



CITY OF TROUTDALE

"Gateway to the Columbia River Gorge"

AGENDA

CITY COUNCIL – REGULAR MEETING

TROUTDALE CITY HALL
104 SE KIBLING AVENUE
TROUTDALE, OR 97060-2099

Mayor

Paul Thalhofer

City Council

Pat Smith
David Ripma
Bruce Thompson
Jim Kight
Paul Rabe
Doug Daoust

Tuesday July 24, 2001 – 7:00 P.M.

- (A) **1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE**
- (A) **2. CONSENT AGENDA:**
- 2.1 **Accept Minutes:** June 26, 2001 Regular Meeting and June 26, 2001 Work Session.
- 2.2 **Resolution:** A Resolution designating the Mayor, City Council President and staff as signatory/cosignatory for authorized banking transactions of the City of Troutdale, Oregon and rescinding Resolution No. 1521.
- 2.3 **Resolution:** A Resolution establishing and revising specific fees and charges and rescinding Resolution No. 1535.
- 2.4 **Resolution:** A Resolution authorizing the Mayor and City Recorder to sign supplement No. 14 to Intergovernmental Agreement No. 3012987 with Multnomah County for road maintenance.
- 2.5 **Resolution:** A Resolution recognizing the completion of sanitary and storm sewer mains associated with the new Thriftway Plaza Improvements and accepting them into the City's Fixed Asset System.
- 2.6 **Resolution:** A Resolution approving the collective bargaining agreement with the employees union, Local 3132, represented by AFSCME and establishing wage and insurance benefits for management and non-represented employees.
- (I) **3. PUBLIC COMMENT:** Please restrict comments to non-agenda items at this time.
- (A) **4. PUBLIC HEARING / ORDINANCE (Introduction):** An Ordinance Activating the Urban Renewal Agency.
Erik Kvarsten, City Administrator

- (A) **5. PUBLIC HEARING / ORDINANCE (Introduction):** An Ordinance amending Troutdale Municipal Code Chapter 8.28, Nuisances. Jack Hanna, Code Enforcement Officer
- (I) **6. PUBLIC HEARING / ORDINANCE (Introduction):** An Ordinance terminating the franchise of RCN Telecom Services of Oregon, Inc., and releasing the company from its obligations under the franchise. Steven Jolin, Consultant for MHCRC
- (A) **7. PUBLIC HEARING / ORDINANCE (Introduction):** An Ordinance adopting Chapter 8.26, Outdoor Lighting, of the Troutdale Municipal Code. Rich Faith, Community Development Director
- (A) **8. MOTION:** A Motion to allow the Open Door Baptist Church to install a fire Hydrant on Strebin Road. Jerry Ortega, Assistant Public Works Director
- (A) **9. MOTION:** A Motion to refer city street nomenclature to the Citizen Advisory Committee. Mayor Paul Thalhofer
- (I) **10. COUNCIL CONCERNS AND INITIATIVES:**
- (A) **11. ADJOURNMENT:**


Paul Thalhofer, Mayor

Dated: 7-18-01

MINUTES
Troutdale City Council – Regular Meeting
Troutdale City Hall
104 SE Kibling Avenue
Troutdale, OR 97060-2099

July 24, 2001

Mayor Thalhofer called meeting to order at 7:00pm

1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE

Mayor Thalhofer called on Councilor Kight to lead us in the Pledge of Allegiance.

PRESENT: Smith, Thompson, Thalhofer, Kight, Rabe and Daoust.

ABSENT: Ripma (excused).

STAFF: Ortega, Hanna, Faith, Kvarsten, Sercombe, Grief.

GUESTS: See Attached List.

Mayor Thalhofer asked are there any agenda updates?

Kvarsten replied we have no changes to the agenda this evening.

2. CONSENT AGENDA:

- 2.1 Accept Minutes: June 26, 2001 Regular Meeting and June 26, 2001 Work Session.**
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MOTION: Councilor Thompson moved to adopt the Consent Agenda. Seconded by Councilor Kight.

**YEAS: 6
NAYS: 0
ABSTAINED: 0**

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

Robert Shields stated last Thursday I submitted a copy of a proposal of recognition to create a citizens commission to explore the potential use of environmentally sustainable energies and to build systems up in Troutdale. I come before you to propose change which will not only benefit the city but all throughout the world. My intention is to put together a plan to create a sustainable energy supply and with the help of the people of Troutdale this can be done. My plan is to put together a group to explore the potential of using environmental sustainable technologies (EST) to generate the power the city needs. There are four steps to this six-month project. The first is to put numbers on how much power all sectors of Troutdale use and project those numbers for the next five years. The second step is to figure out which source of energy would work best in Troutdale and which technology would work best to harness that energy. The third step is to make a plan to build and maintain a system of windmills, solar panels and methane digesters which would convert the cities organic waste into fuel and soil thus creating a supply of virtually free energy which is generated without any harm to the earth. The last step is to find people and organizations willing to fund the construction phase which could set Troutdale as a leader in sustainable living. What I need to make this project work are three things: 1) the public blessing of a unified City Council; 2) to find one council person to provide information and insight in order to come up with a plan that is in the best interest of everyone in the city; 3) the people of Troutdale have to be willing to put time, energy, patience and courage on the line by assisting me in doing the research. (A copy of Mr. Shields' proposal can be found in the packet).

Councilor Kight asked what are you looking for from the Troutdale City Council?

Shields replied for you to publicly admit that you think that it is a good idea and that it could benefit the City of Troutdale and that you support the research. I need to have some time to sit down and talk with this group about how we are going to achieve the research and be able to provide me with information about the city's energy uses and to help me come up with a planned integration that will benefit everybody in the city.

Councilor Kight stated you mention the word support and research, do you mean in the form of money?

Shields replied no, in the form of information.

Councilor Kight asked you talk about sustainable energy, how would you generate that energy and make it specific to Troutdale?

Shields replied set up a locally generated system. Take windmills and solar panels and place them on all of the houses and if need be put up new lines that are owned by the city to localize those systems that generate the power in Troutdale.

Councilor Kight asked who would absorb the cost of the capital expenditure of the solar panels and windmills?

Shields replied when I come back to you with a plan of integration to integrate these technologies into the City of Troutdale, that plan would also include a way to pay for it.

Councilor Rabe stated I appreciate your initiative. Have you researched any existing models where this transition has occurred and have you approached any other agencies in terms of using their facility and their resources? I visit with BPA on a regular basis and they are real interested in alternatives. My last question is the capital outlay either on the residential level or on the community level, what would the city have to put upfront?

Shields replied pertaining to the exact thing that I am trying to do, no. What I am trying to do is to combined a bunch of existing technologies. I do know of many cities in India that are run mostly off of methane digesters. Parts of California use windmills in large fields to generate electricity, in Arizona there are big solar plants. I am not aware of anyone who has tried to combine these systems. I have not contacted any other agencies because I want this to be a community developed initiative. Capital funding for this project, I have had a few private donations, but right now it is just all research. In six months I plan to come back before the City Council with a plan and that will include how to pay for it.

Councilor Daoust stated I think you are on the right track. I think you are ahead of your time, but I think most visionaries are. Most cities are self-sustaining to some degree, I don't know of any that are totally self-sustaining. Troutdale has its own water system, but we are very dependent on others for other resources so this will be very interesting to look into.

Mayor Thalhoffer asked is this the proper forum? Wouldn't this be something that the people in the US Energy Department would be interested in? We have an energy problem throughout the Nation, but what I am hearing from you is you want to start it here.

Shields replied I firmly believe that this energy problem needs to be addressed at a grassroots level, which is the community level not at a regional, state or US level. These technologies work best on a local level.

Mayor Thalhoffer stated you said you would like to get the citizens involved in this.

Shields replied it is vital.

Mayor Thalhoffer stated I have a recommendation that we refer this to the Citizens Advisory Committee for a study and I would entertain a motion.

MOTION: Councilor Kight moved to refer this matter to the Citizens Advisory Committee for study and recommendation. Seconded by Councilor Daoust.

**YEAS: 6
NAYS: 0
ABSTAINED: 0**

4. PUBLIC HEARING / ORDINANCE (Introduction): An Ordinance Activating the Urban Renewal Agency.

Mayor Thalhoffer opened the Public Hearing at 7:24pm and read the Ordinance Title.

Kvarsten stated following several work sessions the City Council adopted a goal to form an urban renewal agency to fund the infrastructure and facilities needed to continue revitalization in the Town Center area. To establish an Urban Renewal Agency the Council must enact two ordinances. The legislation before you this evening sets up the urban renewal agency and provides the powers of the agency to be retained by the City Council. The ordinance also adopts findings that the district meets the statutory definition of a blighted area, that is contained in the report labeled Exhibit A. The second ordinance, which the Council will deal with at a later meeting, adopts the urban renewal plan which estimates the revenues and expenditures and authorizes projects and activities within the area boundaries. The Planning Commission held a public hearing on the proposal on July 18th and voted to recommend that the Council approve the plan. Again, the first reading of that ordinance is scheduled for the August 14th Special Council meeting. Staffs recommendation is to adopt the ordinance declaring that blight areas exist establishing the need for an urban renewal agency in the City and electing a method of exercising the powers of an urban renewal agency be retained with the City Council.

Councilor Kight asked for the most part would you consider forming an urban renewal agency revenue neutral as far as to the taxpayers of Troutdale?

Kvarsten replied yes. The impact, as you know, after Measure 50 there was an established tax rate in the city of \$3.76 per 1,000. The assessed values to the homeowners can only increase by 3% unless they do some kind of improvement. A persons tax bill is not affected by the formation of an urban renewal agency.

Councilor Kight asked so there is no tax shift to the residential side if we form this agency?

Kvarsten replied the tax rate remains the same.

Councilor Daoust asked under number 5 on page 1, it says that one of the needs is to elect one of three ways to exercise the powers of a urban renewal agency, what are those three ways and are we moving on those tonight?

Kvarsten replied as you may recall from the work session the urban renewal statues allow an urban renewal agency to either be obtained by the city council, you can form your own urban renewal agency made up of a different body and could appoint another commission, such as the planning commission, to that role. The consensus from the work session was that it be retained by the city council. I think throughout Oregon a number of cities have elected to do it differently, I would say that generally in cities our size the council more often than not retains that power.

Councilor Daoust asked so the council would be the urban renewal agency?

Kvarsten replied yes.

Councilor Daoust asked if we decided at a later time to bring in other members, could we?

Kvarsten replied I believe that would take an amendment to the urban renewal plan.

Mayor Thalhofer asked is there anyone here that would like to speak to us on this issue?

No public comment received.

Mayor Thalhofer closed the public hearing at 7:29pm and stated that a second public hearing will be held on August 14th.

