



CITY OF TROUTDALE

"Gateway to the Columbia River Gorge"

AGENDA

CITIZENS ADVISORY COMMITTEE

City Conference Building, Activity Room
223 Buxton
Troutdale, OR 97060

Thursday, November 19, 2015
7:00 p.m.

1. Call to Order
2. Approval of Minutes – February 4, 2015
3. Concerns from City Organization Review Subcommittee
re: Charter Changes
4. Concerns from Committee Chair
5. Adjourn

*This meeting location is accessible to persons with disabilities.
A request for an interpreter for the hearing impaired or for other accommodations for
persons with disabilities should be made in writing at least 48 hours
prior to the meeting to Steve Winstead at 503-674-7230 or
by email to steve.winstead@troutdaleoregon.gov.*

CITIZENS ADVISORY COMMITTEE MINUTES

City Conference Building
223 S. Buxton
Troutdale, Oregon 97060
February 4, 2015

Members Present: Mary Burlingame
Lloyd Champion
Charlie Foss
Zach Hudson
Nancy Nichols
David Becker
Jan White
Victoria Rizzo

Members Absent: Jon Lowell
Patricia "Skye" Troy
Cynthia Walston

Staff: None.

Guests: John Copeland, Code Enforcement Officer

1. **Call to Order.** Chair Zach Hudson called the meeting to order at 7:02 p.m. and asked everyone to introduce themselves.
2. **Approval of Minutes – December 3, 2014.** There were no changes or corrections; **Jan White moved, with a second by Victoria Rizzo, to approve the minutes as written. The motion passed unanimously and the minutes were approved.**
3. **Nuisance Ordinance.** This item was proposed in a September City Council meeting, Chair Hudson said, when they considered these proposed changes in the most recent version (see *Exhibit A: Proposed Changes to Chapter 8-28 – Nuisances*), and they voted to forward it to this committee for comment. We did not meet in December or January, so this was held over to 2015 which also gives our new members the opportunity to weigh in on it. Chair Hudson introduced John Copeland, the City's Code Enforcement Officer, and asked him to share his thoughts on the changes and how he would like nuisances, etc., to be handled differently regarding nuisance violations.

Officer Copeland told the committee about his history as a Police Officer with the Troutdale Police Department and then after retiring from that as the Code Enforcement Officer. The distributed document shows the changes (in red ink) he's thought about putting into motion in the Nuisance portion of the City's Municipal Code. He said these changes come out of

thoughts he's had for a while as well as conversations with other Police Officers, the City Attorney, and some citizens. Some are simply typos, which he pointed out.

Since "Manager" is defined on p. 1 as the city manager or the city manager's authorized representative, Officer Copeland recommended that under "Emergency" (two paragraphs below "Manager"), 'city manager' should just say 'manager' since it may be a designated representative. On p. 6, on the bottom of the page, last paragraph, Section 8.28.130(B) should be Section 8.28.130(C). On p. 9, paragraph 8.28.130 C., at the end of the first sentence, it should say: ". . . the manager ~~shall~~ may impose enforcement penalties for noncompliance in accordance with the adopted fee schedule. Those are the only corrections, he said.

Officer Copeland asked if the committee would like to review the changes page-by-page, and Chair Hudson said the committee has had time to read it and asked if anyone had any questions. Jan White said, regarding Section 8.28.070 *Specific nuisances prohibited*, item 17, if this means the City will continue to help citizens by cutting back uncontrolled growth from city-owned property. Officer Copeland said it should so and said she should continue to call when needed.

Charlie Foss, looking at Section 8.28.150 *Waiver of assessments*, p. 9, asked if there were a situation where one spouse was absent when a violation occurred (overseas, military deployment elsewhere, etc.), would that spouse be liable when returning home. Officer Copeland said he's never heard of this happening and it's probably very rare. He expanded his explanation. It is a possibility, however, but if he was aware of a situation like that he would take that into account. This was discussed more.

