

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

Councilors Present: Mayor Jones. Councilors Brownson, Rocka, Herman, and West attended via Zoom.

Councilors Excused: None

Staff Present: City Manager Estes. Parks and Recreation Director Dart-McLean, Community Development Director Leatherman, Public Works Director Harrington, City Engineer Crater, Police Chief Spalding, Finance Director Brooks, City Planner Fryer, Executive Assistant Benoit and City Attorney Henningsgaard attended via Zoom. The meeting was live streamed and recorded, and will be transcribed by ABC Transcription Services, Inc.

PROCLAMATION

Item 3(a): Astoria Pride Proclamation

Mayor Jones said Pride Week started in June 1970, which was the one-year anniversary of the Stonewall Riots in New York City. He read the proclamation recognizing the month of June 2020 as LGBTQIA+ Pride Month in Astoria.

Don Duncan thanked the Council for their support over the past four years. He announced that a car parade had been scheduled for Sunday, June 7, 2020.

Dida DeAngelis said online events would be held in recognition of Pride Month. Posters have been placed all over town. The car parade will include driving by Marco Davis' home at 7th and Exchange. The parade will go from 12:00 pm until 2:00 pm and be streamed live on Facebook.

Mayor Jones announced that Jonah Dart-McLean was the new Parks and Recreation Director.

Director Dart-McLean said he was happy to continue serving the City of Astoria and the Parks Department.

Mayor Jones welcomed new Community Development Director Megan Leatherman.

Director Leatherman said she was thrilled to be in Astoria. She had an exceptional first week on the job and was impressed with Staff.

Mayor Jones noted this was a difficult week for Americans, particularly those in cities where dealing with the aftermath of George Floyd's murder in Minneapolis, which was streamed live on Facebook. A very moving demonstration was held yesterday on Marine Drive, between 16th and 20th Streets, after less than 24 hours' notice of the event on Facebook. About 300 people attended to show solidarity with the African American community and the family and friends of Mr. Floyd. People have had a lot of questions about the riots, which in some cases were being perpetrated by people who have no connection to oppressed people and are simply exploiting the situation for their own purposes. Meanwhile, those who have suffered for many years are peacefully demonstrating to ask that their rights be honored. Police Chief Spalding and Deputy Chief Halverson have done a marvelous job leading the Police Department. He noted Chief Spalding wanted to make a report to Council address some questions about the department's stance on these issues and the training and measures of accountability that are in place.

Chief Spalding said Astoria is in a bit of a bubble. However, anytime a tragic incident occurs in law enforcement, all of law enforcement suffers, even in Astoria. All law enforcement pays the price for one rogue police officer in another state. It seems like police go through this every few years. This is very frustrating for law enforcement because the vast majority of law enforcement really does an excellent job the vast majority of the time. He had received a lot of questions from the public about training, body cameras, and use of force. He appreciated and welcomed those questions and the opportunity to respond. He believed Astoria did an excellent job in each of those categories. He had prepared a document for the Council describing the topics related to the questions he

had received. He wanted to present this information to the Council so the Council is prepared to answer questions. Additionally, he offered to make the document available to anyone who asked for a copy. He provided an overview of the document, which included information about the Police Department's core values, the hiring process, the State's certification and decertification processes, police officer decertification statistics, police officer academy and field training, continuing education and training, Astoria Police Department training statistics, car and body camera use requirements and restrictions, and use of force policies and practices. He also shared comments written by Astoria Police Officers about the Astoria Police Department, all of which reflected positive aspects of the Department's professionalism, integrity, and the fair treatment of others. He believed community support was important and that Astoria's officers would not allow an incident like the one in Minnesota to occur in Astoria.

Councilor Brownson said he appreciated Chief Spalding's efforts to let the Council and the public know how the Astoria Police Department operates. A year ago, he rode with a senior officer, who had explained how the actions of a few officers could make it difficult for a young person to decide to go into law enforcement. When incidents like this occur, the public can turn on good police officers. Astoria has a well-run and respected Police Department.

Councilor West thanked Chief Spalding for the message he sent to Council and posted on social media, which reaffirmed how much she believed he cared about the community. She thanked the entire Police Department for their strong commitment to Astoria, which was displayed by the police cars that drive by the demonstration. The police presence brought a lot of people to tears and gave people hope.

Councilor Herman encouraged everyone to read the statement written by Chief Spalding on Facebook or the Astoria Police Department webpage. The statement reflects Chief Spalding's values and the Department's values. She appreciated Chief Spalding's leadership.

