of many of the people attending the public hearing.

Tokos presented a timeline showing city actions related to public parking. He stated the city started addressing parking in 1983. He noted that new development has to provide off-street parking, so the city implemented a fee in lieu of providing off-street parking so the Bayfront, Nye Beach, and city center could expand. He explained the fee was in place

for many years, but many issues were identified with enforcement and collections. He reported a task force was created and recommended a one-time fee. He indicated the Planning Commission gave the affected areas time to create parking districts before assessing the fee. Tokos explained he helped these districts to form and develop targeted projects. He noted Nye Beach and city center used business license fee collections and all the past in lieu fees collected for improvements, but the Bayfront still has \$240,000 left. He stated these parking districts were intended to be temporary in order to move away from in lieu fees, and the city paid for a parking study, which was completed in 2018. He said the question in the Bayfront is whether to have metering and permits. He noted in Nye Beach, the question is should business license surcharges be expanded beyond the commercial core area. Parker asked if the study looked at the break even cost for meters. Tokos replied it would take two or three years before the city would be in plus territory. Hall asked if the \$240,000 would cover the cost of installation of meters. Tokos replied that would cover a portion of the total cost, \$435,000. Jacobi asked if there would be meters or kiosks. Tokos replied most of them would be kiosks, but there would be a couple of spots with poles because there's only a few parking spots in an area.

Parker asked if there would be stickers or window tickets. Tokos answered that the proposal is not at that level of detail yet. Goebel asked what times the meters would be in effect. Tokos replied that's more details to be discussed, but the recommendation is to have them operating seasonally. Goebel suggested high tourist times like Seafood and Wine Festival as well. Tokos stated the times are adjustable and they could be tailored to when there is higher demand. Goebel asked how people would know when the meters are in effect. Tokos replied there would be signage, information in the kiosks and in software people use, and communications from the city. Sawyer asked when the parking officer works. Malloy replied the parking officer rotates his duty. Jacobi asked if any of these recommendations could be implemented without an advisory committee. Tokos replied that is possible if the Council adopts these comprehensive plan amendments and directs staff to implement them. He noted the ad hoc committee thought an advisory committee should be maintained to provide stakeholder input.

Jacobi asked if these recommendations were adopted, if they would go into effect this year. Tokos replied if the Council adopts the policies, implementation could be pulled together promptly. Goebel clarified the only issue the Planning Commission had with the recommendations was metering. Parker emphasized the Council can always undo something that doesn't work, but not doing anything does not honor the three years already put into this. Tokos reported if the Council adopts the policies as recommended and creates a standing committee, the committee would work on metering, permits, and timed parking on the Bayfront and business license changes in Nye Beach. He stated if Council does not adopt the recommendations, then the committee would be looking at options other than meters. Tokos explained the parking recommendation maps. Discussion ensued on parking issues on the Bayfront during the crab season.

Tokos noted there is an expectation if meter recommendations are implemented, the city would lift off-street parking requirements, allowing developable property on the Bayfront to be developed. Botello indicated she is concerned the parking permits force employees to park far away and thought shuttle transportation would be beneficial. Tokos replied the ad hoc committee found with meters that in time there would be funds to do transit. Botello suggested a collaborative effort to provide transit with the county and suggested making it a goal for the Transportation System Master Plan. Hall suggested

oversized parking should be addressed on the Bayfront, and clarified the meters would be seasonal. Hall stated she is concerned the cost of meters is too high. She also noted enforcement is dependent on one person and she would like to see training of the NPD volunteers or an explorer program for enforcement.

Neigebauer explained Nye Beach residents didn't understand that the recommendations did not propose meters in Nye Beach when they testified to the Planning Commission. She reminded Council that the recommendations were for timed and permit parking in Nye Beach. She noted in the Bayfront the charter boats that have 12-hour trips were considered by the ad hoc committee. She added the \$100 fee should be off the table for the permits. She suggested the cost should be \$175 since that was the cost in the 1980s.

Nebel asked if Council is comfortable going forward with the ad hoc's recommendations, prefers a different direction by creating a committee to evaluate the recommendations, or has a third alternative on how to proceed. Goebel replied the Council needs to do something with strong enforcement and follow up to make sure this works and businesses do not suffer. Hall indicated she needed more fiscal information. Botello reported she is in favor of permits over meters. Allen stated he will keep an open mind, and he is good with whatever the Council chooses to do subject to hearing more information. Parker indicated he thinks the meters will help fund maintenance of city parking facilities. He noted he sees meters as a way to mitigate the impact visitors have on infrastructure, and people out of county will be the ones using them in peak season. He added the 1983 price seems like a bargain for permits and suggested an inflation adjusted price. He suggested rolling out implementation, getting more input, and then revisiting the issue, perhaps on an annual basis via the steering committee. Jacobi stated she agreed with Parker and that the Council needs to move forward, get something going, and then reassess. Nebel clarified the Council is comfortable with the item coming back as a public hearing.

EXECUTIVE SESSION

Nebel reported the next item on the agenda is an executive session to finish his annual evaluation.

MOTION was made by Allen, seconded by Hall, to enter executive session pursuant to ORS 192.660(2)(i) to conduct a performance evaluation of the City Manager; pursuant to ORS 192.660(2)(a) - Employment of Public Officers - City Attorney; and pursuant to ORS 192.660(2)(f) to Consider Exempt Public Records Regarding Privileged Attorney/Client Written Communications. The motion carried unanimously in a voice vote, and Council entered executive session at 5:09 P.M.

Allen declared an actual conflict of interest and left the session at 5:45 P.M.

Council left executive session and returned to its work session at 5:54 P.M.

ADJOURNMENT

Having no further business, the meeting adjourned at 5:55 P.M.

November 18, 2019
6:00 P.M.
Newport, Oregon

CITY COUNCIL MEETING

CALL TO ORDER AND ROLL CALL

The Newport City Council met on the above date and time in the Council Chambers of the Newport City Hall. On roll call, Allen, Goebel, Jacobi, Botello, and Hall were present. Parker and Sawyer were excused.

Staff in attendance was Spencer Nebel, City Manager; Peggy Hawker, City Recorder/Special Projects Director; Derrick Tokos, Community Development Director; Tim Gross, Public Works Director; Michael Murzynsky, Finance Director; Rob Murphy, Fire Chief, and Jason Malloy, Police Chief.

PLEDGE OF ALLEGIANCE

Council, staff, and the audience participated in the Pledge of Allegiance.

PROCLAMATIONS, PRESENTATIONS, AND SPECIAL RECOGNITIONS

Oath of Office - Police Officers Dustin Kittel and Sean Nieto. Malloy introduced Kittel and Nieto. Hawker administered the oath of office. Kittel's daughter pinned his badge, and Nieto's wife pinned his badge.

PUBLIC COMMENT

Gary Lahman stated that November 19 is World Toilet Day as designated by the United Nations. He referenced the Eugene Register Guard's editorial of November 16 recognizing this day. He stated that the goal of World Toilet Day is to inspire action to tackle the global sanitation crisis. He added that available toilets and clean water are not just global problems, but an issue in Newport as well. He noted that all Newport residents and visitors should have access to toilets and clean water for sanitation, 24 hours per day. Lahman referenced five of the priority items from the Homelessness Task Force, including the placement of toilets in identified areas, portable shower facility, coordination of an NGO, creation of car camping areas, and consideration of the use of the construction excise tax for homelessness solutions.

Rex Capri reported that NW Nye Street is often used as a bypass to Highway 101. He stated that in places, there is no continuous sidewalk and it is dangerous. He requested, at a minimum, the placement of bike sharrows on this street as a safety precaution.

Nebel reported that on the homelessness issue, there have been successes in a number of issues. He stated that one portable toilet is in place, and that he is in negotiations with Lincoln County on the placement of a second toilet. He noted that county staff is having some difficulty in finding a location that is in view of a security camera. He added that other locations have been reviewed, and either eliminated or are still under review. He stated that a portable shower facility has been placed at Grace Wins Haven.

He added that a coalition of folks, interested in potentially forming an NGO related to homeless issues, have met and will meet again in January.

Nebel reported that the concept of sharrows on 9th Street can be forwarded to the Pedestrian/Bicycle Advisory Committee for review.

CONSENT CALENDAR

The consent calendar consisted of the following issues:

- A. Approval of the minutes of the work session of November 4, 2019;
- B. Approval of the minutes of the regular session of November 4, 2019;
- C. Acceptance of a drainage easement from the Newport Urban Renewal Agency described as parts of Parcels 1 and 2 of the Lincoln County Partition Plat 2010-18, located south of 40th Street and east of Highway 101;
- D. Approval of a recommendation to the Oregon Liquor Control Commission for an Off-Premises Sales License due to a change in ownership for Grocery Outlet, located at 721 North Coast Highway;
- E. Receipt of the monthly financial report;
- F. Receipt of approved committee minutes.

Allen noted several changes to the minutes. MOTION was made by Goebel, seconded by Jacobi, to approve the consent calendar with the changes to the minutes as noted by Allen. The motion carried unanimously in a voice vote.

PROCLAMATIONS, PRESENTATIONS, AND SPECIAL RECOGNITIONS

California Fire Response Presentation by Fire Chief Rob Murphy and Captain Tom Jackson. Jackson and Murphy made a PowerPoint presentation regarding the city's participation, as well as the participation of the State of Oregon, in the Kincade Fire in Sonoma County, California. Nebel reported that staff is reviewing the standardization of state agreements to expedite the deployment of city staff to out of state fires.

CITY MANAGER'S REPORT

Appeal of the Room Tax Determination of Delinquency Issued to Rogue Ales. Hawker introduced the agenda item. Ross Williamson, from Speer Hoyt, legal representative for the City of Newport, took a seat at the dais, and presented a brief biography. Nebel reported that on October 7, 2019, a report was provided to Council on the disposition of the room tax issue related to the operation of vacation rentals in conjunction with the Rogue Ales Bayfront establishment without the business license endorsement for the vacation rentals. He stated that Rogue Ales took steps to address the deficiencies in this vacation rental operation to be allowed to resume using this space as a vacation rental. He noted that as part of the review of this issue, Rogue indicated that it had operated a vacation rental for a number of years, but were unaware of the obligation to pay local room tax.

Nebel reported that Rogue cooperated by providing information to the Finance Department showing historic revenues from renting the three units as vacation rentals.

He stated that in reviewing this matter with Steve Rich, it was Rich's opinion that NMC Section 3.05.090(A)(2) provides the following: "Except in case of fraud or intent to evade room tax, notice of deficiency determination shall be issued within three years of the period for which the deficiency determination is made."

Nebel reported that as a part of the Finance Department investigation, there was no clear evidence of fraud, or intention to evade the room tax, discovered during the review of Rogue's records. He stated that the Finance Department was provided access to all the records they requested. He noted that the report was also forwarded to Ross Williamson for legal review. He added that while Rogue was negligent in not submitting local room tax forms and paying the room tax, there is no evidence that there was willful conduct on the part of Rogue to evade the local room tax.

Nebel reported that as a result of the review, it was the Finance Department's determination that Rogue owes \$16,385.77 for unpaid room tax with interest of \$7,640.35 for a total of \$24,026.12. He stated that staff intends to issue a bill in this amount to resolve the delinquent tax issue with Rogue. Nebel reported that following the report to Council, tax administrator, Mike Murzynsky, forwarded a determination of delinquency to Rogue Ales with the delinquent room tax together with penalties and interest amounting to \$24,026.12.

Nebel reported that while Rogue did not appeal this determination, the city received notice on behalf of Carla Perry of Newport, and Mona Linstromberg of Tidewater, of an appeal of Murzynsky's determination regarding Rogue's room tax delinquency amount. He noted that NMC 3.05.170 indicates that: "any person aggrieved by any decision or action of the tax administrator may appeal to the City Council by filing a written appeal with the tax administrator within twenty days of the serving or mailing of the tax notice or decision of the tax administrator. The tax administrator shall fix a time and place for the hearing the appellant twenty days written notice of the time and place of hearing." He added that the hearing was set for this evening.

Nebel reported that there are a number of issues Council can consider in addressing this appeal. He stated that the first issue is whether Linstromberg and Perry have standing to appeal a tax determination between the tax administrator and Rogue Ales. He added that Council will need to make a determination as to whether the appellants have standing to actually appeal this decision. He noted that in reviewing 3.05.170, it states that "any person aggrieved by the decision or action of the tax administrator may appeal to the City Council." He added that it is his opinion that the persons aggrieved are the individuals that were served or mailed a tax notice or decision from the tax administrator, which is provided for in this section. He stated that he does not believe the intent would be that any citizen can appeal this type of tax decision, and added that if that was the case, it would seem there would be a requirement for public notice of any decisions of the tax administrator by anyone within 20 days of the serving or mailing of the tax notice. He stated that he reviewed this with legal counsel who concurs with this opinion regarding standing.

Nebel reported that if Council concurs with this determination, then the appeal is concluded. He stated that if Council determines the appellants have standing to appeal this issue, then Council should go into the merits of the appeal, and make a determination on the tax administrator's determination regarding the room tax assessment for Rogue Ales. He noted that the packet contains materials from the report on October 7, as well as

the notification letter to Rogue and the appeal from Linstromberg and Perry. He added that NMC 3.05 is also included in the packet.

Nebel recommended that Council break up the appeal process into the following two questions. He stated that the first is whether Perry and Linstromberg have standing to appeal this issue, and the second is the merits of the case if Council determines that the appellants have standing. He asked that Council review the following proposed process:

1. City Manager provides an overview of the appeal.
2. The appellants address the City Council on the issue of standing to appeal the decision of the tax administrator.
3. City Council hears from Ross Williamson, of Speer Hoyt, acting as City Attorney on the legal merits of the standing issue.
4. The City Council makes a determination as to whether the appellants have standing to appeal this determination. (If a determination is made that they do not have standing to appeal this issue, then the hearing is concluded.)
5. If the Council determines that the appellants have standing, then the appellants should present their reasons they are appealing the determination of the tax administrator and any suggested remedies.
6. Rogue Ales should be invited to respond to that issue.
7. The tax administrator, city manager and legal counsel can respond to any items relating to this matter.
8. Council makes a determination on the merits of the appeal.
9. The Council may want to discuss this format before beginning the hearing.

Nebel reported that if Council makes a different determination from the tax administrator, a new notice will be sent to Rogue based on this determination, and Rogue will have 20 days to request an appeal of any redetermination before Council.

Nebel reported that in reviewing NMC 3.05, it is clear there a number of issues that need to be cleaned up, clarified, and corrected. He stated that he believes it would be appropriate for Council to direct staff to work with legal counsel to clean up these provisions.

Nebel reported that this determination, along with the subsequent appeal, is unusual. He stated that while following up on unpaid taxes from known vacation rentals, and hotels is something that staff regularly does, staff has not traditionally collected back taxes on vacation rentals that have been legalized, such as the case with Rogue. He noted that he believes this has been an oversight in the past procedures. He added that staff efforts in code enforcement have been to either legalize an operation, if eligible, or shut down an operation. He stated that he believes the way this was handled was an appropriate resolution of this particular problem.

Council concurred with the process outlined by Nebel.

Allen asked what appeal rights the appellants have if they do not like the Council decision. Williamson noted that there are no further options at the local level, and that the appellants would have to utilize the circuit court.

Allen asked what process would be utilized if Council makes a decision. Williamson stated that the Charter provides for an order for these types of issues.

Sal Catalano, attorney representing Mona Linstromberg and Carla Perry appeared before Council. He stated that the issue before Council has standing. He said if the city wanted to limit the class of appellants to any operator, such as Rogue, they would have stated any operator. He noted that NMC 5.20.080, regarding stormwater tax appeals,

limits the class of appellants to customers. He added that in the room tax provisions, the class is expanded to include any person. He stated the appellants do fall into the class described as any person.

Catalano noted the 1991 Oregon Supreme Court *People for the Ethical Treatment of Animals (PETA)* case provides the context as to what aggrieved means. He stated in that case an aggrieved person could meet any one of three standards. He explained the first standard is the person has suffered an injury to substantial interest resulting directly from the challenged governmental action; the second standard is the person seeks to further an interest of the legislature expressly wished to have considered; and the third is the person has such a personal stake in the outcome of the controversy as to assure concrete adverseness to the proceeding. He summarized, essentially, the appellants must show they were injured by the City Council's decision to not implement the correct code and not enforce the correct fine upon Rogue Ales. He noted NMC 4.25.005 and 14.25.010 describes the purposes behind the city's short-term rental regulation and licensing. He indicated the code expressly states that the city wants to protect the character of residential neighborhoods by addressing potential negative effects, such as excess of noise, overcrowding, illegal parking, and nuisances. He explained the code describes nuisances to include excess refuse, accumulation of refuse, and light pollution.

Catalano stated when the city is shorting itself of funds by not implementing the correct code, they are not able to enforce the provisions of their code. He reported, currently, the appellants and their property rights are being injured, and if the city does not implement the correct code, these injuries will increase. He noted the appellants have been injured on their own properties regarding illegal parking because illegal parking and overcrowding makes it difficult for them and their guests to use their own property. He added the parking and overcrowding also injures them as they go about their normal business throughout the City of Newport. He noted the appellants' neighborhoods are negatively affected by short-term rentals since property values are going down. He indicated property values go down because of accumulation of refuse and light pollution. He reported the appellants on a daily basis pick up trash from these short-term rentals. He noted excess noise means they cannot enjoy the right to quiet enjoyment of their home and properties. He indicated a rough calculation of what the city might fine Rogue is \$80,000. He stated that's a significant sum of money that the city could use to implement their own code.

Linstromberg stated she is an aggrieved person by a decision of Newport's tax administrator. She reported in preparation for this appeal, she submitted comments on the standing and merits of the appeal and will focus on the particular injuries she suffered while caring for her family's home located in a geographically limited, residentially zoned area containing 19 vacation rentals. She explained NMC 4.25 on Short-Term Rental Business License Endorsement states, in part, that the purpose of the code is to, "ensure the safety and convenience of renters, owners, and neighboring property owners; protect the character of residential neighborhoods; protect the city's supply of needed housing; and address potential negative effects such as excessive noise, overcrowding, illegal parking, and nuisances, for example, accumulation of refuse, light pollution, etc."

Linstromberg stated an accumulation of infractions together have changed the character of the Spring Street, Oceanview Drive neighborhood. She noted litter and overflowing garbage are a health and safety concern, and she must patrol the streets and alleys. She noted another health and safety issue is that neighborhood streets are narrow, making on-street parking with vehicles on both sides of the street like navigating an

obstacle course. She indicated at least one home operating as a vacation rental is unlicensed; there is one non-conforming vacation home; and an additional non-conforming structure is under construction. She stated the homeless have found this area appealing, and, in 2018, there was an out of control fire near a homeless camp in this area. She reported there are not adequate personnel to effectively implement and provide the oversight needed to reduce negative impacts to the neighborhood. She stated this current case is just another illustration of the city's lack of meaningful enforcement. She noted she provided the city with an amortization schedule that is additional to what the city has assessed, an amount close to \$88,000, if not more. She stated she has met the aggrieved standard.

Perry explained her involvement in the community and serving Newport for the past 25 years. She stated she has never had an ax to grind, and has never placed her own interests above the interests of the people in the community. She reported the appeal is due to a city decision that directly negatively impacts the quality of her life in Newport. She said if the city needs specifics about garbage, traffic, lighting, noise, parking, decreased safety, and the destruction of her and Linstromberg's neighborhoods, she will provide that. She noted vacation rentals (VRDs) have had a decidedly negative affect on her life, and enforcement of city code has been lax, which encourages further violations. She added she recommends the city make it a policy to allow anyone to appeal any city decision that negatively impacts their lives.

Williamson reported the term aggrieved is not defined in the city's code, and it is used elsewhere in the code to define an appellant and the appeal processes. He noted the provision under discussion tonight, the tax appeal process, says any person aggrieved. He stated not only does the appellant have to be a person, it also has to be a person who is aggrieved by the decision. He suggested using state law to inform the Council's decision on the meaning of aggrieved since the term is not defined in the code. He suggested drawing from the Administrative Procedures Act (APA) that governs state appeals of agency decisions. He explained if someone is wronged by a state agency, including the department of revenue on state tax issues and other agencies, then they have the right to appeal under the Administrative Procedures Act. He explained the first factor in the definition of aggrieved is whether someone suffered an injury to a substantial interest resulting directly from the challenged government action. He noted that seems to be the factor the appellants and Council are settling on. He added the other factors are if the person seeks to further an interest that the legislature expressly wished to have considered or if the person has such personal stake in the outcome of the controversy as to assure concrete adverseness to the proceeding.

Williamson stated since the appellants haven't spoken about the other factors, the city can concentrate on the first factor of the definition. He explained the government action is an October 9 letter from staff to Rogue that says this is Rogue's assessment for back taxes. He explained the government action is not a general policy discussion about taxes or tax revenue, about municipal code, about VRDs, or about how VRDs impact the city. He emphasized the government action is the letter. He noted it's the staff position the appellants have not made the case for an injury caused directly by that challenged government action. He explained in the 1991 Supreme Court case, the Supreme Court said someone simply dissatisfied with the agency's order or those only having an abstract interest in the agency action are merely bystanders and are not aggrieved. He stated, for this particular action, the appellants are not aggrieved. He explained to be aggrieved, the

Supreme Court continues, requires some articulable personal stake in the outcome, some palpable harm, concrete harm, and injury to self. He reported this has been addressed in state tax cases. He noted the Oregon tax court in a 2008 case determined that to be aggrieved, a person must show pecuniary stake in the dispute, a monetary stake. He emphasized there needs to be some skin the game, something in a wallet, that is being taken away by the government in order to be aggrieved. He urged the Council to follow these cases in state law and apply them at the local level. He stated the staff conclusion is the appellants are not aggrieved and that October 9 letter from staff to Rogue was between the city and Rogue.

Allen recommended an additional step, the attorney for the appellant respond to Williamson's statements and Williamson to give any final statements in response.

Catalano replied the appellants are not objecting to the letter, but the implications of the letter, which is money. He said the letter itself is not something appealable. He noted when looking back at the code that allows for appeals, he finds any person aggrieved by any decision. He noted if the city wanted to say any operator, and limit it to Rogue being the only person who could appeal, they should have said that there and they did not. He indicated that leads one to believe there are others besides just the operator that can appeal this. He emphasized there's more to it than objecting to a letter; they are objecting to what that letter signifies, which is less money to the city. He stated the appeal code clearly does not make Rogue the only person that can be affected here, but Williamson's answer indicates that Rogue is the only entity that could be affected by such a decision. He added he does think the appellants have standing in this case.

Linstromberg stated if the decision has been reduced to a pecuniary measure, there are a lot of financial implications to vacation rentals. She noted the city can't deny there are financial implications involved with the letter that was issued by the tax administrator. She added saying there were no financial implications defies what's been said and her other submittals. She noted diminished quality of life can cause harm.

Catalano stated the state tax case indicates pecuniary, but the Supreme Court case indicates injury. Linstromberg added individuals in the neighborhood have suffered injury, and there are financial implications of Rogue not paying what they owe the city.

Williamson replied his role is to provide the best advice based upon his reading of the code, and whether he agrees with staff is not the issue. He emphasized the appeal is because the city issued a letter on October 9 to assess taxes against Rogue. He explained the whole notion behind saying a person is aggrieved is to do away with the former notion of general taxpayer standing, meaning any person who pays taxes could appeal any tax decision. He noted that is no longer the law in Oregon or in Newport. He stated the reason for the word aggrieved is to do away with the notion that someone has some policy interest in anyone who pays taxes because someone is a fellow taxpayer or benefits from taxes. He reiterated the Oregon Supreme Court says that someone aggrieved is someone with a direct financial interest in the outcome in the actual decision at issue, and the actual decision is the October 9 letter.

Goebel asked for clarification on the appellants' discussion about neighborhoods and VRDs. He stated the issue seems to him to be about the letter and issue of taxes, rather than the VRD issue in general. Williamson replied Goebel's response is correct and illustrates his position that they are not aggrieved. Williamson stated the appellants are not articulating direct injury to them as a result of the tax letter sent to Rogue on October 9. He said they are expressing disagreements with VRDs in general in the community;

they have policy questions, implementation questions, and budget questions, but not direct cause and effect to the October 9 letter. Goebel clarified the letter has nothing to do with whether the appellants have garbage in their neighborhood or overparking. Williamson replied there is no direct correlation between the October 9 letter and code enforcement issues within her neighborhood. He added there may not be any relationship between her neighborhood and Rogue.

Goebel asked under what circumstances would the appellants be aggrieved. Williamson replied that, in this case, only Rogue would be aggrieved. Goebel confirmed with Williamson there is no circumstance where the appellants would be aggrieved by this city action.

Allen clarified with Williamson the applicants can be considered a person as defined in the municipal code. Allen explained the history of how city ordinances were codified. He said separate from this decision, the city should clean up the language in this code for less ambiguity in future. He explained the three-part test for defining aggrieved outlined by Catalano and Williamson. He noted all parties can agree the third factor of the test does not apply. He asked if Williamson would like to comment on the second factor of the test. He asked if even though the appellant did not bring forth that factor, the Council can still consider it.

Williamson replied that the code does need to be cleaned up. He noted the one sentence Council is reading tonight is pretty clear. He explained the second factor in the test has to do with a citizen suit-type provision. He stated there are statutes that constrain administrative agencies at the state level where the legislature has seen fit to directly allow citizen lawsuits against agencies. He gave the example of DEQ making a decision that doesn't harm a plaintiff, but under this factor, the plaintiff is still able to bring suit because the legislature said this is something important for all citizens to be able to enforce. He indicated he does not see that in Newport's code. He added the Council can still make a decision based on the second factor even though the appellants didn't argue for it. He noted the Council can still find the appellants have standing under the second factor even though they didn't really discuss it.

Allen confirmed with Williamson Council can use the three-part test since aggrieved is not defined in the municipal code. He confirmed on the local level the second factor applies to an interest that the City Council expressly wished to have considered. Allen asked where the counsel would find a Council interest expressly wished to be considered. Williamson replied that would be in the municipal code. Allen asked why an ordinance that is still in effect but wasn't codified couldn't be used. Williamson said that kind of ordinance could provide some context.

