

Council Business Meeting

July 21, 2020

Agenda Item	Resolution 2020-14 Authorizing the Use of City Sidewalks for Additional Events; Pursuant to AMC 13.03.030	
From	Adam Hanks	Interim City Administrator
Contact	adam@ashland.or.us ; (541) 552-2046	

SUMMARY

Before Council is a draft resolution, consistent with prior Council direction, expanding the timelines for business use of downtown sidewalks each Friday, Saturday, and Sunday for the months of July, August, and September of 2020 consistent with Ashland Municipal Code [13.03.030 – Exempt Activities: City Seasonal Event Usage](#). AMC 13.03.030 specifically authorizes the use of sidewalks for two seasonal events (weekends before Memorial Day and after Labor Day) and furthermore allows Council to establish additional seasonal event days via resolution.

This resolution is designed to assist the downtown businesses with economic recovery and can function in conjunction with the ODOT parking lane closures along North and East Main Streets to ensure safe and legal pedestrian passage and physical distancing requirements. Permits may be allowed under this resolution for small sidewalk uses that do not necessitate a companion parking lane closure at the discretion of the City Administrator and/or her or his designee.

The Interim City Administrator issued sidewalk and local street closure permits for both the July 3 to 5 and July 10 to 12 weekends under the authorities of the existing declaration of emergency. This draft resolution ratifies that decision and clarifies the scope of the authority for such a decision.

POLICIES, PLANS & GOALS SUPPORTED

Economic Development – COVID economic recovery

PREVIOUS COUNCIL ACTION

Council approval for the development of a resolution expanding timelines for business use of downtown sidewalks each Friday, Saturday, and Sunday for the months of July, August, and September of 2020 occurred at the June 16, 2020 business meeting. Initial direction and support from Council for staff to pursue an ODOT street closure permit application occurred as part of the City Administrator’s Report at the May 19, 2020 Council business meeting.

BACKGROUND AND ADDITIONAL INFORMATION

June 16, 2020 - At the business meeting of June 16, 2020, staff provided Council with an update on efforts to secure Oregon Department of Transportation (ODOT) approval for the closure of the section of Highway 99S that traverses the downtown core, labeled locally as North Main and East Main Streets. With clear communication from ODOT that commercial activity on the actual ODOT roadway could not be approved, staff suggested and received approval to pursue a parking lane closure permit from ODOT that would help facilitate the use of the sidewalk areas for business use with the parking lanes functioning as auxiliary pedestrian passageways.

June 2, 2020 - With Council direction given at the June 2, 2020 business meeting, Public Works Staff began discussions with ODOT for permitting requirements associated with the closure of East Main Street in the downtown area to facilitate, encourage, and promote economic activity for downtown businesses significantly affected by COVID-19 related economic shutdown, stay at home orders, and subsequent full season closure of the Oregon Shakespeare Festival. The full closure was intended to provide space for dining and retail expansion into the right-of-way while also allowing appropriate space for physical distancing.

Concurrently with the pursuit of the ODOT closure approval, City, Chamber, and other key participants developed options to augment the road closure or to implement instead of a full road closure, should that not be approved. Those options included:

- Parking “lane” only closures along East Main to extend the area for safe pedestrian physical distancing where parking normally occurs, which would free up sidewalk space for outdoor dining and retail sales.
- Several different plaza closure options to facilitate desired expansion of outdoor space for plaza business
- Potential alternative closures and uses for side streets and/or parking areas or other public spaces that would be usable for expanded community and/or business activity.

Closures of the Plaza and side streets fall within the City’s jurisdictional control and would be permitted by Public Work.

FISCAL IMPACTS

No direct costs are incurred by the City as a result of the approval of the resolution itself. Costs arise with City staff participation in the planning and executing of the closures. Closures of existing parking lanes, the Plaza and side street have been and are planned to continue to be handled with existing staff. Incidental costs incurred include the construction of temporary ADA ramps, cone/barricades, and signage. This is estimated to cost less than \$10,000 to \$20,000 in total and, if purchased, would become part of the City’s inventory and likely be utilized for future events beyond this season. All economic recovery costs are being tracked by City staff and will be a part of reimbursement requests for state and federal funding as available.

STAFF RECOMMENDATION

Consistent with AMC 13.03.030 – Exempt Activities: City Seasonal Event Usage, the use of sidewalks by adjacent business owners for commercial use is expressly permitted for two three-day periods – the week before Memorial Day and the week after Labor Day. An expansion of this approval requires Council approval by resolution. Staff recommends Council approval of the draft resolution as presented.

ACTIONS, OPTIONS & POTENTIAL MOTIONS

- 1) I move approval of a resolution to allow expanded timelines for the business use of downtown sidewalks each Friday, Saturday and Sunday for the months of July, August and September of 2020.
- 2) I move approval of a resolution to allow expanded timelines for the business use of downtown sidewalks each Friday, Saturday and Sunday for the months of July, August and September of 2020 with the following changes....

REFERENCES & ATTACHMENTS

Attachment 1: Draft Resolution 2020-14 Authorizing the Use of City Sidewalks for Additional Events; Pursuant to AMC 13.03.030

1 **RESOLUTION NO. 2020-14**

2 A RESOLUTION AUTHORIZING THE USE OF CITY SIDEWALKS FOR ADDITIONAL
3 EVENTS PURSUANT TO AMC 13.03.030

4 **RECITALS:**

5 A. On March 7, 2020, Governor Kate Brown declared a State of Emergency due to the outbreak
6 of COVID-19 in Oregon (Executive Order 20-03); and

7 B. On March 11, 2020, COVID-19 was declared a pandemic by the World Health Organization;
8 and

9 C. On March 15, 2020, the City Administrator of the City of Ashland declared a State of
10 Emergency in response to the COVID-19 pandemic; and

11 D. The COVID-19 pandemic has had a severe, negative economic impact on local businesses;
12 and

13 E. The City of Ashland has an interest in assisting in the recovery of the local economy brought
14 on by the COVID-19 pandemic; and

15 F. Ashland Municipal Code (AMC) 13.03.030 allows the City Council to grant permission to
16 businesses to utilize sidewalks in commercial zones for designated seasonal events and to
17 establish additional seasonal events days by resolution; and

18 G. Local businesses would benefit economically from be allowed to utilize sidewalks in
19 commercial zones on additional days during the COVID-19 pandemic.

20 **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ASHLAND, OREGON,**
21 **RESOLVES AS FOLLOWS:**

22 SECTION 1. Pursuant to Ashland Municipal Code 13.03.030, adjacent owners and occupants
23 are hereby granted permission to use sidewalk permit areas, as defined in AMC 13.03.020, when
24 in possession of a special permit for free use of such area on each Friday, Saturday, and Sunday
25 during the months of July, August, and September of 2020.

26 SECTION 2. The City Administrator or his or her designee is hereby authorized to grant special
27 permits for the use of sidewalk permit areas on each Friday, Saturday, and Sunday during the
28 months of July, August, and September of 2020, and to the establish the hours of use of such
29 sidewalk permit areas.
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SECTION 3. Special permits for uses that do not necessitate any companion parking lane closure may be issued at the discretion of the City Administrator or his or her designee.

SECTION 4. This resolution is effective upon adoption.

ADOPTED by the City Council this _____ day of _____, 2020.

ATTEST:

Melissa Huhtala, City Recorder

SIGNED and APPROVED this _____ day of _____, 2020.

John Stromberg, Mayor

Reviewed as to form:

David H. Lohman, City Attorney