5. PUBLIC HEARING / ORDINANCE (Introduction): An Ordinance amending Troutdale Municipal Code Chapter 8.28, Nuisances.

Mayor Thalhofer opened the Public Hearing at 7:30pm and read the Ordinance title.

Jack Hanna, Code Compliance Officer, stated I am presenting to you two code amendments to Chapter 8.28 of the Troutdale Municipal Code pertaining to nuisances. With the councils consent I would like to discuss the two amendments separately. The first is an amendment to section 8.28.060, the city's nuisance control ordinance. This section defines the notification methods for code violations. The current ordinance requires that notices be mailed by registered mail return receipt requested. I did some research and in the year 2000-01 I sent out roughly 1,000 notices by registered mail return receipt requested. Those now cost \$3.74 each so we spent over \$3,000 in mail on the first notice that is sent out to people with violations. In checking the records, probably 90% of the people corrected the violations on the first notice and there was no need for a second notice. The other 10% were sent a second notice by registered mail. The amendment before you tonight is requesting that the first notices be allowed to either be sent out by regular mail or a notice of violation be posted at the property on a violation form. Those will probably get the 90% compliance that we have seen in the past. The 10% that do not comply to the regular mail or the posting would receive a second notice which would be sent registered mail return receipt requested and it would

give them an additional ten days to respond. That amendment to section 8.28.060 is strictly about the notification that we are asking about tonight and would be a cost savings to the city around \$3,000.00 or more a year. Are there any questions on that amendment?

Councilor Kight asked instead of doing the registered return receipt, how about proof of mail so that if the person getting the envelope says that I never received it you can show that you have the date and stamp that the post office puts on there. I think the cost is .75¢. When people see that they have to sign for an envelope, a lot of the time they will refuse to accept it. What do you think about the proof of mail?

Hanna replied there is evidence that I mailed it but there is no evidence that they received it. With registered return receipt the mail is either delivered to the subject or the post office made three attempts to deliver the mail. The post office stamps the envelope with all three dates they attempted deliveries prior to returning that mail. Our ordinance reads that the mail is considered delivered the second mail day after it is mailed, so if they refuse the delivery the notification attempt was made. The only proof that I have at that point is that they refused it and the post office will stamp that on the envelope.

Councilor Kight asked under what circumstances would you take the time and effort to go post the notice?

Hanna replied I could post it when I am out there because I don't send the notice of violation to anyone until I go verify it. If you call me in the morning on a violation, I won't send anything until I go verify that it is there and it is a violation.

Councilor Kight asked is the posted notice the final notice or do you send another letter by return receipt?

Hanna replied if they don't resolve the problem a second notice would be sent by registered mail.

Councilor Daoust asked the main reason for this is the cost savings?

Hanna replied yes.

Mayor Thalhofer asked would you post it and send a notice?

Hanna replied one or the other not both.

Mayor Thalhofer asked have you found that posting the notice is just as affective as mailing?

Hanna replied on vehicles, yes.

Mayor Thalhofer asked is there anyone here to speak to us on this portion of the ordinance amendment?

No public comment received.

Mayor Thalhoffer asked Mr. Hanna, proceed with the second amendment included in the proposed ordinance.

Hanna stated the second amendment is amending section 8.28.070 of the nuisance control ordinance that identifies nuisances. The background for this is numerous complaints over the last two years from residents of Troutdale regarding portable athletic equipment in the street or in the right-of-way. This includes everything from basketball hoops to skateboard ramps and street hockey nets. In the past my answer to the people that have called with these problems was that we could do nothing about it because we have no ordinance regulating that. We did finally receive some complaints in writing from citizens saying that we have a problem with this so I took the problem to the Citizens Advisory Committee. They heard the problem and they are suggesting an amendment to 8.20.070 adding the placement of recreational equipment in the public right-of-way as a violation of the nuisance section. It is the staff's recommendation that Council consider both of these amendments and we recommend adoption.

Councilor Kight asked how do other cities treat similar recreational devices?

Hanna replied I have talked to code enforcement people from numerous cities in different parts of the state and I have had answers from we don't have any of those in our town to we don't allow them to be placed in a public right-of-way. I had answers that they put them out and if they are actively playing on them they can have them out but if they leave them out unattended it is a violation. I heard that if they put them in the tree lane they can have them there but if they put them in the street it is a violation.

Councilor Kight asked when you say tree lane are you talking about the parking strip?

Hanna replied the area between the curb and the sidewalk. Most of them said they regulate them in one form or another and almost all of those said they would have to be in use to stay.

Councilor Kight asked how do we normally treat abandoned private property such as vehicles on public thoroughfares.

Hanna replied are you talking about abandoned or the storing of?

Councilor Kight replied storing.

Hanna stated we have an ordinance that regulates the storage of personal property on public rights-of-way which states it has to be gone after 72 hours after that it is a violation and is subject to a citation.

Councilor Kight asked do you consider this a safety issue with children playing hockey or basketball on the street?

Hanna replied personally I think it is a number of issues but safety would certainly be one of them. I don't necessarily know that the calls that I get are strictly related to the safety of the participants.

Councilor Kight stated wait a minute, not necessarily the participants, could you be clearer in your explanation as to what you are speaking to?

Hanna replied I get some pretty irate calls where the participants are turning on the drivers who want to drive down the street when they are in the middle of a game. I have had some calls by people that are being challenged by their neighbors because they have said something to the children playing.

Councilor Kight stated what you are saying is kind of a mixed bag as far as the safety issue. It could in fact involve the participants, those children playing out in the street as well as those people that are neighbors or people driving by in a car. You are saying that you are getting calls from neighbors that are complaining that as they drive through these areas where there is play equipment that they are being harassed either verbally or there is some kind of confrontation going on between neighbors, is that what you are saying?

Hanna replied I have received those complaints yes.

Councilor Kight asked in your estimation how many pieces of play equipment throughout the Troutdale area are we talking about?

Hanna replied that is hard to say because it changes on a daily basis.

Councilor Kight lets just pick one subdivision, how about Sedona?

Hanna replied I drove through there about a week ago and I counted five basketball hoops and a skateboard ramp.

Councilor Kight asked the skateboard ramps, are they in the middle of the street or on the side of the street?

Hanna replied if they are in the street, but they are generally up against the curb.

Councilor Kight asked do the ramps project out into the street?

Hanna replied the ones that I have seen that were being used as I drove by are generally parallel to the street.

Councilor Kight asked are most of the basketball hoops that you see portable or are they cemented in?

Hanna replied probably 95% are portable. There are a few permanent hoops that have been cemented in.

Councilor Kight asked so the bulk of what you see could be moved off of the street if they had to be?

Hanna replied yes.

Councilor Kight asked the liability issue, Mr. Sercombe, if the city allows recreational equipment to be used in a public right-of-way or thoroughfare, in a hypothetical case if a child is injured or possibly even a death occurs, could the city be named in a suit by condoning the activity?

Sercombe replied the city could be named in any lawsuit depending upon what the plaintiff chooses to put in the caption of the pleading. The question about whether or not the city would be liable for a decision by the Council be it to allow or disallow recreational equipment in city streets goes to the question of whether or not the city is immune from that kind of choice under state law. Under state law the city is subject to a tort claims act that governs how tort claims are waged against the city and the defense that the city might have. One of those defenses is what is called the discretionary function immunity defense. That means that when the council, as the council, as a policy choice chooses to do one policy as compared to some other policy, the city is protected from the consequences of that council choice. So if the council, sitting as the council, as a policy decides to allow for those sorts of things to be in the right-of-way or not to allow it, the city would be immune from that choice.

Councilor Kight asked there is still a cost involved, is that right. In other words if we were named in a lawsuit, going through the litigation process we would still have to pay for the cost of litigating that, am I right?

Sercombe replied there is going to be some cost involved, mostly in terms of staff time but the city is insured by City County Insurance Services. When we get sued for a tort claim we pass that on to our insurance company and they hire the lawyers to defend the city and they basically front the cost of that litigation.

Councilor Rabe asked going back to your survey and the in-use issue. Does that mean that it can't sit overnight; did they go into any type of definition of what "in-use" is?

Hanna replied yes, basically if you are not playing on it at the time it cannot be in the street.

Councilor Rabe asked and it is sufficient to just push it into the driveway and that would mean that it would have to go beyond the right-of-way of the sidewalk, is that correct?

Hanna replied yes it would have to be off of the right-of-way.

Councilor Daoust asked I am interested in your reaction to this, if we didn't add sports equipment as a nuisance, would other ordinances and tools be available for you to use to deal with most of the problems. I am thinking of the noise ordinance that we already have to deal with late night playing as one example. Destroy personal property on right-of-way is

another ordinance that we have and the mediation process that you could recommend to neighbors that just don't get along. We already have those things in place, what is your reaction, do you think that you could deal with most of the problems with the existing ordinances or do we absolutely need sports equipment listed as a nuisance?

Hanna replied the noise ordinance is probably only going to be enforced after 10pm which will not deal with the complaints from Public Works about the street sweeper not being able to sweep the streets. It won't deal the fact that people have to stop their cars on the way home from work because of ball games. The storage on the public street, we do have an ordinance. I have been in consultation with the police department and we are having a real hard time putting a parking ticket on a portable basketball hoop or skate ramp. Because the ordinance is not in the nuisance section of the code, it is section 10 of the code which is parking. The method of enforcing that under that ordinance is that we would issue a parking citation for that equipment the first day, the second day we would write a second citation and the third day a third citation and after three unpaid parking tickets that article would be towed.

Councilor Daoust stated I am assuming that a nuisance is only a nuisance if someone complains. On my cul-de-sac we have a basketball hoop but it is concreted in between the curb and the sidewalk.

Hanna stated which is a violation itself.

Councilor Daoust stated it is not on my property. It is however concreted in and how would you deal with that if we implemented this ordinance?

Hanna replied that one falls under the development code of erecting a structure within a public right-of-way. That is a whole different issue.

Councilor Smith asked the complaints that you receive, are they because equipment is left in the street or people that are not moving, noise, late night playing. What are the majority of the complaints you are receiving?

Hanna replied noise is probably at the bottom. I have received some complaints about noise but that is not the majority. The biggest portion is the equipment in the streets. I have received various calls from people that are trying to back out of their driveway; I have received complaints from mail delivery people about hoops in front of mailboxes. My response is I can't do anything about it. I would say this in all fairness, that if we had 100 hoops, I would say that the participants are probably not the problem at 95 of them. Most of it is blocking the right-of-way, obstructing drivers, balls bouncing in the evening and off of vehicles.

Councilor Smith asked how many of our parks offer basketball hoops?

Hanna replied four parks and three public schools.

Councilor Thompson asked you said that most of the basketball hoops are portable?

Hanna replied yes.

Councilor Thompson asked meaning that they could be moved easily?

Hanna replied they can be moved fairly easily I assume. They are on wheels.

Councilor Thompson asked would this ordinance have anything to do with in-line skates?