In that same Section, Nancy Nichols had a question about who sets the enforcement penalties and who sets the fine limits based on income. The figures proposed to be removed are low and she wondered what the actual figures will be. That is the portion being recommended to be deleted, Officer Copeland said, and Charlie pointed out Section 8.28.160 that says the City decides enforcement penalties or waivers. It does not seem there is a current provision providing for the ability to waive fees, Chair Hudson said. Officer Copeland said he will need to ask the City Attorney about that. Since he has been in this position, he added, he has not assessed civil penalties on anyone; he has cited a few people, mainly to get their attention, but the problem is taken care of. That's not to say it won't happen in the future. He tries to work with people even when they are frustratingly slow because his goal is to keep the city livable and take care of these issues as quickly as he can. Very infrequently he will issue a citation and leave it to the judge to decide the penalty.

Officer Copeland spoke of the fee schedule, which is ridiculously low he commented, and needs to be updated even though they are rarely assessed. He learned from Gresham to send a courtesy letter first and that works well; if it doesn't he sends a more formal letter about the specific violation, etc., with the cost of abatement if the City has to do it. His success rate on the courtesy letters is probably 90%. When he first started this position, he

said he wrote warrants when people ignored notices, but that took so much time and he's refined the position to be more effective.

Chair Hudson asked about the *Personal Responsible* item regarding who is in charge of the property next to or abutting a nuisance in a public way, if that means he would be responsible if that public way nuisance were next to his house. Yes, he would be responsible, Officer Copeland said. That's worrisome, Chair Hudson said. Officer Copeland said a parking strip is a public private way and the adjacent property owner is responsible for keeping up that parking strip, a crack in the sidewalk and the parking strip itself. People get frustrated with planted street trees because the homeowner is responsible for fixing the sidewalk if the roots come up and he gave another example. A City park is not included in this because the City takes care of those. Using "a public right-of-way" might have been a better way to work it, he said. Chair Hudson and Charlie both said 'public way' could be anything, but 'public right-of-way' is something else. Everyone knows what a public right-of-way is. Officer Copeland said the public right-of-way usually goes a little way into your actual yard; from there out to the street is considered a right-of-way and you have to take care of it even though it's not actually yours.

Chair Hudson asked how the committee felt about adding "right-of-" before 'way' in 'public way' (in 8.28.020, p. 2 of Exhibit A, item 1). They said it would make more sense.

Also on p. 2, second paragraph, *Person Responsible*, item 2., if someone parks an abandoned vehicle in front of his house, Chair Hudson said, they caused this to come into existence and it's on his right-of-way. That is on the street, the Officer said, so it's not in the public right-of-way. There was a discussion on the insects in the Vector paragraph (and on flies being the plural of fly).

A committee member said there is no definition of 'emergency' but since nuisances are investigated by Officer Copeland, she asked if the Code Enforcement Officer position is always filled by a Police Officer. He said it is usually not. This was briefly discussed.

Officer Copeland asked for comments from the committee on blackberries; he said he had asked that they be included in item 18 (see p. 5) in this proposed amendment. The committee seemed to agree that this was acceptable. He told them they would be taken care of by Public Works if/when they got out of control, not him.

Chair Hudson, regarding p. 10, 8.28.190 *Violation, B.*, asked if, say, a semi-truck was parked in a driveway, day one would be an offense, day two would be another offence, and so on. Would that be three separate fines? Officer Copeland said it would; he could fine the owner that way but he has not. And on p. 11, 8.28.200 *Penalty*, item A, the Officer explained the \$1,000 "not more than" penalty is given as the fine for a person who has been convicted. The judge could impose the \$1,000 per day but that has not been done since he has been the Enforcement Officer. And again on item B, Chair Hudson asked if the third offence could be a third day of inappropriate parking. Jan said that also speaks to a conviction, not an offence. Officer Copeland said he does not have to give an offending

party the standard number of days to abate something he has already contacted them about within the past 12 months; he would give them less time, generally, that the first time.

Chair Hudson asked if the above-mentioned semi parked for three consecutive days would not have three offenses. Officer Copeland said the process takes time, i.e., going before a judge, being convicted, etc., and ultimately the judge makes the decision, not him. Jan suggested adding that language; Officer Copeland said just about every possibility for giving the judge leeway is in this part of the Code. He explained more about what can and cannot be parked in the driveway or on the lawn at a residence.

