

CITY OF LINCOLN CITY

LINCOLN CITY COUNCIL AGENDA

MONDAY NOVEMBER 9, 2020 6:00 PM

6:00 PM - The Lincoln City Council meeting for November 9, 2020 will be held via Zoom. The City Council Chambers will be open and the meeting will be broadcast live in the Council Chambers. It will also be live on Channel 4 and through streaming on the web at www.lincolncity.org.

Public comments can be submitted to publiccomment@lincolncity.org, by attending the City Council meeting, or by attending through Zoom invitation.

Public comments submitted by email to publiccomment@lincolncity.org will be summarized and entered into the record.

Citizens present in the Council Chambers will be given the opportunity to comment via Zoom. Laptops will be set up for those comments. Citizens present in the Council Chambers will be required to wear a face covering and must observe social distancing. A member of the Information Technology staff will be present during the meeting to assist with any technical issues.

Citizens requesting to give public comment via Zoom must email publiccomment@lincolncity.org no later than 12 pm on the meeting day. The request must include the person's name, the subject the person wishes to address and the Zoom screen name the person intends to use for the meeting. A Zoom invitation will be sent to the person requesting prior to the meeting. Persons who will give public comment via Zoom will be placed in a Zoom waiting room upon entering the meeting until the public comment portion of the meeting at which time they will be admitted into the meeting through Zoom.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, for a hearing impaired device, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to the City Recorder, 541-996-1203.

The Lincoln City Council reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the meeting.

All information for this meeting is available at www.lincolncity.org under "Agenda, Packets & Video". This meeting will be televised on Channel 4. For additional rebroadcast times, please consult the Channel 4 guide on the hour.

- A. CALL TO ORDER**
- B. ROLL CALL**
- C. PLEDGE OF ALLEGIANCE**
- D. CONSENT AGENDA**
 - 1. Oregon Liquor Control Commission- Application for Off Premises License- Grocery Outlet of Lincoln City
 - 2. Regular Meeting – Minutes of Regular Meeting – October 26, 2020 6:00 PM
- E. COUNCIL DELIBERATIONS**
- F. COMMENTS FROM CITIZENS PRESENT ON AGENDA/NON-AGENDA ITEMS**
- G. PRESENTATIONS**
- H. PUBLIC HEARING / ORDINANCE**
- I. PUBLIC HEARINGS / PUBLIC COMMENTS**
- J. ORDINANCES**
 - 1. ORDINANCE NO. 2020-21 AN ORDINANCE OF THE CITY OF LINCOLN CITY GRANTING A NON-EXCLUSIVE TELECOMMUNICATIONS FRANCHISE TO ASTOUND BROADBAND, LLC, DOING BUSINESS AS WAVE, SUCESSOR IN INTEREST TO COASTCOM, INC. AND DECLARING AN EMERGENCY
 - 2. ORDINANCE 2020-23 AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING TITLE 5 (BUSINESS TAXES, LICENSES AND REGULATIONS), CHAPTER 5.14 (VACATION RENTAL DWELLING LICENSE), AMENDING SECTIONS 5.14.090 TO CLARIFY AND DEFINE THE JURISDICTIONAL REQUIREMENT FOR STATING A BASIS FOR APPEAL.
- K. RESOLUTIONS**
- L. SPECIAL ORDER OF BUSINESS**
- M. CITY MANAGER/CITY ATTORNEY REPORTS**
- N. ACTIONS, IF ANY, BASED ON WORK SESSION OR EXECUTIVE SESSION**
 - 3. Echo Mountain After Action Update
 - 4. Proposed Parking Restrictions/Changes
 - 5. COVID-19 Update
- O. ADDITIONAL COMMENTS FROM CITIZENS PRESENT ON NON-AGENDA ITEMS**
 - 6. Public Comment
- P. ANNOUNCEMENTS OR COMMENTS BY CITY COUNCIL**
- Q. ADJOURNMENT**

Council Communication

Oregon Liquor Control Commission- Grocery Outlet of Lincoln City

Meeting Date:	November 9, 2020	Primary Staff Contact:	David Twigg
Department:	City Council	E-Mail:	dtwigg@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	5 minutes

Question:

Should the City Council provide a recommendation to the Oregon Liquor Control Commission (OLCC) for an Off-Premises liquor license for Grocery Outlet of Lincoln City?

Staff Recommendation:

A review was conducted by Lieutenant Broderick, and staff recommends that City Council provide a favorable recommendation to grant the licenses to the applicant.

Legal Authority:

Oregon Revised Statute (ORS) 471.166 establishes the process for local governments to make recommendations to the OLCC.

Council Options:

Approve a favorable recommendation to the Oregon Liquor Control Commission (OLCC) for an Off-Premises liquor license for Grocery Outlet of Lincoln City.

Attachments:

Grocery Outlet redacted liquor license (PDF)



OREGON LIQUOR CONTROL COMMISSION

LIQUOR LICENSE APPLICATION

1. Application. Do not include any OLCC fees with your application packet (the license fee will be collected at a later time). Application is being made for:

<p>License Applied For:</p> <input type="checkbox"/> Brewery 1st Location <input type="checkbox"/> Brewery 2nd Location <input type="checkbox"/> Brewery 3rd Location <input type="checkbox"/> Brewery-Public House 1st Location <input type="checkbox"/> Brewery-Public House 2nd Location <input type="checkbox"/> Brewery-Public House 3rd Location <input type="checkbox"/> Distillery <input type="checkbox"/> Full On-Premises, Commercial <input type="checkbox"/> Full On-Premises, Caterer <input type="checkbox"/> Full On-Premises, Passenger Carrier <input type="checkbox"/> Full On-Premises, Other Public Location <input type="checkbox"/> Full On-Premises, For Profit Private Club <input type="checkbox"/> Full On-Premises, Nonprofit Private Club <input type="checkbox"/> Grower Sales Privilege 1st Location <input type="checkbox"/> Grower Sales Privilege 2nd Location <input type="checkbox"/> Grower Sales Privilege 3rd Location <input type="checkbox"/> Limited On-Premises <input checked="" type="checkbox"/> Off-Premises <input type="checkbox"/> Off-Premises with Fuel Pumps <input type="checkbox"/> Warehouse <input type="checkbox"/> Wholesale Malt Beverage & Wine <input type="checkbox"/> Winery 1st Location <input type="checkbox"/> Winery 2nd Location <input type="checkbox"/> Winery 3rd Location <input type="checkbox"/> Winery 4th Location <input type="checkbox"/> Winery 5th Location	<p>CITY AND COUNTY USE ONLY</p> <p>FINANCE DEPARTMENT</p> <p>Date application received and/or date stamp: OCT 26 2020 135817676PT <i>DNW</i></p> <p>CITY OF LINCOLN CITY Name of City or County: LINCOLN CITY OR</p> <hr/> <p>Recommends this license be: <input checked="" type="checkbox"/> Granted <input type="checkbox"/> Denied</p> <p>By: <i>David Broderick</i></p> <p>Date: <i>Oct 27th 2020</i></p> <hr/> <p>OLCC USE ONLY</p> <p>Date application received: <i>10/23/2020</i></p> <p>By: <i>OK</i></p> <p>License Action(s): <i>D/LOR; S/LOR; C/TN & Address Update</i></p>
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2. Identify the applicant(s) applying for the license(s). ENTITY (example: corporation or LLC) or INDIVIDUAL(S) applying for the license(s):

<i>JNRCM Inc.</i>	<i>Grocery Outlet Inc.</i>
(Applicant #1)	(Applicant #2)
(Applicant #3)	(Applicant #4)

3. Trade Name of the Business (Name Customers Will See) <i>Grocery Outlet of Lincoln City</i>		
4. Business Address (Number and Street Address of the Location that will have the liquor license) <i>4157 NW Hwy 101 Suite 101</i>		
City <i>Lincoln city</i>	County <i>Lincoln</i>	Zip Code <i>97367</i>

RECEIVED

OCT 07 2020

OLCC - Eugene



OREGON LIQUOR CONTROL COMMISSION

LIQUOR LICENSE APPLICATION

5. Trade Name of the Business (Name Customers Will See) <i>Grocery Outlet of Lincoln City</i>			
6. Does the business address currently have an OLCC liquor license? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
7. Does the business address currently have an OLCC marijuana license? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
8. Mailing Address/PO Box, Number, Street, Rural Route (where the OLCC will send your mail) <i>6795 NE Gibson Rd</i>			
City <i>Yamhill</i>	State <i>OR</i>	Zip Code <i>97148</i>	
9. Phone Number of the Business Location <i>541-994-6828</i>		10. Email Contact for this Application [REDACTED]	
11. Contact Person for this Application <i>Richard Miller</i>		Phone Number [REDACTED]	
Contact Person's Mailing Address (if different) <i>Same</i>	City	State	Zip Code

Please note that liquor license applications are public records. A copy of the application will be posted on the OLCC website for a period of several weeks.

I understand that marijuana (such as use, consumption, ingestion, inhalation, samples, give-away, sale, etc.) is **prohibited** on the licensed premises.

I attest that all answers on all forms, documents, and information provided to the OLCC are true and complete.

Applicant Signature(s)

- Each individual person listed as an applicant must sign the application.
- If an applicant is an entity, such as a corporation or LLC, at least one person who is authorized to sign for the entity must sign the application.
- A person with the authority to sign on behalf of the applicant (such as the applicant's attorney or a person with power of attorney) may sign the application. If a person other than an applicant signs the application, please provide proof of signature authority.

[Signature]

(Applicant #1)

DocuSigned by:
Pamela B. Burke

30F02102483A4F3...
(Applicant #2)

(Applicant #3)

(Applicant #4)



OREGON LIQUOR CONTROL COMMISSION
INDIVIDUAL HISTORY FORM

1. Name: (LAST) Miller	(FIRST) Jennifer-Anne	(MIDDLE) Dayle
2. Other Names Used (Maiden, Etc.): Jennifer-Anne Dayle Ables		
3. Do you have a Social Security Number (SSN) issued by the U.S. Social Security Administration? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, please provide your SSN: █████ - █████ █████		
<p>SOCIAL SECURITY NUMBER DISCLOSURE: As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). If you are an applicant or licensee and fail to provide your SSN, the OLCC may refuse to process your application. Your SSN will be used only for child support enforcement purposes unless you indicate below.</p> <p>Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC § 552(a).</p> <p>Do you voluntarily consent to the OLCC's use of your SSN as just described? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>		
4. Date of Birth (MM/DD/YYYY) █████ / █████ / █████	5. Contact Phone █████	
6. Driver License or State ID #: 7672775	7. State: OR	
8. Residence Address: 6795 NE Gibson Rd Yamhill, OR 97148		
9. Mailing Address (if different):		
10. E-Mail (optional):		
11. Do you have a spouse or domestic partner? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list his/her full name: Richard William Miller		
12. If yes to #11, will this person be involved in the management of, or have control over the business? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		
13. In the past 10 years, have you been convicted ("convicted" includes paying a fine) in Oregon or another U.S. state of driving a car with a suspended driver license or driving a car with no insurance? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (Please include explanation below) <input type="checkbox"/> Unsure (Please include explanation below)		
14. In the past 10 years, have you been convicted ("convicted" includes paying a fine) in Oregon or another U.S. state of a FELONY ? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (Please include explanation below) <input type="checkbox"/> Unsure (Please include explanation below)		
15. Have you ever been in a drug or alcohol diversion program in Oregon or another U.S. state? A diversion program is where you are required, usually by the court or another government agency, to complete certain requirements in place of being convicted of a drug or alcohol-related offense. <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (Please include explanation below) <input type="checkbox"/> Unsure (Please include explanation below)		

16. Do you, or any legal entity that you are a part of, **currently hold** or **have previously held** a liquor license or a recreational marijuana license in Oregon or another U.S. state? (Note: alcohol service permits and marijuana worker permits are not liquor licenses).
 No Yes (Please include explanation below) Unsure (Please include explanation below)

17. Have you, or any legal entity that you are a part of, **ever** had an application for a license, permit, or certificate **denied or cancelled** by the OLCC or any other governmental agency in the U.S.?
 No Yes (Please include explanation below) Unsure (Please include explanation below)

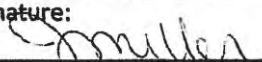
18. Are you applying for a Full On-Premises, Limited On-Premises, Off-Premises, or Brewery-Public House license?
 No Please skip questions 19 & 20. Go directly to question 21.
 Yes Please answer questions 19, 20, and 21.

19. Do you or will you have any ownership interest in a business that manufactures, wholesales, or distributes alcohol in Oregon or another U.S. state?
 No Yes (Please include explanation below) Unsure (Please include explanation below)

20. Does or will an alcohol manufacturer, wholesaler, or distributor in Oregon or another U.S. state have any ownership interest in your business?
 No Yes (Please include explanation below) Unsure (Please include explanation below)

21. Do you currently have, or will you have, any ownership interest in any business in Oregon with a Full On-Premises, Limited On-Premises, Off-Premises, or Brewery-Public House license?
 No Yes (Please include explanation below) Unsure (Please include explanation below)
Owner of JNRCM which will do Off-Premise sales as Grocery Outlet in Lincoln City

You must sign your own form. Another person, like your attorney or a person with power of attorney, may not sign your form. I affirm that my answers are true and complete. I understand the OLCC will use the above information to check my records, including but not limited to, criminal history. I understand that if my answers are not true and complete, the OLCC may deny my license application.

Name: (LAST) Miller	(FIRST) Jennifer-Anne	(MIDDLE) Dayle
Signature: 		Date: 09/24/2020



OREGON LIQUOR CONTROL COMMISSION
INDIVIDUAL HISTORY FORM

1. Name: (LAST) Miller		(FIRST) Richard	(MIDDLE) William
2. Other Names Used (Maiden, Etc.):			
3. Do you have a Social Security Number (SSN) issued by the U.S. Social Security Administration? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, please provide your SSN: _____ - _____ - _____			
<p>SOCIAL SECURITY NUMBER DISCLOSURE: As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). If you are an applicant or licensee and fail to provide your SSN, the OLCC may refuse to process your application. Your SSN will be used only for child support enforcement purposes unless you indicate below.</p> <p>Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC § 552(a).</p> <p>Do you voluntarily consent to the OLCC's use of your SSN as just described? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>			
4. Date of Birth (MM/DD/YYYY):		/	5. Contact Phone
6. Driver License or State ID #		7. State: OR	
8. Residence Address: 6795 NE Gibson Rd Yamhill, OR 97148			
9. Mailing Address (if different):			
10. E-Mail (optional):			
11. Do you have a spouse or domestic partner? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list his/her full name: Jennifer-Anne Dayle Miller			
12. If yes to #11, will this person be involved in the management of, or have control over the business? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes			
13. In the past 10 years, have you been convicted ("convicted" includes paying a fine) in Oregon or another U.S. state of driving a car with a suspended driver license or driving a car with no insurance? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (Please include explanation below) <input type="checkbox"/> Unsure (Please include explanation below)			
14. In the past 10 years, have you been convicted ("convicted" includes paying a fine) in Oregon or another U.S. state of a FELONY ? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (Please include explanation below) <input type="checkbox"/> Unsure (Please include explanation below)			
15. Have you ever been in a drug or alcohol diversion program in Oregon or another U.S. state? A diversion program is where you are required, usually by the court or another government agency, to complete certain requirements in place of being convicted of a drug or alcohol-related offense. <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (Please include explanation below) <input type="checkbox"/> Unsure (Please include explanation below)			

16. Do you, or any legal entity that you are a part of, **currently hold** or **have previously held** a liquor license or a recreational marijuana license in Oregon or another U.S. state? (Note: alcohol service permits and marijuana worker permits are not liquor licenses).
 No Yes (Please include explanation below) Unsure (Please include explanation below)

17. Have you, or any legal entity that you are a part of, **ever** had an application for a license, permit, or certificate **denied or cancelled** by the OLCC or any other governmental agency in the U.S.?
 No Yes (Please include explanation below) Unsure (Please include explanation below)

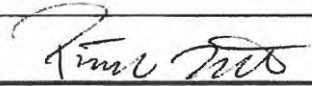
18. Are you applying for a Full On-Premises, Limited On-Premises, Off-Premises, or Brewery-Public House license?
 No Please skip questions 19 & 20. Go directly to question 21.
 Yes Please answer questions 19, 20, and 21.

19. Do you or will you have any ownership interest in a business that manufactures, wholesales, or distributes alcohol in Oregon or another U.S. state?
 No Yes (Please include explanation below) Unsure (Please include explanation below)

20. Does or will an alcohol manufacturer, wholesaler, or distributor in Oregon or another U.S. state have any ownership interest in your business?
 No Yes (Please include explanation below) Unsure (Please include explanation below)

21. Do you currently have, or will you have, any ownership interest in any business in Oregon with a Full On-Premises, Limited On-Premises, Off-Premises, or Brewery-Public House license?
 No Yes (Please include explanation below) Unsure (Please include explanation below)
 Owner of JNRCM which will do Off-Premise sales as Grocery Outlet in Lincoln City

You must sign your own form. Another person, like your attorney or a person with power of attorney, may not sign your form. I affirm that my answers are true and complete. I understand the OLCC will use the above information to check my records, including but not limited to, criminal history. I understand that if my answers are not true and complete, the OLCC may deny my license application.

Name: (LAST) Miller	(FIRST) Richard	(MIDDLE) William
Signature: 		Date: 09/24/2020



OREGON LIQUOR CONTROL COMMISSION
BUSINESS INFORMATION

Please Print or Type

Applicant Name: JNRCM Inc's Grocery Outlet Phone: 541 994-6828

Trade Name (dba): Grocery Outlet of Lincoln City Inc.

Business Location Address: 4157 NW Hwy 101 Suite 101

City: Lincoln city ZIP Code: 97367

DAYS AND HOURS OF OPERATION

Business Hours:

Sunday 8am to 9pm
Monday _____ to _____
Tuesday _____ to _____
Wednesday _____ to _____
Thursday _____ to _____
Friday ↓ to ↓
Saturday ↓ to ↓

Outdoor Area Hours: N/A

Sunday _____ to _____
Monday _____ to _____
Tuesday _____ to _____
Wednesday _____ to _____
Thursday _____ to _____
Friday _____ to _____
Saturday _____ to _____

The outdoor area is used for:

- Food service Hours: _____ to _____
- Alcohol service Hours: _____ to _____
- Enclosed, how _____

The exterior area is adequately viewed and/or supervised by Service Permittees.

(Investigator's Initials)

Seasonal Variations: Yes No If yes, explain: _____

ENTERTAINMENT

- Check all that apply:
- Live Music
 - Recorded Music
 - DJ Music
 - Dancing
 - Nude Entertainers
 - Karaoke
 - Coin-operated Games
 - Video Lottery Machines
 - Social Gaming
 - Pool Tables
 - Other: _____

DAYS & HOURS OF LIVE OR DJ MUSIC

Sunday _____ to _____
Monday _____ to _____
Tuesday _____ to _____
Wednesday _____ to _____
Thursday _____ to _____
Friday _____ to _____
Saturday _____ to _____

SEATING COUNT

Restaurant: _____ Outdoor: _____
Lounge: _____ Other (explain): _____
Banquet: _____ Total Seating: _____

OLCC USE ONLY
Investigator Verified Seating: (Y) (N)
Investigator Initials: _____
Date: _____

I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: [Signature] Date: 9/24/20

1-800-452-OLCC (6522)
www.oregon.gov/olcc

(rev. 12/07)



City of Lincoln City
P.O. Box 50 | 801 SW Hwy 101, 3rd Floor
Lincoln City, OR 97367
541-996-1211
onlinepay@lincolncity.org

XBP Confirmation Number: 88305170

Transaction detail for payment to City of Lincoln City. Date: 10/26/2020 - 11:46:53 AM
Transaction Number: 135817676PT
Mastercard — XXXX-XXXX-XXXX-
Status: Successful

Account #	Item	Quantity	Item Amount
New	Liquor License	1	\$100.00

Notes: New off Premise

TOTAL: \$100.00

Billing Information

Richard Miller
, 97367

Transaction taken by: DWright

CITY OF LINCOLN CITY

CITY COUNCIL MINUTES OF MEETING

October 26, 2020, 6:00 PM

The final minutes for this meeting are supplemented by an electronic recording of the meeting, which may be viewed online at www.lincolncity.org under the tab "Agendas, Packets and Videos". The staff reports, resolutions, ordinances and other documents related to this meeting are also available at the same location. This meeting is rebroadcast on Cable Channel 4. (See Channel 4 guide on the hour at <http://www2.lincolncity.org/program-guide/>).

APPROVED BY CITY COUNCIL

DATE:

A. CALL TO ORDER

B. ROLL CALL

Attendee Name	Title	Status	Arrived
Dick Anderson	Mayor	Present	6:00 PM
Judy Casper	Councilor Ward 3	Present	6:00 PM
Diana Hinton	Councilor Ward 1	Present	6:00 PM
Riley Hoagland	Councilor Ward 2	Present	6:00 PM
Rick Mark	Councilor Ward 3	Present	6:00 PM
Mitch Parsons	Councilor Ward 1	Present	6:00 PM

Staff present: Ron Chandler, City Manager; Richard Appicello, City Attorney; David Broderick, Lieutenant, Lincoln City Police; David Twigg, I.T. Support Specialist.

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was skipped as this meeting was held remotely.

D. CONSENT AGENDA

1. Regular Meeting – Minutes of Work Session – October 5, 2020 1:00 PM
2. Regular Meeting – Minutes of Regular Meeting – October 12, 2020 6:00 PM

RESULT:	Motion to Approve the Minutes from October 5 and October 12
MOVER:	Judy Casper, Councilor Ward 3
SECONDER:	Rick Mark, Councilor Ward 3
AYES:	Anderson, Casper, Hinton, Hoagland, Mark, Parsons

E. COUNCIL DELIBERATIONS

3. REQUEST FOR CONTINUANCE - STATUTORY DEVELOPMENT AGREEMENT INCORPORATING ANNEX 2020-01 CPA/ZC 2020-02 -

Mr. Appicello advised Council that the applicant has requested a 6 month continuance. Mr. Appicello said that he advised the applicant that the Planning Department will re-notice this matter since new material will be submitted. The applicants agreed to that request.

Mayor Anderson asked if there was any alternative to the continuance? Mr. Appicello said that the continuance was legally acceptable, but the main reason for the continuance is that the applicant plans to submit a more detailed concept plan that will control Planned Unit Development (PUD) approval.

MOTION:	Motion to reopen hearing and record for the Woods Annexation and continue the matter until the April 26, 2021 City Council meeting.
MOVER:	Riley Hoagland, Councilor Ward 2
SECONDER:	Rick Mark, Councilor Ward 3
AYES:	Anderson, Casper, Hinton, Hoagland, Mark, Parsons
RESULT:	Passed via Voice Vote

F. COMMENTS FROM CITIZENS PRESENT ON AGENDA/NON-AGENDA ITEMS

4. Public Comment Received for the 10/26/2020 City Council Meeting

Liza Corzine appeared via Zoom. Ms. Corzine commented on the Echo Mountain Fire, noting that the hospital has a natural gas generator. Ms. Corzine is curious if the hospital is in compliance with fire codes. Ms. Corzine asked if the tsunami sirens all work.