Councilor Rocka appreciated Chief Spalding's immediate instinct to reach out to the community to reassure everyone about how things are done in Astoria.

Mayor Jones called for questions and comments from the public.

David Oser thanked Chief Spalding for his statement because it made him proud to be an Astorian.

REPORTS OF COUNCILORS

Item 4(a): Councilor Rocka congratulated Jonah Dart-McLean as the new Parks Director. He reported that he attended two nights of budget meetings. Because no one can predict what will happen, the budget will be revisited many times over the year. He reported that Oregon Department of Transportation (ODOT) will be improving the pedestrian crossing in Uniontown in July. Rapid flashing beacons will be installed to get the attention of approaching traffic. He reported an ex parte contact with Chuck Everett of Braintree Hospitality, which is the company that owns the Holiday Inn Express. He had suggested to Mr. Everett that he attend this meeting and participate during public comments on the lodging provisions.

City Manager Estes noted that the lodging provisions would not be a land use decision. Therefore, no official declaration was required.

Mayor Jones added he also received a phone call from Mr. Everett.

Item 4(b): Councilor West reported that she spoke with Mr. Everett. She also reported that she attended the weekly League of Oregon Cities meetings and the most recent meeting informed on CARES Act funding for cities. More updates would be provided at their next meeting. She listened in on the County Commission meeting and attended a National League of Cities meeting on self-care strategies for effective leadership. She congratulated Director Dart-McLean and said she looked forward to meeting Director Leatherman in person.

Item 4(c): Councilor Brownson reported that he served on two League of Oregon Cities committees, the Tax and Finance Committee and the Energy and Environment Committee. Each committee will have a short meeting to finalize items for legislation. He would provide an update on what those items are at the

next meeting. He reported that he hosted a virtual Meet Your Councilor meeting. He liked to make himself available once a month for people to say what they feel about what is going on. However, people do not have to wait for a meeting to contact him. His constituents can call him anytime. He congratulated Director Dart-McLean on taking on the Parks Department. He also welcomed Director Leatherman. It was great that the City had a full Staff of Directors. He reported that Baked Alaska and Three Cups of Coffee were closing as a consequence of the economic situation. The community needs to do everything it can to make sure businesses survive.

Item 4(d): Councilor Herman reported that she listened in on the Seaside City Council meeting as they made the decision to reopen hotels and lodgings at 100 percent capacity. She also listened in on the weekly League of Oregon Cities COVID-19 conference call with City officials from around Oregon and an official from the Oregon Health Authority and a representative of the Governor's Office. She participated on the Budget Committee and has learned just as much this year as she did her first year. She was amazed at all the diverse services the City provides to residents, businesses, and visitors. She appreciated all the work that went into preparing the budget, especially this year with all the unknown revenue streams. She was glad to hear that the Library would start placing holds on books again. Patrons can submit holds online or by telephone. Holds can be picked up on Wednesdays from 2:00 pm to 6:00 pm or Fridays from 10:00 am to 2:00 pm. Social distancing practices will be followed.

Item 4(e): Mayor Jones reported that everyone was waiting on guidance from the Governor's Office for Phase 2. New guidelines have not been released yet and he had not seen a draft, but he anticipated the guidelines coming out the next day for input before being finalized. He anticipated that the County would submit a Phase 2 Reopening Request to the State tomorrow with the expectation that on Friday, they would hear whether or not Phase 2 would start on Friday. He hoped that pools would be included in Phase 2 at least partially.

City Manager Estes said Staff had heard pools would be part of Phase 2 but did not know if pools would be allowed to open immediately.

Mayor Jones reported that museums, gardens, and zoos might also be included in Phase 2, as well as possible modifications to childcare and extended hours for taverns, but physical distancing requirements would remain unchanged.

CHANGES TO AGENDA

No changes.

CONSENT CALENDAR

The following items were presented on the Consent Calendar:

- 6(a) ~~City Council Work Session Minutes of April 20, 2020~~
- 6(b) Historic Landmarks Commission Meeting Minutes of March 17, 2020
- 6(c) Astoria Planning Commission Meeting Minutes of March 24, 2020
- 6(d) Design Review Commission Meeting Minutes of April 2, 2020
- 6(e) Historic Landmarks Commission Meeting Minutes of April 21, 2020
- 6(f) Liquor License Application from Stormy Night, Inc. doing business as Merry Time Bar & Grill, located at 995 Marine Drive for an Off-Premises Sales License
- 6(g) Liquor License Application from Guitron Guitron III, Inc. doing business as El Tapatio Mexican Restaurant, located at 229 W. Marine Drive for an Off-Premises Sales License

City Manager Estes noted Item 6(a) had been removed from the Consent Calendar because the City Council Minutes of April 20, 2020 had already been approved.

