

**Agenda**  
Shady Cove Regular City Council Meeting  
Thursday, January 7, 2021  
6 PM

This meeting will be held via Zoom with Council being present at City Hall.  
Attendees will click on the link or call in to the listed number.

Join Zoom Meeting

<https://us02web.zoom.us/j/88935735169?pwd=d21nUXE3VmVQYmJ1YVZGTlYyYjRxB09>

Meeting ID: 889 3573 5169

Passcode: 008850

One tap mobile

+16699006833,,88935735169#,,,,\*008850# US (San Jose)

+12532158782,,88935735169#,,,,\*008850# US (Tacoma)

**I. Call to Order by City Administrator**

A. Roll Call

**II. Swearing in of New Council**

B. Announcements by Presiding Officer

1. This meeting is being digitally recorded.
2. The next regularly scheduled meeting of the City Council will be held on January 21 at 6 PM, held via Zoom.
3. The next regularly scheduled meeting of the Planning Commission is January 14 at 6 PM, possibly held telephonically.
4. The next meeting of the Parks and Rec Commission is on February 2 at 6 PM, possibly held via Zoom.
5. The next meeting of the Emergency Management Commission has yet to be decided.
6. Public may comment on agenda items - Public must state name, address and standing to discuss an issue. Issues must have a City-wide impact and not be personal issues. Depending on number of comments and time constraints, Council may limit the amount of time to 3 minutes per speaker.
7. These meeting dates are subject to change by the circumstances related to COVID-19.

**III. Open Public Hearing**

Public Hearing to accept public testimony and consider proposed amendments to the Shady Cove Code of Ordinances Chapter 90; Clarify the process used to abate prohibited camping as well as establish a permitted process for limited overnight sleeping in a vehicle on religious institution or place of worship.  
Planning File No: CPA 20-01.

1. Read Public Hearing Opening Statement.
2. Anyone wishing to address Council should email [TCorrigan@shadycove.org](mailto:TCorrigan@shadycove.org) prior to meeting.
3. Jurisdiction Question
4. Conflict of Interest
5. Staff Comments
6. Proponents Testimony
7. Opponents' Testimony
8. Final Staff Comments
9. Close/Continue Hearing

**IV. Public Comment on Agenda Items**

**V. Consent Agenda**

- A. Bills Paid Report 12/11/20-12/28/20, \$ 5,617.92
- B. Minutes of December 17, 2020

**VI. Items Removed from Consent Agenda**

**VII. Staff Reports**

- A. City Administrator
- B. Jackson County Deputy (CSO)
- C. Fire Chief Winfrey, FD4

**VIII. New Business**

- A. Resolution 21-01 Certifying Election Results
- B. Resolution 21-02 Authorizing Bank Signatures
- C. Rules of Government

D. Meet the Council (Open discussion with Public)

**IX. Old Business**

None

**X. Written Communication**

**XI. Public Comment on Non-Agenda Items**

**XII. Council Comments on Non-Agenda Items**

A. Mayor Tarvin

B. Councilor McGregor

C. Councilor Nuckles

D. Councilor Evertt

**XIII. Adjournment**

**BEFORE THE PLANNING COMMISSION  
OF THE CITY OF SHADY COVE  
COUNTY OF JACKSON, STATE OF OREGON**

IN THE MATTER OF CONSIDERATION OF )  
AMENDMENTS TO THE CAMPING REGULATIONS ) **RECOMMENDATION**  
FOUND IN CHAPTER 90 OF THE SHADY COVE ) **TO CITY COUNCIL**  
CODE OF ORDINANCES )

**Planning File No. CPA 20-01**

RECITALS:

- 1) Chapter 154, of the Municipal Code of the City of Shady Cove governs Type IV Legislative Procedures within the corporate limits of the City and requires, if approval is recommended by the Planning Commission, that the City Council of the City of Shady Cove make the final decision regarding the application; and,
- 2) The Shady Cove Planning Commission, after providing proper public notice, met in Public Hearing on December 10, 2020, to consider amendments to Section 90 of the Shady Cove Code of Ordinances to provide greater clarity regarding camping regulations within the City Limits. The Commission received testimony from interested parties and staff. The staff recommendations, as submitted to the Planning Commission, are contained in a staff memorandum that is part of the record; and,
- 3) On December 10, 2020, following the close of the public hearing, the Planning Commission deliberated on the record of the proceedings, after which a motion was made and duly seconded, to recommend that the City Council approve amendments to Chapter 90. The motion passed by a roll call vote of 4 to 0.

NOW THEREFORE, the Planning Commission of the City of Shady Cove finds, concludes, and recommends as follows:

**SECTION 1: FINDINGS**

- 1) The Planning Commission hereby finds that it has received all information and evidence necessary to consider the above request; and,
- 2) The City provided public notice through the Upper Rogue Independent. The Planning Commission finds and concludes that proper notice has been given; and,

- 3) The Planning Commission hereby incorporates by reference all oral deliberations and findings of fact established in the record of the public hearing, and cites by reference: oral and written testimony of interested citizens, and staff and findings of fact which are a part of the record, the City Planner's staff report; and,
- 4) The Planning Commission finds that interested parties spoke at the public hearing, including one citizen who spoke in opposition to the proposed amendments; and,
- 5) The criteria used to evaluate the requested amendments are contained in Section 154.438. The Planning Commission finds that the request meets the criteria.

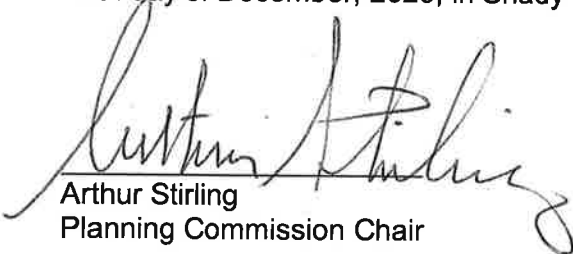
## SECTION 2: CONCLUSION

The Planning Commission concludes that the proposed amendment to the camping regulations of the City of Shady Cove complies with procedural requirements of the Shady Cove Code of Ordinances, and provides greater clarity about how camping is regulated within the City of Shady Cove.