Hanna replied no, we are looking at the items that they place in the street to use and leave there when they are done.

Mayor Thalhoffer stated you said that 95% of the hoops are portable and that is our biggest problem. If the Council choose to require that the portable hoops be moved off the street when they are not in use, that would solve a big part of this problem, is that correct?

Hanna replied I think if the council opted to amend the ordinance to read that if they are placed in the public right-of-way and they are not being used it constitutes a nuisance but if they are actively being used that it would not. That would solve the biggest percentage of the problem.

Mayor Thalhoffer asked how does this work in Gresham?

Hanna replied if they are being actively used they let them stay.

Mayor Thalhoffer asked what does "being used" mean. To me if a person goes in to get a drink and comes back to play, that would constitute being used wouldn't it?

Hanna replied yes.

Mayor Thalhoffer asked but if they are through playing they should move it back out of the right-of-way. The skateboard ramps, do you see them left in the street also?

Hanna replied yes, I have seen them left in the street. They are not as plentiful as the basketball hoops. The basketball hoops are made to be wheeled around. One of the things I have heard from the people that own them is I can't put them in my driveway because it is on a slope which is not real conducive to basketball. That is one of the problems with putting them up in a driveway and leaving them there to play with.

Mayor Thalhoffer stated the police could enforce the noise ordinance and the police could also handle disorderly conduct, couldn't they?

Hanna replied those actions are handled by the police now and that is not really the problem when it comes to disorderly conduct. The thing I hear most is that the people don't want to call the police because when they respond they contact everyone. I hear a lot of I don't want them to know I called because they have kids and they don't want to start anything. A lot of

the calls don't go to the police because they feel safer with me and those I cannot handle, those are a police matter.

Mayor Thalhoffer asked do you find that most of the problems are in the summer?

Hanna replied I do because I am here during the daytime in the summer. School is out about the time that I am going home for the day. I do find it more in the summer. The hoops have been left there for a while, you can tell because of the grass growing around the base.

Mayor Thalhoffer asked if we were to require that portable basketball hoops be moved when they are not being used, would that solve some of the problem.

Hanna replied if we require that portable equipment be removed when it is not in use, it is the biggest problem but I don't want to just target the basketball hoops it is any of the portable equipment.

Mayor Thalhoffer asked in your opinion if we could come up with an ordinance that would solve most of the problems and still allow structures to be used in the street when they are being used, would that work?

Hanna replied I think it could. I did come up with a plan "B" which would amend this ordinance to read, "that if it is in the street or public right-of-way and is not being used at the time of discovery then it would become a nuisance." Even the complaints that I have received, other than the people that won't let traffic go by, you will never pass an ordinance that will regulate conduct, but I think that if the ordinance allowed the recreation equipment to be in the street or right-of-way during active participation and removed immediately thereafter, I think that would suffice. The change in the ordinance that I had written up was that if it was discovered in the right-of-way that a citation would be issued to the property owner at that time, there would not be a fifteen to twenty day delay. That could be the compromise by the city saying we are not going to ban hoops on the streets period and the participants compromising by saying if you let us use them out there we need to take them in when they are not being used or we will receive a citation. I really don't think it will work if we say you can use the street but you can't leave it out there if you are not actively using it and we will send you a letter giving you ten days to correct it and if you ignore that we will send you a certified letter. I don't think that is a fair trade, I think if we are going to negotiate one of the first rules is if you give some you take some or you get something and you give something up.

Councilor Kight asked I am trying to flush this out and decide if this is even enforceable. If these basketball hoops and hockey nets are going to go in and out of the street it really doesn't solve the problem of traffic. You basically have a public thoroughfare and you turn that neighborhood street into a one lane street, but if you have a situation where the recreation equipment is in the street kids are still going to be out there playing, so it is still a safety issue and we haven't addressed that. Another question is if these devices are going to go from the street and back up into the driveway again, is that really going to be enforceable?

By the time you get there the equipment could be back up in the driveway but it could have sat out there all night long.

Hanna replied it could. I have twenty-three other things classified as a nuisance that could be cleaned up in the morning before I get there also. Chances are if it has been there long enough for the neighbors to complain it will be there when I get there because you know it is not a long time after I get a call that I am out there. I don't have an answer for the safety issue. You can ban the hoops from the public streets altogether, my guess would be they would go in the driveway. We cannot regulate someone who is a very poor basketball player missing the shot and running into the street to retrieve the basketball. If we can keep them out of the street so that there is not four or five on the street within a block, if they are out of the street when the street sweeper goes by, if they are out of the street when the mailman delivers mail, I think we have made headway.

Councilor Kight asked are you modifying your position?

Hanna replied I am looking at last years records which is about 1100 cases and if we pass this ordinance how many more are there going to be. This was generated by citizen complaint. I am not modifying my position. My position is I think they are unsafe in the street and I don't think the city street was developed for personal storage.

Councilor Rabe stated I want to go back to the in-use, because I like that approach because I have one of these out in front of my yard as well. Is it permissible for officers who patrol at night, if they see them out there at night and no one is using them, can they issue a citation?

Hanna replied police officers are authorized by the State of Oregon to enforce county, city and federal law.

Mayor Thalhoffer asked is there anyone here to speak to us on this issue?

Les Langston stated I could see the point of being a nuisance if it is in the way of a person getting in and out of their driveway. Where I live at I have a parking pad and that is where I have my basketball hoop. If I have to move the basketball hoop back up by my house then my problem would be with my neighbors because my son will have the ball in my neighbors yard and he will have to knock on their door to see if he can go around and get his ball. I think it is sad when we have to legislate playing basketball. When I was a kid we played out in the street, football, basketball. I hope it is not taken away from the kids. I would rather have it at my house then have my son at the park.

Councilor Kight asked you mentioned that your basketball hoop is not in the street. So your concern is, I am not sure if it is not in the street.

Langston stated but he plays on the street. I have a parking area and it is right next to the street. It is not in the street but the hoop is out towards the street.

Councilor Kight asked so it is not in the public right-of-way?

Langston replied as far as I know. I don't know if my parking curb is part of the public right-of-way.

Councilor Kight asked Mr. Ortega is that in the right-of-way?

Jerry Ortega, Assistant Public Works Director, replied the parking pads where the vehicles can park off street is within the right-of way. The streets in that subdivision are narrower than other subdivisions and that was done thirty years ago to not encourage parking in the street.

Bill Herbert stated I can see both sides of this picture but I still feel like if hoops, skateboard ramps and other personal property are required to be removed our children will suffer because of that. We don't have enough spaces in Troutdale for everybody to shoot hoops that want to, we don't have facilities to skateboard. Our kids enjoy these things and they need these activities. It is much safer, in my opinion, for them to be out in front of our house doing this than have to go someplace else. I question some of the proposals, such as the portable basketball hoops. I don't have one, but I don't know how portable they really are. I think some of them are really heavy to maintain their stability, so for a ten, eleven or twelve year old, some of them are not big enough to move these. I don't want to see Troutdale working against our children, they are too important. I feel like we have a great city now for kids but it could be better, lets not go the other way. I don't see, as I am driving around, people going so fast that if they see somebody in the street that they can't slow down and let the kids move to the side. I am certainly willing to do that. There are always those few, that 5% that Mr. Hanna mentioned who are going to be obnoxious, kids and adults can be that way. Maybe we need to tweak the ordinance a little bit. Maybe we need to specifically say that this personal property cannot block mailboxes, that makes sense. But please lets not say that at all times personal property has to be off the street. Maybe weekends it can stay there and be removed during the week, something so that our kids still have a place to play.

Councilor Kight stated we are looking at some kind of compromise on a variety of issues. We have two different camps that are opposed to one another; by the way we are not anti-kids. We are concerned about safety. I don't live in a subdivision, I live on a private road, but on many different occasions I have walked through neighborhoods where they have speed humps and I thought that people would actually slow down when they hit the speed humps. I was shocked at how many people flew across those as if they didn't exist. I am concerned about safety more than anything else. Some people really don't care about children and in some cases they don't even like them and don't want them in their neighborhood. You should see the letters I receive from people complaining about children and the noise. Noise to me, children playing basketball is music to my ears. The basketball, that doesn't bother me in the least. Some of these folks have some valid complaints and I understand that. That is why we are trying reach a middle point. Children need an area to play, I realize that. What we have to do is come together as a group and determine if the street is right place to do that. Would it be better on the driveway or on a pad that is next to a house. From your prospective, what do you think the middle point is? What is the modification that you would make that addresses all of those issues?

Herbert replied I would like to see people ticketed for going too fast. I live and work in Troutdale and I have to cross 257th every day, people do not slow down. I won't go over a speed hump over 20mph because I care about my car. I don't drive through the neighborhoods over 20mph anyway. I don't have a solution. I think whatever we do should be purposely in favor of kids and what they need. I am really sorry for those people who don't like the sound of kids playing and having fun.

Councilor Rabe stated the issue of moving these things each evening.

Herbert asked is that reasonable for kids?

Councilor Rabe replied of all of us in here, I would challenge any of you to push that thing up my driveway, because my driveway is a hill. I have done it and it is a hassle and it does take an adult, but I would be willing to do it or find a means by which it could be done if that would serve everybody and would be a compromise. I do not want to see these things disappear either. I am looking for a compromise and maybe this is a possibility. If it were possible to move these things, would you consider that a compromise?

Herbert replied if we are going to compromise I would like to consider weekends.

Mayor Thalhfer asked Mr. Herbert do you feel that it would be unreasonable to require the portable hoops to be moved back and forth? They are portable, isn't that correct because they are on wheels?

Herbert replied they are filled with water for stability or have rocks piled on them to hold them there, they are heavy.

Mayor Thalhfer asked would there be adults around most of the time to help the kids move them?

Herbert replied I wouldn't say most of the time.

Mayor Thalhfer asked so you don't think an ordinance requiring sports equipment to be moved is reasonable?

Herbert replied I don't think it is necessary or reasonable.

