

Minutes of the  
**CANNON BEACH CITY COUNCIL**  
Tuesday, November 7, 2023  
Council Chambers

Present: Mayor Barb Knop, Council President Nancy McCarthy, Councilors Brandon Ogilvie, Gary Hayes and Lisa Kerr

Excused:

Staff: City Manager Bruce St. Denis, IT Director Rusty Barrett, Recorder Jennifer Barrett, Chief of Police Jason Schermerhorn, Community Development Director Steve Sokolowski

Other: City Attorney Ashley Driscoll and Special Counsel Bill Kabeiseman

CALL TO ORDER AND APPROVAL OF AGENDA

Mayor Knop called the meeting to order at 6:02 p.m.

St. Denis announced that item #5 the appeal has been withdrawn.

Motion: Ogilvie moved to approve the agenda as amended; Hayes seconded the motion.

Vote: Hayes, McCarthy, Ogilvie, Kerr and Knop voted AYE: the vote was 5:0 and the motion carried. The agenda was approved.

CONSENT AGENDA

( 1) Consideration of the Minutes will be on the November 14<sup>th</sup> meeting.

Knop said let's hold a moment of silence for Dr. Bob Wayne who recently passed away.

PUBLIC COMMENT

Knop said please be respectful and kind and keep it under 3 minutes.

- There was none.

ORDINANCE

( 2) Ordinance 23-09, an Ordinance Amending the Municipal Code Chapter 6.10 Prohibition on Attracting and Feeding Wild Animals

St. Denis read the staff report. Kerr said this was put through from a former council. Hayes said this is off topic, but did anyone else get a letter from Karen Anderson from the bunny rescue? She reached out to me and had concerns about the text in the ordinance and wanted clarification on if the ordinance applied to the bunnies, who she says is not wild but feral and concerns the ordinance as a whole is not clear. I gave her information on the meeting and hoping she'd be here to speak herself.

Driscoll said bunny is listed as one of the included animals that is considered wild. I do believe the non-domesticated untrained bunnies would qualify as wild animals. Kerr asked would a feral cat be wild, Driscoll read the definition and said yes it would fall under definition. Hays said she may have more to say but I'll let her say it at some point. I did what I wanted to do and brought it to your attention. Driscoll replied our court is only set up

to hear violations and there are different protections when you are educating crimes versus violations. We could do it, it would just constitute restructuring of how we do our Municipal court.

Motion: Hayes moved to approve the first reading of Ordinance No. 23-09: Ogilvie seconded the motion.

Knop read the Ordinance by title only, Ordinance 23-09 an Ordinance Amending the Municipal Code Chapter 6.10 Prohibition on Attracting and Feeding Wild Animals

Kerr said I am concerned about the definition of wild animal and things brought up in that letter. Hayes replied we are not going to rewrite the ordinance tonight, it's just changing the misdemeanor. St. Denis added where is the definition, Driscoll replied it's in the ordinance, the section be considered now is the violation but we can look at the other in another meeting.

Vote: Hayes, McCarthy, Ogilvie, Kerr and Knop voted AYE: the vote was 5:0 and the motion carried.

Motion: Hayes moved to approve the second reading and adopt Ordinance No. 23-09 : Ogilvie seconded the motion.

Knop read the Ordinance by title only, Ordinance 23-09 an Ordinance Amending the Municipal Code Chapter 6.10 Prohibition on Attracting and Feeding Wild Animals

Vote: Hayes, McCarthy, Ogilvie, Kerr and Knop voted AYE: the vote was 5:0 and the motion carried.

Knop stated Ordinance No. 23-09 has been adopted and will become effective 30 days from adoption.