Mr. Chandler placed written comments received in the packet. Since the packet was published, he has received written comments from:

Patrick Dunne- commenting on the Woods Annexation;

Fran Lonnon- commenting on the Echo Mountain Fire Complex; Mr. Chandler advised Council that Ken Murphy (Emergency Preparedness Coordinator) and Chief Palmer would be providing an update to Council on the Echo Mountain Fire Complex on November 9.

Liza Corzine- commenting on the Echo Mountain Fire Complex;

Jay Roelof- commenting on the Echo Mountain Fire Complex.

These written comments will be added to these minutes once the minutes are approved by the City Council.

Councilor Mark noted that many of the public comments included copied and pasted minutes from Council meetings with additional comments. Councilor Mark asked that citizens break out their comments and asked citizens to please make their written comments direct and concise.

G. PRESENTATIONS**H. PUBLIC HEARING / ORDINANCE****I. PUBLIC HEARINGS / PUBLIC COMMENTS****J. ORDINANCES**

1. ORDINANCE NO. 2020-21 AN ORDINANCE OF THE CITY OF LINCOLN CITY GRANTING A NON-EXCLUSIVE TELECOMMUNICATIONS FRANCHISE TO ASTOUND BROADBAND, LLC, DOING BUSINESS AS WAVE, SUCESSOR IN INTEREST TO COASTCOM, INC. AND DECLARING AN EMERGENCY

Mr. Appicello asked Council to continue this matter until November 9, 2020. Mr. Appicello explained that outside counsel is handling this matter and he needs to discuss this matter further with them. Mr. Appicello explained that the current franchise agreement expires on November 12, 2020, so the ordinance would need to be an emergency adoption at the next meeting.

Councilor Mark asked if service is lacking from a franchisee, who is responsible or liable? The franchisee, or the City? Mr. Appicello said it depends. Previously, local customer service (such as having an office in the City limits) was a negotiated item. Lately negotiations have been more complex, with federal laws to consider (which is why outside counsel handles these negotiations). Mr. Appicello said he will provide more information on the differences between the old agreement and the new agreement at the November 9, 2020 meeting.

Councilor Casper asked if this would impact commercial or residential areas? Mr. Appicello said it would impact both, since the agreement would cover the whole City. Mr. Chandler thinks impacts will mostly be in commercial areas.

MOTION:	Motion to Continue Ordinance 2020-21 until November 9, 2020
MOVER:	Riley Hoagland, Councilor Ward 2
SECONDER:	Mitch Parsons, Councilor Ward 1
AYES:	Anderson, Casper, Hinton, Hoagland, Mark, Parsons
RESULT:	Passed via Voice Vote

K. RESOLUTIONS**L. SPECIAL ORDER OF BUSINESS**

2. July 4th

Mr. Chandler said he is proposing to hire up to 6 security guards to offer additional patrol for fireworks violations on July 4. The cost for security guards was much less than Mr. Chandler expected. Mr. Chandler said security guards can write citations and confiscate fireworks.

Mr. Chandler said he would like to recruit volunteers at beach access points to help keep illegal fireworks off the beaches. He'd like to use signage and continue the social media campaigns from previous years, using other sources than Facebook while expanding Facebook exposure. Last year the City ran 9 posts on Facebook. The message this past year focused on making people aware which fireworks were illegal. 2 years ago the City used "all fireworks are illegal on the beach" as a message. Mr. Chandler would use both messages this next year. Mr. Chandler said that the City would also encourage people to watch the Siletz Bay firework display on July 4 (COVID-19 restrictions permitting) rather than bringing their own illegal fireworks. Mr. Chandler said the Siletz Bay event has grown in previous years from an evening

fireworks display to a daylong festival. This year the City hopes to host an artisan's fair on SW 51st- this would be a family friendly event promoted as an alternative to individual firework displays. Mr. Chandler will place all of these recommendations in the proposed 2021-22 budget.

Councilor Hoagland said there should be security guards at every beach access checking for fireworks, from Cutler City to Roads End. You would need 2 people at each beach access plus a container for confiscated fireworks.

Councilor Parsons reminded Council of the July 4 confrontation on the beach by Spanish Head this year. Councilor Parsons said that security guards would not be able to handle such matters. Councilor Hoagland said that is why you stop people with illegal fireworks from getting onto the beach in the first place. Councilor Parsons said his concerns are to do with liability.

Councilor Mark said that he felt this year's confrontation by Spanish Head was an anomaly. The City's Police handled that issue wonderfully well. Should such an event happen again, any security personnel should step down and allow City police to take over. Councilor Mark said that Chief Palmer has commented that you can't fully cover the 7 miles of Lincoln City beaches. Councilor Mark thinks efforts should be concentrated at Roads End. Councilor Mark would like to see a strong campaign saying that fireworks aren't acceptable. Signage could include information about people getting arrested for having illegal fireworks. Councilor Mark believes Lincoln City Police will figure this issue out.

Councilor Parsons asked if the State has offered assistance, given that the beach is technically managed by Oregon State Parks? Mr. Chandler said he will continue to try to get more state park involvement.

Mayor Anderson asked if a ban on fireworks was being considered? Mr. Chandler said no. The City would enforce the laws already in place.

Councilor Hinton asked if the City was planning to use 4 wheelers on the beach? Mr. Chandler said yes. Councilor Hinton asked Mr. Chandler to spend the 4th of July in Roads End to experience what it is like, especially from 10 pm until 2 am. Councilor Hinton said that the Echo Mountain fire is a reminder of why people must be very careful with fireworks. Councilor Hinton said that the Roads End Improvement Association had previously delivered informational flyers about fireworks in the Roads End area and that volunteers had previously been at the beach accesses to let people know fireworks were illegal on the beach. Councilor Hinton said that neighborhoods are getting tired of cleaning up firework related mess. Councilor Hinton didn't think that a ban on fireworks in Roads End was off the table.

Councilor Parsons said he thought Council wanted to proceed with additional fireworks enforcement in neighborhoods where most complaints were filed this past year.

Mr. Appicello said the municipal code prohibits fireworks in City parks and Open Spaces. Mr. Appicello asked Council if they should expand the existing provisions in the code regarding fireworks to also ban them in City parking lots and City rights of way? Mr. Chandler said the challenge of further bans is enforcement, and the amount of staffing needed. Mr. Chandler said that you need due process to search a person for illegal fireworks and to confiscate them. Mr. Chandler thinks the City needs to focus on where staff is placed.

Councilor Hinton said that other cities have banned fireworks. Councilor Hinton said that Seaside and Vancouver, WA were examples. Councilor Mark asked if these efforts had been successful. Councilor Hinton said she thinks so, but more research could be done.

Mayor Anderson confirmed with Mr. Chandler that these items would be up for consideration in the 2021-22 budget. Mr. Chandler clarified that the marketing funds were available in the 2020-21 budget, but any additional personnel costs would be in the 2021-22 budget.

3. COVID-19 Update

Mr. Chandler said there were new face covering guidelines in Oregon for public and private workspaces. Mr. Chandler noted that the Oregon Health Authority (OHA) was not recommending face shields without a face covering because face shields don't prevent the release of aerosols.

Mr. Chandler said OHA was recommending that anyone with COVID-19 symptoms get a test, along with close contacts of anyone with COVID symptoms.

Mr. Chandler noted the large increase in COVID test capacity in Oregon. It is going to increase to 60-80,000 tests per day.

Mr. Chandler noted OHA had specific recommendations for Halloween. They recommend not doing traditional trick or treating and not having costume parties with people from outside your home. They also recommend using a face covering since Halloween costume masks do not provide any protection against COVID-19.

OHA also state that the flu vaccine does not increase your chances of catching COVID-19.

Mayor Anderson said that this information came from Lincoln County, and he wanted to encourage people to go to the Lincoln County website to get the information for themselves. Mayor Anderson also said that social gatherings seem to spread COVID-19.

Councilor Hinton asked about sheltering the homeless population. Homeless people need a non-congregate shelter due to COVID-19. The County is working with hotels to provide shelter. Can Lincoln City help financially with this effort? Last year the City of Lincoln City gave \$2,500.

Mr. Chandler said that Lincoln County is working with a hotel in Lincoln City and a hotel in Newport. Each hotel would provide a block of 20 rooms. The County is trying to work with local non-profits. The City of Newport is contributing \$10,000 to this program this year. Mr. Chandler is waiting to hear from the County regarding what they would like Lincoln City to contribute.

4. Echo Mountain Complex Update

Mr. Chandler said that FEMA had not yet given approval for a housing mission. Cleanup is happening in fire areas. Lincoln County is partnering with the Olalla Center to help evacuees. FEMA has an office at the Lincoln City Outlets (Suite 200). You can visit this office to apply for assistance in-person, to check on the status of an application, or to scan documents as part of an existing application.

Mr. Chandler said that Mr. Murphy and Chief Palmer will present their After Action Review to Council on November 9.

Mayor Anderson said that Lincoln County is doing their after-action review with the help of a consultant. Will Lincoln County be taking our information and adding it into their report? Mr. Chandler said that Lincoln City is sending information to Lincoln County.

Councilor Hinton said that the Red Cross and FEMA vouchers for temporary housing continue through December 31, 2020. Then, FEMA will hopefully place trailers for temporary housing. Agencies are

looking at other ways to meet housing needs, including VRDs. Councilor Hinton said that incentives will be provided for landlords providing rentals to people impacted by the Echo Mountain Fire. 125% of the median fair market value will be provided for up to 18 months of rent.

Mayor Anderson asked Councilor Hinton if there was any other information from the task force meetings? Mayor Anderson noted that misinformation continues to be spread regarding water in Otis.

Councilor Hinton said that Panther Creek Water District is providing water to anyone who needs it in Otis. Councilor Hinton said that septic tanks and pipes are being mapped so that infrastructure is protected when debris is cleared. Councilor Hinton said that Lincoln City is offering 4 approved house plans free of charge to people wishing to rebuild homes. Using one of these approved plans can save people thousands of dollars. Councilor Hinton also encouraged citizens to appeal any FEMA denials received. Sometimes FEMA just needs extra data to approve a request for assistance.

M. CITY MANAGER/CITY ATTORNEY REPORTS

Mr. Appicello said that he had contacted Oregon State Parks regarding opening Devils Lake State Park for RV and tent camping to provide temporary housing for homeless people. Does the City Council want Mr. Appicello to pursue this further? Mr. Appicello noted that the City code allows religious institutions to permit RV parking overnight if they provide access to bathroom facilities. However, no institution has offered this service to the community.

Mayor Anderson said he understands the City and Lincoln County met with Oregon State Parks regarding the potential use of the state park. As Oregon State campgrounds are closed, it would be up to Lincoln County and the City to manage the facility. Mr. Appicello said his most recent correspondence with the State indicated that the State would be willing to rent the campground to the City and the City would need to manage the campground, providing it back to the state for summer camping in a good condition.

Councilor Casper asked about the City's liability for people using State campgrounds as temporary RV and tent campsites. Who would vet these people? Mr. Appicello said that working with non-profits is a more desirable approach, and that is why the City code allows local churches to provide this assistance.

Mayor Anderson said he would like to see the City expand on what it already has. He would like to see Mr. Appicello contact local churches and ask what they need from the City to offer overnight camping to those in need. The campground has lots of facilities and would be difficult to manage and control.

Councilor Hinton agreed with Mayor Anderson. Councilor Hinton noted that the campground would have been a good option if the state had been willing to partner with Lincoln County and Lincoln City.

Mayor Anderson asked Council for unanimous consent for Mr. Appicello to contact local churches to see what they would need to provide RV camping overnight. Unanimous consent was given.

N. ACTIONS, IF ANY, BASED ON WORK SESSION OR EXECUTIVE SESSION

O. ADDITIONAL COMMENTS FROM CITIZENS PRESENT ON NON-AGENDA ITEMS

Fran Lonnon appeared via Zoom. Ms. Lonnon said she agreed with Councilor Hinton about not selling fireworks in Lincoln City because fireworks are illegal to take to the beach.

Ms. Lonnon said she is a Lincoln City resident petitioning to repeal the Urban Renewal district. Ms. Lonnon said this group's first attempt to gather signatures was hampered by the Echo Mountain Fire.

The group requested an extension but that request was denied. Ms. Lonnon said the group obtained over 800 signatures and is now proceeding with an initiative. Ms. Lonnon said that the ballot title drafted by the City Attorney violates state law as it refers to a referendum, not an initiative. Ms. Lonnon said that to avoid further delays, her group will have to accept the ballot title even though it is wrong. Ms. Lonnon asked who benefits from these errors or delays?

No citizens were present in the Council Chambers and Mr. Chandler had not received any further written comments.

P. ANNOUNCEMENTS OR COMMENTS BY CITY COUNCIL

Q. ADJOURNMENT

DICK ANDERSON, MAYOR

ATTEST:

OFFICE OF THE CITY RECORDER

Council Communication

Ordinance 2020-21 Coast Com / Astound

Meeting Date:	November 9, 2020	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:		Secondary Contacts:	Ronald Chandler
Approval:	Ronald F Chandler	Estimated Time:	10 mins.

Question: Should the City Council conduct and approve First Reading and Second Reading of Ordinance 2020-21 CoastCom (Astound Broadband LLC) Franchise Agreement?

ORDINANCE NO. 2020-21

AN ORDINANCE OF THE CITY OF LINCOLN CITY GRANTING A NON-EXCLUSIVE TELECOMMUNICATIONS FRANCHISE TO ASTOUND BROADBAND, LLC, DOING BUSINESS AS WAVE, SUCESSOR IN INTEREST TO COASTCOM, INC. AND DECLARING AN EMERGENCY

Staff Recommendation:

Staff recommends Council conduct and approve First Reading of Ordinance 2020-21, Declare an emergency and, *if unanimous*, Conduct and approve Second Reading and adopt Ordinance 2020-21.

Authority:

City of Lincoln City Charter, Chapter IX. Section 9.2(1) provides that an ordinance may be enacted at a single meeting of the Council by unanimous vote of all Council members voting when a quorum is present upon being read by title only. Adoption of an ordinance after second reading requires the express concurrence of a majority of the members present. Ordinances may be read by title only, after compliance with Charter procedures. A non-emergency ordinance takes effect on the thirtieth (30th) day after its adoption or on a later day the ordinance prescribes. An ordinance adopted to meet an emergency may take effect as soon as it is adopted or on some other date specified in the ordinance.

Background:

The attached CoastCom Inc. (Astound Broadband LLC) franchise agreement has been negotiated by outside legal counsel. This agreement amends franchise agreement 2014-26.

Because the last extension of the franchise was to November 12, 2020, less than 30 days remain. Accordingly, to void an interruption in service, an emergency enactment is necessary to make the ordinance effective on November 12, 2020.

Council Options:

1. Conduct and approve First Reading. Read changes, if any. Declare an emergency. Conduct and Approve Second Reading and Adopt the Ordinance.
2. Continue First Reading to December 7 , 2020 (Franchise expires on 12th - option not advised).
3. Do not proceed with proposed ordinance.

Potential Motions:

City Attorney: [Conduct First Reading of Ordinance by Title only]

ORDINANCE NO. 2020-21

AN ORDINANCE OF THE CITY OF LINCOLN CITY GRANTING A NON-EXCLUSIVE TELECOMMUNICATIONS FRANCHISE TO ASTOUND BROADBAND, LLC, DOING BUSINESS AS WAVE, SUCCESSOR IN INTEREST TO COASTCOM, INC. AND DECLARING AN EMERGENCY

Council:

1. Motion to approve First Reading of Ordinance 2020-21.

If unanimous: conduct Second Reading

Council:

1. Motion to Declare an Emergency (to avoid interruption in service).

City Attorney: [Conduct Second Reading of Ordinance by Title only]

Council:

1. Motion to approve Second Reading and adopt Ordinance 2020-21 as

an emergency enactment.

Attachments:

Astound Broadband-Lincoln City Or Telecom Franchise Renewal - Final revisions (1)
accepted 11.02.20 (00740009xB8084) 1044am (DOCX)

1
2
3
4
5
6 **ORDINANCE NO. 2020-21**
7

8 **AN ORDINANCE OF THE CITY OF LINCOLN CITY GRANTING A NON-EXCLUSIVE**
9 **TELECOMMUNICATIONS FRANCHISE TO ASTOUND BROADBAND, LLC, DOING**
10 **BUSINESS AS WAVE, SUCESSOR IN INTEREST TO COASTCOM, INC.**
11

12
13 *Annotated to show deletions and additions to the code sections being modified. Deletions are*
14 ***bold lined through** and additions are **bold underlined**.*
15

16 **WHEREAS**, Chapter 2, Section 2.1 and 2.2., of the City of Lincoln City Charter provide:
17

18 **2.1 Powers of the City**

19 The city has all powers which the constitutions, statutes and common law of the
20 United States and of this state expressly or impliedly grant or allow municipalities as
21 fully as though this charter specifically enumerated each of those powers.
22

23 **2.2 Construction of Charter**

24 In this charter no mention of a particular power shall be construed to be exclusive or
25 to restrict the scope of the powers which the city would have if the particular power
26 were not mentioned. The charter shall be liberally construed to the end that the city
27 may have all powers necessary or convenient for the conduct of its municipal affairs,
28 including all powers that cities may assume pursuant to state laws and to the
29 municipal home rule provisions of the state Constitution.
30

31 **WHEREAS**, the above referenced grant of power has been interpreted as affording
32 all legislative powers home rule constitutional provisions reserved to Oregon Cities.
33 *City of Beaverton v. International Ass'n of Firefighters, Local 1660, Beaverton Shop,*
34 *20 Or. App. 293; 531 P 2d 730, 734 (1975); LaGrande/Astoria v. PERB, 281 Or 137, 142 (1978),*
35 *aff'd on reh'g 284 Or 173 (1978); and;*
36

37 **WHEREAS**, in 2016 the City of Lincoln City ("Grantor" or "City") consented to the
38 assignment of a non-exclusive telecommunications franchise to Astound Broadband,
39 LLC, doing business as Wave ("Grantee" or "Wave"), continuing the 2014 non-
40 exclusive telecommunications franchise granted to its predecessor company
41 CoastCom in 2014, by Ordinance No. 2014-26 (the "Expired Franchise");
42

1 **WHEREAS**, Section 4 of the Expired Franchise (Duration) states as follows: "This
2 franchise is granted for a period of five (5) years from and after the effective date of
3 this ordinance, unless sooner terminated as provided in this ordinance".

4

5 **WHEREAS**, on July 2, 2019, Wave sent a letter to the City requesting a five-year
6 extension of the Expired Franchise;

7

8 **WHEREAS**, the original terms of the Expired franchise expired on November 12, 2019;
9 and

10

11 **WHEREAS**, the parties agreed to a temporary extension of the Expired Franchise to
12 May 12, 2020, to facilitate negotiations of a new franchise; and

13

14 **WHEREAS**, the parties agreed to a second extension of the franchise to November
15 12, 2020, to facilitate negotiations of a new franchise, with all terms and conditions of
16 the Expired Franchise remaining in effect through the effective date of this Ordinance;
17 and

18

19 **WHEREAS**, the City Council desires to approve an updated and re-negotiated
20 extension of a non-exclusive franchise to Wave for telecommunications service.

21

22

23 **CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:**

24

25 **SECTION 1. Recitals.** The recitals set forth above are true and correct and incorporated
26 herein by this reference.

27

28 **SECTION 2. Purpose.** The purpose of this Ordinance is to set forth the terms and
29 conditions upon which Grantee, may be permitted to occupy the right-of-way within
30 the City of Lincoln City pursuant to the powers of the City of Lincoln City, the Oregon
31 Constitution and Oregon State Law, and except as to matters preemptively regulated
32 by state or federal authorities. This Ordinance and the written acceptance by Grantee
33 constitutes a contract between the City and Grantee (hereinafter referred to as the
34 "Franchise") and is binding upon and inures to the benefit of Grantee and its permitted
35 successors, legal representatives and assigns under the conditions imposed herein.

36

37

38 **SECTION 3. Definitions and Explanation.**

39

40 A. As used in this Franchise, the following words, except where the context
41 clearly indicates otherwise, mean:

- 1 i. City. Means the City of Lincoln City, an Oregon municipal corporation and
 2 individuals authorized to act on the City's behalf, and includes the area within
 3 its boundaries, and its boundaries as extended in the future.
- 4 ii. City Council. Means the legislative body of the City or as defined by the
 5 Charter of the City of Lincoln City.
- 6 iii. Gross Revenue. Means all amounts, in whatever form and from all sources,
 7 in connection with providing Telecommunication Services and the operation
 8 of the Facilities using the right of way of the City, including but not limited
 9 to: revenues from subscribers and customers; installation fees, equipment
 10 fees and other fees related to the provided Telecommunications Services;
 11 access and attachment charges paid to Grantee by other Telecommunication
 12 Services providers and carriers; and, revenue from the sale or lease of wire,
 13 cable, facility, pole, duct, conduit or similar Transmission equipment less net
 14 uncollectibles. Gross Revenues do not include proceeds from the sale of
 15 bonds, mortgage or other evidence of indebtedness, or securities or stocks,
 16 or any revenues that are exempt from taxation or franchise fees under federal
 17 or state law.
- 18 iv. Facilities. Means the cable, wire, equipment, antennas, poles and associated
 19 facilities used by Grantee to provide Telecommunications Services.
- 20 v. Person. Includes an individual, corporation, association, firm, sole
 21 proprietorship, company, partnership, co-partnership, joint stock company,
 22 trust, limited liability company, governmental entity, or other organization,
 23 including any natural person or any other legal entity.
- 24 vi. Public Place. Means any City-owned park, place or grounds, within the City
 25 that is open to the public but does not include a right of way.
- 26 vii. Right-of-way. Means streets, roads, highways, bridges, alleys, sidewalks,
 27 trails, paths, public utility easements and all other public ways for use by the
 28 public for transportation purposes, including the subsurface under and air
 29 space over these areas within the City, but only to the extent of the city's
 30 right, title, interest or authority to grant a franchise to occupy and use such
 31 spaces for Grantee's facilities.
- 32 viii. Telecommunications. Means the transmission of data over and through any
 33 media capable of carrying the data, and includes fiber and copper media.
- 34 ix. Telecommunications Facility. Means all wires, cables, conduits, poles,
 35 equipment, appliances and associated structures used by grantee in
 36 conducting its Telecommunications Services business.
- 37 x. Telecommunications Services. Means any service provided for the purpose
 38 of voice, video or data transmission, including but not limited to local
 39 exchange service, access service, extended area service, call origination,
 40 interconnection, switching, transport, call termination and/or any other

1 telecommunications service identified and authorized by the Federal
 2 Communications Commission (FCC) or the Public Utility Commission of
 3 Oregon. Telecommunications Service includes any service that enables a
 4 third party to provide such services, including but not limited to wholesale
 5 services, provision of dark fiber and/or authorization to use facilities to
 6 provide such services except where such authorization is required by
 7 applicable state or federal law or administrative rule. As used in this
 8 Franchise, Telecommunications Service does not include: 1) cable service as
 9 defined by 47 U.S.C. §522; 2) open video system service as defined in 47 C.F.R
 10 76; 3) private communications system services provided without using the
 11 right-of-way; 4) over-the-air radio or television broadcasting to the public-
 12 at-large from facilities licensed by the FCC or any successor thereto; and 5)
 13 direct-to-home satellite service within the meaning of Section 602 of the
 14 Telecommunications Act.