Sherri Luru stated I do not advocate children playing on busy streets. However, I would like to bring to your attention that some of the comments and thoughts that I had gathered from neighbors around my neighborhood in Sandee Palisades as well as those in the Sweetbriar neighborhood. First, where is there a problem in regards to children and teens playing basketball in cul-de-sacs and lightly traveled streets in our city? My husband and I spent this previous weekend speaking with residents in our neighborhood as well as with residents in the Sweetbriar neighborhood. To be honest, I have yet to encounter any complaints in regards to basketball hoops in these two neighborhoods. If there is any indication of other areas of our city, is there indeed a need to have a regulation adopted in regards to this

activity. Lets be honest here, children will be in the streets. Hopefully not on busy roadways such as Stark or Evans Ave., but in cul-de-sacs and less traveled roads. You will find children riding bikes, playing catch, racing remote controlled cars, playing street hockey and basketball. It is up to those of us who are the parents to take charge of the matter and to set the boundaries in which our children play. More importantly, it is up to us as neighbors to speak and to listen to our fellow neighbors when complications arise from the activities of our children. This is where I believe the problem exists. We as the adults have forgotten to talk to our neighbors when a situation arises that may cause some friction between the kids playing basketball and those in cars. Let me give you an example of a neighbor who has a basketball hoop in their cul-de-sac. This particular family has been living in their home for twenty-one years. They live on a quiet cul-de-sac with six other families. Three of those families have had hoops hanging over the city property. During all the years that the hoops have existed there has not been one incident created by the hoops being in the area. In fact, they have been a focal point of gathering for the families in that cul-de-sac. Kids and parents have played together many times and yet no complaints have arisen from there area. Other examples are the families that set limits in regards to their children playing basketball on lightly traveled streets and cul-de-sacs. No early morning games, no games past 10pm, someone watching for vehicles, the game takes a break when a car drives through and no playing when cars are parked near by. These are the regulations needed. Responsible parents and good neighbors communicating with each other and their children. Not a regulation forcing the kids to quit playing a simple game. I have yet to speak to one individual in my neighborhood who was strongly against basketball hoops. In fact, I saw little evidence of basketball hoops on roadways in our two particular neighborhoods. During our contacts with residents in Sandee Palisades and Sweetbriar, we saw only twelve basketball hoops that were positioned on or over city pavement. I think that you will agree with me that these two neighborhoods combined represent a fair portion of the cities population. We have had a basketball hoop positioned in our cul-de-sac near our home and we have yet to encounter anyone checking out our home while playing ball. We have yet to encounter any damage to any vehicle, no trash lying around the base of the hoop and when teens down the street start playing late at night, my husband and I removed the hoop and placed it in our yard, problem solved. My husband is fond of saying "don't bring me a complaint, bring me a solution." I do not believe that creating a regulation is the solution. It failed once before, surely it will fail again. Let's be honest here, will this truly keep the kids from playing. With all respect, my solutions first off are: 1) the neighbors need to be more active with each other. Sometimes we fail to know who lives next door or behind us, communication is needed; 2) parents need to be responsible for their children's activities as well as their welfare and safety; 3) portable basketball hoops, if used, will not be placed on city streets, but securely placed on the curb or green space with only the basket hanging over the roadway; 4) on roadways with speed limits of 25mph or greater, there should not be portable or fixed basketball hoops allowed; 5) vehicles have the right-of-way whether passing through or parking; 6) no playing before the hours of 10am and after 10pm weekdays and weekends; 7) situations that arise due to conflict are handled either locally between neighbors, mediated, or after three complaints code enforcement notified. I would like to thank you for your time and consideration. I truly believe that by placing restrictions on the placement of basketball hoops you not only take away a positive activity for our youth but also create a situation that could cause resentment and ill feelings amongst neighbors. We as the adults need to set the examples. I do agree

with what I have heard tonight about this situation. My hoop is also very heavy and I will have to have my husband bring it in for us. Our driveway is on a slant and I feel it is more dangerous when the ball goes out into the street. I do agree that parks are nice but unless you are really good you are going to lose the court because competition is not a matter of who got there first, but if they compete and you lose, you lose the court.

Tamra Bailey stated I have a different prospective. My husband and I take a lot of pride in our home. We have our home for sale right now. We have a lot of wonderful kids in the neighborhood. I am not against the basketball hoops myself. I played in the street when I was a kid, but it is the problems with other things that come along with it. It attracts a lot of children and a lot of them are unsupervised. I feel that it is a safety issue. We have tried to back out of our driveway and have almost hit kids. We have had profanity said to us, we have had our rocks thrown all over our yard. My husband has run over skateboard ramps that have been left out. There is no way to drive on the street when the skateboard ramps are left there and there are cars parked on the side. When I have tried to turn with the kids there and they don't want to move, they are being smart mouths and telling you to go around them. The parents need to teach the kids to be more respectful. I don't have a problem with the kids playing in the street; I have a problem with how they are behaving and what they are doing to our property. I have had balls bounce off of our cars while they are playing. I don't see any parents out there. I don't know if an ordinance is the right thing. I don't think that the government regulating everything is the right answer. I do think that kids have a right to play and be safe but the streets are for the cars and we have a right to drive our cars in the street safely without thinking we are going to hit a kid.

Councilor Kight asked you brought up several issues and one of them was safety. You made a good point, how do you legislate respect and of course you cannot do that. If they are vandalizing your home and cars that can be a police matter. What do you feel you would be comfortable with?

Bailey replied I definitely don't think anything should be left in the street. The street is for cars so overnight a ramp should not be left in the street.

Lorne Mitchell stated I am here to let you know that my neighborhood is not anything like the neighborhoods where trouble is apparently taking place. As indicated there are no records of telephone calls, but you do apparently now have two letters on record. If this is the case and the people are willing to stand up and say we have a problem, then it needs to be fixed in some form but not necessarily an ordinance. Councilor Daoust actually took one of my ideas away when he said there are other avenues such as the noise ordinance. We have a free service provided by Multnomah County which is the mediation service. If children are playing in the streets, which everyone so far has said is a safety hazard so we won't even go there. Objects left in the streets that are a hazard to drivers, I feel falls under a police matter. You already have an ordinance for abandoned property. My neighborhood has a portable hoop with wheels and I slow down when I see the children playing in the street. It is not just when they are playing basketball or skateboarding, they are also riding bicycles. We as adults need to take the first step of responsibility. If the two neighborhoods that are referred to in the two letters are having a problem with neighbors and the children they need to seek

mediation. Obviously the children are being antagonistic towards the individual complaining, but on the other hand what do we know about the person making the complaint. When I was a child we always had an elder neighbor that didn't like kids and they would just complain to complain, those kind are out there. So let's try to get it back down to a grass level solution first. We all know one another from the Sandy River issue so you know I can get hotheaded, but at the same time you were able to come up with a reasonable solution. Just as I feel you can get a reasonable solution out of this potential problem. I will call it a potential problem because many people have said and I am sure others will say, we have hoops in our neighborhood and we have no problems, but two neighborhoods are having problems.

Mayor Thalhofer asked you drive around because you are a school bus driver, is that correct?

Mitchell replied yes.

Mayor Thalhofer asked have you had any problems at all in your area with kids playing?

Mitchell replied not on my street.

Rosanne Zales stated my concern is you are talking about a safety issue here with kids and the basketball hoops. I agree totally with everything that Bill has said. I live on a blind spot on my block, my safety is backing out of my driveway altogether with the speeders that go up my street. The whole thing is that we are taking kids and taking basketball hoops off of the street, the kids can't move them. You are also not taking into consideration the kids that come from single parent homes that don't have anybody to help them move the hoops. My suggestion is they have bike lanes, why can't you just have a basketball lane? If you go through the whole city, there are a lot of hoops.

Councilor Rabe asked so what you are suggesting is that they would need to be up against the curb?

Zales replied they could be because they really are not in the way. People park right in front of my house and across the street from my house, I have to tell you, the blind spot for me is when someone is coming up or down the hill. So if a basketball hoop, which there isn't any right there, is in the street it is the same as if a car is parked in the street. It is the public, the parents and the people driving down the road that have to slow down for the kids. Basketball hoops are there for the kids and a basketball lane is the perfect solution.

Councilor Daoust asked so you are okay with the recreation equipment remaining in the street even overnight?

Zales replied yes I am.

Mayor Thalhofer asked you do agree that we need a skateboard park in this city?

Zales replied I sure do.

Chris Jones stated I think adults need to be more tolerant of our children. We were all children at one time and it would be difficult for me to imagine, the way things are today, to limit their freedom within their own neighborhoods by keeping them in their backyards and not being in the streets. I don't think we can ever regulate that. I am asking that, we as adults remember what it is like to be a child. We as adults have a responsibility to be tolerant of our children. The other issue that I have is the basketball hoops themselves. I have a portable basketball hoop in front of my yard, it weighs about 175lbs with the water in it. If you were to regulate having to take the hoop in every time it is not being used we are opening ourselves up for a lot of injuries because it is not designed for that. These hoops were designed to be put at a place on a semi-permanent basis, not to be moved back and forth two or three times a day. I am a fairly strong guy in good health but I cannot imagine every time my son has to go inside or gets done playing basketball that I have to pull that thing back up on the hill. It also opens up the injuries and safety issues for our children because our children have a sense of responsibility of not having or wanting to go to their parents every time they need something. I think it is unreasonable. I think that if we have tolerance of our children, recognize that the times that we live in today our children don't have the freedom that we had when we were children. In my opinion it is a matter of communication and how we communicate with each other. I don't think that this is something that should be regulated.

Councilor Kight asked do you see any moderation on your part and from the City Councils part in what position you would take, or would you leave the recreation equipment in the street?

Jones replied I would leave them in the street but I would ask that the adults and the children be responsible. It is our responsibility as adults as we are going through neighborhoods to be watching for kids and the kids should also be responsible, they know there are cars going through and when they see the vehicles they will move and get out of the way. There are always a few, but that is a small percentage and they can be dealt with in another form.

Councilor Kight stated you keep using the word "responsibility." I would venture to say that the majority of the people in this room are responsible individuals or they wouldn't be here tonight concerned about their children. I am sure they are concerned about the safety as well as providing entertainment for the children where they can see them playing. Probably the people that should be here tonight are not. What do you see as a solution or how would you address the small percentage of people that are not responsible?

Jones replied I don't have any solutions other then the fact that it is an issue that could be dealt with between the adults in the neighborhood.

Councilor Daoust asked does your hoop physically sit in the street?

Jones replied no, it sits between sidewalk and the curb.

Councilor Daoust asked does it block the sidewalk at all when it sits there?

Jones replied no.

Mayor Thalhfer asked do you feel like it is unreasonable to have this ordinance requiring people to move these back and forth because of the weight of the hoop?

Jones replied yes.

Mayor Thalhfer asked and kids probably couldn't move it could they?

Jones replied I have a difficult time and I am in pretty good shape.

Michael Zdan stated I am a neighbor of Chris Jones. My wife and I don't have any children, but that doesn't mean we don't love the kids in the neighborhood because we do, especially their kids. We play basketball with them, we go to movies, and we have ice cream. What we are talking about here tonight is we are looking for solutions. We have talked about speed humps, I brought that up years ago when I moved into the neighborhood and I don't know whether that is a viable option or not. Speeding vehicles in the neighborhood seems to be the biggest problem that we have off of Spence. Troutdale Road is one house length away and 17th is a very short street. So many people come through there and run that stop sign on a daily basis. I have not once encountered, since 1994, an individual getting upset with the kids playing basketball. As Mr. Jones stated, their basketball hoop is between the sidewalk and the greenstrip and the hoop hangs over. If the kids see a car coming, for the most part they moving out of the way, sometimes a little bit slower than others. I have never seen an altercation between a vehicle or an adult and the children. I was thinking earlier when you were asking other people questions about what are things that they have as far as speed humps, I've have seen in other neighborhoods throughout Portland where they have signs that say "children at play", maybe we could have something that warns people that kids are out playing. They have them when you come into school areas where there are crosswalks. I agree that hoops or ramps should not be out on the street where people need to drive or park. There has to be some kind of solution that we can reach without putting it into a city code.

