

MINUTES
Troutdale City Council – Regular Meeting
Troutdale City Hall – Council Chambers
219 E. Historic Columbia River Hwy.
Troutdale, OR 97060-2078

Tuesday, December 11, 2012

1. ROLL CALL, AGENDA UPDATE

Mayor Kight called the meeting to order at 7:00pm.

PRESENT: Mayor Kight, Councilor Ripma, Councilor Anderson, Councilor Thomas, Councilor White, Councilor Allen, and Councilor Daoust.

ABSENT: None.

STAFF: Craig Ward, City Manager; Debbie Stickney, City Recorder; David Ross, City Attorney; and Rich Faith Community Development Director.

GUESTS: See Attached.

Mayor Kight asked are there any updates to the agenda?

Craig Ward replied we would ask that Item #2.5, the resolution for an intergovernmental agreement with Multnomah County, be pulled. We understand that Multnomah County still has some issues with the draft agreement.

Councilor Thomas stated in light of the circumstances of what took place today out at Clackamas Town Center it would be appropriate for us to take a moment of silence to recognize those that were involved and those who lost their lives.

A moment of silence was taken in recognition of the shooting that occurred earlier today at Clackamas Town Center.

2. CONSENT AGENDA:

2.1 ACCEPT OF MINUTES: November 13, 2012 Regular Meeting and November 27, 2012 Regular Meeting

2.2 RESOLUTION: A resolution approving the Collective Bargaining Agreement with employees represented by AFSCME Local 3132.

2.3 RESOLUTION: A resolution authorizing the establishment of a Health Reimbursement Arrangement through a Voluntary Employees' Beneficiary Association ("HRA-VEBA") Plan.

2.4 RESOLUTION: A resolution accepting the November 6, 2012 General Election results from the Director of Elections, Multnomah County, Oregon.

~~**2.5 RESOLUTION:** A resolution authorizing the City Manager to execute an Intergovernmental Agreement with Multnomah County for the warranty of the public improvements in S. Troutdale Road associated with the College Nature Park at Beaver Creek. *(Item was pulled from the agenda at the meeting)*~~

2.6 RESOLUTION: A resolution reallocating expenditures among projects using the City's local share of Metro Open Space Bond funds.

MOTION: Councilor Daoust moved to adopt the consent agenda (Items 2.1, 2.2, 2.3, 2.4 and 2.6). Seconded by Councilor Thomas. Motion Passed Unanimously.

3. PUBLIC COMMENT: Please restrict comments to non-agenda items at this time.

None.

4. PUBLIC HEARING / ORDINANCE (Introduced November 13, 2012): An ordinance amending the Troutdale Development Code Section 3.130, Permitted Uses in the Central Business District zone, to allow restaurants with drive-through as a permitted use.

Rich Faith, Community Development Director, stated this ordinance would amend the Troutdale Development Code to permit drive-through restaurants in the Central Business District (CBD). That use is not currently permitted. This ordinance was introduced at the November 13th meeting at which time I presented a detailed staff report giving the background relative to this ordinance. There was no public testimony given at the first public hearing. This matter has made its way through the Citizens Advisory Committee (CAC) and the Planning Commission (PC). A number of different options were identified, discussed and considered by both the CAC and PC. One of the options identified was to narrow the proposal to continue to prohibit drive-through restaurants in the CBD east of 257th but to allow them to the west of 257th on the properties zoned CBD. At the conclusion of the November 13th meeting Council directed me to bring back an alternative ordinance that reflected that particular option.

In your packet this evening there are two versions of the ordinance. Version "A" is the proposal as it was submitted to you on November 13th, and Version "B" which would only allow the drive-through restaurants to the west of 257th. In both versions the amendment only applies to permanent restaurants, including a coffee kiosk as long as it is affixed to the ground. Drive-through restaurants would be allowed to locate in the CBD under Version "A", or just to the west of 257th under Version "B". However, restaurants that are not permanent, such as a mobile trailer that can be pulled in and out that may have a drive-up window, are not covered under this amendment and are not permitted anywhere under our current code. These amendments also do not

address mobile carts such as a push cart that someone might set up along or on the sidewalk. The only provision that we have in our code to address those are temporary street side sales, and those types of uses are only allowed for up to a maximum of 60 days. I just want to be clear that these amendments only deal with permanent restaurants.

