

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

Councilors Present: Brownson, Rocka, Herman, Hilton, and Mayor Jones.

Councilors Excused: None

Staff Present: City Manager Estes, Parks and Recreation Director Dart-Mclean, Community Development Director Leatherman, Contract Planner Johnson, Finance Director Brooks, Fire Chief Crutchfield, Police Chief Spalding, Public Works Director Harrington, Assistant City Engineer Moore, Library Director Pearson, and City Attorney Henningsgaard. The meeting was live streamed and recorded, and will be transcribed by ABC Transcription Services, LLC.

PROCLAMATIONS

Item 3(a): Child Abuse Prevention Month

Mayor Jones read the proclamation declaring April 2021 as Child Abuse Prevention Month.

Item 3(b): National Public Safety Telecommunicators Week

Mayor Jones read the proclamation declaring the week of April 11 through 17, 2021 as National Public Safety Telecommunicators Week. He thanked dispatch staff for doing such a difficult job while also being understaffed.

Chief Spalding noted that four dispatchers were doing the work of about ten. The Seaside Police Department has assistance, but all of the dispatchers were working overtime.

REPORTS OF COUNCILORS

Item 4(a): Councilor Hilton reported that he spoke with Director Leatherman about the economic impact of commercial fishing on the community. He met with young professionals in his neighborhood who were struggling to find a place to live. He spoke with men from the Salvage Chief about emergency preparedness. He also spoke with members of the community about starting the Neighborhood Watch program and concerns about the future of COVID-19.

Item 4(b): Councilor Herman reported that she attended a forum hosted by the Astoria Downtown Historic District Association (ADHDA) to discuss COVID-19. She and the Mayor attended the Astoria Nordic Heritage Park Advisory Committee meeting to discuss fundraising. She was impressed with their work and looked forward to seeing the park. She attended the inaugural meeting of the League of Oregon Cities Women's Caucus. She listed in on a virtual round table discussion on federal legislation that would help communities upgrade aging wastewater infrastructure. She thanked the County Health Department and the volunteers for putting on the vaccination clinics.

Item 4(c): Councilor Brownson reported that he sat in on a town hall call with Representative Bonamici. He received his first dose of the Moderna vaccine and planned on returning to Council Chambers in May. He encouraged the community to hang in there with COVID-19 because there still is no opportunity to relax. He reported that the American Society of Virology offers daily town hall meetings with virologists who will answer questions about COVID-19. He also attended the ADHDA, the League of Oregon Cities and National League of Cities meetings.

Item 4(d): Councilor Rocka reported that he had received both of his COVID-19 vaccinations. He encouraged everyone to get vaccinated as well. He met with the Uniontown Association to plan for Memorial Day at the Fisherman's Memorial. He also attended online discussions about issues related to cities like Astoria. He reported that a traveling exhibit called Away From Home would open tomorrow at the Heritage Museum, which

tells the story of the Indian schools that started in the 1870s. He recommended everyone see it, but noted the exhibit was not appropriate for young children.

Item 4(e): Mayor Jones reported that several federal funding packages were being considered and Astoria has extraordinary infrastructure needs. Staff is working with State representatives and senators to ensure that Astoria's projects are considered.

CHANGES TO AGENDA

No changes.

CONSENT CALENDAR

The following items were presented on the Consent Calendar:

- 6(a) City Council Minutes of March 1, 2021
- 6(b) Department Head Status Updates
- 6(c) Update of Memorandum of Agreement between the City for Astoria Fire Department and the United States Coast Guard Cutters ALERT (WMEC 630) and STEADFAST (WMEC 623) Regarding Fire Protection and Emergency Services at 17th Street Pier
- 6(d) Trestle Repair Project – Change Order #3

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

REGULAR AGENDA ITEMS

Item 7(a): Appeal AP21-02 by Paul Tadei, Peter Tadei, Susan Tadei, and Riley Pitts of the Historic Landmarks Commission's decision to approve New Construction Request NC20-08 by RDA Project Management LLC for Bethany Lutheran Church

Bethany Lutheran Church submitted an application for historic design review (NC20-08). The proposal is to construct an accessory building as an annex to the adjacent existing Bethany Lutheran Church facility located across the 34th Street right-of-way and would be classified as a semi-public use. The Historic Landmarks Commission (HLC) approved the New Construction application on February 9, 2021. Peter, Susan, & Paul Tadei, and Riley Pitts have appealed the HLC's decision. The appeal filed does not deal with the use as that has yet to be considered by the Planning Commission but rather the design approved by the Historic Landmarks Commission. It would be in order for the City Council to first determine if they wish to hold a de novo or on the record hearing. De novo hearings where new testimony could be submitted have been set in most past appeals. The Council should then hold the public hearing on the appeal, consider whether to uphold or reverse the Historic Landmarks Commission decision to approve the Request with conditions, and adopt Findings of Fact to support the Council decision.

