

**MINUTES FOR THE STUDY SESSION
ASHLAND CITY COUNCIL
Monday, November 3, 2014
Siskiyou Room, 51 Winburn Way**

Mayor Stromberg called the meeting to order at 5:30 p.m. in the Siskiyou Room.

Councilor Morris, Rosenthal, Voisin, Slattery, Marsh, and Lemhouse were present.

1. Public Input (15 minutes maximum)

Nicholas Diemel/180 Clear Creek Drive/Addressed agenda item #4 and explained panhandling issues extended to Pioneer Street and the Umqua Bank area as well as the Ashland Food Coop. His other concern was people sleeping on the railroad tracks west of the Ace Hardware parking lot. People hid behind two concrete blocks to drink and do drugs. He lived across from the railroad tracks and often cleaned up the trash people left behind. He suggested the police consider sporadically walking through the area to prevent people from sleeping there. He was also concerned for people crossing the railroad tracks at night on their way home.

Terry Skibby/611 Beach Street/Spoke to agenda item #3 and handed out photographs of the fountain in Chautauqua square that he submitted into the record. He wanted the City to retain the fountain and expressed concern about demolition and relocating the structure. The fountain was placed in 1990 and he saw it as historic compatible and provided background on the fountain. If the fountain were repaired and operational, it would be an asset to Ashland. It was important to have old and new structures. He clarified he was not speaking as the Chair of the Historic Commission.

Mayor Stromberg suspended Council rules and asked Mr. Skibby as the Historic Commission Chair of a good place to relocate the fountain in Ashland. Mr. Skibby explained old historic fountains were best kept in their original location. If repaired and running it would most likely not attract the energy the Black Swan plaza currently did.

2. Look Ahead review

City Administrator Dave Kanner reviewed items on the Look Ahead. Council discussed canceling the November 17, 2014 Study Session and combining those agenda items with the November 18, 2014 meeting and having an executive session as well. Council and staff went on to discuss whether to add a discussion on purchasing an aerial truck ladder for the Fire Department to a future Study Session.

3. Discussion of city communication tools

Management Analyst Ann Seltzer explained that overall citizens thought the City did a good job providing information. A challenge was how the City could encourage citizens to be proactive and seek information about local government.

The City website was the primary communication tool and the volume of information could be daunting, although a powerful tool for users. Ms. Seltzer clarified the Commission or Committee staff liaison are responsible for adding agendas and minutes to the website and explained three ways to access that information from the home page. City Administrator Dave Kanner added that through Google Analytics staff was able to determine the most accessed information and featured links are prominently displayed on the homepage of the website.

Council suggested adding questions to pages to determine if the user found what they were looking for. Staff commented the search function was significantly improved in 2013. Council noted issues searching for documents and attributed it to key word and archive set up. Council also suggested adding the Budget

in Brief and the Water Quality Report to the City Source inserts as well as use the backside of Utility billing envelopes as another way to communicate with the public. Other suggestions included working with the Southern Oregon University on informational videos and survey services, and have presentations on the budget. Council would send additional ideas to Mr. Kanner and Ms. Seltzer. Council could also contact Mayor Stromberg if they were interested in having a show on Town Hall.

4. Discussion of approaches to panhandling and the Black Swan plaza

City Administrator Dave Kanner provided background and explained staff was seeking direction on which actions to pursue. Staff proposed a three-prong approach that included law enforcement, urban design, and community education.

Deputy Police Chief Tighe O'Meara explained the enactment of the Enhanced Law Enforcement Area (ELEA) ordinance in 2012 which had a significant and positive impact on disorderly type behavior in the downtown area. The Police Department instituted a cadet program that provided an increased officer presence in the downtown area and worked with the Oregon Shakespeare Festival (OSF) and businesses to create a safer environment. OSF set up a gate between the Chamber of Commerce and Starbucks that eliminated nefarious activity.

Enforcement for the proposed ordinance would require licensing and proof of vaccination for all dogs, consist of education and compliance first and would be complaint or observation driven. The ordinance was similar to Jackson County's code. The law would apply to everyone and staff considered it a legitimate public safety issue. Deputy Chief O'Meara clarified the dog license would be presumptive proof of vaccination.

Council noted the enforcement guidelines needed to reflect the goal of public safety and not be a mechanism to move someone who was sitting in an area for a while. Deputy Chief O'Meara explained part of the education process was handing out resource cards and possibly, once or twice a year, facilitating discounted or free vaccination clinics. The Police Department would not progressively pursue enforcement and would apply the law to everyone.

Deputy Chief O'Meara addressed the ELEA ordinance and requested adding language regarding the possession of controlled substance less than an ounce of marijuana to the ordinance, and expand the ELEA area to include the Bill Patton Garden. Public consumption of marijuana would be treated the same as consuming alcohol in public.

