

CITY OF McMINNVILLE
MINUTES OF SPECIAL CALLED CITY COUNCIL MEETING
of the McMinnville City Council
Held at the Kent L. Taylor Civic Hall on Gormley Plaza
McMinnville, Oregon

Wednesday, February 21, 2018 at 5:30 p.m.

Presiding: Scott Hill, Mayor

Recording Secretary: Melissa Grace

Councilors:	<u>Present</u>	<u>Excused Absence</u>
	Adam Garvin	Remy Drabkin
	Kellie Menke, Council President (on phone)	
	Sal Peralta	
	Alan Ruden	
	Wendy Stassens	

Also present were City Attorney David Koch, City Manager Jeff Towery, Planning Director Heather Richards, Police Chief Matt Scales, Parks and Recreation Director Susan Muir, Captain Tim Symons and members of the News Media – Dave Adams, KLYC Radio, and Tom Henderson, *News Register*.

1. CALL TO ORDER: Mayor Hill called the meeting to order at 5:35 p.m. and welcomed all in attendance.

2. PLEDGE

Mayor Hill led the Pledge of Allegiance.

3. DISCUSSION ON RV PARKING/VEHICULAR CAMPING

Police Chief Scales and Police Captain Symons presented the staff report. Chief Scales stated over the last number of months the City had been dealing with a growing issue of people living in their RVs, campers, trailers, and vehicles. This was occurring in the City's streets, public rights-of-way, and public owned property, such as parking lots and parking structures. These situations had caused a significant increase in calls for service to the Police Department. It had affected all zones and during recent City Council meetings numerous citizens had voiced concerns that inaction by the City had impacted the livability in their neighborhoods or businesses. The issues included loose dogs running around, littering, public urination and

defecation, and general public health issues. Changes to the code would be recommended following the direction from Council.

Captain Symons said there had been an increased issue with recreational vehicle, camper, travel trailer, and vehicle camping within the City limits. From January 1, 2017 to February 8, 2018 the Police Department had responded to 401 abandoned vehicle complaints. Of those complaints, 13 could be identified as specifically involving RV, camper, and/or camping complaints. These complaints were not from singular events, but represented multiple issues that were being addressed. Abandoned vehicle calls did not capture all of the responses that the Police Department might encounter regarding camping issues. Previously they could be coded in a number of ways including ordinance violation, abandoned vehicle, or parking complaints. New code had been created to be able to effectively track the number of related calls for service received. Since the creation of the new code there had been 13 calls for services related to camping issues. This time frame included February 8-20, 2018. Most of the camping related calls involved multiple vehicles and each one needed to be identified and handled as a singular event. He showed pictures of the vehicles they were talking about that were located in the Dustin Court industrial area off of Riverside Drive. The growing concern from residents regarding issues they observed included loose dogs, human and animal waste, urinating and defecating in public, and general health, welfare and livability. McMinnville's current City Ordinance regarding trailer houses was ineffective and when it was recently attempted to be enforced it was deemed to be impossible to satisfy legal requirements. Current code required Code Enforcement to be able to account for 4 consecutive hours of living in a trailer house for there to be a violation of city ordinance. They did not have the staff time to verify a person was living in the vehicle for four hours or more. Due to the ineffectiveness of the current trailer house code, enforcement efforts had reverted to the abandoned vehicle code. This too was ineffective considering the amount of time that had to pass prior to a vehicle being deemed as abandoned. Abandoned vehicles required that after an initial 72 hours of being identified that a consecutive 144 hours must elapse prior to being abated or towed. If a vehicle was moved at least 300 feet during that time frame, the clock started again at the new location if the vehicle was located in the City limits. Updating the code would accomplish the following: code enforcement personnel would provide more effective and efficient service, there would be clearer procedures for those involved, and there would be a better understanding for those involved about what they could expect and what options they had. He then gave examples of other jurisdictions that had specific codes to address RV, camper, or vehicle parking. Of the agencies he contacted, all were looking for voluntary compliance. Questions to ask when enacting an ordinance to address these issues were: how will enacting a new

or reworded ordinance potentially impact not only those who enforced the code, but also those who it would directly impact such as the people living in their vehicles and the area complainants; what will the enforcement expectations be regarding these specific issues; what happens if there was not voluntary compliance with an order; would this have the desired impact for all involved; were the interests of all involved parties weighed equally; and how would this impact the McMinnville Municipal Court.

Chief Scales did not think there would be a major impact on staff and their workload if the ordinances were streamlined and made clearer. They would probably save time and handle these complaints more effectively.

Councilor Ruden asked for a definition for voluntary compliance. Chief Scales explained that this process would involve education and then the person would comply.

Captain Symons said the hope was for voluntary compliance, but if that did not happen there were enforcement actions that could be taken.

Councilor Stassens asked about the aspect of where RVs went once they were moved.

