

Council Business Meeting

November 21, 2017

Title: Heritage Tree Resolution

From: Bill Molnar

Director of Community Development

Bill.molnar@ashland.or.us

Summary:

The proposed resolution would create an Ashland Heritage Tree list envisioned in AMC 18.4.5.060. In April of 2017, the Council approved the Tree Commission's request to approve the Southern Oregon University Spirit Tree being named an Ashland Heritage Tree with the understanding that staff would come back to a future meeting with a resolution to create the Heritage Tree list.

Actions, Options, or Potential Motions:

I move to approve the resolution titled, "A resolution creating the 'Ashland Heritage Tree List' and including the Southern Oregon University Spirit Tree, a silver maple located in the courtyard between the McLoughlin and Shasta residence halls, as Ashland's first heritage tree."

Staff Recommendation:

Staff recommends approval.

Resource Requirements:

Staff time required to create and maintain the list and an associated GIS map.

Policies, Plans and Goals Supported:

AMC 18.4.5 – Tree Preservation and Protection.

Background and Additional Information:

Chapter 18.4.5 – Tree Preservation and Protection – of Ashland's Land Use Ordinance describes the important role trees play in the community and notes that preserving a healthy urban forest improves soil stability, and provides noise buffering, wind protection and temperature mitigation, while offering abundant wildlife habitat. Notable trees within the city are also recognized for the contribution to the character and beauty of Ashland.

At the April 18, 2017 meeting, the Council approved the Tree Commission's request to add the Southern Oregon University Spirit Tree to the Heritage Tree with the understanding that staff would come back to a future meeting with a resolution to formally create the Heritage Tree list.

The procedure for nominating and approving a listing of a heritage tree is described in AMC 18.4.5.060 below.

18.4.5.060 Heritage Trees

- A.** The City recognizes that specific trees in Ashland are deserving of special status due to distinctive form, size, age, location, species, unique qualities, or historical significance.
- B.** Any person may nominate, with the written consent of the property owner, a mature tree for consideration as a Heritage Tree. This nomination shall include all information necessary for evaluation based on the items described in section [18.4.5.050.A](#), above. The Tree Commission shall review all nominations and shall make a written final recommendation to the City Council. The Council shall review the recommendation and make the final determination for Heritage Tree status.
- C.** Should the City Council approve the nomination; the tree shall be included on the Heritage Tree list adopted by resolution of the City Council. The property owner shall be notified of the Council's action.
- D.** Once designated, a Heritage Tree shall be subject to the applicable provisions of this ordinance.
- E.** A Heritage Tree may be removed from the list by the City Council upon its own motion, or the City shall remove a Heritage Tree from the list upon written request by the property owner. A request by the owner must state the reasons for removal from the list and be filed with the City Recorder. The City Recorder shall then remove the Heritage Tree from the list and cause to be filed with the county recording office a quitclaim deed quitclaiming any interest of the City resulting from the listing

Attachments:

Heritage Tree Resolution

E-mail from Tree Commission of December 12, 2016

Heritage Tree Proposal Findings

Photo of proposed heritage tree

Tree Commission minutes of December 8, 2016 (*See highlighted Discussion on Page 6 of 6*)

City Council minutes of April 18, 2017 (*See Consent Agenda #2*)

RESOLUTION NO. 2017-

A RESOLUTION CREATING THE ‘ASHLAND HERITAGE TREE LIST’ AND INCLUDING THE SOUTHERN OREGON UNIVERSITY SPIRIT TREE, A SILVER MAPLE LOCATED IN THE COURTYARD BETWEEN THE MCLOUGHLIN AND SHASTA RESIDENCE HALLS, AS ASHLAND’S FIRST HERITAGE TREE.

RECITALS:

- A. The City of Ashland recognizes that specific trees in Ashland are deserving of special status due to their distinctive form, size, age, location, species, unique qualities or historical significance; and values the contribution which such trees make to the beauty and quality of life of Ashland.
- B. The Ashland Land Use Ordinance provides in ALUO 18.4.5.060 that any person may nominate, with the written consent of the property owner, a mature tree for consideration as a Heritage Tree. The Tree Commission reviews nominations and makes final recommendation to the City Council to make the final determination for Heritage Tree status. Should the City Council approve the nomination, the tree shall be included on the Ashland Heritage Tree List adopted by resolution of the City Council.
- C. The Southern Oregon University Spirit Tree, a Silver Maple (*Acer Saccharinum*) located in the North Campus Village courtyard between the McLoughlin/Maka Yax and Shasta/Waii Ka residence halls was named Tree of the Year in 2014. This tree was preserved and protected through construction of the residence halls in 2012 at the urging of students, staff and community members. The tree survived construction and is now seen as a centerpiece of the campus that symbolizes unity between the University and the people of Ashland. The University has requested that it be granted Heritage Tree status and included on the Ashland Heritage Tree list.
- D. Silver Maples have a special place in the hearts of the local native Shasta people. Talking sticks were often fashioned from maple wood and were said to represent gentleness. The transformation of leaves from green to crimson during autumn is explained by native people during the Chasing the Bear myth. Traditionally, silver maples also served as a food source providing sap for sugar, intoxicants and bread, and Native American tribes in southern Oregon continue to use sliver maple sap for ethnobotanical endeavors, including the treatment of coughs, cramps, dysentery, sore eyes, measles, running sores and as diuretics. In considering the request, the Tree Commission noted that the tree embodies much of what is loved and aspired to in Ashland: an acknowledgement of our collective desire for peace and unity, a strong stable structure that shelters and nurtures, continuity and connection, and our tie today to our land’s Native American heritage and Native American citizens.
- E. At the April 18, 2017 the Tree Commission requested that the City Council include the

Southern Oregon University Spirit Tree as the first tree on the Ashland Heritage Tree list. The City Council approved this request under the consent agenda and directed staff to come back with a resolution formally creating the Heritage Tree list.

THE CITY OF ASHLAND RESOLVES AS FOLLOWS:

SECTION 1. The City of Ashland City Council hereby creates the Ashland Heritage Tree List as envisioned in ALUO 18.4.5.060.

SECTION 2. The City of Ashland City Council hereby conveys Heritage Tree status and includes the Southern Oregon University Spirit Tree, a Silver Maple (*Acer Saccharinum*) located in the North Campus Village Courtyard between the McLoughlin and Shasta residence halls and the 2014 Ashland Tree of the Year, as Ashland's first Heritage Tree.

This resolution was duly PASSED and ADOPTED this _____ day of _____, 2017, and takes effect upon signing by the Mayor.

Melissa Huhtala, City Recorder

SIGNED and APPROVED this ____ day of _____, 2017.

