

Minutes of the  
**CANNON BEACH CITY COUNCIL**  
Tuesday, January 2, 2024  
Council Chambers

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

Excused: Gary Hayes

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

Other:

**CALL TO ORDER AND APPROVAL OF AGENDA**

Mayor Knop called the meeting to order at 6:00 p.m.

Knop received correspondence that agenda item did not have the entire title on it, and we will do a better job to make sure the agenda has the full title on the agenda. It was not meant to not be transparent and we will do a better job. Bruce if there is a concern or a desire to hold off, it is not time sensitive.

Motion: McCarthy moved to approve the agenda; Ogilvie seconded the motion.

Vote: McCarthy, Ogilvie, Kerr and Knop voted AYE: the vote was 4:0 and the motion carried. The agenda was approved.

Knop moment of silence for Rick Newman and Molly Edison.

**(1) Consideration of the Minutes of the**

**November 6 City Hall/Police Department Milestone Approval**

**November 7 Regular Meeting**

**November 14 Work Session/Special Meeting**

**November 28 Project Open Discussion**

**December 5 Regular Meeting**

**December 12 Work Session/Special Meeting**

**December 13 Joint Code Audit Meeting**

Motion: Ogilvie moved to approve the minutes of November 6, 7, 14, 28 and December 5, 12, 13; McCarthy seconded.

Kerr said on the December 12<sup>th</sup> minutes on page 5 in the second paragraph there was a motion concerning the tree removal. Our mayor specifically said to the applicant would you be willing to extend time to get an opinion from the root specialist referred to by our City Arborist Jeff Gerhardt. And the applicant specifically declined to do that, so then a vote was called. I think it's important that was in there that we actually gave them an opportunity to get this root specialist and he chose not to do it. I think that needs to be added to the minutes

Amended Motion: Ogilvie moved to approve the minutes of November 6, 7, 14, 28 and December 5, 12 as amended, 13; McCarthy seconded.

Vote: McCarthy, Ogilvie, Kerr and Knop voted AYE: the vote was 4:0 and the motion carried.

#### PUBLIC COMMENT

Knop called for public comment, adding remember to be kind and respectful.

- Deanna Hammond: PO Box 942. Noted her concerns of a Councilor that is not practicing the Mayors request of kind and respectful

#### ACTION ITEMS

##### **(2) Presentation of City of Cannon Beach Audited Financial Statements for the Fiscal Year End June 30, 2023**

Paul Nielson CPA, Managing Partner with Isler, presented a PowerPoint presentation for the June 30, 2023 audited financial statements, a copy is included in the record. Nielson noted I will be retiring in the coming years, and you will be meeting a new person on the next visit. McCarthy said there was a part of the report that said City of Warrenton. Nielson replied we've already corrected, and Laurie has a new copy. McCarthy asked about the room tax decreased on page 13, Nielson replied the revenue decreased. Sawrey added that's the fund we pay the chamber, so it's not a big balance. Council thanked Nielson.

Motion: Ogilvie moved to approve the City of Cannon Beach Financial Statements and Supplemental Information for the year ended June 30, 2023 with Independent Auditors Report with correction on page 7; McCarthy seconded the motion.

Vote: McCarthy, Ogilvie, Kerr and Knop voted AYE: the vote was 4:0 and the motion carried.

##### **(3) Appointment of City Committee/Board/Commission**

Knop asked if Thom Allison would like to speak.

Allison reported even before moving here I found the community to be welcoming and supportive. Now that I've retired I am looking for ways to give back. Looking at volunteer opportunities I thought TAC would be the best fit. Allison noted his qualifications, adding I feel that experience will be useful in TAC position.

Motion: Ogilvie moved to appoint Thom Allison to the TAC beginning immediately; Kerr seconded the motion.

Vote: McCarthy, Ogilvie, Kerr and Knop voted AYE: the vote was 4:0 and the motion carried.

##### **(4) Findings of Fact and Conclusion for Jay Orloff, of Tolovana Architects, on Behalf of Owner Paul White, Request for a Tree Removal Permit to Removal a 50 inch Spruce Tree**

Sokolowski summarized the staff report. Kerr said I would like to see a sentence in the findings that the opportunity to follow the recommendations by Jeff Gerhardt was declined by the applicant. The reason being if this becomes more of an issue in the future, I think it's important that it's stated in the findings that we gave the applicant the opportunity to continue the appeal and follow through with recommendations of Jeff to consult further with a root specialist. The applicant was offered the opportunity to do that and declined. As part of the record think it needs to be incorporated into the findings. Sokolowski said we can add a sentence at the top of page 4 that indicates there was discussion and testimony with applicant and the question was posed to the applicant. Kerr replied I think that would be good. There was an alternative that was offered and turned down. Sokolowski added you can approve the findings with agreement and bring to the Mayor with the findings for signature.

