

CITY OF YACHATS

CITY COUNCIL WORK SESSION AND REGULAR MEETING

November 1, 2017

Minutes

Mayor Gerald Stanley called the November 1, 2017 work session and regular meeting of the City Council to order at 9:30 am in Room 1 of the Yachats Commons. Council members present: Mayor Gerald Stanley, Barbara Frye, Jim Tooke, and Max Glenn. Absent: Greg Scott. Staff present: City Manager Shannon Beaucaire, Water Plant Lead Rick McClung. Audience: 10.

Mayor Stanley announced the Oregon Coast Community College (OCCC) Foundation Donor and Scholar Reception is November 9, 2017 and asked for a Councilor volunteer to addend.

I. Special Presentation – Dahl Disposal Service

Mayor Stanley introduced Chuck Lerwick and Zach Dahl from Dahl Disposal Service. Lerwick summarized China's recent changes in policy rejecting recyclable materials containing trash. He noted around 13% of recycling sent to China is trash. Lerwick indicated their local processor has not made changes in what they accept other than asking that materials be cleaner. While plastics #1-#7 are still accepted, he predicted some types might become non-recyclable. Lerwick noted their costs have increased by \$47.50 per ton of materials, and Dahl stated they are recycling about 1600 tons each year. They asserted the need to move away from "wishful recycling," or putting something in the blue bin and hoping it can be reused. Lerwick noted the tagline, "When in doubt, throw it out." DEQ is now allowing waivers for processors to send dirty recycling to landfills. Dahl Disposal's goal is to continue recycling, but they may have to use the DEQ waiver program if the market for recyclables shrinks.

Councilor Glenn asked for a primer on the recycling process. Lerwick indicated the blue bins are loaded onto the truck, then compacted and taken to the recycling center. The materials are dumped on the floor where workers pull out obvious inappropriate materials. The materials are then loaded into a trailer, which is delivered to the MRF (materials recycling processor) in Salem. Materials are sorted by blowers, shakers and human sorters. Dahl noted there is a video on the process their Facebook page.

Dahl noted that their trucks are equipped with cameras, which can be used to inspect individual containers. Serious offenders of including trash in the recycling are yellow tagged. A second-time offender may have the blue bin removed from the residence.

Councilor Tooke liked the brochure and asked if it were going to be sent to residents. Lerwick noted it will be included with the next mailed and electronic bills. Tooke suggested creating a brochure indicating what materials could be recycled at the recycling centers, such as scrap metal. Dahl reviewed their marketing campaign to date (paid advertising, radio, social media).

Lerwick highlighted the website address at the bottom of the brochure for DEQ that is updated weekly by DEQ.

1 Dahl and Lerwick indicated the recycling centers take batteries, flow tubes, bulbs, motor oil,
2 gasoline, and kerosene.

3
4 Councilor Frye asked if any of the items on the prohibited list are new. Dahl stated anything
5 with food on it is not recyclable, such as pizza boxes.

6
7 Sterner stated he has observed people are conscientious but not aware of the requirements.
8 Sterner noted people are paying attention to the Yachats Facebook page as a resource for
9 information.

10
11 Bette Perman (410 E 2nd St) asked about glass bottle and jars. Lerwick stated glass will soon
12 not be allowed in the blue bin but could be taken to recycling center.

13
14 Leslie Lawler (205 Radar Rd) asked if regular garbage cans would increase in size since they
15 cannot recycle as much materials. Dahl noted they do have larger cans available. She asked if
16 they could give a primer on cleaning, such as do laundry detergent bottles need to be cleaned.
17 Dahl noted a rule of thumb of imagining you are on recycling line and would you want to pick
18 that up with your hands from the sorting line.

19
20 Lerwick reported they have recently had a many calls about people applying for vacation rental
21 licenses requesting bear-proof containers. Lerwick was confused by City code on what is
22 required for vacation rentals regarding bear-proof carts versus regular carts in enclosed areas.
23 He noted the cost of a bear cart is \$200 versus \$45 for a regular cart. Also drivers need to get
24 out of cart to open the bear-proof cart. The bear carts also require frequent maintenance, with
25 lids needing replacement almost yearly. Manager Beaucaire will figure a plan to address the
26 situation.

27
28 Dahl noted Dahl Disposal provides a subscription service for around 45 residences for yard
29 waste. He noted residents seem to be using the city drop box at the waste treatment plant more
30 frequently. He noted the drop box system was implemented before Dahl Disposal had a
31 residential yard waste subscription service. Several hypothesized commercial landscapers
32 abuse the city bin. Tooke suggested increased signage at the drop box. Mayor Stanley asked
33 for clarification on what their expectation from the City was at this time. Manager Beaucaire
34 indicated she believed Dahl and Lerwick were providing information on the current and antic
35

36 Perman noted a drawback to the residential brush service is that it still must be paid for during
37 the winter months which people are not landscaping much.