Staff recommended amending the sidewalk obstruction ordinance prohibiting people and dogs to encroach sidewalk space. Another recommendation would continue the use of cadets in the downtown area to create a presence that would minimize behavior on the part of the person exhibiting behavior and make the target of that behavior feel less threatened.

Council was concerned about being consistent with sidewalk obstruction regarding people and events like the sidewalk sale. City Attorney Dave Lohman thought the proposed ordinance needed further research.

Deputy Chief O'Meara described the difference in the training police cadets and park patrol received. Police cadets go through the same background check and psychological testing as police.

Staff clarified the current sidewalk obstruction ordinance required a 6-8 foot wide path on sidewalks depending on the width of the sidewalk.

OSF Executive Director Cynthia Rider explained how having a food cart and removing the fountain and planter would make the space at the Black Swan Theatre inviting and welcoming. Mr. Kanner submitted

an aerial shot of the Black Swan plaza and a diagram of the changes into the record. Under the lease agreement between OSF and the City, OSF has the right to make whatever improvements they wanted, could demolish existing structures, and does not require permission from the City. There was nothing in City records documenting the fountain and it seemed to be a handshake agreement. The City purchased the fountain for \$12,000. Numerous attempts to make the fountain work were unsuccessful.

Mayor Stromberg suggested relocating the fountain and possibly involving the community in the process. Council discussed moving or repairing the fountain. Mr. Kanner thought repairing the plumbing and electrical systems would cost approximately \$10,000-\$15,000. OSF was willing to discuss making the fountain work. Council suggested determining whether the fountain could be repaired. If the fountain were moved to a new location it would have new plumbing and electrical.

Councilor Voisin read from a 2000 lease agreement with OSF regarding alterations and written notification to the City. City Attorney Dave Lohman understood that OSF had the right to remove anything without City approval. Staff will research the lease further and report back to Council.

Council comments ranged from relocating the fountain without repairs, determining the cost to repair the fountain, and involving the public, to deeding the fountain to OSF. Staff clarified the property in front of the Black Swan was public property leased to OSF with a gray area of when the sidewalk ended and the Black Swan property began.

Mr. Kanner addressed community education that would consist of signage in the downtown area that the City provided resources for people in need and encourage support for those resources rather than giving money to panhandlers.

Council supported staff drafting the ordinance requiring all dogs to be licensed and vaccinated but wanted to know how it would be enforced and fair.

Council supported amending the Enhanced Law Enforcement Area ordinance but had concerns regarding the sidewalk obstruction ordinance and directed staff to bring it back to a Study. The remaining proposed ordinances could be brought forward at a future Council meeting. Mr. Lohman added he would research all the proposed ordinances to determine whether they were possible in Oregon prior to creating drafts.

Council majority was not interested in pursuing a tobacco free downtown, establishing busking zones, or reconstructing planters to ground level. They discussed changing the orientation of existing sidewalk benches. Comments supporting the suggestion thought it was worthwhile to analyze locations and determine whether it made sense to change the orientation. Council majority was willing to hear more information.

Council did not support providing food carts for transients but was interested in creating an outreach program downtown connecting people with the Resource Center and other services. Council was not interested in pursuing any of the suggestions under "Other ideas" submitted by citizens or the time, place, and manner restrictions on panhandling in Santa Cruz, CA.

5. Food and Beverage Tax enforcement update

City Administrator Dave Kanner explained the City was acting on a complaint and found sale of prepared food by vendors at the Rogue Valley Growers and Crafters Ashland Tuesday Market without paying or reporting the Food and Beverage Tax. The City notified and informed two vendors they needed to pay the tax and both vendors ignored the City's notification. Mr. Kanner stated that there was a common misconception that someone working pursuant to a non-profit business license was not subject to the Food and Beverage Tax. This is not the case.

The City requested the Rogue Valley Growers and Crafters Market to provide a list of prepared food vendors. The Rogue Valley Growers and Crafters Market did not respond to the request and instead sent a letter to the City asking to forgo enforcement of the Food and Beverage Tax collection until the 2015 season. City responded they were still waiting for the list of food vendors. Mr. Kanner also noted the hard line the City had previously taken with others who did not pay the Food and Beverage Tax. He stated that equal treatment should be the same for these vendors.

Council expressed concerns on enforcing the Food and Beverage Tax at this time, on waiting until 2015 to address the issues of the Rogue Valley Growers and Crafters Market, and the lack of response to the City. They discussed compliance, the issue of fairness to the businesses that paid the tax and a possible timeline for the vendors in question to respond or the City. Concern was noted on moving forward with no negotiation.

Council moved the item to a future Council meeting for further discussion.

Meeting adjourned at 7:57 p.m.

Respectfully submitted,
Dana Smith
Assistant to the City Recorder