Allen confirmed with Williamson that the letter was a tax assessment to Rogue to collect room taxes. Allen clarified the room taxes would be used for whatever the budget or room tax provisions indicate as appropriate. Williamson replied that would happen at a later policy process, such as when the budget is adopted by resolution. Allen read the whereas clauses from Ordinance 2023, -- "WHEREAS, the City of Newport collects room tax from lodging establishments within the City, and WHEREAS, tourism is extremely important to the economy of the City of Newport, and WHEREAS, the City desires to support both tourism promotion and tourism-related facilities by making grants of room tax funds available to qualifying applicants, and WHEREAS, the City Council wishes to maintain the current amount of room tax collected by the City and to remove the language in Ordinance No. 1849 limiting the City's ability to make grant funds available to certain

types of tourism promotion and tourism-related facilities, so that all qualified applicants will be eligible for receipt of room tax funds.” Allen asked if Williamson believes these clauses speak to an expressed interest from the City Council to be considered. He explained the history of a room tax increase, the events center fund, and tourism promotion/event grants.

Williamson replied the clauses do not speak to an expressed interest because he said he heard no reference to the appeal process of individual taxes for VRD operators. He noted the clauses and the policies that the appellants identified are very important policies the Oregon Supreme Court would say bystanders would like to see fulfilled. He emphasized the Council is talking about an individual tax assessment, and he doesn't believe those policy statements were directed to individual tax payers to ensure enforcement. He added he doesn't see anything in those statements that ties these two issues together expressly.

Botello stated the Council did not have the opportunity to see the tax decision or letter and expressed a need for time to process this information. Nebel explained from an administrative standpoint, the ordinance is very clear that the decision is a tax administrator decision, not a Council decision. He noted because of interest in this issue, staff did present a report to Council to explain what was happening. He stated the city sought legal counsel, followed counsel's limitations, and acted on the issue. He added the section of the code needs to be cleaned up.

Jacobi stated she understands the decision was administrative, and the city will hire a full-time community service officer to look into enforcement of short-term rental codes. She thanked everyone for their patience and understanding.

Perry stated the October 7 determination letter to Rogue was failure of the city to enforce its own code, which causes residents to be aggrieved. Catalano stated the NMC 4.25.005 and 14.25.010 express the city's purpose.

Allen reported he is trying to interpret the standing issue as broadly as possible to allow Council to hear the merits. He added he understands by allowing the appellants to have standing, the Council is setting precedent. He noted Council can always adjust that by amending the code language later.

Goebel said he agrees with Williamson's determination. Williamson reiterated his interpretation is that the appellants are not a person aggrieved, they do not have direct injury as a result of the October 9 letter, and they do not have standing.

MOTION was made by Goebel, seconded by Jacobi, to dismiss the appeal based on the determination that Mona Linstromberg and Carla Perry are not aggrieved as defined in NMC 3.05.170, relating to the city's October 9, 2019, tax determination for Rogue Ales, and to authorize Council President Allen to sign an order to that effect (2019-2). The motion carried in a voice vote with Allen voting no.

MOTION was made by Hall, seconded by Botello, to direct staff to work with legal counsel to address inconsistencies in NMC 3.05 related to room tax. The motion carried unanimously in a voice vote.

PUBLIC HEARINGS

Public Hearing Related to Management of Public Parking in the Bayfront, Nye Beach, and City Center Areas. Hawker introduced the agenda item. Nebel reported that on October 7, 2019, the City Council received a report and recommendation from the

Planning Commission regarding parking management plans for the Bayfront, Nye Beach, and City Center. He stated the City Council scheduled a public hearing for November 4 and rescheduled that to November 18. He noted it is not the intent for the Council to take any formal action on approving any parking management plan, but to take public comment in order to inform the discussion on what process and next steps it would like to take. He indicated over the past three years, a Parking Study Advisory Committee was established by Council to work with consultants to develop a parking management plan for the Bayfront, Nye Beach, and City Center. He reported this plan seeks to improve the availability of public parking for all users as well as includes wayfinding, lighting, needed parking improvements, transit/van pool options, and City parking standards for new construction. He stated the plan also calls for public parking along the Bayfront, to be managed with the combination of parking meters and permits. He noted there was a similar recommendation considered for Nye Beach, however, the business community in Nye Beach has not been supportive of metering.

Nebel indicated there are no major changes proposed for City Center at this time. He reported, in addition, the recommendation calls for the creation of a City-wide parking committee. He added it was the intent of this process to adopt a plan and then appoint a parking committee to begin the process of implementing the plan. He explained on September 9 the Planning Commission held a public hearing on the proposed amendments. He reported the initial motion was made to forward the recommendations to the City Council as drafted, and that motion failed 3 to 4. He noted a second motion was made to refer the matter back to a newly created committee and have them develop recommendations on how to address parking issues without utilizing meters on the Bayfront.

Nebel stated the Port Commission, who was a partner in the development of these plans, asked the City Council to schedule a public hearing on the recommendations that went before the Planning Commission prior to making a decision. He noted there are a number of interests on the Bayfront that support metering and permitting as a way to address parking congestion there. He explained a number of businesses lose sales because the prime retail parking is used for longer-term parking often times by employees on the Bayfront. He indicated, furthermore, there is a significant investment that needs to be made in parking. He stated there is a group who has concerns about metering on the Bayfront, as well. He added parking meters are not proposed for Nye Beach based on the recommendations of the Parking Study Advisory Committee. He emphasized the only place the plan recommends meters is the Bayfront.

Nebel reported the Finance Work Group has had discussions regarding ways to obtain fees from other sources rather than taxes to pay for some important public improvements. He stated parking fees collect revenue from visitors, as well as, residents to cover the costs of parking in certain areas. He indicated parking fees would cover a higher level of enforcement and would provide money for various improvements to the parking system over time that would not be available from the City's General Fund.

Nebel explained, after taking testimony, the Council could accept the Planning Commission's recommendation to adopt an ordinance establishing a new Parking Advisory Committee, and forward the proposed parking related comprehensive plan amendments to that committee for further work, schedule a work session to review the amendments or schedule a public hearing for consideration and possible adoption of the amendment or an ordinance implementing the recommendations from the Parking Study

Advisory Committee. He recommended Council may be better served by an additional work session to review the comments made at the Planning Commission meeting, and to determine whether there is a consensus on how to proceed with this issue. He suggested holding this work session on January 6.

Allen opened the public hearing at 8:15 P.M. He called for public comment.

Robert Hoefs, a business owner on the Bayfront for 30 years, stated Bayfront parking is a nightmare for business owners. He said meters are definitely not the way to go. He noted even though it is not a summer day, there was no place to park by Port Dock 5. He stated he supports the fishing industry, but he found at Port Dock 7 there were several spots without vehicles. He noted that people access and live on their boats on Port Dock 5 and leave their vehicles at Port Dock 7. He stated the fishing industry parking was designed for Port Dock 7. He indicated there is lots of room tax money not being collected from Bayfront boats. He emphasized the need to address parking without meters.

Sharon Snow, who has worked on the Bayfront in the seafood processing industry for 27 years, stated a lot of work and time was put into coming up with the committee proposals. She noted one of the considerations was raising revenues by parking meters and permits to help maintain the roads and parking areas. She said it was the consensus of Bayfront employees to not oppose paying a fee for permanent parking in lieu of meter fees. She added congestion is a large part of the problem and could be dealt with by adequate enforcement of the four-hour zones and stopping over-length trucks from parking diagonally.

Sandra Litt, who lives in the Nye Beach area, stated business owners in Nye Beach are concerned that meters in Nye Beach area will cause sales to drop off considerably.

Terry Obteshka, a Newport resident, stated he protests putting parking meters in Newport. He indicated he believes meters will chase tourists away and jeopardize the tourism industry. He mentioned the Nye Beach Merchants Association study was ignored. He stated Newport would be the greediest instead of the friendliest. He added a suggestion to put the issue on the ballot.

Eileen Obteshka, who lives in the Nye Beach area, stated she is concerned with changes to parking in Nye Beach. She noted meters will cause parking on the city's narrow side streets.

Linda Neigebauer, who participated as member of the Parking Advisory Committee, explained the committee's work and its recommendations to the Planning Commission. She stated creating a new committee would start the process over, and she didn't think the outcome would be much different.

Jeff Bertuleit, who has served on many city committees, noted places around the world that have done well have bought places to park cars. He stated Newport will not get any money from meters. He suggested getting a trolley to move traffic from hotels to areas with difficult parking situations. He indicated the creation of a citywide parking committee is a good thing.

Gary Ripka, a fisherman who owns several fishing vessels, owns retail on the Bayfront, and served as a member of the parking committee, explained the committee's process to creating recommendations. He noted he wasn't in favor of meters in the beginning, but found them as the best way to turn over traffic on Bayfront. He stated infrastructure is falling apart, and the city has to come up with a way to generate revenue. He added he is not against a trolley in addition to parking. He noted there are 300 plant workers on the

Bayfront, and there is no way to get them to move without meters. He added to start over is to kick the can down the road.

Bill Branigan, a Planning Commissioner and parking committee member, stated the people that were involved on the committee deserve thanks from Council. He echoed Ripka's statement of kicking the can down the road. He recommended to at least give the parking solution in the Bayfront a try.

Robert Waddell, who owns Newport Tradewinds, stated most of his customers need at least seven hours to park. He noted most parking is marked four-hour parking except for a few places with 12-hour parking. He recommended keeping the 12-hour parking.

Cari Brandberg, who owns Chelsea Rose and a member of Newport Fisherman's Wives, stated parking issues have gotten worse. She noted she receives many complaints that customers cannot access her business. She stated she is in favor of the four-hour parking meter and parking permits for fisherman. She emphasized the need to respect committee members time and the city money already spent. She added fishermen deserve a place to park, and businesses deserve a chance for customers to park.

Laura Anderson, who owns Local Ocean Seafoods and served on the parking committee, stated she is not here to dispute potential downsides to meters, but she sees several upsides. She noted the committee's parking plan as a package would open the door for new and redevelopment on the Bayfront. She said the current code requires parking provisions that are impossible to meet. She reported she likes monetizing the parking asset and that generating revenue is an important part of sustainable solutions. She noted transit options like a trolley require money. She stated increasing turnover in summer would be advantageous to her business. She added the downsides are real, but manageable.

Veronica Lundell, who lives in Nye Beach and owns a Nye Beach business, stated she is glad that Nye Beach not being considered for metered parking at this time. She added she supports keeping Nye Beach as it is.

Fran Mathews, who owns Discovery Marine Tours, said Newport has outgrown its Bayfront, and there will need to be changes to continue to have a great quality of life. She suggested looking at each parking spot on the Bayfront and establishing a value. She indicated she doesn't think tourism will take a hit because of meters. She recommended meter kiosks and standardized parking times. She added she is supportive of a trolley.

Greg Morrow, who owns the Tap House, stated a trolley is the solution for getting people from hotels to businesses. He added a transit service such as vans should take fish plant employees from parking areas to the Bayfront.

Brendan Mathews, who owns Surf Town Coffee Company, stated parking challenges happen every day in Newport. He indicated meters are a good direction, but may not be for the whole town. He suggested letting the Bayfront show how it would work. He reported one person to keep track of parking issues now is unrealistic. He added meters would be great first step.

Bob Berman, Planning Commission member, stated the Planning Commission accepted all the recommendations from the committee except metering in the Bayfront. He indicated deciding to implement metering is a permanent decision. He mentioned solutions on the Bayfront including a trolley, shuttle bus, and temporary taxi permits.

Marletta Noe, Nye Beach resident, suggested the city encourage tourism in South Beach so that the Bayfront is just a working bayfront.

Grant Burns, who is an employee of Oregon Bud Company, stated parking is a big issue. He stated parking meters can help solve some of those issues, but some businesses need parking that is shorter than four hours. He added he worked at the Oregon State University parking services department for two years and permits were successful.

Hans Goplen, who co-owns Clearwater, thanked the Council and parking committee for their work. He stated he is in complete support of the parking committee's findings.

Cris Torp, a South Beach resident, stated he has come around to the metered parking idea. He recommended that all angled parking from the west end of Fall Street to Bay Street be remarked as parallel spots. He noted the street would lose some spots, but that could be mitigated by angled spots on Hatfield or John Moore Drive. He added he is in favor of metered parking.

Allen closed the public hearing for Council deliberation at 9:10 P.M.

Nebel stated the Council has a number of options and his recommendation is a work session on the issue. Goebel indicated he would like to have a work session.

Allen asked if the ordinance for a standing committee was well vetted or recently put together based on the Planning Commission's recommendation. Tokos replied it was well vetted by the committee. Allen asked for Nebel's thoughts on holding a public hearing on December 2 to create the standing committee.

Nebel indicated, before creating a committee, people will want to understand what the expectations are. He stated he'd hate to have people apply for a committee, and then the direction of what they applied for changes. He added he has no major objections to proceeding on the public hearing for the committee.

Allen suggested including in the work session the management of public parking and the creation of the standing committee. Goebel stated management of public parking includes the standing committee. He suggested January 6 for the work session and thanked the committee. Allen said the work that was done should be seriously considered, and this work session is not to start from the beginning but to seriously consider it. He indicated he is looking at the committee's work as a baseline to work off of.

MOTION was made by Goebel, seconded by Botello, to schedule a work session to discuss the management of public parking on the Bayfront, Nye Beach, and City Center areas for Monday, January 6, 2020, at 4:00 P.M. The motion carried unanimously in a voice vote.

Public Hearing and Potential Adoption of Resolution No. 3872 Providing for a Supplemental Budget, and Making Appropriations/Total Requirement Changes for the 2019/2020 Fiscal Year. Hawker introduced the agenda item. Nebel reported that the Finance Department has been busy closing up the 2018/2019 Fiscal Year and determining ending balances in the various operating funds, as well as Capital Outlay Projects. He stated, in addition, the department is recognizing some revenues that have been obtained that were not part of the budget that was approved. He noted the vast majority of transactions are related to construction projects. He explained at the time of developing the budget, departments must project what the level of expenditures will be for various projects as of June 30. He reported many of the changes outlined in this resolution are replacing the estimated balances with the actual balances for projects that are ongoing in the 2019/2020 Fiscal Year.

Allen opened the public hearing at 9:20 P.M. He called for public comment. There was none. Allen closed the public hearing for Council deliberation at 9:21 P.M.

Goebel requested the status of the reserve funds for these projects. Murzynsky replied the money isn't coming from reserves, but contingency and reserve for future expenditures. Nebel explained the contingency is something set aside for emergency expenditures in each of the funds, but at the end of the fiscal year any of the contingency left rolls into the fund balance. He noted reserve for future expenditures is required by the state, but the city treats that like contingency and, currently, rolls that back into the fund balance. He added the broader financial trends are being explored and discussed by the Finance Work Group.

Hall asked what is the city's contribution to the skatepark. Nebel explained \$4,900 had been designated by the city for the skatepark. Hall asked what is Rogue's final contribution. Nebel replied the city can ask Rogue for that amount. Hall pointed out an error in Attachment A of the Supplemental Budget.

MOTION was made by Hall, seconded by Jacobi, to adopt Resolution No. 3872, a resolution adopting a supplemental budget for the Fiscal Year 2019-2020, and making appropriation increases and changes for the Fiscal Year 2019-2020, and incorporating Attachment A, as amended, as part of the resolution. The motion carried unanimously in a voice vote.

Gross noted the reopening of the skatepark is Saturday, November 23, at noon.

CITY MANAGER'S REPORT

Consideration and Potential Adoption of an Amendment to the Intergovernmental Agreement between the City of Newport and ODOT for Right-of-Way Services Related to Highway 101 - SE 32nd Street to SE 35th Street Statewide Transportation Improvement Program. Hawker introduced the agenda item. Nebel reported that in 2014, the City of Newport and the Oregon Department of Transportation (ODOT) executed an Intergovernmental Agreement (IGA) No. 30257 for a preliminary design of a signalized intersection at US 101 and SE 35th Street, elimination of the signal at the US 101 and SE 32nd Street intersection, closure of the SE Ferry Slip Road and US 101 intersection, and installation of bike and pedestrian facilities along US 101 between the Yaquina Bay Bridge and SE 35th Street. He noted the agreement was amended in June 2016, and the Council executed IGA No. 31844 for right-of-way services to acquire necessary rights-of-way and easements on the City's behalf, and on August 19, 2019 the City Council adopted Resolution No. 3867 that authorizes the use of eminent domain to acquire a necessary right-of-way for this project. He noted the amendment incorporates Resolution No. 3867 into the right-of-way services agreement, extends the date for right-of-way services to be completed by September 30, 2021, and changes the state's right-of-way agent assigned to this project. He added the project is slated to be bid in September 2020 with construction in 2021. Allen clarified there had been legal review of the amendment.

MOTION was made by Jacobi, seconded by Goebel, to authorize the Mayor and City Manager to execute Amendment No. 1 to IGA No. 31844 for right-of-way services for the US 101- SE 32nd Street to SE 35th Street project in the City of Newport. The motion carried unanimously in a voice vote.

Authorization for the Oregon PERS Employer Incentive Fund. Hawker introduced the agenda item. Nebel reported that in 2019, the Oregon State Legislature approved Senate Bill 1049, which provides funding opportunities for PERS participating employers to create side accounts to help offset employer unfunded actuarial liability (UAL). He noted the state has appropriated matches of up to 25% up to \$300,000 to incentivize units of government to participate in this program. He stated the first eligibilities were for those units of government whose UAL was at 200% or more. He explained governmental units under 200% UAL may begin applying on December 2, 2019. He reported applications will be approved on a first-come, first-serve basis. He noted the application period will remain open until August 31, 2020, or until all available funds have been made.

Nebel indicated he believes it is to the city's benefit to consider fully participating in this program. He explained the maximum contribution to leverage the state funding would be \$1.2 million dollars to leverage \$300,000 in state funding to create a side account for the City of Newport with PERS. He noted Newport's current UAL with PERS is 147% of covered payroll, or \$3.9 million. He stated the city would be able to make contributions into this program in this fiscal year and into the next fiscal year. He reported Finance Director Mike Murzynsky has laid some scenarios in which funds could be utilized from a number of sources and repaid back with savings over a six-year period. He noted, based on the projections from PERS, the annual savings would be in excess of \$200,000 once the contribution was included in the actuarial calculations for the city. He stated the annual savings would be sufficient to pay back any funds obtained through an interfund loan to cover these expenses over this time. He added \$1.2 million dollars is certainly stretching a bit; however, this is a unique opportunity to address some long-term liability costs for the city.

Goebel noted, looking at the scenarios, some funding would come from the general fund, and the general fund had a deficit this year. Nebel replied the general fund finished above what had been budgeted, so there is some buffer, and the scenario uses some of that buffer. Nebel added if the city can't justify \$1.2 million, the city may contribute something less than that.

Goebel asked about the projections for the general fund next fiscal year. Nebel replied there are rough projections that the Finance Work Group is reviewing, and the general fund declines several years out based on current expenditures. Goebel asked if the scenario using money from the land fund means the city would sell land. Nebel replied that is not the case, and the land fund is reserves for land purchases.

Goebel asked if the scenarios would take the money set aside for the Performing Arts Center. Nebel replied in the scenario, the city would borrow from that this year, and the city does not anticipate the PAC needing the funding in this fiscal year. He emphasized the city has made a commitment to the PAC. Goebel asked if the Fire Department wouldn't buy a truck in the scenario. Nebel replied that funds would shift, but the Fire Department would buy a truck.

Goebel asked where the money goes once it's given to the state. Nebel replied the money goes into a side account with PERS. He explained the city has \$3.6 million in unfunded liability with PERS and contributing \$1.2 million in this program will reduce that liability by \$1.5 million. He noted the city's PERs rates are calculated on that liability. He emphasized in the short run, the program is going to reduce the city's PERs contributions, and the city will get these funds back over five years. Nebel clarified the money will go into a PERs side account for the City of Newport. Goebel indicated he doesn't trust the

state when it comes to PERs. Nebel replied that is a valid concern. He noted side accounts have existed before, but the risk is the city will be giving money it controls to an agency it doesn't control.

Hall clarified the program does not affect employees, only employers.

Allen asked what the city's obligations to the funding would be after staff apply for the program and money is awarded. Nebel replied at this time he is unsure what the program's funding obligations are, and if there would be penalties for not fully funding the program. Allen suggested changing the motion at the end to include contingent upon further clarification on obligations to funding. After further discussion, Allen suggested the motion read, "I move to authorize the Finance Director to make application for the December 2, 2019 round of the PERS Employee Incentive Fund at an amount up to \$1.2 million dollars contingent upon the City Manager confirming prior to making application that the city can discontinue placing additional funds in that account prior to reaching \$1.2 million without incurring any penalty or additional cost."

Nebel clarified that any payments would have to be an appropriation approved by the Council

MOTION was made by Goebel, seconded by Hall, to authorize the Finance Director to make application for the December 2, 2019 round of the PERS Employee Incentive Fund at an amount up to \$1.2 million dollars contingent upon the City Manager confirming prior to making application that the city can discontinue placing additional funds in that account prior to reaching \$1.2 million without incurring any penalty or additional cost." The motion carried unanimously in a voice vote.

Nebel clarified if there are penalties, staff would bring this issue back to Council in order to apply for another amount and take its chances that the monies would not be available.

Verbal Report from Public Works Director/City Engineer, Tim Gross, on Federal Lobbying Efforts Regarding Big Creek Dam Funding. Hawker introduced the agenda item. Nebel reported a delegation including Mayor Sawyer, Councilor Hall, Gross, and consultants visited Washington D.C. last week. He noted they covered a lot of ground in building the foundation for some meaningful discussions going forward about securing funding for the dam.

Gross reported the delegation met with several members of congress and congressional committees. He noted they met with the Senate Environment and Public Works Committee, House Transportation and Infrastructure committee, the House Natural Resources Committee, the State Energy and Natural Resources Committee, and federal agencies including the Office of Management and Budget, the Army Corps of Engineers, and the U.S. Bureau of Reclamation.

Gross stated there are several initiatives the city is looking at right now including Water Resources Development Act (WRDA). He indicated the dam project doesn't align super well in this program, but there is a 7001 Report to Congress that's helpful to be able to get word out about the project. He reported the Water Infrastructure Improvements for the Nation Act (WIINA) expires in 2021. He noted the Water Infrastructure Finance and Innovation Act (WIFIA) works together with WIINA to allow projects to access low interest loans in combination with grant funds. He emphasized the need for the congressional delegation to be in support of keeping WIINA going forward because there is no other funding mechanism for non-federal dams besides the Corps of Engineers.

Gross reported WINA funds the FEMA high hazard dam program, the funding mechanism that makes the most sense for funding Newport's dam. He added the trip was enlightening and a great opportunity to make good relationships. He noted lobbying efforts are paying off as funding is released to the city early.

Allen asked when another delegation would go back. Gross replied the city will need to go once, if not twice more, because they are interested in talking with elected officials. He commended Sawyer's and Hall's efforts. He added the delegation made two key contacts, one of Merkley's staffers and one person at the Bureau of Reclamation. Hall added she appreciated Gross' scientific expertise.

REPORT FROM MAYOR AND COUNCIL

Council Reports. Allen clarified the Farmers Market has relocated to the County Fairgrounds. Goebel noted the Humane Society is thinking of moving to the airport. Nebel stated discussions are in progress, and the county is willing to assist with water infrastructure issues at the airport as well.

ADJOURNMENT

Having no further business, the meeting adjourned at 10:17 P.M.

Margaret M. Hawker, City Recorder

David N. Allen, Council President

October 7, 2009
6:00 P.M.
Newport, Oregon

CITY COUNCIL MEETING

CALL TO ORDER AND ROLL CALL

The Newport City Council met on the above date and time in the Council Chambers of the Newport City Hall. On roll call, Allen, Goebel, Hall, Jacobi, Sawyer, Botello, and Parker were present.

Staff in attendance was Spencer Nebel, City Manager; Gloria Tucker, Deputy City Recorder; Derrick Tokos, Community Development Director; Tim Gross, Public Works Director; Mike Murzynsky, Finance Director; Rob Murphy, Fire Chief; and Jason Malloy, Police Chief.

PLEDGE OF ALLEGIANCE

Council, staff, and the public participated in the Pledge of Allegiance.

PROCLAMATIONS, PRESENTATIONS, AND SPECIAL RECOGNITIONS

Proclamation Regarding Great Oregon Shakeout - Accepted by Rob Murphy, Fire Chief. Tucker introduced the agenda item. Sawyer encouraged participation in the Great Oregon Shakeout. The proclamation was received by Murphy.

Proclamation Regarding Fire Prevention Week - Accepted by Rob Murphy, Fire Chief. Tucker introduced the agenda item. Sawyer proclaimed October 6 through 12 Fire Prevention Week. The proclamation was accepted by Murphy.

Proclamation Regarding Domestic Violence Awareness Month - Accepted by Eva Gonzalez and Kathleen Myers of My Sister's Place. Tucker introduced the agenda item. Sawyer proclaimed October Domestic Violence Awareness Month. The proclamation was accepted by Eva Gonzalez and Kathleen Myers of My Sister's Place.

PUBLIC COMMENT

Jenny Stokes recommended another testing of the impact of the Georgia Pacific pipeline since the last testing was 10 years ago. She also asked the city to daily monitor the water since Surfrider is a volunteer organization.

Allen noted the study was completed in May of 2014 and accepted by the Council. He stated the study was completed five years ago by some very well-respected scientists at Oregon State University, including Scott Heppell and Sarah Henkel. Sawyer asked city administration to examine the recommended time frames for additional testing and report back. Allen suggested reaching out to Heppell and Henkel and asking them whether they believe further studies are necessary.

Nebel reported he would ask City Recorder Peggy Hawker to make that outreach. Parker noted a lot of water testing is done by the state department of health and they've

always wanted to do that testing year-round. He suggested getting state partners to fund year-round testing would benefit the City of Newport.

Willy Thomas brought up his concerns with vape regulations being considered by the State of Oregon and asked to work with the Council when issues reach the local level.

Discussion and Update on Vacation Rentals. Cheryl Connell indicated she is concerned with the amount of vacation rental applications approved and pending. She noted the online reporting system is still not operational and believed it would be online by August 21. She recommended an emergency moratorium effective from November 15, 2019 to March 15, 2020.

Tokos reported the online reporting form and signs with the complaint hotline will be distributed later this week. He stated staff elected to have them available at the same time. He noted the staff training was set for the end of August, not the implementation.

Hall asked when the first system reports are anticipated. Tokos replied information will be available in early November. Nebel noted that the applicants on the waiting list will not move forward for quite some time and no new licenses have been approved in 2019. He added it will be well into 2020 before the city would be in a position to do that. He recommended the work group explore this issue after the first week of November.

