

**TOLEDO CITY COUNCIL
REGULAR MEETING
November 15, 2023**

1. CALL TO ORDER

Mayor Rod Cross called the meeting to order at 6:00 p.m. also via Zoom in Toledo, Oregon.

Present	Absent	
X		Mayor Rod Cross
X		Council President Kim Bush
X		Councilor Jackie Kauffman
X		Councilor Tracy Mix
X		Councilor Frank Silvia
X		Councilor Stu Strom
X		Councilor Jackie Burns

Staff present: City Manager (CM) Doug Wiggins, City Recorder (CR) Lisa Figueroa, Finance Director/Assistant City Manager (ACM) Amanda Carey, City Attorney (CA) Mike Adams, Police Sargent (S) Aaron Pitcher, Fire Chief (FC) Larry Robeson, Library Director (LD) Deborah Trusty, Planning Assistant (PA) Arlene Inukai, Code Enforcement Officer Ron Bush

2. PROCLAMATIONS/PRESENTATIONS

Presentation – Employee Recognition

CM Wiggins presented Planning Assistant Arlene Inukai with an award for serving the City for 30 years.

Presentation – Volunteer recognition

FC Robeson introduced several volunteers who graduated Fire 1 and Fire 2 Academy and conducted the oath of office for the volunteers.

The Council presented FC Robeson with two pieces of equipment the fire department can use on emergency calls. FC Robeson said it is a device to use for quick deployment of water and is much safer to use. FC Robeson thanked the Council.

Presentation – Toledo Jr./High school students

Cameron, Natalia and Thomas provided a presentation to the City Council in regards to park improvements for kids. They suggested replacing metal playground equipment with plastic to reduce heat related injuries in the summer, full basketball court, water fountains as well as monkey bars at several parks within the City that would improve quality of life.

3. VISITORS/PUBLIC COMMENT

There were no comments.

4. CONSENT AGENDA

Minutes from the executive session held June 8, 2023, the work session held June 28, 2023 and the regular meeting held July 19, 2023

Motion – It was moved and seconded (Strom/Bush) to approve the consent agenda as presented and the motion carried unanimously.

5. DISCUSSION ITEMS

There were no items for discussion.

6. DECISION ITEMS

Ordinance No. 1416, amending Title 8 of the Toledo Municipal Code, creating Chapter 8.24, the Toledo Livability Code

Mayor Cross opened the public hearing at 6:20 p.m. and asked if any Councilors wish to declare a conflict of interest. Councilor Strom declared he spoke with several individuals to come to the meeting in regards to this ordinance.

CA Adams presented the council report and indicated the Council has deliberated on the livability code on several occasions. He highlighted several amendments listed on the council report based on the Council discussion:

1. Change to complaint-based response; incorporation of “good neighbor” attempt to resolve. Language added: “Before initiating a complaint, the person making the complaint must take such actions that are a bonafide attempt to resolve the issue which at a minimum is a neighborly conversation. As part of the complaint process, the complaining party must provide an explanation of what actions were taken to resolve the issue.” Toledo Municipal Code (TMC) 8.24.090(A)).
2. Change to complaint-based response; discretion of Director to not enforce. Language added: “[T]he Director may choose to not initiate or continue administrative or enforcement activities under this chapter when the Director has determined that the city has received a complaint based on untruthfulness, or this chapter is being used as a pretext to resolve a neighborhood dispute, property-line dispute, or other civil issue.” (TMC 8.24.090(C)).
3. Change definition of “junk” to exclude project vehicles. Language added: “Excluded from a), b) and c) of this definition are projects where a motor vehicle, RV, trailer, or boat are actively being repaired, and machinery or parts related to such projects are not considered junk.” (TMC 8.24.130(D)(39)).
4. Clarifying section on heat in bathrooms and habitable rooms. Language changed to: “The use of portable open flame and/or unvented fuel burning devices in occupancies or situations where such use or operation would present an undue danger to life or property is prohibited.” (TMC 8.24.240(B)).
5. Make more lenient for use of tarps. Language added: “except when weather conditions necessitate keeping the building, home, or structure dry until the siding or roof can be repaired,” (TMC 8.24.270(F)).
6. Make thickets focused on life and safety, not livability. Language added, in part: “Not all thickets are required to be addressed, but keeping adequate defensible space is a

necessity, requiring an owner, occupant or agent to cut and remove and keep cut and removed those thickets, in close proximity to buildings, structures and fences, to protect life and property.” (TMC 8.24.280(F)).

7. Revise trash and debris section. Language added: “even if located behind a private fence where not readily visible from the right-of-way or a neighboring lot or parcel,” (TMC 8.24.280(G)).

8. Clarify compost okay. Accumulations of dead organic matter and yard debris are prohibited, “but only if it results in a nuisance, excluding an accumulation of such material in a maintained compost area if such material does” not result in a nuisance (TMC 8.24.280(G)).

9. Change general maintenance definition. Language in quotes added: The exterior of a building or structure and “any attached decorative features” shall be maintained in good repair, “with proper anchorage,” and structurally sound “in a safe condition” so as not to be in a state of deterioration, and in a sanitary condition so as not to pose a threat to the public health, safety or welfare. (TMC 8.24.300(A)).

