

October 7, 2019
4:15 P.M.
Newport, Oregon

CITY COUNCIL WORK SESSION

The Newport City Council met in a work session on the above date and time in Conference Room A of the Newport City Hall. In attendance were Sawyer, Goebel, Jacobi, Hall, Allen, Botello, and Parker.

Staff in attendance was Spencer Nebel, City Manager; Gloria Tucker, Deputy City Recorder; Joseph Lease, Building Official; Jason Malloy, Police Chief; Mark Ragan, Fire Prevention Officer; Rob Murphy, Fire Chief; Jovita Ballentine, Community Service Officer; and Derrick Tokos, Community Development Director.

DISCUSSION ITEMS

Building Maintenance Codes Discussion. Nebel reported that staff has had a number of discussions, and periodically receive concerns about the condition of some of the buildings located in the city. He stated that the emphasis is primarily on a complaint basis and generally applies to structures deemed to be dangerous. He added that the city has not actively enforced issues such as general maintenance, painting, and non-structural problems with buildings.

Nebel reported that Tokos, has put together a table to provide an overview of the various codes addressing safety and maintenance issues. He stated that in the past, there have been discussions about property maintenance, and Council had reservations about implementing and enforcing a maintenance code. He added that there have also been discussions about how aggressively to compel enforcement of maintenance issues.

Nebel reported that Newport is a community that has a rather aggressive climate impacting the exteriors of buildings. He stated that it is a significant tourism community with a number of blighted buildings throughout the community. He added that the concept that blight breeds blight is a valid concern. He noted that having adequate staffing to meaningfully enforce a maintenance code is another issue that would need to be discussed by Council. He added that the purpose of the discussion is to see what direction Council may want to move on these issues.

Tokos explained several different city codes and statutes apply to poorly maintained or dangerous structures in Newport, and currently enforcement is complaint driven. He noted there is an International Property Management Code (IPMC) that could be used as a framework for streamlining the city's existing codes. He asked the Council for direction on whether they are comfortable with the current process, want to add more nuisance regulation, want to consolidate codes, or want to be more proactive about enforcement.

Murphy, Lease, and Malloy explained their respective department's roles in code enforcement.

Allen clarified that if the city removes a house, then the city has to go through the circuit court proceedings and receivership takes place. He suggested the chart be updated to reflect that. Goebel clarified that warrants are obtained from the municipal judge.

Nebel noted the Council has discussed cleanup of the code in the past.

Parker asked if there is a central database for complaints. Malloy reported the Police Department can track the complaints it receives, but there is no central database for complaints across departments.

Jacobi asked what changed so that the properties in Nye Beach could be addressed. Nebel explained the municipal judge's interpretation of the code and his authority caused delays, and the implementation of the receivership process allowed the city to move forward.

Allen noted the exact code on receivership is Chapter 8.12 in the Municipal Code. In addition, he said the receivership process was delayed because the property owner was not represented by an attorney.

Nebel stated the current system is complaint-based, operates with a variety of codes, and may have a building maintenance code gap. He asked if the Council was interested in a more proactive role and spending time determining how to do that.

Goebel indicated building maintenance code is a Pandora's Box. He noted that the city tried to implement standards in Nye Beach through a Nye Beach overlay committee, and it got out of control. He asked if codes would be applied to Nye Beach, Bayfront, city center, or city-wide. Nebel replied the city is not proposing overlay design standards, but maintenance standards can become subjective.

Allen noted the consensus of the previous Council last year was to keep things as they are. He stated the Council felt with the ways things were proceeding with getting a new code enforcement officer, that the current regulations are sufficient. He reported his position is the same as last year.

Parker asked if the smoke shop near Yaquina Head spurred this discussion. Nebel replied that complaints trigger the city's response. He added that doesn't mean there isn't worse problems out there, just that someone complained.

Hall suggested doing something different for the process. She remarked that how the process works is not clear to people. She asked if there could be a report, perhaps quarterly, of complaints. She stated the council goals include improvements to city center and Bayfront. She added the blight is embarrassing, and the city does need to elevate its level of response.

Allen stated he doesn't think there is an issue with trying to communicate better what the current regulations are or trying to coordinate better the reports to the Council. He suggested a compilation on a quarterly basis of complaints. He reported he is concerned with adding another level of regulation that the city would have to enforce. He asked who would determine the maintenance standards, who would make up a committee, how there would be due process, and if there would be an appeal process. He stated new regulations create unanticipated issues. He suggested focusing on better communication with the people who are being regulated, better compilation of complaints, and making that more public and transparent rather than adding new regulations. He stated he is not in favor of new regulations.

