

**SWEET HOME CITY COUNCIL
MEETING MINUTES**

September 10, 2019

Mayor Mahler called the meeting to order at 6:30 p.m. in the Sweet Home City Hall. The Pledge of Allegiance was recited.

Staff Present: City Manager Ray Towry, City Attorney Robert Snyder, Public Works Director Greg Springman, Finance Director Brandon Neish, Police Chief Jeff Lynn, Community and Economic Development Director Blair Larsen and Recording Secretary Julie Fisher.

Visitors Registered to Speak: Kitsey Trewin, Wendi Melcher, Sherman Weld, John Cannon

Media: Sean Morgan, The New Era and Jennifer Moody, Albany Democrat

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| Roll Call: | Councilor Coleman | AB | Mayor Mahler | P |
| | Councilor Gerson | P | Councilor Nash | P |
| | Councilor Goble | AB | Councilor Trask | P |
| | Councilor Gourley | P | | |

Motion to Excuse Councilor Coleman and Councilor Goble (Gourley/Gerson) Motion passed with 5 Ayes, 0 Opposed and 2 Absent (Coleman, Goble)

Consent Agenda: Motion was made to approve the Consent Agenda as submitted (Trask/Nash) Motion passed with 5 Ayes, 0 Opposed, 2 Absent (Coleman, Goble).

Items on the consent agenda are as follows:

Approval of Minutes: August 27, 2019 Council Minutes
August 30, 2019 Council Work Session
August 30, 2019 Council Executive Session

Recognition of Visitors & Hearing of Petition: None

Old Business:

Discussion Only – Noise Ordinance City Manager Towry introduced the draft Noise Ordinance for discussion only. There was discussion on current ordinance noting the current code excludes the human voice from enforcement. Adding human voice to the Noise Ordinance will allow enforcement as a violation not just a misdemeanor, which gives law enforcement a “middle step.” There was additional discussion on what determines loud and unreasonable noise. Consensus was Human Voice will be added to the Noise Ordinance and brought back to the Council during a code update.

Discussion Only – Livability Ordinance City Attorney Snyder introduced a draft ordinance regarding a livability code. City Attorney Snyder stated that many of the items in the draft ordinance can be dealt with in our hazardous building code, nuisance code or thru Landlord Tenant Laws. City Manager Towry added that he spoke with Corvallis City staff

who reported they have 5 staff members who are dedicated to their livability code enforcement. City Manager Towry stated the livability code would require additional staffing to be effective. City Attorney Snyder is working to create an Educational Campaign and has reached out to Legal Aid in an effort to bring services to Sweet Home.

John Cannon
Sherman Weld
Wendi Melcher
Kitsey Trewin

Several members of the public spoke with concerns regarding the livability code and its invasive nature. It was stated that there is already a housing shortage in Sweet Home and if the City was to overregulate, landlords may decide to sell their rentals rather than deal with the rules. This would cause an additional shortage of rentals and increase in rent. It was noted that there is already a bill in place known as the Rent Control Bill that property owners need to comply with. It was also mentioned that emergency personnel have the tools to call for a wellness check on any property they enter where they are concerned for the welfare of the occupants. Members of the public spoke against targeting only rental properties.

City Manager Towry stated that a goal of the Council is to increase Code Enforcement community wide and strengthen current code that would apply to the entire community.

Council added the ordinance is not focusing on rentals, but there are issues community wide that need to be addressed for safety and health issues. A Certificate of Occupancy program was suggested where vacant homes would receive a certificate prior to being rented. The Council also wanted to review the use of a tarp on property and discussed whether they should be allowed for an extended period of time.

Staff was directed to compile a list of examples and see if current codes already in place would address those issues to find gaps. Staff was also directed to research a Certificate of Occupancy Program for rentals. This item will return to Council for further discussion.

Discussion Only – Exclusion
Ordinance

Chief Lynn explained this ordinance would be a solution for repeat offenders in the downtown corridor which is identified as 4th Avenue to 22nd. Repeat offenders could be excluded for 30 to 90 days. Discussion ensued on who the ordinance was intended for and it was a concern that the ordinance was targeting the homeless. City Manager Towry explained the ordinance is intended for repeat offenders such as someone who shoplifts, is drinking in public, or any other arrests. The Council discussed expanding the exclusion zone eastward to include the entire commercial zone. City Attorney Snyder will report back to Council on the feasibility of the extended area and bring the item back to Council for further discussion.

Discussion Only – Urinating or
Defecation in Public Places
Ordinance

City Attorney Snyder stated the specific language must be in ordinance for it to be enforced. Currently the City uses language from state law regarding “offensive substance”. The consensus of the Council was to continue with the ordinance and move forward.

