

A regular meeting of the Astoria Common Council was held at the above place at the hour of 7:00 pm.

Councilors Present: Nemlowill, Jones, Price, Brownson, and Mayor LaMear.

Councilors Excused: None

Staff Present: City Manager Estes, Parks and Recreation Director Cosby, Finance Director Brooks, Fire Chief Ames, Police Chief Spalding, Public Works Director Harrington, City Planner Ferber, Library Director Pearson, and City Attorney Henningsgaard. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

PRESENTATIONS

Item 3(a): Proclamation: Sexual Assault Awareness Month

Mayor LaMear read the proclamation declaring April as Sexual Assault Awareness Month.

Molly Pringle, Executive Director, Harbor, said Harbor was Astoria and Clatsop County's primary community based nonprofit supporting survivors of domestic and sexual violence. The Harbor has requested permission to light the Column teal in recognition of Sexual Assault Awareness Month. She asked the community to think about what role they could play in ending sexual violence in the community as they look at the teal lights.

REPORTS OF COUNCILORS

Item 4(a): Councilor Nemlowill reported that school safety was changing due to the recent shooting in Florida. Schools are preparing with drills and parents of school age children can no longer enter elementary schools until the office unlocks the door. Those are good steps and she was reassured to hear that school safety was a priority for the Astoria Police Department. The State and local police are taking efforts to help increase school safety.

Chief Spalding said that school safety was the Police Department's highest priority. There have been national conversations about tactics and how individuals responded in an effort to learn from the Florida incident. Internal conversations are meant to ensure that responses are coordinated and that officers are clear about his expectations. Tactics are constantly being reviewed. Since the shooting in Florida, the Department has already made some modifications to the way they are to respond to any active shooter incident. In an effort to be more proactive, he met with law enforcement leaders in the county to discuss mutual aid response and consistency in their policies and protocols. He also met with key school staff members to discuss their standard response protocol, lockdowns, the State's tip line, student threat assessment protocols, and law enforcement tactics. The school district has been very proactive and will be training with the Police Department. He has been involved with the Governor's taskforce on school safety, which implemented the statewide tip line managed by the Oregon State Patrol. The tip line receives calls about bullying, threats to school safety, suicide, and sexual assault. The Police Department is working with the school district to develop student threat assessment protocols that involve mental health professionals, law enforcement, and other entities. All of these efforts are aimed at preventing incidents.

David Oser, 254 W. Irving, Astoria, said the Astoria School Board was very aware of safety issues, which were one of the board's highest priorities. They have implemented interim safety measures and hired another full-time mental health counselor. Many of the improvements that would be added to the ballot in November were long-term safety measures.

Item 4(b): Councilor Brownson reported that he attended the Harbor's open house and was impressed with the facility. He reported on the work session on enterprise zones. Hyak would be putting in a boat repair facility and eventually manufacturing tug boats and barges. This would be a premier marine facility on the

West Coast. The project would be very important to Astoria because it would bring many living wage jobs and family wage jobs, which would strengthen the economy.

Item 4(c): **Councilor Price** reported on her most recent salonical. She and Mayor LaMear attended Court Appointed Special Advocate's (CASA) annual banquet, where the speaker spoke on behalf of children who needed an advocate and made some very nice sentiments. She reported that she was a board member for the Astoria No. 2 Ferry. She thanked staff for allowing the ferry to remain in downtown Astoria for an extended time period because it was an icon. The ferry was built in Astoria in 1924 and she hoped to make it successful again.

Item 4(d): **Councilor Jones** had no reports.

Item 4(e): **Mayor LaMear** had no reports.

CHANGES TO AGENDA

Mayor LaMear requested that Item 7(a): Public Hearing on Appeal AP18-01 be conducted last after the other Regular Agenda Items. The Agenda was approved with changes.

CONSENT CALENDAR

The following items were presented on the Consent Calendar:

- 6(a) City Council Minutes of 2/14/18
- 6(b) City Council Minutes of 2/26/18
- 6(c) Boards and Commission Minutes
 - (1) Planning Commission Meeting of 1/24/18
 - (2) Traffic Safety Advisory Committee Meeting of 1/24/18
 - (3) Historic Landmarks Commission Meeting of 1/17/18
 - (4) Safety Committee Meeting of 2/15/18

City Council Action: Motion made by Councilor Nemlowill, seconded by Councilor Brownson, to approve the Consent Calendar. Motion carried unanimously. Ayes: Councilors Price, Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: None.

City Council proceeded to Item 7(b) at this time.