Councilor Kight stated so what you are saying is you don't think the hoops and other recreational equipment should be out in the street, they should be in the parking strip between the sidewalk and the street?

Zdan replied correct with respect to a straight lane street. Now if there is a cul-de-sac, everybody knows people don't come flying through going more than 5mph I wouldn't think. So maybe that is a separate situation.

Councilor Kight stated so a cul-de-sac or non-through street you could have the basketball hoop in the street and where there is a through street it would have to be mounted between the parking strip and the sidewalk.

Zdan replied yes, that is something to think about.

Laura VanAtta stated I must live in a cul-de-sac where one of the complaints you received came from. I think this is a waste of time. It is a matter that the parents and the neighbors should get together and if they have a problem let them work it out. The basketball hoops are not causing a major problem in the street. We have two of them but we also have a problem where mediation was refused and it wasn't just about basketball hoops. I think the kids, as far as moving the hoops, is totally out of the question. There is no way I am going to go out and try to move the hoop up my driveway for my grandson. They go out and they play for a little while in the morning, they come in and go back out and play for a while in the afternoon and sometimes at night. It just seems to me that it is a total waste of time and effort and money to sit around and worry about some kid playing basketball out in the street.

Councilor Kight stated one of the ideas offered here tonight by Mr. Zdan was the idea that on a through street they could be mounted behind the curb, do you like that idea?

VanAtta replied I don't mind that. I don't think having to move it when it is not in use is acceptable at all.

Mayor Thalhofer asked do you think it is unreasonable for us to require that the portable hoops be moved?

VanAtta replied yes.

Earl Smith stated I was here seven years ago to talk about basketball hoops.

Mayor Thalhofer stated that was four or five years ago.

Smith stated it was in 1994.

Councilor Kight stated 1997 was the last time we discussed this.

Smith stated I guess I missed that one. The original law, I was one of three people that helped to get the law modified. My basketball hoop is permanent; I had it before they came out with portable hoops. It is set in concrete behind the curb, between the curb and the sidewalk and it is legal, it is not an illegal structure as it was written. In those days we had to be 100' from the intersection and be a cul-de-sac or dead end road, I didn't realize the law had been changed. The one idea that has been talked about tonight of the bicycle lane/basketball lane, if you allowed the hoops to be on the curb-line they would never have to be moved. It would be no different than mine. I have raised four children and I don't have any kids at home now but the basketball hoop is still there and still gets used. I was glad to have it because I knew where my kids were most of the time. I am just putting my two cents in and letting folks know that I still don't want to take down the hoop.

Councilor Daoust asked do you know if the portable basketball hoops are adjustable so that they can be 10' off of the ground while they are sitting 6" up on the curb?

Smith replied yes, I think they are.

Mayor Thalhoffer asked is there an area in every residential district that would be conducive to putting a portable basketball hoop on the curb?

Smith replied I doubt it. You can never say always and you can never say never. I am sure each situation is going to be somewhat different.

Michael Bailey stated my thoughts are that the original intent and purpose of the roadways and street are for automobiles and bicycles and really are not a playground for children. I am not sure within the City of Troutdale area whether gas tax pays for the maintenance and construction of the streets but I don't think that recreational skateboarding and basketball contributes to maintaining them. I am trying to establish a point that the main intent is for the use of automobiles. Mr. Jones stated earlier and he lives about a half block south of me and I can say that his children are well behaved but that is not always the case in my neighborhood. We live in a cul-de-sac and we live right on the corner where you enter the cul-de-sac and it is narrow there. A lot of the neighbors that enter that area they enter it at a high speed so it is kind of a safety hazard because the skateboarders are right in front of our house. I have witnessed some close calls. With portable basketball hoops there should be a drain plug to make them lighter to move them. People are complaining about the weight of them, but you should be able to drain them before you move them. My personal experience with the current basketball hoop that is located in my cul-de-sac is that it is an eyesore. It is tied to the light pole and the backboard is busted up. I am trying to sell my house so it is a detriment to me personally. There have been homemade skateboard ramps left out in the street overnight and during the day along with the skateboards themselves. I happen to have river rock in my front street strip and the kids take those and throw them all over in the streets and I have to go out everyday and pick them up. I have the kind of yard that I take a lot of pride in. I respect others privacy and property and I would like a little bit returned. Quite often I hear skateboards out at 2:00 and 3:00 in the morning. Child safety is another issue. I never told my child to go play out in the street because Chapman Avenue is a busy street and that is where the skateboarders are riding. If I had a child I wouldn't say go play on the freeway, even if a car at slow speed hits you, you are going to get hurt. It is really a safety issue. Last week my wife and I went out to dinner and without any exaggeration there were twenty to thirty children out in the street in front of our driveway. We were trying to back out and we were courteous and we kept our cool but they gave us vulgar gestures and they acted as if we were inconveniencing them.

Linda Adalsteinsson stated I have an 11-year-old son and a 14-year-old son. I will tell you that the boys put their hoops in the road to keep people from parking there. We have a basketball hoop and it is on the parking strip between the sidewalk and the curb. My boys would like to put it in the street but they are not going to. The people who live to the left of us have their hoop in the street and it is in the way sometimes when you are trying to back out but I can live with that. The people who live down the street from us have it cemented into the ground, which I think is probably the best solution. It is all about compromise. I think between the parking strip and before you get to the road is a great place for it. If you wanted me to move our basketball hoop I would have to call a service. I cannot move that, I have tried. I understand that when they are in the way people get excited. We have problems with

the neighbors on our left, we don't have problems with the neighbors on our right and yet they are the ones that park under our basketball hoop, we have learned to live with it. I know you can't solve all of these problems. Please don't tell me I have to move that basketball hoop out of the street. Please don't tell me I have to move it out of the parking strip. If it has to go in the driveway, our driveway is slanted and our kids won't be able to play basketball. My sons are not allowed to go to the park, not even my 14 year old, for a lot of reasons. There are kids at the park that they can't get along with or I don't know where he is at. He asked me for a pager for his birthday and I said you are never going to have enough freedom to ever need a pager. I am sorry for the problems that people have had at their homes, we have had our share but we have worked them out and I am sure they can to. Please don't tell me to move my hoop because I can't do that and please don't tell me to send my kids to the park because I am not going to do that. The park is great for people that live close to it or for people who give their kids more freedom then I do. I want my kids to play where I can see where they are.

Councilor Kight asked lets explore another idea, how about your backyard, would it be conducive to playing basketball?

Adalsteinsson replied I have a huge backyard but it is on a hill.

Mayor Thalhoffer stated you are aware that there are places where there isn't room to put the basketball hoop between the sidewalk and the curb?

Adalsteinsson stated maybe they would have to ask for an exception or have Mr. Hanna come and tell them where he thinks would be the best place to put it.

Ron Eldridge stated I own a hoop and it is on the curb between the sidewalk and the street. Our two boys play out there all the time and we have neighborhood kids that come and play on our hoop. We have never had a problem. I think when you have a hoop you have a responsibility that comes with it as well. One of the things that we ask the kids to do if they are going to use our hoop and our kids are not out there is to just let us know. The kids have always been very respectful. I think the major issue has been with the traffic, it is a busy neighborhood and there are a lot of kids that live there. The majority of people that live there know that and they slow down for the kids. I think rather than being a legislative issue it is more an internal issue and a good neighbor issue. I tend to agree that I believe that the best compromise is to allow the hoops to remain where they are or put them up on the curb. I realize that not every neighborhood is going to have that but I think that is the best solution. The parks cannot sustain all of the kids and I probably would not let my kids go down to the park where you cannot see them. I would much rather have them playing in front of my house and have the kids in the neighborhood join them and have a good time.

Councilor Kight stated I keep hearing the word responsibility come up again and again. Like I said earlier the responsible people are here in this room tonight. It is the irresponsible people that we are addressing. Is there a post that that the hoop sits on?

Eldridge replied yes.

Councilor Kight stated what do you think of the idea, so that people do take ownership and responsibility, is the owner of the hoop put their name, address and phone number are on the post so if there is an issue it can be addressed by the owner of the hoop?

Eldridge replied I personally don't have a problem with that because we know who is out there playing.

Councilor Kight stated I am dialing in on what the Bailey's were saying. They are faced with disrespectful kids that are not moving out of the way and so on. I am trying to come up with a solution and give ownership responsibility to the people that have the hoops. I think possibly that idea or some other idea may work.

Eldridge replied I think that would be a great idea. I feel that it is unfortunate but only a small percentage of people here are experiencing this problem. We own a hoop and our kids play on it, the neighborhood kids play on it and we have never had a problem with it.

Councilor Daoust asked in your ventures around the city, are the skateboard ramps mostly the kind of ramps that you can move and not have them remain on the street overnight?

Eldridge replied I would think so.

Gayle Young stated it is really nice to see that there are a lot of responsible adults here, unfortunately those are not the people that I live next to or down the street from. Therefore it is an issue for us. I agree it would be great to get the basketball hoops up out of the street. I don't think the street in front of my house has been cleaned for two years because of the basketball hoop. I also think we should consider where the basketball hoop is in relation to other peoples property. The people next door put the basketball hoop directly on the property line and my yard is always a mess, there are basketball prints on my car and I can't come home at lunch and drive into my driveway. There are skateboard ramps, skateboards, children and children's clothes all over my driveway. I understand that it is a parental issue but if the parents aren't going to do anything and you have spoken to them repeatedly, I don't know what else to do. I think that more than just putting it up on the parking strip, it needs to be addressed where it is in relation to other people's property. Also the number of basketball hoops need to be addressed. There are five just on my street and four weeks ago there were six with two of them directly across from each other so they could play full court and they won't let motorists drive by. They stopped a UPS truck and the driver had to get out and ask them to move they told him that he could go around the other way.

Councilor Kight asked do you know if we have a law on the books that in her scenario where they are playing full court and they are blocking traffic, don't we have laws that address that issue?

Kvarsten replied yes.

Councilor Kight asked so that could be handled through the police department?

Kvarsten replied yes.

Young stated when we called the police they said there was nothing they could do unless they caught them doing it.

Councilor Kight asked do you want to address that Mr. Kvarsten?

Kvarsten stated I will address that with the police department.

Councilor Daoust stated you brought up some good points about the property lines and the placement of the hoops that we might want to consider in addition to not blocking mail boxes and driveways.