Planner Johnson presented the written Staff report on the appeal.

Mayor Jones asked if anyone objected to the jurisdiction of the City Council to hear this matter at this time. There were no objections. He asked if any Councilor had any conflicts of interest or ex parte contacts to declare. None were declared. He explained the procedures governing the conduct of public hearings to the audience and advised that handouts of the substantive review criteria were available from Staff. He opened the public hearing at 7:28 pm and asked if the Council wanted to hold the hearing on the record or de novo.

City Council Action: Motion by Mayor Jones, seconded by Councilor Rocka to hold a de novo hearing of Appeal AP21-02 by Paul Tadei, Peter Tadei, Susan Tadei, and Riley Pitts. Ayes: Councilors Brownson, Herman, Rocka, Hilton, and Mayor Jones; Nays: None.

Mayor Jones called for the Appellant's testimony.
[30:10 – Begin Verbatim]

Sue Tadei, 9631 NE Midway Ave., Indianola, WA: "My father is Vincent Tadei, and he lives at 504 34th Street, Astoria, Oregon 97103. Mayor and City Council, you are the current leaders of a stellar global city. What I mean by that is this fine first settlement west of the Rockies is under your watchful eyes, to be sure that it is not marred, impaired, damaged or spoiled of its current historic significance. In my younger years, I attended vacation bible school with the former pastors' children at the now historic old Bethany Lutheran Church. In my youth, my father and I would find loose logs floating in the Columbia River. With a small pram rowboat my father would roll out to the log and we would secure the log, haul it home to cut up and use for firewood and heating our family home. My father and I have watched big black tailed deer bucks wander into the yard, the deer feeding eating apples off of neighbor Allen McMahon's apple tree. Recently the conversations with my father are about the kill deer birds nesting in the vacant lot. I have the unique opportunity to spend time in Astoria visiting with my father of what takes place in this global city. The passage of freight on the Columbia River creates the global city definition. My father and I will visit and watch the ship traffic going up and down the Columbia River with my father identifying which ships are grain ships, which ships are oil tankers. We will listen to the marine radio of the Columbia River pilots switching out the Columbia River bar pilots. My father and I will talk about the salmon moving into the Columbia River. And if there are salmon going over the Bonneville Dam, we will discuss if there will be a fishing season. When my father had challenges mowing the lawn, I mowed the lawn. My chapter is only one chapter of many chapters from my large diverse family home. The proposed new construction from the adjacent Bethany Lutheran church is not compatible with this historic neighborhood. This is not the neighborhood for a building of this size and scope. Not all property in this city is meant to be built upon. As a youth growing up in the 1970s, my family would drive up to Auntie Helen and Uncle Cookie's house off of Duane Street. And there was talk about the property next to the Ryder house over at West Duane Street and why the property was left vacant because your city predecessors deemed the property not stable for building upon. It eventually had a large landslide. There are conservancy groups that will purchase vacant land to preserve and protect the historic significance that the property allows. There is a church upon Grand in the city that has a school playground, gymnasium, church annex buildings, pastor house, garage. Church sharing is a solution to the matter. There is one Bible and Jesus did not have a church. Had the proposed new construction application shown a smaller historic style building and footprint, a design that fits in with the surrounding neighborhood structures, most likely my father would have been fine with something of a smaller structure. As that is not what the application presented, I am here to remind you of the responsibility and the purpose of the Historic Landmark Commission roll with this type of proposed new construction in a designated historic neighborhood. Being that this is a fine global city, the bigger picture is not expanding the carbon footprint with more construction of buildings and improvements that are only being used for a few hours each week. Mayor Jones and City Council, step up and be the fine example of mindful leadership that I know you're capable of and send this proposal back to the Historic Landmarks Commission for a [inaudible 35:33] the proposed new construction, as it is not compatible with historic neighborhood. I will now turn over my remaining time to my brother Paul Tadei."

Paul Tadei, 89563 Lakeside Ct., Warrenton: "All right. I'm not as polished as Sue is, so my name is Paul Tadei. I grew up in this house. I'm not going to explain all that stuff. Thank you, Mayor, for being here this evening. Council women and men, I appreciate your patience and tolerance and listening to us this evening. Sue gave a pretty good history there. I wanted to touch base on a little more history around the neighborhood. My grandfather grew up, great grandfather grew up in the house. Actually, he built the house. This is him right here. I'll hold these signs. So, my great grandfather was a gill netter, came over from Italy and also made wine. This house is, the door is still there on that house. That ramp is not there. It's about 10 feet where they want to put the building from that ramp. So, these guys made wine on their hobby time, but they were all gill netters, fishermen. Our family story was my great grandfather built it, the house. My grandfather was born in the house. He sold it to my dad for \$1. My dad raised 10 kids in the house, it's still in the house for over 125 years. There's not too many houses in Astoria that can probably say that the same family is still in the same house. I don't really understand that the building, why this new building wants to be built as big a scope as it is. Thirty-four feet is the height, the top of the building. It would impact all the views of that house, all the other historic houses around there. The other houses do have windows. Mr. McMahon's house has windows in the bottom of his house that would be impacted. Like I said, I do not understand why they would want to destroy this neighborhood with another building. So, the church, we've been great neighbors with the church, the Growthies I played basketball with the Growthies, played basketball with the Morankovitch's. Andy Morankovitch is one of my best friends. He got married in that church. We're really close with the pastor Johnson in the church. We've been good neighbors to the church, mowed their grass for 60 years. We mowed the grass, which maybe it's not a big deal to them, but I had a lot of time taken away from me because I had to mow their grass. So, it was it was a big thing to me. If they really want a basketball court, I know something