REGULAR AGENDA ITEMS

Item 7(a): Public Hearing: Appeal AP18-01 by Ted Osborn on Demolition Request DM17-02 at 347 Alameda Avenue (Community Development)

On January 17, 2018 the Historic Landmarks Commission (HLC) held a public hearing and reviewed a request to demolish a multi-family dwelling at 347 Alameda Avenue. The structure is a primary contributing structure in the Uniontown Historic District. With a vote of three to three, which constitutes a denial, the HLC denied the request. On January 30, 2018 Mr. Osborn submitted an appeal of the HLC decision of denial of the demolition.

It is recommended that the City Council hold the public hearing on the appeal, review the new testimony, and consider the Historic Landmarks Commission decision.

This item was discussed immediately after Item 7(f).

Planner Ferber reviewed the criteria for appeals to demolition requests, the timeline for general land use decisions, and next steps. She also reviewed the details in the written Staff report.

Councilor Nemlowill asked who the building official was and when did the building official look at the property. Planner Ferber stated Ben Small was the building official who looked at the property in December or January, before the request was forwarded to the HLC. Councilor Nemlowill said she found it interesting that the building official did not concur with Mr. Stricker's assessment that the building was a threat to public safety. She asked if

the City would revisit the analysis of the property. City Manager Estes stated the building official had reviewed the materials and made no change to his decision that the building was not an imminent threat. Since the building official determined the request did not qualify for an immediate approval, the request was forwarded to the HLC.

Mayor LaMear asked for more information about the \$175,000 that would automatically trigger demolition approval. Planner Ferber explained that 70 percent of the assessed value of the property would be grounds for immediate approval. However, this request was already beyond getting immediate approval because more of the financials needed to be reviewed. The Applicant had claimed the damages were well beyond 70 percent, but the HLC found the structure had not been damaged in excess of that value by fire, flood, wind, or other natural disasters. Damage was due to geologic issues at the site, not a catastrophic event.

Councilor Price asked if the term catastrophic event was used in City Code. Planner Ferber said no, it was her interpretation of the key terms, fire, wind, and flood.

Councilor Jones asked why the building inspector red flagged the building as not occupiable after the tenants were evicted. Staff requested time to find the letter submitted by the building official.

Mayor LaMear opened the public hearing at 7:55 pm and asked if anyone objected to the jurisdiction of the City Council to hear this matter at this time. There were no objections. She asked if any Councilors had a conflict of interest or ex parte contact to declare. There were none. She explained the procedures governing the conduct of public hearings to the audience and advised that the substantive review criteria were listed in the Staff report. She called for the Applicant's testimony.

Ted Osborn, 345 Alameda, Astoria, said a debate about depleted buildings would be helpful because the community had a lot to learn about how to handle them. He confirmed the Councilors had a copy of the summary of data on costs and earning values of the property. There were only three things in the Code that prevented owners of depleted buildings from having to pay exorbitant amounts of money for them. The cost to rehabilitate his property would require a total investment of \$885,000. At an eight percent return on apartments, the building would yield a value of about \$450,000. Selling the building would incur an unreasonable loss, so he was very interested in the three areas of the Code that could protect him. He purchased the property with the intent to develop part of the site, but he was told by a geologist that it would not be wise to build on that part of the property. He contended that the building had been moved off of its foundation by the hill over a few years. The last few owners tried to get as much money out of the building as they could before it fell. He purchased the building to stop that cycle. He wanted to take the building apart, save the lumber, and build something at the front of the site or in the right-of-way. He had experienced considerable preservation bias throughout this process. The Planner and preservation consultant were never interested in seeing the building and never went through the building. An email dated September 28, 2017, two months before he submitted an application, showed that Staff had already decided to send his request to the HLC. Staff's position on safety and cost were not available until the Agenda packet for the HLC hearing was published, so for two or three months he believed the building was a poster child for immediate approval. In 2017, the assessed value of the building was \$250,000 and 70 percent of that was \$175,000. Now, the assessed value is \$189,000 and 70 percent of that is \$132,000. He was startled to find that none of that information was given to him until the application was reviewed by the HLC. The HLC never reviewed the assessed value of the building. One of the Commissioners had asked about the 70 percent rule and the Planner had responded that they were past that and were not discussing it. The two things that were important to him as the owner of a depleted building came out late in the process and were not reviewed by anyone. He had two strikes without having any time at bat. The HLC was to use four criteria when reviewing his application, but three of them were not applicable to his project. The hearing before the HLC was strange because they did not have much to talk about. The cost feasibility had been taken care of by Planner Ferber stating that she agreed rehabilitating the building as apartments would be too costly, but apartments would be the best use. She had recommended he consider rehabilitating the building for other uses. Three Commissioners considered the numbers he presented and voted in favor of his request. Two of the Commissioners favored preservation without any consideration of the numbers. One Commissioner was undecided but ended up voting against the request. He played a slideshow. He and his engineers have contended that the building was knocked off the foundation by the hill, which was a natural event. The repairs would cost \$460,000. The Staff report for the HLC hearing stated that the geologic damage was not enough to warrant repairs costs in excess of 70 percent of the building's assessed value, which was \$132,000. However, Staff showed no evidence of this. The Staff report has now been changed to state that the damage was due to