John Stromberg, Mayor

Reviewed as to form:

David H. Lohman, City Attorney

Ashland Heritage Tree List

The City of Ashland recognizes that specific trees in Ashland are deserving of special status due to their distinctive form, size, age, location, species, unique qualities or historical significance; and values the contribution which such trees make to the beauty and quality of life of Ashland.

1. **The Southern Oregon University Spirit Tree, a Silver Maple** (*Acer Saccharinum*) located in the North Campus Village Courtyard between the McLoughlin and Shasta residence halls. Also named Ashland Tree of the Year for 2014.

On Dec 12, 2016, at 12:27 PM, Maureen Battistella <mbattistellaor@gmail.com> wrote:

Greetings to Ashland's City Council,

First, thank you for your service to the city as councilors. We know it is often rewarding but can sometimes be difficult. Ashland is a better place to live, work, and visit because of your efforts and your commitment.

I am writing as the designated representative of the Ashland Tree Commission to endorse Southern Oregon University's proposal to the Oregon Heritage Tree program, nominating the Southern Oregon University Spirit Tree (a Silver Maple, *Acer saccharinum*) as an Oregon Heritage Tree. If accepted, this will be Ashland's first tree to be designated as an Oregon Heritage Tree. I am also writing to formally endorse Southern Oregon University's nomination of the tree as an Ashland Heritage Tree. As far as the Commission has been able to determine, this is Ashland's first tree to be nominated for the Ashland Heritage Tree program.

The Southern Oregon University Spirit Tree embodies much of what we love and aspire to here in Ashland: an acknowledgement of our collective desire for peace and unity, a strong stable structure that shelters and nurtures. The Southern Oregon University Spirit Tree also represents continuity and connection and is our tie today to our land's Native American heritage and Native American citizens. The Silver Maple is big and beautiful, its summer canopy splendid and its winter framework impressive against the sky.

The Ashland Tree Commission appreciates Southern Oregon University's thoughtful, well written, nicely documented, and participative approach to developing the nominations for both the Oregon and Ashland Heritage Tree programs. Many SOU faculty, staff, and students from a variety of backgrounds and points of view contributed to the nominations.

In conclusion, the Commissioners of the Ashland Tree Commission formally endorse Southern Oregon University's nominations of this excellent and historic tree, and ask that Ashland's City Council endorse them as well.

Thank you for your consideration.

Maureen.

Maureen Flanagan Battistella

Ashland Tree Commissioner, 5/19/15-4/30/17

On Behalf of the Ashland Tree Commission

395 Hemlock Lane

Ashland, OR 97520

541-552-0743

Heritage Tree Proposal Findings:

Construction began at Southern Oregon University (SOU) in April 2012 to afford new housing to its ever-growing body of students. Two dormitories would be erected in honor of the Native Shasta people- and a spiritual ritual would once constructed. Unfortunately, a striking silver maple over 40 years old stood at the heart of the construction site. The construction contractor for the university scheduled the tree's destruction to make way for these new dorms. A petition was created to save the beautiful tree, bringing together students, staff, and community members to defend the silver maple. Petition in hand, the construction company decided to preserve the silver maple. Not only did the tree survive the construction, but it is now a centerpiece of campus.

In 2014, this specific tree was nominated for Tree of the Year Award for the city of Ashland. It's nomination was to honor not only its beauty, but also its survival from demolition. Up against twelve other trees, the people of Ashland once again rallied for the tree—and it won! In April of 2014, SOU accepted the Tree of the Year Award for the silver maple at our annual Arbor Day celebration. This award once again pulled together community members and students to honor the silver maple. Since then, the silver maple has been an important symbol of unity between Southern Oregon University and the people of Ashland. The silver maple is lit up every year during the city of Ashland's Festival of Lights to signify support between the city and SOU.

Silver maples also have a special place in the hearts of the local native Shasta people. Talking sticks were often fashioned from maple wood and were said to represent gentleness. The transformation of leaves from green to crimson during autumn is explained by native people during the Chasing the Bear myth. Traditionally, silver maples also served as a food source providing sap for sugar, intoxicants, and bread. Native American tribes in southern Oregon continue to use silver maple sap for ethnobotanical endeavors. These include coughs, cramps, dysentery, sore eyes, measles, running sores, and diuretics.





**CITY OF
ASHLAND**
DRAFT TREE COMMISSION MINUTES
December 8, 2016



CALL TO ORDER

Chair Christopher John called the meeting to order at 6:00 pm in the Siskiyou Room of the Community Development and Engineering Services Building located at 51 Winburn Way.

Commissioners Present:	Council Liaison:
Maureen Batistella	Carol Voisin, absent
Mike Oxendine	
Asa Cates	Parks Liaison:
Christopher John	Peter Baughman, absent
Casey Roland	
Commissioners Absent:	Staff Present:
Russell Neff	Cory Darrow, <i>Assistant Planner</i>

APPROVAL OF MINUTES

Oxendine/Batistella m/s to approve the minutes of November 3, 2016 Tree Commission meeting. Voice Vote: All ayes, motion passed unanimously.

PUBLIC FORUM

No audience members spoke.

TYPE I REVIEWS

PLANNING ACTION: PA-2016-02103

SUBJECT PROPERTY: 133 Alida Street

OWNER/APPLICANT: Mike and Karen Mallory, trustees for the Mallory Revocable Trust

DESCRIPTION: A request for Site Design Review approval to construct a 417 square foot Accessory Residential Unit for the property located at 133 Alida Street. The application includes requests for Exception to the Site Development and Design Standards for the placement and screening of parking relative to the Accessory Residential Unit. (The proposal is based upon designation of Alida Street as the front lot line which is consistent with the established orientation of the historic contributing "James A. & Viola Youngs" house on the property.)
COMPREHENSIVE PLAN DESIGNATION: Low Density Multi-Family Residential; ZONING: R-2;
ASSESSOR'S MAP: 39 1E 09DA; TAX LOT #: 3300.

Darrow gave a staff report explaining the Commission is looking at the Tree Protection Plan.

Applicants Mike and Karen Mallory and Landscape Architect Kerry KenCairn 545 A Street were present to answer questions and explain the proposal. Ms. KenCairn expressed the concern of the applicants to preserve all the trees on site.

After a brief discussion the Commissioners made the following motion.

Oxendine/Batistella m/s to approve the tree protection as presented. Voice Vote: Batistella, Oxendine, John, Cates approved, Roland opposed. Motion passed.

PLANNING ACTION: PA-2016-02017
SUBJECT PROPERTY: 565 Allison Street
APPLICANT: Randy Ellison
DESCRIPTION: This application requests a Tree Removal Permit to remove and replace two dying Birch trees from a six-unit multi-family property. COMPREHENSIVE PLAN DESIGNATION: Multi-family Residential; ZONING: R-2; ASSESSOR'S MAP: 39 1E 09 DB TAX LOT: 230.