CONSENT CALENDAR

The consent calendar consisted of the following items:

- A. Approve the minutes of the executive session of September 16, 2019;
- B. Approve the minutes of the work session of September 16, 2019;
- C. Approve the minutes of the regular session of September 16, 2019;
- D. Recommend to the Oregon Liquor Control Commission Approval of an Off-Premise License for Archway Market Located at 701 NW Beach Drive, Units C5, C6, and C7.

Allen noted a change to the minutes of the regular session at the work session. MOTION was made by Goebel, seconded by Hall, to approve the consent calendar as amended. The motion carried unanimously in a voice vote.

LOCAL CONTRACT REVIEW BOARD CONSENT CALENDAR

The Local Contract Review Board consent calendar consisted of the following items:

- A. Approve a Consulting Engineering Agreement with Water Systems Consulting for Engineering Assessment and Preliminary Design Recommendations for the Yaquina Heights Water Tank Rehabilitation not to Exceed \$99,032;
- B. Authorize a Notice of Intent to Award the South Beach Conduit Upgrades - Phase 1 to Enterprise Northwest, DBA, Earthworks Excavation in the Amount of \$878,700.10, Based on Unit Prices, and Direct the City Manager to Execute the Contract Upon No Protest on the Contract Award.

Sawyer opened the Local Contract Review Board at 6:30 P.M. MOTION was made by Allen, seconded by Botello, to approve the Local Contract Review Board consent

calendar. The motion carried unanimously in a voice vote. Sawyer closed the Local Contract Review Board at 6:30 P.M.

PUBLIC HEARING

Public Hearing and Potential Adoption of Ordinance No. 2156, an Ordinance Repealing and Replacing Newport Municipal Code Chapter 14.20 Relating to Flood Hazard Areas and Including an Emergency Clause making the Ordinance Effective October 18, 2019. Tucker introduced the agenda item. Nebel reported at the end of 2016, the Federal Emergency Management Agency (FEMA) issued an updated set of flood insurance rate maps (FIRM), which are used to establish areas in which flood insurance is necessary. He stated on April 18, 2019, FEMA notified the city that the agency flood hazard determination will become final effective October 18, 2019, and upon receipt of the final maps, the Planning Commission initiated the legislative process to amend the city's flood hazard regulations and zoning overlay map.

Sawyer opened the public hearing, on Ordinance No. 2156, at 6:34 P.M. He called for public comment. There was none.

Sawyer closed the public hearing for Council deliberation at 6:34 P.M.

MOTION was made by Jacobi, seconded by Parker, to place Ordinance No. 2156, an ordinance repealing and replacing Newport Municipal Code Chapter 14.20 relating to flood hazard areas and including an emergency clause making the ordinance effective October 18, 2019 for final passage, and read by title only. The motion carried unanimously in a voice vote.

Tucker read the title of Ordinance No. 2156. Voting aye on the adoption of Ordinance No. 2156 were Jacobi, Parker, Goebel, Allen, Hall, Sawyer, and Botello.

Public Hearing and Potential Adoption of Ordinance No. 2157, an Ordinance Amending Chapter 14.21 of the Newport Municipal Code Relating to Geological Hazardous Areas and Resolution No. 3871, a Resolution Setting a Fee for Peer Review of Geological Reports and Active Landslide Areas. Tucker introduced the agenda item. Nebel reported earlier this year, the Planning Commission considered a request from Mona Linstromberg to make certain amendments to the Newport Municipal Code (MMC) as it relates to the development or redevelopment within active landslide areas. He stated the City of Newport has adopted a geologic hazard overlay, which contains areas of known geologic hazards or potential hazards. He noted this includes bluff or dune-backed shoreline areas, within high or active hazard zones, as identified by the Department of Geology and Mineral Industries (DOGAMI), active or potential landslide areas, prehistoric landslides or other landslide risk areas, as identified by DOGAMI, and any other documented geological hazard area on file, at the time of inquiry, in the office of City of Newport Community Development Department.

Nebel reported Ordinance No. 2157 addresses only the active landslide areas, not the bluff or dune-backed shoreline areas, or the prehistoric landslide areas which constitute the majority of lands subject to the geologic hazard regulations. He stated approximately 14.3% of Newport's land area falls within a mapped geologic hazard area with 1.3% of the land falling within an active landslide area. He noted for all geological hazard areas, new requirements would include that a certified engineering geologist or geotechnical engineer, outline the extent of exploratory excavation in writing before work is performed,

and provide oversight of the work that is being performed, as part of the geological study. He added geological reports are to be performed under the most current guidelines issued by the Oregon State Board of Geology Examiners, and there is a change that requires a 25-year design for new storm water retention facilities. He concluded the ordinance clarifies that geotechnical and civil engineers are qualified to prepare erosion control plans.

Nebel reported the final change impacts only active landslide areas, and development projects in these areas would be required to pay for a peer review of the geological report submitted for development within the active landslide areas. He added Resolution No. 3871 establishes a \$2,500 fee that the applicants must pay to offset a portion of the city's cost in having geological reports peer reviewed. This will be an additional cost for developments that occur in active landslide areas.

Tokos reported the Oregon Shores Conservation Coalition is requesting seven days for submittal of additional comments. He recommended continuing the public hearing to November 4, 2019 with the open record period open until 5:00 P.M. on October 21, 2019.

Sawyer opened the public hearing, on Ordinance No. 2157, at 6:43 P.M. He called for public comment.

Mona Linstromberg thanked the Planning Department and Planning Commission for its receptiveness to the ordinance. She asked the Council to consider an emergency clause for the ordinance.

Sawyer closed the public hearing for Council deliberation at 6:46 P.M.

MOTION was made by Goebel, seconded by Hall, to continue the public hearing on Ordinance No. 2157 and Resolution No. 3871 to November 4, 2019 with the open record period for additional testimony closed at 5:00 P.M. on October 21, 2019. The motion carried unanimously in a voice vote.

Goebel asked how the peer review is managed. Nebel replied the city would contract out with a fixed fee of \$2,500. Tokos reported at this time the city plans to contract with a firm out of Portland called G2, and after discussions with them, determined \$2,500 would be sufficient for most cases. Goebel asked if the city would be exposed legally for contracting the peer review. Tokos emphasized he is not a lawyer, but as long as the applicants are following the city's code, the city should be fine. Goebel clarified the city would get a legal opinion on the matter.

Allen suggested an emergency clause in the draft ordinance for perhaps final adoption and passage on November 4. He also requested that Tokos include the fee amount justification in writing.

Public Hearing and Potential Adoption of Ordinance No. 2158, an Ordinance Annexing Property Located at 4263 S. Coast Highway. Tucker introduced the agenda item. Nebel reported on July 3, 2019, Dennis B. Anderson submitted an application to annex property into the city limits. He stated the Planning Commission held a public hearing on the proposed request on September 9, 2019, and there was no testimony in opposition of the annexation. He noted the Planning Commission voted unanimously to recommend approval of annexation to the City Council, with the property being zoned I-1/"Light Industrial" as outlined in the application. He added the applicant wishes to connect to city sewer for the mobile home park, and the annexation will withdraw the property from the Newport Rural Fire Protection District, the Lincoln County Library District, and Seal Rock Water District.

Sawyer opened the public hearing, on Ordinance No. 2158, at 6:56 P.M. He called for public comment.

Candace Ford and Dave Stoker asked the effect of the annexation on adjacent property owners. Tokos explained there is no effect on adjacent property owners. He added annexation of the property is a requirement for sewer hookup, and otherwise the difference is negligible. Allen explained the Rural Fire Protection District.

Sawyer closed the public hearing for Council deliberation at 7:05 P.M.

MOTION was made by Goebel, seconded by Hall, to place Ordinance No. 2158, an ordinance annexing approximately three acres of property located at 4263 S. Coast Highway into the City of Newport for final passage, and read by title only. The motion carried unanimously in a voice vote.

Tucker read the title of Ordinance No. 2158. Voting aye on the adoption of Ordinance No. 2158 were Jacobi, Parker, Goebel, Allen, Hall, Sawyer, and Botello.

COMMUNICATIONS

From Oregon RAIN, Caroline Cummings, Executive Director - Request for Funding for Catalyzing Entrepreneurship and Innovation in the Yaquina Bay Region. Tucker introduced the agenda item. Nebel reported Caroline Cummings, Executive Director for Oregon RAIN, met with Mayor Rod Cross from Toledo and him about a Yaquina Bay initiative with the two cities participation being matched with funding from Lincoln County. He noted the amount of \$15,000 would be prorated by population between the two cities and \$10,000 has been designated for this purpose. He indicated the City of Toledo would commit \$3,803.11 per year, the City of Newport would commit \$11,191.89 per year, and Lincoln County would prorate \$15,000 to fund a half-time dedicated rural venture catalyst for Toledo and Newport to implement and measure the effectiveness of the venture catalyst tool kit. Caroline Cummings presented Catalyzing Entrepreneurship and Innovation in Rural Oregon. She explained Oregon RAIN's vision and the economic impact of entrepreneurship. She emphasized a partnership of two cities and a county is the minimum needed to begin the program.

Allen pointed out an error in the Memorandum of Understanding included in the packet. He clarified the difference between Newport's and Toledo's allocation of funding was based on population. He also clarified that although Newport is paying three times the amount as Toledo, RAIN is not constrained to keep the bulk of work in Newport. Cummings further explained the catalyst would spend two of the two and a half days in Newport.

Goebel asked how this is funded. Nebel replied \$10,000 has been appropriated. He clarified the city's commitment would be to fund it for two years subject to budget considerations and the MOU in the packet may have minor adjustments.

Botello indicated she sees the program tied to Vision 2040, and asked what is the approach to different communities. Cummings replied RAIN hopes to hire a local venture catalyst who is Spanish speaking. She added the partner organization Collins Foundation could help RAIN reach out to Lantinx, youth, and people with disabilities.

Allen emphasized the need for language to be included that speaks to the issue that if there is no budget appropriation for reasons other than the agreed upon metrics, the city will not owe the second installment. Allen said he is concerned about committing to

something that the city may not be able to fulfill if the budget committee or the Council decides not to support this next year. He recommended legal review of the agreement.

Hall asked for more detailed information, the plan to hire someone who is bilingual for minimum wage, and the distinction between RAIN and the Small Business Development program at Oregon Coast Community College. Cummings gave examples of how RAIN has helped Lincoln County entrepreneurs. She noted 30 percent of the people they find are referred to the Small Business Development Center for specific training. She pointed out the coaching that RAIN provides is free, while the Small Business Development Center does charge for its classes. She clarified the total budget is \$50,000 to \$60,000, which includes the part-time salary, expenses, and overhead. She stated the catalyst would make \$3,000 to \$4,000 a month for part-time work.

Allen asked for a budget spreadsheet to be provided. Kiera Morgan explained how RAIN helped her launch a business. Goebel expressed concern for the cost. Hall emphasized the need for examples.

From City Attorney Steve Rich - Receipt of a Letter of Resignation. Tucker introduced the agenda item. Nebel reported City Attorney, Steve Rich, submitted a letter of resignation from the City of Newport effective October 11, 2019, due to health issues. He expressed the city administration's great appreciation of Steve's services over the past five years. He noted Steve was an important stabilizing factor in an organization that had seen regular turnover in City Attorneys, Finance Directors, HR Directors, and City Managers in previous years. He added during his tenure as City Attorney, Steve was always available for all employees to consult with legal policy issues impacting the city. Goebel requested the city create a document honoring Steve Rich for his work. Allen noted working with Steve Rich over the years, he thought he provided a calm presence during meetings.

MOTION was made by Goebel, seconded by Botello, to receive the letter of resignation from City Attorney Steve Rich, effective October 11, 2019. The motion passed unanimously in a voice vote.

Allen asked when city administration anticipated starting the process for hiring another city attorney. Nebel suggested October 21 as a good meeting to have the Council discuss potential next steps. Allen stated he would like Department Head input on the next legal counsel. Nebel indicated he can prepare a report including input from Department Heads. Goebel suggested the October 21 work session. Allen concurred with Goebel.

CITY MANAGER'S REPORT

Authorization of Improvements to the Skate Park. Tucker introduced the agenda item. Nebel reported significant repairs and renovations were completed last year on Newport's Skate Park. He stated Rogue Brewery indicated that they would like to fund the entire second phase of improvements to this facility. He noted the estimated cost of this phase is \$45,000, and would include replacing approximately 1,500 square feet of pavers and other surfaces with concrete, a pool block extension, mini ramp, pocket behind the small bowl, street features, "doorway" and entrance, and a manual pad. He reported Rogue Brewery has been conducting a fundraiser for the skate park over the last year and-a-half and intends to pay for the improvements directly, with the city receiving the benefit of the

work. He added Dreamland would like to start this project by the middle of the month, with the work being completed by November 1.

MOTION was made by Goebel, seconded by Hall, to accept the gift of improvements to the Newport Skate Park from Rogue Brewery and authorize the City Manager to enter into any agreements necessary to accomplish this project, as recommended by the city's legal counsel. The motion carried unanimously in a voice vote.

Report and Possible Action on the Recommendations from the Planning Commission Regarding Implementing a Parking Management Plan for the Bayfront, Nye Beach, and City Center. Tucker introduced the agenda item. Nebel reported over the past three years, a Parking Study Advisory Committee was established by Council to work with consultants to develop a parking management plan for the Bayfront, Nye Beach, and city center. He noted the plan seeks to improve the availability of public parking for all users, which includes wayfinding, lighting, needed parking improvements, transit/van pool options and city parking standards for new construction. He stated, on September 9, the Planning Commission held a public hearing on the committee's recommendations along with an ordinance that would establish a standing advisory committee to assist with implementation. He reported the motion to send on the recommendations and ordinance failed 3 to 4. He stated the second motion to refer the matter back to a newly created committee and have them develop recommendations on how to address parking issues without utilizing meters on the Bayfront passed. He noted the Port Commission, who was a partner in the development of these plans, has asked the City Council to schedule a public hearing on the recommendations that went before the Planning Commission prior to making a decision on referring this matter back to a committee. He suggested that if the Council wants to hold a public hearing on the original parking plan, that no action be scheduled for that night, however, Council could close the public hearing and then consider action at the November 18 meeting.

Nebel reported the Finance Work Group has had discussions regarding ways to obtain fees from other sources rather than taxes to pay for some important public improvements. He indicated parking fees collect revenue from visitors, as well as, residents to cover the costs of parking in certain areas, and parking fees would cover a higher level of enforcement and would provide money for various improvements to the parking system over time.

Planning Commissioners Bob Berman and Bill Branigan provided summaries of the Planning Commission's opposing views on the matter. Berman reported the majority of the public testimony and the Planning Commission opposed parking meters. He suggested a new committee explore possibilities other than parking meters. Branigan reported the committee discussed parking issues for three years with representation from several different constituencies. He recommended trying parking meters on the Bayfront on a limited basis to see if it works. He added the majority of the public comment was from Nye Beach. Berman pointed out there is a significant capital cost for experimenting with parking meters.

Botello asked how these recommendations relate to the Transportation System Plan (TSP) update. Tokos replied whatever is adopted would be rolled into the TSP. He added commercial fisherman, retailers, and fish processors have been included in the process. Parker suggested holding a public hearing.

Linda Neigebauer concurred with Branigan's summary of the committee's work. She explained carrot and stick methods need to be used to change behaviors. She also emphasized the need for an oversight committee.

Allen indicated he supported a scheduling a public hearing. Hall stated she would prefer a work session to discuss the matter first. Goebel concurred with Allen on holding a public hearing.

MOTION was made by Parker, seconded by Allen, to direct staff to provide notice for a public hearing before the Newport City Council regarding the proposed amendments to the Newport Comprehensive Plan relating to how parking is managed in the Bayfront, Nye Beach, and city center areas for the November 4 City Council meeting. The motion carried 5-2, Hall and Botello voting nay.

Report on the Rogue Brewery Transient Room Tax Review. Tucker introduced the agenda item. Nebel reported earlier this year, the Community Development Department determined that Rogue Ales had been running a vacation rental operation above the Rogue Ales bayfront establishment without proper endorsements, or a business license. He stated Rogue Ales took steps to address the deficiencies in this operation to be allowed to continue using this space as a vacation rental. He noted as part of the review of this issue, Rogue had indicated that they had operated a vacation rental for a number of years, but were not aware of the obligation of paying a local room tax. He reported Rogue has cooperated in providing various information to the Finance Department showing historic revenues obtained from renting the three units as vacation rentals. He stated as part of Finance's investigation, there was no clear evidence of fraud or intention to evade the room tax discovered during the review of Rogue records. He noted the Finance Department was provided ample access to all the records that they requested to see. He reported while Rogue was negligent in not submitting local room tax forms and paying room tax, there is no evidence that there was willful conduct on the part of Rogue to evade the local room tax. He stated it is the Finance Department's determination that Rogue owes \$16,385.77 for unpaid room tax with interest of \$7,640.35 for a total of \$24,026.12. He added it is the city's intent to issue a bill in this amount to resolve the delinquent tax issue with Rogue.

Allen summarized the city relied on municipal code provision 3.05.090(A)(2) that speaks to deficiency provisions once someone has submitted a report. He said his question regarded using the correct provision under the code in determining whether the city can go back three years. He stated he asked city administration to check with legal counsel on code provision 3.05.090(B) that speaks to failing to collect, report, or remit the room tax. Allen clarified the situation was the city's discovery of Rogue's failure to actually collect the tax. He noted if that subsection does apply, there wouldn't be a requirement to go back three years, but to the very beginning, even if no fraud had been committed. Nebel reported legal counsel opinion had not changed, and that the three-year period is the appropriate period.

Allen recommended the subsection be more clearly drafted in the future. He noted the tax administrator or tax administrator designee makes decisions on the collection of the room tax, but there is an appeal provision to the City Council. He read the code provision, "any person aggrieved by any decision or action of the tax administrator may appeal to the City Council by filing a written appeal with the tax administrator within 20 days of the serving or mailing of the tax notice or decision of the tax administrator." He stated the

definition of a person can mean anyone including an individual. He indicated what the definition of aggrieved means is open to interpretation.

Report on Electric Vehicle Charging Stations in the City of Newport. Tucker introduced the agenda item. Nebel reported at the August 5, 2019, City Council meeting, Councilor Goebel had placed a discussion on electric charging stations on the Council agenda. He noted since that time, Councilor Parker has been accumulating additional information regarding charging stations, and took him on a tour of the current charging stations available in the City of Newport. He explained the current status of electric vehicle charging stations in Newport, the status of charging stations in other communities, and the costs for charging stations. He outlined Council options as

(1) pursue options for providing electric vehicle charging services at the Performing Arts Center and at the Agate Beach Wayside.

(2) monitor legislation which will be considered by Congress to replace the current transportation enhancement funding that is provided to State and local governments. Funding sources, such as the TIGER Grant that provided the initial charging station at the Herbert Street parking lot, may have provisions for local units of government to further build out the network of electric charging stations.

(3) educate, promote, and encourage local business to consider establishing charging stations at their establishments.

(4) work with institutional partners, Lincoln County, the Port, schools, OSU, and the hospital to consider providing charging stations at their facilities.

(5) explore regulatory measures or incentives to expand charging stations in the city.

Nebel concluded electric vehicles are on the increase across the United States, and the infrastructure to charge these vehicles continues to evolve, due to the duration that is required for charging vehicles, unlike filling a car up with fuel. He stated a system of spreading out charging stations throughout the community makes more sense than consolidation of those activities in a handful of locations. He added with direction from the Council, the city will be able to pursue additional refinement of options going forward.

Parker reported on the benefits of credits available for individuals. He mentioned the possibility of working with the Chamber of Commerce on Travel Oregon grants. He requested another month of researching the possibilities for chargers in Newport.

Report on the Recruitment for the Parks and Recreation Director Position. Tucker introduced the agenda item. Nebel reported he has met with department heads, Parks and Recreation full-time staff, Parks Maintenance Superintendent, Public Works Director, the Parks and Recreation Advisory Committee and the 60+ Advisory Committee to obtain input as to the qualities that are important in the next Parks and Recreation Director. He stated there is a unanimous consensus that the Parks and Recreation Director should be overseeing Parks Maintenance. He listed some of the specific comments from the Parks Advisory Committee regarding important qualifications, which include: strong leadership qualities to help shape the direction of the Parks and Recreation Department; having capabilities to envision the future of what recreation is; a person that is inspirational to the employees reporting to this position; good negotiating skills for working through group problems; building partnerships with other organizations; having the capability of understanding the limitation of resources and economically maximizing the use of those resources; having someone invested in the community; understanding their past

accomplishments and the role they played in achieving those accomplishments; actively engaged in implementation of the Parks Master Plan; having a good balance between the maintenance and development of parks and the operation of recreation; being collaborative but being able to make a decision; understand the recreation needs of all ages, youth, young adults, adults, and seniors; and, work well with other departments.

Nebel listed the qualities indicated by the 60+ Advisory Committee as: good communication skills; recognition that the 60+ community is a critical part of the Parks and Recreation system; actively engage with the 60+ community; understand the needs of a diverse community; having the ability to look at strategies in the 2040 Vision, and having those materialize in our Parks and Recreation system; being a visionary to understand what long-term future assets are needed for the Parks system; and, forward thinking. He added other skillsets mentioned by staff include: marketing skills; having the ability to develop realistic business plans for Parks and Recreation; understanding innovative ways to fund various components of parks and of recreation; having the ability to analyze programs that should be continued or expanded and those programs that should be discontinued.

Nebel noted he anticipates having the job notice out by the third week of October, and having someone on board by the end of the January. He explained the hiring process for department heads includes a four-panel interview process with one panel consisting of department heads and staff. He reported the second panel consists of representatives from advisory committees for Parks and Recreation and 60+. He indicated one panel would be a technical committee consisting of other Parks and Recreation professionals from outside of Newport, and he would conduct the final interview. He added there will be an open house for the public to meet the candidates. He noted this would be similar to the process used for hiring the Library Director.

Hall indicated the qualities she is looking for include the ability to supervise different levels of employees, delegate out, not micromanager, and regain and build back the trust and confidence of the people.

Botello noted the ability of finding creative sources of funding.

Jacobi mentioned Bend developed a foundation for parks. Nebel noted the Parks and Recreation Department's interest in developing a foundation.

Parker reported the Parks and Recreation Advisory Committee seeking someone who is a collaborator, able to financially restructure the department, able to find new revenue streams, anchored in community philosophically, and, ideally, someone who lives here.

Report on the Proposed Budget Calendar for the 2020-2021 Fiscal Year. Tucker introduced the agenda item. Nebel reported city administration have developed a proposed budget schedule for the 2020-2021 Fiscal Year. He noted the first action involving Council will be appointment of Budget Committee members. He stated the schedule proposes placing a notice for applicants to serve on the Budget Committee by December 9, 2019, with the City Council conducting interviews of candidates and making appointments by January 6. He indicated the goal setting meeting is moving up with the proposed date being January 13, 2020. He added he would like to have a discussion with the Council on some changes to the format for this process. He reported following the goal setting meeting, the Council would then approve a preliminary goal report and set a public hearing. He noted that report would be forwarded to the 2040 Advisory Committee to review the draft goals and provide a report, prior to the Council's public hearing on the

proposed goals, which would be held at the second meeting in February. He stated the Preliminary Meeting of the Budget Committee would occur on March 3 at 6 P.M., with the three Budget Committee meetings scheduled for April 21, May 12 and May 19, to review an approved budget for the City Council's consideration. He asked the Council to review the dates, so if there are any known conflicts with the schedule, city administration can look at alternative dates. Sawyer and Allen expressed interest in Nebel providing input on his goals for the city as well.

REPORT FROM MAYOR AND COUNCIL

Council Reports. Sawyer noted that the Toledo Fire Chief's condition is improving.

PUBLIC COMMENT

Mona Linstromberg asked who is the tax administrator. Allen replied the City Manager or his designee, which would be the Finance Director. Linstromberg asked when the clock begins ticking for the 20-day appeal period to the Rogue decision. Allen replied the appeal period begins when the tax notice or decision of the tax administrator has been served. Nebel reported the notice to Rogue will go out tomorrow.

ADJOURNMENT

Having no further business, the meeting adjourned at 9:50 P.M.

Gloria Tucker, Deputy City Recorder

Dean H. Sawyer, Mayor

November 18, 2019
6:00 P.M.
Newport, Oregon

CITY COUNCIL MEETING

CALL TO ORDER AND ROLL CALL

The Newport City Council met on the above date and time in the Council Chambers of the Newport City Hall. On roll call, Allen, Goebel, Jacobi, Botello, and Hall were present. Parker and Sawyer were excused.

Staff in attendance was Spencer Nebel, City Manager; Peggy Hawker, City Recorder/Special Projects Director; Derrick Tokos, Community Development Director; Tim Gross, Public Works Director; Michael Murzynsky, Finance Director; Rob Murphy, Fire Chief, and Jason Malloy, Police Chief.

PLEDGE OF ALLEGIANCE

Council, staff, and the audience participated in the Pledge of Allegiance.

PROCLAMATIONS, PRESENTATIONS, AND SPECIAL RECOGNITIONS

Oath of Office - Police Officers Dustin Kittel and Sean Nieto. Malloy introduced Kittel and Nieto. Hawker administered the oath of office. Kittel's daughter pinned his badge, and Nieto's wife pinned his badge.

PUBLIC COMMENT

Gary Lahman stated that November 19 is World Toilet Day as designated by the United Nations. He referenced the Eugene Register Guard's editorial of November 16 recognizing this day. He stated that the goal of World Toilet Day is to inspire action to tackle the global sanitation crisis. He added that available toilets and clean water are not just global problems, but an issue in Newport as well. He noted that all Newport residents and visitors should have access to toilets and clean water for sanitation, 24 hours per day. Lahman referenced five of the priority items from the Homelessness Task Force, including the placement of toilets in identified areas, portable shower facility, coordination of an NGO, creation of car camping areas, and consideration of the use of the construction excise tax for homelessness solutions.

Rex Capri reported that NW Nye Street is often used as a bypass to Highway 101. He stated that in places, there is no continuous sidewalk and it is dangerous. He requested, at a minimum, the placement of bike sharrows on this street as a safety precaution.

Nebel reported that on the homelessness issue, there have been successes in a number of issues. He stated that one portable toilet is in place, and that he is in negotiations with Lincoln County on the placement of a second toilet. He noted that county staff is having some difficulty in finding a location that is in view of a security camera. He added that other locations have been reviewed, and either eliminated or are still under review. He stated that a portable shower facility has been placed at Grace Wins Haven.

He added that a coalition of folks, interested in potentially forming an NGO related to homeless issues, have met and will meet again in January.