City Council Action: Motion made by Councilor Brownson, seconded by Councilor West, to approve Items 6(b) through 6(g) of the Consent Calendar. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.

REGULAR AGENDA ITEMS

Item 7(a): Consideration to Extend COVID-19 Emergency Declaration and Establish New Phased Lodging Provisions

At the March 16, 2020 City Council Meeting, Council adopted a declaration of local emergency in the City of Astoria in response to the COVID-19 coronavirus outbreak. The declaration was extended twice and is currently set to expire on June 1. Mayor Jones has asked this item to be brought to Council for consideration of another extension. It is suggested that the resolution be extended to through July 6, 2020 (a City Council meeting date).

Recently, Clatsop County in conjunction with the Cities of Astoria, Warrenton, and Gearhart, have been working cooperatively to create a reopening framework for lodging establishments. These jurisdictions wished to establish a phased reopening plan for hotels, B&Bs, and homestay lodging. On May 29, 2020, the Clatsop County Commission considered the draft framework and it was approved by that agency. A copy of the approved reopening plan is attached to the memo. Should Council wish to implement the reopening provisions those would take effect June 5, 2020. For the reopening provisions to apply in the City of Astoria, City Attorney Henningsgaard has recommended that the Astoria City Council consider them as well.

It is recommended that City Council consider extending the state of emergency in the City of Astoria to July 6, 2020. It is also recommended that Council consider extending the existing hotel provisions until June 5, 2020 and enacting the phased reopening plan provisions which would go in to effect June 5th.

Mayor Jones said the City needed to discuss how long it might be useful to extend the emergency declaration.

City Manager Estes responded that he had spoken to County Manager Bohn. On Friday, the County extended their emergency declaration until July 6, 2020. He recommended the City take things on an as needed basis. He also noted that during the League of Oregon Cities call on Friday, Councilors had reported on CARES Act funding for cities. Astoria has already submitted a request for some of the reimbursement funds because the City is under a state of emergency as well.

Mayor Jones called for public comments. There were none.

Councilor West wanted to know if not being approved for the County's Phase 2 reopening would impact the Council's decision to reopen hotels and lodgings at 60 percent capacity.

City Manager Estes stated the Council's decision would not be directly tied to the Phase 2 reopening.

Councilor Herman said she supported reopening hotels and other visitor lodgings in Astoria to 60 percent capacity. There are concerns in the community, but the city does meet the public health metrics for adequate contact tracers, adequate personal protection equipment (PPE), and adequate testing.

Councilor Brownson agreed and said he believed the city was in as good a position as any to do this. For a few months, it has been all about COVID-19 but people still have not gotten the message about what is important for public health and public safety, washing hands, wearing masks, keeping six feet of distance, and respecting neighbors. Vulnerable populations should stay home. The City cannot police everybody, so people need to go out on their best behavior. Oregon is fortunate to have a low rate of infections overall. He just wanted to remind everyone that the virus has not gone away. He supported helping the businesses out at this point, and wanted to be optimistic that the community will do well.

Councilor West stated she spoke with people in the hotel industry and in the community. There are people who think the Council is moving slowly or prefer that the City reopen at 100 percent capacity. There are also individuals who have concerns and believe the Council is reopening hotels too soon. Her goal was to align with the County and meet somewhere in the middle. The Council is making these decisions very carefully while continuing to honor the sacrifices that the community has made to be careful. She supported the moderated approach, which is in line with neighboring cities and the County's plan. That solidarity makes the plan more effective.

Councilor Rocka said he was not speaking from a vacuum. He owns a business with 50 employees that has been shut down since March 16th. He fully understood the desire of businesses and hotels to reopen. He would

support this plan with reservations because he believed that by now everyone in the community understood the situation. However, an article in *The Oregonian* indicated that visitors who came to Cannon Beach over the weekend did not act the same way. That puts the population at risk. He supported this plan because Astoria needs to be in step with Clatsop County and the other cities. It would do no good to be the only one holding out because visitors would still be in Astoria. He wanted to support the plan with the stipulation that if there is a significant negative result of reopening, the Council would have the courage to go back to closures.