Darrow gave his staff report explaining that there was a mistake on the noticing and this application is actually for one split trunk tree rather than two separate trees.

Applicant Randy Ellison, 305 Liberty Street was present to answer questions and explain why they are requesting to remove the tree. The tree has been continually dying and will be mitigated with a deciduous tree.

John/Oxendine m/s to approve the application as presented. Voice Vote: All ayes, motion passed.

Allan Sandler arrived late to the meeting and missed the public forum time on the agenda. He asked the Chair for permission to speak for three minutes. The Chair, Christopher John, agreed he could speak for a brief period of time.

Mr. Sandler explained he has two trees in front of the Old Mason Building located at 25 North Main that will be coming out with the future construction of a new balcony off of the Granite Tap House. Mr. Sandler asked the Commissioners for their recommendation of what trees to plant in their place.

Commissioner Roland expressed his disapproval of what he felt was the topping of those trees prior to the approval of their removal. Roland appeared to lose his composure and began to insult Mr. Sandler "challenging" him to meet in the parking lot. At that point the other Commissioners told Mr. Sandler to choose a tree from the Street Tree Guide. A physical altercation nearly broke out but the Commissioners and applicants were able to intervene.

The Commissioners acknowledged Roland's behavior was not acceptable and at one point asking him to leave the meeting. Roland did not leave and the meeting continued.

PLANNING ACTION: PA-2016-02086
SUBJECT PROPERTY: 801 Ashland Street
APPLICANT: Rogue Real Estate
OWNER: Bobwig Limited LLC
DESCRIPTION: This is a request to remove two hazardous Calocedrus Decurrens trees from the multi-family property at 801 Ashland Street. According to the arborist report both trees are damaging retaining walls which support foundation and structure of nearby buildings. In addition, the trunks of the trees are touching the structures eaves damaging the building. COMPREHENSIVE PLAN DESIGNATION: Single-Family Residential; ZONING: R-1-7.5; ASSESSOR'S MAP: 39 1E 09 DC TAX LOT: 10200.

All the Commissioners did a site visit. The Commissioners agreed this application was pretty straight forward and removal seemed appropriate.

Oxendine/Cates m/s to approve the application as presented. Voice Vote: All ayes, motion passed.

PLANNING ACTION: PA-2016-02212
SUBJECT PROPERTY: 549 East Main Street
APPLICANT: Len Gotshalk

DESCRIPTION: This application proposes to remove one potentially-hazardous Walnut tree and mitigate the removal with a Raywood Ash or similar species. COMPREHENSIVE PLAN DESIGNATION: Multi-family Residential; ZONING: R-2; ASSESSOR'S MAP: 39 1E 09 AC TAX LOT: 6100.

Darrow gave a staff report explaining the application says the Walnut tree encroaches on overhead wires and is lifting the foundation causing damage to the structure and driveway area.

Applicant Len Gotshalk, 1200 Butler Creek Rd explained why he wanted to remove the tree. He stated the tree was not planted but most likely a volunteer. Mr. Gotshalk also pointed out he had to repair the sewer line a couple of weeks ago due to the roots of the tree.

All the Commissioners did a site visit.

The Commissioners recommended mitigating with something other than a Raywood Ash in order to avoid more problems down the road. A Maple or Oak was suggested as well as planting the new tree further away from the house.

Batistella/John m/s to accept the proposal as stated. Voice Vote: All ayes, motion passed.

PLANNING ACTION: PA-2016-02026
SUBJECT PROPERTY: 602 Glenwood Drive
APPLICANT: Yanneka De La Mater
OWNER: Boisvert Trust

DESCRIPTION: A request for a Site Design Review to allow for the conversion of a portion of an existing residence to an Accessory Residential Unit (ARU) on the subject property. The proposed dwelling unit will be located entirely within the existing buildings footprint and will not require any exterior modifications. COMPREHENSIVE PLAN DESIGNATION: Single-Family Residential; ZONING: R-1-7.5; ASSESSOR'S MAP: 39 1E 16AA; TAX LOTS: 600 & 700.

Darrow gave his staff report explaining that with this application no trees are proposed for removal. The Commissioners just need to review the tree protection plan.

All the Commissioners did a site visit.

Applicant Yanneka De La Mater reviewed her plan with the Commissioners. Ms. De La Mater submitted additional information. See exhibit C. ©

Batistella/John m/s to approve the application with no concerns. Voice Vote: Batistella, Cates, John, and Oxendine approved, Roland opposed, motion passed.

PLANNING ACTION: PA-2016-01890
SUBJECT PROPERTY: 662 South Mountain Avenue
APPLICANT: Amy Gunter/Rogue Planning & Development Services

DESCRIPTION: This is a request to remove four non-hazardous Ponderosa Pine trees greater than 18-inches in diameter at breast height on a vacant property located at 662 South Mountain Avenue. COMPREHENSIVE PLAN DESIGNATION: Single-Family Residential; ZONING: R-1-7.5; ASSESSOR'S MAP: 39 1E 16 AA TAX LOT: 9001.

Chair John, recused himself.

Darrow gave a staff report. This application was reviewed by the Tree Commission last month at which time the Commission asked the applicant to mark the trees on site and submit additional information.

All the Commissioners did a site visit.

Property owner Gil Livni, 2532 Old Mill Ashland, was present to answer questions and explain the application.

Batistella/Cates m/s to accept the petition to remove the five trees #2, 3, 4, 5 and 7 with the request that these removals be mitigated by at least ten conifers further that a continuous wall of tree protection fencing is installed to isolate the building footprint wrapping the trees along the Southern property line including tree X and tree #1. Additional fencing to protect tree #6 in the Northwest corner of the three conifers at the Northeast corner on Fern.

Cates made an amendment. That four inches of bark chips be placed around the remaining trees to the building footprint before the fencing is installed. Also recommend following Southern Oregon Tree Cares report with concern about protecting the remaining trees. Batistella seconded the amendment.

Voice Vote: Batistella and Cates approved, Roland and Oxendine opposed. Motion did not carry.

PLANNING ACTION: PA-2016-02104

SUBJECT PROPERTY: 183 West Nevada Street

APPLICANT: Barb Barasa

DESCRIPTION: This application requests Site Design Review approval to allow for a conversion of the garage into a 538 sq. ft. Accessory Residential Unit. The application also includes a request for an exception to street standards to not install city standard sidewalks trees and a request for an exception to provide mesh tree protection fencing instead of chain link. COMPREHENSIVE PLAN DESIGNATION: Single-family; ZONING: R-1-5; ASSESSOR'S MAP: 39 1E 04 BC TAX LOT: 2300.