neglect and not geologic events. It would be difficult to displace a building nine to 12 inches by neglect. In early November, the building inspector, who was in training, inspected the building with a mentor named Jim Birley. The inspector made sure to say that he was learning on the job. The inspector and his mentor declared the building to be in catastrophic structural failure. They said they would red tag the building and send him a letter supporting demolition. The day the building was red tagged, he received an email saying the building was dangerous as defined by the 1997 Uniform Code. He had called Mr. Birley to ask what happened and was told that the Planner wanted to save the building. Many engineers, contractors, and preservationists have been to the building and said it was awful. He was pushed to the HLC who did not do anything but tell him to sell the building or keep it at all costs.

Councilor Nemlowill said Staff and the HLC have indicated that Mr. Osborn did not consider tax incentives or grants that would offset the costs to rehabilitate the building. She asked Mr. Osborn to respond.

Mr. Osborn stated he was looking for \$400,000 or \$500,000. He had enough experience with taxes and grants to know that private citizens looking to fund a private project could not expect to receive \$500,000. Astoria offers a façade grant of \$12,000, but that would not be enough. When he worked on his building downtown, he received a couple of nice grants, but paid more for those grants that he received as he fulfilled the grants' eligibility requirements. If he did a project, he would probably apply for grants, but grants are not used to make a project affordable.

Councilor Nemlowill asked Mr. Osborn to talk about his experience as an authority on grants.

Mr. Osborn explained that he had received a variety of building restoration grants over 50 years. The grants are always small and well-placed. Granting entities have many projects their money should go towards. His building would not be a preferred target for a public grant.

Councilor Nemlowill asked Mr. Osborn to respond to Staff and the HLC's argument that he had not considered how lucrative income could be made from the property.

Mr. Osborn said other people were looking at the property when he purchased it, but no one else offered to buy it. His rehabilitation costs were correct, but others have said his numbers were too low. He could not spend \$800,000 or \$900,000 on something that was only worth \$400,000 or \$500,000. He could not sell the building and would not give it to anyone. Angel investors are smart. The company that purchased the Merwyn has been referred to as an angel, but they are a smart company that took a year to figure out that the building had a good structure and foundation. They figured out how to make their project work because they have access to grants that he did not. He was not in the business of working with grants.

Councilor Nemlowill asked if Mr. Osborn's assessment was that rehabilitating the building would cost \$885,000 and that he could sell the building for \$450,000.

Mr. Osborn clarified that he paid \$195,000 for the building and his estimate was \$690,000 in repairs. Other experts have said they believed repairs would cost \$900,000. Reasonable rents would net a building value of between \$427,000 and \$450,000.

Mayor LaMear called for testimony in favor of the appeal.

Dave Pollard, 1676 Jerome, Astoria, said he supported the demolition request. He had 28 years of experience restoring his home and 11 years of experience as a Historic Landmarks Commissioner. He just completed a significant earthquake retrofit on his home using the same experts that Mr. Osborn consulted with. He believed the costs that Mr. Osborn presented were legitimate and possibly understated. While he served in the HLC, the demolition requests he reviewed were almost exclusively for structurally sound buildings. He found it interesting that this application to demolish an unsound building had made it all the way to City Council. The slideshow reflected the building in a favorable light. He went into the building and was amazed at the horrible conditions. He was also amazed to learn that the City had no system in place to examine the building while renters were living in it. The request is legitimate. While it is always regrettable to take down a historic structure, this building was damaged before Mr. Osborn moved into the neighborhood. He believed the slide at the back of the building, which was pushing against the sill plate and forcing the wall to move forward, was as much of a disaster as if it had happened over night.