Captain Symons said the cities he talked with did not have a plan for where the RVs would go. Washington County specified vehicles had to be moved within a 2 hour radius.

Discussion ensued regarding enforcement and what other cities/ counties were doing.

Chief Scales said there were numerous RV locations that had spaces available. There were places where people could go in the City.

Councilor Peralta asked about the size of the population of people living in RVs. He would like to get a scope of the scale.

Chief Scales thought it was between 40-50 persons.

Councilor Peralta asked for additional information about the City of Albany's ordinance which had permitted camping in certain locations for up to 90 days to alleviate a temporary housing hardship. He asked if staff had recommendations for ordinances that were particularly well crafted.

Captain Symons could contact someone at the City of Albany to get more information. He noted that of the ordinances they reviewed, those that provided some kind of permitting aspect for someone to park an RV in front of their house temporarily were good examples. The main issue was people who did not live in the area that were parking in front of someone else's house.

Councilor Peralta asked if a camping program as proposed by Councilor Drabkin would decrease or increase the workload of staff.

Chief Scales said that was a private/public partnership where the private entities were monitoring and managing the sites. That was a long term solution and it would assist those that did not have the ability to get housing as a way to get them back on their feet.

Council President Menke stated that Eugene had been working on this for over 20 years and that program would not tie into what was being done tonight.

Councilor Garvin asked about the need to update the City's abandoned vehicle ordinance.

Captain Symons said there were a lot of loopholes in the current ordinance.

Councilor Garvin suggested to add if a vehicle did not have current tags and/or insurance and was on a public street, it was an abandoned vehicle. As far as camping, there should be a nominal fee associated even if citations stacked up on a windshield. It needed to be something that was effective and caught attention. He liked the ordinances that started the clock at 24 hours.

Mayor Hill said there had been a recent increase in camping, and he asked if staff knew what had driven people to this community.

Captain Symons thought it was the services that were provided in Yamhill County that drew people in.

Discussion ensued regarding the likelihood of voluntary compliance in this situation.

Councilor Stassens wanted to make sure they included a final action on these vehicles, not just an infinite number of citations. She asked if staff recommended a timeframe for the vehicles to be moved.

Chief Scales thought it should be 24 hours.

Councilor Stassens asked about implementing a fine per occurrence.

Captain Symons did not know if that would garner the desired effect, which was voluntary compliance.

Council President Menke thought they should declare the fact that no living accommodations were allowed in the public right-of-way. If vehicles were not moved, there needed to be serious enforcement activity.

Mayor Hill thought Oregon City and Gresham had good ordinances and finding a good mix between the two would be good.

Council President Menke thought the ordinance should be easy to understand and enforce. She agreed that the Oregon City and Gresham ordinances were good examples. She then read the following letter:

Thank you to Chief Scales for summarizing how unenforceable our current vehicular camping code is and for providing us with a summary of how other Cities are handling this situation in their towns. I also greatly appreciate the background work done by planning and parks departments in providing this information.

In thinking about the current dated code it seems to me that vehicular camping was not a problem in past years. Portland which was the beacon for this vehicular community in the past because of Portland's services through free federal funding to Cities over 50k like Portland, is no longer allowing these camping sites. They have run low on free funding from federal agencies and are losing business to outlying areas that do not have this problem. The problem is now being pushed out to smaller cities that receive no free federal funding and that must now develop their answers to this situation with no federal resources.

I realize not all of these vehicular campers are dumping sewage down storm drains or allowing their animals to run off leash, but they all are an eye sore and generally unwelcome on any City street. Homeowners and business owners that pay taxes have a right to City services. They also have valid concerns for their property values. Therefore, I feel, they have a reasonable right to complain. City Streets and public areas such as parks are not the place to place a home. The streets are for transportation and short term parking of vehicles where allowed. There is no place for vehicular dwellings on City Streets or public areas.

I recently had the opportunity to listen to Jill Miles, the Business Recruiter for the State of Oregon. She said that cities that do not manage their vehicular camping are judged by interested businesses as poor places to site their business. McMinnville has a growing Technology and Manufacturing sector that could be damaged by not providing an enforceable code. These businesses provide high paying jobs. We also have gem of a town for tourism. We want to keep up the look of our beautiful City and the amenities tourism brings to the City.

After reviewing the options provided by Chief Scales I favor the ordinances of Oregon City and Gresham for the abandoned vehicles 24 hour limit and I also liked their no tolerance for an RV camping. It is allowed only by permit and the permits are only for in front of the owners of the property. The permits are for a short time period and allowed for no more than 6 times per year. I probably would make it 4-5 times per year. I also would increase the fine to \$100 per day.

Council President Menke shared that she would like to see a towing clause added to the ordinance.

Councilor Peralta asked about legal actions in other cities and liability regarding overnight camping on City streets.

City Attorney Koch stated that there were differences between the inventory available in McMinnville compared with other cities. There were spaces available in RV Parks and at the Gospel Rescue Mission. It was not a situation where people had nowhere else to go as in other jurisdictions. There were choices available in the community.

