

# MINUTES

## Eugene City Council Meeting Eugene, Oregon 97401

September 26, 2022  
7:30 p.m.

**Councilors Present:** Emily Semple, Matt Keating, Alan Zelenka, Jennifer Yeh, Mike Clark, Greg Evans, Claire Syrett, Randy Groves

Mayor Vinis opened the September 26, 2022, meeting of the Eugene City Council in a hybrid format at 101 W. 10<sup>th</sup> Avenue, Suite 114, Eugene, OR 97401.

### 1. COMMITTEE REPORTS AND ITEMS OF INTEREST

- Mayor Vinis – stated that she attended a Peace Day Festival on September 25 at the Nobel Peace Park to share a proclamation for peace.
- Councilor Keating – noted his appreciation for the Strategic Planning Workshops on September 23 and September 24; discussed his attendance at the Mayor’s Teen Art Show on September 23; discussed his attendance at the closing night of the musical Hamilton at the Hult Center.
- Mayor Vinis – encouraged people to attend the Mayor’s Teen Art Show; shared information about the Youth Advisory Council’s climate event on Saturday, October 1.
- Councilor Semple – discussed her history of working with Councilor Syrett; stated her appreciation for Councilor Syrett’s insight and dedication.
- Councilor Zelenka – shared his compliments of Councilor Syrett; noted his disapproval of the use of the recall process for Councilor Syrett; stated his appreciation for the work he and Councilor Syrett did on ordinances concerning sick leave.
- Councilor Evans – stated that he was proud to have served with Councilor Syrett; shared encouragement for Councilor Syrett’s future; noted his recognition of Councilor Syrett’s representation of constituents.
- Councilor Yeh – stated her admiration of Councilor Syrett’s approach to her work and her perspective; noted Councilor Syrett’s impact on the community; shared her well wishes for Councilor Syrett’s future.
- Councilor Clark – noted his appreciation for Councilor Syrett’s kindness despite their disagreements on policy.
- Councilor Groves – shared his appreciation for Councilor Syrett’s insight and work; noted Councilor Syrett’s respectful approach to council discussions and her contributions to find common ground to make the community better and safer; noted he enjoyed working with Councilor Syrett to address the dioxin contamination in the Bethel area in the last year; shared his well wishes for Councilor Syrett’s future.
- Councilor Keating – noted Councilor Syrett’s work on several city policies; recognized Councilor Syrett’s commitment to duty over polarizing opinions; stated that Councilor Syrett has dutifully and honorably served the community.

- Mayor Vinis – stated that she has looked to Councilor Syrett for insight and advice since before she was elected Mayor; noted Councilor Syrett’s commitment as a city councilor through the recall process; noted Councilor Syrett’s commitment to her deepest values; stated that Councilor Syrett has been, and will continue to be, a force for good in the community.

## 2. CONSENT CALENDAR 1

### A. Approval of City Council Minutes

- June 13, 2022 Work Session
- July 13, 2022 Work Session
- September 12, 2022 Work Session
- September 12, 2022 Meeting
- September 14, 2022 Work Session

### B. Approval of City Council Tentative Agenda

### C. Adjustment to Effective Date of City Manager Compensation Increase

**MOTION AND VOTE:** Councilor Syrett, seconded by Councilor Keating, moved to approve the items on Consent Calendar 1. **PASSED 8:0**