Ed Overbay, 221 South Street, Astoria, said he had been an advocate for historic preservation and a builder in Astoria since 1974. He participated in Clatsop Community College's Historic Preservation Department that he helped to develop. Every building should not be saved. Not every old building is worth the enormous effort necessary to rescue it and not every building has a good structure. Some buildings that were not significant at the time they were built only became significant because they were squeezed for every nickel for decades by people who did not keep them maintained. There comes a time for every structure when it is realistic to save it and a point past which the returns become diminishing. After too long, a building is no longer worth saving. The formula for determining this is in the City's Code. When the cost to renovate exceeds 70 percent of the building's assessed value, an owner has the right to take the building down. In his professional opinion, the deadline to save this building was 30 or 40 years ago, but the building was neglected. Now, the costs to renovate the building are beyond anything sensible. There is no economic model or business model that would save the building. If such a mode did exist, projects would be sprouting up all over Astoria. There is nothing about this building's history that is compelling enough to justify the enormous expense. The building is very dangerous. Andy Stricker, a highly qualified and respected engineer, agreed after inspecting the building. The Applicant is trying to do the neighborhood a favor and the building needs to come down.

Chris Haefker, 687 12th Street, Astoria, believed Mr. Overbay's statements were correct. He had been a professional building contractor specializing in renovation of historic homes since 1996. After seeing the slideshow and hearing about the request, he agreed the building should come down. He was an optimist towards restoration and preserving old structures, but in this case, the building is not worth the expense to preserve it.

Linda Oldenkamp, 1676 Jerome, Astoria, said she would not repeat the testimony she gave during the HLC hearing and hoped City Council had the chance to read the minutes of that hearing. She was a passionate preservationist who believed all buildings should be saved. She disagreed with Mr. Overbay. Old buildings should be saved. However, she supported this demolition request. She had been inside the building and believed the landslides contributed to the condition of the building. The building was allowed to deteriorate and has reached the point at which it is no longer salvageable and cannot be renovated.

Mayor LaMear called for testimony against the appeal.

Rachel Jensen, Executive Director, Lower Columbia Preservation Society (LCPS), 389 12th Street, Astoria, said LCPS supported the findings of fact adopted by the HLC on January 17, 2018 and the supplemental findings of fact in the memorandum dated March 12, 2018. The applicable Codes and criteria had been in place for years prior to the Applicant's purchase of the property. The Applicants knew or should have known the criteria and process that would be involved with demolishing the building. They also had the opportunity to do due diligence during the process of purchasing the building. Staff worked with the Applicant and outlined the criteria that needed to be addressed in their application. Staff wrote a clear report outlining how the criteria had not been met. The HLC considered the application, Staff's report, and input from the public; they voted to deny the request. The criteria remain adequate even now that this has been appealed and supplemental information has been provided by the Applicant. The process was important to LCPS. If City Council overturns the HLC's decision, they would be setting a precedent of deviating from the rules. Staff clearly outlined in their reports how criteria were not met and how that criteria could be met. LCPS did not believe the Applicant had fully addressed the issues.

Doug Thompson, 342 14th Street, Apt. 602, Astoria, said he volunteered for and was a board member of LCPS. He spoke at the HLC hearing. There were several historic structures that remained standing because of incentives, the federal 20 percent investment tax credit, the State's special assessed value freeze of 15 years, and federal low-income housing tax credit. Many years ago, he saved a single-family dwelling that was one of the oldest in Uppertown. It was in as bad a shape as the building being considered now. The building was off the foundation and had rats. The condition was so bad that the City had taken out a contract for demolition. However, when he took control of the building at the last minute, he had to buy out the bond of the demolition contractor. Over the last 20 years, the house has provided safe and sanitary housing after being fully restored. He took the tax credits and special assessment. He knew how difficult these projects were, but they are worthwhile. The Astor would not be standing today without the 25 percent federal investment tax credit. The Merwyn will have low income housing tax credits and investment tax credits.

Sarah Bartey, 1661 Irving, Astoria, said the building clearly needed a lot of work, but she questioned the Applicant's intent. She was restoring an old home in Astoria and could see how it was feasible for an uneducated first-time homebuyer to purchase a building without realizing the scope of work necessary to fix it. Therefore, it was surprising to find that someone who lived adjacent to the building and who had worked in the construction industry for 50 years could make such a grave error. She believed the building was purchased with the intent to be demolished.