## SECTION 3: DECISION

Based on the record of the public hearing on this matter, the Planning Commission recommends approval of the proposed amendments to Chapter 90 of the Shady Cove Code of Ordinances.

This RECOMMENDATION for APPROVAL is given to the Shady Cove City Council this 17th day of December, 2020, in Shady Cove, Oregon.



Arthur Stirling  
Planning Commission Chair



**ROGUE VALLEY**  
**Council of Governments**

155 N. First St.  
P.O. Box 3275  
Central Point, OR 97502  
(541) 664-6674  
FAX (541) 664-7927

**MEMORANDUM**

**Date:** November 24, 2020  
**To:** Shady Cove Planning Commission  
**From:** Ryan Nolan, Planner  
**Subject:** City Camping Standards

The Planning Commission has been looking into Camping Standard issues within the City of Shady Cove Code of Ordinances. After reviewing several City Codes and relevant Prohibited Camping Sections, here is a suggested draft of proposed language the Planning Commission may choose to recommend that the City Council adopt.

This proposed Code Amendment would clarify the process used to abate prohibited camping as well as establish a permitted process for limited overnight sleeping in a vehicle on religious institution or place of worship property.

**Section 90.02, Definitions... Lodging in Recreational Vehicles** is amended to read;

- (1) The following regulations pertain to recreational vehicles parked outside of recreational vehicle parks, mobile home or manufactured home parks or other areas that are specifically designated for the vehicles.
- (2) No person shall occupy a recreational vehicle for sleeping or living purposes on a public street or right-of-way.
- (3) No person having ownership, or other responsibility for property in the city, shall occupy or allow the occupancy of any recreational vehicle upon the premises as a permanent living quarters, unless approved for the use by the City Council.
- (4) A recreational vehicle may be parked on residentially zoned private property and used for sleeping and cooking purposes by guests of the residents of the premises for a period not to exceed 30 days within any three-month period of the year; provided, the vehicle has self contained sewage facilities or the vehicle's occupants are utilizing the facilities in their host's residence, unless approved for a longer period in advance, by the City Council.

(5) Any unoccupied recreational vehicle shall not be stored on any roadway or within any public right-of-way.

~~(6) A recreational vehicle shall not occupy a space within an approved mobile home park unless that space has been specifically approved by the city for short term recreational vehicle use. A recreational vehicle may not be parked on private property and used for sleeping and cooking purposes on any vacant lot, unless approved for the use by the City Council. This standard does not apply to residential lots with approved building permits.~~

~~(7) Recreational vehicles may be parked on private property and used for sleeping and cooking purposes for up to six months during on-site construction on residentially zoned lots with approved building permits upon application and administrative approval.~~

~~(8) A recreational vehicle may not be parked on private property and used for sleeping and cooking purposes on any General Commercial, Airpark Commercial, or Public zoned property, unless approved for the use by the City Council.~~

**Section 90.20, Prohibited Camping** is added to include;

(A) As used in this section:

(1) "To Camp" means to set up or to remain in or at a campsite.

(2) "Campsite" means any place where any bedding, sleeping bag, or other material used for bedding purposes, or any stove or fire is placed, established or maintained for the purpose of maintaining a temporary place to live, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure or part thereof.

(B) It is found and declared that:

(1) From time to time persons establish campsites on sidewalks, public right of ways, under bridges and so forth.

(2) Such persons by such actions create unsafe and unsanitary living conditions which pose a threat to the peace, health and safety of themselves and the community; and

(3) The enactment of this provision is necessary to protect the peace, health and safety of the city and its inhabitants.

(C) No person shall camp in or upon any sidewalk, street, alley lane, public right of way, park on any other publicly owned property or under any bridge or viaduct, unless otherwise specifically authorized by this code or by declaration of the mayor in emergency circumstances.

(D) This policy is developed pursuant to O. R. S. 203.077. ~~(Local governments to develop humane policy for removal of homeless camps from public property).~~ The City's prohibited camping regulations shall comply with all successor statutes.

(E) Prior to removing homeless individuals from an established camping site, law enforcement officials shall post a notice, written in English and Spanish, 24 hours in advance.

(1) At the time that a 24 hours' notice is posted, law enforcement officials may inform the local agency that delivers social services to homeless individuals where the notice has been posted.

(2) The local agency may arrange for outreach workers to visit the camping site where a notice has been posted to assess the need for social service assistance in arranging shelter and other assistance.

(3) All unclaimed personal property shall be given to law enforcement officials whether 24-hour notice is required or not. The property shall be stored a minimum of 30 days during which it will be reasonably available to any individual claiming ownership. Any personal property that remains unclaimed for 30 days may be disposed of. For purposes of this paragraph, "personal property" means any item that is reasonably recognizable as belonging to a person and that has apparent utility. Items that have no apparent utility or are in an insanitary condition may be immediately discarded upon removal of the homeless individual from the camping site. Weapons, drug paraphernalia and items that appear to be either stolen or evidence of a crime shall be given to law enforcement officials.

(4) Following the removal of homeless individuals from a camping site on public property, the law enforcement officials, local agency officials and outreach workers may meet to assess the notice and removal policy, to discuss whether the removals are occurring in a humane and just manner and to determine if any changes are needed in this policy.

(F) The 24 hour notice required under subsection (E) of this policy shall not apply:

(1) When there are grounds for law enforcement officials to believe that illegal activities other than camping are occurring.