## 3. PUBLIC FORUM

1. Lin Woodrich – noted her appreciation for Councilor Syrett; stated her support for the public health overlay.
2. Michael Cunningham – spoke in opposition to the fireworks ban.
3. Trish Krambeal – spoke in opposition to the fireworks ban.
4. Richard Locke – discussed waste along the Amazon bike path.
5. Marilyn Arney – spoke in opposition to the fireworks ban.
6. William Smith – spoke about wireless safety.
7. Aya Cockram – spoke in favor of building electrification and climate policies.
8. Robert Karnuth – expressed concerns about homelessness, drugs, and immigration.
9. Michael Martinez – spoke in opposition to the fireworks ban.
10. Jim Neu – stated support for electric postal fleet vehicles; spoke in favor of fireworks ban.
11. Monte Loyd – spoke in opposition to the fireworks ban.
12. Joshua Korn – discussed concerns about 5G and aircraft pollution.
13. Cayce Calder – spoke in opposition to the fireworks ban.
14. Jason Trout – spoke in opposition to the fireworks ban.
15. Natalie Crowder – expressed a desire for better communications with Council.
16. Steve Zagar – discussed issues not being enforced by the District Attorney; spoke in opposition to fireworks ban.
17. Harry Sanger – spoke in opposition to the fireworks ban.
18. Eric Jackson – discussed parks violations; stated opposition to the fireworks ban.
19. John Crowder – stated opposition to the fireworks ban; discussed communications concerns with constituents.
20. Juan Martinez – spoke in opposition to the fireworks ban.
21. Shellee Koch – stated opposition to the fireworks ban; shared firework safety information.
22. Ed Forsythe – spoke in opposition to the fireworks ban.

23. Rebecca Selander – spoke in opposition to the fireworks ban.
24. Audrey Delauder – spoke in opposition to the fireworks ban.
25. Mason Tyler – spoke in favor of building electrification.
26. Tim Selander – spoke in opposition to the fireworks ban; stated safety concerns near River Road.
27. Caleb Selander – spoke in opposition to the fireworks ban.
28. Mike Arney – spoke in opposition to the fireworks ban.
29. Shannon Derby – spoke in opposition to the fireworks ban.
30. Darin McKeegan – spoke in opposition to the fireworks ban.
31. Nancy Ahnert – spoke in favor of building electrification.
32. Marina Moyce – discussed concerns about climate change; spoke in favor of building electrification.
33. Timothy Spencer – spoke in opposition to the fireworks ban.
34. Josh Delauder – spoke in opposition to the fireworks ban.
35. Rebecca Hicks – spoke in opposition to the fireworks ban.
36. Anthony Hopper – spoke in opposition to the fireworks ban.
37. Jill Rainer – spoke in opposition to the fireworks ban.
38. Kevin Benson – spoke in favor of building electrification and climate change policy.
39. Sara Nicholas – spoke in opposition to the fireworks ban.
40. Thomas Newman – discussed land use, funding, and renaming Lane County.
41. Aaron Taylor – spoke in opposition to fireworks ban; discussed communications concerns for constituents.
42. Dennis Hebard – spoke in opposition to the fireworks ban.
43. Pat Koch – spoke in opposition to the fireworks ban.

#### Council Discussion

- Councilor Keating – discussed a radio advertisement that resulted in impressive speaker turnout about the fireworks ban; noted his disagreement of some of the language in the radio advertisement; shared data regarding firework safety and fire hazards; stated his support for the fireworks ban.
- Councilor Semple – noted the amount of testimony received about the fireworks ban, both for and against the ban; stated that many emails click generated and did not provide ward information; stated that she read every email she received about the fireworks ban but was unable to respond to all of them.
- Councilor Groves – stated that councilors are listening to public testimony; asked how difficult it would be to pull a year’s worth of emails regarding fireworks; noted that council previously received a large volume testimony in favor of the fireworks ban; discussed potential discrepancies in the data for firework-related fires on the night of the 4<sup>th</sup> of July; stated that a house was destroyed this year because of improper disposal of legal fireworks; noted that the biggest problem is illegal fireworks; proposed measures for increased enforcement of illegal fireworks; noted that Lane County has a fireworks ban that goes into effect during fire season.
- Councilor Syrett – asked who would enforce the fireworks ban; requested clarification of the penalties of the proposed ban; stated that the Interim Fire Chief and Police Chief indicated in work sessions that this ban would provide better means for enforcing illegal fireworks; stated that Councilors have received testimony for and against the fireworks ban; noted that people writing emails in favor of the ban have shared personal stories about the negative impacts of

fireworks on their families; stated that a ban of this kind is not a violation of first amendment constitutional rights.