Nebel reported that the concept of sharrows on 9th Street can be forwarded to the Pedestrian/Bicycle Advisory Committee for review.

CONSENT CALENDAR

The consent calendar consisted of the following issues:

- A. Approval of the minutes of the work session of November 4, 2019;
- B. Approval of the minutes of the regular session of November 4, 2019;
- C. Acceptance of a drainage easement from the Newport Urban Renewal Agency described as parts of Parcels 1 and 2 of the Lincoln County Partition Plat 2010-18, located south of 40th Street and east of Highway 101;
- D. Approval of a recommendation to the Oregon Liquor Control Commission for an Off-Premises Sales License due to a change in ownership for Grocery Outlet, located at 721 North Coast Highway;
- E. Receipt of the monthly financial report;
- F. Receipt of approved committee minutes.

Allen noted several changes to the minutes. MOTION was made by Goebel, seconded by Jacobi, to approve the consent calendar with the changes to the minutes as noted by Allen. The motion carried unanimously in a voice vote.

PROCLAMATIONS, PRESENTATIONS, AND SPECIAL RECOGNITIONS

California Fire Response Presentation by Fire Chief Rob Murphy and Captain Tom Jackson. Jackson and Murphy made a PowerPoint presentation regarding the city's participation, as well as the participation of the State of Oregon, in the Kincade Fire in Sonoma County, California. Nebel reported that staff is reviewing the standardization of state agreements to expedite the deployment of city staff to out of state fires.

CITY MANAGER'S REPORT

Appeal of the Room Tax Determination of Delinquency Issued to Rogue Ales. Hawker introduced the agenda item. Ross Williamson, from Speer Hoyt, legal representative for the City of Newport, took a seat at the dais, and presented a brief biography. Nebel reported that on October 7, 2019, a report was provided to Council on the disposition of the room tax issue related to the operation of vacation rentals in conjunction with the Rogue Ales Bayfront establishment without the business license endorsement for the vacation rentals. He stated that Rogue Ales took steps to address the deficiencies in this vacation rental operation to be allowed to resume using this space as a vacation rental. He noted that as part of the review of this issue, Rogue indicated that it had operated a vacation rental for a number of years, but were unaware of the obligation to pay local room tax.

Nebel reported that Rogue cooperated by providing information to the Finance Department showing historic revenues from renting the three units as vacation rentals.

He stated that in reviewing this matter with Steve Rich, it was Rich's opinion that NMC Section 3.05.090(A)(2) provides the following: "Except in case of fraud or intent to evade room tax, notice of deficiency determination shall be issued within three years of the period for which the deficiency determination is made."

Nebel reported that as a part of the Finance Department investigation, there was no clear evidence of fraud, or intention to evade the room tax, discovered during the review of Rogue's records. He stated that the Finance Department was provided access to all the records they requested. He noted that the report was also forwarded to Ross Williamson for legal review. He added that while Rogue was negligent in not submitting local room tax forms and paying the room tax, there is no evidence that there was willful conduct on the part of Rogue to evade the local room tax.

Nebel reported that as a result of the review, it was the Finance Department's determination that Rogue owes \$16,385.77 for unpaid room tax with interest of \$7,640.35 for a total of \$24,026.12. He stated that staff intends to issue a bill in this amount to resolve the delinquent tax issue with Rogue. Nebel reported that following the report to Council, tax administrator, Mike Murzynsky, forwarded a determination of delinquency to Rogue Ales with the delinquent room tax together with penalties and interest amounting to \$24,026.12.

Nebel reported that while Rogue did not appeal this determination, the city received notice on behalf of Carla Perry of Newport, and Mona Linstromberg of Tidewater, of an appeal of Murzynsky's determination regarding Rogue's room tax delinquency amount. He noted that NMC 3.05.170 indicates that: "any person aggrieved by any decision or action of the tax administrator may appeal to the City Council by filing a written appeal with the tax administrator within twenty days of the serving or mailing of the tax notice or decision of the tax administrator. The tax administrator shall fix a time and place for the hearing the appellant twenty days written notice of the time and place of hearing." He added that the hearing was set for this evening.

Nebel reported that there are a number of issues Council can consider in addressing this appeal. He stated that the first issue is whether Linstromberg and Perry have standing to appeal a tax determination between the tax administrator and Rogue Ales. He added that Council will need to make a determination as to whether the appellants have standing to actually appeal this decision. He noted that in reviewing 3.05.170, it states that "any person aggrieved by the decision or action of the tax administrator may appeal to the City Council." He added that it is his opinion that the persons aggrieved are the individuals that were served or mailed a tax notice or decision from the tax administrator, which is provided for in this section. He stated that he does not believe the intent would be that any citizen can appeal this type of tax decision, and added that if that was the case, it would seem there would be a requirement for public notice of any decisions of the tax administrator by anyone within 20 days of the serving or mailing of the tax notice. He stated that he reviewed this with legal counsel who concurs with this opinion regarding standing.

Nebel reported that if Council concurs with this determination, then the appeal is concluded. He stated that if Council determines the appellants have standing to appeal this issue, then Council should go into the merits of the appeal, and make a determination on the tax administrator's determination regarding the room tax assessment for Rogue Ales. He noted that the packet contains materials from the report on October 7, as well as

the notification letter to Rogue and the appeal from Linstromberg and Perry. He added that NMC 3.05 is also included in the packet.

Nebel recommended that Council break up the appeal process into the following two questions. He stated that the first is whether Perry and Linstromberg have standing to appeal this issue, and the second is the merits of the case if Council determines that the appellants have standing. He asked that Council review the following proposed process:

1. City Manager provides an overview of the appeal.
2. The appellants address the City Council on the issue of standing to appeal the decision of the tax administrator.
3. City Council hears from Ross Williamson, of Speer Hoyt, acting as City Attorney on the legal merits of the standing issue.
4. The City Council makes a determination as to whether the appellants have standing to appeal this determination. (If a determination is made that they do not have standing to appeal this issue, then the hearing is concluded.)
5. If the Council determines that the appellants have standing, then the appellants should present their reasons they are appealing the determination of the tax administrator and any suggested remedies.
6. Rogue Ales should be invited to respond to that issue.
7. The tax administrator, city manager and legal counsel can respond to any items relating to this matter.
8. Council makes a determination on the merits of the appeal.
9. The Council may want to discuss this format before beginning the hearing.

Nebel reported that if Council makes a different determination from the tax administrator, a new notice will be sent to Rogue based on this determination, and Rogue will have 20 days to request an appeal of any redetermination before Council.

Nebel reported that in reviewing NMC 3.05, it is clear there a number of issues that need to be cleaned up, clarified, and corrected. He stated that he believes it would be appropriate for Council to direct staff to work with legal counsel to clean up these provisions.

Nebel reported that this determination, along with the subsequent appeal, is unusual. He stated that while following up on unpaid taxes from known vacation rentals, and hotels is something that staff regularly does, staff has not traditionally collected back taxes on vacation rentals that have been legalized, such as the case with Rogue. He noted that he believes this has been an oversight in the past procedures. He added that staff efforts in code enforcement have been to either legalize an operation, if eligible, or shut down an operation. He stated that he believes the way this was handled was an appropriate resolution of this particular problem.

Council concurred with the process outlined by Nebel.

Allen asked what appeal rights the appellants have if they do not like the Council decision. Williamson noted that there are no further options at the local level, and that the appellants would have to utilize the circuit court.

Allen asked what process would be utilized if Council makes a decision. Williamson stated that the Charter provides for an order for these types of issues.

Sal Catalano, attorney representing Mona Linstromberg and Carla Perry appeared before Council. He stated that the issue before Council has standing. He said if the city wanted to limit the class of appellants to any operator, such as Rogue, they would have stated any operator. He noted that NMC 5.20.080, regarding stormwater tax appeals,

limits the class of appellants to customers. He added that in the room tax provisions, the class is expanded to include any person. He stated the appellants do fall into the class described as any person.

Catalano noted the 1991 Oregon Supreme Court *People for the Ethical Treatment of Animals (PETA)* case provides the context as to what aggrieved means. He stated in that case an aggrieved person could meet any one of three standards. He explained the first standard is the person has suffered an injury to substantial interest resulting directly from the challenged governmental action; the second standard is the person seeks to further an interest of the legislature expressly wished to have considered; and the third is the person has such a personal stake in the outcome of the controversy as to assure concrete adverseness to the proceeding. He summarized, essentially, the appellants must show they were injured by the City Council's decision to not implement the correct code and not enforce the correct fine upon Rogue Ales. He noted NMC 4.25.005 and 14.25.010 describes the purposes behind the city's short-term rental regulation and licensing. He indicated the code expressly states that the city wants to protect the character of residential neighborhoods by addressing potential negative effects, such as excess of noise, overcrowding, illegal parking, and nuisances. He explained the code describes nuisances to include excess refuse, accumulation of refuse, and light pollution.

Catalano stated when the city is shorting itself of funds by not implementing the correct code, they are not able to enforce the provisions of their code. He reported, currently, the appellants and their property rights are being injured, and if the city does not implement the correct code, these injuries will increase. He noted the appellants have been injured on their own properties regarding illegal parking because illegal parking and overcrowding makes it difficult for them and their guests to use their own property. He added the parking and overcrowding also injures them as they go about their normal business throughout the City of Newport. He noted the appellants' neighborhoods are negatively affected by short-term rentals since property values are going down. He indicated property values go down because of accumulation of refuse and light pollution. He reported the appellants on a daily basis pick up trash from these short-term rentals. He noted excess noise means they cannot enjoy the right to quiet enjoyment of their home and properties. He indicated a rough calculation of what the city might fine Rogue is \$80,000. He stated that's a significant sum of money that the city could use to implement their own code.

Linstromberg stated she is an aggrieved person by a decision of Newport's tax administrator. She reported in preparation for this appeal, she submitted comments on the standing and merits of the appeal and will focus on the particular injuries she suffered while caring for her family's home located in a geographically limited, residentially zoned area containing 19 vacation rentals. She explained NMC 4.25 on Short-Term Rental Business License Endorsement states, in part, that the purpose of the code is to, "ensure the safety and convenience of renters, owners, and neighboring property owners; protect the character of residential neighborhoods; protect the city's supply of needed housing; and address potential negative effects such as excessive noise, overcrowding, illegal parking, and nuisances, for example, accumulation of refuse, light pollution, etc."

Linstromberg stated an accumulation of infractions together have changed the character of the Spring Street, Oceanview Drive neighborhood. She noted litter and overflowing garbage are a health and safety concern, and she must patrol the streets and alleys. She noted another health and safety issue is that neighborhood streets are narrow, making on-street parking with vehicles on both sides of the street like navigating an

obstacle course. She indicated at least one home operating as a vacation rental is unlicensed; there is one non-conforming vacation home; and an additional non-conforming structure is under construction. She stated the homeless have found this area appealing, and, in 2018, there was an out of control fire near a homeless camp in this area. She reported there are not adequate personnel to effectively implement and provide the oversight needed to reduce negative impacts to the neighborhood. She stated this current case is just another illustration of the city's lack of meaningful enforcement. She noted she provided the city with an amortization schedule that is additional to what the city has assessed, an amount close to \$88,000, if not more. She stated she has met the aggrieved standard.

Perry explained her involvement in the community and serving Newport for the past 25 years. She stated she has never had an ax to grind, and has never placed her own interests above the interests of the people in the community. She reported the appeal is due to a city decision that directly negatively impacts the quality of her life in Newport. She said if the city needs specifics about garbage, traffic, lighting, noise, parking, decreased safety, and the destruction of her and Linstromberg's neighborhoods, she will provide that. She noted vacation rentals (VRDs) have had a decidedly negative affect on her life, and enforcement of city code has been lax, which encourages further violations. She added she recommends the city make it a policy to allow anyone to appeal any city decision that negatively impacts their lives.

Williamson reported the term aggrieved is not defined in the city's code, and it is used elsewhere in the code to define an appellant and the appeal processes. He noted the provision under discussion tonight, the tax appeal process, says any person aggrieved. He stated not only does the appellant have to be a person, it also has to be a person who is aggrieved by the decision. He suggested using state law to inform the Council's decision on the meaning of aggrieved since the term is not defined in the code. He suggested drawing from the Administrative Procedures Act (APA) that governs state appeals of agency decisions. He explained if someone is wronged by a state agency, including the department of revenue on state tax issues and other agencies, then they have the right to appeal under the Administrative Procedures Act. He explained the first factor in the definition of aggrieved is whether someone suffered an injury to a substantial interest resulting directly from the challenged government action. He noted that seems to be the factor the appellants and Council are settling on. He added the other factors are if the person seeks to further an interest that the legislature expressly wished to have considered or if the person has such personal stake in the outcome of the controversy as to assure concrete adverseness to the proceeding.

Williamson stated since the appellants haven't spoken about the other factors, the city can concentrate on the first factor of the definition. He explained the government action is an October 9 letter from staff to Rogue that says this is Rogue's assessment for back taxes. He explained the government action is not a general policy discussion about taxes or tax revenue, about municipal code, about VRDs, or about how VRDs impact the city. He emphasized the government action is the letter. He noted it's the staff position the appellants have not made the case for an injury caused directly by that challenged government action. He explained in the 1991 Supreme Court case, the Supreme Court said someone simply dissatisfied with the agency's order or those only having an abstract interest in the agency action are merely bystanders and are not aggrieved. He stated, for this particular action, the appellants are not aggrieved. He explained to be aggrieved, the

Supreme Court continues, requires some articulable personal stake in the outcome, some palpable harm, concrete harm, and injury to self. He reported this has been addressed in state tax cases. He noted the Oregon tax court in a 2008 case determined that to be aggrieved, a person must show pecuniary stake in the dispute, a monetary stake. He emphasized there needs to be some skin the game, something in a wallet, that is being taken away by the government in order to be aggrieved. He urged the Council to follow these cases in state law and apply them at the local level. He stated the staff conclusion is the appellants are not aggrieved and that October 9 letter from staff to Rogue was between the city and Rogue.

Allen recommended an additional step, the attorney for the appellant respond to Williamson's statements and Williamson to give any final statements in response.

Catalano replied the appellants are not objecting to the letter, but the implications of the letter, which is money. He said the letter itself is not something appealable. He noted when looking back at the code that allows for appeals, he finds any person aggrieved by any decision. He noted if the city wanted to say any operator, and limit it to Rogue being the only person who could appeal, they should have said that there and they did not. He indicated that leads one to believe there are others besides just the operator that can appeal this. He emphasized there's more to it than objecting to a letter; they are objecting to what that letter signifies, which is less money to the city. He stated the appeal code clearly does not make Rogue the only person that can be affected here, but Williamson's answer indicates that Rogue is the only entity that could be affected by such a decision. He added he does think the appellants have standing in this case.

Linstromberg stated if the decision has been reduced to a pecuniary measure, there are a lot of financial implications to vacation rentals. She noted the city can't deny there are financial implications involved with the letter that was issued by the tax administrator. She added saying there were no financial implications defies what's been said and her other submittals. She noted diminished quality of life can cause harm.

Catalano stated the state tax case indicates pecuniary, but the Supreme Court case indicates injury. Linstromberg added individuals in the neighborhood have suffered injury, and there are financial implications of Rogue not paying what they owe the city.

Williamson replied his role is to provide the best advice based upon his reading of the code, and whether he agrees with staff is not the issue. He emphasized the appeal is because the city issued a letter on October 9 to assess taxes against Rogue. He explained the whole notion behind saying a person is aggrieved is to do away with the former notion of general taxpayer standing, meaning any person who pays taxes could appeal any tax decision. He noted that is no longer the law in Oregon or in Newport. He stated the reason for the word aggrieved is to do away with the notion that someone has some policy interest in anyone who pays taxes because someone is a fellow taxpayer or benefits from taxes. He reiterated the Oregon Supreme Court says that someone aggrieved is someone with a direct financial interest in the outcome in the actual decision at issue, and the actual decision is the October 9 letter.

Goebel asked for clarification on the appellants' discussion about neighborhoods and VRDs. He stated the issue seems to him to be about the letter and issue of taxes, rather than the VRD issue in general. Williamson replied Goebel's response is correct and illustrates his position that they are not aggrieved. Williamson stated the appellants are not articulating direct injury to them as a result of the tax letter sent to Rogue on October 9. He said they are expressing disagreements with VRDs in general in the community;

they have policy questions, implementation questions, and budget questions, but not direct cause and effect to the October 9 letter. Goebel clarified the letter has nothing to do with whether the appellants have garbage in their neighborhood or overparking. Williamson replied there is no direct correlation between the October 9 letter and code enforcement issues within her neighborhood. He added there may not be any relationship between her neighborhood and Rogue.

Goebel asked under what circumstances would the appellants be aggrieved. Williamson replied that, in this case, only Rogue would be aggrieved. Goebel confirmed with Williamson there is no circumstance where the appellants would be aggrieved by this city action.

Allen clarified with Williamson the applicants can be considered a person as defined in the municipal code. Allen explained the history of how city ordinances were codified. He said separate from this decision, the city should clean up the language in this code for less ambiguity in future. He explained the three-part test for defining aggrieved outlined by Catalano and Williamson. He noted all parties can agree the third factor of the test does not apply. He asked if Williamson would like to comment on the second factor of the test. He asked if even though the appellant did not bring forth that factor, the Council can still consider it.

Williamson replied that the code does need to be cleaned up. He noted the one sentence Council is reading tonight is pretty clear. He explained the second factor in the test has to do with a citizen suit-type provision. He stated there are statutes that constrain administrative agencies at the state level where the legislature has seen fit to directly allow citizen lawsuits against agencies. He gave the example of DEQ making a decision that doesn't harm a plaintiff, but under this factor, the plaintiff is still able to bring suit because the legislature said this is something important for all citizens to be able to enforce. He indicated he does not see that in Newport's code. He added the Council can still make a decision based on the second factor even though the appellants didn't argue for it. He noted the Council can still find the appellants have standing under the second factor even though they didn't really discuss it.

Allen confirmed with Williamson Council can use the three-part test since aggrieved is not defined in the municipal code. He confirmed on the local level the second factor applies to an interest that the City Council expressly wished to have considered. Allen asked where the counsel would find a Council interest expressly wished to be considered. Williamson replied that would be in the municipal code. Allen asked why an ordinance that is still in effect but wasn't codified couldn't be used. Williamson said that kind of ordinance could provide some context.

Allen confirmed with Williamson that the letter was a tax assessment to Rogue to collect room taxes. Allen clarified the room taxes would be used for whatever the budget or room tax provisions indicate as appropriate. Williamson replied that would happen at a later policy process, such as when the budget is adopted by resolution. Allen read the whereas clauses from Ordinance 2023, -- "WHEREAS, the City of Newport collects room tax from lodging establishments within the City, and WHEREAS, tourism is extremely important to the economy of the City of Newport, and WHEREAS, the City desires to support both tourism promotion and tourism-related facilities by making grants of room tax funds available to qualifying applicants, and WHEREAS, the City Council wishes to maintain the current amount of room tax collected by the City and to remove the language in Ordinance No. 1849 limiting the City's ability to make grant funds available to certain

types of tourism promotion and tourism-related facilities, so that all qualified applicants will be eligible for receipt of room tax funds.” Allen asked if Williamson believes these clauses speak to an expressed interest from the City Council to be considered. He explained the history of a room tax increase, the events center fund, and tourism promotion/event grants.

Williamson replied the clauses do not speak to an expressed interest because he said he heard no reference to the appeal process of individual taxes for VRD operators. He noted the clauses and the policies that the appellants identified are very important policies the Oregon Supreme Court would say bystanders would like to see fulfilled. He emphasized the Council is talking about an individual tax assessment, and he doesn't believe those policy statements were directed to individual tax payers to ensure enforcement. He added he doesn't see anything in those statements that ties these two issues together expressly.

Botello stated the Council did not have the opportunity to see the tax decision or letter and expressed a need for time to process this information. Nebel explained from an administrative standpoint, the ordinance is very clear that the decision is a tax administrator decision, not a Council decision. He noted because of interest in this issue, staff did present a report to Council to explain what was happening. He stated the city sought legal counsel, followed counsel's limitations, and acted on the issue. He added the section of the code needs to be cleaned up.

Jacobi stated she understands the decision was administrative, and the city will hire a full-time community service officer to look into enforcement of short-term rental codes. She thanked everyone for their patience and understanding.

Perry stated the October 7 determination letter to Rogue was failure of the city to enforce its own code, which causes residents to be aggrieved. Catalano stated the NMC 4.25.005 and 14.25.010 express the city's purpose.

Allen reported he is trying to interpret the standing issue as broadly as possible to allow Council to hear the merits. He added he understands by allowing the appellants to have standing, the Council is setting precedent. He noted Council can always adjust that by amending the code language later.

Goebel said he agrees with Williamson's determination. Williamson reiterated his interpretation is that the appellants are not a person aggrieved, they do not have direct injury as a result of the October 9 letter, and they do not have standing.

MOTION was made by Goebel, seconded by Jacobi, to dismiss the appeal based on the determination that Mona Linstromberg and Carla Perry are not aggrieved as defined in NMC 3.05.170, relating to the city's October 9, 2019, tax determination for Rogue Ales, and to authorize Council President Allen to sign an order to that effect (2019-2). The motion carried in a voice vote with Allen voting no.

MOTION was made by Hall, seconded by Botello, to direct staff to work with legal counsel to address inconsistencies in NMC 3.05 related to room tax. The motion carried unanimously in a voice vote.

PUBLIC HEARINGS

Public Hearing Related to Management of Public Parking in the Bayfront, Nye Beach, and City Center Areas. Hawker introduced the agenda item. Nebel reported that on October 7, 2019, the City Council received a report and recommendation from the

Planning Commission regarding parking management plans for the Bayfront, Nye Beach, and City Center. He stated the City Council scheduled a public hearing for November 4 and rescheduled that to November 18. He noted it is not the intent for the Council to take any formal action on approving any parking management plan, but to take public comment in order to inform the discussion on what process and next steps it would like to take. He indicated over the past three years, a Parking Study Advisory Committee was established by Council to work with consultants to develop a parking management plan for the Bayfront, Nye Beach, and City Center. He reported this plan seeks to improve the availability of public parking for all users as well as includes wayfinding, lighting, needed parking improvements, transit/van pool options, and City parking standards for new construction. He stated the plan also calls for public parking along the Bayfront, to be managed with the combination of parking meters and permits. He noted there was a similar recommendation considered for Nye Beach, however, the business community in Nye Beach has not been supportive of metering.

Nebel indicated there are no major changes proposed for City Center at this time. He reported, in addition, the recommendation calls for the creation of a City-wide parking committee. He added it was the intent of this process to adopt a plan and then appoint a parking committee to begin the process of implementing the plan. He explained on September 9 the Planning Commission held a public hearing on the proposed amendments. He reported the initial motion was made to forward the recommendations to the City Council as drafted, and that motion failed 3 to 4. He noted a second motion was made to refer the matter back to a newly created committee and have them develop recommendations on how to address parking issues without utilizing meters on the Bayfront.

Nebel stated the Port Commission, who was a partner in the development of these plans, asked the City Council to schedule a public hearing on the recommendations that went before the Planning Commission prior to making a decision. He noted there are a number of interests on the Bayfront that support metering and permitting as a way to address parking congestion there. He explained a number of businesses lose sales because the prime retail parking is used for longer-term parking often times by employees on the Bayfront. He indicated, furthermore, there is a significant investment that needs to be made in parking. He stated there is a group who has concerns about metering on the Bayfront, as well. He added parking meters are not proposed for Nye Beach based on the recommendations of the Parking Study Advisory Committee. He emphasized the only place the plan recommends meters is the Bayfront.

Nebel reported the Finance Work Group has had discussions regarding ways to obtain fees from other sources rather than taxes to pay for some important public improvements. He stated parking fees collect revenue from visitors, as well as, residents to cover the costs of parking in certain areas. He indicated parking fees would cover a higher level of enforcement and would provide money for various improvements to the parking system over time that would not be available from the City's General Fund.

Nebel explained, after taking testimony, the Council could accept the Planning Commission's recommendation to adopt an ordinance establishing a new Parking Advisory Committee, and forward the proposed parking related comprehensive plan amendments to that committee for further work, schedule a work session to review the amendments or schedule a public hearing for consideration and possible adoption of the amendment or an ordinance implementing the recommendations from the Parking Study

Advisory Committee. He recommended Council may be better served by an additional work session to review the comments made at the Planning Commission meeting, and to determine whether there is a consensus on how to proceed with this issue. He suggested holding this work session on January 6.

Allen opened the public hearing at 8:15 P.M. He called for public comment.

Robert Hoefs, a business owner on the Bayfront for 30 years, stated Bayfront parking is a nightmare for business owners. He said meters are definitely not the way to go. He noted even though it is not a summer day, there was no place to park by Port Dock 5. He stated he supports the fishing industry, but he found at Port Dock 7 there were several spots without vehicles. He noted that people access and live on their boats on Port Dock 5 and leave their vehicles at Port Dock 7. He stated the fishing industry parking was designed for Port Dock 7. He indicated there is lots of room tax money not being collected from Bayfront boats. He emphasized the need to address parking without meters.

Sharon Snow, who has worked on the Bayfront in the seafood processing industry for 27 years, stated a lot of work and time was put into coming up with the committee proposals. She noted one of the considerations was raising revenues by parking meters and permits to help maintain the roads and parking areas. She said it was the consensus of Bayfront employees to not oppose paying a fee for permanent parking in lieu of meter fees. She added congestion is a large part of the problem and could be dealt with by adequate enforcement of the four-hour zones and stopping over-length trucks from parking diagonally.

Sandra Litt, who lives in the Nye Beach area, stated business owners in Nye Beach are concerned that meters in Nye Beach area will cause sales to drop off considerably.

Terry Obteshka, a Newport resident, stated he protests putting parking meters in Newport. He indicated he believes meters will chase tourists away and jeopardize the tourism industry. He mentioned the Nye Beach Merchants Association study was ignored. He stated Newport would be the greediest instead of the friendliest. He added a suggestion to put the issue on the ballot.

Eileen Obteshka, who lives in the Nye Beach area, stated she is concerned with changes to parking in Nye Beach. She noted meters will cause parking on the city's narrow side streets.

Linda Neigebauer, who participated as member of the Parking Advisory Committee, explained the committee's work and its recommendations to the Planning Commission. She stated creating a new committee would start the process over, and she didn't think the outcome would be much different.