Mike Sensenbach, 110 Kensington, Astoria, stated he had worked in property claims for the last 15 years for one of the largest property casualty insurance companies in the country. He currently worked as an internal auditor reviewing files for adherence to regulatory guidelines, which include building codes. This case is simple. The application does not meet all of the applicable criteria for demolition of a historic property. He hoped City Council had reviewed the Staff reports and minutes of the HLC hearing. He supported Staff's findings of fact. The onus was on the Applicant to prove that all the criteria had been met by the time the HLC reviewed the application. He believed it was strange that new information was introduced in the appeal and that testimony not directly related to the appeal was allowed because none of it was available for the HLC to consider. If City Council approves the appeal, they would be tasked with amending the findings of fact. He believed this would be challenging to support alternative facts. The engineering firm that Mr. Osborn consulted with was the same firm that had previously argued the land was stable enough that a house could be built on adjacent property. Now, the same engineering firm has said the land is not stable and was pushing the building over.

Jan Gregor, 1546 Franklin, Astoria, said he objected to using economic feasibility for the premise of the argument because projects like this never make economic sense in Astoria. However, people still come to town to spend money to bring back old buildings. The entire town would be leveled if economic feasibility was the criteria. He believed the building should be put on the market to see if someone wanted to renovate it.

Mayor LaMear called for testimony impartial to the appeal. Hearing none, she called for the Applicant's rebuttal.

Mr. Osborn said he bought the building a few months ago and it was available for anyone to purchase. The other people who looked at the property intended to operate it as a slum. He had to do two geologic studies to build his house on the adjacent property. There is a gentle slope behind his house, so his house was located on pilings within the retaining wall of the old house that had been destroyed by fire in 1983. He designed the house so that the first floor would be taken out in a landslide and leave the top two floors intact. The engineer studied the hill beside his house, which is steeper and angled to the northwest towards Kingston. The house on that property was built into the hill with a series of retaining walls that are now just shoving against the building. The same engineer is now helping him with the new property. He did not want to go through this process. For a year, he had been creating drawings for the section of the house he wanted to save. He wanted to remove the additions on the side and one floor and move the house as far as possible to the edge of the property. However, the engineer advised against his plans and said the hill would continue to move.

Mayor LaMear closed the public hearing at 8:41 pm and called for Council discussion and deliberation.

City Manager Estes confirmed that the building official decided to red flag the building after the tenants had been evicted because even though the building was not at the point that it was an imminent danger to collapse, it was not in occupiable condition. The photographs showed why the building could not be occupied. He noted that the City had red tagged the Merwyn in the 1980s because there was no first floor and the roof was sloughing off toward the library.

Councilor Nemlowill said she was leaning toward approving the appeal because she believed the Applicant had made a good case that the building was not economically feasible to rehabilitate.

Councilor Brownson stated he understood this building would take great resources to restore to a usable condition. He questioned whether historic buildings should be restored at any cost. He believed buyers should do their due diligence when purchasing a house. However, some buildings are not economically feasible for the average homeowner to repair. Professionals are restoring the Merwyn and they know how find money for what will be a very long-term commitment. That is a different scenario than an individual purchasing a house next door. He was troubled and surprised that the Applicant believed he could do something with the house, but Council was not tasked with determining his intent. Staff has done their best to make an argument within the guidelines. He was concerned that accusations had been made against Staff, insinuating that the City's Planners

had intentions. It was Staff's job to be impartial and he believed they had been. He believed landslides were a type of natural disaster for the purpose of considering costs in excess of 70 percent of the assessed value. Unless slide prone areas are dealt with early, they get worse. Several owners neglected this building over time, so the deterioration of the building is not the current owner's issue. He believed it was onerous to expect anyone to spend the money to save this building. If people want to save this building they should raise the money. The City does not have the resources to take care of all of the old buildings. He supported historic preservation, but people should do their due diligence and some buildings are not worth saving.