## RESOLUTION

- ( 3 ) Resolution 23-23 for the Purpose of Repealing Resolution 23-12 and establishing Water, Wastewater, and Storm Drain Utility Rates

Assistant Finance Director Ron Logan read the staff report, noting the research FCS is doing should be available at the next meeting or in January. Logan added Doug Gabbard from FCS is also on zoom. Kerr said Gearhart just did adoption of new water rate that encourages the conservation of water and is different from ours and might be something to look at. Hayes asked when does council need to approval, Logan replied we determined if not done tonight we could do in December but there is work that needs to be done to make the revision. I think Bruce Kerr had some good ideas on this. He did a good look at this and asked some good questions; I don't think things are equitable at looking at his points and think there are some adjustments we can make based on his suggestion that would still be revenue neutral. Knop added the approach is to raise rates for this coming year and when we get information we really study it. Kerr asked are you just talking about water, Knop replied yes. St. Denis added part of the reason for January is that's when we start doing the budget. I would think that to look at particular information Bruce Kerr put together its' not something that happens at a work session. We'd turn it over to FCS for review and comments. It may be turned around in December but could take longer. Ogilvie said if it helps to put in perspective we are going to enact the rate increase we are looking at having to raise rates anyway. If we follow the plan there are still increases for the next 10 years but it gives us time to restructure. Kerr said I understand but seems like a huge jump. Hayes said he has good points, giving an overview. We can send to Doug and he can review and maybe the 23% even with the adjustment to make it more equitable wouldn't be that much for one year. Kerr said it was put off by the previous council and now this council is stuck with having to do 23%. McCarthy replied it was put off 10 years ago, the council raised the rates because they had to. Kerr said it's just he first raise then I'd like to see the numbers work differently.

Motion: Hayes moves to approve Resolution No. 23-23, For the Purpose of Repealing Resolution 23-12

and establishing Water, Wastewater, and Storm Drain Utility Rates; Ogilvie seconded the motion.

Vote: Hayes, McCarthy, Ogilvie, Kerr and Knop voted AYE: the vote was 5:0 and the motion carried.

## PRESENTATION

### ( 4) Cannon Beach Farmers Market Annual Report

Farmer's Market Manager Tracy Abel presented the annual report. A copy is included in the record. Abel said I want to thank the council and staff. Knop said thank you for your first year and it was wonderful. McCarthy added it was well organized.

## ACTION ITEMS

### ( 6) APP 23-06, Approval of Findings of Fact & Conclusion for Design Review Board's denial of DRB 23-08, Jay Orloff of Tolovana Architects, applicant on behalf of Paul White for the building of a new accessory dwelling unit above a new garage.

Sokolowski summarized the summary and background. Sokolowski noted the condition of approval should be looked at most closely, reading the condition. I wanted to verify that that was indeed the condition Council was after. Gary I think this is what we said.

Motion: Hayes moved to accept the findings of fact and conclusions conditions that's presented regarding APP 23-06; Kerr seconded the motion.

Vote: Hayes, McCarthy, Ogilvie, Kerr and Knop voted AYE: the vote was 5:0 and the motion carried.

Sokolowski added I think you'll see that application at the next meeting.

### ( 7) Scope of Review Determination for CIDA Inc, on Behalf of the City of Cannon Beach to Appeal a Design Review Board Decision

Knop said I would like to hear on the record and schedule hearing on December 5<sup>th</sup> but prior have a community meeting where we allow our citizens who would like to give further comments speak one last time before the appeal. Kerr replied I agree. I would like an open community meeting first. McCarthy, Hayes and Ogilvie agreed.

Sokolowski said the applicant requested on the record and the hearing will be December 5<sup>th</sup>.

Council selected Tuesday, November 28<sup>th</sup>. Public meeting at 6pm, to allow local residents to weigh in before we have the DRB appeal. Council consensus to hear the appeal on the record.

### ( 8) Intergovernmental Partnership Agreement (IGA) – ePermit System and Services

Sokolowski summarized the staff report, noting they are trying to get all contracts uniformed with the other municipalities, so it's a housekeeping item. Sokolowski added I worked with Heather Martin who reviewed the agreement and there were no comments. Kerr asked will there be more information, J Barrett replied at this time it will not change. Sokolowski said I want to speak with someone from ePermit to show what's all available so we can see how to better improve the system and see what else is offered by them. Kerr gave an overview of what Clatsop County does with their ePermitting. Sokolowski added we are still getting paper submittals and one of the things we are working towards is to get more information electronically. This is one of the reasons to meet with someone from ePermit so we can provide more information. McCarthy asked how much does this cost, reading portion of the contract, Sokolowski replied the cost comes from the 12% surcharge and is part of what used for the system. The only time that \$50,000 would come into play is if you get off Accella and want to get back on they get

reimbursed for putting you back on the system. A discussion ensued regarding the housing excise tax.

