

[City of Ashland, Oregon / City Council](#)

City Council - Minutes

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Tuesday, November 17, 2015

**MINUTES FOR THE REGULAR MEETING
ASHLAND CITY COUNCIL
November 17, 2015
Council Chambers
1175 E. Main Street**

CALL TO ORDER

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

ROLL CALL

Councilor Voisin, Morris, Seffinger, Rosenthal, and Marsh were present. Councilor Lemhouse was absent.

MAYOR'S ANNOUNCEMENTS

Mayor Stromberg announced vacancies on the Public Arts and Transportation Commissions. Councilor Marsh noted a recent vacancy on the Housing and Human Services Commission as well. The Mayor went on to announce an Informational Session titled the Rules and Regulations Context for the Normal Neighborhood Master Plan scheduled for Monday, November 23, 2015 in the Siskiyou Room of the Community Development Building from 7:00 p.m. to 9:00 p.m.

APPROVAL OF MINUTES

The minutes of the Study Session of November 2, 2015 and Business Meeting of November 3, 2015 were approved as presented.

SPECIAL PRESENTATIONS & AWARDS

1. Annual presentation by the Public Arts Commission

Public Arts Commission Chair Margaret Garrington presented the annual report to the Council. The Commission worked on the following over the past year:

- Gateway Island Project
- Theater Corridor
- City Welcome Signs
- New public art pieces "Fall Splendor" located adjacent to the top of the Calle staircase below Granite Street, a mosaic "Marty" at the base of Bandersnatch Trail and this summer will decorate three utility boxes at the North Mountain Park

The Commission was planning a pilot project that would replace hand painting utility boxes. They also completed the on-line Story Map Tour of public art and thanked the Ashland Chamber of Commerce and City staff for their assistance. The Public Arts Commission would meet this spring to develop goals for the next

three years.

Council voiced their appreciation for the Commission and the value of the new on-line program. Management Analyst Ann Seltzer added her thanks to the Ashland Chamber of Commerce and those that worked on the project.

2. Presentation on road funding lobbying efforts

Public Works Director Mike Faught introduced Al Densmore of John Watt Associates (JWA). Mr. Densmore shared his legislature experience and updated Council on his lobbying efforts for funding the East Nevada Street Extension project. It was challenging to secure financing for bridge projects and there had been no higher-level government changes for building bridges. The City's project created connectivity that provided potential for funding. He recommended Council make a presentation at the short session of the legislature. The City should be part of the state transportation package coming forward.

PUBLIC FORUM

Dennis Slattery/Pinecrest Terrace/Thought the terms aggressive panhandlers, abusive lawbreakers, criminals, recreational homeless who took resources and energy away from those that needed it the most as an accurate description for travelers. He wanted to talk about not enabling a culture that had increased in many ways downtown. This was not an issue of homelessness, free speech, fear, or dress. It was about abusive, illegal, and unacceptable behavior and common decency. Council should review the direction the Resource Center manager was taking with the Center. The community should not tolerate the abusive language and behaviors exhibited by the travelers or enable them.

Joseph Kauth/1 Corral #13/Expressed concern with the Mt. Ashland Forest Resiliency cut. Cutting big trees allowed invading forces to establish dominance. Other issues mentioned were the regional epidemic of methamphetamine, a drug and mental illness care program versus growth development and the noxious weed act of 1993 that Council should address.

Nancy Parker/456 Euclid Street/Spoke regarding the Citizen Planning Advisory Committee (CPAC). She read CPAC duties from Chapter 2.27 of the Ashland Municipal Code (AMC) and submitted the document into the record. Former Mayor Cathy Shaw dissolved CPAC in 1990s. Ms. Parker encouraged Council to reestablish the committee.

Huelz Gutcheon/2253 Hwy 99/Agreed with Mr. Slattery's testimony. He went on to explain it was time to celebrate innovation. The community had zero net energy and now autonomous homes and buildings were available that did everything on their own cheaper.

