

**CITY OF SILVERTON
ENVIRONMENTAL MANAGEMENT COMMITTEE MINUTES**

3:00 P.M.

May 19, 2020

The Environmental Management Committee of the City of Silverton met via Zoom video/phone platform on May 19, 2020 at 3:00 p.m. with Member Plummer residing.

I. OPENING CEREMONIES – Call To Order & Roll Call

Member Plummer called the Meeting to order at 3:03 p.m.

Present	Absent	
X	_____	Matt Plummer, <i>Chair (elected at meeting)</i>
X	_____	Rachel Hiller, <i>Vice-Chair (elected at meeting)</i>
X	_____	Beth Finnsen
_____	X	Jaime Fuhrman
X	_____	Richard Freeman
X	_____	Dawn Hemstreet
X	_____	Seth Thompson
X	_____	Petra Schuetz, <i>Ex-Officio Member</i>
X	_____	Travis Comfort, Republic Services; <i>Ex-Officio Member</i>

City staff present included City Manager Christy Wurster, Assistant to the City Manager/HR Coordinator Elizabeth Gray, Public Works Coordinator Chelsea Starner, and Student Intern Jon Ahrens.

II. APPROVAL OF MINUTES from September 23, 2019 Regular Meeting. Member Plummer said he would abstain from approval due to the meeting occurring prior to his membership. Member Freeman made a motion to approve the minutes as written. Member Schuetz said participants did not have to attend the meeting to vote on minute approval. Member Hemstreet seconded the motion. All approved and minutes were passed as written.

III. PUBLIC COMMENT - None

IV. SCHEDULED PRESENTATIONS - None

V. DISCUSSION/ACTION

5.1 Election of a Chair and Vice-Chair

Elections proceeded led by Member Plummer. He noted that Councilor Smith stepped down from the Committee and he has stepped in as her replacement. He offered to fill the role of Chair. Member Schuetz said the City Council representative is automatically the Chair. Member Hiller volunteered for Vice-Chair position. Member Plummer asked if all members were in favor of him serving as Chair and Member Hiller as Vice-Chair. All members approved Chairperson Plummer and Vice-Chairperson Hiller.

5.2 Introduction of New Members

Chairperson Plummer discussed his professional position at SAIF and positions on the City Council and Transportation Advisory Committee. Member Finnsen noted her working background in public health, and interest in recycling. Vice-Chair Hiller discussed her desire to get involved with the community and background in water resource policy. Member Hemstreet said she has been on the EMC for 2 years. She said she has interest in waste management and sustainability. Member Freeman said he is a retired environmental engineer and has been in Silverton a year and eight months. Member Thompson said he has worked in the planning field and is interested in active transportation and sustainability. He said he has a love of bikes and is interested in recycling. Member Schuetz said she is the Public Works Director and discussed her transportation planning background. She said she is interested in environmental and transportation topics. Member Comfort said he started with Republic Services a year ago and has a

background in sustainability. Chairperson Plummer talked about his background in education, human performance and risk management. He said the communication between EMC and Council has been good and that they want to hear more from the EMC. He said he wants members to feel comfortable sharing.

5.3 Downtown Smoking Ordinance

Jon Ahrens, a student at Willamette University with the policy, law and ethics department, who has been doing a City Internship, shared information from a PowerPoint regarding a potential ban on smoking in downtown Silverton, which he said has been discussed for several years. He noted that COVID-19 has delayed his presenting to the EMC and City Council. He discussed the history of the proposed ordinance, comparison to policies in other cities, data gathered from Silverton business owners, objections and concerns, and final recommendations.

He said smoking ordinances were presented to the City Council in 2017. He said the parks smoking ban was passed, the downtown option was not. The Council asked that the research for a downtown smoking ban continue. Mr. Ahrens looked at cities with smoking bans similar to the proposed ban for Silverton. He looked at Ashland, McMinnville, Cave Junction, Eugene and Klamath Falls. He stated that Ashland, Eugene, McMinnville and Cave Junction adopted code to allow enforcement of the 10-foot Indoor Clean Air Act.