Jeff Bertuleit, who has served on many city committees, noted places around the world that have done well have bought places to park cars. He stated Newport will not get any money from meters. He suggested getting a trolley to move traffic from hotels to areas with difficult parking situations. He indicated the creation of a citywide parking committee is a good thing.

Gary Ripka, a fisherman who owns several fishing vessels, owns retail on the Bayfront, and served as a member of the parking committee, explained the committee's process to creating recommendations. He noted he wasn't in favor of meters in the beginning, but found them as the best way to turn over traffic on Bayfront. He stated infrastructure is falling apart, and the city has to come up with a way to generate revenue. He added he is not against a trolley in addition to parking. He noted there are 300 plant workers on the

Bayfront, and there is no way to get them to move without meters. He added to start over is to kick the can down the road.

Bill Branigan, a Planning Commissioner and parking committee member, stated the people that were involved on the committee deserve thanks from Council. He echoed Ripka's statement of kicking the can down the road. He recommended to at least give the parking solution in the Bayfront a try.

Robert Waddell, who owns Newport Tradewinds, stated most of his customers need at least seven hours to park. He noted most parking is marked four-hour parking except for a few places with 12-hour parking. He recommended keeping the 12-hour parking.

Cari Brandberg, who owns Chelsea Rose and a member of Newport Fisherman's Wives, stated parking issues have gotten worse. She noted she receives many complaints that customers cannot access her business. She stated she is in favor of the four-hour parking meter and parking permits for fisherman. She emphasized the need to respect committee members time and the city money already spent. She added fishermen deserve a place to park, and businesses deserve a chance for customers to park.

Laura Anderson, who owns Local Ocean Seafoods and served on the parking committee, stated she is not here to dispute potential downsides to meters, but she sees several upsides. She noted the committee's parking plan as a package would open the door for new and redevelopment on the Bayfront. She said the current code requires parking provisions that are impossible to meet. She reported she likes monetizing the parking asset and that generating revenue is an important part of sustainable solutions. She noted transit options like a trolley require money. She stated increasing turnover in summer would be advantageous to her business. She added the downsides are real, but manageable.

Veronica Lundell, who lives in Nye Beach and owns a Nye Beach business, stated she is glad that Nye Beach not being considered for metered parking at this time. She added she supports keeping Nye Beach as it is.

Fran Mathews, who owns Discovery Marine Tours, said Newport has outgrown its Bayfront, and there will need to be changes to continue to have a great quality of life. She suggested looking at each parking spot on the Bayfront and establishing a value. She indicated she doesn't think tourism will take a hit because of meters. She recommended meter kiosks and standardized parking times. She added she is supportive of a trolley.

Greg Morrow, who owns the Tap House, stated a trolley is the solution for getting people from hotels to businesses. He added a transit service such as vans should take fish plant employees from parking areas to the Bayfront.

Brendan Mathews, who owns Surf Town Coffee Company, stated parking challenges happen every day in Newport. He indicated meters are a good direction, but may not be for the whole town. He suggested letting the Bayfront show how it would work. He reported one person to keep track of parking issues now is unrealistic. He added meters would be great first step.

Bob Berman, Planning Commission member, stated the Planning Commission accepted all the recommendations from the committee except metering in the Bayfront. He indicated deciding to implement metering is a permanent decision. He mentioned solutions on the Bayfront including a trolley, shuttle bus, and temporary taxi permits.

Marletta Noe, Nye Beach resident, suggested the city encourage tourism in South Beach so that the Bayfront is just a working bayfront.

Grant Burns, who is an employee of Oregon Bud Company, stated parking is a big issue. He stated parking meters can help solve some of those issues, but some businesses need parking that is shorter than four hours. He added he worked at the Oregon State University parking services department for two years and permits were successful.

Hans Goplen, who co-owns Clearwater, thanked the Council and parking committee for their work. He stated he is in complete support of the parking committee's findings.

Cris Torp, a South Beach resident, stated he has come around to the metered parking idea. He recommended that all angled parking from the west end of Fall Street to Bay Street be remarked as parallel spots. He noted the street would lose some spots, but that could be mitigated by angled spots on Hatfield or John Moore Drive. He added he is in favor of metered parking.

Allen closed the public hearing for Council deliberation at 9:10 P.M.

Nebel stated the Council has a number of options and his recommendation is a work session on the issue. Goebel indicated he would like to have a work session.

Allen asked if the ordinance for a standing committee was well vetted or recently put together based on the Planning Commission's recommendation. Tokos replied it was well vetted by the committee. Allen asked for Nebel's thoughts on holding a public hearing on December 2 to create the standing committee.

Nebel indicated, before creating a committee, people will want to understand what the expectations are. He stated he'd hate to have people apply for a committee, and then the direction of what they applied for changes. He added he has no major objections to proceeding on the public hearing for the committee.

Allen suggested including in the work session the management of public parking and the creation of the standing committee. Goebel stated management of public parking includes the standing committee. He suggested January 6 for the work session and thanked the committee. Allen said the work that was done should be seriously considered, and this work session is not to start from the beginning but to seriously consider it. He indicated he is looking at the committee's work as a baseline to work off of.

MOTION was made by Goebel, seconded by Botello, to schedule a work session to discuss the management of public parking on the Bayfront, Nye Beach, and City Center areas for Monday, January 6, 2020, at 4:00 P.M. The motion carried unanimously in a voice vote.

Public Hearing and Potential Adoption of Resolution No. 3872 Providing for a Supplemental Budget, and Making Appropriations/Total Requirement Changes for the 2019/2020 Fiscal Year. Hawker introduced the agenda item. Nebel reported that the Finance Department has been busy closing up the 2018/2019 Fiscal Year and determining ending balances in the various operating funds, as well as Capital Outlay Projects. He stated, in addition, the department is recognizing some revenues that have been obtained that were not part of the budget that was approved. He noted the vast majority of transactions are related to construction projects. He explained at the time of developing the budget, departments must project what the level of expenditures will be for various projects as of June 30. He reported many of the changes outlined in this resolution are replacing the estimated balances with the actual balances for projects that are ongoing in the 2019/2020 Fiscal Year.

Allen opened the public hearing at 9:20 P.M. He called for public comment. There was none. Allen closed the public hearing for Council deliberation at 9:21 P.M.

Goebel requested the status of the reserve funds for these projects. Murzynsky replied the money isn't coming from reserves, but contingency and reserve for future expenditures. Nebel explained the contingency is something set aside for emergency expenditures in each of the funds, but at the end of the fiscal year any of the contingency left rolls into the fund balance. He noted reserve for future expenditures is required by the state, but the city treats that like contingency and, currently, rolls that back into the fund balance. He added the broader financial trends are being explored and discussed by the Finance Work Group.

Hall asked what is the city's contribution to the skatepark. Nebel explained \$4,900 had been designated by the city for the skatepark. Hall asked what is Rogue's final contribution. Nebel replied the city can ask Rogue for that amount. Hall pointed out an error in Attachment A of the Supplemental Budget.

MOTION was made by Hall, seconded by Jacobi, to adopt Resolution No. 3872, a resolution adopting a supplemental budget for the Fiscal Year 2019-2020, and making appropriation increases and changes for the Fiscal Year 2019-2020, and incorporating Attachment A, as amended, as part of the resolution. The motion carried unanimously in a voice vote.

Gross noted the reopening of the skatepark is Saturday, November 23, at noon.

CITY MANAGER'S REPORT

Consideration and Potential Adoption of an Amendment to the Intergovernmental Agreement between the City of Newport and ODOT for Right-of-Way Services Related to Highway 101 - SE 32nd Street to SE 35th Street Statewide Transportation Improvement Program. Hawker introduced the agenda item. Nebel reported that in 2014, the City of Newport and the Oregon Department of Transportation (ODOT) executed an Intergovernmental Agreement (IGA) No. 30257 for a preliminary design of a signalized intersection at US 101 and SE 35th Street, elimination of the signal at the US 101 and SE 32nd Street intersection, closure of the SE Ferry Slip Road and US 101 intersection, and installation of bike and pedestrian facilities along US 101 between the Yaquina Bay Bridge and SE 35th Street. He noted the agreement was amended in June 2016, and the Council executed IGA No. 31844 for right-of-way services to acquire necessary rights-of-way and easements on the City's behalf, and on August 19, 2019 the City Council adopted Resolution No. 3867 that authorizes the use of eminent domain to acquire a necessary right-of-way for this project. He noted the amendment incorporates Resolution No. 3867 into the right-of-way services agreement, extends the date for right-of-way services to be completed by September 30, 2021, and changes the state's right-of-way agent assigned to this project. He added the project is slated to be bid in September 2020 with construction in 2021. Allen clarified there had been legal review of the amendment.

MOTION was made by Jacobi, seconded by Goebel, to authorize the Mayor and City Manager to execute Amendment No. 1 to IGA No. 31844 for right-of-way services for the US 101- SE 32nd Street to SE 35th Street project in the City of Newport. The motion carried unanimously in a voice vote.

Authorization for the Oregon PERS Employer Incentive Fund. Hawker introduced the agenda item. Nebel reported that in 2019, the Oregon State Legislature approved Senate Bill 1049, which provides funding opportunities for PERS participating employers to create side accounts to help offset employer unfunded actuarial liability (UAL). He noted the state has appropriated matches of up to 25% up to \$300,000 to incentivize units of government to participate in this program. He stated the first eligibilities were for those units of government whose UAL was at 200% or more. He explained governmental units under 200% UAL may begin applying on December 2, 2019. He reported applications will be approved on a first-come, first-serve basis. He noted the application period will remain open until August 31, 2020, or until all available funds have been made.

Nebel indicated he believes it is to the city's benefit to consider fully participating in this program. He explained the maximum contribution to leverage the state funding would be \$1.2 million dollars to leverage \$300,000 in state funding to create a side account for the City of Newport with PERS. He noted Newport's current UAL with PERS is 147% of covered payroll, or \$3.9 million. He stated the city would be able to make contributions into this program in this fiscal year and into the next fiscal year. He reported Finance Director Mike Murzynsky has laid some scenarios in which funds could be utilized from a number of sources and repaid back with savings over a six-year period. He noted, based on the projections from PERS, the annual savings would be in excess of \$200,000 once the contribution was included in the actuarial calculations for the city. He stated the annual savings would be sufficient to pay back any funds obtained through an interfund loan to cover these expenses over this time. He added \$1.2 million dollars is certainly stretching a bit; however, this is a unique opportunity to address some long-term liability costs for the city.

Goebel noted, looking at the scenarios, some funding would come from the general fund, and the general fund had a deficit this year. Nebel replied the general fund finished above what had been budgeted, so there is some buffer, and the scenario uses some of that buffer. Nebel added if the city can't justify \$1.2 million, the city may contribute something less than that.

Goebel asked about the projections for the general fund next fiscal year. Nebel replied there are rough projections that the Finance Work Group is reviewing, and the general fund declines several years out based on current expenditures. Goebel asked if the scenario using money from the land fund means the city would sell land. Nebel replied that is not the case, and the land fund is reserves for land purchases.

Goebel asked if the scenarios would take the money set aside for the Performing Arts Center. Nebel replied in the scenario, the city would borrow from that this year, and the city does not anticipate the PAC needing the funding in this fiscal year. He emphasized the city has made a commitment to the PAC. Goebel asked if the Fire Department wouldn't buy a truck in the scenario. Nebel replied that funds would shift, but the Fire Department would buy a truck.

Goebel asked where the money goes once it's given to the state. Nebel replied the money goes into a side account with PERS. He explained the city has \$3.6 million in unfunded liability with PERS and contributing \$1.2 million in this program will reduce that liability by \$1.5 million. He noted the city's PERs rates are calculated on that liability. He emphasized in the short run, the program is going to reduce the city's PERs contributions, and the city will get these funds back over five years. Nebel clarified the money will go into a PERs side account for the City of Newport. Goebel indicated he doesn't trust the

state when it comes to PERs. Nebel replied that is a valid concern. He noted side accounts have existed before, but the risk is the city will be giving money it controls to an agency it doesn't control.

Hall clarified the program does not affect employees, only employers.

Allen asked what the city's obligations to the funding would be after staff apply for the program and money is awarded. Nebel replied at this time he is unsure what the program's funding obligations are, and if there would be penalties for not fully funding the program. Allen suggested changing the motion at the end to include contingent upon further clarification on obligations to funding. After further discussion, Allen suggested the motion read, "I move to authorize the Finance Director to make application for the December 2, 2019 round of the PERS Employee Incentive Fund at an amount up to \$1.2 million dollars contingent upon the City Manager confirming prior to making application that the city can discontinue placing additional funds in that account prior to reaching \$1.2 million without incurring any penalty or additional cost."

Nebel clarified that any payments would have to be an appropriation approved by the Council

MOTION was made by Goebel, seconded by Hall, to authorize the Finance Director to make application for the December 2, 2019 round of the PERS Employee Incentive Fund at an amount up to \$1.2 million dollars contingent upon the City Manager confirming prior to making application that the city can discontinue placing additional funds in that account prior to reaching \$1.2 million without incurring any penalty or additional cost." The motion carried unanimously in a voice vote.

Nebel clarified if there are penalties, staff would bring this issue back to Council in order to apply for another amount and take its chances that the monies would not be available.

Verbal Report from Public Works Director/City Engineer, Tim Gross, on Federal Lobbying Efforts Regarding Big Creek Dam Funding. Hawker introduced the agenda item. Nebel reported a delegation including Mayor Sawyer, Councilor Hall, Gross, and consultants visited Washington D.C. last week. He noted they covered a lot of ground in building the foundation for some meaningful discussions going forward about securing funding for the dam.

Gross reported the delegation met with several members of congress and congressional committees. He noted they met with the Senate Environment and Public Works Committee, House Transportation and Infrastructure committee, the House Natural Resources Committee, the State Energy and Natural Resources Committee, and federal agencies including the Office of Management and Budget, the Army Corps of Engineers, and the U.S. Bureau of Reclamation.

Gross stated there are several initiatives the city is looking at right now including Water Resources Development Act (WRDA). He indicated the dam project doesn't align super well in this program, but there is a 7001 Report to Congress that's helpful to be able to get word out about the project. He reported the Water Infrastructure Improvements for the Nation Act (WIINA) expires in 2021. He noted the Water Infrastructure Finance and Innovation Act (WIFIA) works together with WIINA to allow projects to access low interest loans in combination with grant funds. He emphasized the need for the congressional delegation to be in support of keeping WIINA going forward because there is no other funding mechanism for non-federal dams besides the Corps of Engineers.

Gross reported WINA funds the FEMA high hazard dam program, the funding mechanism that makes the most sense for funding Newport's dam. He added the trip was enlightening and a great opportunity to make good relationships. He noted lobbying efforts are paying off as funding is released to the city early.

Allen asked when another delegation would go back. Gross replied the city will need to go once, if not twice more, because they are interested in talking with elected officials. He commended Sawyer's and Hall's efforts. He added the delegation made two key contacts, one of Merkley's staffers and one person at the Bureau of Reclamation. Hall added she appreciated Gross' scientific expertise.

REPORT FROM MAYOR AND COUNCIL

Council Reports. Allen clarified the Farmers Market has relocated to the County Fairgrounds. Goebel noted the Humane Society is thinking of moving to the airport. Nebel stated discussions are in progress, and the county is willing to assist with water infrastructure issues at the airport as well.

ADJOURNMENT

Having no further business, the meeting adjourned at 10:17 P.M.

Margaret M. Hawker, City Recorder

David N. Allen, Council President

January 6, 2020
4:00 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, Goebel, Jacobi, Hall, Allen, Botello, and Parker. Also in attendance was Linda Neigebauer, Aaron Bretz, and Mona Linstromberg.

Staff in attendance was Spencer Nebel, City Manager; Community Development Director Derrick Tokos, Police Chief Jason Malloy, and Peggy Hawker, City Recorder/Special Projects Director.

DISCUSSION ITEMS

City Manager's Report. Nebel reported first on the agenda is the Sister City Committee interview, which is followed by the discussion of parking management plan recommendations for the Bayfront, Nye Beach and City Center Areas. He noted there are also three executive sessions regarding a performance evaluation on the city manager, employment of public officer - city attorney, and exempt public records regarding privileged attorney/client written communications.

Sister City Committee Interview of Richard Brodeur. Council interviewed Richard Brodeur.

Discussion of Parking Management Plan Recommendations for the Bayfront, Nye Beach, and City Center Areas. Nebel reported a public hearing was held on November 18, 2019. He stated one of the controversial issues is parking meters and asked if the Council wants to consider going forward with them on the Bayfront. He noted that was the recommendation of the ad hoc committee, while the Planning Commission took a different take. He emphasized the key thing is to determine a direction the Council wants to take. Parker asked how many times the Planning Commission voted over the three years of the study. Tokos replied the Planning Commission only voted once with, four against the ad hoc recommendations and three in favor. Tokos noted the testimony that the Planning Commission received is not the same as the testimony that the Council received. Goebel asked what was the reason for recommending another parking committee. Tokos replied the recommendation for a standing parking advisory committee came from the ad hoc committee. He explained the ad hoc committee's terms were phasing out with the parking districts, and a standing committee can provide oversight and guidance on parking related issues going forward. Goebel pointed out the Planning Commission recommended the committee eliminate or minimize metering when making recommendations. Tokos explained the Planning Commission suggested the advisory committee work on revising the recommendations. Goebel asked if the Planning Commission's recommendation was to start over. Tokos replied that was a perception of many of the people attending the public hearing.

Tokos presented a timeline showing city actions related to public parking. He stated the city started addressing parking in 1983. He noted that new development has to provide off-street parking, so the city implemented a fee in lieu of providing off-street parking so the Bayfront, Nye Beach, and city center could expand. He explained the fee was in place

for many years, but many issues were identified with enforcement and collections. He reported a task force was created and recommended a one-time fee. He indicated the Planning Commission gave the affected areas time to create parking districts before assessing the fee. Tokos explained he helped these districts to form and develop targeted projects. He noted Nye Beach and city center used business license fee collections and all the past in lieu fees collected for improvements, but the Bayfront still has \$240,000 left. He stated these parking districts were intended to be temporary in order to move away from in lieu fees, and the city paid for a parking study, which was completed in 2018. He said the question in the Bayfront is whether to have metering and permits. He noted in Nye Beach, the question is should business license surcharges be expanded beyond the commercial core area. Parker asked if the study looked at the break even cost for meters. Tokos replied it would take two or three years before the city would be in plus territory. Hall asked if the \$240,000 would cover the cost of installation of meters. Tokos replied that would cover a portion of the total cost, \$435,000. Jacobi asked if there would be meters or kiosks. Tokos replied most of them would be kiosks, but there would be a couple of spots with poles because there's only a few parking spots in an area.

Parker asked if there would be stickers or window tickets. Tokos answered that the proposal is not at that level of detail yet. Goebel asked what times the meters would be in effect. Tokos replied that's more details to be discussed, but the recommendation is to have them operating seasonally. Goebel suggested high tourist times like Seafood and Wine Festival as well. Tokos stated the times are adjustable and they could be tailored to when there is higher demand. Goebel asked how people would know when the meters are in effect. Tokos replied there would be signage, information in the kiosks and in software people use, and communications from the city. Sawyer asked when the parking officer works. Malloy replied the parking officer rotates his duty. Jacobi asked if any of these recommendations could be implemented without an advisory committee. Tokos replied that is possible if the Council adopts these comprehensive plan amendments and directs staff to implement them. He noted the ad hoc committee thought an advisory committee should be maintained to provide stakeholder input.

Jacobi asked if these recommendations were adopted, if they would go into effect this year. Tokos replied if the Council adopts the policies, implementation could be pulled together promptly. Goebel clarified the only issue the Planning Commission had with the recommendations was metering. Parker emphasized the Council can always undo something that doesn't work, but not doing anything does not honor the three years already put into this. Tokos reported if the Council adopts the policies as recommended and creates a standing committee, the committee would work on metering, permits, and timed parking on the Bayfront and business license changes in Nye Beach. He stated if Council does not adopt the recommendations, then the committee would be looking at options other than meters. Tokos explained the parking recommendation maps. Discussion ensued on parking issues on the Bayfront during the crab season.

Tokos noted there is an expectation if meter recommendations are implemented, the city would lift off-street parking requirements, allowing developable property on the Bayfront to be developed. Botello indicated she is concerned the parking permits force employees to park far away and thought shuttle transportation would be beneficial. Tokos replied the ad hoc committee found with meters that in time there would be funds to do transit. Botello suggested a collaborative effort to provide transit with the county and suggested making it a goal for the Transportation System Master Plan. Hall suggested

oversized parking should be addressed on the Bayfront, and clarified the meters would be seasonal. Hall stated she is concerned the cost of meters is too high. She also noted enforcement is dependent on one person and she would like to see training of the NPD volunteers or an explorer program for enforcement.

Neigebauer explained Nye Beach residents didn't understand that the recommendations did not propose meters in Nye Beach when they testified to the Planning Commission. She reminded Council that the recommendations were for timed and permit parking in Nye Beach. She noted in the Bayfront the charter boats that have 12-hour trips were considered by the ad hoc committee. She added the \$100 fee should be off the table for the permits. She suggested the cost should be \$175 since that was the cost in the 1980s.

Nebel asked if Council is comfortable going forward with the ad hoc's recommendations, prefers a different direction by creating a committee to evaluate the recommendations, or has a third alternative on how to proceed. Goebel replied the Council needs to do something with strong enforcement and follow up to make sure this works and businesses do not suffer. Hall indicated she needed more fiscal information. Botello reported she is in favor of permits over meters. Allen stated he will keep an open mind, and he is good with whatever the Council chooses to do subject to hearing more information. Parker indicated he thinks the meters will help fund maintenance of city parking facilities. He noted he sees meters as a way to mitigate the impact visitors have on infrastructure, and people out of county will be the ones using them in peak season. He added the 1983 price seems like a bargain for permits and suggested an inflation adjusted price. He suggested rolling out implementation, getting more input, and then revisiting the issue, perhaps on an annual basis via the steering committee. Jacobi stated she agreed with Parker and that the Council needs to move forward, get something going, and then reassess. Nebel clarified the Council is comfortable with the item coming back as a public hearing.

EXECUTIVE SESSION

Nebel reported the next item on the agenda is an executive session to finish his annual evaluation.

MOTION was made by Allen, seconded by Hall, to enter executive session pursuant to ORS 192.660(2)(i) to conduct a performance evaluation of the City Manager; pursuant to ORS 192.660(2)(a) - Employment of Public Officers - City Attorney; and pursuant to ORS 192.660(2)(f) to Consider Exempt Public Records Regarding Privileged Attorney/Client Written Communications. The motion carried unanimously in a voice vote, and Council entered executive session at 5:09 P.M.

Allen declared an actual conflict of interest and left the session at 5:45 P.M.

Council left executive session and returned to its work session at 5:54 P.M.

ADJOURNMENT

Having no further business, the meeting adjourned at 5:55 P.M.

March 2, 2020
6:10 P.M.
Newport, Oregon

CITY COUNCIL MEETING

CALL TO ORDER AND ROLL CALL

The Newport City Council met on the above date and time in the Council Chambers of the Newport City Hall. On roll call, Allen, Sawyer, Goebel, Hall, Botello, and Parker were present. Jacobi arrived at 6:27 P.M.

Staff in attendance was Spencer Nebel, City Manager; Peggy Hawker, City Recorder/Special Projects Director; Derrick Tokos, Community Development Director; Mike Murzynsky, Finance Director; Rob Murphy, Fire Chief; Tim Gross, Public Works Director; and Jason Malloy, Police Chief.

PLEDGE OF ALLEGIANCE

Council, staff, and the audience participated in the Pledge of Allegiance.

UPDATE ON CORONAVIRUS

Nebel reported staff have discussed any issues the city may be facing relating to the Coronavirus. Murphy stated the Coronavirus emerged from China and started in December 2019. He noted it is known as COVID 19, and it's a viral respiratory disease that causes fever, cough, and difficulty breathing. He indicated symptoms may occur between 2 and 14 days after exposure. He added it's a new virus. He reported there 60 countries with confirmed cases, including U.S. He noted there are confirmed cases in 10 states, including Oregon, which today has three cases. He explained essential city services have begun developing staffing plans in case employees must stay home for extended periods of time. He added the departments have adequate personal protective equipment. He stated as the situation changes, he will provide updates. He noted he provided Council a link to the county public health website.

Sawyer clarified the situation with the Kirkland Fire Department. Hall requested a banner on the city website with relevant links. Murphy replied he plans to do that. Goebel asked how response has changed today from yesterday. Murphy replied there are interim response protocols in place now. Malloy replied the Police Department has taken precautionary measures as well. Botello asked if the departments are prepared to send out alerts in different languages. Malloy replied the city relies on the school district to reach out using Spanish. Murphy noted public health messages that come from the state or national level are in other languages. Nebel added the city will be very careful not to confuse the message and will rely heavily on the Oregon Department of Health and County Health Department. Murphy stated Lincoln County Public Health is the lead on this, and the city follows their guidance.

PUBLIC COMMENT

Mona Linstromberg stated she is providing a monthly follow-up on the \$241,000 in fines that Rogue has requested relief from paying. She stated her understanding was the fine was \$500 a day, which increased to \$1,000 because of Oregon DEQ standards. She asked if these fines are being accrued in 2020.

She added she was encouraged that because of an ongoing challenge to a citation before municipal court, the city may be looking into how the municipal court process may not be working in the implementation of the short-term rental code violations. She urged the city to consider, generally, that the result of following code will result in better compliance.

CONSENT CALENDAR

The consent calendar consisted of the following items:

- A. Approval of the minutes of the work session of February 18, 2020;
- B. Approval of the minutes of the executive session of February 18, 2020;
- C. Approval of minutes of the regular meeting of February 18, 2020;
- D. Approval of the minutes of the executive session of February 24, 2020;
- E. Receipt of the monthly financial report.
- F. Ratification of the Mayor's appointment of Eric Seil as a lodging representative of the Destination Newport Committee for a term expiring on December 31, 2020.

MOTION was made by Goebel, seconded by Parker, to approve the consent calendar as presented. The motion carried unanimously in a voice vote.

LOCAL CONTRACT REVIEW BOARD CONSENT CALENDAR

The City Council, acting as the Local Contract Review Board, began its meeting at 6:32 P.M.

Authorization of an Award of a Goods and Services Agreement with Road and Driveway Company for the Nye Beach Turnaround Improvements Project in the Amount of \$67,635.77. Hawker introduced the agenda item. Goebel asked what is the cost of the concrete. Nebel replied that is a separate contract for \$29,000. Gross noted the project will start in the next couple of weeks, and striping will be done inhouse. Allen noted Gross will be adding additional ORS provisions to Exhibit C.