A question on item 13 on p. 4, regarding blocking a public right-of-way for more than 72 consecutive hours was asked in regard to someone blocking for 1 hour; would they not receive a notice as a 72-hours blockage would? This is one of the most common rules that Officer Copeland cites; if the blockage is for more than 5 minutes he cites the person doing it and would issue a parking ticket, too. He gives a warning the first time that explains what they are doing and why they cannot do it. The longer issue is more about people who have more vehicles and toys than they have property and store at least one of them off property, and they usually use that one every couple of weeks. He tells them, when he gets a complaint, that they should park the one they don't use often in the driveway and the one they drive every day on the street. That way they are not storing anything. He told the committee how he and other Police Officers handle abandoned vehicles vs. storage on the street.

A committee member asked about the other distributed document, *10.36.010 – Impound*, saying (regarding item 6 on p. 1 and obstructing a private mailbox during delivery hours) that usually people wait until the mail has been delivered before using that space, or on a holiday. How long does one have to wait before taking that place, an hour? This is already in the Code and it means we can tow a vehicle without prior notice because it obstructs the entrance to a post office or postal station, or is within ten feet of a private mailbox during the hours of delivery. That is the only option in the Code now; we can't write a parking ticket for this offence because of that. So he is proposing to add item A.4. (on p. 2 in *10.12.080 Parking or standing – Restrictions*) giving Officers the option of ticketing the blocking car instead of impounding it. The committee agreed with this additional.

The City's nuisance ordinance is posted on the City's website under City Documents, Municipal Code and then Title 8, Chapter 8.28 Nuisances.

There were no more requested changes or comments on this nuisance

Chair Hudson moved that the Citizens Advisory Committee recommend to the City Council the adoption of the changes submitted in Exhibit A, with amendments:

- p. 1, Emergency, to remove the word 'city' from 'city manager';**
- p. 2, item 1, the addition of the phrase 'right-of-' before the phrase 'public way' in 8.28.020 (to create the phrase 'a public right-of-way')**
- p. 2, in *Vector*, delete the word 'insect' and add 'flies' to replace 'lies';**
- p. 6. 8.38.090, D. 7 (new 7), correct last line to read 'Section 8.28.130.C. instead of 8.28.130(B).**

David Becker seconded the motion. There was no further discussion. **The motion passed unanimously.**

Chair Hudson made a motion that John Copeland's suggested language under 10.12.80, 4., in *Parking or standing – Restrictions* (proposed to read '*A vehicle in a manner that obstructs the entrance of any post office of postal station, or is within ten feet of a private mailbox during the hours of delivery*) is also recommended to be adopted by the City Council. David Becker seconded the motion. There was no further discussion. **The motion passed unanimously.**

Chair Hudson thanked Officer Copeland for his time, and the Officer showed the committee the fee schedule is for violations.

4. **Concerns from Committee Chair.** Summerfest is a few months away, Chair Hudson said, and said a few major and minor positions are open if anyone would like to volunteer and he elaborated.
5. **Adjourn.** It was moved and seconded to adjourn; the motion passed unanimously. The meeting adjourned at **8:09** p.m.

Zach Hudson, Chair

Date

Attest: _____
Rooney Barker, Transcriptionist



CITY OF TROUTDALE

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Citizens Advisory Committee Discussion Items for 11/19/15

Listed below are discussion items for the Citizens Advisory Committee at their meeting for November 19, 2015.

PRIMARY ITEMS

"The Organizational Review Committee is considering amending the Charter to enact term limits on City Councilors. Does the CAC agree with this and, if so, would you prefer a 12-year lifetime cap on Council Service, a two-term (8 year) maximum with two years of no service, a two-term maximum with four years of no service or another iteration?"

SECONDARY ITEMS (to be discussed if ample time allowed)

"The current Charter prohibits City Councilors from discussing certain issues, i.e. employee concerns, with the City Manager. The Organizational Review Committee is considering proposing whether to relax the Charter language to say that Councilors can discuss any City-related issue with the City Manager privately but the City Manager does not have to act on a Council concern regarding staffing, contracts etc. Do you agree with this change?"