The PC's recommendation is to adopt Version "A" allowing drive-through restaurants in the CBD. Staff has consistently opposed that option, but does support Version "B" allowing drive-through restaurants west of 257th. You should have a copy of a letter we received today from the Troutdale Business Development Group (copy included in the packet) supporting the Version "A" ordinance.

Councilor Thomas stated I talked to you this afternoon about having a requirement for interior seating of some kind to go with the restaurant. My concern is that a trailer can be attached to the ground so basically what you would have is just a kiosk with a drive-through window. When I look at how the CBD is defined in the Town Center Plan it is really supposed to be geared more around tourism and pedestrian traffic. I like Version "A" but what I don't want to see is something sitting on a foundation that is just simply a building and all it has is a drive-up window. My preference would be to define it so that there is some sort of seating requirement within the structure. They could still have the drive-up window, but there would be requirements to have a minimal amount of seating inside. That is my biggest concern; we do have some design standards and other things that go with the CBD.

Rich Faith stated in our conversation today I pointed out to you that we have no definition in our code for a restaurant. Because we don't define what a restaurant is we apply it to all types of operations in which food or beverages are being sold and dispensed and that is why it covers the whole gamut of restaurants including those that do have seating and those that don't. If we do want to limit what type of restaurant would be allowed to have a drive-through we will have to define that in some manner.

Councilor Thomas stated my preference would be to wait until the first meeting in January so we can come up with that definition which would give us a cleaner look and feel versus having trailers sitting on cinder block foundations. It doesn't take much to be considered a permanent building.

Mayor Kight asked regarding Councilor Thomas' concern, could we do something as simple as stating restaurants would be required to have sit down seating of some type? Not dictate how many seats are required. I tend to concur with Councilor Thomas, that a kiosk sitting on cinder blocks or some kind of foundation may be considered permanent.

Rich Faith replied you could write that in, but if you don't address it exactly as it is meant it will be easy for someone to circumvent that. If you say that they must have indoor seating, then how much seating? An example is the coffee drive-through in Wood Village on the corner of Halsey and 242nd, I have been there a couple of times

and I believe they have a place to sit down there. Is that what you have in mind? Any coffee kiosk could probably meet that definition by putting in one chair or a small table.

Councilor Anderson stated you said that we don't have an ordinance that addresses food carts, correct.

Rich Faith responded we do not allow mobile food carts.

Councilor Anderson replied we do for 60 days.

Rich Faith stated there are certain provisions in our code that address street side sales, and we allow them for up to 60 days. We would not allow someone who has a van that they drive up and use as a restaurant because it would not be permanently attached. Our code would not allow someone to set up a mobile unit on a piece of property and say that it was going to be a restaurant that they serve from. Our code says it can be used for street side sales for up to 60 days. However, the street side sales provision doesn't allow for a drive-up.

Councilor Anderson asked wouldn't it behoove us to take on the food cart, portable, cinder block, trailer, van by the side of the river serving food and put that in one new ordinance and deal with it separately. If I am hearing the questions correctly that is where it is going. That is not what this is saying but we have a loophole and we probably should address it.

Rich Faith stated that really is separate from drive-through restaurants.

Councilor Anderson replied right.

Rich Faith stated I don't know that we have a problem with those other types of uses. We are here tonight to talk about permanent restaurants and allowing them to have a drive-through in our downtown. Separate from that there are a whole number of questions about food carts in general similar to what goes on in downtown Portland.

Councilor Ripma asked Councilor Thomas does that take care of your concern if we address trying to make that connection. I think you have raised a very good point. If we just deal with the drive-up restaurant tonight does that not deal with your concern? We could still deal with your concern later.

Councilor Thomas stated one of the challenges we run into is we had a similar case when we were building that motel down on Frontage Road. We had passed an ordinance and there was something missed and we had to go back and fix it later and we couldn't undo it because the building permits were taken out in the meantime. To open it up and leave it vague is bad precedent. We should clean it up and do it right the first time. I have seen a number of shops around that have a really nice drive-through and that have interior seating components and they look really nice and would

fit well into the decorum that we are trying to match here. My biggest concern is having a trailer just sitting there or something like that.

Councilor Ripma asked would a trailer permanently on cinder blocks, not a cart, with a drive-up on each side be allowed under this ordinance?