Mayor Jones confirmed there were reports that visitors to Cannon Beach were not properly physically distancing or wearing masks. The Astoria community has been pretty good at following public health guidelines and has no way of knowing how visitors will react when the town is full again. The City will continue to coordinate with the Chamber of Commerce, which has been exceptionally proactive at looking out for the health of the community. Their marketing has been focused on staying home instead of coming to Astoria and Warrenton quite yet. He was sure the Chamber would include in their marketing that visitors should bring a mask and wear it while in Astoria and around other people.

City Manager Estes noted that he spoke with David Reid of the Astoria Warrenton Chamber of Commerce prior to this meeting. Mr. Reid said they were working with the Astoria Downtown Historic District Association (ADHDA) to remind people about social distancing and masks.

Mayor Jones added that the Maritime Museum would require guests to wear masks in the museum. If enough businesses require people to wear masks, people will get used to carrying a mask with them. Most businesses will have masks available. It is up to everyone to set the example so that businesses are peer pressured into requiring masks. He was hopeful that everything would go well as the town fills up with visitors.

City Council Action: Motion made by Councilor Brownson, seconded by Councilor Herman, to extend the state of emergency in the City of Astoria to July 6, 2020. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.

Councilor Brownson said there was still a travel restriction when Cannon Beach reopened for visitors. The visitors are people who are disregarding the Governor's Office's recommendations. People want to get out and will say the situation is not so bad. The situation is bad, so he would ask visitors to respect the recommendations. Costco now requires shoppers to wear masks, but Fred Meyers does not. So, the Council needs to make sure the community is taken care of.

City Council Action: Motion made by Councilor Brownson, seconded by Councilor Herman, to extend the existing hotel provisions until June 5, 2020 and enact the phased reopening plan provisions, which would go into effect on June 5, 2020. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.

Item 7(b): Consideration of Resolution for Temporary Policy for Tables and Chairs on Sidewalks in Public Rights-of-Way

Due to the COVID -19 pandemic, Governor Kate Brown instituted social distancing protocols for residents and businesses. As a result, many of the local restaurants offer take-out only. As part of these protocols, eating and drinking establishments may expand their footprint outside of the current place of business to allow for appropriate social distancing. In response to the increased interest in sidewalk dining opportunities, city staff have developed a temporary prescriptive standard for businesses to follow to place tables and chairs in the sidewalk portion of the street rights-of-way.

Staff proposes, in this interim policy, that if the business owner can place their tables and chairs so that there is a clear unobstructed five-foot pathway for pedestrians, the owner may place their tables and chairs on the sidewalk against the building. Five feet is proposed for the clear unobstructed pedestrian way because that is the American's with Disabilities Act minimum without getting into averaging and other calculations. The desire is to make this policy work for most businesses. Those that cannot work within the policy may still apply for the permit and propose alternative pedestrian passage widths.

Staff recommends the City Council consider this temporary policy and associated resolution.

Planner Fryer gave a PowerPoint presentation detailing Staff's recommended standards for allowing tables and chairs on sidewalks, which would temporarily supplement City Code Section 4.060.

City Manager Estes noted the intention of the temporary policy is to offer a temporary exemption for restaurants, which he wanted to apply consistently throughout downtown. Any dining would need to be directly along the frontage of the business. If a restaurant has outside seating, the intent is not for the restaurant to spread all the way down the street.

Mayor Jones asked if restaurants with adjoining businesses could have tables and chairs in front of both businesses. City Manager Estes said he would ask the Council for direction on that. He could not think of any unintended consequences, but the Council could allow it with written permission from the adjacent business.

Councilor West stated she would be in favor of allowing restaurants to request that their tables and chairs be located in front of adjacent businesses. Some frontages are very narrow. In the past, the coffee house has partnered with the tattoo shop to have functions.

Councilor Herman asked if the resolution would apply citywide. City Manager Estes said yes, businesses in Uniontown and Uppertown would be included. However, the sidewalks used for tables and chairs must be adjacent to a public right-of-way. Planner Fryer added that if the sidewalk is adjacent to a State highway, there may be some limitations by the State that Staff did not explore.

Councilor Rocka said five feet would not give people a six-foot separation. However, length of exposure is also a factor in contracting coronavirus.