15
 16 B. As used in this Franchise, the singular number may include the plural and the
 17 plural number may include the singular.

18
 19 **SECTION 4. Rights Granted.**

20
 21 A. Subject to the conditions and reservations contained in this Franchise and
 22 subject to any applicable ordinances and regulations of the City, including but not
 23 limited to ordinances and regulations regarding zoning, development, tree pruning or
 24 removal, erosion control, excavation and any other work in the right-of-way, the City
 25 hereby grants to Grantee the privilege and non-exclusive Franchise to occupy right-of-
 26 way for the purpose of constructing, using, maintaining and operating a system to
 27 provide Telecommunications Services within the City. This grant includes the authority,
 28 subject to the conditions and reservations contained in this Franchise and subject to
 29 any applicable ordinances and regulations of the City, to place, erect, lay and maintain
 30 facilities customarily associated with telecommunications systems. Franchisee
 31 acknowledges that the City separately regulates the placement, erection, and operation
 32 of "Small Wireless Facilities" as defined by 47 C.F.R 1.60002(1), as amended or
 33 superseded, under Chapter 12.26 of the Lincoln City Municipal Code.

34
 35 B. This Franchise does not convey any right, title or interest in the right-of-
 36 way, but shall be deemed a grant to use and occupy the right-of-way for the limited
 37 purposes and term stated in this Franchise. This Franchise does not authorize Grantee
 38 to provide cable services or other services not included in the definition of
 39 telecommunications services herein. Grantee agrees that prior to providing cable or
 40 any non-telecommunications services in the City, it must obtain all necessary and

1 applicable authorizations from the City for use of the right-of-way for such provision,
2 including entering into a separate franchise with the City and paying a separate
3 franchise fee to the City.

4

5 C. Grantee shall, at all times during the term of this Franchise, be subject to
6 and comply with all applicable laws, including the lawful exercise of the police power
7 by the City and such regulation as the City shall hereafter provide.

8 D. Prior to use or occupation of City right of way, Grantee shall obtain all
9 lawfully required permits and other authorizations required by the City to do so, and
10 shall comply with all lawful any special conditions the City imposes on such use or
11 occupation, provided that any such permit, authorization or condition is uniformly
12 required, and such requirement enforced, by the City.

13

14 **SECTION 5. Construction.** Grantee’s construction, installation, work or operation of
15 facilities within the right-of-way shall be subject to and comply with all applicable City
16 standards including, without limitation, Lincoln City Municipal Code (“LCMC”) Chapter
17 12.12, as amended from time to time, as if fully incorporated in this Franchise and
18 regardless of whether or not Grantee is a “telecommunications carrier,” provides
19 “telecommunications services” or has “telecommunications facilities” as those terms are
20 defined herein. The Grantee shall file with the City maps showing the location of any
21 material construction, extension or relocation of its Telecommunications Facilities in the
22 Rights of way and Public Places of the City and shall obtain all required permits before
23 commencing the construction, extension or relocation of any of its
24 Telecommunications Facilities.

25

26

27 **SECTION 6. Location and Relocation of Facilities.** The location and relocation of
28 Grantee’s facilities shall be subject to and comply with LCMC Chapter 12.12, as
29 amended from time to time, as if fully incorporated in this Franchise and regardless of
30 whether or not Grantee is a “telecommunications carrier,” provides
31 “telecommunications services” or has “telecommunications facilities” as those terms are
32 defined herein. Facilities shall be placed so that they do not materially interfere with
33 the use by the City and by the public of the rights-of-ways and other Public Places, and
34 in accordance with any specifications lawfully adopted and uniformly applied by the
35 City governing the location of such facilities. The City may require, in the public interest,
36 the removal or relocation of Telecommunication Facilities maintained by the Grantee in
37 the Right of ways and Public Places of the City, and the Grantee shall remove and
38 relocate such Facilities within a reasonable time after receiving notice so to do from the
39 City. The City shall provide the Grantee with timely notice of any anticipated
40 requirement to remove or relocate its Facilities. The cost of such removal or relocation
41 of its Facilities shall be paid by the Grantee. If the Grantee fails to remove or relocate

1 its Telecommunication Facilities as required in this Franchise, upon fifteen (15) days
 2 written notice to the Grantee, the City or its contractor may relocate or remove Grantee's
 3 Telecommunication Facilities, and Grantee shall be responsible for paying the cost of
 4 such relocation or removal, including the City's cost of inspection, supervision and
 5 administration. When a removal or relocation is required for the convenience or benefit
 6 of any Person that is not the City, Grantee may refuse to accomplish such removal or
 7 relocation unless such party agrees to pay the reasonable costs thereof.

8
 9 **SECTION 7. Safety Standards and Work Specifications.** The Facilities shall at all times
 10 be maintained in a safe and workmanlike manner. For the purpose of carrying out the
 11 provisions of this section, the City may provide such specifications relating thereto as
 12 may be necessary or convenient for public safety or the orderly development of the
 13 City. The City may amend and add to such specifications from time to time. Subject to
 14 the provisions of this Franchise, the Grantee may make necessary excavations for the
 15 purpose of constructing, installing, maintaining and operating its Facilities. Except in
 16 emergencies, and in the performance of routine service connections and ordinary
 17 maintenance, prior to making an excavation in the traveled portion of any Right of way
 18 and, when required by the City, in any untraveled portion of any Right of way, the
 19 Grantee shall obtain from the City a permit approving the proposed excavation and its
 20 location. Grantee shall give notice to the City by telephone, electronic data transmittal
 21 or other appropriate means prior to the commencement of service or maintenance
 22 work requiring a permit. In the event of an emergency, Grantee shall give notice to the
 23 City by telephone, electronic data transmittal or other appropriate means as soon as is
 24 practicable and for work requiring a permit shall obtain such permit approving the work
 25 as soon as is practicable, which may be after commencement or completion of the work.
 26 When any excavation is made by the Grantee, the Grantee shall promptly restore the
 27 affected portion of the Right of Way or Public Place to at least the same condition in
 28 which it was prior to the excavation. The restoration shall be in compliance with
 29 specifications, requirements and regulations of the City in effect at the time of such
 30 restoration. If the Grantee fails to restore promptly the affected portion of a Right of
 31 Way or Public Place to the same condition in which it was prior to the excavation, upon
 32 fifteen (15) days written notice to the Grantee, the City may make the restoration, and
 33 Grantee shall be responsible for paying the actual cost of such restoration, including
 34 the City's cost of inspection, supervision and administration.

35
 36 **SECTION 8. Duration.** The privileges set forth in this Franchise are hereby granted for
 37 a period of five (5) years from and after the effective date of this Franchise as set forth
 38 in Section 25. However, this Franchise shall be inoperative unless it is accepted in
 39 writing by Grantee as provided in Section 24.

40
 41 **SECTION 9. Franchise Not Exclusive.** This Franchise is not exclusive and except as
 42 otherwise indicated herein, shall not be construed as a limitation on the City in:

43 i. Granting rights, privileges and authority to other persons similar to or different
 44 from those granted by this Franchise; or

1 ii. Constructing, installing, maintaining or operating any City-owned public
2 utility.

3
4 **SECTION 10. Public Works and Improvements.** Nothing in this Franchise shall be
5 construed in any way to prevent the proper authorities of the City or other public
6 entities operating within the City from sewerage, grading, paving, repairing, altering,
7 maintaining, constructing or improving any right-of-way in or upon which facilities of
8 Grantee may have been placed. Except to the extent caused by negligent, willful,
9 intentional or malicious acts by the City, the City shall not be liable for any damage to
10 or loss of any Grantee facility within the right-of-way as a result of or in connection
11 with any public works, public improvements, construction, excavation, grading, filling,
12 or work of any kind in the right-of-way by or on behalf of the City, or for any
13 consequential losses resulting directly or indirectly therefrom. Without limitation, the
14 City expressly reserves the right to:

15 (i) Construct, install, maintain and operate any public improvement, work or
16 facility;

17 (ii) Do any work that the City may find desirable on, over or under any Right of
18 Way or Public Place;

19 (iii) Vacate, alter or close any Right of Way or Public Place, provided that the City
20 shall make a reasonable effort to make available to Grantee an alternative
21 Right of Way for the location of its Facilities, if an alternative Right of Way is
22 necessary and if space in an existing Right of Way is available for Grantee's
23 Telecommunications Facilities;

24 (iv) Control or prevent the use of any Public Place by Grantee and require
25 payment of additional compensation for use of the Public Place at a
26 reasonable amount.

27 (v) Whenever the City excavates or performs any work in any of the present and
28 future Rights of Way and Public Places of the City, or contracts for such
29 excavation or work, and where such excavation or work may disturb
30 Grantee's Telecommunications Facilities, the City shall, in writing, notify
31 Grantee sufficiently in advance of such contemplated excavation or work to
32 enable Grantee to take such measures as may be deemed necessary to
33 protect such Telecommunications Facilities from damage and possible
34 inconvenience or injury to the public. In any such case, the Grantee, upon
35 request, shall furnish maps or drawings to the City or contractor, as the case

1 may be, showing the approximate location of all its structures in the area
2 involved in such proposed excavation or other work.

3 (vi) Whenever the City shall vacate any Right of way for the convenience or
4 benefit of any person or governmental agency or instrumentality, Grantee
5 shall, at its own expense, remove its facilities from the Right of way unless
6 the City reserves a public utility easement, in its sole discretion.

7
8 **SECTION 11. Compensation.**

9
10 (1) As compensation for the Franchise granted by this Ordinance, Grantee shall
11 pay to the City an annual Franchise fee of seven percent (7%) of the Gross Revenues.
12 The City reserves the right to increase the fee rate at any time upon thirty (30) days'
13 written notice to Grantee, provided the rate is not greater than the percentage rate
14 charged to the incumbent provider, and that the rate and its imposition must be
15 consistent with all applicable state and federal law. If the incumbent provider's
16 percentage rate is increased, Grantee's percentage rate will automatically increase to
17 the same percentage rate without protest.

18 (2) Compensation required by this Section shall be due and payable within thirty
19 (30) days after the close of each quarter. Late franchise fee payments will be subject to
20 a late fee calculated on the basis of nine percent (9%) per annum of the amount past
21 due. Within ninety (90) days after the termination of this Franchise, compensation shall
22 be paid for the period elapsing since the close of the last quarter for which
23 compensation has been paid and operations terminated.

24
25 (3) Grantee shall furnish to the City with each payment of compensation
26 required by this Section a written statement, executed by an officer of Grantee, or such
27 duly authorized agent showing the amount of Gross Revenue of Grantee within the
28 City for the period covered by the payment, and indicating that the statement has been
29 reviewed and approved by the officer or agent. The compensation for the period
30 covered by the statement shall be computed on the basis of the Gross Revenue so
31 reported. If Grantee fails to pay the entire amount of compensation due the City
32 through error or otherwise, the difference due the City shall be paid by Grantee within
33 fifteen (15) days from discovery of the error or determination of the correct amount.

34
35 (4) Grantee shall keep accurate books of account accessible at an office in
36 Oregon for the purpose of determining the amounts due to the City under the
37 provisions of this Franchise. The City may inspect the books of account as provided in
38 Section 12, and may audit the books from time to time but no more often than once

1 per calendar year and may not re-audit periods already audited and may not audit any
 2 period more than three (3) years prior to the date of the audit. For purposes of
 3 conducting the audit (which, as used in this Section, includes a franchise fee review),
 4 Grantee shall provide the City copies of requested records within thirty (30) days.
 5 Should such an audit reveal that payments tendered by Grantee to the City are less
 6 than the amounts due under the terms of this Franchise, Grantee shall promptly remit
 7 the amounts due the City, together with interest at a rate of nine percent (9%) per
 8 annum from the date such payment was originally due. If an audit reveals that
 9 payments tendered by Grantee to City were less than the amounts due under the terms
 10 of this Franchise by a differential of five percent (5%) or greater, all costs incurred by
 11 the City, including but not limited to accountant’s fees and attorney’s fees, for such
 12 audit are to be fully paid by Grantee. Any overpayment shall be refunded by City to
 13 Grantee within fifteen (15) days from the discovery or the error or determination of the
 14 correct amount.

15

16 (5) Acceptance by the City of any payment due under this Franchise shall not
 17 be deemed to be a waiver by the City of any other obligation of Grantee under this
 18 Franchise, nor shall the acceptance by the City of any such payments preclude the City
 19 from later establishing that a larger amount was actually due, or from collecting any
 20 balance due to the City. Should Grantee fail or neglect to pay any of said quarterly
 21 payments provided for in this Section for thirty (30) days after any quarterly payment
 22 shall become due and payable and after thirty (30) days written notice from the City,
 23 the City, by its properly constituted authority, may at its option either continue this
 24 Franchise in force and/or proceed by suit or action to collect such payment or declare
 25 a forfeiture of this Franchise because of the failure to make payment, but without
 26 waiving the right to collect earned Franchise payment.

27

28

29

30 **SECTION 12. Duty to Provide Information.** Except as provided in Section 11, upon
 31 ten (10) days prior written request from the City, but no more than once per calendar
 32 year, Grantee shall furnish the City information demonstrating compliance with all
 33 requirements of this Franchise. The City may request periodic reports from Grantee
 34 relating to its operations, revenues, and services within the City. Grantee shall maintain
 35 current maps showing the location of its Facilities within the Right-of-Way of the City.
 36 The City shall be allowed to inspect such maps at any time upon at least ten (10) days
 37 prior written notice. If requested by City, Grantee shall furnish, up to one time in a
 38 calendar year, without charge and within a reasonable time, maps relating to specified
 39 areas of the City.

40

1 **SECTION 13. Indemnification.** Except to the extent due to the negligent or willful
 2 misconduct of City, its agents or contractors, Grantee hereby agrees and covenants to
 3 defend, indemnify and hold the City and its officers, employees, agents and
 4 representatives harmless from and against any and all third party claims for damages,
 5 losses and expenses, including reasonable attorney’s fees and costs of suit or defense,
 6 arising out of, resulting from or alleged to arise out of or result from: (i) the negligent,
 7 careless or wrongful acts, omissions, failures to act or misconduct of the Grantee or its
 8 affiliates, officers, employees, agents, contractors or subcontractors in the construction,
 9 operation, maintenance, repair or removal of Grantee’s facilities, and from providing or
 10 offering telecommunications services over the facilities, whether such acts or omissions
 11 are authorized, allowed or prohibited by this Franchise; and (ii) Grantee’s failure to
 12 remove, adjust or relocate all or any portion of its Facilities in a timely manner pursuant
 13 to provisions of this Franchise.

14
 15 **SECTION 14. Performance Surety.** Before the effective date of this Franchise, the
 16 Grantee shall provide the performance bond required by LCMC Section 12.12.070.

17
 18 **SECTION 15. Assignment or Transfer of Franchise.**

19
 20 A. Ownership or control of a majority interest in the Facilities or this
 21 Franchise may not, directly or indirectly, be transferred, assigned or disposed of by sale,
 22 lease, merger, consolidation or other act of the Grantee, by operation of law or
 23 otherwise, without the prior written consent of the City, which consent shall not be
 24 unreasonably withheld or delayed, and then only on such reasonable conditions as may
 25 be prescribed in such consent.

26
 27 B. Grantee and the proposed assignee or transferee of the Franchise or
 28 Facilities shall provide and certify the following information to the City not less than
 29 one hundred twenty (120) days prior to the proposed date of transfer:

- 30
 31 i. Complete information setting forth the nature, terms and condition of the
 32 proposed transfer or assignment;
 33 ii. All information required of a telecommunications franchise applicant
 34 pursuant to LCMC 12.12.020 with respect to the proposed transferee or
 35 assignee;
 36 iii. Any other information reasonably required by the City.

37
 38 C. No transfer shall be approved unless the assignee or transferee has the
 39 legal, technical, financial and other requisite qualifications to own, hold and operate
 40 the facilities pursuant to this Franchise.

1
2 D. Grantee shall reimburse the City for all fees, costs, and expenses
3 reasonably incurred by the City in considering a request to transfer or assign this
4 Franchise.

5
6 E. Any transfer or assignment of this Franchise or the facilities without prior
7 approval of the City under this Section shall be void.

8
9 **SECTION 16. Reservation of Statutory Authority.** The City reserves the right to
10 exercise, with regard to this Franchise and Grantee, all authority now or hereafter
11 reserved or granted to the City by the Oregon Constitution, the City Charter and state
12 and federal laws.

13
14 **SECTION 17. Insurance.**

15
16 A. Grantee shall secure and maintain the following liability insurance policies
17 insuring both the Grantee and the City, and its elected and appointed officers, officials,
18 agents and employees as coinsured:

- 19 i. Comprehensive general liability insurance with limits not less than:
20 (a) Three million dollars (\$3,000,000) for bodily injury or death to each
21 person;
22 (b) Three million dollars (\$3,000,000) for property damage resulting from any
23 one accident; and
24 (c) Three million dollars (\$3,000,000) for all other types of liability.
25 ii. Automobile liability for owned, non-owned and hired vehicles with a limit of
26 one million dollars (\$1,000,000) for each person and three million dollars
27 (\$3,000,000) for each accident.
28 iii. Worker's compensation within statutory limits and employer's liability
29 insurance with limits of not less than one million dollars (\$1,000,000).
30 iv. Comprehensive form premises-operations, explosions and collapse hazard,
31 underground hazard and products completed hazard with limits of not less
32 than three million dollars (\$3,000,000).

33
34 B. The liability insurance policies required by this Section shall be
35 maintained by the Grantee throughout the term of this Franchise or for such
36 time Grantee is engaged in the removal of its Facilities. Each insurance policy
37 shall contain the following endorsement: "It is hereby understood and agreed
38 that this policy may not be canceled nor the intention not to renew be stated
39 until thirty (30) days after receipt by the City, by registered mail, of a written
40 notice addressed to the Public Works of such intent to cancel or not to renew."

1
2 C. Within sixty (60) days after receipt by the City of the notice set
3 forth in subsection B of this Section, and in no event later than thirty (30) days
4 prior to cancellation, the Grantee shall obtain and furnish to the City evidence
5 that the Grantee meets the requirements of this Section.
6

7 **SECTION 18. Breach and Termination of Franchise.**

8 A. The City may declare a breach and terminate or revoke this
9 Franchise as provided in this Section for the following reasons:

- 10 i. Construction or operation in the City or in the right-of-way of the City
11 without all required permits.
12 ii. Construction or operation at an unauthorized location.
13 iii. Failure to comply with Section 14 with respect to transfer or assignment
14 of the facilities or this Franchise.
15 iv. Misrepresentation by or on behalf of Grantee in any application to the
16 City.
17 v. Abandonment of facilities in the right-of-way.
18 vi. Installation of facilities or equipment in the right-of-way of a kind that are
19 not covered by the scope of this Franchise.
20 vii. Failure to relocate or remove facilities as required in this Franchise.
21 viii. Failure to pay taxes, compensation, fees or costs when and as due the
22 City.
23 ix. Insolvency or bankruptcy of the Grantee.
24 x. Violation of material provisions of this Franchise.
25

26 B. In the event that the City believes that grounds exist for revocation
27 of this Franchise, the City shall give the Grantee written notice of the apparent
28 violation or noncompliance, providing a short and concise statement of the
29 nature and general facts of the violation or noncompliance, and providing the
30 Grantee a reasonable period of time not exceeding thirty (30) days to furnish
31 evidence:

- 32 i. That corrective action has been, or is being actively and expeditiously
33 pursued, to remedy the violation or noncompliance.
34 ii. That rebuts the alleged violation or noncompliance.
35 iii. That it would be in the public interest to impose some penalty or sanction
36 less than revocation.
37

38 C. In the event that the Grantee fails to provide evidence reasonably
39 satisfactory to the City as provided in subsection B of this Section, the City
40 Manager shall refer the apparent violation or noncompliance to the City Council.

1 The City Council shall provide the Grantee with notice and a reasonable
2 opportunity to be heard concerning the matter.

3
4 D. If persuaded that the Grantee has violated or failed to comply with
5 material provisions of this Franchise, after providing notice and a reasonable
6 opportunity to be heard as set forth in subsection C of this Section, the City
7 Council shall determine whether to revoke this Franchise, or to establish some
8 lesser sanction and cure, considering the nature, circumstances, extent and
9 gravity of the violation as reflected by one or more of the following factors:

- 10 i. Whether the misconduct was egregious.
- 11 ii. Whether substantial harm resulted.
- 12 iii. Whether the violation was intentional.
- 13 iv. Whether there is a history of prior violations of the same or other
- 14 requirements.
- 15 v. Whether there is a history of overall compliance.
- 16 vi. Whether the violation was voluntarily disclosed, admitted or cured.

17
18 E. Other sanctions include, but are not limited to, penalties of not
19 less than one hundred dollars (\$100.00) nor more than one thousand dollars
20 (\$1,000) for each offense. A separate and distinct offense shall be deemed
21 committed each day on which a violation occurs.

22
23 F. Upon any termination of this Franchise, whether before or upon
24 the expiration of the Franchise, Facilities installed in the Right of Way by Grantee
25 under this Franchise shall be removed by Grantee at Grantee's expense and the
26 property upon which the facilities were used shall be restored by Grantee to the
27 same or better condition it was in before installation or use by Grantee, as
28 directed by the City. Notwithstanding the preceding sentence, the City may in
29 its sole discretion permit Grantee in writing to abandon its Facilities, or any
30 portion thereof, in place, in which case the ownership of such Facilities shall
31 transfer to the City as of the date of termination or expiration. Notwithstanding
32 the other provisions of this section, Grantee, by written notice to Grantor, may
33 elect to abandon certain of the Facilities, including underground conduit, wiring,
34 and vaults, in which case Grantee shall have no further obligation hereunder as
35 to such abandoned Facilities, except that within ninety (90) days of receipt of
36 such abandonment notice Grantor may by written notice require Grantee to
37 remove wiring as deemed necessary by Grantor to provide space for other
38 authorized uses, or to accomplish or enable the accomplishment or other public
39 purposes.