Goebel reported in order to see improvements in the city, that the city needs to lead by example. He said he thinks the city needs to commit to being better stewards of its property to lead by example rather than regulation.

Hall asked what the response time is for complaints. Ballentine reported time varies due to the variety of ways complaints are filed.

Parker noted the beautification committee is a way to lead by example. He suggested the committee work with public works to hit the hot spots. He clarified, by committee, he

means committee members volunteering and inviting others to volunteer to clean up problem areas and invest in the community.

Nebel reported the committee has identified projects in town, moneys have been budgeted, and the city hired a landscaping specialist. He noted the landscaping specialist position was envisioned as a role to help match volunteers with projects, and he expects in the long run that will happen.

Tokos suggested putting efforts into cleaning up the procedures and consolidating the code.

Goebel noted an example of leading by example is the Nye Beach area. He said the city's efforts to redesign and develop the area caused people to take notice and they started investing in that area. He stated now the area has become a really desirable place. He suggested the same approach for city center. He stated he is interested in an inventory of complaints. He added if anything changes, there needs to be objectivity, otherwise, there will be push back from people.

Nebel summarized he is sensing the consensus of the Council is not to pursue changes in the level of enforcement, but to receive more information on the types of reports the city receives.

Allen clarified he thinks the Council does want the city enforcing things on the books appropriately, but doesn't want to add another layer of regulation.

Sawyer suggested taking a look at the current regulations to ensure they are enforceable, legal, and up-to-date. Allen replied while there are overlaps in the code, the code is legally sufficient.

Hall agreed with streamlining the code and suggested including the Planning Commission. She added there is obvious blight, but the city doesn't know what it doesn't know because of the complaint system. She pointed out finding the place to report something on the city website was not easy, and that one form is a word document.

Nebel noted the Council will have the opportunity with Urban Renewal funds and the Transportation Plan to address the northside. He added with façade improvement programs through Urban Renewal, there are going to be some tools available a couple of years down the road.

Botello indicated she was curious about previous Council discussion on this issue. Allen replied he would forward the meeting link from the city website to the Council. She also asked for background information about the IPMC. Tokos said that information would be provided after this preliminary discussion.

Sawyer expressed frustration with property owners who are out of state and don't have pride in the area.

Nebel summarized the Council consensus as no new regulations or property maintenance code, streamlining the process on complaints and communicating that to the community, creating a format for reporting complaints to the Council, and working on city properties to lead by example.

Parker stated he will check with Oregon Department of Transportation to see if the first half-mile or mile on Highway 20 out of Newport has been adopted to see if the city could adopt that section.

Nebel added generating reports will shed more light on what's happening and suggested waiting until there is a city attorney to work on streamlining the code. Allen added he thinks the expertise of staff is sufficient to begin the process without a city attorney.

Evaluation Process. Allen reported that Council is responsible for evaluating the City Manager and City Attorney as part of an evaluation process that was developed by the Council over the past eight years and adopted in 2014. He noted that Council has utilized a system of having a full written evaluation in odd years, and an informal verbal evaluation in even years. Allen asked the Council to fill out the evaluation form and send the hard copy back to Sawyer or himself by Monday, October 21. Allen explained Sawyer and he will take all the evaluation forms, compile them, and average out the scores. He emphasized that the evaluation forms are public records and subject to disclosure. Goebel clarified that the Council can sign them. Allen said there will be a self-evaluation filled out by Nebel, and the Council will have a conversation about the evaluations during an executive session on November 4. He added that the evaluation summary will be presented at the November 18 regular City Council meeting, where it would be formally accepted by the City Council. He stated he would send the prior written evaluation to the Council as an example. Allen noted the Council also correlates any compensation changes with the evaluation process, however, compensation or salary issues must be discussed in open session.

Nebel reported a separate evaluation will happen as part of his International City Manager credential process. He noted the International City Manager Association will conduct that evaluation. Nebel added he is not requesting an increase in compensation beyond the Cost of Living Adjustment this year.

ADJOURNMENT

Having no further business, the meeting adjourned at 5:30 P.M.

Gloria Tucker, Deputy City Recorder

Dean H. Sawyer, Mayor