- Councilor Evans – stated that he previously supported a total ban of fireworks but has since changed his stance; proposed that legal fireworks remain legal, but to create a requirement for providing instructions on the safe usage and disposal of these fireworks; stated that he is more concerned about the fire danger from illegal fireworks; noted interest in a middle ground that allows people to safely celebrate 4<sup>th</sup> of July with legal fireworks.

#### **4. ACTION – AN ORDINANCE CONCERNING FIREWORKS RESTRICTIONS AND AMENDING SECTION 4.934 OF THE EUGENE CODE, 1971.**

City Manager Sarah Medary provided background information and introduced the topic.

**MOTION:** Councilor Syrett, seconded by Councilor Keating, moved to approve An Ordinance Concerning Fireworks Restrictions and Amending Section 4.934 of the Eugene Code, 1971 as proposed in Attachment A.

##### Council Discussion

- Councilor Clark – noted that he will have a motion to amend following Councilor Evans’ motion; stated that he will vote against the motion as stated; believes that regulating how people celebrate is an overburden on free speech; stated that the fireworks causing most of the fire damage and trauma to people are already illegal; noted that he does not see a clear improvement to those problems by banning legal fireworks; noted that there is more fire danger from illegal fire pits in backyards.

**MOTION TO SUBSTITUTE:** Councilor Evans, seconded by Councilor Clark, moved to direct the City Manager to revise the proposed ordinance and schedule a public hearing on the revised ordinance to delete the city-wide prohibition on all sales and use of consumer fireworks and instead require all consumer fireworks vendors to 1) provide consumers with written instructions on safe use and disposal of fireworks and 2) to provide every customer, spending \$25 or more on consumer fireworks, with a plastic water bucket to be used for fireworks disposal.

##### Council Discussion

- Councilor Groves – stated that he was hoping to discuss the illegal fireworks problem first; noted that his orientation is to look out for the safety, health, and welfare of this community; noted his support for veterans; stated that he has a motion ready to direct the City manager to come back with a public education and implementation plan for increased dedicated enforcement of illegal fireworks and to revisit the proposed ban in one year’s time.
- Councilor Yeh – noted that she voted against the ban when she first joined Council; stated that her family used fireworks to celebrate veterans previously; noted that large fireworks can cause trauma for some veterans; stated that she believes it is important to listen to the fire chief’s advice and experience; stated that she will vote against Councilor Evans’ motion to substitute because it does not address the illegal

fireworks; noted that she will support the ban, but is willing to try alternatives to address illegal fireworks.

- Councilor Keating – stated that Councilor Evans’ motion is substantively different from the ban that has been noticed; reminded Council that the proposed ban is similar to the ban from two years ago that received a unanimous vote; stated his concern about another fire like the Holiday Farm or Cedar Creek; noted that he does not support the substitute motion; noted that he looks forward to a larger discussion on how to celebrate the 4<sup>th</sup> of July in a controlled manner; stated that Council should take action tonight.
- Councilor Clark – stated that he will vote in favor of Councilor Evans’ motion; noted that he is in favor of better enforcement for illegal fireworks.
- Councilor Evans – requested clarification from Councilor Groves as to whether he was suggesting a friendly amendment to his motion to substitute to approve it for one year and revisit it.

**MOTION TO SUBSTITUTE (with a friendly amendment):** Councilor Groves, seconded by Councilor Evans, moved to direct the City Manager to revise the proposed ordinance and schedule a public hearing on the revised ordinance to delete the city-wide prohibition on all sales and use of consumer fireworks and instead require all consumer fireworks vendors to 1) provide consumers with written instructions on safe use and disposal of fireworks and 2) to provide every customer, spending \$25 or more on consumer fireworks, with a plastic water bucket to be used for fireworks disposal and direct the City Manager to develop and implement a multi-media public outreach and enforcement plan addressing the use of illegal fireworks in our community.

#### Council Discussion

- Councilor Clark – requested clarification that the friendly amendment proposed by Councilor Groves was not part of the original ban but for Councilor Evans’ motion to substitute.
- Mayor Vinis – requested clarification that without action the existing ban on fireworks in the South Hills will expire.
- Councilor Syrett – noted that she thinks it is not proper to put a substitute motion for an ordinance that council has already had a public hearing on; stated that she thinks the proper course of action would be to vote on the main motion as amended; if the vote on the main motion failed, a new motion could be proposed.
- Councilor Semple – requested a restatement of the motion to be voted on.