Mayor Thalhofer stated respect of children for their elders seems to come and go in the different neighborhoods. In your neighborhood is it fair to say that kids don't have respect for you at least and some of your neighbors?

Young replied they don't have respect for any of the neighbors.

John Woelfle stated I want to thank the Council for taking up this rather contentious issue, more contentious than I might have thought. There are several reasons to pass this ordinance and while I could put forth many I want to concentrate on the one that I feel is the most compelled. I don't know if any of you have ever experienced a close call involving a car and a child. I can tell you that while a child may shrug it off, the experience with the driver is lasting. A responsible driver operates their vehicle in the safest possible manner ever vigilant of conditions and possible hazards. A common assumption that we make when driving on the street is that it is designed for motor vehicles. While the design element in place, the reality of the situation in Troutdale is very different. Why is it that I feel great anxiety when I turn into residential neighborhoods in Troutdale? Having survived the threat of 80,000 pound trucks turning in front of me on Frontage Road, surviving the zigzag maze to turn right onto 257th, getting up the speedway, my biggest fear comes when I turn down the street to get to my driveway. The reality is that proliferation of basketball hoops has turned the streets of Troutdale into playgrounds. I ask myself, if it is prohibited to drive a car through a playground, then why is it appropriate to allow playgrounds to develop on streets. Simply put, streets are not, nor should they ever be known for multiple uses. Children and cars do not mix. I was taught this as a child and I teach this to my son. I know that there have been no reported incidents involving cars hitting children but if that is the standard that must be met before corrective action takes place, then I ask each and every one of you to put yourself in the drivers seat or take the role of the parent and answer the question "why". I don't know the details of what prompted the abandonment several years ago of the ordinance that is in front of you today, but I do know that about four or five years ago in-ground basketball hoops were the only kind available at a reasonable cost. Portable hoops came along, I would like to tell you that portable only means that you can put it in your trunk when you leave the store. The cost of these was prohibitive at first and in the last couple of years they broke the \$100.00 mark, which makes them affordable to almost every household and they have

multiplied rapidly. I can imagine what will come when WalMart features this Christmas a hoop for \$49.95. When that happens there will be a basketball hoop in front of every house and the city will be compelled to add basketball keys to its list of standard street markings. Everyone assumes that everything is being done to protect the health and welfare of children. Placing playground equipment in the street for the sake of convenience, and that is all it is, is neither safe nor sane. I urge the council to pass this ordinance for the safety of our children and so that the occurrence of collisions between child and automobile remains at zero. Lets keep the TV cameras from returning to Troutdale to report on a tragic event.

Councilor Kight stated you make some compelling arguments. We have a room full of people tonight in support of allowing their children to play in the streets with a variety of different recreational equipment. From your prospective do you see any compromise in that area?

Woelfle replied I do not. I am sorry, but children do not belong playing in the streets. The basketball hoops on my cul-de-sac sit on the street in front of a perfectly flat driveway very capable of supporting a basketball game, yet they are out in the street for the convenience. There is nobody who either wants to clean out their garage to put the car in or nobody wants to move their car so the kids can play basketball in the driveway so they are in the street.

Councilor Kight asked how would you counter the argument from those folks who gave testimony that in fact their driveway is slanted and they can't put a basketball hoop there?

Woelfle replied I would counter that in saying if they bought the house for the strict reason of putting in a basketball hoop, then they made the wrong decision. If you are going to buy a house for recreation purposes and you plan to put a basketball hoop in, you don't buy one with a slanted driveway.

Councilor Kight asked how about the folks who bought the house and didn't have children to begin with and later had a family?

Woelfle replied you have appropriate uses for your house and appropriate places for things. If your house cannot accommodate one of those uses, why should the burden be on the public to have their recreational equipment out in the streets?

Councilor Daoust stated two of your points in your letter to the Council said that the equipment limits parking and you said that 50% of the available on street parking on your street is taken by basketball hoops.

Woelfle replied that is correct.

Councilor Daoust stated you also mentioned that the street sweeper couldn't clean the street. If we said that basketball hoops had to be off the street and on the curb, how much of your concern would that take care of?

Woelfle replied 50%. My concern is still for the safety. Someone is going to get hit.

Mayor Thalhfer stated in your letter you stated, "you don't discourage children from playing basketball close to home, scootering down the sidewalk, skateboarding or any other activity as long as it is done in a safe and sane manner". I understand you are saying that the hoops create a hazardous condition and it is not safe for kids to play hoops in the street but what about skateboarding and scootering on the sidewalk or on the street, they have to skateboard someplace.

Woelfle replied I don't have a problem with that, which is what I stated in the letter I don't have a problem with the scootering or skateboarding down the sidewalk but an activity that purposely puts them out into traffic, that I have a problem with and that is basically basketball hoops.

Scott Cage stated I have a son and we live on a cul-de-sac and I did buy my house on a cul-de-sac and I paid \$3,000 extra to buy that house so my son would be able to play in the street. All of our neighbors use that same basketball hoop. If I take it in, it weighs 250lbs, my wife can't pull it out. How is my son going to take it in and out? If you watch the show Hey Arnold, everybody on that show plays in the street. The kids like to play in the street. I think this is ridiculous. We were sitting at a neighborhood association meeting and we asked for speed humps because one person was caught going 70mph down 10th, people are speeding way too fast and we are sitting here balking over basketball hoops. Where are the speed humps? 25mph is way too fast, drop it down to 15 or 20mph, I will drive it. It is up to the drivers to be responsible and make sure that there are no kids running in front of them. I am a responsible driver and I pay attention and when I am in a neighborhood I watch for kids.

Councilor Kight asked what do you think about the basketball hoop between the curb and the sidewalk is that an acceptable compromise?

Cage replied so people can sprain their ankles. If you put it on the curb and you jump at the hoop, someone will sprain their ankle on the curb and that is owned by the City of Troutdale isn't it?

Councilor Kight replied yes, it is public right-of-way.

Cage stated doesn't that pose and issue for your attorney?

Sercombe replied I think that if you injure yourself on a hoop that you install next to a curb that it won't be the City of Troutdale that will be liable for that.

Cage stated that is just asking for a problem I think. I don't think it is safe. I think you need to focus more on the drivers and more on something else, but don't take the hoops away.

Councilor Kight stated it is not my objective to take the hoops away, it is to move the hoop and I am looking for a compromise in that area.

Cage stated it is up to the police to get the guys out of the way of the UPS driver.

Councilor Rabe stated I live on a cul-de-sac and I also have a hoop, but what I don't have and I have heard from a lot of individuals and I am asking you, do you even have that tree line or do you just have a sidewalk and then the street?

Cage replied there is a greenway in the middle. You can't put concrete on top of that grass because there are utilities underneath it.

Bob Whipps stated I hate speed humps. Four years ago when this came up I came down here and said some of the things that some of the people have said tonight that are against the basketball hoops, that kids shouldn't be in the street playing. It seems to me that you passed it anyway and then it seemed to me that there were certain regulations as to where a basketball hoop could be and then all of a sudden they sprung up everywhere. In my general recollection, I haven't had a lot of trouble with basketball hoops or with kids playing basketball. Generally when I come through and I see them playing basketball I slow way down and they get out of the way for the most part. I use to live in Sweetbriar and we use to go to Sweetbriar school to play and we got tired of not knowing whether we would be able to play and who we would be able to play with so we put up a basketball hoop but we put it on the side of the house inside the backyard. We would have to quit playing by 10pm and we didn't play early in the morning. So I think being a responsible parent is a big part of it. One of the problems that exist with basketball hoops is the trees. In the older subdivisions the trees are not trimmed to 11 feet, my truck is 10' 8", I should be able to drive down the street and not hit any of the trees and not have the basketball hoops come from behind the trees when you going through a cul-de-sac. My position has always been there are lots of people that speed and some of the people that come and complain about speeders speed themselves. When it first started coming up I started slowing down and it first showed up on 12th, 13th and McGinnis and then they showed up in Sandee Palisades. I told myself that I have to quit speeding everywhere. The speed humps are a big headache, however, I have always felt like if we went to the high school and would talk to the kids as they are beginning to drive and explained to them about speeding and basketball hoops and if we had the police go to the different neighborhoods, especially the ones that are having problems and discuss with those people how the problem could be solved. A lot of people have said there are a few problems, solve those problems but don't penalize all of Troutdale for a few bad areas. Generally speaking, as I drive around the kids playing basketball are not a problem. I also think if the schools were teaching the kids responsibility, because some parents aren't teaching their kids, we may make more progress then taking them away.

Michael Bailey stated I don't believe that any of the insurance companies in America would think that a street is a playground for children. I also believe that if one of these children get injured or worse, the parents that support this kind of recreation on the street would be the first to sue these insurance companies.

Mayor Thalhoffer closed the public hearing at 10:08 and stated that a second hearing on this ordinance will be held on August 28th.

Mayor Thalhoffer called for a 10-minute break at 10:09pm.

Mayor Thalsofer reconvened the meeting at 10:16pm and stated that Councilor Smith has been excused.

6. PUBLIC HEARING / ORDINANCE (Introduction): An Ordinance terminating the franchise of RCN Telecom Services of Oregon, Inc., and releasing the company from its obligations under the franchise.

Mayor Thalsofer opened the Public Hearing at 10:17pm and read the ordinance title.

Sue Dicile, Chair of the Mount Hood Cable Regulatory Commission (MHCRC) stated I am here substituting for Norm Thomas, who is Troutdale's representative, because he is not able to make it here this evening. I am here tonight to recommend that the City of Troutdale and the other jurisdictions of MHCRC release RCN, at their request, from their existing franchise with the city. To give you a basic background on this, as you recall, franchises were granted by the City of Troutdale and by most of the other MHCRC jurisdictions in the summer of last year and also to Western Integrated Networks (WIN). The City of Portland granted a limited permit in anticipation of the franchise for those two companies to build cable infrastructure in the streets of the City of Portland. WIN has not begun to construct any infrastructure but RCN did construct 200-300 miles of strand and some cable in the City of Portland. There has been no build in any of the other jurisdictions. Since that build, RCN has informed the Commission that their business plan has changed and they have asked to be released from their franchises. The staff has been negotiating what that release would look like with RCN. Basically what RCN has agreed to is, release us from some of the obligations that we had in the franchise, mainly a confidentiality agreement regarding their placement of infrastructure. They have also agreed to pay the Commission the money that they owe us that was related to the cost of developing the franchises and they have agreed to post a bond in the amount of \$200,000. While their infrastructure is in the city streets so that Portland has a little bit of coverage in the event we have to deal with some kind of removal or adjustment to the infrastructure. However, that really doesn't concern the City of Troutdale because you don't have any wires hanging on any poles out here. The reason that we believe that this is somewhat of an urgent matter is that while WIN continues to wish to be franchise holder in our jurisdiction and continues to say that they intend to build here, they have informed us that they are not able to take any further action or finalize their plans further until the issue with RCN is resolved. What they have said to the Commission is "Capital markets being what they are, it is not as easy for us to raise money in 2001 as it was last year. Our investors are not going to back us in Portland if it looks like there could be two overbuilders". Our reply to them was there could always be another overbuilder that comes and they said "right now you have one with 300 miles of strand and a franchise, so, we are withholding any further action on our franchise in your jurisdiction until we see some resolution with RCN". So it is our hope that we can negotiate an orderly exit for them and get them on their way expediently so that we can begin to focus on trying to entice WIN here and actually have some competition here.