1 **SECTION 19. Remedies Not Exclusive, When Requirement Waived.** All remedies
 2 and penalties provided under this Franchise, the common law, the statutes of this State,
 3 the statutes of the United States and the ordinances and regulations of the City, are
 4 cumulative and the enforcement or recovery of one is not a bar to the enforcement or
 5 recovery of any other remedy or penalty. The remedies and penalties contained in this
 6 Franchise are not exclusive, and the City reserves the right to enforce and to avail itself
 7 of any and all remedies available at law or in equity. Failure to enforce any right
 8 accruing to or available to the City whether arising under this Franchise or otherwise,
 9 shall not be construed as a waiver of a breach of any term, condition or obligation of
 10 this Franchise or a violation of any requirement of law. A specific waiver of any
 11 particular breach of any term, condition or obligation pursuant to this Franchise shall
 12 not be a waiver of any other, subsequent or future breach of the same or of any other
 13 term, condition, or obligation or as a waiver of the term, condition or obligation itself.

14
 15 **SECTION 20. Additional Remedy.** In addition to any rights available at law or in
 16 equity, including, without limitation, any rights set out elsewhere in this Franchise, as
 17 well as its rights under the City Code, if there is a material violation of this Franchise by
 18 Grantee the City reserves the right at its sole option to suspend issuance of any permits
 19 and/or approvals to Grantee until Grantee corrects or otherwise remedies the violation.

20
 21 **SECTION 21. Notice.** Any notice provided under this Franchise shall be sufficient if
 22 in writing and (1) delivered to the other party or deposited in the U.S. Mail, postage
 23 prepaid, certified mail; (2) sent by commercial air courier; or (3) sent by facsimile
 24 transmission, provided receipt of such facsimile is confirmed in writing. Notice shall be
 25 sent to the following address, or such other address as each party may specify in
 26 writing:

27
 28 If to City:

29
 30 **[Insert Names, addresses, phone numbers]**

31
 32 If to Grantee:

33
 34 Astound Broadband, LLC
 35 650 College Road East, Suite 3100
 36 Princeton, NJ 08540

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 38
 39 Any notice provided under this Franchise, other than pursuant to Sections 16 and 17,
 40 may be by the methods set forth above or any other reasonable means, including email.

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RICHARD APPICELLO,
CITY ATTORNEY

ACCEPTED BY FRANCHISEE this ____ day of _____, 2020

Astound Broadband LLC

650 College Road East, Suite 3100
Princeton, NJ 08540

By: _____

Print Name:
Title:

**EXHIBIT A
ACCEPTANCE**

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City Manager
City of Lincoln City
[Insert Mailing Address]

This is to advise the City of Lincoln City, Oregon that Astound Broadband, LLC, doing business as Wave (the "Grantee"), hereby unconditionally accepts the terms and provisions of Ordinance No. __-__, passed by the City Council on _____, 2020 (the "Franchise") granting a Franchise to Grantee. The Grantee agrees to abide by each and every term and condition of the Franchise.

ASTOUND BROADBAND, LLC.

BY _____
TITLE _____
DATE _____

Council Communication

Ordinance 2020-23 VRD License Appeal Requirements

Meeting Date:	November 9, 2020	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:		Secondary Contacts:	Ronald Chandler
Approval:	Ronald F Chandler	Estimated Time:	10 mins.

Question: Should the City Council conduct and approve First Reading and Second Reading of Ordinance 2020-23 Amending LCMC, 5.14.090 concerning clarification of VRD license appeal requirements?

ORDINANCE 2020-23

**AN ORDINANCE OF THE CITY OF LINCOLN CITY
AMENDING TITLE 5 (BUSINESS TAXES, LICENSES, AND REGULATIONS), CHAPTER
5.14 (VACATION RENTAL DWELLING LICENSE), AMENDING SECTIONS 5.14.090 TO
CLARIFY AND DEFINE THE JURISDICTIONAL REQUIREMENT FOR STATING A BASIS
FOR APPEAL.**

Staff Recommendation:

Staff recommends Council conduct and approve First Reading of Ordinance 2020-21, Declare an emergency and, *if unanimous*, Conduct and approve Second Reading and adopt Ordinance 2020-21.

Authority:

City of Lincoln City Charter, Chapter IX. Section 9.2(1) provides that an ordinance may be enacted at a single meeting of the Council by unanimous vote of all Council members voting when a quorum is present upon being read by title only. Adoption of an ordinance after second reading requires the express concurrence of a majority of the members present. Ordinances may be read by title only, after compliance with Charter procedures. A non-emergency ordinance takes effect on the thirtieth (30th) day after its adoption or on a later day the ordinance prescribes. An ordinance adopted to meet an emergency may take effect as soon as it is adopted or on some other date specified in the ordinance.

Background:

The attached Ordinance explains that the term basis for appeal is more than just an excuse, but an actual identification of error.

Council Options:

1. Conduct and approve First Reading. Read changes, if any. Conduct and Approve Second Reading and Adopt the Ordinance.
2. Continue First Reading to December 7, 2020.
3. Do not proceed with proposed ordinance.

Potential Motions:

City Attorney: [Conduct First Reading of Ordinance by Title only]

ORDINANCE 2020-23

**AN ORDINANCE OF THE CITY OF LINCOLN CITY
AMENDING TITLE 5 (BUSINESS TAXES, LICENSES AND REGULATIONS), CHAPTER
5.14 (VACATION RENTAL DWELLING LICENSE), AMENDING SECTIONS 5.14.090 TO
CLARIFY AND DEFINE THE JURISDICTIONAL REQUIREMENT FOR STATING A BASIS
FOR APPEAL.**

Council:

1. Motion to approve First Reading of Ordinance 2020-23.

If unanimous: conduct Second Reading

City Attorney: [Conduct Second Reading of Ordinance by Title only]

Council:

1. Motion to approve Second Reading and adopt Ordinance 2020-23.

Attachments:

ordinance 2020-23 (DOC)

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ORDINANCE 2020-23

**AN ORDINANCE OF THE CITY OF LINCOLN CITY
AMENDING TITLE 5 (BUSINESS TAXES, LICENSES AND REGULATIONS),
CHAPTER 5.14 (VACATION RENTAL DWELLING LICENSE), AMENDING
SECTIONS 5.14.090 TO CLARIFY AND DEFINE THE JURISDICTIONAL
REQUIREMENT FOR STATING A BASIS FOR APPEAL.**

WHEREAS, Chapter 2, Section 2.1 and 2.2., of the City of Lincoln City Charter provide:

2.1 Powers of the City

The city has all powers which the constitutions, statutes and common law of the United States and of this state expressly or impliedly grant or allow municipalities as fully as though this charter specifically enumerated each of those powers.

2.2 Construction of Charter

In this charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the city would have if the particular power were not mentioned. The charter shall be liberally construed to the end that the city may have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to state laws and to the municipal home rule provisions of the state Constitution.

WHEREAS, the above referenced grant of power has been interpreted as affording all legislative powers home rule constitutional provisions reserved to Oregon Cities. *City of Beaverton v. International Ass'n of Firefighters, Local 1660, Beaverton Shop*, 20 Or. App. 293; 531 P 2d 730, 734 (1975); *LaGrande/Astoria v. PERB*, 281 Or 137, 142 (1978), *aff'd on reh'g* 284 Or 173 (1978); and

WHEREAS, The City of Lincoln City desires to clarify the jurisdictional requirement to set forth a basis for appeal from denial or a VRD license; and

THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:

SECTION 1. Lincoln City Municipal Code, Title 5 (Business Taxes, Licenses, and Regulations), Chapter 5.14 (Vacation rental Dwelling License), Section 5.14.090

1 (Appeals of VRD license determinations), Paragraph C. (Filing Requirements) is
2 hereby amended to read as follows:

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C. **Jurisdictional** Filing Requirements – Notice. The licensee or license applicant and any person entitled to notice of license issuance may appeal a VRD license decision.

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1. An appellant is required to file a written notice of appeal including the basis for the appeal within 12 days of the license determination being appealed. **The basis for appeal must include a statement explaining why the director’s decision is in error, including citation to the applicable law. The basis must identify either a procedural error, a misapplication of the applicable law, (or application of the wrong law) or a lack of substantial competent evidence supporting the director’s decision. Failure to strictly observe the appeal deadline or any of the substantive requirements in this section is a jurisdictional defect and results in summary dismissal of the appeal. This requirement is jurisdictional and late filings shall not be allowed.**

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2. The city council may establish by resolution a fee for filing an appeal, which shall be jurisdictional. The fee shall be sufficient to recover the average or actual costs of mailing notice of hearing and conducting the hearing.

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3. At least 10 days before the hearing, notice of hearing on appeal will be mailed to owners of property within 250 feet of the property subject to the application.

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SECTION 2. Findings Adopted. The findings in support of the proposed vacation are hereby adopted by the City Council as set forth in the public hearing staff report in the record of this proceeding.

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SECTION 3. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

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Section 4. Effective Date. Pursuant to Chapter IX, Section 9.3, this ordinance takes effect 30 days after the date of its adoption.

The foregoing ordinance was distinctly read by title only in accordance with Chapter IX, Section 9.2 of the City of Lincoln City Charter on the 9th day of November, 2020 (First Reading) and on the 9th day of November, 2020 (Second Reading).

PASSED AND ADOPTED by the City Council of the City of Lincoln City this 9th day of November.

DICK ANDERSON, MAYOR

ATTEST:

CATHY STEERE, CITY RECORDER

APPROVED AS TO FORM:

RICHARD APPICELLO, CITY ATTORNEY

Council Communication

Echo Mountain Complex After Action Update

Meeting Date:	November 9, 2020	Primary Staff Contact:	Ronald F Chandler
Department:	Administration	E-Mail:	RChandler@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	

Ken Murphy and Jerry Palmer will discuss four areas we can improve upon based on our experience with the Echo Mountain Complex emergency – Communications, Evacuation Planning, Emergency Operations Center, Training. The attached documents will aid in this discussion.

Attachments:

LCPD_ECHO MTN COMPLEX_2020-11-4 After Action Report - Communications (PDF)
 LCPD_ECHO MTN COMPLEX_2020-11-04 After Action Report Evacuation Planning(PDF)
 LCPD_ECHO MTN COMPLEX_2020-11-04 After Action Report Emergency Operations Center 1 (PDF)
 LCPD_ECHO MTN COMPLEX_2020-11-04 After Action Report Emergency Operations Center 2 (PDF)
 LCPD_ECHO MTN COMPLEX_2020-11-04 After Action Report Emergency Operations Center 3 (PDF)
 LCPD_ECHO MTN COMPLEX_2020-11-04 After Action Report Training (PDF)

City Council Report – Communications

- No one solution will solve all of the potential scenarios. All of these capabilities with the possible exception of amateur radio are subject to failure due to many different types of disasters/emergency situations.
- Basic capabilities are;
 - Telephone/Cell Phones/Text
 - Email
 - Hand held/mobile radios
 - Satellite Phones
 - Radio Stations
 - Web Sites
 - Social Media
 - Amateur Radio
 - TV Stations
 - News Print
 - National/Local Alert Systems
 - Government Emergency Telephone System (GETS)
 - Message Reader Boards
- Telephone/Cell Phones/Text – Issues – Depends upon the carrier and your coverage area. Dependent upon internet coverage.
- Email – Issues – Depends upon carrier system coverage and the internet.
- Hand held/Mobile Radios – Issues – Depends upon amount of towers/repeaters that provide you coverage.
- Satellite Phones – Issues – Not everyone has one, can be expensive, and may not get a signal due to thick cloud cover.
- Radio Stations – Issues – Generally privately owned, may not be staffed 24 hours a day, may not have generator back up, and they are dependent upon cell phones and the internet. Lincoln City radio station is also located in the tsunami inundation zone.
- Web Sites – Issues – depends upon the internet and requires constant updating.
- Social Media – Issues – Can also fail due to carrier infrastructure issues and can cause additional work to validate information.
- Amateur Radio – Issues – May not be able to have operators in the right places.
- TV Stations – Issues – We have no local TV stations, may not be able to provide information to stations if it is dependent upon internet/cell phones.
- News Print – Issues – May not have the ability to send/provide information to News Print because of internet problems.

- National /Local Alert Systems – Issues – Difficult to use from a local level and most have an opt out clause.
- Government Emergency Telephone Systems (GETS) – Issues – not for use by the general public, not that many government officials have it.
- Message Reader Board – Issue – The City has only one message reader board
- Lincoln City does not have 100% coverage of the City by Police Department. The system is being built out and is estimated to be completed by March 2021.
- City has numerous Facebook sites, but no one is dedicated to monitoring/updating on a full time bases.
- City has a web page, but no dedicated to managing it full-time and the platform is old and not that easy or quick to update. We do have a budget request in to upgrade the City web page platform. Estimated cost is \$25,000-\$35,000.
- Recommend that the City consider hiring an individual that would fulfill the role of the public information officer, to monitor/respond to social media sites, and maintain City web site.
- The City needs a crisis communication plan. A recommendation is to have Lawrence PR assist the City with crisis plan development, education and training. Estimated cost is \$12,000
 - Identify crisis communications team
 - Conduct in-depth kick off meeting(s)
 - Outline potential crises
 - Consult on crisis communication tools and mediums
 - Develop comprehensive crisis communications handbook
 - Create media gateway policy
 - Review with communications team and edit, as necessary
 - Conduct detailed training on why crisis mitigation is of the utmost importance
 - Communicate how best to utilize/implement the plan in a crisis
 - Meet with all stakeholders for a high level review of the plan
 - Conduct a detailed media training
- We can provide a liaison officer to the County EOC, which will improve communications.
- We can engage KBCH radio about buying a generator. Councilor Hinton has provided general information about the possibility of a “Municipal Radio Station”. We can also provide information to the AM 1310 radio station in Newport.
- Concerning the possibility of Lincoln City being part of the County Policy group, this would have to be an agreement by elected officials.

- Tsunami Sirens – The sirens are owned and maintained by North Lincoln Fire and Rescue. The system is old and is a patch work of equipment obtained from other agencies.
- Lincoln Alerts – Complete data has not been released by the County. Depending upon what the user signed up for may have not worked if cell systems/internet failed.
- Amateur Radio – The Auxiliary Communication Services is a group of volunteers located in the Lincoln County Sheriff's Office. This group was not called out during wildfires.
- Community Emergency Response Team (CERT) - The Community Emergency Response Team (CERT) Program educates people about disaster preparedness for hazards that may impact their area and trains them in basic disaster response skills, such as fire safety, light search and rescue, team organization and disaster medical operations giving members the skills to assist others in their neighborhood or workplace following an event when professional responders are not immediately available to help. They have radios, but do not have the capability to talk with other groups. They are sponsored by North Lincoln Fire and Rescue and the Lincoln County Emergency Management. They were not called out during the fires.

City Council Report – **Evacuation Planning**

- The City needs to develop an evacuation plan that supports and facilitates events except tsunamis. Recommend that we do not change tsunamis evacuation procedures “Walking to high ground”.
- Recommend that we use the level 1, Level 2, and level 3 as the bases to notify individuals.
- We must have the lodging industry of Lincoln City participate through strong encouragement or by City Ordinance.
- We will need multiple communication strategies to support the evacuation plan.

- As part of the evacuation planning we must be able to communicate/coordinate with other jurisdictions/agencies outside of Lincoln City.

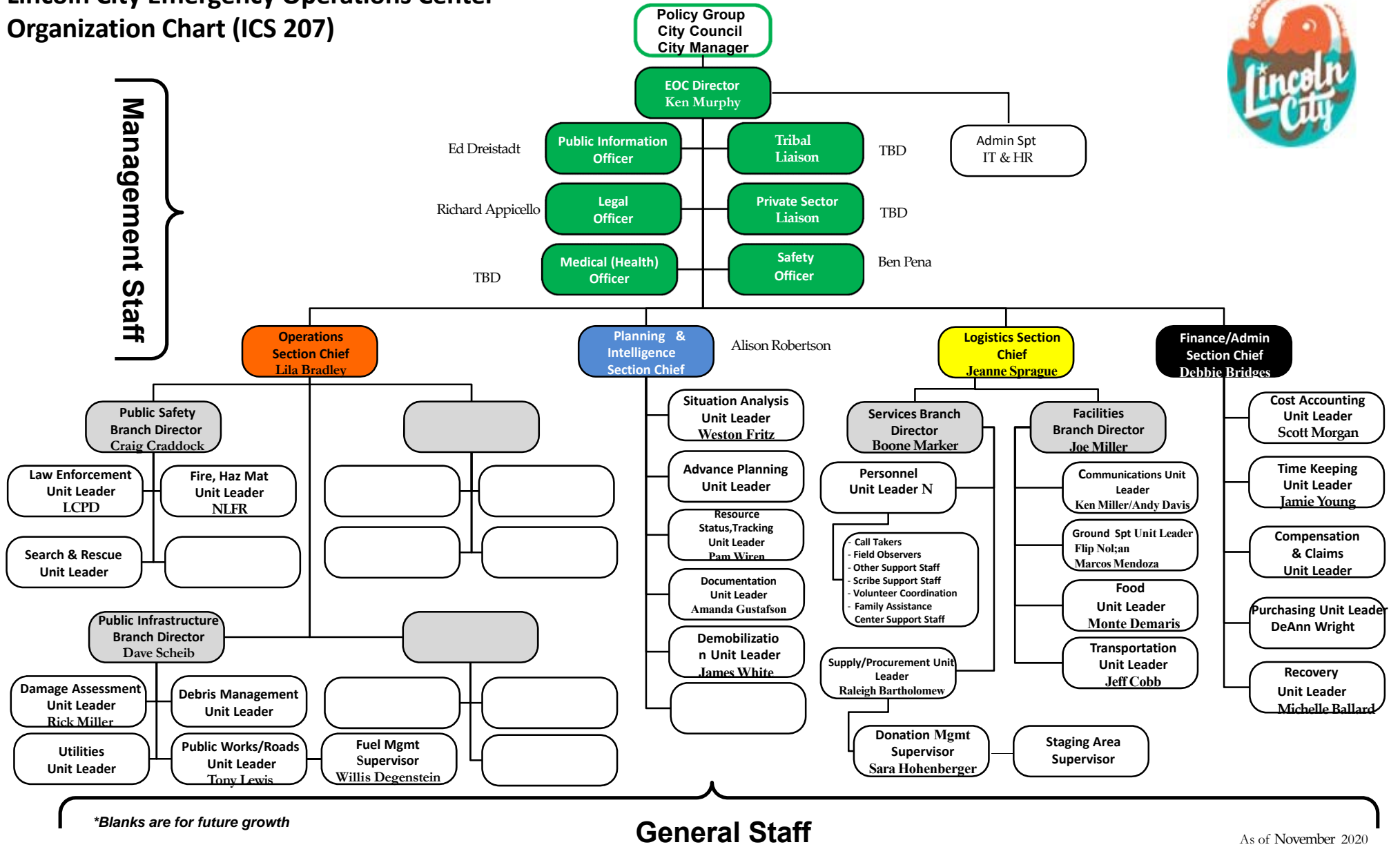
City Council Report – **Emergency Operations Center (EOC)**

Opening the City Emergency Operations (EOC) Center requires that employees are trained and the EOC is equipped properly.

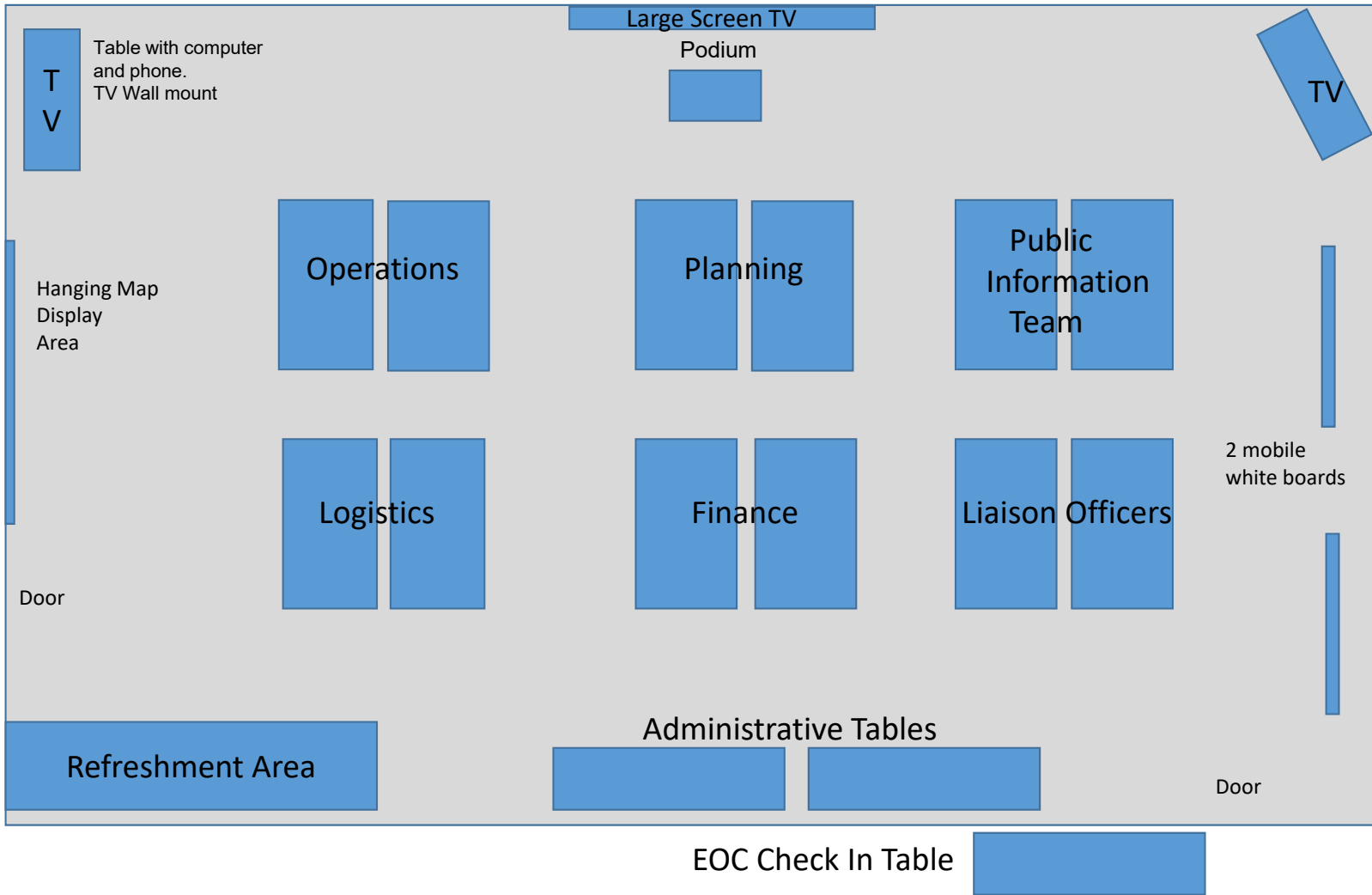
Always keep in mind these points

- Can the employees get to the EOC?
 - Are the employees victims of the disaster?
 - Is the EOC useable?
1. Recommend we have at least 2 mobile white boards for EOC **(Completed)**
 2. Sound damping in the EOC **(in Process)**
 3. We need at least 48 phones (Digium) and more phone drops, **estimated cost \$7,000**
 4. We need 48 laptops, **estimated cost \$68,000**
 5. Recommend that we need a podium/lectern in EOC. **Estimated cost is \$250.00**
 6. Recommend that we have a portable sound system EOC. **Estimated cost is \$350.00**
 7. Recommend we have 3 more portable tables in the EOC for administrative area and check in area. **Estimated cost \$1,500**
 8. Recommend that we have 10 portable printers, **estimated cost is \$1,200**
 9. Recommend that we have 10 portable scanners, **estimated cost is \$2,000**
 10. Recommend that we determine where we might place City Council in PD to fill the role of the Policy group. **Recommend conference room 220. Determine a Policy Group Manager, recommend the City Manager.**
 11. Need mobile white board in room 220.
 12. Recommend we have a commercial washer/dryer at PD for all that may need to stay overnight at the PD during an event. **Estimated cost is \$5,000**
 13. Recommend that we have cots, linen sets, and emergency food stored at the PD. **(We already have these items)**
 14. Recommend that we move the SAT trailer over to the PD and test it.
 15. Recommend that we consider having a dedicated printer for the EOC, **(Recommend a lease as we do with other printers in the City)**
 16. Recommend that we have some modified version of a GIS workstation to include printer at the PD. Estimated cost is
 17. Recommend building External Power junctions for other Command vehicles coming to PD.
 18. Need more electrical outlets and data ports in EOC/room 220 to support operations.
 19. Need 2 large screen TVs, two for map displays/presentations and one for continues news coverage, **estimated cost \$4,000**
 20. Recommend that we have 10 4G hot spots. **Estimated cost is \$1,500 and on-going monthly cost of \$55.00 dollars each.**