New Business:

Request for Council Action - Resolution No. 26 for 2019 – A Resolution Concerning Street Closures and Restrictions

Associate Planner Angela Clegg introduced the request for street closure during the Harvest Festival for the safety of participants of the fun run.

Motion to approve Resolution No. 26 for 2019 – A Resolution Concerning Street Closures and Restrictions (Gerson/Trask) Motion passed with 5 Ayes, 0 Opposed and 2 Absent (Coleman, Goble).

Request for Council Action and First Reading of Ordinance Bills:

Request for Council Action – Ordinance No. for 2019 - Sweet Home Ordinance Pertaining to Authorizing the Operation of Class IV All- Terrain Vehicles on Streets Located within the City of Sweet Home, Oregon, but Subject to the Provision of ORS 821.200(1), and Providing a Penalty for the Violation Thereof

Motion to move Ordinance No. __ for 2019 – Sweet Home Ordinance Pertaining to Authorizing the Operation of Class IV All-Terrain Vehicles on Streets Located within the City of Sweet Home, Oregon, but Subject to the Provision of ORS 821.200(1), and Providing a Penalty for the Violation Thereof, to first reading (Trask/Nash) Motion passed with 5 Ayes, 0 Opposed and 2 Absent (Coleman, Goble).

City Attorney Snyder and City Manager Towry read in its entirety Ordinance No. ____ for 2019 - Sweet Home Ordinance Pertaining to Authorizing the Operation of Class IV All- Terrain Vehicles on Streets Located within the City of Sweet Home, Oregon, but Subject to the Provision of ORS 821.200(1), and Providing a Penalty for the Violation Thereof.

Motion to move Ordinance No. __ for 2019 – Sweet Home Ordinance Pertaining to Authorizing the Operation of Class IV All- Terrain Vehicles on Streets Located within the City of Sweet Home, Oregon, but Subject to the Provision of ORS 821.200(1), and Providing a Penalty for the Violation Thereof, to second reading on 09/24/19 (Trask/Gourley) Motion passed with 5 Ayes, 0 Opposed and 2 Absent (Coleman, Goble).

Request for Council Action – Ordinance No. __ for 2019 – An Ordinance Relating to the Unlawful Transfer on Vehicular Portion of the Right-of-Way.

Motion to move Ordinance No. __ for 2019 – An Ordinance Relating to the Unlawful Transfer on Vehicular Portion of the Right-of-Way, to first reading (Gerson/Trask) Motion passed with 5 Ayes, 0 Opposed and 2 Absent (Coleman, Goble).

City Attorney Snyder read in its entirety Ordinance No. ____ for 2019 - An Ordinance Relating to the Unlawful Transfer on Vehicular Portion of the Right-of-Way.

Motion to move Ordinance No. __ for 2019 – An Ordinance Relating to the Unlawful Transfer on Vehicular Portion of the Right-of-Way, to second reading on 09/27/19 (Gerson/Trask) Motion passed with 5 Ayes, 0 Opposed and 2 Absent (Coleman, Goble).

Second Reading:

None

Third and Final Reading of Ordinance Bills: None

Reports of Committees:

Administration & Finance/
Property Committee No Report

Park & Tree Commission No Report

Youth Advisory Council No Report

Chamber of Commerce Councilor Gerson reported the next meeting will be on 09/19.

Council of Governments (COG) Councilor Gerson reported the Executive Director has resigned.

Area Commission on Transportation No Report

Solid Waste Advisory Council (SWAC) No Report

Ad Hoc Committee on Health No Report

Legislative Committee No Report

Reports of City officials

Mayor's Report No Report

City Manager's Report
City Manager Towry reported the Executive Department has been working on HR updates.
City Manager Towry will be out Friday 09/12 and Tuesday 09/17.
The League of Oregon Cities Annual Conference is scheduled for 09/26 – 09/28. PWD Springman and City Manager Towry are presenting on Saturday. Councilor Coleman and Finance Director Neish are also attending the Conference.

Department Directors Reports
Written reports were submitted by the following Departments: Public Works and CEDD. There were no questions of the Council. FD Neish reported 84 customers are scheduled for shut off. PWD Springman reported the flashing speed lights are out on 1st and Airport road.

City Attorney No Report.

Council Business for Good of the Order: It was reported the annual Police vs. Fire softball game scheduled for 09-11-19 has been rained out.

Adjournment: With no further business the meeting adjourned at 8:14 pm.

The foregoing is a true copy of the proceedings of the City Council at the September 10, 2019 regular City Council Meeting.

 9-24-19

Mayor

ATTEST:



City Manager – Ex Officio City Recorder

