

**TOLEDO CITY COUNCIL MINUTES
REGULAR SESSION
March 7, 2018**

Mayor Billie Jo Smith called the meeting to order at 7:00 PM. Councilors present: William Dalbey, Deanne Dunlap, Michelle Johnson, Jackie Kaufman, Joshua Smith, and Council President Terri Strom.

Councilors absent: None

Staff present: City Manager (CM) Craig Martin, City Attorney (CA) David Robinson, Police Chief (PC) Dave Enyeart, Public Works Director (PWD) Michael J. Adams, Library Director (LD) Deborah Trusty.

Visitors present: Annette Brooks, Eric Erickson, Zack Dahl, Chuck Lerwick, Bill Farley, Polly Chavarria and Nancy Bryant.

Media present: Joan Brown, Newport News-Times.

Visitors/Public Comment

Zack Dahl and Chuck Lerwick, Dahl Services:

Chuck Lerwick and Zack Dahl provided an update on the current recycling limitations that are causing a backlog of recyclables and increased costs to process same. They referred the Council members and public to view a YouTube video titled “Plastic China” and distributed a document that included the link on the video. The video chronicles what has been happening with recyclables that have in the past been exported to China and how they are dealt with. They distributed a recent update regarding the types of plastics that are no longer being accepted through the recycling stream and explained how the restrictions are driving up costs due to the increased volume of landfill disposal this has caused. Dahl anticipates that there will likely need to be rate increases in the near future if the trend continues to exclude these and other formerly recyclable materials. Mr. Lerwick explained of changes being implemented at the Transfer Station to reduce the amount of garbage that is being included in recyclables. Current cost for disposal of non-recyclable materials is \$83.00 per ton plus transportation costs. Dahl Services primarily wanted to inform the Council and citizens of the increasing restrictions on recyclables and the impacts it is having on our local sanitation services, including the possible refusal of acceptance of certain wastes and recyclables that may have to be implemented in the future.

Mr. Lerwick and Mr. Dahl further explained the need for better documentation of potentially hazardous waste that is being disposed of primarily from building demolition. Current Oregon Department of Environmental Quality regulations require persons demolishing structures to have testing/samples taken for asbestos or other hazardous containments. Dahl Services are raising awareness of this problem due to the increased health risks from exposure of sanitation workers to these substances. Dahl Services are working with all jurisdictions within their franchise areas to implement some more formal requirement of pre-demolition testing to determine if hazardous materials are present before demolition. Dahl Services will require verification/documentation of testing for no presence of contaminants before allowing for the disposal of building demolition debris at the transfer station.

Members of the Council asked about the current requirements for City issued demolition permits and asked the City Manager to work with Dahl to better inform the public and help create a process to insure adequate testing for hazardous substances before a demolition permit is issued and/or approved.

Mayor Smith thanked the Dahl Services representatives for keeping the community informed on these important issues.

Consent Calendar

Motion- It was moved and seconded (T. Strom/J. Smith) to approve the consent calendar consisting of City Council minutes dated February 21, 2018.

Motion passed 6-0-1, noting the abstention of Councilor Dunlap stating her absence from the February 21, 2018 meeting.

Discussion and Information Items

Committee Updates

Budget Committee:

CM Martin indicated the City was in receipt of five (5) applications for the three (3) vacant Budget Committee positions. Council declared the application period closed and agreed to conduct interviews for the applicants on Wednesday March 21, 2018 on 15 minute intervals beginning at 5:30 PM. Council will then consider making appointments to the Budget Committee during the regular session of the Council meeting to follow. CM Martin will contact applicants and schedule the interviews as directed.

Mayor Smith asked about the status of the Contribution Committee and the need to fill the committee soon. CM Martin indicated he had not received any applications or interest from the community for the Citizen at large position. CM Martin reported the current requests for funding exceed the projected amount of funding by approximately \$10,000.00.

Decision Items

Proposed Ordinance – Revising the size and membership of the Library Advisory Board.

CM Martin introduced a proposed ordinance that would allow for the expansion of size and amend the residency requirements for the Library Board as codified in the Toledo Municipal Code (TMC) Chapter 2.24. The proposed amendments had been discussed previously at Council work sessions and is now being brought forward for formal consideration. Mayor Smith stated she believed the proposed ordinance is better classified under “Discussion Items” since the recommendation was to use the ordinance adoption procedure specified in the City Charter Chapter IX, Section 31. Mayor Smith explained the procedures for adopting City ordinances as codified in the City Charter. CM Martin further clarified the two methods for adopting ordinances. Mayor Smith polled the Council for thoughts on which adoption method they preferred with most agreeing on the two separate reading method, unless circumstances would dictate the need or desire to use the single meeting adoption process. This method also allows for changes due to public comment or other feedback the council may receive regarding the proposed ordinance(s). Council agreed to move forward

with adoption of the proposed ordinance and called for the introduction and reading of the ordinance.

CM Martin read aloud in its entirety:

ORDINANCE NO. 1378 - AN ORDINANCE AMENDING ORDINANCE 846 (TOLEDO MUNICIPAL CODE CHAPTER 2.24) TO REVISE LIBRARY BOARD MEMBER REQUIREMENTS.

Council Discussion:

Councilor Dalbey stated his support for this adoption method as the preferred method for ordinance adoption. Mayor Smith asked if the proposed expansion of the Library Board would have any direct economic benefit to the Library. LD Trusty explained it would not, but would allow for more representation and participation from persons within the Toledo Library service area boundaries.