Lincoln City Emergency Operations Center Organization Chart (ICS 207)



As of November 2020



4 work positions in each table group

City Council Report – Training and Preparedness for Emergencies

(Always remember that City employees may be on vacation or are victims of the disaster and not available)

Training and Preparedness for Emergencies

- City Employees are required to take FEMA courses, ICS 100, 200, 700, and 800. The majority with the exception of newer employees have completed these courses. Currently only 12 employees have taken ICS 300/400, individuals working in an EOC should take ICS 300 & 400 (COVID Restraint). We can teach an abbreviated version of ICS 300 & 400 by zoom.
- Conduct monthly progressive EOC operations classes by zoom.
- Conduct training classes on when and how to set up EOC.
- Conduct monthly position specific classes for operations, planning, logistics, and finance by independent study classes and zoom.
- City employees are encouraged to prepare individually and as a family. This is an individual responsibility, there is an abundance of information electronically available.
- Citizens are also encouraged to prepare individually and as a family. This is an individual responsibility, there is an abundance of information electronically available. The City can provide a majority of online training and information to citizens/visitors. We need to be creative and advertise this constantly. This also needs to be done in Spanish.
- Partner with North Lincoln Community Emergency Response Team (CERT) in providing CERT online training to train individuals and encourage membership to the CERT group. Full membership in CERT requires in person testing (COVID Restraint)
- Lodging Industry needs to be a key player in this preparedness effort. Two options-(1). Encourage compliance (2) Make it part of the City Code. Recommend evacuation information
- Retail Industry – we need to define what the City desires in the way of retail preparedness.is it just grocery stores, pharmacies and gas stations? All we can do is encourage retail preparedness.
- City Departments need to be prepared to conduct business or support EOC operations. City departments need prescribed and completed drive away kits to support City operations in an abnormal situation. We need to increase this preparedness effort and continue to train on this.
- We have not completed filling the City cache containers due to current budget being placed on hold due to the pandemic and loss of City revenues.

- Conduct for City employee's specific training for various disasters/emergencies.
- Once we come out of the COVID pandemic we can hold various types of events on preparedness for citizens.

Council Communication

Proposed Parking Changes

Meeting Date:	November 9, 2020	Primary Staff Contact:	Ronald F Chandler
Department:	Administration	E-Mail:	RChandler@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	

The City Council authorized me to take the proposed parking changes/restrictions "on the road" prior to preparing an ordinance. I held four meeting to obtain public input. The intent of this agenda item is to present the results of those meetings and obtain Council's input and direction for preparing a parking restrictions ordinance.

Included with this communication is 1) the proposed parking restrictions presented to the City Council, 2) the letter sent seeking public input, 3) the power point presentation I used during these meetings and 4) the comments we received during and after the meetings.

Attachments:

Council Communication No Parking Areas 9-9-2020 (PDF)
 council communication residential parking permits (PDF)
 public input - proposed parking ordinances (PDF)
 2020 October Parking Restriction Meetings power point (PDF)
 Parking Meetings Collective Feedback and minutes_Redacted(PDF)

The intent of this agenda item is to determine the criteria for establishing no parking areas. If the City Council decides to proceed, I recommend the City hold a series of neighborhood meetings to gather input on the effect of this ordinance. As the City increases parking restrictions, it's probable that the cost for enforcing the restrictions will increase.

Criteria for Establishing "No Parking" Areas

1. Transportation System Plan – Area Type
 - High-Use Street
 - Medium-Use Street
2. Transportation System Plan – Street Classifications
 - Municipal Arterial
 - Minor Arterial
 - Collector
 - Local Road
3. Multi-model street Functional Classifications
 - The following map identifies the locations for each street classification type.



12 Multi-Modal Street Functional Classifications Lincoln City Transportation System Plan

Street Functional Classifications		Area Type	
Principal Arterial	Local Road	High-Use Street	Urban Growth Boundary
Minor Arterial	Collector	Medium-Use Street	Park

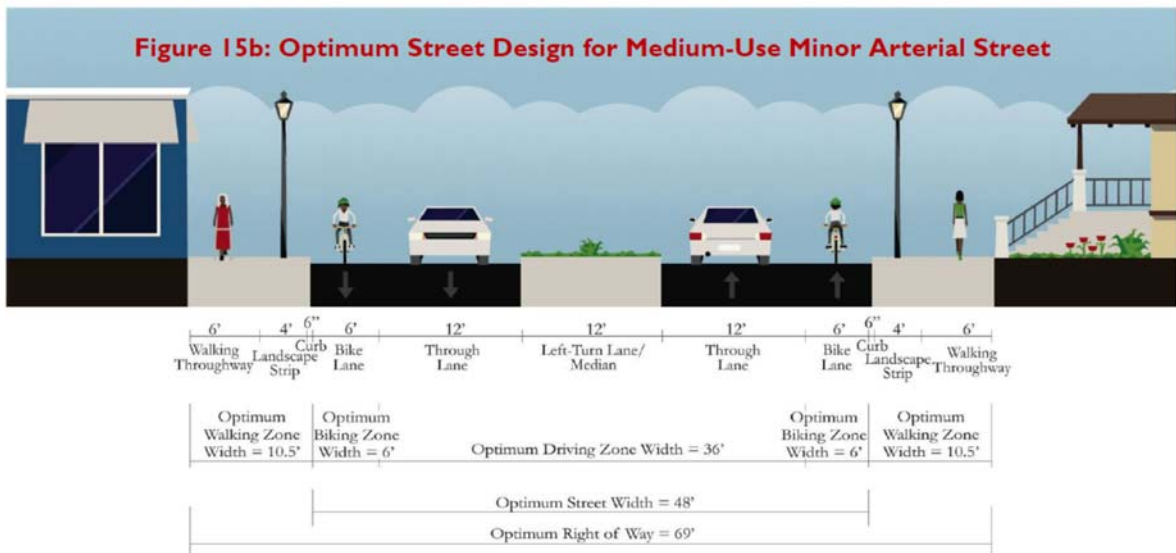
Note: Potential Alignments for Future Roadways are shown as dashed lines



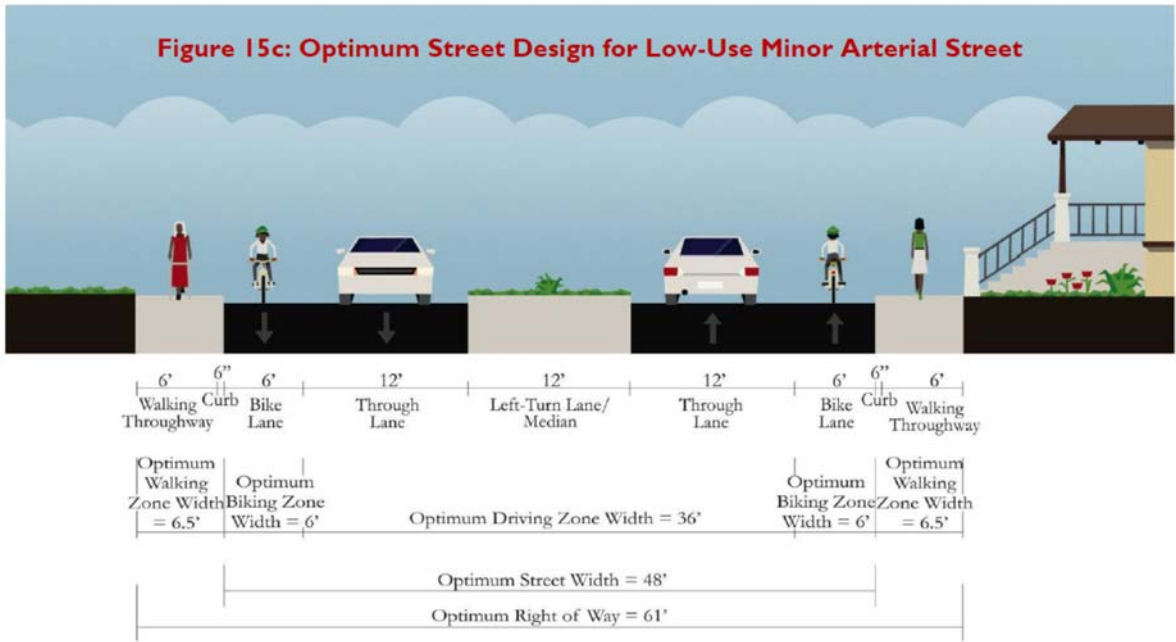
- Municipal Arterial – Highway 101
- High-Use Minor Arterial Street – No on-street parking



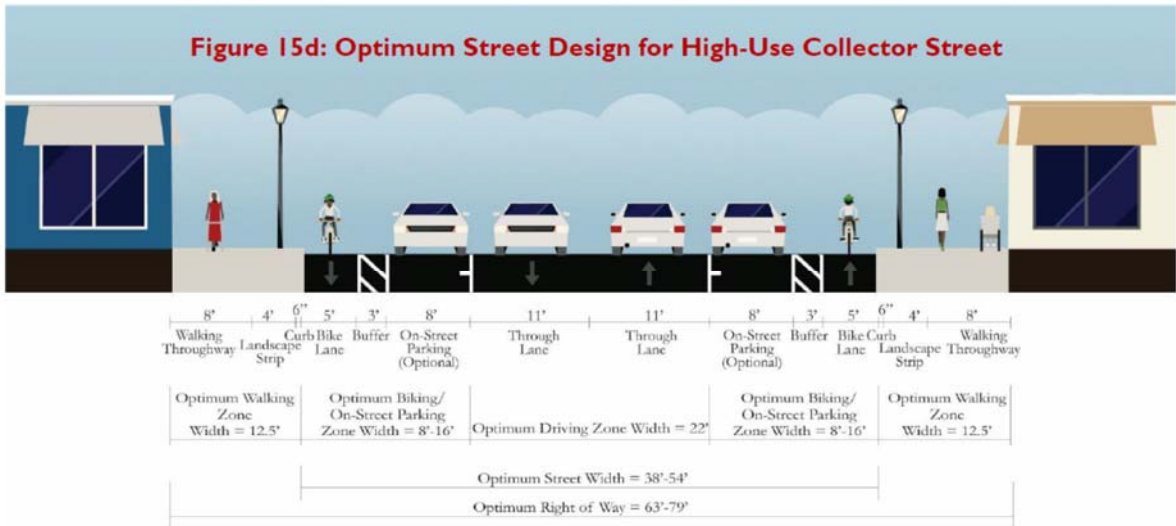
- Medium-Use Minor Arterial Street – No on-street parking



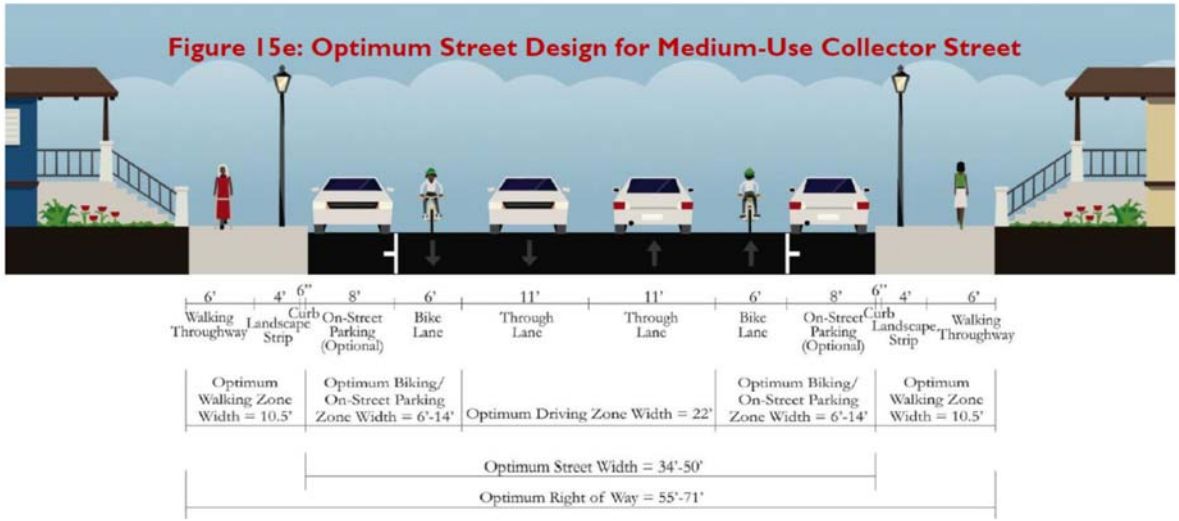
- Low-Use Minor Arterial Street – No on-street parking



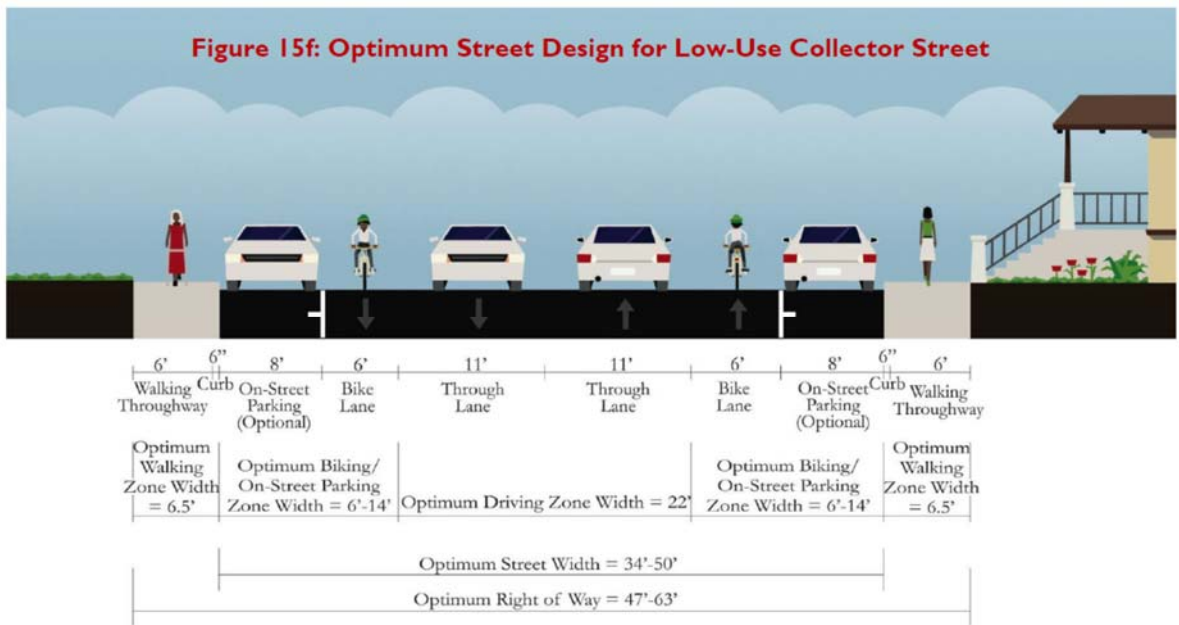
- High-Use Collector Street – Right-of-way requirement – 30' for on-street parking on one-side of the street and 38' for on-street parking on both sides of street.



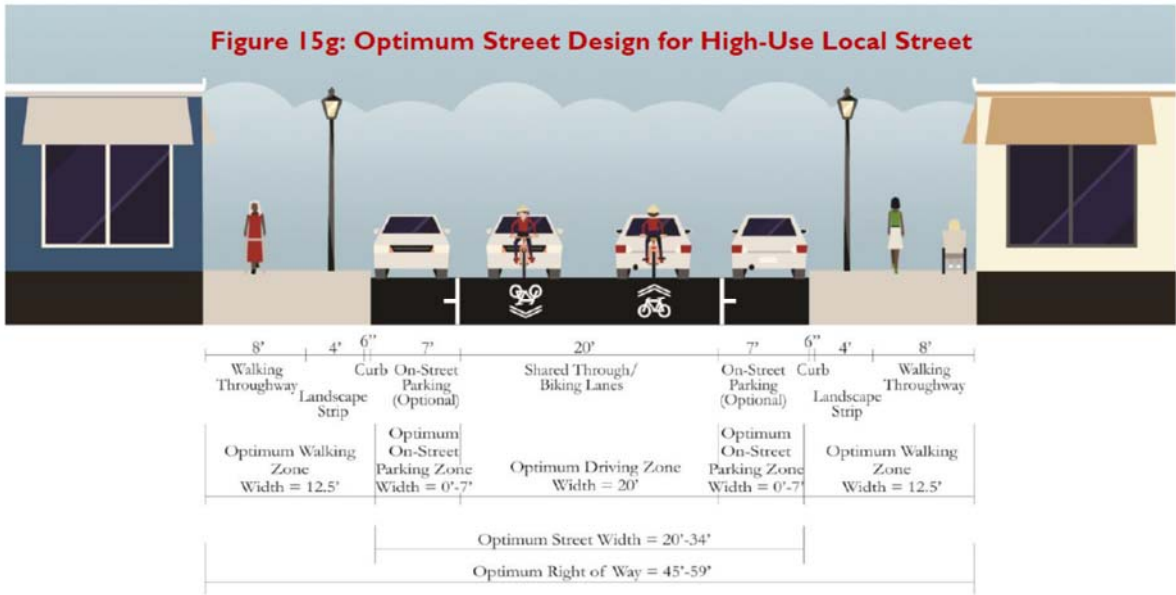
- Medium-Use Collector Street - - Right-of-way requirement - 30' for on-street parking on one-side of the street and 38' for on-street parking on both sides of street.



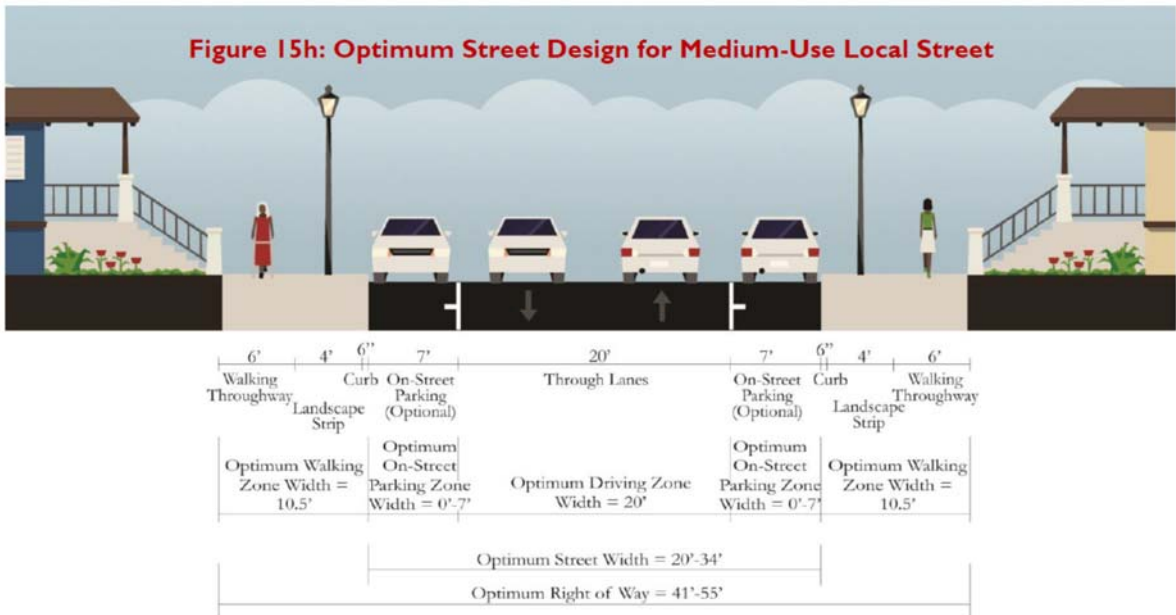
- Low-Use Collector Street - - Right-of-way requirement - 30' for on-street parking on one-side of the street and 38' for on-street parking on both sides of street.



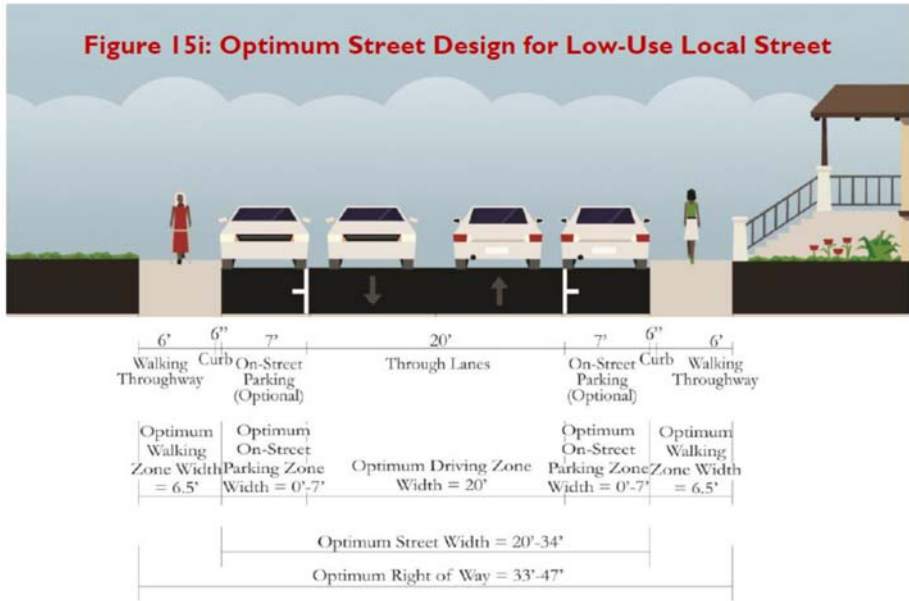
- High-Use Local Street - - Right-of-way requirement - 27' for on-street parking on one-side of the street and 34' for on-street parking on both sides of street.