Motion: Hayes move to approve the IGA partnership with state of Oregon covering usage of the ePermitting system; Ogilvie seconded the motion.

Vote: Hayes, McCarthy, Ogilvie, Kerr and Knop voted AYE: the vote was 5:0 and the motion carried.

( 9) City Manager Evaluation

Driscoll said originally the plan was to start the process for the City Manager evaluation, and it always sneaks up on us throughout the year and when we originally discussed we wanted to squeeze in the last part of the year. Since being on the agenda, upon further consideration since the councilors are new have a discussion to about the process and bring back the new year. Knop replied that is a great idea. Driscoll gave an overview of the process, adding we'll first review the criteria to use for the evaluation. We've used the criteria in the packet for years with minor modifications and would like council to review and make sure that reflects how you'd like to evaluate the city manager. Bruce is comfortable with the criteria. Hayes added it seems like more evals I've been involved with provide a numerical ranking for criteria. Driscoll explained the process and history of the evaluation form and process. Driscoll added each city doesn't it differently. Kerr asked is the first executive is it with Bruce, Driscoll replied it's just me and council. Kerr asked and second is everyone and Bruce, Driscoll said yes. Ogilvie added I want to commend Ashley on the synopsis of why we changed. McCarthy assed it's a very thorough process and we are very candid when we are discussing in executive session and gives Bruce a chance to know why we say what we say and he has a chance to speak as well. Knop added I think I like this format better than numerical as people have different meanings of what a 5 is. This evaluation is for the person being evaluated so they can learn and grow professionally, and this is a discussion not a spreadsheet. Driscoll said I don't need a vote but would like council to review criteria and make sure that's what they want. It probably won't be until February but if they can provide direction on any merit increase, they want to consider. In the past the council has had me research the local information on compensation or would you like something else? Knop replied I would like the research on the local compensation. Hayes asked could we get info on their merit increases, Driscoll replied yes, I can get that.

Knop asked do we want set deadline, Driscoll replied it will happen on the January meeting to establish criteria and timeline and bring your changes to that meeting.

INFORMATIONAL/OTHER DISCUSSION ITEMS

(10) Monthly Status Report

J Barrett noted the revision to the building section and correction to the affordable housing. McCarthy asked about the 16 trees being removed, J Barrett gave details from Jeff Gerhart's report.

(11) Mayor Communications

Knop said on Thursday I have been invited to go to a tour of the new housing complex at Red Lion and looking forward to see how that property will be made to housing opportunities and mental health.

(12) Councilor Communications

Kerr said Council had communication from Beth Holland for a letter of support. The idea is the property would end up as a reserve if there was enough donations to purchase the property and turn it over to state parks. This would end up with a big incredible parcel of land. I would like to see the city make the request to NCLC. Council consensus to provide both letters requested.

(13) Good of the Order

Kerr said the Planning Commission brought up dark skies and it seems to fizzle. St. Denis said we'll follow up with Sokolowski.

Kerr said regarding the affordable excise tax. I would like to talk with staff. I would like to see a more robust housing tax. Ogilvie said it was enacted by council, Kerr replied I would like to see if it could be enhanced. Driscoll said I am pretty sure it's capped at 1%. I can find out more if you want to have continuing conversation but it's pretty prescribed when enacted. Kerr asked is there any other tax available that we can institute, Driscoll replied I would need to look at preemptive language if council would like to provide direction. Knop replied yes, that would be useful. Driscoll said I will look for any tax we can enact locally for affordable housing. Kerr said I would like to know why it is capped at 1%. Hayes said we have heard in conversations about taxing 2<sup>nd</sup> homes. Kerr said that's something that we can see if it's permissible. Hayes added I believe it's happening in some places, a discussion ensued.

Kerr said I would like to get information on the Christian Conference Center on what properties they provide TLT for to the city, how much it is, what proportion of TLT tax it is, and what properties they rent out that are considered a part of their nonprofit status. I would like to look and see what's going on. I know they are a huge landowner in City.

#### ADJORNMENT

The meeting was adjourned at 7:16 p.m.

ATTEST:

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Jennifer Barrett, Recorder

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Barb Knop, Mayor