CONSENT AGENDA

- 1. Minutes of boards, commissions, and committees**
- 2. Approval of a resolution titled, "A resolution of the City Council of the City of Ashland, Oregon, authorizing financing for Garfield Park improvements"**
- 3. Approval of a liquor license application for Andrew Van Slee dba Wiley's**

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- 4. Request for Council permission to submit a land use application that includes the use of public sidewalk right-of-way and the airspace above**
- 5. Award of bid to the apparent low bidder for the Talent Ashland Phoenix Emergency Pipeline permanent pump station**
- 6. Approval of a change order in excess of 25% for the Terrace St. pump station improvement project pump rental**
- 7. Request for sewer connection to a residence located outside the City limits and within the Urban Growth Boundary**
- 8. Approval of Franchise Agreement with Avista Corporation**

Council pulled Consent Agenda items #4, #5, and #8 for discussion. Community Development Director Bill Molnar addressed Consent Agenda item #4 and confirmed that balcony standards were included in the Downtown Design Standards. Balconies in historic buildings could trigger an exception to the standards. Alan Sandler added the building was built in the 1800s and never rebuilt.

Public Works Director Mike Faught, Engineering Services Manager Scott Fleury, and RH2 Engineer Jeff Ballard addressed Consent Agenda item #5 and explained the project did not have contingency money beyond construction. They were confident this was enough for the project but acknowledged the unexpected could occur and result in change orders to the contract. Requesting additional contingencies rarely happened. Mr. Ballard further explained the allocation process used for bids, contracts, and covering risk.

Councilor Rosenthal/Morris m/s to approve Consent Agenda items. Voice Vote: all AYES. Motion approved.

Avista Utilities Representative Steve Vincent spoke to Consent Agenda #8 and commented on the positive work relationship Avista had with the City.

PUBLIC HEARINGS (None)**UNFINISHED BUSINESS**

- 1. Continuation of the first reading of ordinances titled, "An ordinance amending the Ashland Municipal Code creating a new Chapter 18.3.4 Normal Neighborhood District, amending Chapter 18.2.1.020 to add a Normal Neighborhood zoning classification, and amending Chapter 18.2.1.040 to add a Normal Neighborhood Special District." and move to second reading**

Motion on the table from October 20, 2015 Council meeting:

Councilor Voisin/Lemhouse m/s to approve first reading of ordinance "An ordinance amending the Ashland Municipal Code creating a new Chapter 18.3.4 Normal Neighborhood District, amending Chapter 18.2.1.020 to add a Normal Neighborhood zoning classification, and amending Chapter

18.2.1.040 to add a Normal Neighborhood Special District.” And adding the amendment as recommended by Planning Commission to add new section 18.3.4.060 A (5) Conformance with Open Space Network Plan: New developments must provide open space consistent with the design concepts within the Greenway and Open Space chapter of the Normal Neighborhood Plan Framework and in conformance with the Normal Neighborhood Plan Open Space Network Map. The open space network will be designed to support the neighborhood’s distinctive character and provide passive recreational opportunities where people can connect with nature, where water resources are protected, and where riparian corridors and wetlands are preserved and enhanced. a) The application demonstrates that equal or better protection for identified resources will be ensured through restoration, enhancement, and mitigation measures. b) The application demonstrates that connections between open spaces are created and maintained providing for an interlinked system of greenways. c) The application demonstrates that open spaces function to provide habitat for wildlife, promote environmental quality by absorbing, storing, and releasing storm water, and protect future development from flood hazards. d) The application demonstrates that scenic views considered important to the community are protected, and community character and quality of life are preserved by buffering areas of development from one another.

Councilor Marsh/Lemhouse m/s to amend motion to change in section 18.3.4.030 C. Amendments (b)(3) Minor Amendment – Type I Procedure to Type II Procedure. Roll Call Vote on the amendment: Morris, Lemhouse, Seffinger, Rosenthal and Marsh, YES; Voisin, NO. Motion passed 5-1.

Councilor Morris/Marsh m/s to separate the main amended motion that included the recommendation by the Planning to Commission to add a new section 18.3.4.060 A (5). Roll Call Vote: Morris, Lemhouse, Seffinger, Rosenthal and Marsh, YES; Voisin, NO. Motion passed 5-1.