Rich Faith replied we do have some architectural standards that apply in the CBD. As you recall back in 1996 when the entire Town Center subdivision was created the idea was that when the buildings were built we wanted them to follow a theme and have the look and feel of the historical downtown. We do have design standards adopted for the CBD. Technically any use in the CBD, including a drive-through restaurant, would have to meet certain standards for architectural design. I would be hard pressed to say that someone could just plop down a travel trailer or something like that; it wouldn't meet the standards. I think the issue here is more about the idea of an auto dependent or auto oriented use, which is really what is currently discouraged here in the CBD.

Councilor White asked how are we able to allow the drive-through feature west of 257th and not east of 257th if they are within the same zone?

Rich Faith replied by virtue of the language adopted.

Councilor Daoust stated Rich you earlier said that you cannot set up a mobile unit on property in the CBD.

Rich Faith replied yes, because of our architectural standards.

Councilor Daoust asked so what is a mobile unit then? I think what Councilor Thomas is concerned about is the mobile units that are not on a permanent foundation.

Rich Faith replied our code addresses temporary uses. We have a provision in the code for temporary street side sales. Someone who might want to put a cart, trailer or mobile unit on privately owned property would be allowed to do that but only for a temporary time period of no more than 60 days. Those are temporary uses meaning they are not going to be affixed to the ground and they will not receive water and/or sewer services.

Councilor Allen asked is that 60 days per year?

Rich Faith stated I don't recall the exact language, but I think that it is fair to apply it that way even if it doesn't say it that way. That is how we deal with the temporary use. Now we are dealing with permanent type uses in the CBD and the question is if someone has a cart, or a mobile unit, that they wanted to locate in the CBD and they say they want it to be permanent and they are willing to make it permanent, as long as it is on private property, receives the services that it needs to be permanent, it would be allowed but we would still have to contend with the architectural standards for the CBD. So I am saying that it is possible to take a mobile unit as long as you are going

to make it permanent in terms of how it is attached to the ground, it has those services and it can meet the architectural standards. It would be possible to set one of those up in the CBD right now as long as it didn't have a drive-through.

Councilor Allen stated I agree with Councilor Thomas and I would like to see a more permanent framed structure as opposed to temporary. I was hoping that the south side would develop similar to how the north side has developed and be pedestrian friendly to draw in people who want to walk and shop. The properties to the west of 257th seem to be better suited for this type of activity. To the east of 257th there are a few locations in my mind that would work well, but not necessarily all locations would work out well for what our future hopes are for the downtown area.

Mayor Kight opened the public hearing at 7:26pm.

Neil Handy stated I am here representing the Troutdale Business Development Group and myself as a property owner that is going to be affected by this ordinance. You have our letter that we submitted. Dean Hurford and I both testified at the PC hearing on this issue and gave all of our reasons why this needs to be approved. This idea that surfaced just recently about splitting the CBD as far as uses goes back to a day a long time ago in this town when we had Sub Areas A, B, C and D. We got rid of all of that because we wanted to eliminate the confusion for people who wanted to come into this town and start a business. Now we are sitting here talking about going backwards. We are totally opposed to it. I don't even know if it is legal. You can't just start writing things into the zone that exclude the uses for one part of a zone in favor of another zone. That in effect is devaluing my property in relation to the property that is west of 257th. I don't think this Council wants that fight, and it will be a fight. What we need to do is focus on whether or not it makes good business sense, and good sense for this city, to allow drive-through coffee shops. That is what we are talking about. It is allowed everywhere else in this City except right here (downtown). You drive right down the street to Jack's Snack and Tackle and get drive-through coffee. This issue is mindboggling to me because of what has happened with all of the other government agencies that get into the fight, send letters, waste resources (tax money), talking about this potential horrible traffic issue that may or may not materialize. To have ODOT write a letter and suggest that the I-84 Interchange could be impacted by this action is ludicrous. I think we should just get on with it, make a decision as it is. The PC has looked at this issue, we were there and testified and listened.