(2) In the event of an exceptional emergency such as possible contamination by hazardous material or when there is immediate danger to human life or safety.

(G) A person authorized to issue a citation for unlawful camping under state law, administrative rule or city or county ordinance may not issue a citation if the citation would be issued within 200 feet of the notice described in this section and within two hours before or after the notice was posted.

**Section 90.23, Overnight Sleeping in Vehicles** is added to include;

(A) Notwithstanding any other provision of the Shady Cove Code of Ordinances, religious institutions or places of worship may provide up to and not exceed three (3) parking spaces for up to and not exceed three (3) vehicles for overnight sleeping in a vehicle on their parking lot if the religious institution or place of worship owns or leases real property on which a structure and an associated parking lot are located.



(B) A religious institution or place of worship that allows a person or persons to sleep overnight in a vehicle on the premises pursuant to subsection A of this section shall:

(1) Provide, or make available on the premises, sanitary facilities including, but not limited to, toilet, hand washing, and trash disposal facilities.

(2) Not allow tents or other personal property to be attached to the vehicle as a means to expand the capacity of the vehicle for additional camping or to establish long term campsites.

(3) Ensure vehicles maintain a minimum distance of 20 feet from other overnight camping vehicles.

(4) Ensure that all vehicles are operable and leave the property on a daily basis.

(5) Obtain a cost-free permit from the City of Shady Cove to allow overnight vehicle camping on property owned or leased by the organization.

(6) Not require payment of any fee, rent, or other monetary charge for overnight sleeping in a vehicle as authorized by this section.

(C) A religious institution or place of worship that permits overnight sleeping in a vehicle pursuant to subsection A of this section may revoke that permission at any time and for any reason. Any person who receives permission to sleep on a premises as provided in subsection A of this section shall leave the premises immediately after permission has been revoked.

(D) Notwithstanding any other provision of this section, the City Administrator or City Administrator's designee may prohibit overnight sleeping in a vehicle at a premises as provided in subsection A of this section if the City Administrator or the City Administrator's designee finds that such activity does not meet the requirements of this section or constitutes a nuisance or other threat to public health, safety, or welfare.

(E) In addition to any other penalties that may be imposed, any premises used for overnight sleeping in a manner not authorized by this section or other provisions of this Code shall constitute a nuisance and may be abated as such.

(F) Nothing in this chapter creates any duty on the part of the City, its employees, or its agents to ensure the protection of persons or property with regard to overnight sleeping in vehicles.

City of Shady Cove

Ordinance No. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF SHADY COVE, OREGON AMENDING CHAPTER 90 OF THE CITY OF SHADY COVE CODE OF ORDINANCES IN ORDER TO; AMEND THE CITY'S CAMPING STANDARDS, CREATE A PROCESS TO ALLOW RELIGIOUS INSTITUTIONS AND PLACES OF WORSHIP TO PROVIDE PERMITTED OVERNIGHT SLEEPING IN A VEHICLE, AND CLARIFY LAW ENFORCMENT REQUIREMENTS FOR DEALING WITH ILLEGAL CAMPING IN CONFORMANCE WITH STATE LAW

**Whereas**, the City of Shady Cove is working to adopt more detailed camping standards; and,

**Whereas**, the City of Shady Cove intends to provide standards and permitting processes for overnight sleeping in vehicles on religious institution or place of worship parking lots; and,

**Whereas**, it has been identified that current state law has specific measures that law enforcement officers must take when enforcing camping standards; and,

**Whereas**, The Shady Cove Planning Commission, after providing proper public notice, met in Public Hearing on \_\_\_\_\_, 2020, to consider amendments to the Shady Cove Code of Ordinances to include revisions to the camping standards of the City of Shady Cove, after which a motion was made, duly seconded, and passed by a roll call vote of \_\_ - \_\_ to recommend that the City Council approve amendment of the City Camping Standards in the Shady Cove Code of Ordinances; and,

**Whereas**, On \_\_\_\_\_, 2020, following the close of the public hearing, the City Council deliberated on the record of the proceedings, after which a motion was made and duly seconded, to approve Planning File No. CPA 20-01. The motion passed by a roll call vote of \_\_ to \_\_.

**Now, therefore, COUNCIL OF THE CITY OF SHADY COVE ORDAINS AS FOLLOWS:**

The Shady Cove Code of Ordinances is amended as follows:

Section 1: Title

This Ordinance shall be known as an amendment to the Camping Standards of the City of Shady Cove Code of Ordinances.

Section 2: Description      The amendment more accurately provides standards for camping, methods for abating illegal camping, and a limited permitting process for overnight sleeping in vehicles on property owned by religious institutions or places of worship.

Section 3: Amendment

The Shady Cove Comprehensive Plan is amended;

**Section 90.02, Definitions... Lodging in Recreational Vehicles** is amended to read;

- (1) The following regulations pertain to recreational vehicles parked outside of recreational vehicle parks, mobile home or manufactured home parks or other areas that are specifically designated for the vehicles.
- (2) No person shall occupy a recreational vehicle for sleeping or living purposes on a public street or right-of-way.
- (3) No person having ownership, or other responsibility for property in the city, shall occupy or allow the occupancy of any recreational vehicle upon the premises as a permanent living quarters, unless approved for the use by the City Council.
- (4) A recreational vehicle may be parked on residentially zoned private property and used for sleeping and cooking purposes by guests of the residents of the premises for a period not to exceed 30 days within any three-month period of the year; provided, the vehicle has self contained sewage facilities or the vehicle's occupants are utilizing the facilities in their host's residence, unless approved for a longer period in advance, by the City Council.
- (5) Any unoccupied recreational vehicle shall not be stored on any roadway or within any public right-of-way.
- (6) ~~A recreational vehicle shall not occupy a space within an approved mobile home park unless that space has been specifically approved by the city for short term recreational vehicle use.~~ A recreational vehicle may not be parked on private property and used for sleeping and cooking purposes on any vacant lot, unless approved for the use by the City Council. This standard does not apply to residential lots with approved building permits.
- (7) Recreational vehicles may be parked on private property and used for sleeping and cooking purposes for up to six months during on-site construction on residentially zoned lots with approved building permits upon application and administrative approval.
- (8) A recreational vehicle may not be parked and used for sleeping and cooking purposes on any General Commercial, Airpark Commercial, or Public zoned property, unless approved for the use by the City Council.