Chairperson Plummer noted the \$2,500 fine and how it is a standard maximum fine in Silverton for other things such as dogs barking. Member Finnson asked how many cities in Oregon have a smoking ban. Mr. Ahrens said parks smoking bans are common and that Ashland, Eugene and McMinnville are the only ones with downtown bans that he is aware of. Member Freeman asked if the City has any additional smoking bans aside from the parks smoking ban. Mr. Ahrens said he is unaware of any aside from state laws. Chairperson Plummer said he believes it is just the parks ban that is Silverton specific.

Mr. Ahrens said the purpose of the business owner survey sent to the Chamber of Commerce mailing list was to assess how business owners perceive the problems of secondhand smoke and littering, and whether they receive related complaints. Another goal was to determine if downtown business owners and employees smoke and where they smoke, and if business owners would support a full ban on smoking, or alternatives. He noted that bar owners were reached out to directly, that all Silverton businesses could respond, and he received thirty-seven responses.

Mr. Ahrens presented data related to business owner views on second hand smoke and said a majority believed it to be a minor or moderate problem. Business owners reported that customers most often received no complaints or sometimes received complaints from customers. Most business owners said they never received complaints about cigarette related littering. He said that the data for business owner support of a full smoking ban showed business owners either strongly supporting or opposing/strongly opposing; all the business owners who strongly opposed the ban were downtown business owners. He said when presented with a daytime only downtown smoking ban there was still support or strong support of the ban, but twenty-nine percent opposed/strongly opposed. He said that when asked if business owners would support a downtown event smoking ban, the results were similar for support/strongly support but less were strongly opposed and more were indifferent. He said that business owners strongly supported enforcement of a 10-foot rule. He provided data related to owners and employees who smoke. He then listed reasons for objections and concerns for a downtown smoking ban. He made final recommendations which included public education, lowering the maximum fine, and waiting due to COVID-19 impacts on the economy and downtown businesses.

Member Freeman asked how many residences or apartments are in the downtown area. Mr. Ahrens said he did not know. Member Hiller asked if he knew what kinds of businesses strongly opposed vs strongly supported a ban. Mr. Ahrens said they had a question about this but it was difficult to show the data. He said it is included in the memo attachment. Member Hiller said there are a lot of ways to look at the data and there seemed to be a lot of questions from downtown business owners.

Chairperson Plummer said he wanted to praise Mr. Ahrens for compiling the data. He said he does not want smoking downtown but that finding a happy medium may be difficult. He said he didn't realize the ten-foot rule is not enforceable locally. He said this would be easy for the City to address. He asked if the rule is for both windows and doors. Mr. Ahrens said he is not sure if windows are included. Chairperson Plummer said ten-feet from every door would be a lot of the downtown area. Chairperson Plummer asked what Mr. Ahrens's recommendation would be. Mr. Ahrens said he would recommend the ten-foot enforcement option because it was the least opposed and would still allow some areas for smoking. City staff member Elizabeth Gray noted the Indoor Clean Air Act does include windows. She said because it is not enforceable it would have to be included in City code and the Police Department would enforce. She said the Police Department's comments were included in the packet.

Chairperson Plummer asked if anyone had a recommendation to vote, for presentation to City Council. Ms. Gray noted there is no set date from Council to move ahead but the feedback from the EMC is important. Chairperson Plummer said when he is downtown, generally, it is not rare to be hit with secondhand smoke. He said that is also frequent to see cigarette debris. He said this may be a way to eliminate that. Member Finsson said she would love to have people not smoke downtown but it would be difficult to enforce. She said she doesn't know if the Police Department has time. She said she doesn't think it's an easy solution.

Member Hemstreet asked if there were currently any signs downtown related to smoking and how much it would cost. She said it would be difficult to mandate the ten-foot rule. She said she would want to know more. Chairperson Plummer asked Member Schuetz about sign costs. She said a typical stop sign is thirty dollars plus labor. She said downtown owners would be responsible for installing signs on their private property. She said the ten-foot rule would be difficult due to the current sidewalk width.