- Medium-Use Local Street - - Right-of-way requirement - 27' for on-street parking on one-side of the street and 34' for on-street parking on both sides of street.



- Low-Use Local Street - -- Right-of-way requirement – 27' for on-street parking on one-side of the street and 34' for on-street parking on both sides of street.



4. Other criteria for establishing no parking areas.

- Terrain

5. Approval Processing

- Minimum size for No-Parking area =
- By petition
 - 60% of affected neighbors and neighborhood association (if it exists) support the request.
- Processing fee
 - Survey required
- Approval authority – City Manager

6. Other – Loading zone parking – 20 minutes – in front of VRDs.

The intent of this agenda item is to determine the criteria for establishing residential parking permit areas. If the City Council decides to proceed, I recommend the City hold a series of neighborhood meetings to gather input on the effect of this ordinance. As the City increases parking restrictions, it's probable that the cost for enforcing the restrictions will increase.

Residential parking areas are designed to limit the traffic and parking concerns in residential areas with limited on-street parking. The following are the proposed criteria for creating a residential parking area.

Permitted Locations for Residential Parking Areas.

- Residential, Single Family Zones (R-1)
 - R-1-5
 - R-1-7.5
 - R-1-10
- Residential, Roads End Zone (R-1-RE)
- Residential, Multifamily Zone (R-M)
- Residential, Recreation Zone (R-R)
- Nelscott Cottage Residential (NP-NCR)
- Mixed Use Zones
 - Nelscott Beach Mixed Use (NP-NBMU)
 - OP-Interior Mixed Use (OP-IM)
 - OP-Oceanfront (OP-OF)
 - Taft Village Core (TVC)

Minimum size for Residential Parking Permit Area

Criteria for Residential Parking Permit Area

- 25% of the average number of non-residential vehicles (vehicles not connected with the residences or businesses in the area) must exceed the total number of spaces available.
Example: 50 total on-street parking spaces, 13 of the 50 spaces are occupied by non-residential vehicles.
- 75% of the parking spaces are occupied Thursday through Sunday on a daily basis. *Example:* 50 total on-street parking spaces, 38 of the 50 spaces are occupied daily Thursday through Sunday.
- *Exception:* The residence or residential complex lacks off-street parking.

Approval Process for a Residential Parking Permit Area

- By petition
- 60 % of affected neighbors and neighborhood association (if it exists) support the request
- Approval authority – City Manager

Application for Individual Permit

- Processing Fee per vehicle
- Length of permit - annual
- Number of vehicles permitted per residence = 2
- Number of guest vehicles permitted per residence = 1
- Required documentation
 - Photo ID with current address

- Vehicle registration with current address
- Lease or rental agreement
- Bank statement
- Credit card bill
- Utility bill

Restrictions

- Timed and overnight parking don't apply when one has a residential parking permit.
- All other parking restrictions apply.

The City Council of the City of Lincoln City is considering two parking ordinances – “residential parking pass areas” and the criteria for creating “no parking zones.” Public input prior to adoption is very important. To this end, I will hold a series of small gatherings to explain the proposed ordinances, answer questions and receive your input. These meetings are not City Council meetings but will be meetings with staff wherein we’ll explain the proposed ordinances, answer questions and receive your input. This information will be given to the City Council at a later date and during a regularly scheduled City Council meeting.

These meetings may be held electronically, in the neighborhoods or at the City offices. The preferable way to meet will be electronically (i.e. zoom meeting). All COVID-19 restrictions – meeting size, face coverings, social distancing, etc. – will apply for in person meetings.

If you would like to participate in one of these meetings, please send an email to me at parking@lincolncity.org. Please include in the email your name, address and telephone number and your preference for meeting (electronically or in person). This will help me set up the meeting.

The following is a summary of the of the proposed ordinances.

Sincerely yours,



Ron Chandler
CITY MANAGER

City of Lincoln City
801 SW Hwy 101 | PO Box 50 | Lincoln City, OR
P: 541-996-1200 | F: 541-994-7232
E: rhandler@lincolncity.org | W: LincolnCity.org

ISSUES – TASKS

- Create a process and criteria for creating “Residential Parking Pass” areas.
- Create a process and criterial for creating “No Parking” areas.

UNDERLYING PHILOSOPHY

- The City needs more public parking, not less.

RESIDENTIAL PARKING PASSES

Residents of Lincoln City who live in designated residential parking pass areas may be eligible for a residential parking pass for the area in which they live. The pass, which will be displayed on the vehicles rear windshield, exempts them from time restrictions allowing the resident to park in one or two-hour time zones on designated streets near their home.

Pass holders will still be required to comply will all other regulations such as “no parking”, “no stopping” and “loading zones.”

The following briefly describes the criteria for creating “residential parking pass areas.”

Permitted Locations for Residential Parking Areas.

- Residential, Single Family Zones (R-1)
 - R-1-5
 - R-1-7.5
 - R-1-10
- Residential, Roads End Zone (R-1-RE)
- Residential, Multifamily Zone (R-M)
- Residential, Recreation Zone (R-R)
- Nelscott Cottage Residential (NP-NCR)
- Mixed Use Zones
 - Nelscott Beach Mixed Use (NP-NBMU)
 - OP-Interior Mixed Use (OP-IM)

- OP-Oceanfront (OP-OF)
- Taft Village Core (TVC)

Minimum size for Residential Parking Permit Area =

Criteria for Residential Parking Permit Area

- 25% of the average number of non-residential vehicles (vehicles not connected with the residences or businesses in the area) must exceed the total number of spaces available. *Example:* 50 total on-street parking spaces, 13 of the 50 spaces are occupied by non-residential vehicles.
- 75% of the parking spaces are occupied Thursday through Sunday on a daily basis. *Example:* 50 total on-street parking spaces, 38 of the 50 spaces are occupied daily Thursday through Sunday.
- *Exception:* The residence or residential complex lacks off-street parking.

Approval Process for a Residential Parking Permit Area

- By petition
- 60 % of affected neighbors and neighborhood association (if it exists) support the request
- Approval authority – City Manager

Application for Individual Permit

- Processing Fee per vehicle
- Length of permit - annual
- Number of vehicles permitted per residence = 2
- Number of guest vehicles permitted per residence = 1
- Required documentation
 - Photo ID with current address
 - Vehicle registration with current address
 - Lease or rental agreement
 - Bank statement
 - Credit card bill
 - Utility bill

Restrictions

- Most residential areas in Lincoln City don't have timed (1 hour or 2 hour) parking restrictions. Creating "residential parking areas" will include imposing hourly on-street parking restrictions.
- Limiting on-street parking Timed and overnight parking won't apply when one has a residential parking permit.
- All other parking restrictions apply.

NO PARKING AREAS

Basis for making decisions to restrict parking

- The 2015 Lincoln City Transportation Plan
- Road types – The Transportation Plan classifies Lincoln City roads into four categories – Municipal Arterial, Minor Arterial, Collector and Local Road. Each of these categories are further defined as High-use, Medium-use and Low-use.

The standards for road design and construction is also set forth in the Transportation Plan and is attached to this Council Communication.

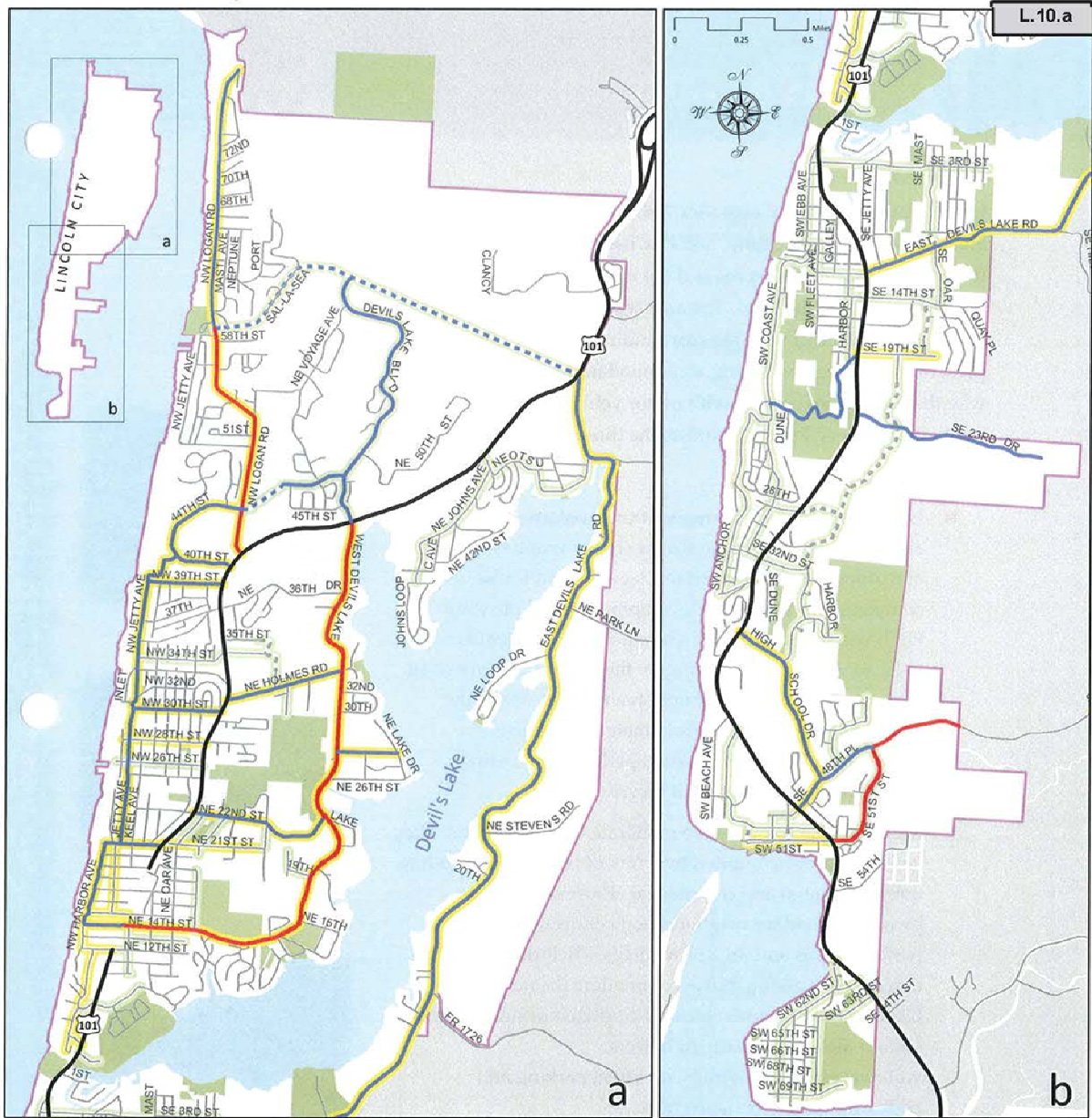
Process for creating "No Parking" areas.

- The process should be initiated by application or petition of individuals living on the street. Consideration of parking restrictions should be evaluated based on a block and not an individual lot. Applications can be made by petition or by neighborhood associations.
 - The City can set standards for applications. (Example: A majority of the properties affected by the restrictions must be in favor or sign a petition for "no parking areas.")

Criteria for creating "No Parking" areas.

- The type of road. For example, the Optimum design for a high-use minor arterial street doesn't include on-street parking.
- Does the area have sufficient right-of-way width to accommodate parking? Right-of-way includes two travel lanes – 10' to 12' in width for each travel lane – and at least one shoulder – 7' to 8' in width.
- The topographical characteristics of the parking lane – i.e. - Is it flat? Is there a drainage swell?

Road Types and Designs from the 2015 Lincoln City Transportation Plan



12 Multi-Modal Street Functional Classifications Lincoln City Transportation System Plan

Street Functional Classifications		Area Type	
Principal Arterial		High-Use Street	
Minor Arterial		Medium-Use Street	
Collector			
Local Road			
		Urban Growth Boundary	
		Park	

Note: Potential Alignments for Future Roadways are shown as dashed lines

Packet Pg. 569

Figure 15a: Optimum Street Design for High-Use Minor Arterial Street



Figure 15b: Optimum Street Design for Medium-Use Minor Arterial Street

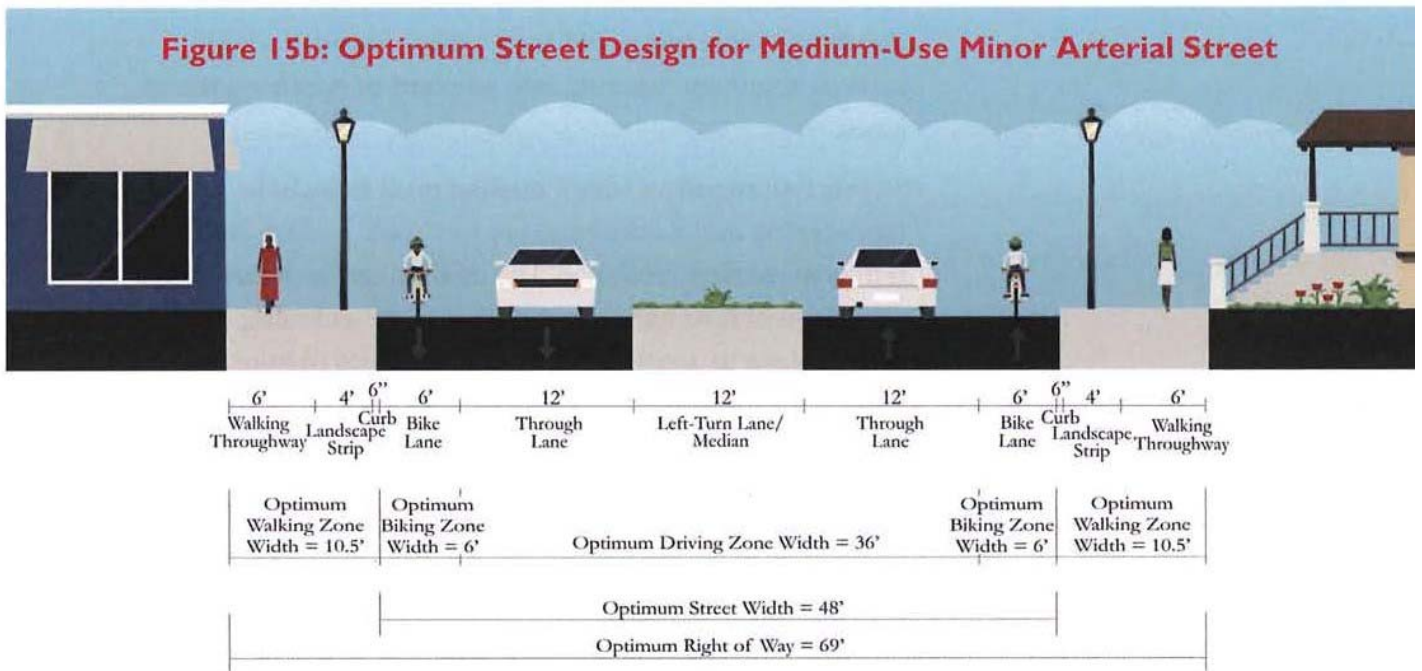


Figure 15c: Optimum Street Design for Low-Use Minor Arterial Street

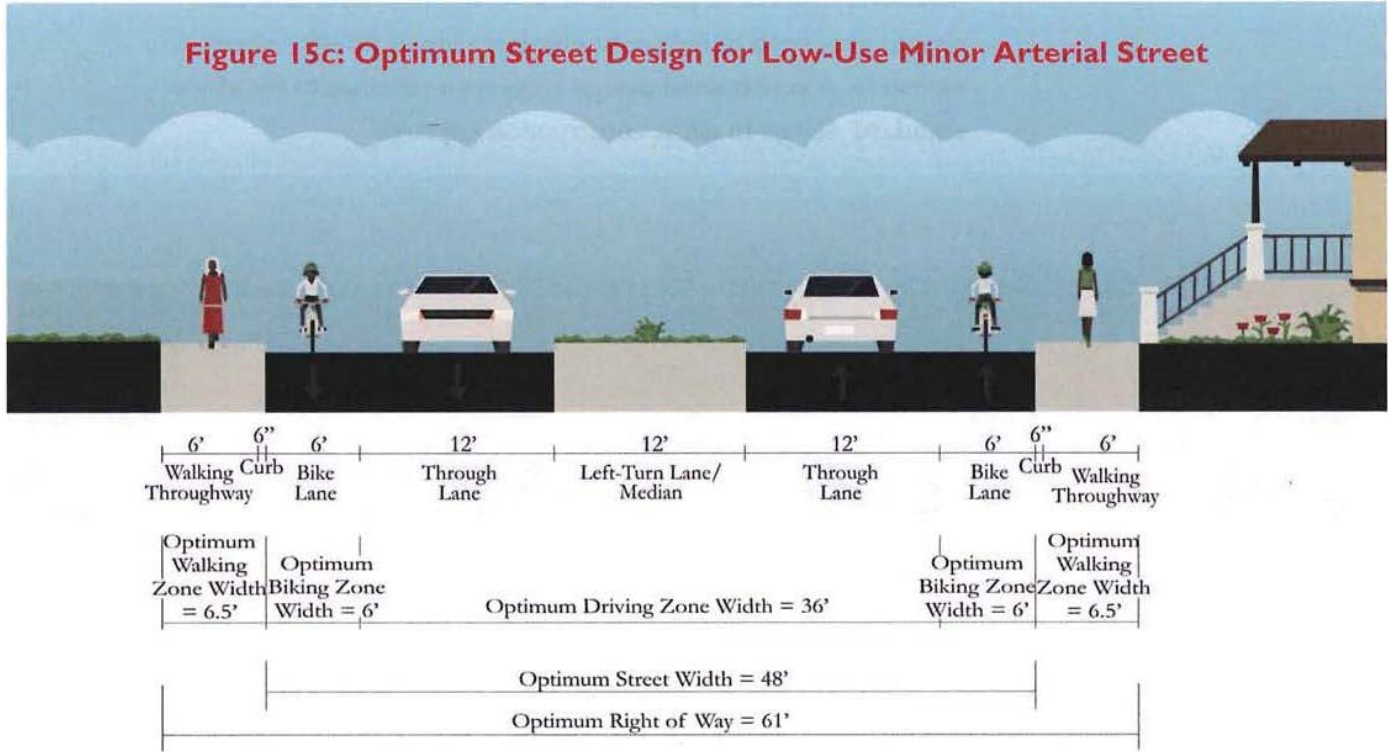
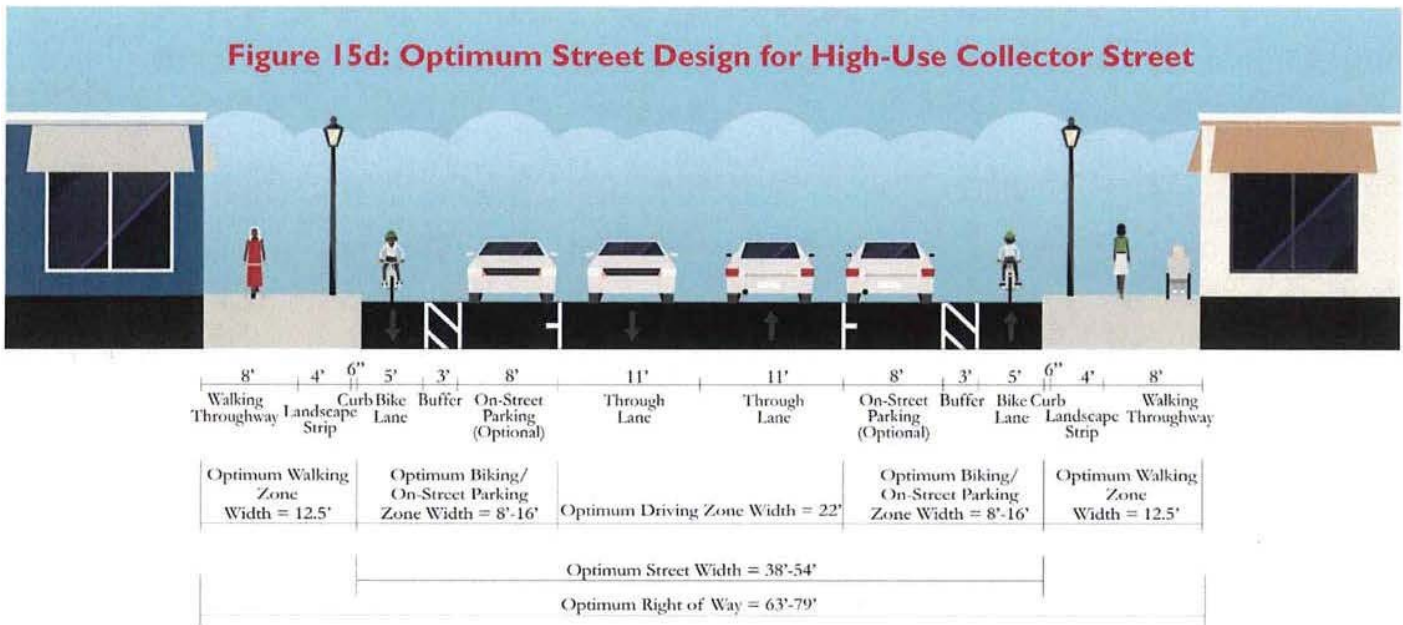