- 1. Councilor Voisin/Lemhouse m/s to approve first reading of ordinance “An ordinance amending the Ashland Municipal Code creating a new Chapter 18.3.4 Normal Neighborhood District, amending Chapter 18.2.1.020 to add a Normal Neighborhood zoning classification, and amending Chapter 18.2.1.040 to add a Normal Neighborhood Special District.”**

DISCUSSION on part (1) of amended motion:

Senior Planner Brandon Goldman clarified staff excluded conservation areas including wetlands, flood plains, and corridor lanes of the Water Resource Protection zones from the acreage for calculating minimum density in the Normal Neighborhood Plan (NNP). It ensured someone would not use those areas to increase the density on the remaining property. Community Development Director Bill Molnar added computing the minimum density requirement for annexing did not require consideration of unbuildable areas such as wetlands. Mr. Golden noted Section F of the Annexation ordinance excluded undevelopable

areas from the maximum density calculation and was consistent with total number of housing units in the NNP. Properties providing affordable units as part of the annexation process qualified for a maximum density bonus of 25%. Council suggested adding a reference to the Normal Plan regarding the 25% density bonus.

Roll Call Vote: Councilor Voisin, Morris, Seffinger, Rosenthal, and Marsh, YES. Motion passed.

2. **And adding the amendment as recommended by Planning Commission to add new section 18.3.4.060 A (5) Conformance with Open Space Network Plan: New developments must provide open space consistent with the design concepts within the Greenway and Open Space chapter of the Normal Neighborhood Plan Framework and in conformance with the Normal Neighborhood Plan Open Space Network Map. The open space network will be designed to support the neighborhood's distinctive character and provide passive recreational opportunities where people can connect with nature, where water resources are protected, and where riparian corridors and wetlands are preserved and enhanced. a) The application demonstrates that equal or better protection for identified resources will be ensured through restoration, enhancement, and mitigation measures. b) The application demonstrates that connections between open spaces are created and maintained providing for an interlinked system of greenways. c) The application demonstrates that open spaces function to provide habitat for wildlife, promote environmental quality by absorbing, storing, and releasing storm water, and protect future development from flood hazards. d) The application demonstrates that scenic views considered important to the community are protected, and community character and quality of life are preserved by buffering areas of development from one another.**

DISCUSSION on the (2) portion of the main motion:

Councilor Marsh thought the earlier amendment that made the minor amendment a Type II instead of Type I provided assurances that the Planning Commission would review any application to change the open space. Mr. Goldman clarified a need to make a correction to the October 6, 2015 minutes regarding the motion changing the minor amendment to a Type II. The motion and minutes were corrected.

Roll Call Vote: Councilor Marsh, Rosenthal, Seffinger and Morris, YES; Councilor Voisin, NO. Motion passed 4-1.

Second reading for all Normal Neighborhood ordinances would occur at the December 15, 2015 meeting.

Staff will outline amendments made to all three ordinances for Council discussion. The public will have an opportunity to speak only to those changes during public testimony.

Council discussed review triggers and the ability to make changes to the Master

Plan in the future. City Attorney Dave Lohman shared concerns that setting an arbitrary figure whether it was number of houses or a date may create an incentive to develop as quickly as possible. Council could always change the Master Plan. Not having a trigger would allow Council to respond to the actual circumstances. Staff would bring back options for Council to consider.

Councilor Marsh/Voisin m/s to continue second reading of Normal Neighborhood Plan ordinances amending the Comprehensive Plan, Comprehensive Plan Maps, and Transportation System Plan to December 15, 2015. Voice Vote: all AYES. Motion passed.

NEW AND MISCELLANEOUS BUSINESS (None)

ORDINANCES, RESOLUTIONS AND CONTRACTS

1. Second reading by title only of an ordinance titled, "An ordinance amending AMC 9.08.010 and 9.08.040 concerning keeping of animals"

City Attorney Dave Lohman read changes to **9.08.010 (I)** regarding the definition of livestock. The second change related to making an exemption to horses under **9.08.040 (G) (1)**.

Councilor Seffinger/Marsh m/s to amend 9.08.040 (G) to allow mules to be ridden in the city where it is reasonable and prudent for horses to be ridden in the city. DISCUSSION: Councilor Voisin questioned enforcing the amendment. Mr. Lohman clarified this was an exemption for horses and the amendment added mules. Councilor Morris noted the basic rule and commented in the past how common sense replaced many of the laws and had concerns regarding enforcement as well. Police Chief Tighe O'Meara explained the exemption was feasible and explained how enforcement would work. Mr. Lohman added the Parks and Recreation Department had a similar concern regarding farm animals in parks. **Roll Call Vote: Councilor Marsh, Rosenthal, Morris, and Seffinger, YES; Councilor Voisin, NO. Motion passed 4-1.**

Councilor Morris/Rosenthal m/s to approve Ordinance #3111 as amended. Roll Call Vote: Councilor Marsh, Rosenthal, Morris, and Seffinger, YES; Councilor Voisin, NO. Motion passed 4-1.