**Section 90.20, Prohibited Camping is added to include;**

(A) As used in this section:

(1) "To Camp" means to set up or to remain in or at a campsite.

(2) "Campsite" means any place where any bedding, sleeping bag, or other material used for bedding purposes, or any stove or fire is placed, established or maintained for the purpose of maintaining a temporary place to live, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure or part thereof.

(B) It is found and declared that:

(1) From time to time persons establish campsites on sidewalks, public right of ways, under bridges and so forth.

(2) Such persons by such actions create unsafe and unsanitary living conditions which pose a threat to the peace, health and safety of themselves and the community; and

(3) The enactment of this provision is necessary to protect the peace, health and safety of the city and its inhabitants.

(C) No person shall camp in or upon any sidewalk, street, alley lane, public right of way, park on any other publicly owned property or under any bridge or viaduct, unless otherwise specifically authorized by this code or by declaration of the mayor in emergency circumstances.

(D) This policy is developed pursuant to ORS 203.077.

(E) Prior to removing individuals from an established camping site, law enforcement officials shall post a notice, written in English and Spanish, 24 hours in advance.

(1) At the time that a 24 hours' notice is posted, law enforcement officials may inform the local agency that delivers social services to individuals where the notice has been posted.

(2) The local agency may arrange for outreach workers to visit the camping site where a notice has been posted to assess the need for social service assistance in arranging shelter and other assistance.

(3) All unclaimed personal property shall be given to law enforcement officials whether 24-hour notice is required or not. The property shall be stored a minimum of 30 days during which it will be reasonably available to any individual claiming ownership. Any personal property that remains unclaimed for 30 days may be disposed of. For purposes of this paragraph, "personal property" means any item that is reasonably recognizable as belonging to a person and that has apparent utility. Items that have no apparent utility or are in an insanitary condition may be immediately discarded upon removal of the individual from the camping site.

Weapons, drug paraphernalia and items that appear to be either stolen or evidence of a crime shall be given to law enforcement officials.

(4) Following the removal of individuals from a camping site on public property, the law enforcement officials, local agency officials and outreach workers may meet to assess the notice and removal policy, to discuss whether the removals are occurring in a humane and just manner and to determine if any changes are needed in this policy.

(F) The 24 hour notice required under subsection (E) of this policy shall not apply:

(1) When there are grounds for law enforcement officials to believe that illegal activities other than camping are occurring.

(2) In the event of an exceptional emergency such as possible contamination by hazardous material or when there is immediate danger to human life or safety.

(G) A person authorized to issue a citation for unlawful camping under state law, administrative rule or city or county ordinance may not issue a citation if the citation would be issued within 200 feet of the notice described in this section and within two hours before or after the notice was posted.

**Section 90.23, Overnight Sleeping in Vehicles is added to include;**

(A) Notwithstanding any other provision of the Shady Cove Code of Ordinances, religious institutions or places of worship may provide up to and not exceed three (3) parking spaces for up to and not exceed three (3) vehicles for overnight sleeping in a vehicle on their parking lot if the religious institution or place of worship owns or leases real property on which a structure and an associated parking lot are located.

(B) A religious institution or place of worship that allows a person or persons to sleep overnight in a vehicle on the premises pursuant to subsection A of this section shall:

(1) Provide, or make available on the premises, sanitary facilities including, but not limited to, toilet, hand washing, and trash disposal facilities.

(2) Not allow tents or other personal property to be attached to the vehicle as a means to expand the capacity of the vehicle for additional camping or to establish long term campsites.

(3) Ensure vehicles maintain a minimum distance of 20 feet from other overnight camping vehicles.

(4) Ensure that all vehicles are operable and leave the property on a daily basis.

(5) Obtain a cost-free permit from the City of Shady Cove to allow overnight vehicle camping on property owned or leased by the organization.

(6) Not require payment of any fee, rent, or other monetary charge for overnight sleeping in a vehicle as authorized by this section.

(C) A religious institution or place of worship that permits overnight sleeping in a vehicle pursuant to subsection A of this section may revoke that permission at any time and for any reason. Any person who receives permission to sleep on a premises as provided in subsection A of this section shall leave the premises immediately after permission has been revoked.

(D) Notwithstanding any other provision of this section, the City Administrator or City Administrator's designee may prohibit overnight sleeping in a vehicle at a premises as provided in subsection A of this section if the City Administrator or the City Administrator's designee finds that such activity does not meet the requirements of this section or constitutes a nuisance or other threat to public health, safety, or welfare.

(E) In addition to any other penalties that may be imposed, any premises used for overnight sleeping in a manner not authorized by this section or other provisions of this Code shall constitute a nuisance and may be abated as such.

(F) Nothing in this chapter creates any duty on the part of the City, its employees, or its agents to ensure the protection of persons or property with regard to overnight sleeping in vehicles.

Section 4: The City Council adopts as its own, and incorporates by reference, the Planning Commission recommendation attached as Exhibit A.