Figure 15d: Optimum Street Design for High-Use Collector Street



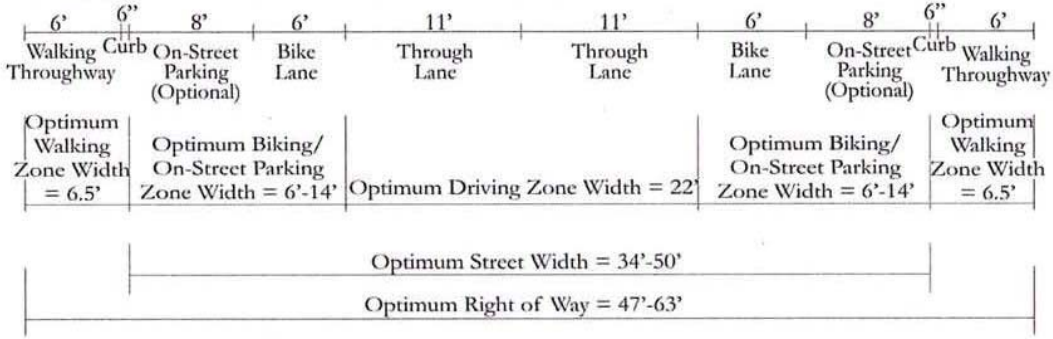
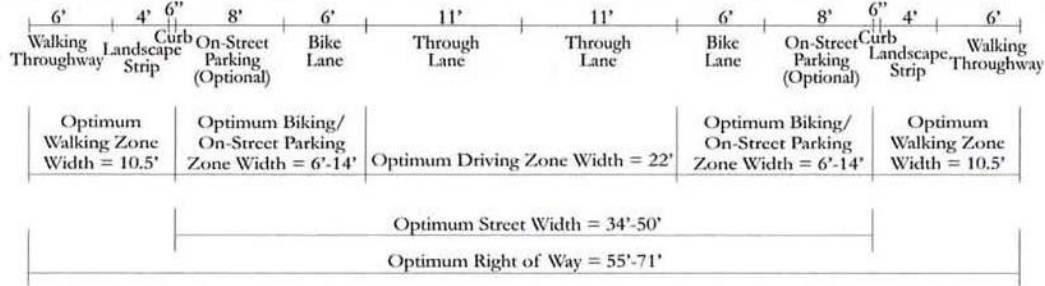


Figure 15g: Optimum Street Design for High-Use Local Street

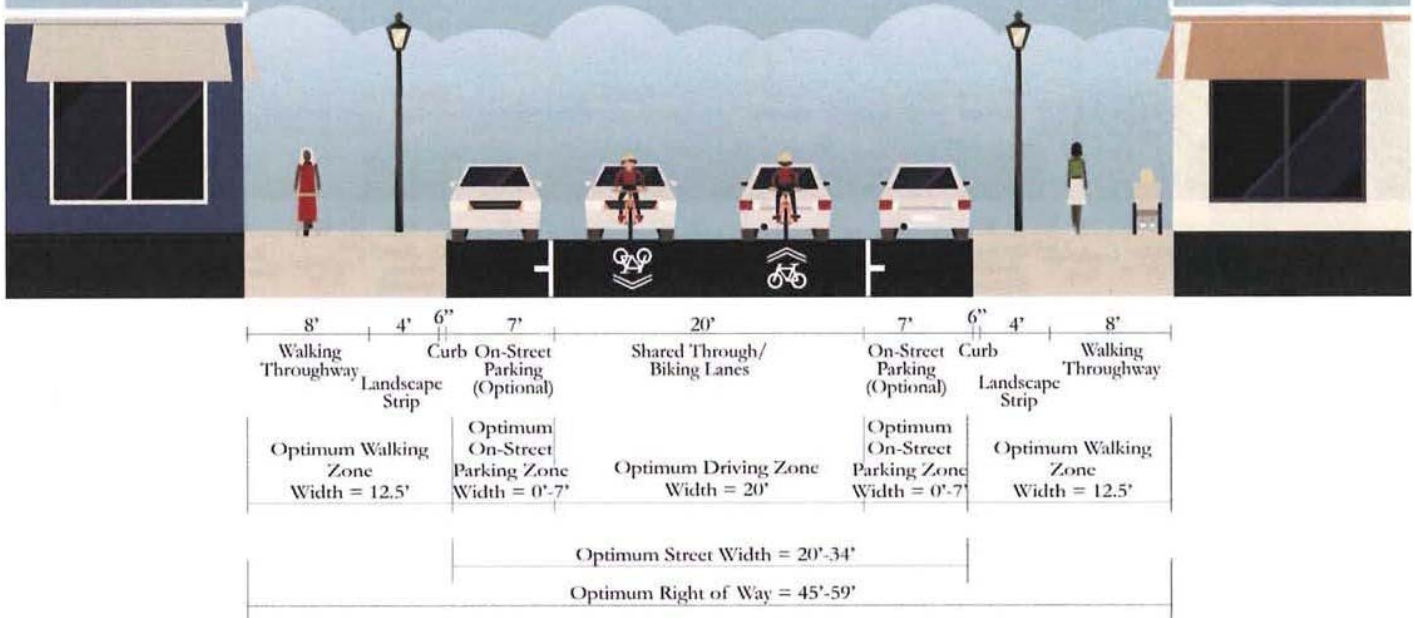


Figure 15h: Optimum Street Design for Medium-Use Local Street

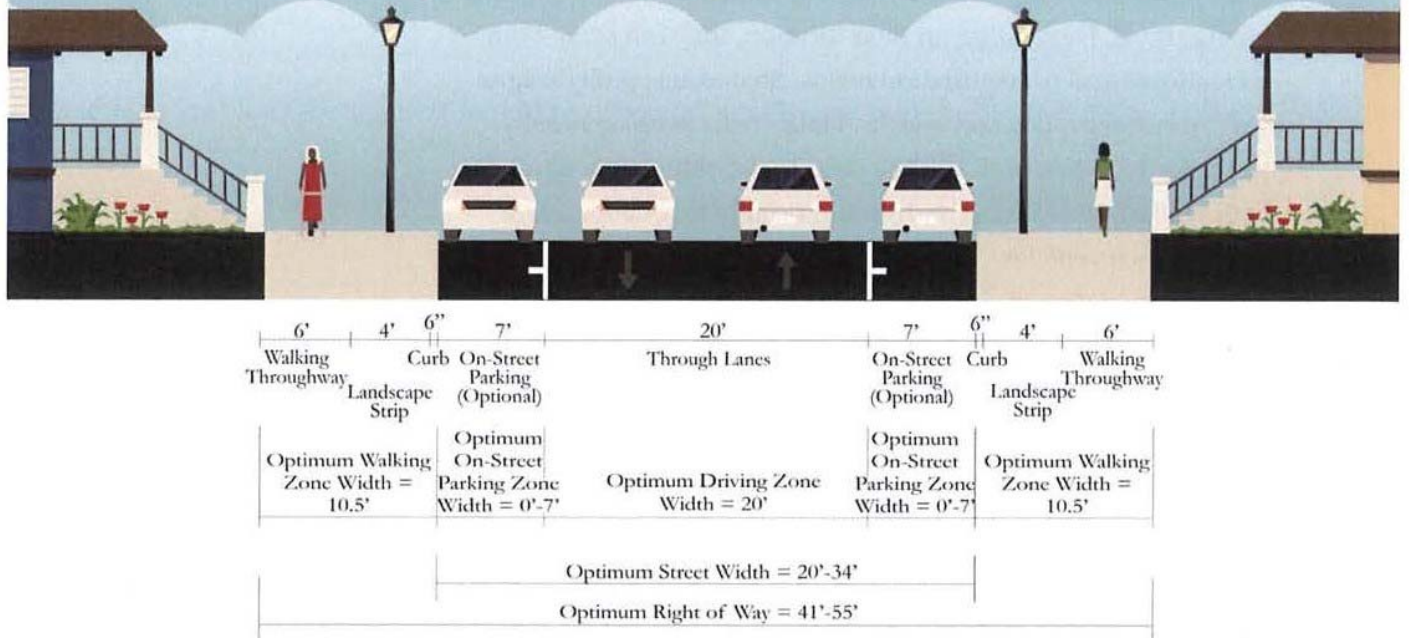
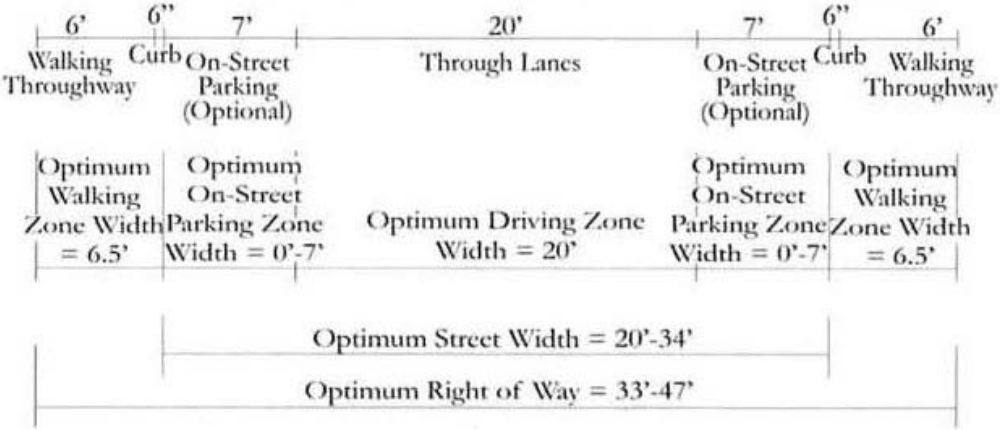


Figure 15i: Optimum Street Design for Low-Use Local Street



Proposed Parking Restrictions

Additional Comments
parking@lincolncity.org



Underlying Philosophy

The City Needs More Public Parking

parking@lincolncity.org



Residential Parking Permit Areas Permitted Areas

- Residential Zones
- Mixed Use Zones

parking@lincolncity.org



Residential Parking Permit Areas Parking Restrictions

- All on-street parking within a Residential Parking Permit Area will have a time limitation
– 1 to 2 hours
- All other City parking restrictions apply
- VRDs

parking@lincolncity.org



Residential Parking Permit Areas Criteria

- 25% of the average number of non-residential vehicles must exceed the total number of spaces available
- 75% of the parking spaces are occupied Thursday through Sunday on a daily basis.

parking@lincolncity.org



Residential Parking Permit Areas Process

- **By Petition**
- **Minimum Size**
- **60% of Affected Area & Neighborhood (if it exists) support the request**

parking@lincolncity.org



Residential Parking Permit Areas Application Process

- Processing Fee per vehicle
- Length of permit - annual
- Number of vehicles permitted per residence = 2
- Number of guest vehicles permitted per residence = 1

parking@lincolncity.org



“No Parking” Area Criteria

Basis for Creating “No Parking” Areas –

The 2015 Transportation System Plan

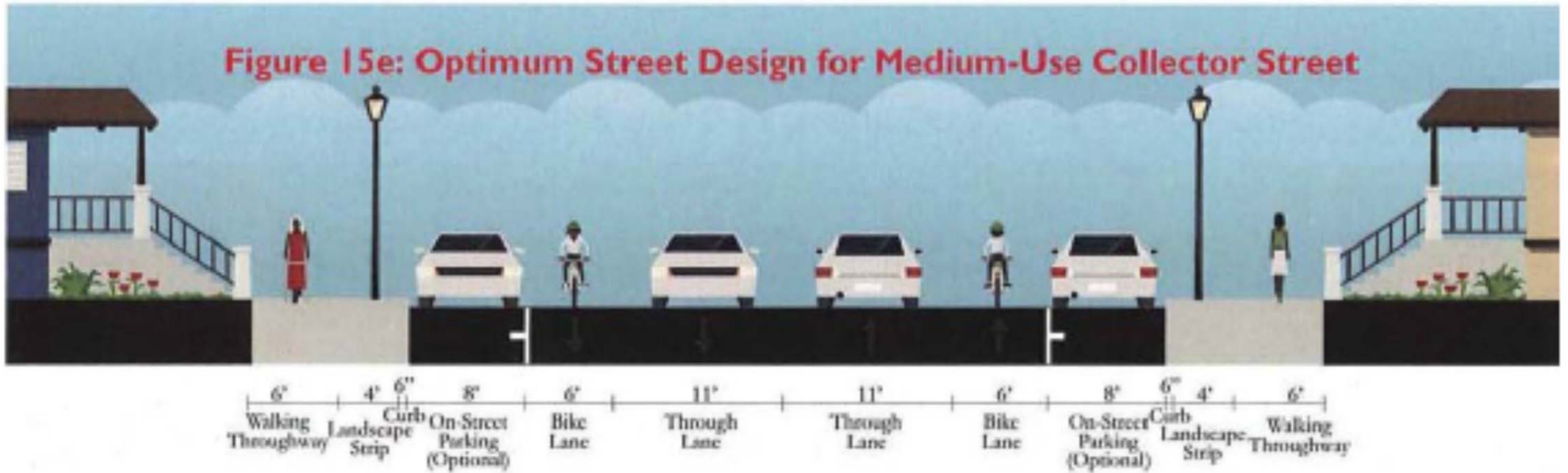


“No Parking” Areas High-Use Collector Street

Figure 15d: Optimum Street Design for High-Use Collector Street



“No Parking” Areas Medium-Use Collector Street



“No Parking” Areas Medium-Use Local Street



“No Parking” Area Process

- By Petition
- Minimum Size
- 60% of Affected Area & Neighborhood (if it exists) support the request

parking@lincolncity.org



Comments

parking@lincolncity.org



Parking Meetings Collective Feedback

1. These proposed ordinances would penalize day-trippers, especially in the Roads End area and is not good for the tourism industry.
2. There needs to be a limit on the number of vehicles that VRDs can bring to the rental property.
3. What is the definition of a parking space?
4. VRD owners not having a say in these proposed ordinances is a concern
5. How large is the area in terms of the 60%?
6. Since this is a public safety issue, the City should make the determination.
7. How close can someone legally park near a mailbox?
8. There needs to be more enforcement of the parking violations that are already occurring
9. Pedestrian ROW needs to be factored into this.
10. Is the 60% too high?
11. How big is this actual parking issue?
12. This needs to address Lincoln City parking lots and beach accesses.
13. What about VRDs that are grandfathered in and do not have to have onsite parking?



City Administration
 Meeting Minutes
 Parking Feedback Zoom Meeting (Ward 1)
 October 19, 2020 3:00pm

Attendees:

City Manager, Ron Chandler
 City Manager Executive Assistant, Courtney Liberato
 Ruth H.
 Barry Treyve
 R Rowlett
 Mark
 Diane Collings
 Jennifer Eddington
 Elaine Starmer
 Jennifer Burns
 Kathy and Randy Davis
 Tim Magnery

Ron Chandler opened the meeting

The parking feedback meetings are taking place because it has been brought to the attention of City Council that there is a need for more residential parking. This meeting is an overview of the proposed ordinances and to gather public feedback and then take back all of the collected input to City Council at the November 9, 2020 City Council meeting. Additional comments can be emailed to parking@lincolncity.org.

The proposed ordinances would affect:

- Residential zones
- Mixed-use zones (business & residential)

Residential Parking Permit Areas Parking Restrictions

- All on street parking within a residential parking permit area will have a time limitation 1 to 2 hours.
- All other City parking restrictions apply.
- VRDs

Residential Parking Permit Areas Criteria



- 25% of the average number of non-resident vehicles must exceed the total number of spaces available
- 75% of the parking spaces are occupied Thurs.-Sun on a daily basis

Residential Parking Permit Areas Process

- By petition
- Minimize size
- 60% of affected area & neighborhood (if it exists) support the request

Residential Parking Permit Areas Application Process

- Processing fee per vehicle
- Length of permit-annual
- Number of vehicles permitted per residence
- Number of guest vehicles permitted per residence

Enforcement of parking- There will be a cost hiring parking attendants or parking attendant.

E Starmer- 100 spaces and 25% non-residents-How are you defining spaces?

Ron- We will have to do a parking study and size we would use standard parking size in the City's ordinance.

E Starmer- 60% approval is that 60% of property owners including VRD owners or renters?

Ron- Which do you prefer?

E Starmer- Fulltime residents or renters

B Treyve- Logan Rd. parking is an issue Friday thru Monday. Part of the problem is they park over the fog line and in the wrong direction. How they are parking is an issue.

Ron- There needs to be more enforcement of parking violations is what I am hearing.

B Treyve- Fulltime residents can they be licensed to be parking attendants?

Ron-Yes, that could happen. We are exploring all options, including security officers, agencies, or individuals on a contract basis.



B Treyve- Can there be volunteers?

Ron- Yes, the same way we hire non-paid volunteers.

No Parking Area Criteria

- The basis is the 2015 Transportation System Plan

Process for No Parking

- By petition
- Minimum size
- 60% affected area and neighborhood support the request

E Starmer- How many cars can be parked on the street at a VRD? How would these proposed ordinances correlate with VRD parking?

Ron- It is independent of land use ordinance

Ruth H.-Are we saying parking is not legal if there is not the right amount of space for where people are parking?

Ron- The parking area is what would be affected by these proposed ordinances.

Conclusion of meeting- If there are any additional comments please email them to parking@lincolncity.org to present to City Council.



City Administration
 Meeting Minutes
 Parking Feedback Zoom Meeting (Ward 2)
 October 20, 2020 3:00pm

Attendees:

City Manager, Ron Chandler
 City Manager Executive Assistant, Courtney Liberato
 Allyson Longueira
 Randy Phillips
 Two phone in attendees

Ron Chandler opened the meeting

The parking feedback meetings are taking place because it has been brought to the attention of City Council that there is a need for more residential parking. This meeting is an overview of the proposed ordinances and to gather public feedback and then take back all of the collected input to City Council at the November 9, 2020 City Council meeting. Additional comments can be emailed to parking@lincolncity.org.

The proposed ordinances would affect:

- Residential zones
- Mixed-use zones (business & residential)

Residential Parking Permit Areas Parking Restrictions

- All on street parking within a residential parking permit area will have a time limitation 1 to 2 hours.
- All other City parking restrictions apply.
- VRDs

Residential Parking Permit Areas Criteria

- 25% of the average number of non-resident vehicles must exceed the total number of spaces available
- 75% of the parking spaces are occupied Thurs.-Sun on a daily basis

R Phillips- What do you mean when you say the parking will be pushed to another residential area? How is this going to be enforced? How are we going to get immediate response to VRD parking issues?



Ron- There is a need for parking attendants and this will need to be discussed with City Council in order to provide the staff (cost) with doing this.

A Longueira- How is parking enforced now?

Ron- Police officers have to prioritize complaints so we are looking at parking attendants, security guard firms and exploring all options.

Residential Parking Permit Areas Process

- By petition
- Minimize size
- 60% of affected area & neighborhood (if it exists) support the request

Residential Parking Permit Areas Application Process

- Processing fee per vehicle
- Length of permit-annual
- Number of vehicles permitted per residence
- Number of guest vehicles permitted per residence

Enforcement of parking- There will be a cost hiring parking attendants or parking attendant.

R Phillips- If a resident has room in their driveway are they required to park in the driveway before parking in the street?

Ron- That is more of a no parking area but the short answer is no they do not have to park in their driveway before being allowed to park on the street.

No Parking Area Criteria

- The basis is the 2015 Transportation System Plan

A Longueira- How much is pedestrian right of way factored in?

Ron- We were not looking at that at the moment but we should consider the pedestrian ROW incorporated into it.

Process for No Parking

- By petition
- Minimum size
- 60% affected area and neighborhood support the request



Conclusion of meeting- If there are any additional comments please email them to parking@lincolncity.org to present to City Council.



City Administration
 Meeting Minutes
 Parking Feedback Zoom Meeting (Ward 3)
 October 22, 2020 3:00pm

Attendees:

City Manager, Ron Chandler
 City Manager Executive Assistant, Courtney Liberato
 Linda Newhouse
 Joe
 Jim Fanger
 Dave Mattison
 Judy Casper
 Steve Griffiths
 Laura
 Graeme Newhouse
 John
 Faith
 CeCe Smith
 Jerry Gomoll
 Ronald Hays

Ron Chandler opened the meeting

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- All other City parking restrictions apply.
- VRDs



S Griffiths- On street parking question- There are homes that have parking spaces between their properties and paved road but homes put out no parking signs and landscaping to keep people from parking there. Will those areas remain for public parking?

Ron- That is public parking and not the property owners. There are people that put up no parking signs but they don't have the authority but we haven't aggressively enforced this.

J Fanger- If our house is a VRD and we are not a fulltime resident do we qualify for a permit?

Ron- If you will, I will come back to that.

Residential Parking Permit Areas Criteria

- 25% of the average number of non-resident vehicles must exceed the total number of spaces available
- 75% of the parking spaces are occupied Thurs.-Sun on a daily basis

Residential Parking Permit Areas Process

- By petition
- Minimize size
- 60% of affected area & neighborhood (if it exists) support the request

S Griffiths- There are some neighborhoods that are primarily VRDs. Is the 60% too high?

Ron- The 60% pertains to residential properties

Joe- Is there a huge problem with residential parking?

Ron- We do have areas where it is an issue.

Joe- How big is the problem?

Ron- I've never looked at it to see how big the issue is.

L Newhouse- I want to be able to park overnight in front of the unit like we have been. Is there a way to apply for a once and a while permit? Recently we've got ticketed for parking on street by our VRD.

Ron- This ordinance proposal needs to address Lincoln City parking lots



Joe- It's not a parking lot it's just off street parking at a beach access. I think it was designed to keep people from camping overnight.

Ron- What we need to do is make a distinction to beach access points and parking lots to allow permitting.

Joe- We would like a pass to show we can park there because we own the condo by it.

J Casper- There is a VRD with five units and parking on street and occupants have to park on street. How would that work?

Ron- They should have their own parking spaces. They would not be able to park there.

J Casper- These owners were grandfathered in. They've never had onsite parking. There is only the street available for them to park.

Laura- For the permitting process, how is it determined how large our area is? What's it based on?

Ron- Usually it is square blocks or by square footage. Those are still to be decided.

S Griffiths- If I got a permit what would prevent me from occupying the same parking spot?

Ron- That would be part of the enforcement. Enforcement would need to be increased. There will be a proposal to City Council on how to enforce parking ordinances. Enforcement of parking- There will be a cost hiring parking attendants or parking attendant.

Residential Parking Permit Areas Application Process

- Processing fee per vehicle
- Length of permit-annual
- Number of vehicles permitted per residence
- Number of guest vehicles permitted per residence

Laura- I am concerned with only allowing three permits.

Ron- This is based on us needing more public parking.



No Parking Area Criteria

- The basis is the 2015 Transportation System Plan

Laura- So, there is not parking allowed on either side? The Cove plans were approved. Is the Council looking at fire code?

Ron- Let's talk about that later

Laura- I'm sorry that is not correct. The Cove development has been approved with no parking available.

Ron- Again, let's have this conversation later

Steve- Will you be putting this PowerPoint on the City's website?

Ron- Yes, we can post it.

Laura- Are there more of these meetings?

Ron- Yes, there is one on Friday and next week in person.

L Newhouse- I'm confused because I feel like our issue is not addressed .

Ron- I have written down that the proposals need to address beach access parking.

Joe- How many beach access are there?

Ron- I believe there are about 16 or 17 Lincoln City beach access points.

Joe- I just don't think the plan affects us.

Ron- It could if it is implemented.

J Fanger- How are you going to enforce the time limits?

Ron- Parking attendants

Joe- Why would you have to move your car in a residential neighborhood? They come and park because they live or are staying there. They park because they are staying there.



Ron- Form that into a comment. There is a demand for on street parking. The common complaint is nonresidents are taking up all the parking from fulltime residents.