2. Second reading by title only of an ordinance titled, "An ordinance amending AMC Chapter 9.16 to require dog licensing and declare certain dog behaviors to be public nuisances"

City Attorney Dave Lohman read aloud the changes to the ordinance amending **Section 9.16.005(F)(3) Definitions, Section 9.16.020 Potentially Dangerous Dogs and 9.16.070 (A)(8) Public Nuisance.**

Councilor Seffinger/Rosenthal m/s to include in Section 9.16.020 relating to dangerous dogs, Section 9.16.070 (A) "or wolf dog hybrid" in the provision. Roll Call Vote: Councilor Rosenthal, Morris, Seffinger, and Marsh, YES; Councilor Voisin, NO. Motion passed 4-1.

Councilor Seffinger/Marsh m/s to approve Ordinance #3112 as amended. DISCUSSION: Councilor Seffinger thought it was a safety issue within the city.

Councilor Marsh agreed, this was a basic health and safety issue and the community will continue to make sure people who could not afford to vaccinate their dog had access to free or reduced services. Police Chief Tighe O'Meara confirmed the Police Department could cite a homeowner whose dog jumped out of their house to confront a passerby. Councilor Seffinger noted a concern from citizens regarding houses with dogs protecting marijuana grows lunging and frightening neighbors. Councilor Morris thought this was another common sense rule and spoke to a lack of disrespect people had for each other lately.

Councilor Voisin did not think the ordinance would change behavior. Police Chief O'Meara described the steps and arrest scenarios the Police Department took regarding aggressive dog behavior from a home or when the Police arrested a homeless individual with a dog. Mr. Lohman noted the ordinance identified a "keeper" and not necessarily the owner. Councilor Marsh responded to Councilor Voisin, explained the ordinance set a level of expectations and standards in the community for dog owners, and thought over time it could change behavior. Councilor Rosenthal agreed with Councilor Marsh. Council had heard repeatedly from citizens not feeling safe in the downtown because of aggressive dog behavior. Councilor Voisin wanted to hear from some of the people who encountered unsafe situations with dogs in the downtown area.

Councilor Marsh/Rosenthal m/s to call for the question. Roll Call Vote: Councilor Marsh, Rosenthal, Seffinger, Morris, and Voisin, YES. Motion passed.

Roll Call Vote on main motion: Councilor Rosenthal, Morris, Seffinger, and Marsh, YES; Councilor Voisin, NO. Motion passed 4-1.

3. Second reading by title only of an ordinance titled, "An ordinance amending Chapter 10.120.020 to add two offenses as possible elements of the crime of persistent violation"

City Attorney Dave Lohman read aloud the changes to the ordinance adding two additional violations to **Section 1 (f) 9.16.015 Dog License Required** and **(g) Measure 91, Section 54 Use of marijuana in public place prohibited**. It would delete **10.120.020 (3) Three or more Class C misdemeanors** and add **"C"** misdemeanors to **10.120.020 (A)(1)**.

Mr. Lohman clarified marijuana prohibited in public was state statute and referred to any kind of use. Police Chief Tighe O'Meara further clarified passing a marijuana cigarette to someone in public or eating marijuana-laced food in public construed use. Medical marijuana cardholders were not allowed to smoke or ingest medical marijuana in public.

Councilor Rosenthal/Morris m/s to amend Section 1(A)(1) to reflect three or more Class A, B, or C, felonies or Class A, B, or C misdemeanors and delete (3) and approve second reading of Ordinance #3113. Roll Call Vote: Councilor Seffinger, Marsh, Morris, and Rosenthal, YES; Councilor Voisin, NO. Motion passed 4-1.

4. Second reading by title only of an ordinance titled, "An ordinance

amending AMC Chapter 10.120.010 to add Bill Patton Garden to existing enhanced law enforcement area”

City Attorney Dave Lohman explained the Bill Patton Garden was an area that incurred a high level of petty offenses. Including it in the enhanced law enforcement area would allow the judge to expel a person from the downtown area for 3-12 months.