All the Commissioners did a site visit.

Darrow reported no trees are proposed for removal but tree protection is required. The applicant is requesting to use mesh fencing instead of chain link as the tree to be protected is away from the construction site.

Property owner, Barb Barasa, 183 W Nevada was present to answer questions. She mentioned one of the reasons she did not want to do the chain link fence was the expense of it.

Roland made a motion to deny the use of poly fencing and require a chain link fence and he will absorb the cost. The motion was not seconded.

Roland/Oxendine m/s to approve the tree protection plan but not allowing the mesh. Voice Vote: Cates, John, Batistella opposed, Roland, Oxendine approved. Motion did not carry.

John/Cates m/s to accept tree protection plan as proposed. Voice Vote: Batistella, John, Cates approved, Roland Oxendine opposed. Motion passed.

PLANNING ACTION: PA-2016-02201

SUBJECT PROPERTY: 221 Oak Street
OWNER: Spartan Ashland Natalie Real Estate, LLC
APPLICANT: Bemis Developments, Inc.
DESCRIPTION: A request for a modification of previously approved Planning Action #2015-01517 for the property located at 221 Oak Street. The modifications requested include: 1) relocation of the recreation area to the east side of the property, between 209 and 221 Oak Street; 2) relocation of the new cottage to the west side of the property, in the previously approved recreation area; 3) the addition of four new parking spaces; 4) the removal of one tree (Tree #1), the large cedar located at the northeast corner of the property near the driveway entrance; and 5) modifications to the design of the home being reconstructed at 221 Oak Street including the exterior treatment and roof pitch. Also requested is an Exception to the Solar Setback requirement to allow the reconstructed home at 221 Oak Street to cast a shadow on the property to the north greater than would be cast by a six-foot fence built on the property line. The owner of the property to the north has agreed to the proposed Exception. *(The previous approval granted Outline & Final Plan, Site Design Review, Conditional Use Permit, Variance, Exceptions and Tree Removal Permit approvals for the properties at 209-221-225 Oak Street and 11 B Street.)* COMPREHENSIVE PLAN DESIGNATION: Low Density Multi-Family Residential; ZONING: R-2; ASSESSOR'S MAP: 39 1E 09BB; TAX LOTS: 15900.

Chair John recused himself.

All the Commissioners did a site visit. Darrow gave his staff report.

Contractor Ed Bemis was present to represent the applicant. He discussed the dangers that the large Cedar Tree located on Oak Street might propose. Additional information was distributed see exhibit A and B.

Oxendine/Cates m/s to approve the tree removal request with recommendation that all of the chips from that tree be placed around the existing Cedar tree and that the tree is watered once a week throughout the summer to a depth of six inches. All the trees on site are continued to be protected by the tree protection fencing that is currently up. Voice Vote; Batistella, Cates, John, Oxendine approved, Roland opposed. Motion passed.

PLANNING ACTION: PA-2016-01947
SUBJECT PROPERTY: 549 Fairview Street
APPLICANT: Bob Haxton
OWNER: James Williams
DESCRIPTION: A request for a Site Design Review to allow for the construction of a 499 square foot second dwelling unit on the subject property. The proposed structure will be two stories with a single car garage located on the first floor and the dwelling unit on the second floor. COMPREHENSIVE PLAN DESIGNATION: Low Density Multiple-Family Residential; ZONING: R-2; ASSESSOR'S MAP: 39 1E 09CA; TAX LOT: 14100.
Darrow explained no trees are being removed but the Commission is to review the tree protection plans.

After reviewing the application the Tree Commission felt the tree protection plan was not adequate.

Oxendine/Roland m/s to deny until an adequate tree protection plan is submitted. Voice Vote: All ayes, motion passed.

PLANNING ACTION: PA-2016-02223
SUBJECT PROPERTY: 19 Granite Street
APPLICANT: John Reitan
DESCRIPTION: This application proposes to remove one potentially-hazardous Incense Cedar tree located along the driveway of 19 Granite Street. COMPREHENSIVE PLAN DESIGNATION: Single-family Residential; ZONING: R-2; ASSESSOR'S MAP: 39 1E 09 BB TAX LOT: 6100.

Darrow gave a staff report explaining the definition of a hazardous tree.

Oxendine/Cates m/s to approve with the recommendation to mitigate the tree on site with a small understory tree. Voice Vote: Batistella, Cates, Oxendine, Roland approved, John abstained. Motion passed.

TYPE II REVIEWS

PLANNING ACTION: PA-2016-02060

SUBJECT PROPERTY: 639 Tolman Creek Road

OWNER/APPLICANT: Southern Oregon Goodwill

DESCRIPTION: A request for Site Design Review approval for a renovation and addition to the existing Southern Oregon Goodwill store located at 639 Tolman Creek Road. The application includes a proposed 7,461 square foot addition consisting of retail and warehouse space and the relocation and expansion of the covered drop-off area. Also included is a request for a Tree Removal Permit to remove six trees that are greater than six-inches in diameter from the property. COMPREHENSIVE PLAN DESIGNATION: Commercial; ZONING: C-1; ASSESSOR'S MAP: 39 1E 14BA; TAX LOT #: 14.

Darrow gave a staff report explaining the plans provided identify seven trees on the property, six of which are six-inches in diameter at breast height (d.b.h.) or greater. All of the site's trees are proposed for removal with the current proposal as they are noted as being in areas that will be disturbed with the building additions and associated site work for parking, circulation, plaza space and frontage improvements

After a discussion the Commissioners made the following motion.

Oxendine/Cates m/s to approve with the recommendation that they put tree guards on all the trees to protect against deer rub and that evergreen species be included on the planting list and increase the caliper size of proposed trees to a minimum of two inches. Voice Vote: All ayes, motion passed unanimously.

DISCUSSION

Oregon Heritage Tree Protection Nomination - The Commissioners discussed the nomination of a Silver Maple by Southern Oregon University to the Oregon Heritage Tree Program. Batistella volunteered to write a letter representing the Tree Commissions endorsement of Southern Oregon Universities proposal for a Silver Maple to the Oregon Heritage Tree Program and also to endorse Southern Oregon's Universities nomination for the Silver Maple to the Ashland Heritage Tree Program.

The Commissioners discussed the behavior of Roland at this evenings meeting. The Commissioners agreed that Roland's passion and knowledge of trees has been greatly appreciated. Though the Commissioners would like to see Roland remain on the Commission it was suggested that he draft a letter of apology. Roland acknowledged it would be best if he resigned because he would continue to have difficulty keeping quiet and maintaining his professionalism. He was reminded there should be a separation between personality and process as a representative of the Commission.

Meeting adjourned at 9:35 p.m.