**VOTE ON MOTION TO SUBSTITUTE (with friendly amendment):**  
**FAILED 3:5**, opposed by Councilors Syrett, Yeh, Keating, Semple, and Zelenka.

#### Council Discussion

- Councilor Zelenka – stated that he initially voted against bans on fireworks; noted that the fireworks ban has been on council agenda for years and they have received testimony from many people on this topic; stated that he is in favor of the ban

primarily because of the fire danger, in addition to concern for veterans and pets; expressed growing concern about fire danger due to climate change; noted his disagreement that lighting fireworks is a free speech expression.

**MOTION TO AMEND:** Councilor Clark, seconded by Councilor Groves, moved to amend the proposed ordinance to change the effective date to be effective upon approval by the voters in a city-wide election.

#### Council Discussion

- Councilor Clark – stated that he disagreed that supporters of the ban are the majority; noted that he is not opposed to continuing the ban in the South Hills, but is not in favor of extending it city-wide; believes the ban should be determined by the voters because of the volume of testimony received; requested clarification on the referendum process; discussed the potential for a referendum by the voters if the council moves forward on the ban.
- Councilor Zelenka – requested clarification on when such an election would occur.
- Councilor Semple – asked whether fireworks sellers would still be allowed to sell fireworks for the upcoming year.

**VOTE ON MOTION TO AMEND: FAILED 4:5,** opposed by Councilors Yeh, Syrett, Keating, Zelenka and Mayor Vinis with the tie-breaking vote.

#### Council Discussion

- Mayor Vinis – stated that she opposed the motion to amend because she does not want the ban in the South Hills to expire.
- Councilor Clark – requested clarification on whether the ban in the South Hills would expire with this motion to amend.
- Councilor Groves – stated that an emergency motion should be added for the South Hills exclusion area.
- Councilor Evans – stated that he does not want to see the South Hills ban expire.

**MAIN MOTION RESTATED AND VOTE:** Councilor Syrett, seconded by Councilor Keating, moved to approve An Ordinance Concerning Fireworks Restrictions and Amending Section 4.934 of the Eugene Code, 1971 as proposed in Attachment A. **PASSED: 6:2,** opposed by Councilors Clark and Evans.

#### Council Discussion

- Councilor Semple – asked if there will be a work session to address illegal fireworks.

**MOTION:** Councilor Zelenka, seconded by Councilor Evans, moved to direct the City Manager to provide city council with an inventory of community 4<sup>th</sup> of July celebrations and potential options for city participation prior to July 2023.

#### Council Discussion

- Councilor Zelenka – noted that there are many events in the community that the City could participate in.

**VOTE: PASSED 7:1**, opposed by Councilor Clark.

**MOTION:** Councilor Groves, seconded by Councilor Evans, moved to direct the City Manager to develop and implement a multi-media public outreach and enforcement plan addressing the city-wide ban on the sale and use of fireworks of any kind.

Council Discussion

- Councilor Zelenka – requested clarification on what the City Manager would do with that motion; shared an idea by Councilor Clark to allow people to put in affidavits to report the use of illegal fireworks; noted that similar ideas could be used for enforcement.
- Councilor Clark – noted that the technology exists for his previous idea but does not work from a legal perspective; suggested that the council might consider other methods of reporting; stated that he is not in favor of the current motion.

**VOTE: PASSED 7:1**, opposed by Councilor Clark.

Councilor Syrett gave a statement of thanks to the Mayor, her fellow councilors, and specific city staff for the support they have offered over the years. Councilor Syrett noted that she is proud of her accomplishments as a City Councilor and shared several of her concerns about the recall process and its impact.

Mayor Vinis adjourned the meeting at 10:28 p.m.

Respectfully submitted,



Katie LaSala  
City Recorder

*(Recorded by Olivia Clark)*

Link to the webcast of this City Council meeting [here](#).