38
39 Helen Anderson (77 8th St) noted some landscapers believe their debris is allowed if the debris
40 comes from a city residence, she was told at recycling center grass was not accepted in green
41 waste, and it would be desirable to have periodic but not ongoing/subscription yard waste
42 pickup. Dahl reported Dahl Disposal will pickup at the curb whatever a customer requests for a
43 fee, including items such as brush, bulky items, garbage, and yard waste.

44 45 **I. Work Session Discussion Topics**

46 Mayor Stanley noted the ordinances are online and there will be a second vote at the November
47 8, 2017 meeting.

48 49 **A. Ordinance 349 – Building Height Restrictions and Hazard Areas**

50 Planning Commission Chair Anderson summarized the revisions in 9.52.050 Hazard Areas are
51 95% editorial. She noted an example of previous language indicating slopes greater than 12%

1 and less than 11%, which does not address a slope of 11.5%. Anderson reported the changes
2 in 9.53.170 Building Height Restrictions arose over complaints about overly large features that
3 were previously exempted, such as chimneys. She noted the Planning Commission looked at
4 regulations in other cities and revised the Code to increase safety and prevent unnecessary
5 large protrusions. An exemption for elevators was made because building code regulations
6 necessitate a safety area above the elevator cart. Frey asked for clarification on previous
7 problems around in these areas. Glenn asked if the section on steep slopes would address the
8 problems that arose several years ago regarding development on the east hillside causing
9 runoff to homes below. Anderson indicated the revised language is clearer and also includes a
10 requirement of a checklist created by the geologist for the builder to follow.

11 **B. Ordinance 350 – Parking on public property; impoundment**

12 Manager Beaucaire asserted the purpose of this ordinance is for health and safety. She noted
13 there is current code prohibiting parking in public right-of-way, and this ordinance adds
14 language to enable enforcement through an administrative hearing process and impoundment.
15 Manager Beaucaire emphasized purpose is to keep streets clear for safety vehicles to have
16 access in case of emergency.
17

18
19 Frye noted the document in document library had a wrong footer. She wanted clarification on
20 the 72-hour stipulation as she has seen cars parked in one place for three days, and then move
21 elsewhere for another three days. Mayor Stanley noted there is language about continuity of
22 time not being affected by vehicle relocations.
23

24 Mayor Stanley asked about people parking in front of their own house overnight. Manager
25 Beaucaire noted the 72-hour trigger. Frye believed there already was language in the Code
26 about parking RVs. Anderson noted there is Code regulating parking and living in RVs in Title
27 9, and State law regulates parking on streets. She stated it is illegal to park in a street lane,
28 even if it is in front of your own home. Tooke noted on Aqua Vista loop that the paved road in
29 only two lanes wide, so a car parked in the street is in the road.
30

31 Frye asked about situations where people park in front of businesses, such as Valeria Tutrinoli
32 parking in front of her business, Toad Hall. Manager Beaucaire clarified that then language on
33 continuity only applies to moving from one public right-of-way to another public right-of-way.
34 This regulation would not apply to a car parked at a residence at night. Glenn suggested the
35 intent of this ordinance is to deal with vehicles that are parked and left, not to address normal
36 business traffic flow. Frye wanted to look more closely at the language so as to not be too
37 restrictive. Manager Beaucaire noted Oregon State Law states one cannot park in public right-
38 of-way. Tooke asked about parking on wider streets where two lanes of traffic could flow past a
39 parked car.
40

41 Frye referred to language that stipulated one cannot park a vehicle for sale on the street.
42 Manager Beaucaire noted a person can get permission from the City for exceptions.
43

44 Mayor Stanley asked if the Public Works and Streets Commission should review this ordinance.
45 Frye was not certain that this matter would fall under the purview of Public Works and Streets.
46 John Moore, Chair of Public Works and Streets, indicated they would review the issue if asked.
47 Manager Beaucaire suggested Council give the Commission specific questions to address
48 should they pass the matter to the Commission. Frye wanted to look at the purpose of the
49 Public Works and Streets Commission to see if they should be the one to address the matter or
50 to have the Code Enforcement Officer address the matter
51

1 Glenn noted the impoundment procedure is all new and desirable. Glenn asked Manager
2 Beaucaire if they could add purpose and intent to the document. Tooke asked if ongoing illegal
3 parking was driving this change, and if so, could not the Code Enforcement Officer make a
4 determination about citations. Manager Beaucaire noted the need to have objective
5 enforcement. Tooke noted some trucks put up cones when they unload and whether State Law
6 required that safety step.

7
8 Mayor Stanley suggested Councilors study the ordinance during the week and discuss further at
9 the next meeting, noting he was uncomfortable about passing language to allow for vehicle
10 impoundment without fully understanding the language. Frye wanted to know the rationale from
11 the Code Enforcement Officer on the language she used in this ordinance and her intent. Glenn
12 suggested this is the kind of documentation needed for a Code Enforcement Officer to do their
13 job.