MOTION was made by Parker, seconded by Hall, to approve the Local Contract Review Board consent calendar as presented. The motion carried unanimously in a voice vote.

Sawyer closed the Local Contract Review Board at 6:34 P.M.

PUBLIC HEARING

Public Hearing and Potential Adoption of Ordinance No. 2163, an Ordinance Regarding a Comprehensive Plan Amendment Regarding Public Parking. Hawker introduced the agenda item. Nebel reported the city contracted with Lancaster StreetLab, in 2016, to prepare a Parking Management Plan to identify strategies to maximize available parking in the Bayfront, Nye Beach, and city center areas of the city. He noted

this work followed multiple actions taken to assess and improve parking and parking management in the city. He stated a historical timeline of city actions is included as an attachment to this packet. He indicated after extensive public outreach, and review by the Parking Study Advisory Committee, the committee approved a motion to recommend that the Planning Commission initiate the legislative process to amend the Newport Comprehensive Plan to add a new parking facilities element as outlined in the draft set of amendments under consideration at this time. He reported the Planning Commission recommended that Council create a new advisory committee with instructions that it revise the draft to eliminate or minimize recommendations related to metering. He noted on November 18, 2019, Council held a public hearing on how the city should manage its public parking assets in Nye Beach, city center, and the Bayfront. He stated Council chose to hold a work session to discuss a path forward with the proposed amendments. He indicated at that work session, there was a consensus of Council that there was sufficient business and property owner support to schedule a public hearing on an ordinance to amend the Comprehensive Plan. He added Ordinance No. 2163 amends the Newport Comprehensive Plan incorporating the recommendations from the Parking Advisory Committee, which were the result of extensive public outreach and discussion.

Sawyer opened the public hearing at 6:38 P.M. He called for public comment.

Botello announced her husband works at one of the fish companies.

Pete Senak, owner of 101 Local on the Bayfront, stated none of the businesses were given notice of these hearings. He noted in a state opposed to sales tax, the city is proposing to tax citizens and visitors to have the opportunity to shop here. He indicated the city seems to be stopping people from walking up and down Bayfront without stress of feeding the meters. He stated he has not heard complaints from any business owners or customers. He asked where is the data that shows there is a problem. He noted Vancouver, BC, saw a decrease in visits by 20 percent after parking meters. He provided research stating small towns saw increases in visits after meters are removed. He added most research supporting meters is for big cities. He indicated Council is trying to get rid of small businesses. He stated he hopes the Council decides to follow the Planning Commission recommendations.

Gary Ripka, who worked on the parking committee, stated the Bayfront has a major parking problem. He noted the area juggles tourism, fishing, and commercial, and there is not enough parking. He indicated the only way to increase parking is to turn over spaces faster. Ripka stated he was initially opposed to meters, but after working on the committee, it became apparent the Bayfront needs meters. He stated he also represents fishermen. He emphasized they have no parking. He reported a parking structure is not realistic because the city does not have the money or the space. He stated something has to be done, because people will not come to Newport if there is nowhere to park.

Cris Torp, a Newport resident, stated this has been a long process. He noted he served on the advisory committee. He reported city center, Nye Beach, and the Bayfront all met the threshold for meters. He indicated that only the Bayfront having meters seems less than equitable. He stated he remains doubtful of the Lancaster StreetLabs methodology, critical of this recommendation, and believes this does not sync with Vision 2040. He suggested removing all angle parking on Bay Boulevard between Bay and Fall streets; compiling accurate inventory of existing parking; redoing currently published math in the Lancaster report to produce accurate cost to benefit ratio; and inventorying and striping all potential spaces in the district. He stated removing angle spaces would significantly

reduce congestion on the west end by effectively creating 7,000 SF of wider, safer, open travel lanes. He added 20 spots on west end would be lost, but 200 spots could be marked on Hatfield and Bay Boulevard east of Eads. He recommended the Council move with care in creation of the standing parking committee. He stated the committee should be a real committee on equal standing with other committees.

Linda Neigebauer, a Newport resident, stated her comments are in a letter distributed to Council.

Eileen Obteshka, a Newport resident, stated reading the draft of the ordinance she found estimates for parking meters in Nye Beach on multiple pages. She recommended if Nye Beach is not getting parking meters, that the ordinance be corrected to reflect that.

Ken Bishop, who has a practice in Nye Beach, stated he doesn't think parking meters, at this time, is a good fit for Newport anywhere. He noted he would like the Council follow the Planning Commission recommendations.

Sawyer closed the public hearing for Council deliberation at 6:55 P.M.

Tokos reported the ordinance includes the summary of the analysis that was done by Lancaster as modified by the advisory committee. He stated it does include some information about potential metering in Nye Beach, but the kicker is the policy recommendations do not push for that. He indicated for Nye Beach, the city is going to have further discussion about whether a non-meter option is workable at that location. He added what the exhibit captures is the analysis, but the polices are clear about next steps.

Botello asked what information was sent to fish plant workers and fishermen in different languages. Tokos replied there have been direct mail notifications to business owners and property owners in the district. He noted, with specifically the fish processors, the city has had meetings with them and conversations with Sharon Snow. He noted information was posted on bulletin boards there. He reported Pacific had discussions with employees, and they would not oppose this because they have the option of buying parking permits. Botello asked if there are any proposals for the employers to pay for these permits. Tokos replied there is nothing preventing employers from paying for the permits for employees, but he doesn't know if they will offer that.

Allen asked if prior public hearings were noticed the same as tonight's meeting. Tokos replied staff updated this list as they went along, but also provided the same notice for prior hearings. Allen asked if the prior hearings did not have as complete a list of notifications. Tokos replied it was the same list that has been updated as they went along. Allen noted in the policies for the comprehensive plan, Implementation Measure 1.3.3 states to conduct outreach with Nye Beach community to assess whether or not a scaled down metering concept focused on core commercial areas is acceptable or a non-metering option that consists of fees, permit parking or other dedicated funding sources is preferable. He asked who will be conducting the outreach. Tokos replied the advisory committee would be involved in outreach and attend outreach meetings.

Allen pointed out there are references to the Newport Parking Management Plan, but the plan on the website says draft throughout. Tokos replied that is the final plan. Allen asked if Council should give final approval to that plan. Tokos replied he doesn't know there is a need to have Council approval. He explained the Newport Parking Management Plan is a facility plan, and the city has many such plans that don't receive Council approval. Allen suggested updating the plan on the website from draft to final.

Goebel asked if this ordinance passes, can staff make a decision to meter Nye Beach without coming to Council. Tokos replied that is not possible. Nebel replied the metering on the Bayfront would also come back before Council if this was approved. He suggested Council change the language regarding Nye Beach. Tokos clarified the policies talk about metering, timed parking, and permits on the Bayfront. Botello suggested when the city moves, it needs to be very specific on the Bayfront. She asked if the advisory committee had employees of businesses on the Bayfront as representatives. Tokos replied there was outreach to employees, but the committee was appointed by the Council and included businesses. Botello suggested the future committee have employee representatives. Tokos clarified the role of the committee. Botello asked possibility of having transportation to move people more often or places in parking lots for bus stops. Tokos replied the transportation recommendations would be rolled into transportation system plan update, and the recommendations do call for an enhanced transit loop. He explained the cost for that loop is estimated at a couple hundred thousand. He noted meter revenue could be used to help pay for that.

Goebel asked why the maps show an area called unrestricted. Tokos replied unrestricted means it would not be governed by permit or timed parking. Goebel asked if it is possible to take those areas off the maps. He stated he is concerned that parking meters could be placed in the unrestricted areas in the future. Tokos replied those can be taken off the map, but there won't be parking management changes without Council involvement. Goebel added he feels same way about unrestricted parking identified in Nye Beach.

Parker stated as far as transportation for folks who work at fish plants, his understanding is that they have blue shuttle, and they have said they would continue that shuttle. Tokos replied Pacific Seafood offers a shuttle for seasonal employees when they are here during processing time. He noted that's not all of their employees, and they have permanent full-time workers. He indicated it is his understanding that Pacific plans to continue that shuttle. Parker suggested once changes take place, employees receive information of all their parking options and site visits. Tokos replied, with any significant change of parking, before the final rollout occurs and the real changes are made on the ground, there is an expectation of engagement with businesses and employees on these options.

Goebel stated since September he has been on the Bayfront nearly every day, and congestion has not been a problem. He noted this is the winter season. He asked Tokos to explain the timing of the meters. Tokos replied the concept for the Bayfront is a seasonally adjusted approach to implementing metering. He noted there would be meter kiosks that are programmable. Goebel clarified the kiosks and when they would be operating would be obvious.

Botello asked if kiosks are ADA accessible. Tokos replied ADA requires that those who are disabled are exempt from paying meters.

Hall asked how can this be enforced. She noted the limited parking enforcement and asked how will that change with meters. Tokos replied the city would adjust parking enforcement to align with its parking management strategy. He noted metering would be a dedicated revenue stream to pay for additional enforcement needed down the road.

Nebel suggested changing Implementation Measure 1.3.3. to read to conduct outreach with Nye Beach community to address non-metering options that consist of fees, permit parking, and other dedicated funding sources.

Allen noted the language change would need to be included in the motion as an amendment. Goebel stated he also wanted the changes to the maps he requested earlier to be included. He stated there is no rush, and he does not feel comfortable approving it now. Botello agreed. Allen asked Tokos' recommendation on changing the background data, Exhibit A. Tokos replied he does not recommend changing background data.

Goebel asked why the comprehensive plan change isn't just for the Bayfront. Tokos replied there are lots of parking issues mutual to all districts. Nebel reported at the last work session, Council direction was to get this done. He stated Council has to be comfortable with this before approving it. He explained the study has been done, and the Council is at the point where they must decide what to do with it. He indicated the comprehensive plan amendments would provide guidelines for how the city goes forward in future. He added the comprehensive plan is not the final approval on any of this. He explained as the city goes forward with policies and purchasing, all of that will come back to Council. He added Council will revisit these components in future. He emphasized right now, the city has no direction. He stated if Council is comfortable making decision, do it, and if not, then Council will discuss next steps.

Parker asked Council if there was consensus on changing the language on Implementation Measure 1.3.3. Jacobi replied she is comfortable with the language change. Goebel replied even with that change; he is not comfortable moving forward. He noted there is not consensus on the Bayfront on metering. Allen replied he is comfortable with the change to the language.

MOTION was made by Parker, seconded by Allen, to read Ordinance No. 2163, an ordinance amending the Newport Comprehensive Plan to create a policy framework for managing the city's public parking, by title only, and place for final passage including an amendment to Implementation Measure 1.3.3, which reads, "to conduct outreach with the Nye Beach community to address non-metering options that consist of fees, permit parking, or other dedicated funding sources." Botello clarified this motion includes all districts. The motion carried 4-3 with Botello, Goebel, and Hall voting against. Hawker read the title of Ordinance No. 2163 and the amendment. Voting aye on the adoption of Ordinance No. 2163 were Allen, Sawyer, Parker, and Jacobi. Voting against were Botello, Goebel, and Hall.

Public Hearing and Potential Adoption of Ordinance No. 2164, an Ordinance Establishing a Parking Advisory Committee. Hawker introduced the agenda item. Nebel reported it has been recommended Council establish a permanent standing advisory committee to assist policymakers and staff in the development and implementation of parking policies and programs. He noted this group would assist staff in the implementation of policies and measures identified in the Comprehensive Plan amendment, including the further refinement and implementation of demand management solutions along the Bayfront. He stated this was structured as seven members, but Allen suggested changes to that language. Allen reported in Subsection A of the code incorporated in this ordinance, it states to be eligible to be on the committee, applicants have to reside, own property or business, or work within three special parking areas. He suggested changing subsection A.1 from two members each to at least two members from the Bayfront, Nye Beach, and City Center special parking areas.

Allen asked whether seven is enough. He suggested moving the total to nine with three from each of the parking areas. He explained the previous ordinance and the

comprehensive plan policies are setting a framework, further outreach, implementation, and decisions are going to have to be made at not just staff level but at the Council level. He stated if Council is going to rely on this committee to do the outreach and engagement and make recommendations up the chain, more diversity and more representation is needed.

Sawyer opened the public hearing at 7:56 PM. He called for public comment.

Gary Ripka, who served on the committee previously, stated the Committee is where changes are made. He indicated he strongly supports the public committee and would be willing to work on this committee.

Cris Torp, a Newport resident, recommended three from each area and two additional at-large members.

Pete Senak, a resident on the Bayfront, stated he would like to be on the committee.

Sawyer closed public hearing for Council deliberation at 7:58 P.M.

Goebel stated he is in favor of an advisory committee. He indicated the interest of fisherman and Port may not be the same interest. Allen stated he agreed, and if representation increased to nine or 11, one member could be from commercial fishing and another could be from the Port. Goebel noted he would like to see the businesses on the Bayfront represented as well. He pointed out Nye Beach has a resident requirement, and he would like to see the same requirements for the Bayfront and city center. He added 11 members sounds good to him.

Nebel reported it may be appropriate to have a larger group representing the parking areas, but asked Tokos for further input. Tokos replied there was discussion about different sizes. He stated enlarging the committee is fine, and staff will make it work. He noted the reason Nye Beach was specified as having a resident was because that area is a mixed-use community and there are a larger number of residents there. He added it is important to have flexibility in order to get seats filled. He stated if all 11 seats are identified, specifically, it is sometimes hard to fill all the seats.

Botello asked if it possible to reserve a spot for a member from the commercial fishing industry who is Latinx. Tokos replied the Council can structure the committee as it believes is appropriate. Parker summarized the Council would like three from city center, three from Nye Beach, including one resident, and four from the Bayfront, including a business, fish plant, Port official, and a fisherman.

Allen recommended the ordinance is deferred to another meeting so staff has time to work on the language. Goebel asked what is the process with implementing the previous ordinance if the committee is not appointed tonight. Nebel replied the process is to first appoint the standing committee, and then they will work through the details of the ordinance and bring back recommendations to the Council. He noted when Council creates a new committee, the Council does the initial interviews. Goebel clarified meters would not be going in on the Bayfront this summer. Allen explained that is not possible with the current ordinance. Nebel explained the Council approved a comprehensive plan which gives guidance, but the parking discussion will be coming back over the next 12 months. He stated if Council gives staff direction tonight, approves the ordinance in two weeks, then the city would advertise for applicants, set up interviews at a work session, Council would make a decision on membership, and then the committee begins working on recommendations on how to best implement the comprehensive plan. Botello suggested changing the language of the ordinance tonight so that there is more time to reach out to the community for applicants.

Parker summarized there is consensus for three members from each of the parking districts plus two at-large for membership, including at least one Latinx member. Goebel clarified the committee could recommend no meters on the Bayfront if they suggest amendments to the comprehensive plan. Goebel emphasized the need for the Port and fishermen to have separate representatives.

MOTION was made by Parker, seconded by Allen, to continue the public hearing and potential adoption of Ordinance No. 2164, an ordinance establishing a Parking Advisory Committee to March 16, 2020. The motion carried unanimously in a voice vote.

COMMUNICATIONS

From the Oregon Coast Council for the Arts - Annual Report Presented by Catherine Rickbone. Hawker introduced the agenda item. Rickbone presented the annual report. Hall asked how many donors there are. Rickbone replied it's difficult to give an exact number because OCCA has 450 members, there are one-time gifts, capital campaign donors, and resident companies that have their own donors. Hall clarified she was interested in the numbers for the Performing Arts Center and Visual Arts Center. Rickbone replied more than 550. Botello asked how OCCA is reaching diverse populations in the community. Rickbone replied the organization will have some performances by Native Americans, brings in the Hispanic community in dance, and the theater companies are looking at ways to be more diverse in programming. She added OCCA recently received a small grant to do community outreach on how to be more diverse.

From the Destination Newport Committee - Recommendation to Approve the Barrel to Keg Relay Tourism Grant Application. Hawker introduced the agenda item. Nebel reported on February 13, 2020, the Destination Newport Committee considered a request from the organizers of the Barrel to Keg Relay for a tourism marketing grant, in the amount of \$5,000. He noted the Destination Newport Committee recommends that Council act affirmatively on the grant request.

MOTION was made by Goebel, seconded by Parker, to approve a tourism marketing grant, for the 2020 Barrel to Keg Relay, in the amount of \$5,000. The motion carried unanimously in a voice vote.

From Tom Swinford - Consideration of Special Event Permit Fee Waiver Request for the Newport Marathon. Hawker introduced the agenda item. Nebel reported the 22nd Annual Newport Marathon will be held on Saturday, May 30, 2020. He stated this event brings more than 2,500 visitors and is organized by the Newport Boosters Club, raising money for high school sports and activities for many years. He noted the cost of Police Department services is estimated at \$1,172.64; Fire Department services is estimated at \$1,825.58; for a total of \$2,998.22. He added Council waived the entire amount in 2019.

MOTION was made by Hall, seconded by Allen, to approve the special event permit request from the Newport Marathon, in the amount of \$2,998, for its event to occur on May 30, 2020, and to transfer \$2,998 from the Transient Room Tax Fund to the General Fund to reimburse the Police and Fire Departments. The motion carried unanimously in a voice vote.

From the Audit Committee - Acceptance of a Report on the 2018/2019 Fiscal Year Audit, and Consideration and Potential Adoption of Resolution No. 3876, a Resolution Adopting a Corrective Plan of Action for Findings Related to the 2018/2019 Fiscal Year Budget. Hawker introduced the agenda item. Nebel reported the city's auditor is charged

with reviewing the city's financial reporting data, and to report to the city that it is in compliance with Generally Accepted Accounting Principles, and to issue an audit opinion. He noted Boldt, Carlisle, and Smith has concluded that the financial statements present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of Newport, as of June 30, 2019, and the respective changes in the financial position and, where applicable, cash flows thereof, and the respective budgetary comparisons for the General and Urban Renewal Funds for the year, ended in accordance with accounting principles generally accepted in the United States. He added this is the highest opinion they can provide relating to a financial audit. He congratulated Finance Director, Mike Murzynsky, and the Finance Department staff, for receiving this opinion on the city's financial statements.

MOTION was made by Goebel, seconded by Parker, to accept the report from Boldt, Carlisle, and Smith on the 2018/2019 Fiscal Year audit. The motion carried unanimously in a voice vote.

MOTION was made by Goebel, seconded by Allen, to adopt Resolution No. 3876 approving a corrective plan of action for the findings related to the 2018/2019 Fiscal Year audit. The motion carried unanimously in a voice vote.

From the Short-Term Rental Work Group - Update. Hawker introduced the agenda item. Nebel reported the work group met last week and the minutes are attached to the packet. He noted the work group will be able to provide good direction to the Council when they report in September. Goebel and Jacobi summarized discussions from the work group. Tokos noted, in the coming months, the work group will learn a little more about how municipal court works. Jacobi added a septic question will be added to the short-term rental application. Allen asked if the ordinance needs to be adjusted. He also asked how the process works for other communities with a municipal court. Tokos replied Judge Pridgeon needs the opportunity to work through it. He stated the city hasn't reached out to other jurisdictions yet. Goebel clarified the authority of the municipal court.

Hall indicated when discussing council goals, one was about creating a community forum to talk about how people could figure out the ADU process to create additional housing. She stated the Council will need to have conversation about that in the long-term.

CITY MANAGER'S REPORT

Consideration and Potential Adoption of Resolution No. 3877, a Resolution Authorizing the Exercise of Eminent Domain for Rights-of-Way Associated with Improvements to SE 35th Street. Hawker introduced the agenda item. Nebel reported on August 19, 2019, the City Council adopted Resolution No. 3867, which was a resolution authorizing the exercise of eminent domain for rights-of-way. He stated this resolution was approved at the request of ODOT to give ODOT the authority to acquire necessary property for the planned improvements for US Hwy 101 and SE 35th Street. He noted this resolution allows ODOT to utilize eminent domain to acquire property necessary for these public improvements.

Nebel reported as a result of design changes, the real property to be acquired along the south side of SE 35th Street, between US Hwy 101 and SE Ferry Slip Road, has been reduced and reconfigured so that it no longer matches the area targeted for acquisition

with Resolution No. 3867. He stated ODOT has requested that the Council approve a revised resolution that recognizes the reconfiguration of this parcel that will need to be acquired for public purposes. Goebel clarified both resolutions 3867 and 3877 would be in effect if this resolution is approved.

MOTION was made by Goebel, seconded by Botello, to adopt Resolution No. 3877, a resolution authorizing the exercise of eminent domain for rights-of-way relating to the Highway 101/SE 35th Street Signalization Project. The motion carried unanimously in a voice vote.

Report on the Government Finance Officers Association Excellence in Financial Report Program. Hawker introduced the agenda item. Nebel reported Finance Director, Mike Murzynsky, and the Finance Department submitted last year's comprehensive, annual financial report to the GFOA Excellence in Financial Reporting Program. He noted, unfortunately, the city did not receive this recognition during its first submission. He stated that Finance has submitted the 2018-2019 Comprehensive Annual Financial Report (CAFR) to GFOA in a second attempt to receive this recognition. Allen noted the issue that kept the city from receiving the award was also not caught by auditors. He added the CAFR is a great move forward.

Report and Possible Action on Electrical Vehicle Charging Stations for the City of Newport. Hawker introduced the agenda item. Nebel reported on February 3, 2020, the Council held a work session on the City's role relating to the provision of electrical vehicle charging stations for the City of Newport. He stated the options that were outlined included no involvement to purchase or lease EV stations for placement on public property for general public use. He noted Thor Hinkley, Senior Program Manager of Forth Mobility, indicated that they have 6 level two chargers that they would be willing to make available to the City of Newport. He explained these chargers are all single unit chargers, and it would make the most sense to install two at each location selected by the city for this purpose. He noted while the chargers would be free, the city would be responsible for the cost of installation and the provision of electricity to feed these chargers. He added the electrical service will be a high variable cost depending upon the availability of electricity at each site selected.

Nebel reported sites suggested included:

- The Ernest Bloch Wayside,
- The Performing Arts Center,
- The Nye Beach Turnaround, and
- On the City Hall campus.

He noted the units available are not networked, meaning the city would not be able to charge for the electricity utilized through the chargers. He asked Council to express its intent on this matter subject to identifying the funding to extend electricity and install the charging system at appropriate locations. He added Council could give direction as to whether any regulatory policies are desired to be considered tying in EV stations with certain new projects that are developed within the community. He noted there was staff concern on the cost of maintenance these would require.

Parker mentioned another option is 120-volt wall plug charging being part of city employee policy changes that could be adopted at no cost. He stated facilities for the plugs could be the water treatment plant or any city building that has exterior wall plugs, which would not require any additional wiring improvements. He emphasized that is an employee benefit that the city could consider. He noted the ev charging stations are

relatively well-built and wiring them is not an unusual task. Hall asked if Council needs to limit how long people are parked at the stations. Parker replied four-hour time limit signs are common. Sawyer asked if nearby businesses could chip in, tourism money pay for a portion of the cost, or Central Lincoln PUD might subsidize these. Parker noted Central Lincoln would be able to subsidize if meters were installed.

Nebel reported staff had philosophical discussions on the merits of providing free electricity to employees and stated there will be a need for talking points on why it makes sense to proceed with this. Parker explained how the state charges its employees for electricity use. Hall stated the reasons tie directly into the Vision 2040 in terms of infrastructure investment, sustainable economy, green development, and renewable energy. Goebel stated as a society, people are trying to move away from gas to electricity, and perhaps the service could inspire employees to be more proactive about their buying.

MOTION was made by Parker, seconded by Goebel, to indicate the city's favorable interest in acquiring the 6 level two EV chargers that Forth Mobility offered to the City of Newport, subject to the development of cost estimates, and appropriation of funds to install the EV charging units; request the city administration identify estimated costs for installation and budgeting in the 2020-2021 Fiscal Year Budget; and move city administration discuss creating an employee electric vehicle policy, which would include possible monthly flat costs and/or directing city staff to determine the most likely and favorable locations for employee charging in the City of Newport. The motion carried unanimously. Allen suggested administration use the budget process to allocate some funding from room tax revenues.

Scheduling a Public Hearing for the Adoption of the 2020-2021 Council Goals. Hawker introduced the agenda item. Nebel reported the Council met in a day-long goal setting session in January to identify goals and objectives impacting the 2020-2021 fiscal year. He recommended the Council schedule a public hearing to formally adopt the goals.

MOTION was made by Goebel, seconded by Botello, to accept the draft report for the 2020-2021 goals for the City of Newport and schedule a public hearing for March 16 prior to adopting these goals. The motion carried unanimously in a voice vote.

Allen declared an actual conflict of interest, recused himself, and left the room.

Recruitment and Hiring of a City Attorney for the City of Newport. Hawker introduced the agenda item. Nebel reported On November 4, 2019, the Council adopted Resolution No. 3873 to establish hiring standards, criteria, and direction on the recruitment and hiring of a City Attorney for the City of Newport. He stated the Council requested both employment applications, and proposals from individuals, and or firms to fill the capacity of City Attorney for the City of Newport. He explained the City Attorney's position is one of three positions hired directly by the City Council, with the other two being the City Manager, and the Municipal Judge. He noted Council received four applications, reviewed the candidates for City Attorney, and conducted interviews of two of those candidates.

Nebel reported Council is now in a position to formally delegate the responsibility for negotiating an agreement with the top candidate for this position, David Allen. He recommended Council designate the Mayor, and Council President, with the assistance of legal counsel, Ross Williamson, to negotiate an agreement and bring those terms back for Council review and approval. He added the last step of the process would be to make a contingent offer of employment based on the terms of the agreement subject to the final background check. He noted David Allen currently sits on the City Council, and Councilor

Allen has indicated it is his intent to resign his Council seat upon appointment as City Attorney.

MOTION was made by Jacobi, seconded by Goebel, to formally delegate the Mayor, Council President, and legal counsel, Ross Williamson to negotiate a contingent employment agreement for Council's consideration and approval subject to the completion of the background check. The motion carried unanimously in a voice vote.

Allen returned to the meeting.

Report on Cell Towers and Systems. Hawker introduced the agenda item. Nebel requested the audience turn off their cellphones. He reported at the February 18, 2020 Council meeting, Eva Bortnick expressed concern regarding radioactive emissions from cell towers and other systems. She requested that Council create a working group or task force to review this issue, and that it halts further construction of cell towers. He stated at the February 18 meeting, Tokos explained that under the existing code, the city's current provisions. Tokos reported that FCC regulations preempt what local governments can regulate. He noted that the League of Oregon Cities is a party to a lawsuit with the FCC regarding preemption of local authority, which is before 9th Circuit, and oral arguments were heard recently. He indicated several work session topics were discussed, including a discussion once the 9th Circuit renders its decision, and further when there is a model 5G ordinance available from the League of Oregon Cities.

