

SPECIAL MEETING
FEBRUARY 15, 2017

The special meeting of the Gearhart City Council for Wednesday, February 15, 2017 was called to order at 5:10pm by Mayor Matt Brown. Brown stated the Council has received an appeal of a Planning Commission decision from Terry Lowenberg, Sum Properties LLC file #16-001CU regarding a conditional use of lottery machines. In accordance with Gearhart Zoning Ordinance Section 13.060 (4) Appeal, the purpose of the special meeting is to determine the Scope of Review; restricted to the record, presentation of limited additional evidence, de novo hearing or remand back to the commission for additional consideration. Mayor Brown, Councilors Cockrum, Lorain, Smith and City Administrator Chad Sweet were present, Attorney Peter Watts attended by telephone.

Watts authorized council receiving copies of the appeal application and planning commission record and explained the different types of hearings noting the default review of a planning commission recorded being *restricted to the record*.

Sweet noted Jeremy Rust attorney for the applicant was present and has agreed to waive the 120 day deadline and extend to the end of April 2017.

By consensus councilors agreed to hear the appeal in accordance with Section 13.060 Appeals (4) (A) Restricted to the record. Staff will work on scheduling a hearing date in April with the council, staff and attorneys.

Watts cautioned Councilors to not talk about the appeal and avoid conversations since the decision will be limited to the record further stating councilors will need to declare any exparte contact from the date the appeal was filed, February 3, 2017.

On **MOTION** by Smith, 2nd by Lorain the meeting was closed at 6:00 pm.

Matt Brown

Matt Brown, Mayor

Chad Sweet

Chad Sweet, City Administrator