**PASSED AND APPROVED** by the City Council of the City of Shady Cove this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Approved:

\_\_\_\_\_  
Lena Richardson  
Mayor

Attest:

\_\_\_\_\_  
Thomas J. Corrigan  
City Administrator

**Council Vote:**

Mayor Richardson \_\_\_\_\_  
Councilor Mitchell \_\_\_\_\_  
Councilor McGregor \_\_\_\_\_  
Councilor Tarvin \_\_\_\_\_  
Councilor Hohenstein \_\_\_\_\_

Public Notice

NOTICE IS HEREBY GIVEN that the Shady Cove Planning Commission will conduct a public hearing Thursday, Dec. 10, 2020 at 6 p.m., in the City Hall Council Chamber, 22451 Hwy 62, Shady Cove, Oregon. The purpose of the hearing is to consider amendments to the City of Shady Cove Code of Ordinances in order to clarify regulations related to camping within City limits. Possible Planning Commission actions include a recommendation to approve the text as written, approve alternate text, deny or continue. Plan-

ning File No. CPA 20-01.

The proposed amendments are available for review at the City of Shady Cove, 22451 Hwy 62, Shady Cove, OR from 8:00 a.m. to 5:00 p.m. Copies of the proposed ordinance and file information are available for purchase if requested or may be viewed on the city's website [www.shadycove.org](http://www.shadycove.org).

Please mail comments to City of Shady Cove, PO Box 1210, Shady Cove, OR 97539. The staff report will be available for inspection seven days prior to the hearing. Additional infor-

mation is available by contacting the Planning Department at 541-878-8204.

The public is invited to attend and comment at these public hearings.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Department at (541) 878-2225. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title II).

## PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the Shady Cove City Council will hold a public hearing on Thursday, January 7, 2021 at 6:00 p.m., to be held telephonically. The purpose of the hearing is to consider amendments to the City of Shady Cove Code of Ordinances in order to clarify regulations related to camping within City limits. Possible City Council actions include approval of the text as written, approve alternate text, deny or continue. Planning File No. CPA 20-01.

The proposed amendments are available for review at the City of Shady Cove, 22451 Hwy 62, Shady Cove, OR from 8:00 a.m. to 5:00 p.m. Copies of the proposed ordinance and file information are available for purchase if requested or may be viewed on the city's website [www.shadycove.org](http://www.shadycove.org).

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Check Issue Date	Check	Payee	Description	Amount
12/16/2020	45020	KAS & Associates, Inc.	Aunt Caroline's Park - VOID CK LOST	(780.00)
12/21/2020	45077	AT&T Mobility	Mobile Phones 11/06-12/05	161.58
12/21/2020	45078	Canon Financial Services, Inc.	Maint/Usage 10/25-11/24	55.84
12/21/2020	45078	Canon Financial Services, Inc.	Contract 06/01/20-12/31/20	87.98
12/21/2020	45079	CIS Trust	Life Insurance 01.2021	47.05
12/21/2020	45079	CIS Trust	Long Term Disability 01.2021	79.23
12/21/2020	45080	Crystal Fresh	City Hall bottled water 10.31.20	27.00
12/21/2020	45081	David Christian	Radio Program 12/07-12/11	90.00
12/21/2020	45081	David Christian	Radio Program 12/14-12/18	90.00
12/21/2020	45082	Hornecker Cowling, LLP	General - Acct 32076-001	221.00
12/21/2020	45083	Hunter Communications	Internet 01/01-01/31	590.54
12/21/2020	45084	KAS & Associates, Inc.	Aunt Caroline's Park Improvements	780.00
12/21/2020	45084	KAS & Associates, Inc.	Aunt Caroline's railing inspection	325.52
12/21/2020	45085	League of Oregon Cities	L. Richardson training 12.11.19	25.00
12/21/2020	45085	League of Oregon Cities	D. McGregor training 12.11.19	25.00
12/21/2020	45085	League of Oregon Cities	T. Corrigan training 12.11.19	25.00
12/21/2020	45085	League of Oregon Cities	H. Hohenstein training 12.11.19	25.00
12/21/2020	45085	League of Oregon Cities	S. Tarvin training 12.11.19	25.00
12/21/2020	45086	Pacific Power	Street lights 11.2020	761.89
12/21/2020	45086	Pacific Power	Aunt Caroline's Park 10/22-11/23	206.74
12/21/2020	45086	Pacific Power	Nork Lane 10/22-11/23`	293.08
12/21/2020	45087	Project A, Inc.	Dev/Hosting 12.15.2020	200.00
12/21/2020	45088	Rogue Shred, LLC	65 gal shred bin Nov 2020	38.35
12/21/2020	45089	RVCOG	R Nolan - Oct 2020	700.58
12/21/2020	45089	RVCOG	B.Benton Tech Svs Oct 2020	841.11
12/21/2020	45090	SESAC, Inc.	Radio License 01.01.21-12.31.21	164.00
12/21/2020	45091	Susan Lyman-Deatherage	Refund over payment of sewer. Sold eff. 09.29.2020	65.00
12/21/2020	45092	Teamster Local 223	M. Lewis init collected to date	50.00
12/21/2020	45092	Teamster Local 223	S. Clary init collected to date	50.00
12/21/2020	45093	Upper Rogue Independent	Notice - Public Hearing	117.00
12/21/2020	45093	Upper Rogue Independent	Subscription Renewal	29.00
12/21/2020	45094	URCC	Emerg Dis Comm Mtgs 11/17-12/15	90.00
12/21/2020	45095	WECO - Carson	Public works gasoline/diesel 12/04-12/09	110.43
Grand Totals:				<u>5,617.92</u>

City of Shady Cove  
**City Council Regular Meeting Minutes**  
Thursday, December 17, 2020  
Meeting was held telephonically

**I. CALL TO ORDER**

Mayor Richardson called the Regular City Council Meeting to order at 6:00 PM

Council Present: Mayor Richardson, Councilor Mitchell, Councilor McGregor, Councilor Tarvin, Councilor Hohenstein.