14
15 Mayor Stanley wondered if this ordinance was overreaching where they want to go on
16 regulations. Glenn asserted it was better to have a regulation with an enforcement element.

17
18 Code Enforcement Officer Joan Davis (782 Driftwood Lane) asked the Council what parts of the
19 ordinance appear to be overreaching. Frye raised the question of a car parked in front of a
20 house on a narrow street. Davies noted parking in front of commercial business is permitted.
21 Davies noted parking overnight in a city right-of-way is currently not allowed. Davies indicated
22 Council could decide if they wanted stricter enforcement on this matter, but this code was
23 specifically intended for establishing a way to take action on abandoned vehicles.

24
25 Frye indicated she was not in favor of intensified efforts to ticket every illegally parked vehicle,
26 but instead wanted to address the more long-term violators. Stanley was concerned about
27 creating an unpleasant atmosphere of coming down hard on every violation. Glenn sees the
28 document as an advancement of the ability of the Code Enforcer to address violations. He
29 stressed the need for the enforcement part. Davies reported she had received multiple
30 complaints of parked vehicles, and yet she had no way to enforce parking violations.

31
32 Davies reported that law enforcement will only cite a vehicle when the tags are expired. She
33 has received multiple complaints about vehicles and personal property in City right-of-way. She
34 noted some of these streets are tsunami evacuation routes. Davies indicated the ordinance will
35 enable her to provide notice to owners. Tooke noted there is a notice of impoundment, which
36 gives the owner a chance to move the vehicle/property or work out something with the City.

37
38 Mayor Stanley indicated he was uncertain about impact on the ordinary citizen. Frye suggested
39 the Council give direction to the Code Enforcement Officer about their intent. Manager
40 Beaucaire reiterated the goal is objective enforcement, so language needs to be in the policy,
41 not in the Code Enforcer's opinion. She asserted Council should not be giving contracted
42 employees instructions on how to do their job.

43 44 **C. Approve agenda for November 8, 2017 City Council**

45 Frye noted the south entrance sign, the status of the Art in the City Committee, and problems
46 with the heating and cooling system need to be address. Davies reported she had Florence
47 Heating and Cooling evaluate the HVAC in the Commons. They noted outside units last five to
48 six years, and the City's is six years old. Additionally, the inside units are over 20 years old.
49 Glenn noted the Art in City topic is on Council Shepherding Goals. Council gave consent for the
50 agenda.

1 Mayor Stanley adjourned the work session at 11:07 am.

2
3 **REGULAR MEETING**

4 Mayor Stanley called to order the regular meeting of the City Council at 11:15 am.

5
6 **I. Public Comment - none**

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8 **II. Ordinance 349 – Hazard Areas and Building Height Limitations**

9 Glenn moved to approve Ordinance 349 amending the Yachats Municipal Code Section
10 9.52.050 Hazard Areas and 9.52.170 General Exceptions to Building Height Limitations (first
11 vote): Aye – 4; No – 0.

12
13 **III. Ordinance 350 – Vehicles and Traffic; Impoundment Procedures**

14 Helen Anderson (77 8th St) believed the ordinance is common sense, people need education
15 about parking, and there is not see a reason not to do it.

16
17 Stanley noted a person parking his truck in front of his house and whether he could continue to
18 do that. Anderson stated the Code requires that new homes to have two off-street parking
19 spaces. She did not know what homes without off-street parking do and asked Davies if they
20 would be grandfathered in. Davies noted this ordinance does not address the grandfather
21 issue, but focuses instead on impounding. She believed another ordinance should be enacted
22 to address parking for homes with no off-street parking. Tooke reminding owners are notified
23 prior to impoundment. Frye wanted to avoid giving notices for homes without parking.

24
25 Davies emphasized the 72-hour limitation already exists in the Code in section 6.04.090, and
26 the Council has the ability to make exceptions. Frye wanted to know if they could make a
27 blanket exception to houses without parking on-site parking. Tooke argued that would negate
28 the effect of the ordinance.

29
30 Glenn moved to approve Ordinance 350 amending Title 6 - Vehicles and Traffic, adding section
31 6.09 Vehicle Impoundment Procedures and establishing an effective date (first vote): discussion

32
33 Frye moved to amend the motion to clarify the City Council has the authority to exempt a home
34 that does not have off-street parking. Davies asserted this authority is already in section
35 6.04.090. Frye withdrew her amendment.

36
37 Call for vote: Aye – 3; No – 1 (Stanley).

38
39 **VII. Other Business**

40 Water Treatment Plant Lead Rick McClung reported the yard debris bin takes a significant
41 amount of staff time to monitor and to deal with people who cannot dump their brush when the
42 bin is full. McClung noted the bin also blocks their second entrance to the yard. He would like
43 the City to move toward having people use the Dahl pickup service and ending the free bin
44 program.

45
46 Mayor Stanley adjourned the regular meeting at 11:34 am.

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51 _____
GERALD F. STANLEY, Mayor

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ATTEST:

Shannon Beaucaire, City Manager

Date