Respectfully submitted by Carolyn Schwendener

Agendas and Minutes

City of Ashland ▼

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Regular Meeting

Minutes

Tuesday, April 18, 2017

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MINUTES FOR THE REGULAR MEETING

ASHLAND CITY COUNCIL

April 18, 2017

Council Chambers

1175 E. Main Street

CALL TO ORDER

Mayor Stromberg called the meeting to order at 7:00 p.m. in the Civic Center Council Chambers.

ROLL CALL

Councilor Slattery, Morris, Lemhouse, Seffinger, and Darrow were present. Councilor Rosenthal arrived at 7:34 p.m.

MAYOR'S ANNOUNCEMENTS

Mayor Stromberg announced a vacancy on the Citizen's Budget Committee. The deadline for applications was Wednesday, April 26, 2017.

APPROVAL OF MINUTES

The minutes of the Business Meeting of March 21, 2017, and the Study Session of April 3, 2017 were approved as presented. The minutes of the Business Meeting of April 4, 2017 were approved with a correction to page 4 of 6, second paragraph, correcting "Doge Way" to "Dodge Way."

SPECIAL PRESENTATIONS & AWARDS

1. Annual presentation from Historic Commission

Historic Commission Chair Dale Shostrom announced National Historic Preservation Week would occur the week of May 16, 2017. Commissioner Keith Swink explained the Historic Commission reviewed planning applications, building permits, and sign permits within the Historical Districts. The Commission worked with developers and property owners to ensure new construction and renovation complimented the Historic Districts. Accomplishments included recommendations on 15 land use applications, 70 building and sign permits, and over 450 volunteer consultation hours for the Historic Review Board. The Commission also provided input on several restoration and public art projects, and coordinated events for the 2016 National Historic Preservation Week.

The theme for National Historic Preservation Week 2017 was "Discover America's Hidden Gems." The awards ceremony would occur Tuesday, May 16, 2017 at the Ashland Community Center at noon. On Wednesday, May 17, 2017, the Ashland Memorial Mausoleum at the Mountain View Cemetery would be open for self-guided tours. Friday, May 19, 2017, at 2:00 p.m., the Historic Commission and Ashland Heritage Committee would host a walking tour of Hyde Street, Manzanita Street, and North Main Street. This tour would start in front of the Community Development building at 51 Winburn Way.

2. Proclamation of May 2017 as National Historic Preservation Month

The Mayors proclamation of May 2017 as National Historic Preservation Month was read aloud.

PUBLIC FORUM

Tom Marr/955 North Mountain Avenue/Asked that Council immediately lower utility rates. Neighbors had recently moved due to the high cost of Ashland utilities. Electricity, sewer, and water were basic human necessities. To use them as a revenue stream was inappropriate. Raising and taxing the rates was regressive and hurt the impoverished and lower income. Costs should reflect operations and the cost of providing those services.

Huelz Gutcheon/PO Box 754/Referenced Bangladesh's natural evolution from aid received due to the 1971 famine and the countries present use of technology and solar energy. Climate change action needed to happen immediately. In Ashland, the Southern Oregon University dormitories were a good fit for zero net energy. It was not happening because someone in Texas owned the buildings.

Councilor Lemhouse/Slattery m/s to move New and Miscellaneous Business agenda item #1. 2016-2017 Social Service Grant allocation recommendation review below Ordinances, Resolutions, and Contracts. Voice Vote: all AYES. Motion passed.

CONSENT AGENDA

1. Approval of minutes of boards, commissions, and committees
2. Tree Commission request to name the Southern Oregon University Spirit Tree a City of Ashland Heritage Tree
3. Approval of resolution titled, "A resolution authorizing signatures, including facsimile signatures, for banking services on behalf of the City of Ashland"
4. Rogue Credit Union Appeal Adoption of Findings
5. EPA WaterSense Labeling Program, letter of support

Councilor Lemhouse/Seffinger m/s to approve the Consent Agenda. Voice Vote: all AYES. Motion passed.

PUBLIC HEARINGS

1. Public hearing on the 2016 Community Development Block Grant (CDBG) Award and CDBG Action Plan development

Housing Program Specialist Linda Reid explained the City received four applications for Community Development Block Grant (CDBG) funds totaling \$258,036. The City anticipated receiving \$158,726 for 2017. Program administration reserved 20% or \$31,745. The remaining \$126,981 plus an additional \$131,055 in reprogrammed funds from prior years would go to eligible projects benefiting Ashland's low-income population. The total amount of funding available for capital improvement projects was the entire \$258,036 with 15% or \$23,808 of the 2017 allocation going to public service activities.

For public service project funds, St. Vincent de Paul was requesting \$25,500 in CDBG funding to continue their program assisting low-income and at risk households, preventing homelessness, and providing security deposits and rental assistance. Maslow Project requested \$10,000 to assist homeless and at risk families in the Ashland School District.

For capital improvement projects, the City received two applications. One from Ashland Tiny House Group requesting \$193,250 to purchase or lease land and public facility improvements to the site selected. Family Solutions requested \$59,348 to complete repairs to a public facility that served children engaged in the foster care system.

Staff evaluated the proposals and based recommendations on eligibility, the City's Five-Year Consolidated Plan for the use of CDBG funds, agency experience, and capacity, and the readiness of each project to proceed. The Housing and Human Services Commission (HHSC) voted in support of staff's recommendations. Both staff and the HHSC recommended the following allocations:

- \$59,348 to Family Solutions for the rehabilitation of their Ashland Facility
- \$16,665 to St. Vincent De Paul Home Visitation Program
- \$7,143 to Maslow Project School Based Services

St Vincent de Paul and the Maslow Project were public service activities and that limited the amount of money they could receive. The other projects fell under capital improvement projects and did not have a limit.

The City would have a timeliness test in May and at that time needed to have less than one and a half times of the annual allocation in the federal government account. The City would be fine this year and would receive the new allocation in July. Awarding the recommended projects would draw down enough funding before the next timeliness test.

Public Hearing Opened: 7:30 p.m.

Vicky Weiss/590 Fernwood Drive/St. Vincent de Paul/St. Vincent de Paul was the only organization addressing the needs of the homeless and those in extreme poverty run exclusively by volunteers. All funds collected went directly to those in need. Last year with the CDBG funds, they placed 16 adults and 5 children into homes. Using their own funds, they housed some of the homeless temporarily until they found permanent housing. St. Vincent de Paul often worked with clients for a year or more.

Councilor Rosenthal arrived at 7:34 p.m.