Mr. Ahrens said when the smoke-free ordinance was originally discussed one proposed jurisdiction was the same as the Walk Your Wheels zone. The lowest cost to install signage was \$18,000 for labor and materials. He said the Police Chief's objections are valid concerns and a full no smoking ban would pose the same issues as the ten-foot ban. He said there would not be many areas to smoke legally.

Chairperson Plummer said local businesses owners feel they have nothing to stand on or reference when people smoke outside their buildings. He said if the City passes something like this and doesn't write any tickets, just issues warnings, it would still be sending a message and would hopefully alter behaviors. He said there haven't been any tickets for smoking in parks but there has been a reduction in smoking. He said with current climate and government reach it might make it difficult to do anything substantial.

Mr. Ahrens discussed enforceability in McMinnville and said they had an enforcement period and wrote warnings, and the county assisted with education. McMinnville said they have had voluntary compliance rather than direct enforcement. Ms. Gray said survey results for question fourteen asked for expectations of enforcement of an ordinance and 41% expected full enforcement. She said health department staff said Indoor Clean Air Act complaints from employees at a workplace might lead to investigation more than general complaints about smokers in downtown area. Mr. Ahrens agreed that the Smoke-Free Workplace Law is enforceable by the county but said the ten-foot rule option is not very enforceable. He said in order to enforce it, you would need to put it in City code and allow local police to enforce.

Member Hiller asked what other cities with downtown bans have done to mitigate concerns such as designated smoking areas outside downtown zone. Mr. Ahrens said Eugene has an option to opt out with City Manager approval if inside the downtown area and that businesses outside the area could opt in as well. Other cities had exceptions for hotels and other types of businesses.

Chairperson Plummer asked Mr. Ahrens what his role is moving forward. Mr. Ahrens said his internship is complete. He said he wanted the EMC to have the opportunity for the live presentation. He said his involvement is finished aside from follow-up questions. Ms. Gray said she will carry the topic forward for the City. She noted the time the research was occurring was in conjunction with COVID-19. Chairperson

Plummer said he appreciates everything Mr. Ahrens has done. Ms. Gray said he worked to provide well rounded research for the EMC.

Chairperson Plummer asked what the Committee would like to see moving forward. He said he is interested in moving the ten-foot rule to local enforcement. He said he would like to know signage requirements and costs. He said he does not want to do a daytime vs nighttime ban. He said he doesn't know if there are signage requirements for a smoking ban during events.

Member Hemstreet said she would like to know how much space is available downtown, that to be reasonable it may need to be more like nine-feet. She asked if the City should look at the downtown space. Member Thompson said if a blanket ban is too harsh, what others mitigation measures could the City pursue. He noted a UofO ban which resulted in people going into street. He said signage on streets related to illegal disposal of cigarette butts, would have a bigger environmental impact. He said more information would be good, including mitigation measures. He commended Mr. Ahrens for his work. Member Finnsen said at Your Break and Town House, the benches are right next to the door. She said people congregate at the door. She said maybe re-education mitigation efforts might be good. She said maybe businesses owners might help with this.

Chairperson Plummer said maybe the Committee would like to be the information carriers, not change rules or laws but put together a letter or pamphlet focusing on the Clean Air Act and share that information. He asked the Committee if they would like to start with that. Member Hiller said she would like more information. She said maybe the Committee should wait for businesses to come back online and see how things go. She said they could look at other efforts such as re-survey, talk to people, explore other mitigation efforts, rather than a full ban. Chairperson Plummer said the Committee would table for now, look at survey data and look at OHA rules. Ms. Gray said she can share the PowerPoint and other items directly.

Chairperson Plummer asked that the agenda switch to old business/new business format to keep topics on the agenda. Member Hemstreet asked if there is there a Council deadline for EMC feedback. Chairperson Plummer said there is not a current deadline. Committee members signaled agreement to re-visit topic later. Ms. Gray asked Chairperson Plummer if he would report the status back to Council. He said yes.