Councilor Brownson responded that keeping a six-foot distance was not possible when passing people on the sidewalk. City Manager Estes added that Staff had discussed this issue. Staff did not want the policy to include a spacing standard, which could change as phased reopening plans are implemented. The Oregon Health Authority and Clatsop County Health Department provisions would apply.

Councilor West asked who would enforce the resolution, and if the resolution would require businesses to bring tables and chairs inside overnight. City Manager Estes stated Staff would enforce the resolution. This is a pilot program between the Community Development, Police, and Public Works Departments. The City already has Code provisions for planters in downtown, which do not require permits. Staff has received complaints about planters that businesses have placed on the sidewalk. It has been challenging to get some businesses to comply with the Codes. Staff might ask the Council to direct enforcement action for the removal of some of those planters in the near future.

Councilor West said she supported the policy. The City would have to see how it goes. Restaurants have a narrow profit margin and are serving meals at limited capacity. Safely increasing their capacity is a good idea.

City Manager Estes noted that the City Code already requires tables and chairs to be brought inside at night. However, the Council has directed Staff to amend that Code by removing that requirement. The temporary policy does not require tables and chairs be brought inside at night. He confirmed for Mayor Jones that Staff had discusses potential issues with leaving tables and chairs on the sidewalk overnight. A windstorm could blow tables and chairs into windows; humans could use tables and chairs as projectiles; and tables and chairs could impede public safety in the case of a fire. For several years now, Staff has not been enforcing the requirement to bring tables and chairs inside at night.

Mayor Jones suggested it might be easier to leave the requirement in the Code but continue to refrain from enforcing it. City Manager Estes said if the temporary policy causes problems, the Council could amend the policy. For businesses that wanted to set up tables and chairs on adjacent properties, he asked if permission should be granted by the adjacent property owner and/or the adjacent business owner.

Councilor Brownson believed the business owner should grant permission because the business is leasing the property and it is their storefront being imposed upon.

City Council Action: Motion made by Mayor Jones, seconded by Councilor West, to adopt the resolution implementing a temporary policy allowing tables and chairs on sidewalks in public rights-of-way, with the following addition:

- Business owners could request to utilize the adjacent business frontage for placement of tables and chairs if permission is secured in writing.

Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.

Item 7(c): Agreement with State of Oregon Office of Emergency Management for Federal Disaster Relief Funding related to Public Assistance DR-4499-OR as a result of Coronavirus Disease 2019 (COVID-19)

Oregon Office of Emergency Management (OEM) has provided the City of Astoria with a formal contract which is required should the City be eligible to receive federal disaster relief funding as a result of Federal Emergency Management Agency (FEMA) emergency event 4499- DR -OR, Coronavirus Disease 2019 (COVID-19). The agreement is required as part of the direct federal assistance under the Public Assistance program which provides 75 percent federal funding and authorizes OEM through the 2020 FEMA-State Agreement for the Coronavirus Disease 2019 (COVID-19) to execute on behalf of the State of Oregon all necessary documents for public assistance, including approval of sub-grants and certification of claims. It is unknown at this time whether the City will have eligible items to request from FEMA directly, however, staff have initiated the process in order to be prepared should identified costs meet the federal requirements under this assistance program.

It is recommended that Council approve and authorize the City Manager to sign the agreement with State of Oregon Office of Emergency Management for Federal Disaster Relief Funding related to Public Assistance DR-4499-OR, as a result of Coronavirus Disease 2019 (COVID-19).

Councilor Herman said the City was not facing a natural disaster, so there are no expenses related to a flood or major windstorm. She wanted to know what kinds of expenses the City could be reimbursed for. Director Brooks explained that at this point, the City would not qualify under FEMA guidelines. However, that could change. Staff would like to keep their options open. The City is set up with FEMA and has had the introductory meetings with their staff. This agreement is the next step. The finance directors in the county have a weekly meeting with Tiffany Brown of the County Emergency Management Office. Ms. Brown has kept the directors up to date on the grants in case funding does become available.

Mayor Jones stated that Congress had discussed FEMA funds and he was glad the City was prepared to take advantage of them if they become available.

City Council Action: Motion made by Councilor Brownson, seconded by Councilor Herman to authorize the City Manager to sign the agreement with State of Oregon Office of Emergency Management for Federal Disaster Relief Funding related to Public Assistance DR-4499-OR, as a result of Coronavirus Disease 2019 (COVID-19). Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.