Councilor Price referred to the Applicable Review Criteria IV.B on Page 5 of the Staff report, which noted that some of the building's damage was due to the neglect of previous owners and not all due to natural disasters or vandalism. She believed it was difficult to judge whether the vandalism, natural disasters, or neglect came first. Natural disasters can occur over a period of time, not just in one catastrophic event. The term catastrophic is not used in the Code. She believed the HLC was important because they were the gatekeepers to one of the aspects that make Astoria. She appreciated the public process. She also believed that Code Section 6.080.B. should be reviewed to ensure that 70 percent of assessed value was a realistic red line for rehabilitation of a distressed historic structure. Most of them go on the market for very low amounts of money after having been neglected for many years and have low assessed values. Additionally, a review would allow the Code to better define the differences between wind, fire, flood, geologic damage, natural disasters, and catastrophic events. She referred to the Applicable Review Criteria IV.C and Staff's corresponding Finding on Page 6 of the Staff report, which agreed that residential was the best use of the building. She was interested in the other suggested uses for the property, which were unlikely to be approved due to limited parking or the need to use the right-of-way. One suggestion was to turn the building into short-term rentals, which was a use that City Council was trying to tightly regulate. Therefore, she did not accept the finding. She had driven by the house and saw several vacant lots in the neighborhood that provide a rest for the giant historic homes. Additionally, she had been unable to find through research any neighborhood that had been negatively impacted by a scattering of well-maintained vacant lots. Therefore, she also disagreed with the finding that the creation of a vacant lot by demolition would detract from the historic context of the neighborhood. She referred to the applicable Comprehensive Plan Sections that began on the bottom of Page 7 of the Staff report. She was disappointed that Astoria did not have the capacity to enforce the derelict building ordinance because it would prevent buildings from getting to the point where they could not be saved. The Staff report compared this residential house built of wood in 1908 for laborers to 1920s brick and concrete commercial buildings in the downtown core. Findings stated that adaptive reuse would add to the City's historic heritage by providing unique workforce housing options. However, the costs associated with renovating this house would not create workforce housing, but would create some of the most expensive rental housing in Astoria. Relocating this structure would be expensive because this is a 4,680-square foot, 3½ story building. Also, it is unknown whether the City would approve the move. Comprehensive Plan Section 0.20.2 was not mentioned in the Staff report. This section states that the City encourages historic preservation, restoration, and reuse of existing buildings; however, these structures must be improved in a timely manner. How long is long enough to wait for an angel investor? What would the continued blight do to the neighborhood? She believed documenting the demolition was a good idea and requested this be required as a condition of approval. If this appeal is denied, the building would be boarded up, sit for years, and the City would start assessing penalties to the owner for not fixing it up. The Applicants have shown they did more than due diligence to save this building after pleading with the City for years to address its neglect and detriment to the neighborhood. They purchased the property at a high bid with the explicit intent to prevent the property from remaining in neglect when no one else was interested. She wanted historic properties to be owned by community members, not investors. Testimony in favor of demolition was given by people who have spent their lives preserving old homes. She was convinced that renovation costs would be higher than anyone could afford and believed demolition was the only option for this building. The absence of the building would be a benefit to the neighborhood and would relieve a burden on the Planning and Public Safety Departments.

Councilor Jones believed this case was difficult and understood why the HLC's decision was split. He was sympathetic to the argument that Mr. Osborn made an emotional decision to pay too much for this house. He believed Mr. Osborn was well aware of the condition of the building, so he had a hard time believing that Mr. Osborn had serious intent to rehabilitate it after evicting the tenants. However, in the absence of an engineering report by the City that contradicts the one provided by the Applicant, he reluctantly agreed that restoration was not economic feasible.

Mayor LaMear said she agreed that a catastrophic event did not have to happen overnight. A continuous slide down the hill was a catastrophic event. The structural engineer, geologist, and some of Astoria's best preservationists agree that this building is not salvageable. The pictures showed that this building needed to come down.

City Manager Estes explained that a new set of findings would need to be prepared based on Council's direction. He asked for concurrence from Council to use Councilor Price's comments as a basis for preparing new findings of fact in support of the demolition. Council could tentatively approve the appeal now and review the findings at the next meeting on April 2nd.

City Council Action: Motion made by Councilor Price, seconded by Councilor Nemlowill, to tentatively adopt the Findings and Conclusions contained in the Staff report to be presented at the April 2, 2018 City Council meeting at 7:00 pm in Council Chambers and approve Appeal AP18-01 by Ted Osborn. Motion carried unanimously. Ayes: Councilors Price, Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: None.

City Council proceeded to Item 8: Public Comments at this time.

Item 7(b): Second Reading and Ordinance: Amendment A17-02 by Garry Vallaster, Astor Venture, LLC, represented by Jennifer Bunch, dba Wickiup Consulting, LLC, for a map amendment to the development Code to change zoning from Attached Housing-Mill Pond (AH-MP) to Local Service (LS) on approximately 1.04 acres (45,452 sq. ft.) of land, and also a text amendment to remove certain uses from the LS Zone between 23rd and 29th Streets north of Marine Drive. The intent is to construct a retail grocery that will accommodate the expansion of the Astoria Co-op Grocery (Community Development)

On March 5, 2018 the City Council conducted the first reading of the ordinance amending the zoning map and text of the development code to facilitate the expansion of the Astoria Coop grocery. The proposed map and text changes are attached. The acreage of the zone map amendment on the private parcel owned by Mr. Vallaster is 1.04 acres. This is the area proposed for development by the Astoria Coop and has not changed since the initial application. However, the area of the map amendment, as shown on the attached legal description, is 1.45 acres, because it encompasses portions of the rights of way of 23rd Street, Steam Whistle Way and Marine Drive.