10. Related; delete Decorative Features section. “All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features on a building or structure shall be maintained in good repair with proper anchorage and in a safe condition, so as not to be in a state of deterioration.” (See former deleted TMC 8.24.300(G)).

11. Change “Fire Marshal” to “Fire Inspector.” (TMC 8.24.400).

12. Clarify liens. Add “County’s Deed Recording System” to be used for liens, make liens not applicable to landlords unless they are a responsible party. (TMC 8.24.420).

He said landlords and tenants would have to provide information on how they tried to resolve the dispute before including the City in the process. Lenient for the use of parks, defensible space (page 2) Clarified open flame. He referenced page 37 of the ordinance.

Barry Bruster, resident addressed the Council. He said he provides homes for 13 families and feels it could be abused by landlords as well as tenants. He commented on the improvement requirements for landlords and implied it will cause landlords to raise rental prices to bring their rentals up to code. The Council clarified the program will be complaint based and will impact absentee landlords who are not making improvements to structures that are deteriorating. The Council debated with Mr. Bruster in regards to the purpose of the ordinance and its impact on both landlords/tenants versus landlord/tenant state laws. The Council noted there is a stipulation in the ordinance that requires the landlord and tenant to attempt to resolve the issue before the City becomes involved in the process. Mr. Bruster he spoke with Legal Aid, who indicated to him they did not know it existed but explained they would be able to assist tenants in situations that affect their livability. The Council responded Legal Aid was not able to help the tenants of the former Toledo Hotel who complained about the deteriorated quarters they lived in and Legal Aid provided no assistance to the City when it abated the building and relocated those tenants in the middle of winter. CM Wiggins noted there are clauses in the ordinance that give more power to the landlords for eviction in the event they have problem tenants. Mr. Bruster suggested the ordinance include a mediation component to it and the Council supported the suggestion.

Jerry Howe, landlord commented on the proposed ordinance and said he supported many of the comments shared by Mr. Bruster. He appreciated the concern for landlords in addition to the

tenants and remarked the state law favors tenants over landlords, which makes it difficult for landlords to evict problem tenants.

Officer Bush indicated the livability code is needed in the community and said if it is not implemented then the City wasted time and money for nothing. He provided some examples of issues within the City that could be addressed once the livability code were adopted.

Brian Aucker, resident addressed the Council and stated they rent an apartment on Main Street. They said recently, the unit below them was completely flooded out and they could hear rushing water through their closet. He said he has tried to contact his landlord and the property management place but they have not returned his correspondence. He said he likes living in Toledo because it is a nice town but plans to find another place to rent. He noted the unit he is currently in, he was relocated in February of 2023 from another unit in the same building after that unit had a water leak issue and to his knowledge has not been fixed yet.

Mayor Cross said the public hearing will continue to December 6, 2023 to hear receive additional testimony.

The Council recessed at 7:40 p.m. and reconvened at 7:45 p.m.

7. REPORTS AND COMMENTS

Sturdevant Road jurisdiction to reduce speed limit

CA Adams provided a report to the Council in regards to the jurisdiction of Sturdevant and listed the speed limits:

- The Southeast portion is currently 30 miles per hour (mph) until the last 500-feet North of 10th Street to 320-feet North to Chedestar Road, which increases to 35 mph,
- The North section of 15th Street to 80-feet North of 14h Street is 30 mph,
- Spar Lane to 10th Street is 30 mph,
- 500-feet North of Chedestar Road to Toledo Frontage Road is 45 mph.

He noted there were several changes in the 2023 legislative session via House Bill 2095 which now allows all cities to use photo radar to issue tickets. He referenced Section 11, which authorizes cities to designate a speed up to 10 mph lower than the statutory speed by ordinance. He stated the road is located within the city limits, however it is under the jurisdiction of Lincoln County (County). He said it is possible to transfer road jurisdiction from the County to the City, which has to be in the best interest of both the County and the City. He said the process can be initiated by either the County or the City. He said it appears a traffic study is no longer needed for the City to lower the jurisdiction.

Following discussion, there was a consensus of the Council to submit a request to the County to reduce the speed limit to 25 mph between Chedestar Road to 18th Street.

LD Trusty updated the County on the department activities including 'Lincoln County Reads'.

FC Robeson provided updates on recent trainings.

PA Inukai noted the Council will see amendments to the Comprehensive Plan in December.

CM Wiggins introduced Brian Lorimor as the new Public Works Director to the Council.

ACM Carey reported she is still trying to get up to speed on current procedures. She noted she would like to implement something called Positive Pay, which will reduce the amount of time staff takes to manually process checks to the bank. She explained how the process works and said it will reduce chances of fraud as well.

Mayor Cross said he was been working with the Governor's office regarding housing issues in the state. He said he and several staff met with Senate President Wagner and Senator Anderson to discuss housing and the public safety building and ways the legislature can help address some of those issues. He updated the Council on the current lawsuit against the City of Newport regarding recreational immunity.

8. ADJOURNMENT

The meeting adjourned at 8:45 p.m.

Approve:

Attest:

/s/Mayor Rod Cross

/s/City Recorder Lisa Figueroa