Councilor Rabe asked if we release them they have agreed to reimburse the Commission.

Dicile stated it is in the amount of \$50,000 and it is the amount that the staff negotiated with RCN based on what our attorney has told us is obtainable under the franchise as it exists.

Councilor Rabe stated so on behalf of the Commission, is your opinion then that the Commission will not be left holding the bag in any way shape or form by their release?

Dicile replied no, the Commission would not be.

Councilor Rabe asked what about the City of Troutdale?

Dicile replied the City of Troutdale would not be.

Councilor Daoust asked Mr. Mayor do we have to have two readings of this ordinance?

Mayor Thalhofer asked I was going to raise that question myself, Mr. Sercombe could you answer that please.

Sercombe replied the Council can pass an ordinance in one reading if you unanimously declare the need for an emergency and you can vote to do it at one public hearing and then if there is an emergency clause in the ordinance itself, which this one doesn't have, it would have to state the reasons for the emergency.

Dicile stated WIN has asked to have some extensions to their own franchise terms in terms of when they would start to build. If RCN exits later and they don't start doing their continued planning and negotiating about their build, it just pushes things back further. We would really like to get RCN out of the picture as expediently as possible.

Sercombe stated because there is no emergency clause in this ordinance we cannot adopt this ordinance in one meeting. It has to have in it the reasons for the emergency and that has to be available more than 24 hours before the meeting.

Councilor Daoust asked have the other jurisdictions acted on this yet?

Dicile replied you are the first one for the hearing. If I had known that this was only a hearing, that there wasn't going to be any action taken I would have tried to address that 24 hour issue because we are hoping that the other jurisdictions will be taking action in the next two weeks.

Mayor Thalhofer stated the next reading on this will be on the August 28th meeting. I don't know any other way around that do you Mr. Sercombe?

Sercombe replied you could have it as an agenda item on your August 14th Special meeting and have a public hearing for it then.

Mayor Thalhofer stated we can do that.

Dicile stated the two weeks would be helpful.

Mayor Thalhofer stated okay, we will put that on the August 14th agenda.

Councilor Kight asked do we want to add an emergency clause so that it takes effect immediately and doesn't have to wait the full 30 days?

Sercombe stated there are two aspects of the emergency. If you want to adopt it at a single meeting you would need an emergency clause as to why it is needed to be adopted at a single meeting, which is not needed because we held a hearing this evening. Otherwise, an emergency clause can be put in the ordinance which allows it to go into immediate effect upon the Mayor signing it.

Councilor Kight asked can you make sure that language is put in there for the August 14th meeting?

Sercombe replied we will put an emergency clause in the ordinance.

Mayor Thalhoffer asked would anyone else like to speak to us on this matter?

No testimony received.

Mayor Thalhoffer closed the public hearing at 10:26pm.

7. PUBLIC HEARING / ORDINANCE (introduction): An Ordinance adopting Chapter 8.26, Outdoor Lighting, of the Troutdale Municipal Code.

Mayor Thalhoffer opened the Public Hearing at 10:27pm and read the Ordinance Title.

Rich Faith, Community Development Director, stated the outdoor lighting ordinance is a new ordinance being proposed for inclusion in the Troutdale Municipal Code. Last fall with the opening of Home Depot and Alberstons as part of a commercial shopping center we received a number of complaints from nearby residents about the lighting associated with those commercial developments. I believe it was in October, one of the residents attended a Council meeting expressing his objection to the lighting and the issues that he was having with Home Depot and those were echoed by other people that live next to the Albertsons store. On the basis of the testimony that the council received, you directed the Citizens Advisory Committee (CAC) to look into this issue, both lighting and other matters related to commercial development adjacent to single-family residential developments. The CAC was directed to look into our existing codes and determine whether or not they felt there was adequate protection and if not to come back with a recommendation to address lighting. So, what we have here before you tonight is an ordinance that has been reviewed by the CAC. They spent five meetings from February to June looking at the issue and their recommendation is the adoption of this ordinance. The CAC looked at models of ordinances that are being used in other areas of the Country. The two primary models that we have to choose from are Kennebunkport, Maine and Tucson, Arizona, most of the literature points to these as the premier ordinances that are in use. Deschutes County here in Oregon adopted a lighting ordinance in 1994 that was based largely on the Tuscon, Arizona ordinance. This is one that the CAC looked at at great length and decided that it should serve as the model for

our own. Therefore, our lighting ordinance is a modified version of the Deschutes County ordinance. The ordinance attempts to address the two major types of light pollution. The first being where light is being cast skyward so it is difficult to see the sky at night, this is referred to as dark skies. The other type is where light is being cast off-site onto neighboring properties and this is commonly referred to light trespass. The ordinance deals with those two in a number of ways. It also addresses all types of uses, although it is primarily intended to address commercial, industrial and institutional uses, it also addresses lighting in residential areas as well. The fundamental approach that this ordinance establishes for dealing with the light pollution is that it requires shielding to be placed on the light fixture in order to cast the light downward therefore preserving the dark skies and also so that the line of sight of the glow or lamp itself is not cast beyond the property line to avoid light trespass. The requirement for shielding on light fixtures is based upon the type of lamp and the wattage of that lamp. Table "A" of the ordinance outlines the various types of lamps and the wattage and at what point a shield is required. The cutoff point in this table between when a shield is not required, is as near as I can tell, is approximately at a wattage that generates approximately 1800 lumens of light, which is a measure of light. This seems to be the magic number. I can't tell you the science behind it, but most of the ordinances that I have looked at seem to apply a regulation for lighting at 1800 lumens. Another regulation deals with height restriction for the light fixtures. The ordinance restricts outdoor light fixtures to a maximum of 25 feet, regardless of whether it is mounted on the wall of a building or it is freestanding on a pole. It also imposes a more restrictive height limit when we are talking about lights that are in a commercial, industrial or institutional development abutting residentially zoned property. In those instances any light fixture within 50 feet of the property line abutting residential property cannot exceed 15 feet in height. This is an added protection to minimize the amount of light that is going to be cast toward the residential properties. There are exceptions to the height limit for outdoor fixtures associated with athletic fields. Another provision of the ordinance has to do with setting a maximum light level that can be produced from the fixtures within a commercial development. The theory here is even if you have shielding and height restrictions that depending on how many lights and how bright the lights are, it causes reflective light that can still be an annoyance to a nearby residential neighborhood. In order to address that the ordinance will set a light level limit of 0.5 footcandles as measured at the property line of residentially zoned property from any commercial, industrial or institutional use. To give a sense for comparison, a full moon is generally measured at about 0.1 footcandles. In terms of how this would all be implemented and evaluated for compliance, when there is a new development being proposed, other than a single family residence, the development application would also require submittal of a lighting plan that shows us the type of light fixtures, location of light fixtures and a lighting grid. Those will all be evaluated in conjunction with a development application for new development. Where we have an existing development it is not retroactive and would not require them to be changed out. But if they install a new light fixture which generally will trigger requirements for an electrical permit, at that time we will require the same information so we can determine compliance with the code. In instances where we have existing development that is going to either add new fixtures or relocate fixtures, again we will require that information when there is an electrical permit requirement or if there is not an electrical permit required there would be a need for a development permit so again we can gather that information to determine compliance. Streetlights are also addressed in the code but to a lesser extent. The code

would not require shielding to prevent light from a streetlight to remain only on the right-of-way. In other words it doesn't set the requirement that the light can't be cast beyond the property line which in this case is the right-of-way but it does try to address the issue of dark skies by requiring shielding or a type of street light fixture that will not allow light to be cast above the horizontal plane of the lamp. The proposed ordinance lists a number of types of lights that are exempt from these regulations. Most notably would be any existing light fixture that is now in place that was lawfully installed. Others include airport operations lighting, correction facility lighting, temporary outdoor lighting and motion detector lights that operate for a period of less than 10 minutes. I tried to build in some flexibility understanding that there are all kinds of different situations that could occur and therefore the ordinance does provide the director, in this case being the Community Development Director, to allow for other types of material; methods and designs to be used as long as it addresses the goal and purpose of the ordinance and prevents too much light from being cast onto neighboring properties. There is also an opportunity for a variance request if someone cannot meet the 25-foot height restriction and wanted to go 30 feet there is the opportunity for a variance if they can demonstrate compliance with the criteria for that. The CAC spent a lot of time evaluating this code, discussing it and refining it and they are now satisfied that it addresses the issues that the Council wanted them to look at. They are forwarding it to you with their recommendation for adoption.

Councilor Kight stated kudos to the CAC they have done great work. You said that one of the things that could trigger existing development that has lighting that doesn't meet this standard is if they are going to do any additions or changing out of any of the lights. You identified two areas that actually trigger this whole process and that is the Albertsons store and Home Depot, and you said the ordinance is not retroactive. At what point, lets say Home Depot wanted to change out three or four of there fixtures, would they have to bring the others up to the current standard or would they be exempt?

Faith replied the current ones would be exempt and any that they changed out, replaced or substituted then would have to comply.

Councilor Kight asked on page 2, it says maximum light level and you use the full moon as the criteria....

Faith stated that was not the criteria that was for comparison.

Councilor Kight asked how are we going to measure this?

Faith replied they will have to provide the lighting plan. There is a photometric grid that can show you the amount of light that will be cast from each of the fixtures.

Councilor Kight asked this is all on paper, right?

Faith replied yes.

Councilor Kight stated that is fine, but where the rubber meets the road is once they are up and operating. Once that happens what is on paper and the reality a lot of the time isn't necessarily the same thing. Who is going to go out and measure and make sure they are in compliance?

Faith replied I guess if we buy a light meter we could do that.

Councilor Kight stated absent that measurement, how would you know they are in compliance?

Faith replied we wouldn't know unless we measured it.

Councilor Kight asked do we need to change any of this language so that we make sure that they are in compliance?

Faith replied I don't know that we need to change it but as an enforcement tool I think we need to be prepared to purchase a light meter and be trained on how to use it. If a person complains or we have reason to believe that it doesn't comply or doesn't meet the lighting plan that they have submitted then we could take action on it.

Councilor Kight asked so you are saying that it would only be complaint driven?

Faith replied I wasn't intending that we are going to go out and do measurements around every property line for every new development. If they submit a lighting plan and that lighting plan shows that the light fixtures complies with the code and that is what we approved and signed off on then I am operating off the premise that that is how it is going to be built.