Motion: Kerr moved to approve the findings of fact and conclusion of law for the condition of approval for APP 23-06 as amendment provided for Mayor's approval; McCarthy seconded the motion.

Vote: McCarthy, Ogilvie, Kerr and Knop voted AYE: the vote was 4:0 and the motion carried.

#### **(5) Approval of Amended Findings of Fact for APP 23-07**

Knop said this is amended findings of fact for appeal 23-07 which has to do with the appeal of a design review board decision to deny the Rejuvenation of the former Canon Beach Elementary School buildings and NeCus' Park. Sokolowski noted there was concern with how listed on the agenda, and in the future there will be more detail. Sokoloski noted bringing back with revisions made last month. Kerr said the findings say adaptive reuse and design. I thought we approved the design not the reuse itself. The way the findings are written is looks like its use and not just design. This is located in the order. Sokolowski replied I think these are just general statements that switch is changing from school to tourism facility. They are more of a general statement about it went to DRB for the design elements, but we are also proposing a reuse of the facility. We can amend this with no problem. St. Denis noted Carrie Richter used the term adaptive reuse instead of renovation, but not intended to approve the use. We can make that change. Sokolowski noted that is just the order which is different from the findings. Knop replied we are changing adaptive use to renovation. Kerr said what we are approving is the renderings and to me that's it. We were talking about the design, that's all they have purview over, the design. They thought it didn't meet the criteria and we thought it did. Sokolowski replied the rest of the findings support what you are saying. Kerr added I think it does for communication purposes.

Motion: Ogilvie moved to approve the findings of fact and conclusion of law for the Appeal of APP 23-07 with the amendment to the orders; McCarthy seconded the motion.

Vote: McCarthy, Ogilvie, Kerr and Knop voted AYE: the vote was 4:0 and the motion carried.

#### INFORMATIONAL/OTHER DISCUSSION ITEMS

#### **(6) Monthly Status Report**

Ogilvie noted we had a delightful quiet evening. Schermerhorn replied we were the only ones. Seaside and Gearhart were very active. We've done a great job of educating everyone.

McCarthy asked can you give us an update on the burglaries? Schermerhorn replied we've had them in the past, but not normally not a cluster like that. There were cameras so we did get some information

and have video of where the car was recovered in Portland, giving an overview.

#### **(7) Mayor Communications**

There was none

#### **(8) Councilor Communications**

There was none

#### **(9) Good of the Order**

Kerr said I would like to address what deanna brought up. A discussion ensued regarding where the comments were made. Kerr added I think there is a disconnect between citizens and council., When people get up to speak, and we sit and listen, that's what we are supposed to do. That's not the case at all, maybe that's what the appearance is. People get up and give their opinions, but I don't think anyone has been angry from someone expressing opinion. McCarthy suggested maybe we should have a discussion on being able to respond but not getting into a discussion or debate. That's why we remain quiet. Kerr replied this is the only protocol I've known. Knop added my initial LOC training said are some municipalities that do not allow for public comment, especially at the business meeting as they are there to discuss business. There are few that allow discussion and if they do, there are time limits. McCarthy said I think we were told we are not listening when we've been told not to respond. Kerr added a lot of people came on the 28<sup>th</sup> and spoke against the project, but we also received quite a few letters in favor. So, if you just look at the meeting it looks like we are not paying attention. It's a communication issue. McCarthy added I think we need to keep public comment at the beginning of the meeting. Knop replied I don't know how we can regulate the discussion. Kerr added coffee with councilor is a forum where we can have dialog. Ogilvie noted it goes back to what Knop said we are here to discuss business not debate these issues with the citizens. That comes with the motions that we craft and the Resolutions and the discussion that happens during that time when it's our turn to express our views and I am sorry if that's a perception problem with the public, but there is a certain order we need to do to get things done. Kerr asked where there are misstatements made and we can't respond to it? Ogilvie replied Good of the Order is the only time we have to actually address it. McCarthy replied but by then the person already left, a discussion ensued.

St. Denis reported we put together your input from the 11/28 meeting, the mayor categorized it and put in order and asked staff to add historic information. That will be the staff report, which will be out tomorrow. This is to assist the council as there was so much material. McCarthy asked are we going to have the chamber hall available for overflow, St. Denis replied I am going to request it.

Council said Happy New Year!

#### ADJOURNMENT

The meeting was adjourned at 6:54 p.m.

ATTEST:

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Jennifer Barrett, Recorder

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Barb Knop, Mayor