Item 7(d): License to Occupy a Portion of the 3rd Street Right-of-Way

The City has received a request from Michael K. Rieck, Sr., resident of 345 Nehalem Ave., to occupy a portion of the 3rd Street right-of-way in order to construct privacy fencing for property security. City staff has reviewed the application and can support issuance of a License to Occupy.

It is recommended that City Council approve a license to occupy, subject to the above conditions for a portion of the 3rd Street right-of-way adjacent to 345 Nehalem Avenue for the purpose of constructing privacy fencing for property security.

Councilor Brownson said he met with Mr. Rieck to discuss putting a fence in the front yard, also on the public right-of-way. He wanted to know what Public Works has decided on that. City Manager Estes explained that within a front yard setback, the zoning codes only allow a maximum four-foot tall fence. Additionally, at the corner of 3rd and Nehalem, vision clearance would need to be addressed as well. The Council should consider a license to occupy further into the right-of-way on Nehalem.

Councilor Brownson clarified that the front yard fence would meet the same standards and was not an exact continuation of the side fence. City Manager Estes confirmed that 6-foot tall fence would not be permitted in the front yard. However, the Applicant could apply for a variance from that requirement.

Councilor Brownson stated the Applicant did not request a 6-foot fence. Public Works had originally denied the request and he wanted to discuss a resolution, any concerns, and how to proceed if the Applicant wants to put this fence in the front yard.

City Engineer Crater said the license to occupy the 3rd Street right-of-way was reviewed by Public Works. There was a miscommunication on reviewing the Nehalem right-of-way, which was submitted to Staff after this item had been scheduled for the City Council meeting. Staff did a quick review of the Nehalem right-of-way, which led to a variety of concerns regarding mobility, utility improvements, and precedents with fence lines to the east and west. The request was tied to security of the property, so Public Works decided it would be best to move forward with what could be approved. Public Works does not feel it can support a license to occupy the Nehalem right-of-way.

City Manager Estes noted Council could provide direction allowing a fence in the Nehalem right-of-way, but this item would need to be continued and Staff would recommend denial due to concerns about vision clearance, triangles coming out of the 3rd Street right-of-way, and utilities on Nehalem.

Mayor Jones stated he wanted to stick to the agenda as submitted with the 3rd Street right-of-way issue and not address Nehalem as Staff was not comfortable addressing that tonight.

Councilor Brownson clarified he was just asking for the status because there was a request and a discussion about it and it is associated. He wanted the license to occupy approved tonight.

Michael Rieck, 345 Nehalem Ave., Astoria, thanked Councilor Brownson for his support. When he met with Councilor Brownson two weeks ago, Staff believed they wanted to put a fence directly behind the curb on Nehalem. However, that was never the case. He always wanted a minimum of 5 feet up to 9 feet as if there was a sidewalk there. He's had the gas line located before and it is at about five feet, so he would like to put the fence closer to nine feet back because there was talk that pedestrians could not get off the street. His property on the apex of a hill, so line of sight is not an issue. Just to the west, in front of the guard rail of the Birch Street right-of-way, cars are constantly parked there and he has a difficult time seeing to west to get out of his driveway.

Mrs. Rieck, 345 Nehalem Ave. Astoria, said when she and her husband submitted their application, there was a diagram at the very beginning. She did not know where it went after she gave Staff the application. The diagram showed the perimeter of the fence they were requesting. So, she did not know how the miscommunication about Nehalem occurred. She was sorry that the license to occupy Nehalem did not get on the agenda tonight, but it was included in the application.

Mr. Rieck thanked the City for allowing the 6-foot fence on the 3rd Street right-of-way because the applications were driven by theft. They have called the police five times since 2016. Property has been stolen from their vehicles in their driveway. A 5-foot fence on Nehalem would keep people from hurdling generators over the fence and taking off with them.

City Manager Estes asked what height fence Mr. Rieck wanted on Nehalem.

Mr. Rieck replied he had asked for 4 to 5 feet high. He did not want to feel closed in or have an unsightly fence.

Mrs. Rieck added that Staff had a picture showing what type of fence they wanted, which would not be a solid fence.

Mayor Jones said the Council could go ahead and act on the 3rd Street request unless the Rieck's request otherwise.

City Manager Estes displayed an aerial view of the property on the screen, which showed the area proposed for the license to occupy for placement of the taller fence.

Mrs. Rieck stated she had never seen that image, but was shown a variance from the north side of the fence line to the Nehalem right-of-way.

