

AGENDA
CITY COUNCIL MEETING
CITY OF TROUTDALE
104 SE KIBLING STREET
TROUTDALE CITY HALL
7:00 P.M. -- CITY COUNCIL CHAMBERS

MARCH 10, 1987

- (A) 1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE
- (A) 2. CONSENT AGENDA:
 - 2.1 ACCEPT: Minutes of 2/24/87
 - 2.2 ACCEPT: Business License Report February
 - 2.3 ACCEPT: Bills for month of February, 1987
 - 2.4 RATIFY: Acceptance Port of Portland Waterline
- (I) 3. PUBLIC COMMENT:
- (A) 4. ORDINANCE: Amending Comprehensive Plan Inventory and Upgrading Edgefield Manor to 1C
- (A) 5. DEPARTMENT REPORTS:
 - 5.1: Public Safety
 - 5.2: Finance
 - 5.3: Community Services
 - 5.4: City Attorney
 - 5.5: Executive
- (A) 6. COUNCIL CONCERNS AND INITIATIVES
- (A) 7. ADJOURNMENT.



SAM K. COX, MAYOR

EXECUTIVE SESSION

Immediately following the Regular City Council meeting there will be an Executive Session for the following purpose:

Consultation with Counsel. "legal rights and duties of a public body with regard to current litigation or litigation likely to be filed." [ORS 192.660 (1) (h)].

- o Discussion of legal issues.

MINUTES
CITY COUNCIL MEETING
TROUTDALE CITY COUNCIL CHAMBERS
104 SE KIBLING STREET
TROUTDALE, OR 97060

MARCH 10, 1987

7:00 P.M. - AGENDA ITEM 1 - PLEDGE OF ALLEGIANCE

Mayor Cox called the meeting to order at 7:00 p.m. Mayor Cox asked Councilman Gault to lead the Pledge of Allegiance.

City Recorder, Valerie J. Raglione, called the roll.

PRESENT: Bui, Burgin, Cox, Gault, Jacobs, Schmunk (Excused late arrival) , Thalhofer (7:03 p.m.)

STAFF: Christian, Dorsey, Gazewood, Raglione, Wilder

PRESS:

AGENDA UPDATE:

Christian stated that Item 2.4 (Acceptance Port of Portland Waterline) was not prepared and should be deleted from the Consent Agenda items. Also, due to the shortness of the schedule, Public Comment Item 3 (Public Comment) would be changed to Item 5. There were several citizens present and this would allow a better timeframe.

AGENDA ITEM 2: CONSENT AGENDA:

MOTION: Bui moved to pass the consent agenda items 2.1, 2.2, 2.3 as presented. Gault seconded the motion.

Bui - Yea; Burgin - Yea; Gault - Yea; Jacobs - Yea

YEAS: 4
NAYS: 0
ABSTAINED: 0

AGENDA ITEM 4: ORDINANCE Amending Comprehensive Plan Inventory and Upgrading Edgefield Manor to 1C

Christian reviewed background materials. The subcommittee met and changed some of the language. The ordinance before Council was with the requested changes the subcommittee developed. Also, the City Attorney's opinion was included, as had been requested by Councilman Thalhofer at the previous meeting.

Christian stated that the County Commissioners had tabled the

issue of demolition for an undetermined amount of time.

Cox read the ordinance by title.

MOTION: Thalhofer moved to pass the ordinance as presented.
Burgin seconded the motion.

Bui - Abstained; Burgin - Yea; Gault - Yea; Jacobs - Yea;
Thalhofer - Yea
YEAS: 4
NAYS: 0
ABSTAINED: 1

AGENDA ITEM 5: DEPARTMENT REPORTS

- 5.1 Public Safety. Thalhofer inquired as to the drug problems in Troutdale. Dorsey stated that there were problems, however, nothing that was 'out of hand'. Nothing to add. No further questions.
- 5.2 Finance. Gazewood stated that there was a public hearing at 11:30 a.m., March 11, 1987 on the levy request for the proposed budget. Christian stated the need to know what we would do, the next filing deadline is March 25. Nothing further to add. No questions.
- 5.3 Community Services. Nothing to add. No questions.
- 5.4 City Attorney. Nothing to add. No questions.
- 5.5 Executive. Christian informed Council that a request had come from Estle Harlan (Ege's Consultant-Garbage Franchise) if the Council would **consider**, (even though it would be past the notification date in the franchise agreement) at a later meeting, an increase in rates due to Metro's increase in tipping charges at St. John's.