Dean Hurford, property owner, stated last week I took a trip around the Olympic Peninsula and a lot of the little communities have coffee shops all over the place. It just seems that we should make that available in this city. We can say that there are only four or five areas in the downtown that work or don't work. The reason that I believe that we were successful in front of the PC when we had this discussion is because our basic premise to the PC was to allow the business person the opportunity to fail. If they think that a coffee shop in a congested area will work, it is up to them to waste \$50,000 or \$60,000. If the person can or cannot get in or out of that area they will put him out of business or keep him in business. There are good locations and

there are bad locations, but allow the business person to make that decision. I think we are splitting hairs. Let's just go back to common sense and allow people who own a piece of land to screw up. Regarding your concerns Councilor Thomas, it has to go through site and design review. If I want to put in a trailer I think it has to go through the site and design review process so it is not as though I can put something on my property that is ugly. Personally I don't care which version of the ordinance is adopted because my property is to the west of 257th, but I am arguing on behalf of business entrepreneurs and land owners to allow people to develop their property. I started my development in Fairview a decade ago and now there is \$4.5 million worth of real estate sitting there with another \$1 million piece of property right next door to be developed. It all started with a drive-through coffee shop which is still there to this day. At the end of the day the value of the property will dictate if it should be a coffee shop or if it should lead to something bigger and better. A little coffee shop will create about 10 jobs because you have the owner, two or three employees, bakery guy, milk guy, insurance guy, etc. There is a trickle down. Enthusiasm breeds enthusiasm. There is a lot of energy being put into the coffee shop conversation, but we have to start somewhere to allow business people to either succeed or fail.

I am not sure how the state works but a lot of these coffee shops have to be deemed mobile because they have portable water so they have to be on an axle and you have to be able to put tires and wheels on them and haul it away. I don't know how that really shakes down in this conversation, but there is more to it than just putting cinder blocks under it. Should they look mobile? No.

Councilor Daoust stated I take it from your comments, and this is just an assumption and you can correct me if I am wrong, but Councilor Thomas' concern is something that you two feel we need not mess with regarding requiring indoor seating.

Dean Hurford replied I don't know the reason why you are worried about indoor seating. Is it more about design criteria, or is it that you are worried about indoor seating. We are on a Historic Highway where people are going to drive up and down this highway; it is designed for people to drive up and down. Americans are people of convenience. If they want indoor seating they will go find themselves an indoor seating spot. I don't know if you are more interested in that for the design criteria or to just physically be able to go in and sit down. I have no seating at my drive-through coffee shop.

Councilor Thomas stated the reason I am interested in it has to do with design.

Dean Hurford stated let the design criteria stand and hold them accountable.

Neil Handy stated as Rich has said whatever we are going to put up, it is not going to be a 60-day cart.

Dean Hurford stated people will not go into business to do the 60-day cart because then you are paying the fee every 60 days.

Neil Handy stated we would also like to point out that you can have a drive-through coffee shop in an 80-year old building. Just because this gets approved it doesn't mean that the drive-through coffee is going to be in something that isn't framed. I own property that opened in 1928 and it had drive-through gas. We have had drive-through in this town. There seems to be somewhat of a hysteria over this whole drive-through idea. They are all going to be permanent; they are not going to spring up like mushrooms because that is not the way the private sector works. It has to make economic sense.

Councilor Daoust stated all I am trying to do is see whether we need to wrestle with Councilor Thomas' idea or not. I was trying to get input regarding adding a requirement for indoor seating. The thought that comes to mind is your old gas station; you could easily have a drive-through there without any indoor seating. But if we look into requiring indoor seating that is an extra requirement for you.

Neil Handy stated it is an extra cost. Then we have the whole issue of building codes.

Dean Hurford asked why is it that the other communities allow drive-through coffee shops without indoor seating?

Councilor Daoust stated I think I have my answer.

Mayor Kight asked Mr. Hurford, on your property in Fairview you have a coffee kiosk, is that considered permanent or portable?

Dean Hurford replied it was approved through site and design so I think that makes it permanent. However, through the State and Multnomah County it is deemed a portable structure.

Mayor Kight asked is it hooked up to the city water and sewer service?

Dean Hurford replied it is not hard-piped to either one.

Mayor Kight asked is it sitting on cinder blocks? How is it fastened to the ground?

Dean Hurford replied they require seismic tie downs.

Mayor Kight asked so it would be considered a permanent structure?

Dean Hurford replied correct.

Councilor Anderson asked Mr. Hurford, when is the last time your property in Troutdale had anything on it that generated revenue?

Dean Hurford replied it has never generated revenue in the twelve years that I have owned it. I did allow Christmas Trees to be sold, so I made a couple hundred dollars.