Tokos explained the current AT&T tower is at capacity so they need the load provided by Verizon tower's additional arrays. Sawyer acknowledged e-mail from Jill Lyon.

Eva Bortnick asked for follow-up on a work session and withdrawal of AT&T application. She disputed Lyon's email. She emphasized the need for the city to regulate despite Federal regulations.

Mary Ely, a business owner, stated her business is a B&B for chemically and electrically sensitive people, and this tower will eliminate her business. She suggested looking at zoning regulations.

Shelly Fleming, a Newport resident, stated a lot of people don't know that 5G is military technology. She suggested using fiber optic cables.

Tokos reported height, setback, and aesthetics are under local control, but environmental and health aspects are pre-empted by the Federal government. He stated once the city has model code from LOC, the city could assess whether to make changes to local regulations.

REPORT FROM MAYOR AND COUNCIL

Council Reports. Parker clarified the work session on polystyrenes would be on April 6. He asked for an update on painting of the ADA parking spots in front of city hall. He also asked for an update on Rogue. Nebel replied he will have a report within a month. Parker noted the plan to stripe FBO lot at the airport and asked for an update. He asked for the management plan for Scotch broom on airport property. He offered to talk with the airport folks on management.

Hall reported she read to elementary school kids at Sam Case today and they are still looking for folks to do that. She noted Bike and Ped Committee is looking for more applicants. Hall noted the Council didn't cover meals in the work session. Goebel stated he received a request for better signing of the Vietnam Memorial. Nebel replied he asked Ken Spencer to come up with ideas, but never got response. He noted one of the concepts

was to have sub-signs to mark major components in all the parks. Goebel agreed with need to restripe the airport parking lot.

Nebel reported there would be a ribbon cutting on March 10 for the 6th Street Project and Agate Beach walkway. He noted there would be a dedication of murals on March 14 at the Nye Beach Pump Station. Sawyer mentioned there would be a fundraiser at Chowder Bowl for Samaritan House on Wednesday. He reported the Mayor's Association Conference in 2021 will be in Newport. He added Tokos has the new plans for a craft cheese store on Bayfront.

PUBLIC COMMENT

Mary Ehly asked if approval of panels have been postponed or if a working group will be created. Nebel replied there has not been a decision to create a working group, but staff suggested that one be created after LOC has created model ordinance language.

Eva Bortnick asked who to contact at LOC to find out the status of the ordinance. Allen suggested Jim McCauly, legislative director for LOC. She emphasized the need to not allow the additional panels on the cell tower.

Mona Linstromberg stated in Tokos summary, he mentioned that there were things cities could do regarding cell towers. She emphasized the need for a dedicated telecommunication ordinance.

Marletta Noe, a Newport resident, stated 6th Street is wonderful. She noted she knows people who live off the grid, and recommended that for people with sensitivities.

ADJOURNMENT

Having no further business, the meeting adjourned at 10:17 P.M.

Margaret M. Hawker, City Recorder

Dean H. Sawyer, Mayor

CITY OF NEWPORT**ORDINANCE NO. 2163****AN ORDINANCE AMENDING THE CAPITAL FACILITIES CHAPTER OF
THE CITY OF NEWPORT COMPREHENSIVE PLAN TO ESTABLISH A POLICY
FRAMEWORK FOR MANAGING PUBLIC PARKING ASSETS IN THE
NYE BEACH, CITY CENTER, AND BAYFRONT AREAS
(Newport File No. 1-CP-19)****Summary of Findings:**

1. In 2016, the City of Newport commissioned the preparation of a Parking Management Plan to identify strategies to maximize available parking supply in the Bay Front, Nye Beach, and City Center areas of Newport to support a vibrant working waterfront, tourist and general retail-oriented commercial businesses, and mixed use neighborhoods. Each of these areas within the City is densely developed with much of the parking demand being met with on-street spaces and public parking lots.
2. Historically, persons developing commercial property in these areas have been allowed to pay a fee to the City in lieu of providing new off-street parking spaces to address the impacts attributed to their projects. That program proved outdated, and beginning in 2009 business owners petitioned the City to establish Economic Improvement or "Parking Districts" to fund parking system improvements through a business license surcharge. While the Parking Districts have been easier for the City to administer than a "payment in lieu" program, and have allowed for greater involvement from area business owners, neither approach provides a clear, long term strategy for how public parking assets should be managed nor have they generated sufficient funding to make meaningful improvements to the parking system.
3. The City hired a consultant, Lancaster StreetLab, to prepare the Parking Management Plan, with assistance from City staff and oversight by a City Council appointed Parking Study Advisory Committee consisting of representatives from the three Parking District advisory committees. An initial round of workshops and walking tours with local stakeholders and business owners occurred in April of 2016. The consultants then inventoried the parking supply in the three districts and observed utilization and turnover rates during periods of peak and off-peak demand. This occurred on Thursday August 25, 2016, Saturday August 27, 2016, and Saturday December 10, 2016.
4. Lancaster StreetLabs field work, and resulting recommendations, were vetted with the Parking Study Advisory Committee, and ultimately worked into a draft Parking

Management Plan completed on March 9, 2018. The Parking Management Plan includes an inventory and assessment of the condition of public parking assets in these areas; detailed field survey data illustrating the utilization and turnover rates of parking spaces during peak and off-peak periods; a list of capital improvements needed to maintain and improve available parking, including possible upgrades to transit service; and financing strategies to fund needed improvements.

5. Once the study was completed an additional round of outreach was conducted during the summer of 2018 with Bayfront, Nye Beach, and City Center businesses; the Port of Newport and commercial fishing community; Bayfront processors; Chamber of Commerce, and Rotary Club. Members of the Parking Study Advisory Committee and city staff attended each meeting and provided an overview of the study's recommendations. Feedback obtained at these meetings was used by the advisory committee to fine tune the Parking Management Plan's recommendations.

6. The proposed amendments to the Comprehensive Plan draw from this body of work. The recommendations, framed as goals, policies, and implementation measures, seek to improve the availability of public parking for all users. This will require changes to how parking is managed. The recommendations touch upon wayfinding, lighting, needed parking improvements, and the City's parking standards for new construction. Additionally, they call for public parking along the Bayfront to be managed with a combination of parking meters and permits. Meters are a proven method of altering parking behavior and improving turnover of parking stalls in high congestion areas. They will also generate revenue for maintenance and improvement of public parking assets. Further outreach is recommended in Nye Beach to assess whether or not a non-metering option that consist of fees and/or parking permits is a workable parking management solution. No major changes are proposed for the City Center area at this time.

7. The Parking Study Advisory Committee consisted of individuals representing tourist-oriented retail businesses, commercial fishing interests, seafood processors, residents, and affected government entities. The group met 15 times over a three year period to develop its recommendations, and their work was informed by a significant amount of public input resulting from outreach resulting from direct mail notice, email distribution lists, press releases, radio shows, newspaper ads, walking tours with business owners and stakeholder interviews.

8. On June 4, 2019 the Parking Study Advisory Committee adopted a motion to recommend the Newport Planning Commission initiate the legislative process to amend the Newport Comprehensive Plan to add a new Parking Facilities Element as outlined in the draft set of amendments now up for consideration. This was the last action taken by the Committee, as that group's responsibilities ended when the three Parking Districts expired at the end of June 2019.

9. These amendments to the "Public Facilities" Chapter of the Newport Comprehensive Plan are consistent with applicable Statewide Planning Goals in that the changes:

- a. Have been developed and vetted with a Parking Study Advisory Committee, Planning Commission, and city Council at public meetings and hearings consistent with Statewide Planning Goal 1, Public Involvement; and
- b. Update the Newport Comprehensive Plan's technical inventory with respect to the condition of public parking capital assets, infrastructure investment priorities, and funding strategies that will facilitate fact based land use decision making processes consistent with Statewide Planning Goal 2, Land Use Planning; and
- c. Promote further economic development within the Bayfront, and potentially Nye Beach and City center, shifting to demand management approach to ensuring parking needs are met, providing businesses a broader range of development and redevelopment options, consistent with Statewide Planning Goal 9; and
- d. Provide for the timely, orderly, and efficient arrangement of public facilities and services by ensuring that public parking infrastructure priorities are identified in conjunction with the City's other capital project needs, consistent with Statewide Planning Goal 11.

10. No other Statewide Planning Goals are applicable to the proposed changes to the "Public Facilities" Chapter of the Newport Comprehensive Plan.

11. Following a work session on July 8, 2019, the Planning Commission initiated the process for amending the Newport Comprehensive Plan in a manner consistent with the proposal recommended by the Parking Study Advisory Committee and scheduled a public hearing.

12. On September 9, 2019, the Planning Commission held a public hearing on the proposed amendments. At the close of the public hearing, a motion was made by Bill Branigan, the Commission liaison to the Parking Study Advisory Committee that the policy recommendations be forwarded to the City Council as drafted, along with an ordinance that would establish a standing advisory committee to assist with implementation. That motion failed on a 3-4 vote. Instead, the Commission recommended that the Council create a new advisory committee with instructions that they revise the draft to eliminate or minimize recommendations related to metering.

13. On October 7, 2019, the Newport City Council met to discuss the Planning Commission's recommendation. The Port Commission, whose members and staff participate in the development of the proposed parking related Comprehensive Plan amendments, requested that Council hold a public hearing. They did not provide formal comment at the Planning Commission meeting. The City Council meeting was also an opportunity for representatives of the Planning Commission to share their different perspectives on the matter. After considering public testimony, the City Council elected to hold a public hearing to take additional testimony before deciding how it wants to proceed.

14. On November 18, 2019, the City Council held a public hearing to take testimony on how the City should manage its public parking assets in Nye Beach, City Center, and the

Bayfront. After taking testimony, the Council elected to hold a work session to discuss how they wanted to proceed with the proposed amendments.

15. On January 6, 2020, the City Council met in work session discussed how it wanted to proceed with the proposed amendments, and there was general consensus that there was sufficient business and property owner support to schedule a public hearing on an ordinance to amend the Comprehensive Plan.

16. The City Council held a public hearing on March 2, 2020 regarding the question of the proposed Comprehensive Plan amendments, and voted in favor of their adoption after considering the recommendation of the Planning Commission, testimony, and evidence and argument in the record.

17. Information in the record, including affidavits of mailing and publication, demonstrate that appropriate public notification was provided for the Planning Commission and City Council public hearings.

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

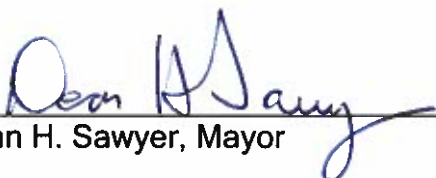
Section 1. Findings. The findings set forth above are hereby adopted in support of the amendments to the Newport Comprehensive Plan adopted by Sections 2 of this Ordinance.

Section 2. Amendment. A Public Parking Facilities Element is hereby added to the Public Facilities chapter of the City of Newport Comprehensive Plan as set forth in the attached Exhibit "A". The body of the amendment, excluding goals and policies, shall be inserted into the chapter after the "Roadway Transportation Facilities" section. The goals and policies shall be inserted in the section titled "Goals and Policies Public Facilities Element," after the heading "Transportation."

Section 3. Effective Date. This ordinance shall take effect 30 days after passage.

Date adopted and read by title only: March 2, 2020

Signed by the Mayor on March 3, 2020.



 Dean H. Sawyer, Mayor

ATTEST:



 Margaret M. Hawker, City Recorder

PUBLIC PARKING FACILITIES

In 2016, the City of Newport commissioned the preparation of a Parking Management Plan to identify strategies to maximize available parking supply in the Bay Front, Nye Beach, and City Center areas of Newport to support a vibrant working waterfront, tourist and general retail oriented commercial businesses, and mixed use neighborhoods. Each of these areas within the City is densely developed with much of the parking demand being met with on-street spaces and public parking lots.

Historically, persons developing commercial property in these areas have been allowed to pay a fee to the City in lieu of providing new off-street parking spaces to address the impacts attributed to their projects. That program proved outdated, and beginning in 2009 business owners petitioned the City to establish Economic Improvement or "Parking Districts" to fund parking system improvements through a business license surcharge. While the Parking Districts have been easier for the City to administer than a "payment in lieu" program, and have allowed for greater involvement from area business owners, neither approach provides a clear, long term strategy for how public parking assets should be managed nor have they generated sufficient funding to make meaningful improvements to the parking system.

Characteristics of each of the study areas is summarized as follows:

Bay Front: A working waterfront with a mix of tourist oriented retail, restaurants, fish processing facilities (e.g. Pacific Seafood), and infrastructure to support the City's commercial fishing fleet. The Port of Newport is a major property owner and a boardwalk and fishing piers provide public access to the bay. The area is terrain constrained, with steep slopes rising up from commercial sites situated along Bay Boulevard.

City Center: A "main street" style cluster of commercial buildings oriented along US 101 between the intersection of US 101 and US 20 and the Yaquina Bay Bridge. Many of the City's public buildings are within this district, including the Lincoln County Courthouse, Newport City Hall, 60+ Center, Recreation & Aquatic Center, and the Samaritan Pacific Hospital.

Nye Beach: A mixed-use neighborhood with direct beach access anchored by Performing Arts and Visual Art Centers. Commercial development is concentrated along Beach Drive and Coast Street, both of which include streetscape enhancements that encourage a dense pedestrian friendly atmosphere. This area includes a mix of retail, dining, lodging, professional services, galleries, single family homes, condominiums, long term and short term rentals.

The Parking Management Plan, prepared Lancaster StreetLab, dated March 9, 2018, includes an inventory and assessment of the condition of public parking assets in these commercial areas; detailed field survey data illustrating the utilization and turnover rates of parking spaces during peak and off-peak periods; a list of capital improvements needed to maintain and improve available parking, including possible upgrades to transit service; and financing strategies to fund needed improvements.

Development of the Parking Management Plan, summarized in this Public Facilities Element of the Newport Comprehensive Plan, was informed by public input from outreach events and the project advisory committee. That committee consisted of individuals representing tourist-oriented retail businesses, commercial fishing interests, seafood processors, residents, and affected government entities. Once the Parking Management Plan was complete, additional outreach was conducted with stakeholders in the community and the project advisory committee, over a period of several months, further refined many of the Plan's concepts and maps resulting in a the final set of recommendations contained in this document.

Existing Public Parking Assets

To inform the preparation of the Parking Management Plan, city staff and the consultant inventoried the public parking assets in the Bay Front, Nye Beach, and City Center areas. Additionally, city staff conducted a field survey to assess the pavement condition of the public parking lots. Much of the work was performed in the spring/summer of 2016. Results were presented to the project advisory committee at its November 2016 meeting, and are summarized in Tables 1 through 3 below.

Table 1: Parking Lots

Facility	Size (SF)	District	# Spaces	Condition
Abbey Street Lot	21,200	Bayfront	53 standard 2 ADA accessible	Poor
Abbey Street (right-of-way)	5,800	Bayfront	10 standard 2 ADA accessible	Good
Case Street (right-of-way)	3,600	Bayfront	6 standard 1 ADA accessible	Good
Canyon Way Lot	23,000	Bayfront	33 standard	Fair
Fall & Bay Street	8,600	Bayfront	13 standard 1 ADA accessible	Poor
Fall & 13 th Street	11,800	Bayfront	22 standard	Fair
Hurbert (right-of-way)	13,400	Bayfront	28 standard	
Lee Street	11,000	Bayfront	19 standard	Good
Hatfield Lift Station	2,000	Bayfront	5 standard	Poor
13 th Street (right-of-way)	3,200	Bayfront	7 standard	Poor
Angle Street Lot	30,000	City Center	53 standard 4 Recreational vehicle 3 ADA accessible	Good
City Hall Campus	57,900	City Center	107 standard 9 ADA accessible	Good
9 th and Hurbert	29,700	City Center	39 standard 5 Recreational vehicle 2 ADA accessible 2 EV charging stations	Fair
US 101 & Hurbert	9,200	City Center	18 standard 2 ADA accessible	Fair
Don & Ann Davis Park	9,800	Nye Beach	25 standard 2 ADA accessible	Good
Performing Arts Center	74,800	Nye Beach	143 standard 8 ADA accessible	Good
Jump-off Joe	6,100	Nye Beach	10 standard	Good
Nye Beach Turnaround	40,400	Nye Beach	45 standard 3 ADA accessible	Poor
Visual Arts Center	12,900	Nye Beach	21 standard 2 ADA accessible	Poor

Table 2: Striped On-Street Spaces

District	Streets	Striping (LF)	# Spaces
Bayfront	Bay Street, Bay Blvd, Canyon Way, Fall Street, Hatfield Drive, Lee Street, Naterlin Drive	5,280	386
City Center	Alder Street, Angle Street, Fall Street, Hurbert Street, Lee Street, US 101, 7 th Street, and 9 th Street	4,830	293
Nye Beach	Coast Street, Olive, and 3 rd Street	2,570	249

Pavement Condition Assessment

A simplified Good-Fair-Poor asphalt pavement rating system was used to gauge the condition of the surface parking areas, with the resulting information being used to estimate funds needed to maintain the lots in good condition.

A Good condition rating was defined as a lot that appeared stable, with minor cracking that is generally hairline and hard to detect. Minor patching and deformation may have been evident.

A Fair condition rating was given to parking surfaces that appeared to be generally stable with minor areas of structural weakness evident. Cracking in these areas was easier to detect. Patching areas may have existed, but were not excessive and deformation may have been more pronounced.

A Poor condition rating was provided for parking areas with visible areas of instability, marked evidence of structural deficiency, large crack patterns (alligatoring), heavy or numerous patches, and/or deformation that was very noticeable.

The following is a brief description of factors that show the degree to which wearing surfaces are worn:

Fatigue Cracking: Sometimes called alligator cracking due to the interconnected cracks which resemble an alligator's skin, fatigue cracking is caused by load-related deterioration resulting from a weakened base course or subgrade, too little pavement thickness, overloading, or a combination of these factors.

Deformation: A distortion in asphalt pavement that is often attributed to instability of an asphalt mix or weakness of the base or subgrade layers. This type of distress may include rutting, shoving, depressions, swelling and patch failures.

Edge Cracking: Edge cracks are longitudinal cracks which develop within one or two feet of the outer edge of pavement. They form because of a lack of support at the pavement edge; which in this case would be poorly managed drainage that is undermining the road surface

Raveling: Raveling is the wearing away of the asphalt cement from the aggregate particles. This can occur as a result of normal wear over time and it can be exacerbated by such conditions as oil dripping from vehicles.

Structural weakness: When pavement conditions wear to the point that there is substantial fatigue cracking, deformation, and/or patching, it can no longer be preserved with a slurry seal and will need to be reconstructed.

The pavement condition assessment was for the travel surface only and did not factor in striping, signing, drainage, railing, sidewalk or other repairs that may be needed.

Fatigue Cracking – Abbey Street Lot (2016)



Maintenance Schedule

The pavement condition assessment informed the development of a maintenance schedule to identify the level of funding the City should reserve annually to maintain the travel surfaces of the public parking lots (Table 3). Lots that are in good condition can be maintained with a chip seal or slurry seal every 5-10 years, and this is typically done up to three times before the surface is reconstructed. Those in fair condition will need to be rebuilt sooner, and those in poor condition are not candidates for a seal coat, as such treatment is unlikely to extend the useful life of the pavement surface.

Annual estimates were further prepared to account for striping and other ancillary repairs that may be needed, such as drainage, sidewalk, or curb replacement. Placeholders were also provided for administration of a permit parking program and metering, should those elements be implemented. The annual maintenance needs were then broken out by commercial area (Table 4).

Table 3: Parking Lot Surface Maintenance Needs.

Parking Lot	District	Size (sf)	Spaces	Condition	1-5 Years	5-10 Years	10-15 Years	15-20 Years
Angle Street Lot	City Center	30,000	65	Good		Seal \$60,000		Seal \$79,500
City Hall	City Center	57,900	112	Good		Seal \$115,800		Seal \$153,435
Don Davis Park	Nye Beach	9,800	25	Good		Seal \$19,600		Seal \$25,970
Performing Arts Center	Nye Beach	74,800	151	Good		Seal \$149,600		Seal \$198,220
Jump-Off Joe	Nye Beach	6,100	10	Good		Seal \$12,200		Seal \$16,165
Lee Street	Bay Front	11,000	19	Good		Seal \$22,000		Seal \$29,150
Abbey (ROW)	Bay Front	5,800	10	Good		Seal \$11,600		Seal \$15,370
Case (ROW)	Bay Front	3,600	6	Good		Seal \$7,200		Seal \$9,540
9 th & Hurbert	City Center	29,700	48	Fair	Seal \$51,678		Rebuild \$198,099	
US 101 & Hurbert	City Center	9,200	20	Fair	Seal \$16,008		Rebuild \$61,364	
Fall & 13 th	Bay Front	11,800	22	Fair	Seal \$20,532		Rebuild \$78,706	
Hurbert (ROW)	Bay Front	13,400	28	Fair	Seal \$23,316		Rebuild \$89,378	
Canyon Way	Bay Front	23,000	33	Fair	Seal \$40,020		Rebuild \$153,410	
Nye Beach Turnaround	Nye Beach	40,000	45	Poor	Rebuild \$203,616		Seal \$92,920	
Visual Arts Center	Nye Beach	12,900	21	Poor	Rebuild \$65,016		Seal \$29,670	
Fall & Bay	Bay Front	8,600	13	Poor	Rebuild \$43,344		Seal \$19,780	
Abbey Lot	Bay Front	21,200	53	Poor	Rebuild \$106,848		Seal \$48,760	
13 th (ROW)	Bay Front	3,200	7	Poor	Rebuild \$16,128		Seal \$7,360	
Hatfield Lift Station	Bay Front	2,000	5	Poor	Rebuild \$10,080		Seal \$4,600	
					Cost: \$596,586	\$398,000	\$784,047	\$527,350
							Total Cost:	\$2,305,983
							Annual	\$115,299

Table 4: Annual Maintenance Expenses

Parking District	Lot Resurfacing ¹	Ancillary Repairs ²	Striping	Permit Program ³ (if implemented)	Metering ³ (if implemented)	Total
Bayfront	\$37,850	\$9,450	\$1,850	\$10,000	\$28,800	\$87,950
City Center	\$36,800	\$9,200	\$1,900	Not recommended	Not recommended	\$47,900
Nye Beach	\$30,500	\$7,650	\$1,450	\$10,000	\$13,200	\$62,800

1. Costs from pavement condition assessment prepared as part of parking study. Resurfacing costs proportioned by district with the cost of the Nye Beach Turnaround project being backed out since it has been funded with other resources.

2. Ancillary costs include repairs to drainage system, sidewalks, walls and railing when lots are resurfaced. Assumes 25% of resurfacing cost.

3. Annual maintenance costs are as outlined in the Study (\$500/pay station and \$100/sign).

Outreach

Buy-in from business owners, residents, and other affected parties is essential to the success of a parking management plan. To this end, a series of public meetings were held at the outset of work on the Parking Management Plan, with the goal of obtaining public input on opportunities and constraints with regard to parking management.

Meetings were held from 6:00 to 8:00 pm during the second week of April, 2016. One meeting was held for each of the three Parking Districts. The City Center district meeting was held on Tuesday April 12th; the Nye Beach district meeting was held on Wednesday April 13th, and the Bayfront District Meeting was held on Thursday April 14th. All meetings were open to the public and advertised publicly in advance of the meeting.

Before each of the above meetings, a walking tour of the study area took place that included the consulting team and a small handful of local stakeholders and business owners. These were advertised to local business owners and other stakeholders who have been active within management of the existing parking districts. In tandem with the formal meetings in the evening, this process provided an opportunity for additional public input during which some issues and potential solutions were discussed and incorporated into the Parking Management Plan.

Once the study was completed an additional round of outreach was conducted during the summer of 2018 with Bayfront, Nye Beach, and City Center businesses; the Port of Newport and commercial fishing community; Bayfront processors; Chamber of Commerce, and Rotary. Members of the project advisory committee and city staff attended each meeting and provided an overview of the study's recommendations. Feedback obtained at these meetings was used by the advisory committee to fine tune the studies recommendations.

Parking Management Plan Methodology

In order to gain an understanding of parking demand within each of the respective parking management areas, a detailed study of parking demand and utilization was conducted. The primary study days were Saturday August 27, 2016 and Saturday December 10, 2016. These days were selected because they were expected to represent typical weekend days (i.e., no special events or other unusual factors) during the peak tourism season and the slowest period of the year for tourism, respectively. Additional observations were conducted on Thursday August 25, 2016 in order to study differences between weekday and weekend demand patterns. The results of this analysis heavily inform the management recommendations that follow, and were used to project potential revenues and maintenance needs.

The methodology employed for this analysis consisted of two steps: an inventory of parking supply, including the number and types of stalls, followed by peak and off-peak occupancy and demand observations. To complete the first step, an inventory of the supply of parking stalls was conducted, tracking the number and location of parking spaces along each block face as well as designated users, maximum time stays, and other pertinent information as applicable. Locations and capacities of parking lots were recorded, and for on-street spaces, whether or not a space was marked was recorded. The inventory was conducted utilizing a tablet PC. Data collected in this step was used to set up data collection tools in the form of spreadsheets, to be used during the following step.

Following the inventory step, parking demand data was collected. The study area consisted of routes containing approximately 30 to 35 block faces of on-street parking as well as any lots along the route. Four routes were in Nye Beach, three were the Bayfront, and one was within the City Center district. Route sizes and configurations were designed such that data collectors were able to walk and collect data over the entire route once per hour without needing to work excessively quickly. Each parking space within the study area was thus visited once per hour from 10:00 AM to 7:00 PM.

The data were collected on tablet PCs utilizing the route-optimized spreadsheets created during the inventory phase. During each hourly orbit of a given route, the first four digits of the license plate of each vehicle parked in a stall along the route were recorded, to allow for analysis of both occupancy and duration of stay.

Occupancy curves in Figures 1 to 3 below show overall parking occupancy throughout the study area for weekdays. In these figures, the time of day is shown on the horizontal axis and the percent of available parking that was observed to be occupied is shown on the vertical axis. Additionally, a line indicating an occupancy level of 85% is shown-this occupancy level is generally considered to be indicative of 'functionally full' parking. At parking occupancies at or near 85%, high instances of illegal parking, congestion attributed to vehicles cruising for parking, and other undesirable behaviors are often observed from frustrated drivers. Parking areas that are functionally full are candidates for "metering" as a tool to improve parking turnover.