Karen Logan/261 Otis Street/Ashland Tiny House Group/Explained they had two projects, the Angel House project and Ashland Tiny House Village. She noted \$160,000 not yet awarded and asked Council to consider a reservation of funds. The agency had obtained a financial commitment of approximately \$500,000 to purchase land. St. Vincent de Paul would refer clients and do the means testing required for low-income. The Ashland Tiny House Group intended to include low-income in addition to homeless, disabled, or elderly people. Maslow Project committed to referring their clients as well. They were currently working with the City of Medford and Hope Village at Rogue Retreat. She formally requested Council reserve the funds that would formalize their project once they identified land.

Thomas Johnson/1836 Fremont Street/Executive Director/For 46 years, Family Solutions previously known as Southern Oregon Child Study & Treatment Center (SOCSTC) in Jackson County and Family Friends in Josephine County provided community based mental health services to children and families. Their mission was "Develop and provide community based services that will serve as an alternative to having children placed in residential and institutional settings." Family Solutions put counselors and behavior specialists in the home working with the children, parents, and family members. They kept children in school by providing counselors on site in the Medford, Phoenix, and Talent school districts. For children who cannot attend public school because of emotional or behavioral problems, Family Solutions provided a day treatment program where children attended school along with mental health and psychiatric care. The grant would benefit their treatment center in Ashland.

Public Hearing Closed: 7:41 p.m.

Councilor Seffinger/Lemhouse m/s to direct staff to draft the 2017 Annual Action Plan for the use of Community Development Block Grant funds reflecting the award of CDBG funding for the 2017 Program year as follows: \$59,348 to Family Solutions for rehabilitation of their Ashland Facility, \$7,143 to the Maslow Project for school based services, and \$16,665 to St. Vincent De Paul - Home Visitation Program. DISCUSSION: Councilor Seffinger explained the three programs chosen had proven their effectiveness over the years and were important to the community. Council Lemhouse added they showed a consistent record of success in the service they delivered. He appreciated Ms. Logan's testimony but thought the program needed more work. Councilor Darrow noted the Ashland Emergency Food Bank referred people to the St. Vincent de Paul Home Visitation Program daily.

Roll Call Vote: Councilor Seffinger, Morris, Darrow, Lemhouse, Slattery, and Rosenthal, YES. Motion passed.

The City reissued requests for proposals (RFP) in the past usually when it was close to the timeliness cap and they needed to expend funding. It was not necessary to do that at this time because the City was within the timeliness cap. The remaining amount would roll over into the next year for a combined total for potentially larger projects. The Housing and Urban Development (HUD) had addressed potential federal fund changes to the CDBG grant process and was assuming everything would remain the same as usual.

Councilor Slattery/Lemhouse m/s reestablish the order of the agenda. Voice Vote: all AYES. Motion passed.

UNFINISHED BUSINESS - None

NEW AND MISCELLANEOUS BUSINESS

1. 2016-2017 Social Service Grant allocation recommendation review and decision

Housing and Human Services Commission (HHSC) vice Chair Rich Rhode explained the HHSC adjusted the process to reflect Council goals and how the Commission allocated funds. They structured standard questions to determine how the applicant participated in Ashland, number of volunteers, as well as budget information. After they made their recommendations, they realized there was \$1,033.50 less than allocated. Council would have to make those adjustments to the allocated amounts. Council could divide the applicants by the amount and remove \$86 from each.

Council commented HHSC minutes documented the vote for the CDBG funds but did not seem to capture the vote for the social services grants. Council raised concern that Commissioner Harris appeared to sit through the discussion and voted on the final recommendation when she was the board president of one of the applications, Options for Homeless Residents in Ashland (OHRA). Vice Chair Rhode explained the Commissioner declared a conflict of interest but thought she could make a fair decision based on her knowledge of services in the valley. Housing Program Specialist Linda Reid would review the tape and minutes of the meeting to determine whether the Commissioner voted or not. Staff received direction on a potential conflict of interest from the City Attorney who determined it was not an actual conflict of interest. For the sake of transparency, the attorney recommended that Commissioner Harris not participate in the process. Commissioner Harris agreed she would not take part in the discussion for appearances sake but would remain present during the meeting. She then proceeded to participate in some of the discussion.

City Attorney Dave Lohman did not have a complete understanding of all the facts. It appeared Commissioner Harris did not participate in the voting and did not suggest allocation amounts. Ms. Reid would listen to the tape and confirm if Commissioner Harris actually voted. Mr. Lohman noted this was not a violation of the state ethics rules. City rules of conflict were stricter and required a participant to disclose a conflict and refuse to participate if their judgment might be impaired. He had recommended if there was any possibility of impaired judgment, the person should not participate at all primarily for appearance purposes. It sounded like in this case, Commissioner Harris did both, participated in the discussion and maybe voted or not. It was in a gray area.

Council commented that people could influence others in passive ways. Everything had influence on outcomes. Mr. Lohman agreed. Even under state rules, if a person had an actual conflict, they should not participate at all. Although, they did not have to leave the room, the Attorney General's office recommended leaving to remove the possibility of non-verbal communication influencing a decision. The same would apply to the City's rules. At the least, not participating meant going to the back of the room.

Vice Chair Rhode explained applicants spoke during their presentations to the HHSC on the disparity in their allocation requests between the City of Medford and the City of Ashland if they served both jurisdictions. They also provided the number of people they were serving in each area. Applicants used grant allocations from the City of Ashland for people in Ashland.

Mr. Lohman confirmed there was no issue allocating funds to faith agencies if the recipient was doing work the City decided was important for civic

purposes rather than advancing religion. Mayor Stromberg explained the First Presbyterian Church of Ashland had experienced plumbing issues following winter shelter nights and were asking for help from the City. Ms. Reid added they were also requesting funds for laundry, replacing blankets, and heating and lighting for shelter nights.

Councilor Lemhouse/Rosenthal m/s that Council allocate the following under social services grants:

- CASA - \$5,000
- Center for Non Profit Legal Services - \$10,595
- Community Volunteer Network-Foster Grandparent Program - \$2,060
- Community Volunteer Network-RSVP Program - \$4,120
- Community Works-Dunn House - \$16,000
- Community Works-SAVS - \$3,500
- Community Works-Helpline - \$10,625
- Jackson County SART - \$7,500
- RVCOG-Meals on Wheels - \$12,000
- St. Vincent de Paul-Housing Program - \$40,000
- OHRA-Housing, Employment & Health Program - \$4,000
- Maslow-At Risk Youth - \$12,600
- First Presbyterian Church-Shelter Improvements - \$1,000
- Jobs with Justice-Social Services - \$5,000

For a total of \$134,000. DISCUSSION: Councilor Lemhouse liked the pre-set questions and the responses they elicited. He wanted to fund agencies that had a proven record of success. He also tried to allocate funds to agencies not necessarily served by other applicants. Councilor Rosenthal explained few communities in the state had a social service grant program. He thought St. Vincent de Paul was underfunded. They historically invested more non-Ashland funds into the community and were a proven performer. There was an issue whether the public process administered by the HHSC was fair. There were also questions whether OHRA was a proven performer yet. He had asked OHRA for their strategic plan but they had not provided it to him. Having a commissioner who may have influenced the Commission in some way was also a concern.