Councilor Anderson asked Mr. Handy, when is the last time that your gas station pumped gas?

Neil Handy replied November 1987.

Councilor Anderson stated so we are talking about two properties, potentially, that haven't generated revenue in 12 to 25 years that could.

Councilor Allen stated I am not personally as concerned about indoor seating, just that it is a permanent structure.

Mayor Kight stated fastened to the ground.

Councilor Allen stated you can fasten anything to the ground, I am talking about framed construction; permanent structure. The properties being mentioned tonight in my mind would be excellent properties for this kind of development. My concern was more towards the pedestrian.

Dean Hurford stated my particular coffee shop is not a permanent structure by your standards, but by legal standards it is a permanent structure. What are you saying? Would my coffee trailer in Fairview fit within your thought or not?

Councilor Allen replied it would.

Mayor Kight stated even though it is portable? I thought I heard you say you wanted it to be a framed construction.

Councilor Allen stated if you look at the coffee shop it has outer walls. You are not hooking it up to a truck and driving it away.

Dean Hurford stated technically in 3 or 4 hours I could hook a truck up to it and drive it away. There are fascia boards that attach it to the ground. It has all of the looks of being permanent, it is seismically attached to the ground, the tires and wheels have to be pulled off of it in order to be blocked up, but I technically can still drive it away.

Councilor Allen stated so I guess the main point than would be appearance.

Dean Hurford stated that is why I am trying to address what Councilor Thomas is concerned about. It still has to go through site and design review.

Councilor Anderson stated the Town Center Overlay is pedestrian friendly yet we have a historic highway running right through the middle of it. If we want the Town Center Overlay to be truly pedestrian friendly we can either move the highway, move the

Town Center Overlay, or get rid of it and put it somewhere else. It is conflicted to me. I am all for encouraging pedestrian use, but the fact is that we have spent hundreds of thousands of dollars on an Arch that is beautiful and we have cars going east to Corbett, Springdale, Multnomah Falls, up the Gorge; they are cars and cars go through drive-through restaurants. I am not convinced that by adopting this ordinance we are going to have a McDonalds, Burger King or a food cart colony pop-up in 30 days; we are not. We have two properties here that have not provided retail revenue to this city for 12 and 25 years. We have two people that have documented success in doing just that. When I hear Dean's story I think of the statement "from the smallest acorn comes the mightiest oak". He started with a coffee cart in Fairview that now is a business park with a restaurant. It will come but you have to start somewhere. I personally think that we should not only adopt Ordinance A as recommended by the PC, but we should also investigate whether the Town Center Overlay is really the right thing for our CBD.

Councilor Thomas stated when you look at the scenario of a McDonalds or Burger King it isn't necessarily a bad thing. What I look at is the drive-through idea is a nice idea. My concern is more what does the site look like once it is done and how does that enhance the city. When you start putting up temporary structures there are some places where you pull off the side of the road and it is dirt on both sides and they carry water in and out of. The concern from my perspective is maintaining the same look and feel of our downtown. It is not whether or not we have drive-through restaurants, it is what it will look like when it is all said and done. How do we maintain the livability and how do we keep Troutdale an inviting city. That is where my concern is. You asked me what my reasoning was for having indoor seating. It really had to do with site and design. What I am looking for is something that is permanently attached that is actually hooked to water and sewer. I don't know what the city's definition of permanent structure is. I have driven by the food carts in Portland and they have the big ugly drains sitting outside of them for all their waste. That is the type of thing that I would like to avoid.

Dean Hurford asked Rich, if I were going to apply to put up a trailer wouldn't you have to address all of those concerns that Councilor Thomas is talking about. You would have to address what the look of my trailer would be and the connections.

Rich Faith replied yes, we are talking about a permanent trailer.

Councilor Allen stated do we currently have design standards for this business district?

Rich Faith replied yes, in the CBD we do.

Councilor Allen asked would it address the concerns mentioned here?

Rich Faith replied these are processed through a site and design review so we can evaluate it against all of the applicable standards of the code. Anything in the CBD is subject to additional design standards that are mostly architectural. Any structure that

is put up as a permanent structure in the CBD does have to be evaluated against those architectural standards.

Councilor Allen asked with our current code are we able to maintain the standards similar to what we have going here?