Councilor Seffinger/Marsh m/s to approve Ordinance #3114. DISCUSSION:

Councilor Seffinger thought including the area was appropriate. Similar behaviors were occurring and it was adjacent to other enhanced law enforcement areas. Councilor Marsh reiterated Mr. Lohman’s earlier statement that the ordinance did not prohibit people from accessing the area. However, it established an expectation of behavior when they were there. Councilor Voisin would support the ordinance after an earlier conversation with the Police Chief. She did not think any of the ordinances dealt with the real issues. Councilor Marsh pointed out if someone was not behaving badly they should be entirely unaffected by any of the ordinances. The ordinance would not cast anyone off the streets and targeted specific behavior. Councilor Voisin clarified her comments were directed to people showing no respect and none of the ordinances would deal with that. She did not want the Police Department dealing with social behavior. Mayor Stromberg explained staff worked on the ordinances long before the current issues that occurred over the summer. The City attorney was researching the feasibility of ordinances addressing the negative behavior and encounters people had experienced recently. **Roll Call Vote: Councilor Morris, Marsh, Rosenthal, Voisin, and Seffinger, YES. Motion passed.**

5. Second reading by title only on an ordinance titled, “An ordinance amending AMC 9.18.020 to include additional definitions of behavior constituting elements of chronic nuisance”

City Attorney Dave Lohman explained the proposed ordinance would add two fire code violations, failure to maintain means of egress, and allowing overcrowding.

Councilor Marsh/Rosenthal m/s to approve Ordinance #3115.

DISCUSSION: Councilor Rosenthal thought the ordinance would address the establishments that treated paying fines for overcrowding and blocked exits as a cost of doing business. Councilor Marsh added the ordinance would enhance documentation of behaviors that could add up to sanction from the Oregon Liquor Control Commission. **Roll Call Vote: Councilor Seffinger, Voisin, Rosenthal, Morris, and Marsh, YES. Motion passed.**

6. Second reading by title only on an ordinance titled, “ An ordinance amending the “owner” definitions to AMC Chapters 1.04 General Provisions, 2.31 Uniform Violation Abatement process, 9.04 Weed abatement, 9.08 Nuisances, and 13.20 Local Improvements and Special Assessments”

City Attorney Dave Lohman suggested amending the ordinance so the lien for abatement costs got the highest priority possible under state law. The ordinance would hold the owner and holders of security interest in the property accountable

for abatement. Council agreed and Mr. Lohman read aloud the changes to the ordinance that eliminated **Section 2.31.040 (D)**, added or amended **13.20.120 (B) Priority of Assessment Liens, (C) Interest, and (D) Foreclosure.**

Councilor Seffinger/Morris/ m/s to approve Ordinance #3116 as amended by staff.

DISCUSSION: Councilor Seffinger explained the ordinance was important to the community and neighbor's safety and the value of their homes. Councilor Morris thought it should have happened years ago. Councilor Rosenthal added it would end the run around often encountered by the Fire Department and staff. **Roll Call Vote: Councilor Marsh, Rosenthal, Seffinger, and Morris, YES. Motion passed. Councilor Voisin was absent during the vote.**

OTHER BUSINESS FROM COUNCIL MEMBERS/REPORTS FROM COUNCIL LIAISONS

Councilor Marsh met with representatives from the Bureau of Land Management (BLM) from Colorado and Washington DC regarding an assessment of the Cascade-Siskiyou Monument.

Councilor Rosenthal shared the Ashland Climate Challenge that occurred November 15, 2015 in the Ashland Historic Armory was a huge success and well attended. He went on to note the Southern Oregon University (SOU) football and volley ball teams were in the national playoffs Saturday November 21, 2015 at SOU.

Councilor Voisin reported on decisions made by the Historic Commission regarding the Gateway Art Project.

City Attorney Dave Lohman noted information on parking regulations was delayed.

City Administrator Dave Kanner explained the video and audio upgrade to Council Chambers would begin January 20, 2016 and take two weeks. The upgrade would include changes to the television streaming in the lobby and adding a speaker podium.

Mayor Stromberg expressed appreciation for the efforts made by the City Administrator and City Attorney regarding the volume of work both had handled recently.

ADJOURNMENT OF BUSINESS MEETING

Meeting adjourned at 10:05 p.m.

Barbara Christensen, City Recorder

John Stromberg, Mayor

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