It is recommended that City Council hold the second reading and adopt the ordinance.

This item was addressed immediately following Item 6: Consent Calendar.

City Manager Estes noted that the meets and bounds description of the property to be rezoned included the rights-of-way. Therefore, while the application was to rezone 1.04 acres, the total area being rezoned would be 1.45 acres.

Director Brooks conducted the second reading of the ordinance.

Councilor Nemlowill recused herself from voting because she was an employee and marketing director of the Astoria Co-op.

City Council Action: Motion made by Councilor Brownson, seconded by Councilor Jones, to adopt the Findings and Conclusions contained in the Staff report and adopt the Ordinance amending the Zone Map and Development Code to implement Amendment A17-02 by Garry Vallaster, Astor Venture, LLC. Motion carried unanimously. Ayes: Councilors Price, Jones, Brownson, and Mayor LaMear; Nays: None.

Item 7(c): Supplemental Budget Public Hearing (Finance)

ORS 294.473 provides guidance for a municipality to hold a public hearing on a supplemental budget to adjust for changes which could not reasonably be foreseen when preparing the original budget. The process requires advertisement of a supplemental budget not less than five days before a Council meeting. There will be a

public hearing for consideration of the supplemental budgets being presented and which were advertised March 14, 2018.

The supplemental budgets for Parks Operation Fund, General Fund, Public Works Improvement Fund and Promote Astoria Fund are provided in attached resolution along with the details of proposed revisions in the memo to Council.

It is recommended that City Council conduct a public hearing and approve the supplemental budgets as presented in the attached resolution.

Mayor LaMear opened the public hearing at 7:23 pm and called for public comments on the supplemental budget. Hearing none, she closed the public hearing at 7:24 pm.

Councilor Price thanked Director Brooks for sending Council the quarterly budget summaries for the current fiscal year. Without that information, she would have found it difficult to vote on the supplemental budget.

City Council Action: Motion made by Councilor Price, seconded by Councilor Jones to adopt the resolution and approve the revised supplemental budgets for the Parks Operation Fund, General Fund, Public Works Improvement Fund and Promote Astoria Fund. Motion carried unanimously. Ayes: Councilors Price, Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: None.

Item 7(d): City Council Policy on Column Lighting Effects (City Council)

On February 18th, 2014 the Astoria City Council gave direction to the Parks and Recreation Department to limit the use of colored lighting effects at the Astoria Column to twice a year when specifically authorized by City Council.

In 2017 and 2018 additional Astoria Column lighting requests have been received. Due to the City Council direction received in February 2014 to limit the use of colored lighting effects to twice per year any additional requests received within the fiscal year have not been processed at the Staff level.

The Mayor asked that this policy be brought back for discussion by the City Council. If the number of lighting effects at the Astoria Column are increased City Council may want to consider assessing a fee for the service as an estimated \$350 of staffing and maintenance costs are accrued with each lighting effect.

The Friends of the Astoria Column have been briefed on the possible update to the policy on Astoria Column lighting effects and are scheduled to meet on Friday, March 16th to discuss this possibility. The Friends of the Astoria Column feedback and recommendation gathered from this meeting will be provided to the City Council.

It is recommended that City Council review their established policy and if desired provide direction on any potential changes.

Director Cosby said the Friends of the Astoria Column recently held a special meeting to discuss the lighting policy. Since the Friends are responsible for maintaining the Column, the surrounding park facilities, and programs, they have requested that City Council allow the Friends to manage all lighting effects as well. In an effort to work proactively with City Council, the Friends would create a fair and equitable policy that would be presented to Council for approval. The policy would take into consideration the importance of the historic landmark, and local, state, and national events.

Councilor Price said she had requested this item be added to the agenda after receiving a request from Cameron Toman to light the Column during Pride Week in July. For several years, she had been debating about whether the Column should be lit with colored lights. She believed that if the community wanted to light the Column, it should be colored with lights more often to celebrate and commemorate all sorts of things. If Council wanted to allow the Friends to take over this responsibility, she believed the Friends should be asked to create a policy soon because the City would be receiving other requests to light the Column with colored lights.

Councilor Nemlowill wanted to hear from the Friends of the Column because the colored lights were a huge undertaking. She did not believe that lighting the Column should be a priority for the Parks Department. The City

could support worthwhile causes without lighting the Column, like leasing property for events for \$1.00. She questioned whether most people knew why the Column would be lit teal during a certain month and wanted to hear from the public.