Councilor Slattery thought St. Vincent de Paul deserved the full amount. The reduced allocation to OHRA was a harsh penalty. The City had invested in OHRA and there were some issues along the way but OHRA had become more effective over the two years. The penalty damaged OHRA and he wanted Council to reconsider the amount.

Councilor Seffinger was glad the Meals on Wheels program was included in the allocation. There were not many services for seniors in the area.

Councilor Darrow thought the reduction to OHRA was significant. The agency did a lot of work on housing and employment support through the Resource Center. She did not want their funding cut to the point of making them ineffective. Councilor Morris noted OHRA received a \$100,000 grant from the City and had used it for sustaining their organization. He was concerned that 52% went to payroll, 48% went to facilities, and nothing for services. He did not want the reduction to make OHRA ineffective either. St Vincent de Paul and the Meals on Wheels program should be funded at 100%.

Councilor Lemhouse clarified his decision was not strictly penalty based. He was unhappy with the process and did not think it served the public well. Council supported an earlier endeavor to provide \$100,000 of initial funding for OHRA with the intent it was seed money. OHRA had remained reliant on the City and needed to find other funding mechanisms in order to become sustainable. OHRA also needed a strategic plan. Councilor Slattery did not want to make an investment over the last two years only to have it come up short. He was uncomfortable having the HHSC making the recommendations on the social service grants. Alternately, he had concerns about not taking their allocation suggestions. He would not support the motion. **Roll Call Vote: Councilor Rosenthal, Morris, Seffinger, and Lemhouse, YES, Councilor Slattery and Darrow, NO. Motion passed 4-2.**

ORDINANCES, RESOLUTIONS AND CONTRACTS

1. **Approval of second reading by title only of an ordinance titled, "An ordinance amending AMC 9.30.020 to extend the current smoking ban to include 130 N. Pioneer Street and any space within 20 feet of pathways for smoke to enter places of employment or enclosed spaces open to the public"**

City Attorney Dave Lohman explained there were two changes proposed to the existing ordinance. One included the parking lot at 130 North Pioneer Street. The second increased the distance from 10 to 20 feet as a buffer between people smoking and doorways, windows, and air vents. A third minor change was the ordinance referred to the downtown by means of a map instead of a verbal description. The map referenced the downtown area described in AMC 10.120.010(B)(1) that related to persistent violations. A correction to the map would move the boundary line to include the sidewalk. The corrected map was included in the packet for second reading.

Councilor Rosenthal/Lemhouse m/s to approve Ordinance #3140.

DISCUSSION: Councilor Rosenthal made the motion to ban smoking in City parks. He preferred not allowing smoking in the downtown area at all. He hoped the ordinance would make a difference. **Councilor Darrow, Morris, Slattery, Seffinger, Lemhouse, and Rosenthal, YES. Motion passed.**

2. **Approval of second reading by title only of an ordinance titled, "An ordinance amending Chapter 11.26 to limit the use of public parking lots for purposes other than parking vehicles"**

City Attorney Dave Lohman explained there was one change between First and Second Reading in the fifth Whereas that now read, **"Whereas, exclusionary unpermitted occupancy of public parking spaces and access to them for uses other than vehicle parking inconveniences the general public and imposes undue financial burdens on the City; and."** The ordinance applied to any City owned parking lot. The City would provide signage for the parking and smoking ordinances.

Councilor Rosenthal/Morris m/s to approve Ordinance #3141. DISCUSSION: Councilor Rosenthal appreciated the ordinance coming forward and thought it was common sense.

Roll Call Vote: Councilor Slattery, Rosenthal, Seffinger, Darrow, Lemhouse, and Morris, YES. Motion passed.

3. Approval of second reading by title only of an ordinance titled, "An ordinance amending Chapter 10.120.010 to include City of Ashland's 130 N. Pioneer Street parking lot within the Enhanced Law Enforcement Area"

City Attorney Dave Lohman explained there were no changes between the First and Second Reading. The ordinance would include the west side of the street and sidewalk in addition to the parking lot. The Enhanced Law Enforcement Area (ELEA) map would also include the west side of the street on North Main Street as it crossed Ashland Creek.

The persistent violator ordinance adopted in 2014, made three violations, misdemeanors, or felonies, a misdemeanor itself. The Municipal Court Judge could expel anyone with three violations of the six ordinances pertaining to the persistent violator code for three months to a year. The defendant had four opportunities from the first violation to the Judge making the determination for expulsion to make a case.

Councilor Slattery/Lemhouse m/s to approve Ordinance #3142. Roll Call Vote: Councilor Morris, Darrow, Rosenthal, Slattery, Lemhouse, and Seffinger, YES. Motion passed.

4. Approval of a resolution to assess utility fees to fund additional Police positions

Police Chief Tighe O'Meara made a correction to a statement he made at the last Council meeting regarding population. Ashland population was over 18,000 twenty years ago. Staff proposed three options to fund five police officers. One added a \$4 surcharge on each electric meter to fund public safety operations. Another was a \$5.35 per month surcharge on each water meter. The third was a hybrid option that added a \$3 surcharge per water meter and \$1.75 for each electric meter.

Dave Helmich/468 Williamson Way/Requested Council "take a beat" in the approval of increasing police staff and the proposed methods to pay for the positions. The public process had not been informed soon enough or allowed input. He wanted Council to postpone and hold a public hearing to gauge public response.

Andrew Kubik/1251 Munson Drive/Had several concerns regarding the item and the process. He thought it was overriding the Budget Committee. He brought a copy of the employment agreement with the Police Association, and the City's Administrative Policy 2004.01.020. Both documents contained information on hiring. He asked Council to pull the agenda item and meet with the Budget Committee.

Garrett Furuicti/264 Van Ness/Was a Budget Committee member but spoke as a citizen regarding the process. He read from a document submitted into the record asking Council to reconsider the process they were using.

Debbie Neisewander/1159 Tolman Creek Road/Was not happy with the process either. She did not understand why the funding did not come up for this item when Council was re-appropriating the meals tax. She did not have utilities for half the winter and would not be able to get utilities if Council kept raising the rates. Other concerns included the homeless crisis, issues on the streets, and that the community had not had time to discuss what was happening. She wanted Council to slow down the process, involve the community, and address the issues appropriately.