L Newhouse- The number of residential permits are driven by how many residents can park there and the total number of parking spaces. If I have a second home there and we are on the beach access and they enforce it we would have to move our cars every 1 or 2 hours.

Ron- We need to factor in the beach access into parking

Process for No Parking

- By petition
- Minimum size
- 60% affected area and neighborhood support the request

Conclusion of meeting- If there are any additional comments please email them to parking@lincolncity.org to present to City Council.



City Administration
 Meeting Minutes
 Parking Feedback Zoom Meeting (All other)
 October 23, 2020 3:00pm

Attendees:

City Manager, Ron Chandler
 City Manager Executive Assistant, Courtney Liberato
 Joan
 David Jamieson
 Steph Hiegh
 S Grant
 Patti Kroen

Ron Chandler opened the meeting

The parking feedback meetings are taking place because it has been brought to the attention of City Council that there is a need for more residential parking. This meeting is an overview of the proposed ordinances and to gather public feedback and then take back all of the collected input to City Council at the November 9, 2020 City Council meeting. Additional comments can be emailed to parking@lincolncity.org.

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Residential Parking Permit Areas Parking Restrictions

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- All other City parking restrictions apply.
- VRDs

D Jamieson- How would it work in Roads in with the time limitation? There are lots of people visiting the state park and are going to be at the beach for more than 1 or 2 hours. Would they get a ticket?

Ron- Yes, we would have to enforce it with parking attendants.

(All other) Parking Meeting Minutes October 23, 2020



D Jamieson- This is going to penalize day tripper who are parking to enjoy the beach and is not good for the tourism industry. My other question is with VRDs. They accommodate lots of people but don't have on site parking for all the people in VRDs. There needs to be a limit on the number of vehicles that they can bring to the VRDs.

Residential Parking Permit Areas Criteria

- 25% of the average number of non-resident vehicles must exceed the total number of spaces available
- 75% of the parking spaces are occupied Thurs.-Sun on a daily basis

Joan- The VRDs put lots of cars at the VRDS. Will I be able to get parking passes for my visitors?

D Jamieson- what is a parking space

Ron- We use our ordinances that define that and the transportation plan which would be 18 feet.

D Jamieson- There are no parking spaces in Roads End.

Ron- One of the challenges is that lots of roads in the City do not have curb and sidewalk.

D Jamieson- There is no off-street parking really in Logan Road.

Ron- The other proposal are no parking areas. We'll cover that more later.

Residential Parking Permit Areas Process

- By petition
- Minimize size
- 60% of affected area & neighborhood (if it exists) support the request

D- The VRD owners would not have a say in this, correct?

Ron- correct

Residential Parking Permit Areas Application Process

- Processing fee per vehicle
- Length of permit-annual
- Number of vehicles permitted per residence
- Number of guest vehicles permitted per residence

(All other) Parking Meeting Minutes October 23, 2020



S Grant- How many neighbors need to be engaged. How many people do we need to support the request?

Ron- It would require 60% of the proposed area.

S Grant- That's my question how large is the area?

Ron- That is still to be decided. And, you are saying it should be easier to create a no parking area.

S Grant- Yes

Enforcement of parking- There will be a cost hiring parking attendants or parking attendant.

No Parking Area Criteria

- The basis is the 2015 Transportation System Plan

P Kroen- There are narrow streets in town that are not wide enough. Do those by default become no parking zones. Are you envisioning a sign stating no parking?

Ron- Yes, to both of those but there is a process to those.

Process for No Parking

- By petition
- Minimum size
- 60% affected area and neighborhood support the request

P Kroen- I understand you don't want to do a public survey. It seems this is a safety issue and the city should make the determination and make the call. It seems that there could be people don't want to support any of this, particularly if it is a street that has lots of VRDs on it.

D Jamieson- the VRDS don't get to vote

P Kroen- so the VRD owners don't get to vote do you think that will go over well

Ron- That is up to Council

D Jamieson- What constitutes illegal parking now?

(All other) Parking Meeting Minutes October 23, 2020



Ron- All existing parking rules still apply. I know enforcement will be part of the proposal to city council.

D Jamieson- Is it illegal to park really close to mailbox and block it?

Ron- Yes, it is but let me verify how far from they can park. Patti, I hear you say the creation of a no parking area should be a safety issue and should be initiated by city and not up for petition.

Conclusion of meeting- If there are any additional comments please email them to parking@lincolncity.org to present to City Council.

Ronald Chandler

From: Barry Treyve [REDACTED]
Sent: Monday, October 19, 2020 3:46 PM
To: Parking Comments
Subject: Parking permits

Ron: Thanks for the meeting, informative and as a Roads End resident, most appreciated. In some ways I feel we have the most difficult situation since we are a destination Point for the hike up God's Thumb. People park as close as they can and we have had many incidents due to this.

A couple of points for the council

- 1) Roads End needs a bigger sign at the beach turnaround telling people it is a dead end road with limited parking. This can discourage some.
- 2) Having resident volunteers to watch for violators of parking rules can ticket these offenders. One Saturday I could have written 6 tickets in a two block area. With a narrow roadway , dogs, and more important, kids and families accidents can and will happen. One Saturday there was a stretch that really was one way because of blocking cars.
- 3) Permits makes total sense and signage limiting people who can enter the North end of Roads End, owners and renters only would be ideal though I doubt that can happen.

Thanks again for organizing the meeting, look forward to the results as you move forward.

Barry Treyve
[REDACTED]

Ronald Chandler

From: Faith Adams [REDACTED]
Sent: Thursday, October 22, 2020 5:31 PM
To: Parking Comments
Subject: Input from meeting

Thank you for inviting input on public/residential parking in Lincoln City. A majority of our questions were answered during the session. In our area, Taft Village Core surely has parking issues, but on SW Coast Ave., up the hill, the parking is more than adequate. Our VRDs observe parking with their clients, for the most part. One resident has decided that he owns a space in the City right of way, and puts notes on cars, but a City communication could solve that misunderstanding.

We have had personal interest in Lincoln City ordinances since we purchased property in 2009, intending to build a VRD, but being unaware of the conflict already brewing with VRDs. During the VRD study and subsequent City Council meetings online, we were very discouraged and decided we had made a huge error in choosing Lincoln City. (We do remember when you came on as City Manager, and the situation began to improve.) We also concluded that Lincoln City had plenty of ordinances in place to prevent neighborhood issues, but that those were not always enforced consistently. A statement made in today's meeting reminded us that it can still be true.

So, our concern is whether the City Council and staff are again expending resources in considerations, if simple enforcement would suffice. So, hire a temporary meter person, as part of this study. However, with meter work/enforcement days, reconsider next July and August, when parking in certain areas will be at a premium the entire week.

Our input is: Keep it simple. Find solutions that encourage, without adding burdens and further expectations on residents. Thank you. Richard and Faith Adams

Ronald Chandler

From: Jennifer Burns [REDACTED]
Sent: Friday, October 30, 2020 9:12 PM
To: Parking Comments
Subject: Comments on parking

Thank you for the presentation on Lincoln City's consideration of additional parking regulations. It was very informative. Below are a few comments that I have.

- If a parking is limited to a set period of time, I would suggest 4 or more hours rather than 2 hours for those areas near beach accesses.
- Perhaps prohibiting parking overnight or between 10pm and 6am would address some of the concerns of VRDs using street parking. I would like to see parking encouraged on the VRDs' premises. There are a number of VRDs that appear to use their garage spaces to meet parking requirements then place pool tables, ping pong tables, etc in the space rendering them unusable for parking. If a commercial use such as a VRD is allowed in a residential area, it seems that there should be a greater effort to minimize the commercial impact.
- In the presentation it was mentioned that creation of parking restrictions may be done via vote of property owners or residents. I would like to see the decisions made by residents residing in their primary residence vs second homes and VRD owners. Residents are the ones that have to live with the results on a daily basis. (My property is a second home, but I would rather see my neighbors who are full time residents have a greater say.)

Thanks,
Jennifer Burns

[REDACTED]

Ronald Chandler

From: Joe Calhoun [REDACTED]
Sent: Saturday, October 24, 2020 5:43 PM
To: Parking Comments
Cc: Linda Newhouse
Subject: Request for parking help with Beach Access

Begin forwarded message:

From: Joe Calhoun [REDACTED]
Subject: Beach Access Parking
Date: October 24, 2020 at 8:56:40 AM PDT
To: linda Newhouse [REDACTED]

Dear Ron, Thank you for running the Zoom parking meeting. We own [REDACTED] [REDACTED] face the Beach Access parking. We have no off street parking. Dick and Sandra Roth purchased the property in 1987 when it was an apartment building.

We would park in the beach access area overnight without any problems since 1987. At some point, Beach Access parking was restricted in the early am to late am hours. Recently two owners have been ticketed for parking in the beach access area. We believe the parking restriction is designed to prohibit people from camping overnight in the beach access area.

Sandra Roth appeared at a city council meeting in November of last year to address the parking issue. She explained our parking issue and showed photos of the condominium and the Beach Access parking. Our request was to have some type of variance to allow us to park in the Beach Access overnight. We had hoped this could have been done with some type of parking permit. We are coming up on a year and have not seen any progress on this issue. My opinion is the Zoom meeting did not address our request. We already have an area where parking is restricted.

We still hope that the owners of the condominiums can obtain permission to park overnight in the Beach Access. Thanks, Joe and Lori Calhoun

Ronald Chandler

From: joyce nagel [REDACTED]
Sent: Thursday, October 22, 2020 2:13 PM
To: Parking Comments
Subject: Re: Parking Permits

In regard to the meeting today at 3pm to discuss parking for residents without any designated parking in high use areas, I would like to have a voice in the way this permitting is determined.
My husband and I own a condo at [REDACTED]

Thank you,
Scott and Joyce Nagel
[REDACTED]

Ronald Chandler

From: Ruth Hugeback [REDACTED]
Sent: Tuesday, October 20, 2020 8:36 PM
To: Parking Comments
Subject: parking commnets

Thank you for conducting the parking meeting. It was very informative. I realize that the scope of the meeting was limited to the specific topics that you presented but I have two comments about the general topic of parking in LC.

1. Many property owners do not respect their property boundaries. One of my neighbors has raised planting beds in the parking strip. Another extended his driveway pavers out to the middle of the street and uses that as his private parking. These are small issues and visually they add charm to our community but it adds to parking problems. Can we help property owners recognize and maintain those boundaries.

2. We need more public parking lots near the beach access points. I live near the NW 35th court and the few spaces are often full. Couldn't the city acquire some of the vacant lots and make small public parking lots? This year, I have been in contact with the state parks people about getting cars off of the beach at 35th. So far I have not made any progress. The lack of parking near the beach just makes that dangerous situation worse.

Once again, thank you for your efforts on this process

Ruth Hugeback

Ronald Chandler

From: R Rowlett [REDACTED]
Sent: Monday, October 26, 2020 8:41 PM
To: Parking Comments
Subject: Re: Lincoln City Parking public input

I support regulating parking in Lincoln City and hope to be involved in the future...

RR

From: Parking Comments <parking@lincolncity.org>
Sent: Thursday, October 15, 2020 10:23 AM
To: R Rowlett [REDACTED]
Subject: RE: Lincoln City Parking public input

Dear R. Rowlett:

Thank you for your interest in attending a meeting on the proposed parking ordinances. A Zoom meeting has been set for Monday, October 19, 2020 at 3 pm. Let me know if you're unable to attend at this time so we can include you in a different Zoom meeting.

I look forward to seeing you there. The Zoom invitation is below.

Sincerely yours,



Ron Chandler
 CITY MANAGER

—
 City of Lincoln City
 801 SW Hwy 101 | PO Box 50 | Lincoln City, OR
 P: 541-996-1200 | F: 541-994-7232
 E: rhandler@lincolncity.org | W: LincolnCity.org

Lincoln City is inviting you to a scheduled Zoom meeting.

Topic: **Parking Feedback Meeting (Ward 1)**
 Time: Oct 19, 2020 03:00 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/85958953760?pwd=TE50OHZKQ0VjZkhBV09rY2MyNUsrZz09>

Meeting ID: 859 5895 3760
 Passcode: 836059
 One tap mobile

+13462487799,,85958953760#,,,,,0#,,836059# US (Houston)
+16699009128,,85958953760#,,,,,0#,,836059# US (San Jose)

Dial by your location

- +1 346 248 7799 US (Houston)
- +1 669 900 9128 US (San Jose)
- +1 253 215 8782 US (Tacoma)
- +1 312 626 6799 US (Chicago)
- +1 646 558 8656 US (New York)
- +1 301 715 8592 US (Germantown)

Meeting ID: 859 5895 3760

Passcode: 836059

Find your local number: <https://us02web.zoom.us/j/85958953760>

From: R Rowlett [REDACTED]
Sent: Wednesday, October 14, 2020 1:24 PM
To: Parking Comments <parking@lincolncity.org>
Subject: Lincoln City Parking public input

I would prefer to meet in person, and also can do Zoom if needed.

R Rowlett
[REDACTED]
[REDACTED]
[REDACTED]

Council Communication

COVID-19 Update

Meeting Date:	November 9, 2020	Primary Staff Contact:	Ronald F Chandler
Department:	Administration	E-Mail:	RChandler@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	

Governor Brown on October 29, 2020 extended the statewide State of Emergency for fire impacted-impacted counties to support wildfire emergency response and recovery efforts. Governor Brown's emergency declaration provides the basis for the ongoing operation of the State's emergency operation coordination center, rule suspension as needed to support wildfire recovery, and continued operation of the Governor's disaster cabinet and Wildfire Economic Recovery Council.

The state of emergency will remain in effect until the Governor determines the State agencies can continue supporting operating recovery efforts without the need for emergency authorities to overcome barriers to a quick and efficient statewide recovery.

I extended Lincoln City's emergency declaration through January 2, 2021, consistent with Oregon's emergency declaration.

Attachments:

LCPD_COVID 19_2020-10-29 Executive Order 20-60 (PDF)

LCPD_COVID-19_2020-11-03 Order Extending Emergency Declaration to Jan 2 2021 (PDF)



EXECUTIVE ORDER NO. 20-60

PROCLAMATION OF STATE OF EMERGENCY TO SUPPORT ONGOING RECOVERY FROM CATASTROPHIC WILDFIRES

On August 20, 2020, pursuant to ORS 401.165 *et seq.*, I declared a statewide State of Emergency due to the imminent threat of wildfire, in Executive Order 20-35.

Shortly thereafter, over the Labor Day weekend, a significant windstorm occurred, followed by a series of catastrophic wildfires that erupted across significant portions of the state. These wildfires caused widespread injury to property, human suffering, financial loss, and also, tragically, loss of life. Significant impacts of these fires were felt in the following counties: Clackamas, Douglas, Jackson, Klamath, Lane, Lincoln, Linn, Marion and Tillamook Counties.

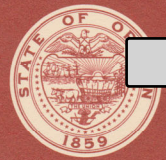
In accordance with Executive Order 16-07, which sets out the State's emergency response framework, and the state of emergency declared in Executive Order 20-35, the Governor's Disaster Cabinet and Economic Recovery Council have been convened to guide recovery efforts and Volume 4 of the state's Comprehensive Emergency Management Plan: The Oregon Recovery Plan has been activated. All seven State Recovery Functions have been activated to support the implementation of the Recovery Plan.

On September 9, 2020, I requested a federal emergency declaration; the president approved that request the following day. On September 14, 2020, I requested additional federal assistance via a Major Disaster Declaration. The president approved that request on September 15, 2020.

Although the fires have now been largely contained, emergency response work is continuing, and the work of recovery in the impacted counties has just begun. The State of Oregon is entering intermediate and long-term recovery operations following an historic and devastating 2020 wildfire season as well as a severe windstorm that impacted much of our state beginning on Labor Day. Local, state, and federal agencies, as well as non-profit organizations and the private sector continue to provide support to disaster survivors and rebuild communities that were impacted by these unprecedented fires.

Recovery operations continue to support debris management, disaster housing, economic recovery, the provision of social and behavioral health services, cultural and natural resource protection and stabilization, and maximizing federal investment in Oregon's recovery while prioritizing equity across all programs and program delivery that is inclusive of Oregon's black, indigenous, people of color, non-English





EXECUTIVE ORDER NO. 20-60
PAGE TWO

speaking, and economically disadvantaged populations, regardless of immigration status.

Furthermore, Oregon continues to respond to the COVID-19 outbreak, which will add complexity to wildfire recovery operations that are focused on providing housing, social, and other recovery services to survivors of these wildfires.

Oregon Revised Statutes Chapter 401 provides specific statutory provisions designed to facilitate the State's response to emergencies, and I believe that continuing the activation of these statutes by declaring a continuing emergency will facilitate the critical response and recovery efforts in the aftermath of these unprecedented fires.

NOW, THEREFORE, IT IS DIRECTED AND ORDERED:

1. Declaration of Wildfire Disaster Emergency: Pursuant to ORS 401.165, I proclaim and declare that due to the wildfire activities described above, an emergency has occurred, and continues to exist based on the ongoing needs associated with ongoing emergency response and recovery operations from the Labor Day windstorm and subsequent wildfires described above ("wildfire disaster emergency"). The geographic scope of this wildfire disaster emergency ("disaster recovery area") includes: Clackamas, Douglas, Jackson, Klamath, Lane, Lincoln, Linn, Marion and Tillamook Counties.
2. Agencies to Support Recovery: All agencies of the state government will utilize and employ state personnel, resources, and facilities for any and all emergency response and recovery activities as requested by the Oregon Office of Emergency Management or the Governor's Office to mitigate, and recover from the effects of, the wildfire disaster emergency. Coordinating and supporting agencies and organizations for the seven State Recovery Functions are directed to develop and implement goals and objectives in alignment with the Oregon Recovery Plan and to support policy directives from the Governor's Disaster Cabinet and Economic Recovery Council.
3. ODOT to Conduct Debris Removal: Pursuant to ORS 401.168 and 401.178, the Oregon Department of Transportation (ODOT) will clear and remove debris or wreckage due to the wildfire and windstorms, as described in ORS 401.178, and is the lead agency for performing these cleanup activities. ODOT may authorize other state agencies to perform this work and direct those agencies in performing the work and using state resources. ODOT is authorized to conduct procurements and enter into contracts and agreements to perform any tasks necessary to



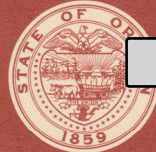


EXECUTIVE ORDER NO. 20-60
PAGE THREE

effectuate clearance or removal operations. ODOT may enter into agreements under ORS 190.110 with Oregon's nine federally recognized tribes to assist with debris removal in Indian Country if requested by a tribe. ODOT will require that any work performed under this Executive Order, including through procurements or agreements, is conducted in a way that is sensitive to and protective of cultural resources and in compliance with ORS 97.745. Any state employee or individual employed by a party that has entered into a contract or agreement with ODOT is appointed by the Governor and authorized to perform duties necessary to the removal of debris or wreckage.

4. COVID-19 Precautions: Recovery staff, emergency managers, disaster relief workers, and all other recovery support personnel should take every possible precaution when managing or conducting mitigation and recovery operations to prevent the spread of COVID-19 or other communicable diseases while protecting our communities from the threat of wildfire and facilitating the recovery efforts. The Oregon Health Authority may provide guidance and assist with mitigating the spread of COVID-19 at disaster recovery facilities and disaster survivor support centers.
5. Rule Suspensions: During this wildfire disaster emergency, the Governor may suspend provisions of any order or rule of a state agency if strict compliance with the provisions of the order or rule would in any way prevent, hinder, or delay mitigating the effects of or enabling the recovery from this year's wildfires or the Labor Day windstorm. A state agency seeking suspension of an order or rule should send a request at: <https://www.oregon.gov/gov/Pages/OAR-temporary-suspensions-application.aspx>.
6. Requests for Assistance: Public entities and federally recognized tribes located in the disaster recovery area may request assistance through the Emergency Management Assistance Compact if needed. Any local government requests for state resources must be submitted through county governing bodies to the Office of Emergency Management pursuant to ORS Chapter 401.
7. Additional Use of ORS Chapter 401 Authorities to Support Recovery: Pursuant to this declaration of a wildfire disaster emergency, and pursuant to the Governor's emergency powers set forth in ORS chapter 401, the Governor may issue additional directives, as necessary, for responding to the wildfire disaster emergency and recovery needs.





EXECUTIVE ORDER NO. 20-60
PAGE FOUR

8. Discretion; No Right of Action: Any decision made by the Governor pursuant to this Executive Order is made at her sole discretion. This Executive Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of Oregon, its agencies, departments, or any officers, employees, or agents thereof.
9. Legal Effect: This Executive Order is issued under the authority conferred to the Governor by ORS 401.165 to 401.236. Pursuant to ORS 401.192(1), the directives set forth in this Executive Order shall have the full force and effect of law, and any existing laws, ordinances, rules, and orders shall be inoperative to the extent they are inconsistent with this exercise of the Governor's emergency powers.
10. Executive Order 20-35 Rescinded: Executive Order 20-35 is hereby rescinded, and replaced with the directives in this Executive Order.
11. Duration: This Executive Order shall remain in effect until it has been determined by the Governor that state agencies can continue supporting recovery efforts without the need for emergency authorities to overcome barriers to a quick and efficient statewide recovery. This Executive Order will be reviewed not later than one year from today to determine whether it remains necessary.

Done at Salem, Oregon, this 28th day of October, 2020.

Kate Brown
GOVERNOR

ATTEST:

Bev Clarno
SECRETARY OF STATE



1 **NOW, THEREFORE, PURSUANT TO THE AUTHORITY GRANTED IN LINCOLN CITY**
2 **MUNICIPAL CODE, CHAPTER 2.72 AND RESOLUTION 2020-06, THE CITY**
3 **MANAGER OF THE CITY OF LINCOLN CITY DOES HEREBY ORDER AS FOLLOWS:**

4
5 **SECTION 1. RECITALS.** The above recitals are true and correct and are
6 incorporated herein by this reference.

7
8 **SECTION 2. EXTENSION OF EMERGENCY DECLARATION.** The duration of
9 the City of Lincoln City emergency declaration in Resolution 2020-06 and Resolution
10 2020-11 is hereby amended and extended from November 3, 2020 to and through
11 January 2, 2021, consistent with State of Oregon emergency declarations.

12
13 **SECTION 3. AMENDMENT.** All other provisions of the Emergency Declaration not
14 specifically amended herein remain in full force and effect.

15 **SECTION 4. EFFECTIVE DATE.** This Order is effective immediately upon its
16 signature by the City Manager.

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18

19 **ORDERED THIS 2nd DAY OF NOVEMBER, 2021.**

20
21

22 DocuSigned by:
23 *City Manager, Ronald F. Chandler*
24 A0ED48ECAF9402...
RONALD CHANLDLER, CITY MANAGER

Council Communication

Public Comment

Meeting Date:	November 9, 2020	Primary Staff Contact:	Ronald F Chandler
Department:	Administration	E-Mail:	RChandler@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	

Fran Lonnon requested to give public comment via Zoom.