Rich Faith replied I think it will be very difficult for someone to put up a converted travel trailer and make that a permanent coffee shop. It may be doable but I think it would be difficult to be able to make that fit our architectural standards in the CBD. There is not a great deal of likelihood that one of those would be approvable in the CBD. In my opinion, in order for it to be considered a permanent use and a permanent structure it does have to have connection to public sewer and water.

Mayor Kight asked would that design standard be applicable to Mr. Handy's property which is a pre-existing building? If he were to convert it to a drive-through coffee shop would he have to change the building to meet those design standards?

Rich Faith replied not likely because our design standards used that or other older buildings as the model.

Dean Hurford stated I think we are on a slippery slope and I want to make sure that we save everybody some time. There is a young lady who I think earned barista of the year in the United States and she runs a coffee shop for me up in Gresham. She has opened up another coffee shop on 181st. Her coffee shop is not hooked up to sewer. The tanks are hidden so that they are not visible and they have to pay to have someone come and pump the tanks every third day. You can do a coffee shop and not be permanently connected. With your point Councilor Thomas, you are worried about the visual and if you don't see a tank or other things that create the mechanics of the trailer does it really matter to you? It really probably doesn't, you are just worried about driving down the street and visually seeing that it looks nice. If my truck runs on natural gas, diesel or gasoline you don't really care what it runs on. I just want to clarify that coffee shops can run by not being directly connected to sewer. I don't want you to pass something or not pass something when in reality it is out there working right now.

Mayor Kight asked is one of the reasons they are not hooked up to the city water and sewer to avoid the system development charges (SDC) and other upfront charges?

Dean Hurford replied no. An Albertsons or a Safeway is not going to allow you to dig up their parking lot to allow that drive-through coffee shop; it wouldn't be feasible. I don't believe that it is an SDC or a connection fee criteria, I think it is more that it isn't practical.

Mayor Kight stated in your scenario you own the property and you put a coffee shop on it that is not hooked up.

Dean Hurford stated my scenario is because I designed it. You can drain into the sewer by a pipe if you want. What we do is the manhole happens to be right where the trailer is so I have a very unique situation because I designed it around this scenario. Chances are not very likely that my scenario will happen again where there would be a sewer manhole at the very outlet point of the discharge of the trailer. My Gresham shop does drop in to connect to the sewer; it is a flexible connection that is not visible.

Mayor Kight asked Mr. Faith what would we be looking at for water and sewer SDC's for a coffee shop?

Rich Faith replied there is a table to calculate it that I am not all that familiar with to be able to comment on.

Councilor Daoust stated I am not reading anything in your staff report about water and sewer lines. So where are we with this? Dean has made a point that they don't have to be hooked up to water and sewer to be operational, and I am not reading in here where they have to be hooked up to water and sewer so maybe we don't have an issue here.

Rich Faith stated you have the Development Code and the Public Works Construction Standards and other aspects of the Municipal Code that deal with the provision of water and sewer service. We would need to take a look at all of those. It may take some interpretation from public works as well as planning about what constitutes permanent use and what is required in terms of the provision of public water and sewer to a structure that goes on a site. There may be a number of things that we will have to sort out.

Dean Hurford stated on my corner if I was to do this I would have to do a sewer cap and who knows where I would get my water. But for Neil's property he probably already has sewer and water. I am merely suggesting that he already has sewer and water and if he has a way to get it to the sewer and if he has a way to get water to his trailer he does not have the same SDC issue that I have. I am still making the argument of just allowing business to spring up and start working. For my scenario I would have to develop in order to do that.

Councilor Thomas stated the ordinance we are talking about is whether or not we are going to allow drive-through. This whole other thing is another section of code that needs to be worked through. What I thought I heard you say Rich is to be considered a permanent structure you have to be hooked up to services.

Rich Faith replied it would be affixed to the ground in some manner and, we don't have a definition of permanent, but in my opinion it would mean that it is also connected to city water and sewer services.

Councilor Allen stated I am personally not interested in trying to get a system development charge on business that has no desire to use that system.

Mayor Kight stated if he is hooked up to water and sewer then he is obviously using it.

Councilor Allen stated but if he is not.

Rich Faith stated there are various layers and I don't want to get out of my area of knowledge and expertise, but under our municipal code if public water and sewer are within a certain distance and those are services you need, then you must connect to them. It is a matter of how that would be interpreted in the code; this use requires water and it is going to be a permanent use and you must connect to city water.