Figure 1: City Center Parking Utilization

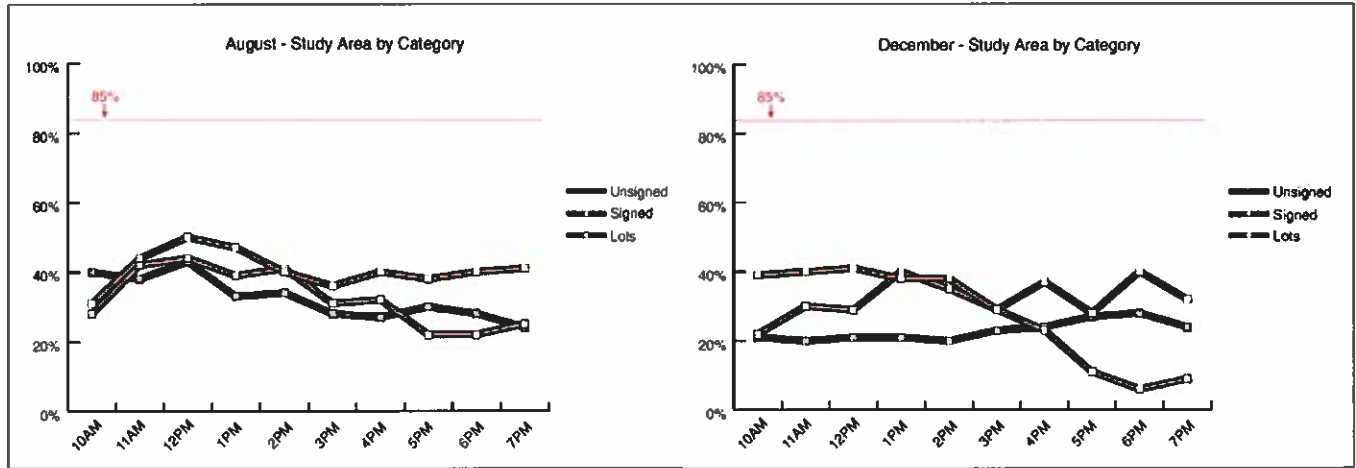


Figure 2: Nye Beach Parking Utilization

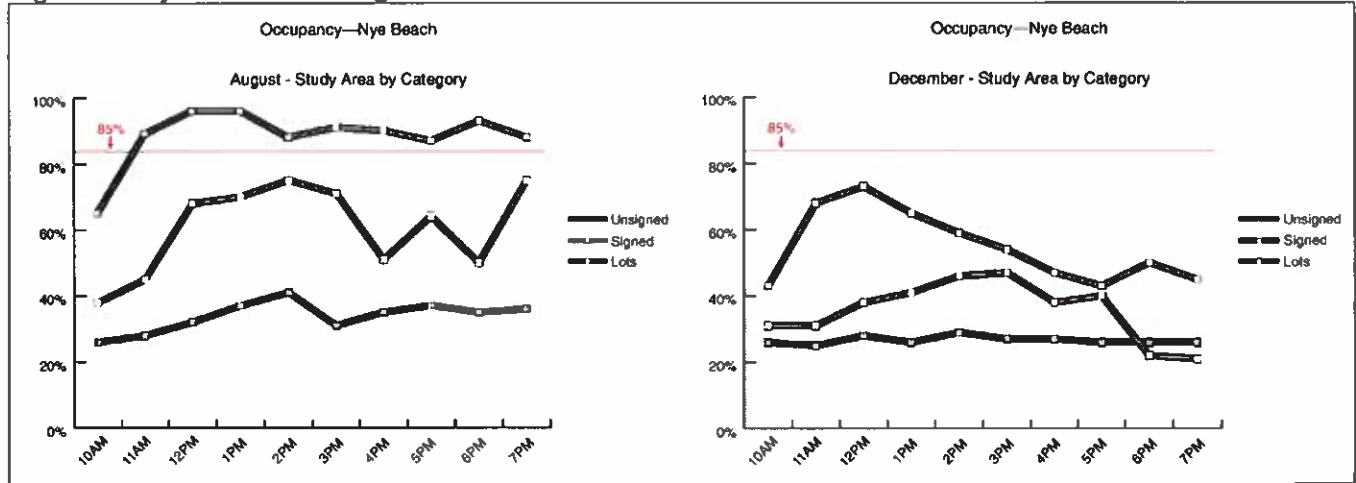
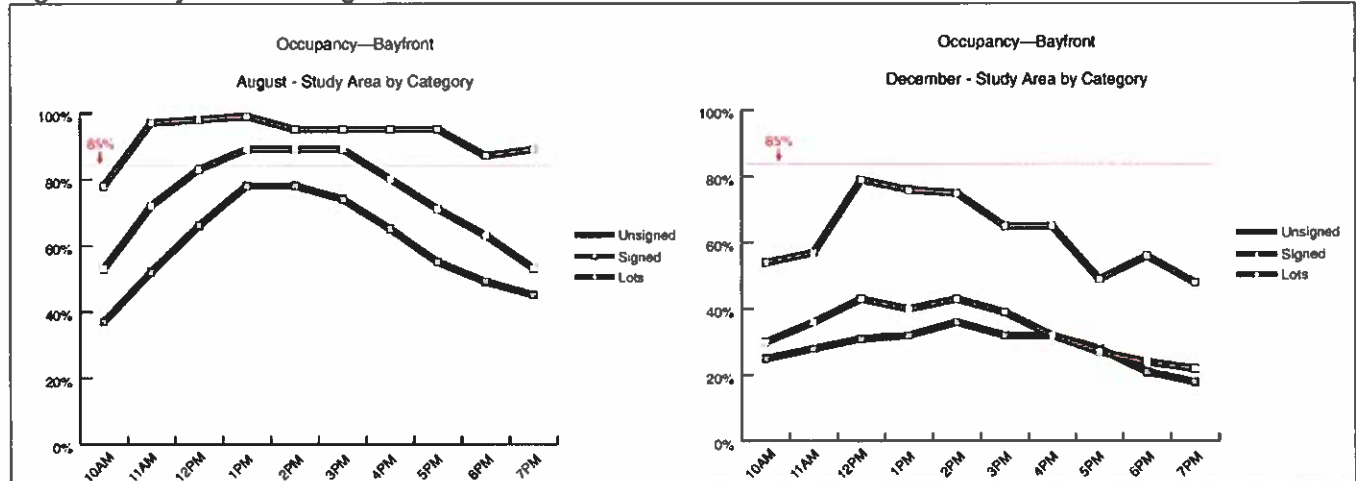


Figure 3: Bayfront Parking Utilization



Survey data was also used to identify the percentage of overall occupancy (hourly), percentage occupancy by street block (hourly), average stay length (Signed, Unsigned, Overall Study Area), percentage overstays (Signed Stalls), Unique Vehicle Served Daily (Signed Stalls). It is broken down in charts graphics, with more detailed analysis, in the Lancaster Parking Management Plan, included in the appendices to this Plan.

Recommendations

Recommendations from the Lancaster Parking Management Plan, as amended by the project advisory committee, are summarized below and further refined in the goals and policies section of the Public facilities Element of the Newport Comprehensive Plan.

Demand Management

- Implement metered zones, permit zones, and hybrid permit/meter zones for high demand areas along the Bayfront as generally depicted in Figure 4 below. Conduct further outreach with the Nye Beach community to assess whether or not a scaled down metering concept, focused on core commercial areas as depicted in Figure 5 below, is acceptable or if a non-metering option that consists of fees and/or permit parking is preferable.
- Support metering with permit program for residents, businesses and the fishing community.
- Meter revenues in excess of administrative costs should be dedicated to prioritized parking system investments.
- Evaluate measures on an ongoing basis with attention to economic, land use and related factors that influence parking demand.

Wayfinding and Lighting

- Improve branding of city-owned parking lots and facilities and wayfinding between parking areas and destinations.
- Focus wayfinding efforts on under-utilized facilities such as the Hurbert Street lots and Performing Arts Center lot.
- Adjust signage to encourage RV parking and circulation outside of high demand areas along the Bayfront and in Nye Beach.
- Improve street lighting to create a better walking environment and to help activate under-utilized parking in poorly lit areas.

Parking Improvements

- Explore opportunities for the City and Port of Newport to partner on a project to add an east gangway access to Port Dock 5 to make Port property more attractive for parking
- Coordinate with the Port on opportunities to more efficiently store and/or rack gear to free up parking on Port property
- Restripe side street parking areas and lots with worn pavement markings (e.g. Canyon Way) to improve efficiently
- A key component is metering public parking in portions of the Bayfront and potentially Nye Beach.

Code Revisions

- Add code provisions to allow pervious pavement and other comparable alternatives to paved surfaces for areas suitable for temporary parking
- Allow temporary parking on undeveloped properties during extreme demand periods
- Eliminate minimum off-street parking requirements for new development and redevelopment in metered and permit zones (for most uses)

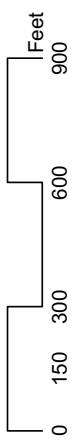


Figure 4: Bay Front Parking Management Alternative

Image Taken July 2018
 4-inch, 4-band Digital Orthophotos
 Quantum Spatial, Inc. Corvallis, OR

City of Newport
 Community Development Department
 Phone: 1.541.574.0629
 Fax: 1.541.574.0644
 168 SW Coast Highway
 Newport, OR 97365



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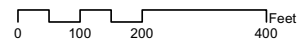
- Legend**
- On-Street Spaces**
- Paid Only
 - Paid / Permit
 - Permit / Timed
 - Unrestricted
- Public Parking Lots**
- Paid
 - Permit / Timed
 - Unrestricted



City of Newport
 Community Development Department
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 Newport, OR 97365
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Figure 5: Nye Beach Parking Management (Alternative)

Image Taken July 2018
 4-inch, 4-band Digital Orthophotos
 Quantum Spatial, Inc. Corvallis, OR



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Metering, in conjunction with permit and timed parking, is the most significant change recommended by the Parking Management Plan and is proposed as a demand management option at this time because:

- There are not enough parking spaces along the Bay Front and portions of Nye Beach to meet demand.
- Metering with permit parking is an opportunity to improve turnover in high demand areas while enhancing revenues for needed parking improvements.
- Existing revenue is insufficient to address maintenance needs let alone pay for additional supply.
- Resulting condition creates significant congestion and safety issues.
- Timed parking alone, coupled with enforcement will not address the supply problem (observed overstays 5-7%).
- Improvements to wayfinding and lighting, while important, similarly cannot contribute a meaningful number of additional spaces.
- Development opportunities, particularly on the Bayfront, are constrained by the lack of parking.
- Opportunities to add supply or supplement transit services are expensive and require dedicated revenue sources that do not presently exist.

A standing parking advisory committee, with representatives from the three commercial areas should be established to provide oversight. Responsibilities could include:

- Engage policy makers, city committees, staff, and partner organizations to plan for, and facilitate the implementation of parking and other transportation related improvements;
- Provide recommendations regarding city parking policies and programs, including maintenance of parking and related infrastructure, fees, wayfinding, and parking enforcement;
- Advocate and promote public awareness of parking and related initiatives, community engagement, and other efforts to achieve desired policy outcomes.

Capital Projects

The following is a list of capital projects recommended to enhance the availability or improve the supply of available parking. A transit option was explored to provide users an alternative method of transportation to and from the Bay Front, City Center and Nye Beach. A vanpool/carpool option was also discussed; however, further analysis is needed to determine how the mechanics of such a program would work given the employment dynamics in these areas.

Table 5: Potential Capital Projects

Parking System Enhancements (Per study except for refined meter information)

Description	Upfront Cost	Annual Cost (2018)
Implementation of Metered Areas (Bay Front and Nye Beach)	\$634,750	\$42,000
Implementation of Metered Areas (Bay Front Only)	\$435,000	\$28,800
Newport Transit Loop		\$200,000+
Expanded Striping to Un-Marked Spaces (ref: difference between Table 2 and Table 6)	\$10,000	\$5,000
Improved Lighting at 3 rd & 6 th Street	\$235,000	\$45,000
Gangway from Port parking area to east end of Port Dock 5	\$250,000 - \$750,000	\$7,500
Enhance City-Wide Wayfinding System	\$25,000 - \$125,000	\$5,000
Nye Beach Area Structured Parking	\$2,400,000	\$15,000
Bayfront Structured / On-Pier Parking	\$4,000,000	\$25,000

Figure 6: Newport Transit Loop

The Lincoln County adopted a new transit development plan at the same time the Parking Management Plan was being developed. The transit plan includes an enhanced loop between Nye Beach and the Bayfront that utilizes City Hall as a transfer station.

Time: 15-minutes from Nye Beach to City Hall and City Hall to the Bayfront.

Equipment: One new bus

Cost: \$201,000 year

Financing

Outlined below are metering and non-metering options for funding parking system improvements. The metering options are limited to the Bayfront and Nye Beach and align with the concept for paid only, paid/permit, and permit/timed concepts depicted on Figures 4 and 5. A breakdown of the spaces that would be subject to these concepts is listed below in Table 6. Accessible parking spaces in these areas would not be subject to meter limitations.



Table 6: Public Parking in Meter/Permit Concepts

Parking Stall Management (By Type)

District	Type	Paid Only	Paid / Permit	Permit / Timed	Unrestricted
Bay Front	On-Street ¹	144	117	242	72
	Public Lot	0	103	52	23
Nye Beach	On-Street ¹	9	105	268	747
	Public Lot	45	0	21	186

¹ Includes unstriped parallel parking spaces in the totals, leading to a larger count than the figures reflected in Table 2.

Table 7: Paystation Pricing

Meter Options

Parking District	# Spaces	# Paystations ¹	Paystation Cost ¹	Signage Cost ²	Total Cost
Bay Front	364	43	\$344,000	\$91,000	\$435,000
Nye Beach	159	20	\$160,000	\$39,750	\$199,750

¹ Roughly one kiosk per eight spaces with adjustments based on lot/street configuration. Price of \$8,000 per kiosk as noted in Study.

² Signage cost of \$1,250 (sign and post) and assumes one sign per five parking spaces (per the Study). There would likely be cost savings attributed to re-use of existing poles.

Table 8: Meter Revenues

Annual Revenues (Assumes no Business License Surcharge)

Parking District	Meter ¹	Permit (Aggressive) ²	Permits (Conservative) ³
Bay Front	\$292,000	\$37,000	\$25,700
Nye Beach	\$134,000	\$28,400	\$19,700

1 Peak demand assumes \$1.00 hour seven days a week from 11am – 5pm, June through September. Meters are weekends only for other months. Assumes same Phase 1 per stall revenue as study.

2 Assumes annual sales at 120% of available spaces in all paid permit and permit timed areas. Priced at \$60.00 per permit. Could be district specific or area wide.

3 Assumes annual sales at 50% of available spaces in all paid permit and permit timed areas. Priced at \$100.00 per permit. Could be district specific or area wide.

Initial installation of meters would need to come from existing city funding sources. Once implemented, anticipated meter revenue is expected to exceed annual expenses and would provide a funding stream to enhance the parking system. The non-meter option (Table 9) relies upon business license and permit parking fees, which could be supplemented with other city funding sources to maintain status quo and low cost enhancements (i.e. striping and wayfinding). For Nye Beach, new revenue could be generated by expanding the boundary of the area where business license surcharges are collected. There is less of an opportunity to do the same in the Bay Front; however, reinstating contributions from the Port of Newport coupled with increases to existing business license surcharges may generate sufficient funds if paired with a parking permit program.

Table 9: Non-Meter Alternative

No-Metering Alternative (Timed Parking with Permits)

Bayfront		Nye Beach	
Maintenance Needs (Table 4)	\$58,350	Maintenance Needs (Table 4)	\$49,600
Current Business License Surcharge Revenue ¹	\$13,750	Current Business License Surcharge Revenue	\$6,450
Maintenance Shortfall	-\$44,600	Maintenance Shortfall	-\$43,150
New Revenue from Parking Permits ²	\$25,700	New Revenue from Parking Permits ¹	\$19,700
New Revenue from Business License Surcharge Fees ³	\$18,900	New Revenue from Business License Surcharge Fees ²	\$23,450

1 This amount would be increased by \$6,000 if the Port of Newport and City of Newport were to execute a new intergovernmental agreement committing the Port to ongoing annual contributions on behalf of the commercial fishing interests.

2 Assumes annual sales at 50% of available spaces in all areas identified as paid, paid permit, or timed permit. Priced at \$100.00 per permit. Could be district specific or area wide.

3 Fees are scalable and the amounts listed reflect what is needed to cover anticipated maintenance costs.

Consideration should be given to phasing fee increases in over time. If other revenue sources become available that can be dedicated to maintenance and/or enhancement of the parking assets then adjustments should be made to the fee structure to ensure equitable contributions from various user groups.

GOALS AND POLICIES PUBLIC FACILITIES ELEMENT

PUBLIC PARKING

Goal 1: Maximize the available parking supply in Nye Beach, Bay Front, and City Center areas to support a vibrant working waterfront and retail-oriented, tourist commercial businesses, and mixed-use neighborhoods.

Policy 1.1: Promote the use of under-utilized public parking areas.

Implementation Measure 1.1.1: Improve branding of City-owned parking lots and facilities and wayfinding between parking areas and destinations.

Implementation Measure 1.1.2: Add street lighting to create a better walking environment and to help activate parking in poorly lit areas.

Implementation Measure 1.1.3: Adjust signage to encourage RV parking in the Hurbert Street lot and along Elizabeth Street.

Implementation Measure 1.1.4: Identify specific measures that can be taken to enhance visibility and increase the use of the Hurbert Street lots and Performing Arts Center lot.

Policy 1.2: Promote alternative modes of transportation to reduce vehicle trips to and from Nye Beach and the Bayfront.

Implementation Measure 1.2.1: Support efforts to establish a rapid transit loop between the Bayfront, City Center, and Nye Beach as outlined in the Lincoln County Transit Development Plan (April 2018).

Implementation Measure 1.2.2: Coordinate with area employers on opportunities to expand carpool or vanpool options.

Implementation Measure 1.2.3: Continue to expand the bicycle and pedestrian network to improve connectivity and user options.

Policy 1.3: Consider demand management strategies to improve parking turnover for public parking areas where occupancies are “functionally full” (i.e. at or near 85% percent during peak periods).

Implementation Measure 1.3.1: Pursue metered zones, hybrid paid / permit, and hybrid permit / timed zones for high demand areas along the Bayfront.

Implementation Measure 1.3.2: Support metering, where implemented, with a parking permit program.

Implementation Measure 1.3.3: Conduct outreach with the Nye Beach community to address whether or not a non-metering concept, focusing on

options that consist of fees, permit parking, or other dedicated funding sources is preferable.

Policy 1.4: Investigate opportunities to enhance the supply of public and privately owned parking through strategic partnerships in a manner that best leverages limited funding.

Goal 2: Maintain public parking assets so that they are suitable to meet the needs of all users.

Policy 2.1: Develop financing strategies that secure equitable contributions from parties that benefit from and utilize public parking.

Implementation Measure 2.1.1: Metering should be directed to peak demand periods, as opposed to year round, with a baseline for pricing that is consistent with the recommendations contained in the Newport Parking Management Plan (March 2018).

Implementation Measure 2.1.2: In areas where metering is not implemented, fees from businesses and users should be adjusted to cover anticipated maintenance costs, unless other revenue sources are identified for that purpose.

Implementation Measure 2.1.3: Revenues generated from public parking meters, permits or other fees should be dedicated to public parking, and not used to support other city programs.

Implementation Measure 2.1.4: Business license surcharge fees now imposed in the Bayfront, Nye Beach, and City Center should be expanded to apply to short-term rentals, but otherwise maintained in their present form until other funding sources are established.

Policy 2.2: Establish a program for routine maintenance of public parking lots.

Implementation Measure 2.2.1: Incorporate scheduled resurfacing, striping, and reconstruction of the public parking lots into the City's Capital Improvement Plan.

Policy 2.3: Consider adjustments to funding maintenance of public parking areas in City Center once the urban renewal funded transportation system planning effort for that area is complete.

Policy 2.4: Evaluate parking management practices at the City Hall Campus to ensure available parking is sufficient to meet anticipated needs.

Goal 3: Implement changes to how the City manages public parking in a manner that is easily understood by the public, meets the needs of area businesses and residents, recognizes seasonality of certain uses, and is effectively enforced.

Policy 3.1: Ensure city codes and policies provide a clear administrative framework for implementing metering, permitting, or other regulatory tasks.

Policy 3.2: Identify opportunities to facilitate economic development and enhance livability in areas where parking is limited.

Implementation Measure 3.2.1: Add code provisions to allow pervious pavement and other comparable alternatives to paved surfaces for areas suitable for temporary parking.

Implementation Measure 3.2.2: Allow temporary parking on undeveloped properties during extreme demand periods.

Implementation Measure 3.2.3: Reduce or eliminate minimum off-street parking requirements for new development or redevelopment in metered and meter/permit zones.

Policy 3.3: Scale code enforcement resources commensurate to the demands of the parking program.

Goal 4: Provide opportunities for the public to inform city decision making related to the management of public parking areas.

Policy 4.1: Provide a structured method for members of the public to advise policy-makers and staff on how the city might best leverage and invest in its parking and transportation-related assets.

Implementation Measure 4.1.1: Establish a standing parking advisory committee, with representation from affected areas.

Implementation Measure 4.1.2: Utilize public processes to evaluate parking measures on an ongoing basis with attention to economic, land use and related factors that influence parking demand.

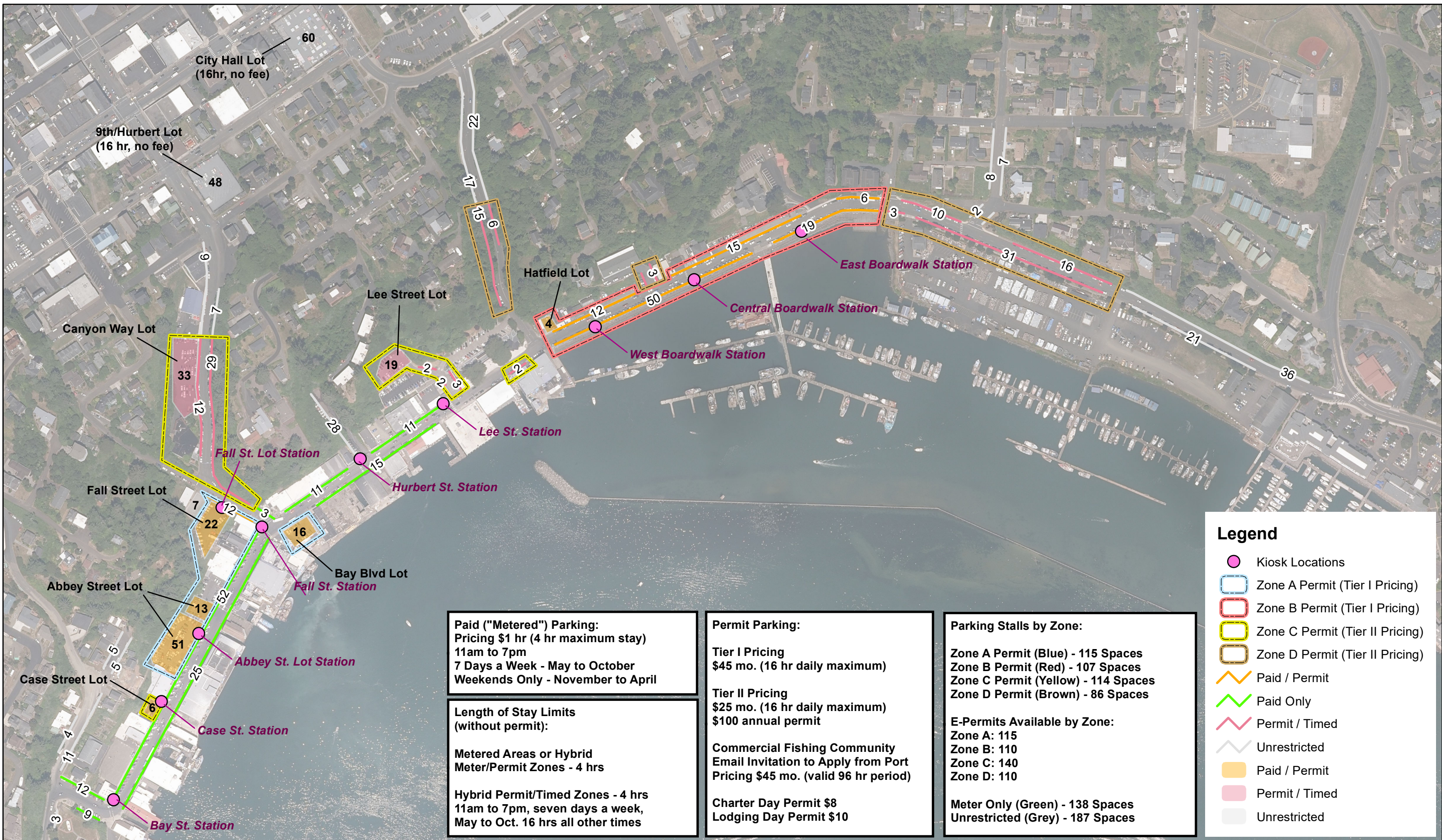
- Legend**
- On-Street Spaces**
- Paid Only
 - Paid / Permit
 - Permit / Timed
 - Unrestricted
- Public Parking Lots**
- Paid
 - Permit / Timed
 - Unrestricted



Figure 5: Nye Beach Parking Management (Alternative)

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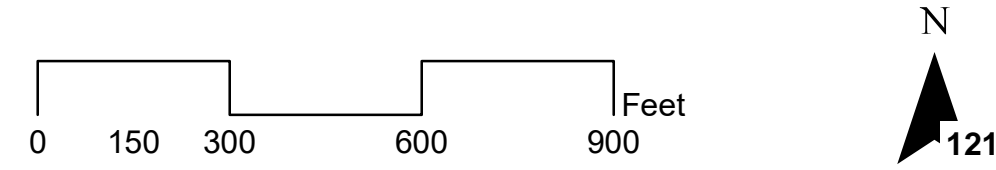




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Bay Front Parking Management Plan

Aerial Image Taken 2021
 4-inch, 4-band Digital Orthophotos
 Date: October 13, 2023 (v9)



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