Staff Present: Thomas J. Corrigan, City Administrator

**I.B. ANNOUNCEMENTS**

The Mayor made the announcements on the agenda.

**II. PUBLIC HEARING**

None

**III. PUBLIC COMMENT ON AGENDA ITEMS**

None

**IV. CONSENT AGENDA**

Motion to accept item A, B, and C the Continuation of Declaration of Emergency, Bills Paid Report 11/25/20-12/10/20 for \$52,048.91 and Council meeting minutes of December 3, 2020.

Motion: Councilor Hohenstein  
Councilor Tarvin voted Nay

Second: Councilor McGregor  
Motion Carried 4-1

**V. ITEMS REMOVED FROM CONSENT AGENDA**

None

**VI. STAFF REPORTS**

A. City Administrator

- RVTD replied to City request and advised that they will make one of their wheelchair accessible vehicles available and will advise once it becomes available.
- Santa drive-by December 18<sup>th</sup>. Thank you to the volunteers. We didn't have a big turnout due to the weather. When people did show up, they were very appreciative that it was available. There are a lot of treats left over.

- Sent email request asking for interest in attending the CIS conference in February, from 23<sup>rd</sup> to the 25<sup>th</sup>. Please let Tom know if you want to attend.
  - Possibly another round of grant funding is coming, will find out on call with Governor tomorrow.
  - Through diligent research, found a Deferred Improvement Agreement from 30 years ago that was paid and recorded and was able to release it.
  - Confirmed with attorneys that COVID relief funding can be obtained for law enforcement. Will receive that money into the general fund to offset the contractual cost.
  - ODOT was doing work on Highway 62, but we were not notified. Requested that the City be notified of any work that will create traffic delays.
  - Tree on Windemere property near bridge will be taken out by ODOT due to the risk of it falling on the bridge.
  - Park railing received final approval from the County yesterday.
  - PPE – received multiple requests from businesses. Outside dining is being set up, so more is being requested. All is at no cost to the City or the businesses. Last count, 50 businesses were given a box of PPE.
- B. Deputy Heise from Jackson County Sheriff's Office commented that all is quiet, some assistance has been provided with a local business to help them stay in compliance with a few City codes.
- C. Chief Greg Winfrey from Fire District 4 commented on the report provided to Council, there have been some increase in response to non-threatening situations because additional COVID screening is now occurring before responding. Reminder of holiday safety and to be sure to water live trees daily.

#### **VII. NEW BUSINESS**

None

#### **VIII. OLD BUSINESS**

None

#### **IX. WRITTEN COMMUNICATION**

None

#### **X. PUBLIC COMMENT ON NON-AGENDA ITEMS**

Sue Pemberton – appreciates Lena Richardson for the work she has done as Mayor.

## XI. COUNCIL COMMENTS

Mayor Richardson – Emergency Management Commission meeting was held on Tuesday. Jackson County Emergency Management attended and advised that they are updating their procedures and would like to be sure to participate and assist the Commission with their updates. Recommend that the Commission create a basic plan with core responsibilities for any emergency. Wishing all a peaceful and enjoyable holiday.

Councilor Mitchell – RVACT had no activity this past month & Parks Commission had nothing additional since last meeting. Hopes that Council considers purchasing code books for next year and adopt them, to allow City to provide plan check and inspection services, may generate some additional revenue for City. Some cities are conducting COVID 19 testing of wastewater because it shows up there before symptoms. RVSS states that they have been testing the City water and provide to 3<sup>rd</sup> party testing company that advises approximate percentage of population infected. However, the projections are higher than actual reporting because the testing company is still adjusting parameters of measurement. RVSS advised that they would share the information but cautioned that the information will change based on the changes of measurement parameters. Thank you to all for working with me. Thank you to the Mayor for her service.

Councilor McGregor –SORED I has had no meetings. Hank has done a great job during his term, thank you. Grateful for Steve and his city government operations knowledge, thank you for all you did. Lena was a strong supporter of community growth; it was a pleasure to work with you based on the examples you have set.

Councilor Hohenstein – Planning Commission meeting last week was via phone. Passed the camping ordinance and should be seen by the Council shortly. Thank you to the City Staff for being helpful, pleasant, and cooperative. Thank you to Tom, he does a more than competent job and appreciates his aggressiveness in getting grants for our small community. Welcome to new Councilors Tim and Kathy. Thank you to Dick for his service and to Steve for encouraging me to serve. Congratulations to Shari and I look forward to your leadership as Mayor. Lena, disappointed to see you go. You are the epitome of service over self, wishing you God speed.

Councilor Tarvin – Thank you Hank, hope that you continue to be available, you are an asset. Steve, thank you for the time served, and I hope you stick around. Looking forward to working with the new Council and citizens of our City. Thank you to all who attended meetings during these difficult times. Thinks that Zoom is a good way to conduct meetings so that everyone can be seen and would to see that with all meetings in the future. Wishing Lena the best and thankful for what I have learned from you. Very Merry Christmas to all, stay safe.

**XII. ADJOURNMENT**

There being no further business before the Council, the Mayor adjourned the regular Meeting at 6:38 PM.