Mayor Stromberg responded there were programs for citizens unable to afford utilities and encouraged Ms. Neisewander to contact the Utility Billing Division at City Hall.

Councilor Slattery/Darrow m/s to bring forward the requested police officers as an add package separate from a funding source similar to the other add packages coming up on Wednesday and Thursday night. DISCUSSION: Councilor Slattery was sensitive to the budget process. Elected Budget Committee representatives created policies, priorities, and strategic plans. Appointed Budget Committee members reviewed, advised, and voted on the tax rate and the budget. The Wednesday and Thursday meetings were about putting together add package recommendations for the full Budget Committee. He did not support biennial budgeting and thought it decreased the influence of appointed Budget Committee members. He supported increasing police staff. However, it needed to be within the context of the budget.

Mayor Stromberg clarified the meetings for Wednesday and Thursday. Council would review and prioritize Council Goals and determine possible funding. The outcome would go to the Budget Committee. They would not be add packages. Councilor Lemhouse raised a point of clarification regarding the motion. Councilor Slattery clarified the motion would bring the request for increased staff as an add package or priority package to the budget officer who would work them into the budget for the budget process. Mayor Stromberg clarified they would be part of the budget, not add packages.

Councilor Darrow was concerned about affordability regarding a utility surcharge. She wanted to find a way to support the addition of these officers and have room to fund them in a long-term perpetuity. The next two meetings would be looking at priorities, policy, and identifying revenue stream. She

wanted more time to explore different revenue streams to fund the positions.

Councilor Lemhouse agreed with the motion but might not support it. He supported Chief O'Meara's recommendation to add officers and understood what he was dealing with. A citizen to officer ratio was a guide only and not a way to determine staffing. The best way was trusting City staff to analyze needs. Limited staffing would create limited results. Tying it to utility rates was proper. Everyone would contribute fairly. A \$4.75 monthly surcharge was manageable. City utility rates were lower than Pacific Power rates. However, with the upcoming budget season, it was wise to delay making a decision until Council saw the entire budget before deciding on funding. He did not think it should be an add package and would not support the motion.

Councilor Morris did not support tying it to the electric meter. He preferred to see it as something Council enacted, and then reviewed later. He supported a biennial budget specifically for the off year review. He thought the Police Chief should get the hiring in place and determine if the funding stream was correct or if there were different options. Councilor Seffinger explained there were safety issues for the police in the city. When one officer took someone to jail in Medford, it left other officers in danger if something occurred. She supported moving forward on the hiring portion.

Councilor Rosenthal read the primary role of the Budget Committee posted on the City website was to "ensure expenditures did not exceed revenues and the overall budget was consistent with the priorities of the Mayor and Council." He read further, "The Budget Committee does not change staffing levels, salary schedules, or negotiate salary contracts. It is not the committee's role to adjust policies or priorities set by the Council or to add, delete, increase or decrease programs." The discussion was on police staffing levels and a potential new funding mechanism. He appreciated the input and volunteer service of the appointed members of the Budget Committee. It was legitimate to question whether Council was moving too fast. During the past election, Council heard from citizens that public health and safety were high priorities. This was a response to the electorate. Having a public forum for input on funding might be a good idea. He did not support it going to the Budget Committee.

Councilor Slattery thought the item should come forward with the other items Council would work on at the Wednesday and Thursday meetings. The issue was the funding mechanism. He wanted to see the item in the context of everything else at the two meetings.

Mayor Stromberg explained currently the Police Department had four 6-hours shifts that consisted of a sergeant and three patrol officers. Due to health problems, trainings, turnover, and vacations, it was typically a sergeant and two officers. If an event occurred in two separate areas, there were not enough officers to respond resulting in assistance from neighboring city police departments. Adding an officer to each shift and another officer as the School Resource Officer provided better coverage. He suggested Council pass the policy decision to authorize staffing and discuss revenue sources Wednesday or Thursday.

Councilor Slattery withdrew his motion.

Councilor Slattery/Darrow m/s to approve the hiring of five police officers and wanted the funding issues brought forward to the priorities discussions on Wednesday and Thursday.

Roll Call Vote: Councilor Seffinger, Slattery, Rosenthal, Lemhouse, Morris, and Darrow, YES. Motion passed.

5. Approval of first reading by title only of an ordinance titled, "An ordinance amending AMC Chapter 1.08 General Penalties, Section 1.08.005F to reflect prior amendment to AMC 10.120.020 persistent violation" and move onto second reading

City Attorney Dave Lohman explained there were five violations in the Enforced Law Enhancement Area (ELEA) that might qualify for a persistent violation if someone committed one or a combination three times within a 3-month period. Council added two more November 2015. One required a dog license and the other involved smoking marijuana in public. These violations were not added to the penalty section of **1.08 General Penalties** that made it clear a court appearance was mandatory. The proposed ordinance would add them to that section.

Councilor Lemhouse/Seffinger m/s to approve First Reading of an ordinance titled, "Ordinance Amending AMC Chapter 1.08 General Penalties, Section 1.08.005F(2) To Reflect Prior Amendment To AMC 10.120.020 Persistent Violation" and move onto Second Reading.

Roll Call Vote: Councilor Morris, Seffinger, Lemhouse, Darrow, Rosenthal, and Slattery, YES. Motion passed.

6. Approval of first reading by title only of an ordinance titled, "An ordinance amending AMC 14.04.060 Water Connections outside the city limits" and move onto second reading

City Attorney Dave Lohman explained Council passed the first reading December 2016. Council discussed the impacts the ordinance might have during a subsequent Study Session. Council then tabled the item. It was now back with one addition that made it clear Council had the discretion to decide whether to allow someone to make use of water outside city limits even if they met the criteria in the statute. He indicated an error in **14.04.060(B)(3)(i)** that "...at the Council's direction," should read, "...at the Council's discretion."

Councilor Seffinger/Lemhouse m/s to approve First Reading of an Ordinance titled, "An Ordinance Amending AMC 14.04.060 Water Connections Outside the City Limits," and move on to Second Reading. DISCUSSION: Interim City Administrator John Karns explained with the City's mutual aid agreements throughout the two County area, using city water for fire outside city limits was a moot point. The Ashland Fire Department used resources outside city limits. **Roll Call Vote: Councilor Rosenthal, Morris, Seffinger, Slattery, Darrow, and Lemhouse, YES. Motion passed.**

OTHER BUSINESS FROM COUNCIL MEMBERS/REPORTS FROM COUNCIL LIAISONS

Councilor Lemhouse appreciated Council's ability to deal with the agenda, disagree, and still work through the issues.

ADJOURNMENT OF BUSINESS MEETING

Meeting adjourned at 9:48 p.m.

Dana Smith, Assistant to the City Recorder_____
John Stromberg, Mayor

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