Public comment:

Visitor Bill Farley asked what the roles and duties of the Library Board are and LD Trusty explained their duties as defined by Resolution No. 1373.

Ordinance No. 1378 will be scheduled for a second reading at the March 21, 2018 Council meeting.

Proposed Resolution /Opposing Offshore Oil Exploration

Mayor Smith introduced Resolution No. 1400, a Resolution stating the City of Toledo's opposition to Offshore Oil Drilling along the Pacific Coast. The resolution if adopted, would be forwarded to certain federal and State legislators stating the concerns the City has for allowing this type of offshore oil drilling and exploration along the West Coast, and especially the Oregon Coast.

Mayor Smith read aloud in its entirety:

RESOLUTION NO. 1400 – A RESOLUTION TO EXPRESS THE CITY OF TOLEDO'S OPPOSITION TO OFFSHORE OIL AND GAS DRILLING AND EXPLORATION ACTIVITIES, INCLUDING SEISMIC AIRGUN BLASTING, noting the correction of the names of the State and Federal elected officials to be served with the Resolution and additional typographical changes to be made on the final document.

Council Discussion:

Councilor Dalbey provided comments in support of the proposed Resolution. Councilor M. Johnson commented on the current jurisdictional limitation the State has on offshore drilling, and support of the proposed Resolution.

Motion- It was moved and seconded (Councilor D. Dunlap/B. Dalbey) to adopt RESOLUTION NO. 1400, A RESOLUTION TO EXPRESS THE CITY OF TOLEDO'S OPPOSITION TO OFFSHORE OIL AND GAS DRILLING AND EXPLORATION ACTIVITIES, INCLUDING SEISMIC AIRGUN BLASTING.

Motion passed 7-0-0

Reports and Comments:

Department Reports

LD Trusty provided an update on recent hiring of the Library technical Services Operator position.

PC Enyeart provided an update on the recent hiring of two dispatchers and the acquisitions of the radar speed display trailer donated by Georgia Pacific.

City Managers Report:

CM Martin reminded the Council of a scheduled “Burn to Learn” training activity being conducted by the Toledo Fire Department on Saturday March 17, 2017. He also noted the upcoming League of Oregon Cities (LOC) training offered in Newport on April 5, 2018. The LOC training is regarding government ethics and Elected Officials duties and responsibilities under local and State governance provisions. Councilors Dalbey and Dunlap requested CM Martin to register them for the training which he stated he would.

CM Martin also reminded the Council of the upcoming Statement of Economic Interest (SEI) filings that will be sent electronically on March 15 and are April 16, 2016.

Council Comments:

Councilor Dunlap asked about the expenditure report and the issuance of some refunds for business licenses. CM Martin explained these refunds were for license fees that needed to be prorated due to being received after the July 1 deadline. Councilor Dunlap also inquired regarding a payment that was issued for repair of one of the Fire Departments Apparatus. Councilor Dunlap. CM Martin explained the expenditure was for repairs to one of the Fire Department Rescue apparatus.

Councilor J. Smith noted he would be absent at the March 12, 2018 City Council work session.

Councilor Johnson inquired about a proposed date change for the Summer Festival. CM Martin indicated he had heard the Summer Festival dates were changed to July 12 – 14 due to scheduling of the carnival event provider. He further stated the new dates will conflict with the previously scheduled annual Community Services Consortium Barrel to Keg Relay running event and he is communicating with both event organizers to work out a solution to allow both activities to be able to be conducted safely on the same weekend.

Executive Session under ORS 192.660.

Mayor Smith recessed the regular meeting at 8:30 PM for the purpose of entering into an Executive Session as allowed under ORS 192.660(2) (i) which allows the Council to meet in executive session to review and evaluate the performance of an officer, employee or staff member if the person does not request and open meeting. The executive session will be to discuss and review the performance of the City Manager, Craig Martin. Mayor Smith further stated that CM Martin has not requested the review to be conducted in open session.

Mayor Smith recessed the regular meeting and read aloud the following Executive session announcement:

The Toledo City Council will now meet in Executive Session pursuant to ORS 192.660 (2)(i), which allows the Council to meet in executive session to review and evaluate the performance of an officer, employee or staff member if the person does not request and open meeting. The executive session will be to discuss and review the performance of the City Manager, Craig Martin. City Manager Martin has not requested the review to be conducted in open session.

Representatives of the news media and designated staff shall be allowed to attend the executive session. All other members of the audience are asked to leave the room. Representatives of the news media are specifically directed not to report on or otherwise disclose any of the deliberations or anything said about these subjects during the executive session, except to state the general subject of the session as previously announced. No decision may be made in executive session. At the end of the executive session, we will return to open session and welcome the audience back into the room.

We anticipate returning to open session in approximately 60 minutes. Any action by the Council regarding this matter will be taken up after the Council returns to regular session.

Guests and staff excused themselves from the meeting room.

Mayor Smith reconvened the meeting in Executive Session at 8:47 PM

Present: Mayor Smith, Council President T. Strom, Councilors W. Dalbey, J. Smith, J. Kaufman and M. Johnson, D. Dunlap

Staff Present: CM Martin, CA Robinson

Council reviewed and discussed the results of the performance evaluation of City Manager Craig Martin. No action was taken.

Regular Session:

Mayor Smith recessed the Council from executive session and returned to regular session at 10:15 PM. The room was reopened and any remaining visitors and guests invited to return.

No guests or others returned.

Adjournment:

Mayor Smith adjourned the meeting at 10:16 PM.

ATTEST:

APPROVE:

/s/City Manager

/s/Mayor