

TOLEDO PLANNING COMMISSION MINUTES

A regular meeting of the Toledo Planning Commission was called to order at 7:03 pm by President Joyce Mackenroth. Commissioners present: Paul Schneidecker, Terri Strom, Linda Brodeur, Dawn Grafe, and Anne Learned-Ellis (arrived at 7:06).

Staff present: Community Development Coordinator (CDC) Rusty Klem, Police Chief (PC) Mark Fandrey, and Secretary Arlene Inukai.

VISITORS: None

APPROVAL OF THE JANUARY 14, 2009, MINUTES:

It was moved and seconded (Brodeur/Strom) to approve the January 14, 2009, minutes as circulated and reviewed by the Planning Commission. The **motion passed** unanimously, noting the absence of Learned-Ellis.

DISCUSSION ITEM: CODE ENFORCEMENT PROGRAM:

CDC Klem reminded the Commission of recent code enforcement discussions and he invited Police Chief (PC) Mark Fandrey to discuss the code enforcement program. Since the City lost the code enforcement officer, the Police Chief has been handling the program.

PC Fandrey thanked the Commission for inviting him to the meeting. He reported he has been Police Chief for two years and he personally handles code enforcement actions. He has struggled to get community involvement on the priorities of the residents. Each person has a different issue that affects them and is important to them. For example, some people are upset by skateboarding on sidewalks, cats at large, underage tobacco use, jaywalkers, etc. They are important issues, but if he sends officers out to each of these calls, it pulls away from other focused efforts. PC Fandrey reviewed the adopted strategic program and objectives of the Toledo Police Department (TPD):

1. Respond to calls for service.
2. Detective assigned to investigations for child sex abuse crimes.
3. Other officers assigned to other criminal investigations, such as car clouts and burglaries.
4. Traffic control.
5. Quality of life issues, such as code enforcement and animal control.

PC Fandrey reported code enforcement is very important to the community, but so are domestic crimes and child crimes. Last year, the TPD implemented a program to go after junk vehicles and they reached 50% compliance. PC Fandrey talked to over 50 citizens to convince them that it is important to clean-up the property. Also, TPD has handled a number of animal control complaints, reporting there were 60-80 complaints for dogs at large a month. This shows the public's concern when there are 350 complaints during a 6 month period, representing 10% of the population. Responding to all these calls is very time consuming and pulls away from other investigations. The number of animal calls has dropped from 60-80 a month to 10-20 a month after initiating a program dealing with animal calls and complaints. A lot of code enforcement complaints are received from

the community, but they are trying to do the best they can with the resources they have, while trying to maintain a focused strategic program.

PC Fandrey asked for suggestions on the next enforcement program to undertake. Spring and summer are good times to tackle projects, especially clean-up activities. In answer to Commissioner questions, PC Fandrey provided the following information:

- Lincoln County provides help in the form of impounding animals. Lincoln County Animal Shelter wants to charge the City. Toledo has not paid in the past, but now, when citations are paid for dog at large violations, the funds go toward the Animal Shelter. The shelter and County funding was reviewed. TPD officers transport animals to the County, but can provide short-term shelter to hold an animal for 10-12 hours for an owner to claim. An animal clinic in Florence donates food to TPD and they also donated a chip scanner to locate owners. It takes an officer over one hour to transport an animal to the shelter and then clean-up. Most strategies are based on the volume of complaints, such as the animal control activities.
- Abandoned cars are a neighborhood blight concern. It follows the "broken window" theory when property is not maintained, crime increases and affects the quality of life. Last year's abandoned vehicle program revealed 121 vehicles that met the junked vehicle definition. Also, at the time, scrap metal prices were good and TPD could get towing services.
- The City of Waldport contracts with the City of Newport for a Community Service Officer to provide code enforcement services. Everyone is aware of the City's need for a code enforcement officer, but if the City cannot find sustainable funding for the position, it would be better to use the resource in other ways. Public education is important. TPD must use their resources in a focused manner and they cannot fix everything. Commissioner Grafe complimented PC Fandrey's strategy and that officers are not randomly chasing everything.
- TPD is working on two junked properties and the problem vehicles that have not reached compliance will soon be cited into court.

PC Fandrey asked what code enforcement program the community wants to see next. He has talked with the City Council and it is beneficial for community input. Commissioner Brodeur suggested a survey be included in the water bill to find the community's top concerns. PC Fandrey reported he prepared a lot of public announcement information last year, including flyers in the water bill, posting on the City's website, radio announcements, and newspaper articles, but he believes the information only reached about 20% of the citizens. He urged community involvement and for civic groups to step-up and get the message out. Surveys are good, but they need to be conducted in the correct manner. After discussion about survey topics and design, it was determined that a short list of code enforcement topics be highlighted and ranked by 1-5 on how important the topic is to each citizen. This allows the TPD to focus on the top-ranked item.