Engineer Crater said he believed the difference was the size of the exhibit map. The image was intended to show in yellow that it does go to the Nehalem Avenue right-of-way.

Mayor Jones confirmed he could see the yellow on the image in the Agenda Packet.

City Manager Estes noted that the image indicated the dimension was 2 feet at the northern edge of Nehalem, and then it moves down and extends out 18 feet into the right-of-way to provide a total of 20 feet in the area to the south.

Mrs. Rieck stated that was correct.

Councilor Brownson asked if adjacent property owners had been notified of the request. Director Harrington said yes, the standard notice for this type of request was sent out. The apartment was not notified because the project would not impact their shared portion of the right-of-way. Engineer Crater added that notices for license to occupy are different from the notices required for public hearings. He noted that the area shown on the image was currently being maintained by Mr. Rieck and was separate from the apartment.

City Manager Estes said Director Leatherman had discussed fence heights with the Applicant. Twenty feet back from the Nehalem right-of-way, the maximum height of a fence is four feet. Further than 20 feet back, the fence can be up to six feet high.

Mrs. Rieck confirmed she understood.

Mr. Rieck stated concrete and asphalt has been thrown at the entire length of their house on the west, so he was hoping for a higher fence.

City Attorney Henningsgaard responded that the fence is not to be discussed right now.

City Manager Estes said if the license to occupy is approved, the license grants the right to build a fence. Staff needs to sit down with the Applicant and go over the requirements.

City Council Action: Motion made by Councilor Brownson, seconded by Councilor Rocka to approve a license to occupy, subject to the conditions for a portion of the 3rd Street right-of-way adjacent to 345 Nehalem Avenue for the purpose of constructing privacy fencing for property security. Motion carried unanimously. Ayes: Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.

Mayor Jones confirmed that the Council just approved the license to occupy and the fence details would be worked out with Staff separately. City Manager Estes added that there were no fence permits in Astoria. However, there are zoning standards. So, Staff would work with the Applicant on the fence details and the potential license to occupy the Nehalem right-of-way.

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

Councilor Rocka said he walked his dogs at Shively Park that day. At the top of the hill, a memorial had been set up for George Floyd over the weekend during the vigils.

Councilor West asked Staff to keep the Council updated on the Community Development Block Grants. She asked if there had been any consideration of a follow up meeting to the one she attended with the Chamber of Commerce where the Clatsop Economic Development Resources (CEDR) grant was discussed. City Manager Estes said last week, CEDR and Clatsop Small Business Development Center (SBDC) announced that they received some small business assistance grant funds. The City has no direct process for disseminating those funds. At the last City Council meeting, the Council held a public hearing for two CDBG grants to provide PPE to Clatsop County and for a small business assistance grant. Staff has completed the first phase of the CDGB with

the State for the PPE. The next phase is a more intense process for the grant writers. Staff is in the process of putting together the first phase application for the small business assistance grant. CDBG grants are long and arduous processes. He did not anticipate finding out any time soon the status of their applications. Grant funds could be coming to the SBDC and CEDR faster because they are coming from separate resources that do not require the full CDBG process.

Councilor West added that the Oregon Community Foundation has been very proactive and has awarded grant funding to some local businesses and organizations. They are still accepting applications and Clatsop County is on their radar as an area to support.

Don Duncan thanked the Council for all they had done during the meeting. He commended the City, County, and the Governor for all that's been done to keep citizens safe. The business owners will make sure people are safe. He encouraged people to support businesses. The business owners have been working with closed doors.

Michael Rieck, 345 Nehalem Ave., Astoria, thanked the Council and said he was looking forward to getting a fence up so he could sleep. Currently, he did not even want to go on vacation.

ADJOURNMENT

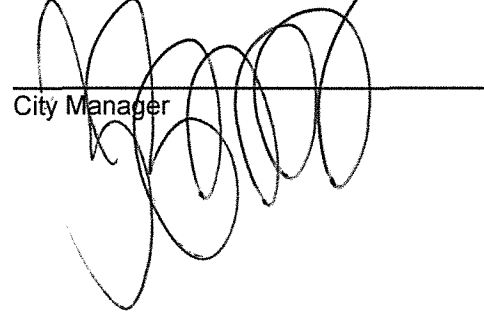
There being no further business, the meeting was adjourned at 9:03 pm.

ATTEST:



Finance Director

APPROVED:



City Manager