Dean Hurford stated I think the reason why we went before the PC to start this whole thing in the first place was an economic development conversation and trying to create something. We are still just trying to create something here. I want to urge you to not kill it before we can give it a chance.

Mayor Kight closed the public hearing at 8:04pm.

Mayor Kight asked Mr. Ross, the issue came up about the legality of having an ordinance that is specific to the area west of 257th as opposed to the area east of 257th.

David Ross replied I don't think there is a problem with that. There is a definition that east of 257th is intended to be more pedestrian friendly than is west of 257th.

Councilor Allen asked what is the thought on the dividing line not be 257th, that it be closer into town like Buxton?

Mayor Kight stated I guess we will find that out when someone makes a motion.

MOTION: Councilor Thomas moved to adopt the ordinance amending the Troutdale Development Code Section 3.130, Permitted Uses in the Central Business District zone, to allow restaurants with drive-through as a permitted use, Text Amendment #46.

Councilor Ripma asked is that Version A?

Councilor Thomas replied yes.

Motion Seconded by Councilor Ripma.

Councilor Thomas stated I think this is an opportunity to expand business in Troutdale. After hearing the answers and comments, and in talking with Rich Faith I am very comfortable with moving forward.

Councilor Ripma stated I have also listened to all of the comments. I have a long history in supporting the way the downtown has been developing. I think the first committee I ever served on in Troutdale 22 years ago was the Historic Downtown Development Plan back when we only had half of a downtown and look what we ended up with. It has some holes in it that we all hate, but we have done very well. I am not as worried about a drive-through being unsightly, and I guess Councilor Thomas you must have been reassured because you made the motion. I am just not that worried; there are only a couple of places that a drive-through could logically be located. I think if anyone builds one it would be consistent with the downtown. The idea that the Handy garage could be made into a drive-through is very attractive to me. While I had asked for the clarification to have the Version B ordinance, after listening to everybody and thinking about it I favor opening up the whole downtown to possible drive-through restaurants; I just don't think there will be that many. The overlay that we have has done its job. I am not quite as enthusiastic as Councilor Anderson about removing all of the rules. I think we have done well. We can try this? Let's not just open it up. I am not so worried about something happening in the next 30 days that would be ugly; it is more like the next 30 years. I favor the motion and recommend that we pass it.

Councilor Daoust stated I also support the motion. When I drive around one of the first things that I visit in many cities is a coffee trailer. I am not concerned about indoor seating being a requirement. I don't want to add an additional requirement onto smaller units. I think of Dutch Bros. Coffee as a real attractive coffee stop which has no indoor seating at all. I am still not clear though whether we would allow a coffee trailer that looks real nice to be set-up if they are not hooked up to water and sewer. I am still unclear about that. It sounds like that would not work in Troutdale from what I am hearing. I don't have any concern about that; I think that those types of trailers would be something that I would welcome even if they are not hooked up to water and sewer. There are numerous examples of those types of trailers all over the Portland Metro area, and in every city, that are not hooked up to water and sewer. We may have to work on that one if we get a proposal from someone who wants to set-up a coffee trailer that looks nice and fits in real nice but they are not hooked up. I think we are going to have to deal with that.

Councilor Allen stated I think we have done a good job of talking about the concerns. I have seen Mr. Hurford's operation in Fairview. I didn't know that you could back up to it and drive it away. It is done well. I am happy with the direction that this is going.

Councilor White stated I have actually talked to several businesses that in are in the CBD and there is a lot of support for this idea.

Mayor Kight stated what brings me some comfort is that I have known Mr. Hurford for a number of years and his property in Fairview is a quality development. He doesn't have a reputation of what I would say is "quick and

dirty" or just throwing up something that is ticky-tacky. We have had quite a level of success in developing the north side of downtown. Like Councilor Ripma, I was on the Council when there were no buildings on that side of town; there was a 3' cement retaining wall. We have come a long ways. The missing bookend is your property Mr. Hurford, and of course we are hoping to see the south side of downtown redeveloped. We have to be open to the market place and clearly this Country is addicted to coffee. There is a huge demand for it. That will cause another situation and that is more traffic in our downtown, which is a good thing. A lot of downtowns in small communities are dying. We are doing very well and in fact parking is a problem in downtown, but that is a great problem to have.