Approved:

Attest:

\_\_\_\_\_  
Shari Tarvin  
Mayor

\_\_\_\_\_  
Thomas J. Corrigan  
City Administrator

**Council Vote:**  
Mayor Tarvin  
Councilor McGregor  
Councilor Nuckles  
Councilor Evertt

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DRAFT

City of Shady Cove

Resolution 21-01

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHADY COVE, OREGON  
CERTIFYING THE 2020 GENERAL ELECTION RESULTS**

**Whereas**, at a General Election held in the State of Oregon on November 3, 2020, in the City of Shady Cove, Oregon, the candidates for office of Mayor and two City Council positions were submitted to the voters: and

**Whereas**, pursuant to state law, the Jackson County Clerk has certified the results of said election, said certification having been issued on the 23rd day of November 2020; and

**Whereas**, the City Administrator of the City of Shady Cove does hereby certify that the abstract of votes has been received from the Jackson County Elections Office and the following officials were elected:

**COUNCIL MEMBER (VOTE FOR TWO)**

Hank Hohenstein	749	27.62%
Kathy Nuckles	851	31.38%
Tim Evertt	1075	39.64%
Write-in	34	01.25%
Write-in	3	00.11%

**ELECTED COUNCIL MEMBERS**

Kathy Nuckles  
Tim Evertt

**MAYOR (VOTE FOR ONE)**

Shari Tarvin	1151	64.19%
Lena Richardson	628	35.03%
Write-in	14	00.78%

**ELECTED MAYOR**

Shari Tarvin

**MEASURE 15-199:**

**Shall the Shady Cove City Charter be amended to make proposed changes?**

Yes	668	38.39%
No	1072	61.61%
Total	1740	100.00%

**FAILED**

Measure 15-179: Shall Shady Cove City Charter be amended to make proposed changes? Proposed changes include: Following guidelines provided in League of Oregon Cities Model Charter; Revises the term of

office for Mayor from 2 years to 4 years; Clarifies procedure for electing appointed Council members; Adds quasi-judicial authority to the Charter; Restates procedure for making, altering, vacating or abandoning public improvement; Aligns working in Charter with Shady Cove Rules of Government; Fixes some grammatical errors in the current Charter; Renumbers the exhibits; Restructures some sentences and adds clauses for clarification pursuant to the League of Oregon Cities Model Charter.

**Now, therefore, be it resolved** by the City Council of the City of Shady Cove, Oregon as follows:

1. The City Council has received and reviewed the certified canvass of election results for City election which occurred on November 3, 2020 and does hereby approve such canvass of election results.

**Adopted** by the City Council of the City of Shady Cove this 7th day of January 2021.

Approved:

Attest:

\_\_\_\_\_  
Shari Tarvin  
Mayor

\_\_\_\_\_  
Thomas J. Corrigan  
City Administrator

**Council Vote:**

Mayor Tarvin \_\_\_\_\_  
Councilor McGregor \_\_\_\_\_  
Councilor Nuckles \_\_\_\_\_  
Councilor Evertt \_\_\_\_\_

City of Shady Cove

Resolution 21-02

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHADY COVE, OREGON  
APPROVING SIGNATORIES AT BANNER BANK AND LOCAL GOVERNMENT  
INVESTMENT POOL**

**NOW, THEREFORE, BE IT RESOLVED** the City Council of the City of Shady Cove, Oregon hereby approves the change in signatories on Banner Bank and Local Government Investment Pool Accounts:

1. Revokes any previous signatories on said account.
2. New signatories are Mayor Shari Tarvin and City Administrator Thomas J. Corrigan.
3. Authorized to transfer funds between Banner Bank and to LGIP are City Administrator Thomas J. Corrigan and Accounting Technician Stayce Clary.
4. Two signatures from Item #2 (one council person and one staff person) are required to execute a check on the above named bank accounts.

Effective Date: This Resolution will be effective January 7, 2021.

The adoption of this resolution does hereby repeal Resolution 18-17.

**Adopted** by the City Council of the City of Shady Cove this 7th day of January 2021.

Approved:

Attest:

\_\_\_\_\_  
Shari Tarvin  
Mayor

\_\_\_\_\_  
Thomas J. Corrigan  
City Administrator

**Council Vote:**

Mayor Tarvin

Councilor Evertt

Councilor McGregor

Councilor Nuckles

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



## **Shady Cove City Council Rules of Government**

### **Meeting Procedure**

The Presiding Officer shall conduct all meetings in accordance with basic principles of parliamentary procedure in order to facilitate transaction of business and to promote cooperation and harmony.

### **Compliance**

All meetings of the City Council shall comply with the Oregon State Public Meetings Law **ORS 192.610-192.690**, which is hereby incorporated by reference into these rules.

### **Ordinance and Resolution Procedure**

The City Charter, Chapter VIII, Section 33, identifies conditions under which an Ordinance may be read by title only.

### **Quorum**

The Mayor or in his/her absence, the President of the Council, shall call the meeting to order at the hour designated for the meeting. If a quorum is not present, the City Administrator shall immediately inform the absent members, except those known to be unavoidably detained, that their presence is required to enable the Council to proceed. If the absent member or members do not appear after the notice, the members present shall adjourn until a specific time or until the next regular meeting.

A majority of the Council constitutes a quorum to conduct business. The Mayor counts as a voting member for the quorum.

### **Temporary Chairman**

In the event of the absence of the Mayor and the Council President, the City Administrator shall call the Council to order and call the roll of the members; if a quorum is present, those Councilors present shall elect, by majority vote, a Temporary Chairman for that meeting. Should the Mayor or Council President arrive, the Temporary Chairman shall relinquish the chair immediately upon the conclusion of the item of business then under consideration before the Council.

### **Liaison**

The Mayor will appoint a Council Liaison to boards, committees, commissions whether within the City or another local agency.

The Liaison's role is not to direct the board in its activities or work, nor represent the Council as a whole. The Liaison serves as a two-way communication channel between the Council and the board, committee or commission.

Liaisons shall be appointed at the first meeting of each calendar year or as soon thereafter as practicable and shall serve until the first meeting of the next calendar year; provided, however, that Liaisons may be removed or reassigned at any time by the Mayor upon approval of the Council. In addition, a Council Liaison can only be a sitting Council member and upon expiration of any Council member's term or upon resignation, removal or death, the Liaison's seat shall be immediately declared vacant, and a sitting Council member appointed as a replacement.

Unless otherwise specified, a majority of the members of a commission or committee shall constitute a quorum. The Liaison shall not be considered a member of a commission or committee.