5.4 Endorse Letter of Support for Transportation and Growth Management Grant Application

Member Schuetz said she put together a draft letter of support for the City's Transportation and Growth Management Grant application. She said the application is not due until the end of July. She noted that Sustainable Silverton and City Council have also been asked to endorse. She said it is voluntary but would help with competitiveness. Chairperson Plummer asked for thoughts, additions, or edits. Member Hemstreet moved to accept the recommended letter as-is. Member Freeman seconded the motion. Committee unanimously approved.

VI. COMMITTEE COMMUNICATIONS

Chairperson Plummer asked if anyone has any topics they would like to explore. He said he hopes to not be solely reliant on City staff for information. He said he hopes EMC members will be able to put together information about topics they are interested in.

Member Finnsen said she would like to utilize her master recycler knowledge. She said the information from Republic Services from the September meeting is confusing. Member Schuetz said the City Council will look at the Republic franchise agreement and rate increase at the June 1 Council meeting. She said Member Finnsen could attend the meeting and provide public comment if desired.

Member Finnsen said she wonders if COVID-19 will impact the Republic Services agreement or rates. Member Schuetz said they have not asked for any changes due to COVID-19. She said the community

recycling has been stopped but once the county is in Phase 1 they will start recycling again. Member Comfort said they plan to start at Phase 2 due to group size requirements.

Member Hiller said she would like to discuss water quality, Silverton growth and regulations, and more education and outreach. Member Schuetz said the City has a lot of water quality projects and she would be happy to provide presentations on the capital projects.

Member Hemstreet said in 2020 the EMC made a list of priorities and that she would like that shared with the Committee. Chairperson Plummer said he would also like that information shared. Member Schuetz said she would provide the information.

Member Freeman asked if the City could rescind the plastic bag ban, even temporarily. Chair Plummer said the City has removed this ordinance due to the state law passing. Member Freeman said he would like to continue discussions about recycling. Chairperson Plummer said he would recommend EMC members to attend the upcoming Council meeting if they were available. Member Freeman noted the pricing for containers and sizing had been a discussion at previous EMC meetings. Chairperson Plummer said the Council also felt there should be a base fee and a per square foot price.

Member Thompson said he thinks Silverton has a good sense of community. He said he would like to see more bike lanes in Silverton. He said he would like to help with feasibility studies and would like to see more open space and accessibility to open space. Chairperson Plummer said the Transportation Systems Plan (TSP) is coming out next month and will be the framework for active transportation, transit, motor vehicles, and a larger plan. He said there were 140-160 projects related to transportation which have been compiled to top 5 projects. He said the Community Development Director assisted with additional data. He said he believes all the projects were pedestrian related.

Member Thompson said he is also interested in parks and increasing access. Chairperson Plummer said a citizen group was going to work for a parks and recreation district on the ballot. He said the pandemic caused them to hold off for the May 2021 election for signatures. He said the Council is not interested in large projects because parks may be transferred to a parks and recreation district. He said Council did approve Phase 1 of the Pettit Park project to start process for development. He said the EMC can still come up with recommendations for Council.

Chairperson Plummer said he is excited for the expert level interest on the EMC including expanding the recycling program. He said there has been an indoor market Styrofoam collection but he would like to see it be a part of Saturday recycling. He said what we are doing currently waste-wise is not a long term solution. He said we need to look at waste reduction.

He said he will talk with staff regarding topics for the next agenda. He asked the Committee to think about a larger topic to work on. He said he would like to get the list from Member Schuetz before they consider a topic. He asked if the Committee wanted monthly or quarterly meetings. He said monthly might be preferred. Staff member Chelsea Starner added information that the EMC code related to the meetings currently states the City Council, Public Works Director, or City Manager assigns topics for discussion so Chairperson Plummer can talk with Member Schuetz about topics. Member Schuetz said the TSP draft could be looked at next month and it will be going to City Council in July. Chairperson Plummer agreed.

VII. ADJOURNMENT

The Meeting adjourned at 4:56 p.m.

Respectfully submitted,

/s/ Chelsea Starner, Public Works Coordinator