VOTE: Councilor Daoust – Yes; Councilor Ripma – Yes; Councilor Anderson – Yes; Councilor Thomas – Yes; Mayor Kight – Yes; Councilor White – Yes; Councilor Allen – Yes.

Motion Passed 7 – 0.

5. STAFF COMMUNICATIONS

Craig Ward updated the Council on the following:

- A question was raised at the beginning of our meeting tonight as to whether or not our police force was involved in the response to the Clackamas Town Center incident. The Chief has informed me we were not.
- Tree Lighting. I want to express my gratitude to Officer Darren Taber and other officers for organizing the Tree Lighting Ceremony. The Chamber did an outstanding job as did many others including our public works department and the facilities department.
- The committee recruitment for vacancies on the various city committees was extended to December 20th.
- The Chief would like me to remind everyone that the Toy Drive at Wal-Mart will go through December 16th.
- December 25th and January 1st City facilities will be closed for the holidays.
- On January 3rd at 7pm at the Sam Cox Building we will have the Swearing-In Ceremony for the Mayor and Council Positions 2, 4 and 6.
- Our next regular Council meeting will be on January 8th which will include a presentation on the Flood Insurance Rate Map update.

6. COUNCIL COMMUNICATIONS

Councilor Ripma wished everyone a Merry Christmas and Happy New Year. I can't resist complimenting the Tree Lighting Ceremony. The Reynolds High School Choir was excellent.

Councilor Anderson wished everyone a very happy holiday season. I also commend everyone involved in the Tree Lighting Ceremony. Our city was full of people and our businesses were full. Personally speaking one of the hi-lights of my night was making

the trek down to the Depot and visiting the Troutdale Historical Society and talking with Sharon Nesbit and listening to the band and seeing all of the old photos of the ice storm of 1921. I love that place. It was a great night.

Councilor Thomas wished everyone a Merry Christmas and Happy New Year, Happy Hanukkah. I wanted to compliment the Chamber on the Tree Lighting Ceremony it was very enjoyable. The part that I thoroughly enjoyed was the city staff doubling as elves and handing out candy. I really appreciate the staff taking the time and effort to do that.

Councilor White stated I want to thank the parks department for the trees that showed up on the streets in the downtown. I understand those are live trees that will be planted in various locations in the city.

Councilor Allen handed out a chart to the Council (copy in the packet). What you see on this chart is the gross domestic product for Oregon prepared by the US Bureau of Economic Analysis. At our last meeting I pointed out that the recession is and has been over. Our Country's gross domestic product has never been better yet we are hurting when it comes to tax revenue. I realize that additional revenue will start to appear in our 2014-15 budget. My concern is that we are not keeping up with our service obligations and we are moving slowly on reforms to increase our development competitiveness. We also have a number of financial concerns such as our unoccupied city hall in need of repair or replacement. We must have a sustainable budget for the foreseeable future. The city has proposed fees and tax increases further burdening our tax base in a time when so many of our people are struggling. We must ensure that we are running as efficient as possible before we take this step. Let us direct staff to implement a hiring freeze while we take a closer look at our future sustainability in a work session. It is important to note that I ask for this temporary freeze in an effort to avoid future cuts in staffing.

East Multnomah County Transportation Committee has asked that we inform them as soon as we can as to who the representatives will be for the coming year.

Councilor Daoust stated we do have some issues to wrestle with come January as far as who is going to represent us on different committees. This is our last meeting of the year and a memorable meeting it was. I want to wish everyone a good and safe holiday season. It has been one heck of a year working with all of you. We are going to be starting out in January with a different council and mayor and there is a lot to work on. One last thing that we need to do, since this is our last meeting this year, is recognize Mayor Kight for his service to our city. Mayor Kight has served the city and citizens for many years. Councilor Daoust presented Mayor Kight with a plaque in appreciation of his dedicated service to Troutdale.

Mayor Kight wished everyone a Merry Christmas, Happy Hanukkah. Everybody be safe and be aware of the environment you are in.

7. ADJOURNMENT:

MOTION: Councilor Ripma moved to adjourn. Seconded by Councilor Anderson. Motion passed unanimously.

Meeting adjourned at 8:24pm.

Doug Daoust, Mayor

Approved February 12, 2013

ATTEST:

Debbie Stickney, City Recorder