Burgin stated that there was information required of closing the books and that trend would need to be continued prior to any increase being authorized.

Consensus was that Council would **consider** the request.
No further comments.

AGENDA ITEM 3: PUBLIC COMMENT (7:15 P.M. Tape 1-18:45)

Marty Marvin, 2024 SE Evans spoke to the issue of OLCC Liquor Store new location in the Sweetbriar neighborhood. He expressed concerns on the distance from the school, drug and alcohol abuse problems, and asked if proper zoning was the only consideration prior to a liquor store relocation.

Gary Maronni, 545 SW 8th Circle spoke in opposition of the new location stating that the Sweetbriar School was rented for church services and that there had been evidence of drug abuse and liquor bottles in the area already. He felt that this type of activity would increase. Liquor being purchased for younger persons and giving it to them outside of establishments had also been occurring.

Dan Marvin, 2024 SE Evans was concerned about the relocation of the liquor store as close to a school as this was?

Shirley Harshbarger, 3450 SE Evans was concerned about the chemical abuse and selling of it in so many area establishments.

Steve Bass, 435 SE Cherry Park Road stated his concern of the location and the resale of liquor to younger people. He was concerned about the relocation to a higher residential area. He also stated that he didn't have time to read the public notices in the newspaper.

Jim Sphinks, 3621 SE 317th stated that he was a volunteer at MCCF and was concerned that the facility was so close to the community.

Roger Vandehanden, 3939 SE 317 stated concern of older persons selling to younger persons. He expressed concern of the younger peoples impression of what was acceptable.

Melvin Erickson, 29533 SE Kerslake stated that Stark Street {new location of liquor store} was on the route to 2 parks, the Sandy River, and the City Park, also that was the case before the relocation, but was not as densely populated.

Gerard Neuffer, 3644 SE Harlow Ct. expressed concern over the license regulations of OLCC.

Cox stated that the Police would be increasing the neighborhood area checks for problems. Council was aware of drug and alcohol programs and problems. The relocation of the liquor store was not a Council decision, OLCC did not have to get permission from the Council. He stated that the distance to the Troutdale Grade School was the same approximately, as it is in distance to the Sweetbriar Grade School since the move. It is currently 800' to the Sweetbriar schoolyard.

The items in the area now are things that attract children (i.e., video games). Cox stated that in the past video games have been in the businesses downtown.

Bruce Tilton, OLCC District Manager, stated that there was nothing that required asking Council for moving within the City. McCoy is not a licensee, she is not covered under the licensing rules on relocations, new outlets, etc. She is on a contract with the State of Oregon to operate the store on their behalf. The City is contacted when a new outlet is considered in a City that doesn't currently have one. The local governing body is asked for approval prior to the budgeting and legislature process for requesting funds takes place. It is the agents responsibility to provide a location as a contractual obligation. In September, 1986, she notified

OLCC stating that she had been contacted and offered space at a reasonable price. OLCC viewed the location. It has to be equal to or better than the present location. OLCC admits that it is a business decision. There had been a decline in sales. McCoy has waited a long time to see if the location in downtown would eventually make a 'comeback' and revitalization in the area. That did not occur.

Tilton stated that in May, there will be hearings for a new Administrative Rule for OLCC licensed liquor stores to comply as any of the other liquor selling establishments do. There will be notifications, public notices to churches, schools, alcohol rehabilitation centers within 500' of proposed locations (on new licenses or changes of ownership). He stated that there was a banner which stated 'Liquor Store coming soon', put in the above the windows in the first part of January, 1987 which was when the building permits were applied for before the construction started. It would have been more visible than the regular public notice.

Tilton stated that there was no lawful means to review the process to the City. OLCC rules, zoning, business licensing requirements had all been met.