Councilor Kight asked isn't that why we have inspections to begin with, to make sure that what they have on paper complies with what they have actually done. Absent that final test to see if it meets the criteria how do we know they are in compliance?

Faith replied you are asking a lot in terms of how closely we are going to scrutinize the construction phase. When they put the fixtures in are we going to monitor and look at every light fixture they put in and seek confirmation that it has been done exactly as planned. I guess we could, maybe we will have to. I personally wasn't thinking that we were going to follow it to that extent.

Councilor Kight stated maybe you have carried it to extreme, I am not saying every fixture. This whole thing has been complaint driven by neighbors adjoining commercial property. My thought is once they have installed it is to examine the fixtures taking maybe 5 to 10 minutes to make sure that they have complied and that they haven't increased the wattage of the lamps and then all of a sudden it is compliant driven and we are working backwards as opposed to doing it during the development stage where you can make corrections.

Faith stated I will need to confer with the electrical inspector to see if in the course of the electrical work if that would be a normal inspection that he would perform or can add to his

inspection. I am not clear in my own mind right now what level of detail goes into doing an electrical inspection when they are installing the lights. If that can be determined as part of the regular inspection cycle then I don't see a problem, if not we will have to figure out how to incorporate that into the inspection cycle.

Councilor Rabe asked this also applies to residential to some extent, is that correct?

Faith replied yes.

Councilor Daoust asked you seemed to cut it off at a 100-watt bulb to have a reflective shield?

Faith replied correct. According to the table an incandescent bulb of under 110 watts need not be shielded.

Councilor Daoust asked you mentioned exempt lights in your staff report and you referred to athletic field lights, where is that in the ordinance?

Faith replied exemptions are listed on page 4. Height limits are addressed in section 8.26.040 subsection "C" and reads "outdoor light fixtures used to illuminate athletic fields, stadiums, race tracks and similar outdoor recreational facilities shall be exempt from the provisions of this section".

Councilor Daoust asked athletic lights are exempt from the height limit, are they exempt from the lumens they produce?

Faith replied in 8.26.075 on page 4 of the ordinance, there is a specific provision that deals with recreational facilities and essentially what it says is unless the lights associated with lighting a ball field, athletic field, do comply with our shielding requirements that they can not be on after 11pm unless a sporting event is in progress and started prior to that. There is an attempt to try to deal with high intensity lights associated with athletic fields.

Councilor Thompson stated with externally lighted signs, those are signs that are say a wooden sign that are illuminated with a light shining from below or something like that?

Faith replied correct, above or below. It is outside of the sign itself.

Mayor Thalhoffer asked the prohibition for having lights on beyond 11pm for athletic fields there is an exception to that if a ball game goes into extra innings or something like that, correct?

Faith replied yes, if it is already in progress and started prior to 11pm then it is allowed to continue.

Mayor Thalhoffer asked is there anyone here to speak to us on this issue?

No public testimony received.

Mayor Thalhofer closed the public hearing at 10:51pm and stated that a second public hearing will be held on August 28, 2001.

8. MOTION: A Motion to allow the Open Door Baptist Church to install a fire Hydrant on Strebin Road.

Mayor Thalhofer called this item.

Jerry Ortega, Assistant Public Works Director, stated the Open Door Baptist Church is in the process of an expansion. They are located outside of the Troutdale city limits as well as the urban growth boundary. Previously, Ordinance #647 was adopted in 1996 stating that no extra-territorial services would be offered and this church falls under that category. Typically we would not be bringing this type of request before you to allow a fire hydrant to be constructed. This particular one we felt was important to bring before you so we would not violate the intent of Ordinance 647. Staff carefully thought about the request and is recommending that you approve the construction of a fire hydrant near the Open Door Baptist Church. We feel that it is not a domestic use, it is basically for emergency water demand and we do have other fire hydrants that are outside of the city limits as well as the urban growth boundary for the purpose of emergency water supply. The Fire Department is requiring with this expansion of the Open Door Baptist Church that they have a fire hydrant 150 feet from the structure that they are proposing to build. They feel that they can accomplish that if the Troutdale City Council approves the installation, at there cost, of this fire hydrant.

Council had no questions.

Mayor Thalhofer asked is there anyone here that would like to speak to us on this issue?

Don Luken stated I do not live in the City of Troutdale but I do go to Open Door Baptist Church and have been working on this addition for approximately three years. This is our last hurdle and I would like to encourage the Council to allow this. It is only for emergency use by the fire department.

MOTION: Councilor Daoust moved that the Troutdale City Council find that the installation of a fire hydrant on Strebin Road by the Open Door Baptist Church is not an extra-territorial extension of a public works service within the meaning of Ordinance #647 and such installation is approved subject to the conditions imposed by the construction standards for public works facilities and the terms in the letter received from the church dated July 12th. Seconded by Councilor Kight.

**YEAS: 5
NAYS: 0
ABSTAINED: 0**

9. MOTION: A Motion to refer city street nomenclature to the Citizen Advisory Committee.

Mayor Thalhofler called this item and stated we have quite a few streets in Troutdale with different names in different places, Cherry Park Road being one of them, which need attention and I think this would be a task for the CAC to tackle.

Bob Whipps stated there are many problems with the names of the streets, addresses of the streets and how they are addressed. 4th up here is a really good example the odd side of the street the first two houses are okay then on 4th is address 284 Dora, the next one is okay, then it is 346 4th, then 385 4th, then 342, then Kibling. Then there are 8 duplexes all from 450 to 436 and then across the street from it is 434. It is a big mess. Cherry Park is another big one. On my street the first house faces 27th and it has a Burlingame address, then it is my house then 28th goes forever. I have most of it memorized and I don't have a problem but it is a problem for everybody else. My feeling is if you come into the City of Troutdale you ought to be able to reasonably find your way around without having to ask UPS drivers. As I have thought about this, if I wanted to do it my way I would have the CAC and maybe the Post Master and they could go over the whole city and make it right. However, I think there would be a lot of objection to that. If it is going to the CAC you need to tell them what you want fixed and what you want them to do. I think there are some things that really need to be taken care and some of those are odd addresses on the even side and just on my street we have three houses that have addresses facing the wrong street. On Cherry Park I feel it would be better to have Glisan go all the way through to 257th at a minimum. We have Stark that goes from the Willamette River to the Sandy River and we have Glisan that goes from the Willamette River to 242nd. We need to make sense of this and we need to be consistent. There will probably be a lot of unhappy people but it is a big mess.

Councilor Daoust asked if we are to provide direction to the CAC, I was under the impression that we were just talking about the naming of streets and not renumbering houses. I don't know that we want to tell the CAC to look at house numbers. The minute you start talking about house numbers you are talking about people's addresses.

Councilor Kight stated the same thing will happen if you change Cherry Park to Glisan.

Mayor Thalhofler stated we are going to have all kinds of problems like that, but I think we ought to fix everything.

Councilor Rabe stated they should explore some possibilities of what might be the best fix because I don't have one.

Councilor Kight stated I think the problem is not with the paperboy it is with the emergency vehicles because you are talking about someone's life. If a house is on fire and the fire department can't find it, which happened in Portland and the house burned to the ground with the people in it. I agree with the Mayor, we ought to clean up the whole thing.

MOTION: Councilor Rabe moved that we present this street nomenclature to the CAC for their review for corrections including the street names and house numbers. Seconded by Councilor Kight.

**YEAS: 5
NAYS: 0
ABSTAINED: 0**

10. COUNCIL CONCERNS AND INITIATIVES:

Mayor Thalhofer called this item and stated I recommend that we skip this item this evening due to the late hour.

11. ADJOURNMENT:

Mayor Thalhofer called this item.

MOTION: Councilor Thompson moved to adjourn. Seconded by Councilor Kight.

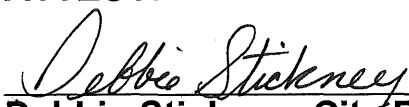
**YEAS: 5
NAYS: 0
ABSTAINED: 0**

Meeting was adjourned at 11:09pm.


Paul Thalhofer, Mayor

Dated: 8-30-01

ATTEST:


Debbie Stickney, City Recorder

-- PLEASE COMPLETE THE FOLLOWING --

NAME (please print)	ADDRESS	PHONE #
CHRIS & PAT JONES	1767 SW SPENCE	667-7554
Michael & Pat Zedaw	1745 SW SPENCE	665-9056
Jim Billings	1228 SE Chapman Ave.	667-9084
Bill Herbert	426 SW 30 CT	667-3112
Steve Tolin, MoniCom	4820 SW Barky Blvd	227-0422
Judy Roberts	2328 SW Spence Ct	669-7259
Walter W. Roberts	2328 SW Spence Ct	669-7259
ANTON SHERRI, LISCAUD LARK	2684 SE ROAD AVE	669-8682
THOMAS ANDRE	2740 SW CORBETH LN	666-7028
Royd Getting	982 SE DIX CT	667-0407
BOB WMAPS	2720 SW ZOLLNER AVE	666-4950
Elyth Jedderson	1024 SW 12TH	1001 5931
Den hooker	30306 SE LUSTED RD	663-0390
James E. Zales	2408 SW Corbetta	667-2543

DATE _____

PAGE # _____

CITY OF TROUTDALE PUBLIC ATTENDANCE RECORD

July 24, 2001
CITY COUNCIL REGULAR MEETING

PLEASE COMPLETE THE FOLLOWING

NAME <small>(please print)</small>	ADDRESS	PHONE #
Earl L. Smith	1436 SE 29 th Ct	503 669-9304
Leana Knight	1507 SW Spence Ct.	—
Ginger Hessler	1584 SW Chapman Ct	1067-8381
LORNE MITCHELL	767 SW 12 th	669-7760
CHRISTINE L. JOHNSON	1182 SW Mitchell Ct	
Andw Chudge	732 SE 10 th ST	666-5604
Ron Hedger	732 SE 10 th St.	666-5604
John WOLFLE	1167 SW MITCHELL CT.	666-4574
EVE DICIPLE	2223 NE 47 th AVE Pt.	503 287 9315
Robert Shields	9950 NE 23RD #139	492-9895
Brend Rosenbusch	991 SE Harlow Ct	491-0331
Jan Burgess	965 SE HARLOW CT.	441 1624.
Jama Bailey	1490 SW Spence Ct	665-7098
GALE JONES	1478 SW Ha	1067-5867
Les Langston	1185 SE 36 th	665-8286
Laura Van Atta	1204 SW Mitchell Ct	661-2318
JEFF DAPIUNTO	664 SE 10 th St	666-5058
Chris Rossi	679 SE 10 St	667-9678
Linda A Speir Adalsteinsson	2167 SE Harlow Ct	666 7904
MICHAEL L. BAILEY	1490 S.W. SPENCE CT	665-7098