PC Fandrey reported that the City's codes are actually more lenient than many other communities. Discussion was held on various code requirements, summarized below:

- Property owners are not required to paint a home.
- There is no limit on the number of vehicles on a property. The requirement is to have discarded vehicles outside of public view. TPD is currently working a case that has 30-50 cars

behind a fence. The fence is ugly, but they are in compliance with the code language. Junkyard is defined and prohibited in the residential zone, but it is extremely difficult to prove that they are operating a junkyard business. There are two homes on two separate lots, both in the same ownership. The owner does not have any problems on their property, but the second lot has all of the problems. TPD continues to work on this problem. Often, TPD experiences other problems with these violations, such as drugs. The City has a small amount of abatement funds and has the ability to clean-up the property or remove vehicles. Owners will then be charged the full cost of clean-up, plus 20%. A lien then goes against the property. It was noted that if there is a large lien on a property, the property may never sell.

- The City Council has the authority to declare anything a nuisance and can direct TPD to act on the issue. This may be the only way to address some issues not clearly identified in the code. TPD wants to make certain they are on firm ground before beginning enforcement contact, which assures credibility. Also, follow-up is very important.

Commissioners reviewed the option of volunteers painting homes or conducting community clean-up events. Volunteer clean-up or donations are an excellent way to reach compliance. Also, the costs of scrap metal can affect the clean-up efforts. Commissioners liked the idea of an organized clean-up event, but is aware of the lack of time the TPD has to organize/sponsor such an event. Commissioners asked about volunteer organizations and if TPD can provide a list of problem areas. The Civic Club often provides the TPD with a list of abatement issues. It was also noted that finding volunteers for a one-time event is easier than recruiting for long-term assistance. There needs to be more community involvement, which increases community pride. PC Fandrey emphasized the amount of administrative time each complaint involves and volunteer coordination could be utilized for administrative paperwork. The head dispatcher does an excellent job providing administrative work, however, she is currently training two new dispatchers and does not have time to help with the work.

Discussion continued on enforcement polices and ongoing problems. Below summarizes discussion topics:

- Skateboard park: There is a lot of garbage, disrespectful users, bad language, etc. at the park. The TPD will begin a new strategic plan to initiate this spring. The City Council recently revised hours of the park from dawn to dusk and the new signs have been posted. TPD will close the park if it becomes more problematic and arrests can be made. PC Fandrey reported the City needs to adopt a park exclusion ordinance that states users who were kick out of the park cannot use other City parks. A lot of cities have park exclusion language.
- Vehicle ordinance: Suggested a change to the vehicle ordinance to limit the number of discarded vehicles on a property, even if they are stored behind a fence. One issue the City needs to address is the use of expired registration as prima fascia evidence when investigating discarded vehicles. The City Council can amend the code, but staff will need time to write the changes and City Council must hold a hearing. The entire process could take six months.
- Parked vehicles: People park vehicles on the street for long periods of time, sometimes as long as six months. This often causes streets to become one-lane. Many people have other parking options, such as garage or driveway storage, but still choose to use the street for long-term storage instead. These are complaint driven issues because the TPD does not have the

manhour to chalk every vehicle parked on the street. When a complaint comes in, the TPD chalks the tires, returns in 72 hours, and if the chalk is still on the tire, the officer tags the vehicle. Once tagged, the owner has five days to remove the vehicle. However, the timeline is no longer efficient since TPD recently discovered they cannot use the Law Enforcement Data System program for code violations. Past practices utilized this system, but they have discontinued the practice. This policy may change at the State level, but it is not certain. Until any change is made, the TPD must write the license plate number and send it to DMV, wait for a DMV response, and then send a letter to the owner. This adds to the administrative labor, which is short right now.

- Code enforcement timeline: When a complaint comes in, PC Fandrey determines if it needs an immediate response and will handle it during the day, otherwise, he addresses complaints as time allows. He reviews all code enforcement complaints to make sure there is a consistent approach and to see if there is a common denominator in order to fix problems strategically vs. randomly throwing energy at the problem. If new codes are adopted, the City must be willing/able to enforce them. PC Fandrey suggested avoiding the creation of a lot of new codes that are difficult to enforce. CDC Klem stated a new sign code is also very difficult to enforce. As ordinances are revised and created, code enforcement must occur and, soon, the police chief becomes a full time code enforcement officer. TPD has 10 officers, 7 are funded by Toledo and 3 are funded by Siletz. Shift size varies.
- Vegetation: Overgrown vegetation is a good spring/summer program. Because it is a fire hazard, the Fire Department could address the problem and take some pressure off of TPD. Vegetation can also create visibility problems at intersections. Property owners are responsible to maintain the vegetation in front of their home, even if it is in the public right-of-way.

Lengthy discussion on the skate park was held. One solution is to implement a shutdown policy, since this seemed to get the most attention last year. Closure could be used when the park experiences graffiti, vandalism, or needs to be cleaned-up. When the park was closed last year, the TPD used crime tape and announced that no one would be allowed to cross or they would be arrested for trespassing. The park was closed because of a drug/alcohol problem and a 15-year old nearly died from alcohol poisoning. A camera system has been funded and will be installed to allow anyone to watch the park and officers can link in at any time. Other options noted were to set hours (especially during Headstart classes or during the school year), monitor truancy behavior, set age limits, and install a fence with a locking gate. To successfully adopt changes or policies, ideas should come from and be supported by the community. There also needs to be parental involvement with the kids using the park. Right now, the TPD is losing the war at the skatepark, but PC Fandrey stressed that no skatepark is free from problems. The City Council has the authority to close the park and demolish it. The park is not a good neighbor to Headstart, but there is no easy solution. The park was designed poorly because all users cannot be seen from the street level and there are many hiding places at the park. A fence would help contain the garbage from going onto nearby properties and can be locked if needed. Funding is an issue, but there could be grants or private donations to tap into. The sign showing the new hours has been posted this week. Commissioners discussed conducting a survey for skate park solutions, such as limit hours, close down, leave as-is, fence, or other.