Councilor Brownson agreed and said he wanted to hear from the Friends as well. The Column could be an effective tool for bringing awareness to things the community feels are important. However, if the Column is lit every other weekend, it could lose its effect.

Councilor Jones said he was in favor of considering a proposal from the Friends. He recommended the proposal include how the Friends planned to pay for the lighting.

Director Cosby confirmed that most of the costs incurred were Staff time.

Councilor Price said that since the City's policy was adopted in 2014, only two organizations lit the Column for a month each year. She hoped the policy would be transparent about when and how to apply for having the Column lit, and include a limit on the number of years one organization could have the Column lit. This way, the Column would not be reserved for two groups in perpetuity.

Item 7(e): Authorization to Light the Column Teal for the Month of April in Recognition of Sexual Assault Awareness Month (Parks)

In partnership with the Domestic Violence Council, the Harbor, and the Friends of the Astoria Column, the Parks and Recreation Department is requesting permission to change the lighting color on the Astoria Column to a teal hue for the month of April 2018 in recognition of Sexual Assault Awareness and Child Abuse Awareness Month. In recognition of the established policy this would be the second request for the 2017-2018 fiscal year.

It is recommended that City Council consider authorizing the change in lighting at the Astoria Column to a teal hue for the month of April 2018 in recognition of Sexual Assault Awareness Month and Child Abuse Awareness Month.

Director Cosby stated the Friends of the Column discussed this request at their last meeting and chose not to provide a recommendation to City Council.

Mayor LaMear noted that CASA asked that Child Abuse Awareness be part of this request. If this opportunity is not overused, looking up at the Column and seeing color would prompt people to ask why. This brings awareness to the reason for changing the color at the Column.

City Council Action: Motion made by Councilor Brownson, seconded by Councilor Nemlowill, to approve lighting at the Astoria Column to a teal hue for the month of April 2018 in recognition of Sexual Assault Awareness Month and Child Abuse Awareness Month. Motion carried unanimously. Ayes: Councilors Price, Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: None.

Mayor LaMear asked everyone in the audience who represented the Harbor to stand. She called for a round of applause and thanked them for their work.

Item 7(f): 2018 City Council Goals (City Council)

The City Council held a work session on February 2, 2018 to set goals for Fiscal Year 2018-2019. From the work session a list of Council goals was drafted. City Council requested that the City Manager coordinate with the Astoria Library Foundation to determine proposed goal language for the library renovation. Library Foundation President Van Dusen suggested the language for this goal. These draft goals are included in the agenda packet for further discussion and consideration.

City Council Action: Motion made by Councilor Jones, seconded by Councilor Price, to adopt the Fiscal Year 2018-2019 City Council Goals as written. Motion carried unanimously. Ayes: Councilors Price, Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: None.

City Council proceeded to Item 7(a) at this time.

NEW BUSINESS & MISCELLANEOUS, PUBLIC COMMENTS (NON-AGENDA)

This item was addressed immediately following Item 7(a).

Sean Fitzpatrick, 1046 Grand Avenue, Astoria, said he hoped the City would put resources towards the derelict building ordinance. When it was put into effect several years ago, he was very supportive of the ordinance because there were a number of buildings the City was concerned about. One of those buildings, a house that had been vacant for about 40 years, was purchased by Mr. Haefker, who put the house back on line and it is now habitable. This was a serious improvement to the neighborhood. He had also been concerned about another house on Grand Avenue. The property changed hands two or three years ago. The new owners started some work, but stopped about 1½ years ago. Photographs he took on December 20, 2016 showed trash in front of the house and missing windows. After an extremely rainy winter that year, more damage was done to the house. Photographs taken in March 2017 showed trash was still in front of the house and windows still missing. The last time he walked by, the building was still in the same condition. If the City had the resources to take action on the complaints about these properties, the neighbors would be greatly appreciative.

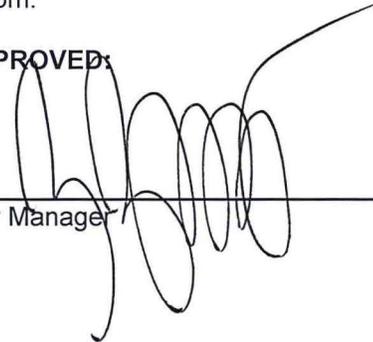
ADJOURNMENT

There being no further business, the meeting was adjourned at 9:11 pm.

ATTEST:



Finance Director

APPROVED:


City Manager