Councilor Gavin asked about ideas for non-voluntary compliance.

Mayor Hill stated that the Council would like staff to come back to Council with definitions, durations, a fine, and a solution for non-compliance.

Chief Scales stated that they would bring back an ordinance that looked similar to Gresham's and Oregon City's. Councilor Peralta asked staff to look at Albany's ordinance as well. Mayor Hill asked that this be done in the near future.

City Manager Towery stated that on March 21st there would be a presentation on the off street parking program modeled after the cities of Eugene and Springfield.

Mayor Hill recessed the meeting at 6:35 p.m. and reconvened at 6:40 p.m.

4.

DISCUSSION ON PARKS ORDINANCE AND LARGE EVENTS

Parks and Recreation Director Muir stated that they were looking for ways to bring life to areas that had been neglected and had some negative behaviors. The Walnut City Music Festival was a potential event. One of the barriers to the event was prohibition of alcohol in Lower City Park. There was a 1999 ordinance that prohibited alcohol in City parks. She was looking for consensus direction from Council for staff to propose an updated ordinance that would make it possible to have alcohol in Lower City Park in certain circumstances. There was some informal structure in place where they allowed reservations to happen at community parks and they allowed some large events to occur at venues such as Joe Dancer Park. Staff was careful about that park because it was an athletic park and the turf needed to be protected. She thought better guidelines needed to be created for use of parks for consistency and transparency. She had looked at what other cities did for large events in parks. Most cities had regulations that addressed making sure there were enough staff resources to help support an event, insurance and bonding requirements, hold harmless agreements, notification of neighbors depending on the nature of the event, law enforcement and security,

recycling requirements, confirmation that OLCC had been included in the permitting and securing of the venue, cleanup and sanitation requirements, sound impacts to neighbors, ADA compliance requirements, how to deal with vendors and vehicles in the park, and protecting park assets. She thought the ordinance needed to be updated to delegate authority appropriately and to set up a formal structure. Another issue was in regard to the noise ordinance and waivers that the Council currently granted. If they were going to be streamlining a permitting process for large events, the noise waiver could be changed to be done administratively.

Mayor Hill discussed how they would not be able to close a park off because it was a public meeting place. He wanted the alcohol be in a fenced area that could keep children out.

Parks and Recreation Director Muir thought OLCC requirements would take care of that issue. She had talked with the Music Festival folks about the natural barriers and topography of the park. There would be a need for some fencing and a controlled area for the alcohol.

Mayor Hill thought a music venue would be a draw and would help grow tourism. They needed to prepare for it and plan for it.

Parks and Recreation Director Muir thought this was a good way to test the waters in that venue.

Councilor Ruden asked if alcohol was not available in Lower City Park, would they not use the park?

Ossie Bladine, Music Festival Coordinator, stated that it most likely would deter them from using Lower City Park as the money from the alcohol sales helped supplement the event and kept ticket prices down. He explained that there had not been any problems with serving alcohol at the fall festival. They had fenced off an area and got an OLCC license. Everyone who drank alcohol had a wristband and was free to walk around with their drink. They would probably do the same in this venue. They had been doing this for five years and the festival had become a family friendly event.

Councilor Ruden asked about the security measures that would be in place.

Mr. Bladine explained that there were a variety of ways that security could be addressed. It could be done by volunteers, park rangers, or hiring private security.

Mayor Hill wanted to make sure the area was contained, such as fencing it off.

Councilor Stassens commented that she loved the idea and the positive energy it would bring. She asked if this would be a net income or loss to the City to have an event like this.

Parks and Recreation Director Muir shared the models from other cities had a cost recovery component where they would charge the event for any City resources that were required.

Councilor Stassens expressed her concerns with hosting future events and making sure they had a way to evaluate events to protect the other people who might be using the park.

Councilor Garvin asked about the cost recovery to the City. They had been understaffed for park maintenance and the grass was not watered. Was there any danger of fire?

Parks and Recreation Director Muir said they would include the Fire Marshall in the internal review. It was not her intention to change the level of service to the parks to accommodate for the large events, but it could be a way to bring in some enhancement to the parks through these partnerships and additional resources.

Councilor Garvin would like to see that if the event was to go past 10 p.m. then it should be brought to the Council for approval. If the event ended earlier than that, it could be administrative approval.

Councilor Ruden asked for the Police Department to weigh in regarding the alcohol monitoring.

Police Chief Scales explained that there were no concerns with regard to this event because Mr. Bladine would be a good partner as well as Parks and Recreation Director Muir. There would be requirements the events would have to meet to ensure alcohol would not be overserved.

There was consensus for staff to move forward as proposed with the comments made by the Council.

6.

ADJOURNMENT

Mayor Hill adjourned the meeting at 7:08 pm.

s/s Melissa Grace
Melissa Grace, City Recorder