Commissioner Learned-Ellis recommended the amended ordinances be presented at one time. Amendments include the prima fascia evidence for abandoned vehicle registration and the park exclusion language.

Commissioners requested a survey to list concerns affecting safety and quality of life. Suggested topics include vehicles, skate park safety, vehicle registration program, drugs, speeders, vegetation, feral cat population, raccoons, dilapidated buildings, animals, vehicle parking/street storage. The Planning Commission can meet and tally the responses. PC Fandrey stressed drugs and speeding would be the top two issues of a survey. In regards to drugs, he explained there is no dedicated detective or school resource officer, but for potential drug houses, an officer is parked in front of the home and stops everything coming and going to the residence. Also, the probation program helps with drug complaints. The City no longer participates in the County-wide LINT program.

When each was asked, "what affects your quality of life?", Commissioners provided the following response:

Commissioner Grafe: Animals at large, even though there has been a reduction. PC Fandrey reported he responds to animal calls. In regards to feral cats, he urged residents not to leave cat food out because cats will not breed if they are malnourished.

Commissioner Schneidecker: Junk houses and vehicles.

Commissioner Learned-Ellis: City park use.

President Mackenroth: Speeders on Business Hwy 20. PC Fandrey reported the TPD writes a lot of speeding tickets in the general area.

Commissioner Brodeur: Junk and/or abandoned drug houses. Skate park use and safety to kids. There are no sidewalks between the elementary and high school and there is a lot of truck traffic along the road. PC Fandrey reported the route is outside the City limits, but there may be funds available through the safe route to schools grant program. She also would like to see the speed zone reduced along Sturdevant Road.

Commissioner Strom: Long-term vehicle parking on the street. There is a lack of respect for the neighborhood. Also, speeding and skateboarding along Main Street is a problem.

Commissioners discussed truck traffic and designated truck routes in Toledo. There are many complaints for trucks using jake brakes. Some citations have been issued, but if the brakes are muffled, they are allowed to use them. Designated truck routes and signage may be reviewed to allow some over-length trucks to use the west entrance. There have been a lot of occurrences where semi-trucks are using wrong streets and getting lost. TPD can cite drivers for not using designated truck routes, but the City should modify ordinance language for this type of citation and there should be improved signage. Many drivers are using unreliable GPS maps and are getting lost. Also, trucks on Arcadia Drive have been a problem. TPD is working on the problem and ODOT will be here to make recommendations for the truck route.

After lengthy discussion, Commissioners requested a survey be included in the water bill asking for a response on the following topics: 1) feral cats, 2) non-maintained buildings, houses and

properties, 3) street parking/storage, 4) overgrown vegetation, and 5) other. Respondents should rank the items by the most pressing item. CDC Klem noted that a prelude should be included focusing on the quality of life and the importance to attain code enforcement.

It was moved and seconded (Brodeur/Schneidecker) to recommend staff present to the City Council the expired registration for prima fascia evidence for the discarded vehicle ordinance, adopt language for the park exclusion requirement for all City parks, and the discarded vehicle language revision. The **motion passed** unanimously.

Commissioners thanked PC Fandrey for the beneficial discussion.

STAFF COMMENTS:

CDC Klem announced he has been served with a writ of mandamus from Carstens/Wienert. The writ is asking the circuit court to require him to sign the land use compatibility statement in a positive fashion. He will need legal counsel on how to proceed. Commissioner Strom reported that the writ must prove that CDC Klem did something in error.

CDC Klem reported he has not received any feedback regarding the draft design standards. If there is no community input, it may be slow-tracked. He questioned why implement the restrictions if there is no community buy-in. Also, the issue will be very difficult to enforce.

In response to questions, CDC Klem reported that the Toledo Clinic applied for and received a building permit for construction of a new sign. Staff approved the application and noted that vision clearance must not be obstructed. The City does not have a sign ordinance. The only sign restrictions are for home occupations and conditional use permits. If additional regulations are adopted, it will take more police time to enforce. Commissioner Learned-Ellis pointed out that the sign looks fine, as long as it is maintained.

COMMISSIONER COMMENTS:

Commissioner Brodeur asked if there was anything the Commission could do to support CDC Klem with the suit. CDC Klem reported it is too early and that he has not yet discussed it with the City Manager. Commissioner Strom voiced her support for CDC Klem.

President Mackenroth reported she will be gone for the March 11, 2009, Commission meeting.

There being no further business before the Commission, the meeting was adjourned at 9:05 pm.

Secretary

President