It was stated that within just the past week it was discovered that the Council didn't approve or disapprove of the relocation. In fact, one person on the Council didn't even know it was relocating. It was felt that more local information about it should be known and they came to the Council meeting to discuss it.

Burgin stated that there was a big difference between downtown and the Sweetbriar neighborhood. The distance between schools was not the issue as much as amount of residents surrounding the area. He felt that was a major difference. His main concern was no notification. He felt that Council ought to, as is with any other store, give the recommendations to OLCC. In the interest of fairness, we have said 'yes' to everyone that has asked (Plaid Pantry, Silver Dollar Pizza, Minit Mart, Thriftway). Frankly, he stated 'I've had it'. Economic development or no, that's it. We thought we had a pretty good balance, but introducing the liquor store to that area (in addition to the package stores)...what reasonable input we thought we had, is completely shot when the liquor store can go in without any input at all from Council.

Burgin recommended that Council be represented by the Mayor, or in writing at least, when the hearings come upon on the new administrative rule. Although our City won't benefit, other cities will have the application process complete.

Thalhofer stated that he felt the lack of notice was too bad also. Some people didn't realize until too late that the liquor store was relocating. Anytime a liquor store, or package

store locates, everyone affected should be notified. It could have a major impact on the neighborhood.

Bui agreed.

Christian stated that the location was approximately 800' outside of Sweetbriar School and by State law, it must be 500' outside. Any of the usual and customary notification requirements did not apply since Council makes no decision as to the relocation. OLCC has the right under the current laws to do exactly what was done. Christian stated that the relocation has been zoned commercial since 1970. The plat was filed and at that time all the necessary public hearings and Council action took place. There has been no change in the use.

The City staff publishes notices on the use of zones and requests public input and at the time comments such as heard tonight could have downgraded the zone which would have restricted specific uses. Staff doesn't make personal decisions to the benefit of neighborhoods, staff relies on neighborhoods making comment to staff so it can be translated into policy on the citizens behalf. There also was no lawful means for staff/Council to review the relocation.

Bui asked where interested persons and the City could write to make sure of the date/times of the public hearings that OLCC will be having in May. Tilton stated: OLCC, P.O. BOX 22297, Portland, OR 97222. He added that they certainly would look forward to any public comment.

Jennings was asked to address the basketball hoop issue. He stated that City had an ordinance which prohibits the hoops in or on public thoroughfares. The City is responsible for maintenance and conduct in the public thoroughfares and has the liability of them. The City can't accept liability of a child and would face enormous liability responsibilities.

Robert Burrow, 150 W. Powell spoke to the issue of the County Farm. He stated that the marketability could be very close if there was an effort taken, due to the significant interest in East County the past two years. There was no feasible plan as yet for the Edgefield site.

AGENDA ITEM 7: ADJOURNMENT:

Motion was made by Bui to adjourn. Gault seconded the motion.

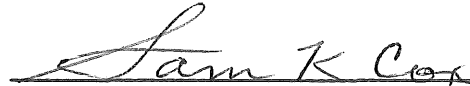
Bui - Yea; Burgin - Yea; Gault - Yea; Jacobs - Yea; Thalhofer - Yea

YEAS: 5
NAYS: 0
ABSTAINED: 0

The meeting adjourned at 8:12 p.m.

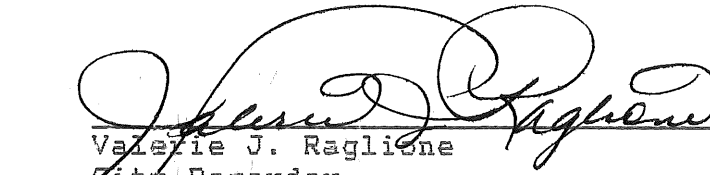
EXECUTIVE SESSION:

Mayor Cox called the meeting at 8:15 p.m.
Possible litigation was the subject discussed by City Attorney
Jennings.
The meeting concluded at 9:46 p.m.



Sam K. Cox, Mayor
Dated: 3/25/07

ATTEST:



Valerie J. Ragliano
City Recorder
28:26