### **Use of Electronic Devices**

It is the policy of the Council, in keeping with the intent of the State's Open Meetings Law, that the use of electronic communication devices during Council meetings will be limited and shall otherwise comply with rules and laws applicable to proceedings before the Council.

Any electronic communication regarding a quasi-judicial matter to be considered by the Council is an ex parte contact and shall be disclosed, as required by law.

This rule does not prohibit the use of the City provided interactive computers on the dais for viewing the Council meeting agenda and agenda packets. This rule does not limit the use of electronic communication devices outside of public meetings. However, all electronic communications sent and received by Councilors must comply with the rules and laws applicable to public records.

All phones **will** be kept in the silent or vibrate mode during the course of a meeting and will be used for emergency contact only. Texting will not be allowed during the meeting.

### **Definitions**

As used in this section, "Electronic Communication Devices" mean laptop computers, smartphones, cell phones or other similar devices capable of transmitting or receiving messages electronically.

As used in this section, "Electronic Communications" mean email, text messages, or other forms of communication transmitted or received by technological means.

Oregon Revised Statute 192.670 reads:

Meetings by means of telephonic or electronic communication. (1) Any meeting including an Executive Session of a governing body of a public body which is held through the use of telephone or other electronic communication, shall be conducted in accordance with ORS 192.610 to 192.690.

When telephone or other electronic means of communication is used and the meeting is not an Executive Session, the governing body of the public body shall make available to the public at least one place where the public can listen to the communication at the time it occurs by means of speakers or other devices. The place provided may be a place where no member of the governing body of the public body is present. (1973 c. 172§7; 1979 c.361 §1)

## **Record Retention**

All records of meetings will be retained pursuant to Oregon State Law (166-200-0235), including notes taken by Council relative to the meeting;

“(5) Meeting Records, Boards, Commissions, Committees, and Governing Bodies\* ---

Minimum retention:

- (a) Minutes\* (except Executive Session minutes), agendas, resolutions, indexes, and exhibits (not retained permanently elsewhere in city records) permanently;
- (b) Executive Session minutes retain 10 years;
- (c) Audio or visual recordings 1 year after minutes prepared and approved;
- (d) Other records and exhibits not pertinent to minutes retain 5 years.”

## **Agenda**

The Mayor, or the Mayors designated representative, will provide the City Administrator a list of items to be covered in Unfinished and New Business not later than 3:00pm on Thursday the week prior to the scheduled Council meeting. Complete Council packages will be made available by 5pm on Friday the week prior to a scheduled council meeting.

During announcements, the Presiding Officer may add items to or delete items from the agenda. Verbal explanations will be provided for additions and/or deletions.

## **Order of Business**

City Council meeting agendas will reflect the following items and order.

### **Call to Order**

Roll Call

Pledge of Allegiance

Announcements

This meeting is being digitally recorded

Next City Council meeting

Next Planning Commission meeting

Any other scheduled public meeting(s)

Upon recognition the Public may comment on Agenda items as they are being discussed. – Public must state name and address to discuss an issue. Issues must have a city-wide impact and not be a personal issue.

### **Recess for Public Hearing if Scheduled**

### **Consent Calendar**

Minutes from previous meeting(s)

### **Written Communications**

## **Staff Reports**

Bills Paid Report  
Monthly Financial Report  
Police Report  
Fire District Report (Monthly)

**Unfinished Business** Defined as items which have been discussed by Council at a previous meeting and have been left unfinished.

## **New Business**

## **Public Comment on Non-Agenda Items**

Public must state name, address to discuss an issue. Issues must have a city-wide impact and not be a personal issue.

## **Council Comments on Non-Agenda Items**

To include Liaison reports.

## **Recess for Executive Session if Scheduled**

## **Adjournment**

## **Voting**

Only one question at a time will be considered at any given time. Every motion will be discussed fully and freely. Each Council member has the right to know at all times what the pending question is and to have it restated before a vote is taken. The Presiding Officer will request a random roll call vote on all motions.

Tie Vote. In case of a tie in votes of any motion, the motion is not approved.

In the event of a tie when selecting a committee, commission or vacant city council position, the Presiding Officer will make the appointment.

## **Decorum**

Council members shall be recognized by the Presiding Officer before speaking.

Council members shall address any remarks to the Council rather than to the audience unless given permission by the Presiding Officer.

Upon recognition and with permission of the Presiding Officer, a person in the audience may address the council, not the audience.

### **Conflict of Interest**

Each Councilor will be requested to vote, when present, at a regular or special meeting of the Council except when that Councilor has a conflict of interest (actual or potential conflict), as defined by ORS 244.020(1) and 244.020(12). If a conflict of interest exists, the Councilor will so declare and identify the cause of the conflict. A Councilor may participate in a discussion of the issue for which a potential conflict exists; or, if an actual conflict exists then discussion as well as a vote is prohibited, all in accordance with ORS 244.120. A Councilor with the actual conflict may be required to leave the Council chambers until the discussion and vote has concluded.

### **Rules Revision**

Rules may be added, deleted or revised at any meeting of the Shady Cove City Council.

### **Meetings of the City Council**

Regular City Council meetings will be held on the first and third Thursday of each month. Meetings will begin at 6:00pm and end no later than 8:00pm unless by a majority vote of the Council to extend the meeting and time is indicated.

Public Hearings may be scheduled for the regular Council meeting or at any time on any other day provided all Public Meeting Laws are met.

Special City Council meetings can be called for on any date at any time consistent with the City of Shady Cove Charter, Chapter IV, Section 13.

Study Sessions may be combined with a scheduled Council meeting or may be called at any time on any other day provided all Public Meeting Laws are met. Order of business will be:

Presentation(s)

Discussion Item(s)

Action Item(s)