about basketball. I played basketball through high school. Actually, I don't want to brag but I'm in two Hall of Fames. So I know something about basketball, but really upsets me is I'm missing the game tonight. That's what I'm most upset about. And the score is, Gonzaga was down by 10 at half if anybody wants to know. I was just checking. So anyway, Tom was talking about a neighborhood watch. There's your neighborhood watch, Bethany Lutheran. Eighty-eight years old, he has been watching over your church for many years. My dad's here. He watches over, lets their security people know that somebody is there, coming in homeless and staying at their place. He calls somebody, he watches over their church more than they watch over the church. He's been a great neighbor to the church for years. It's really upsetting that they want to do this, they want to do that. And they especially want to do this. In COVID times, an 88-year man sits at home, looks out his window, has a view. And now if you look on the other one, that's what his view is going to be is a building. If we're going to treat our senior citizens, our elderly like this, you let me know and I will definitely make sure that... I'm sorry, I get a little emotional here, but it's not the right thing to do. And I know it's not about historical everything, but there is history in that house. There is a man with history here. And churches are about people. And they're not about buildings. And hopefully, they will realize that. Thank you."

Carrie Richter, [41:32] Bateman Seidel, Portland: "This is Carrie Richter. I'm a land use lawyer in Portland, Oregon, with the law firm Bateman Seidel and I represent Sue Tadei, and I'm going to use the remainder of my time to talk a little bit about my letter, hit the high points. I know I've only got about 10 minutes left in my presentation. Can you hear me? And can you see those slides on the screen?"

Mayor Jones: 'Yes and yes.'

Carrie Richter: "Thank you. All right, as you all know, in 2013, the city designated as historic a number of resources adjacent to the subject property, and they're all about right here. And where my cursor is moving. And what I think is so telling about this image is that it shows how there is essentially an enclave of contributing historic buildings here from 1850 to 1893 as sort of untouched enclave here, that is worthy of preservation and required to be preserved. In fact, this is the picture that you see when you drive into town. On Leif Erickson, you see the reconstructed US Customs House. And then you see all the historic structures hanging off Franklin Street here to the rear. And this is the background. This is the context. These are the historic properties that the criteria require the new construction to be compatible with. And there are two criteria. Miss Johnson testified that the Council's only job was to weigh those criteria. I think that may be true in part, that there may be some discretion in terms of what it means for something to be compatible. But the criteria that are directed to historic properties, the designated resources. In this case, the Customs House is designated even though it is a reconstruction built in the modern age, less than 50 years old. The Franklin structures are historic and designated. Everything that the Landmarks Commission focused on and their findings focus on is finding compatibility with the existing modern Bethany church across the street. And that is not a designated resource. It is not a historic property. So, the criteria cannot be satisfied by a design that is sized, scaled, has windows that match or siding that matches the adjacent of Bethany Lutheran Church. Rather, the compatibility analysis that's required by the criterion is with respect to the designated resources, and that is where the defect lies overall. Miss Johnson said that this building is 6877 square feet. That is at least 2000 square feet larger than any historic designated resource. She mentioned that the Leinenweaver [45:02] Carriage House is 4000 square feet. Zillow says that house is only 2500 square feet. Either way, this new construction will absolutely dwarf these historic structures and most certainly the US Customs House, which is only 900 square feet. The obligation for compatibility with respect to historic structures does not rest solely with the building square footage but also its proportions, its block like nature. If you look at the historic houses, they are narrow and tall and skinny. The proposed structure is 85 or so square feet, 86 feet in its fifth north facing elevation, so it is long, and it is twice or three times wider than the customer's house. Building width, building proportion was not discussed by the Landmarks Commission and not talked about in the findings. This shows that all of the roof lines of the historic structures are gable facing, so the gable roof faces the front of the street and the effect of that is to make the building seem taller and narrower and takes away from the roof line. Whereas this building has the dominant elevations show a roofline. Most of this building will be roof because it is a side facing gable instead of a front facing gable as would be compatible with the historic structures. The Applicant did not submit any, not a single site plan or rendering showing what this building will look like in its context. So when Miss Johnson testified that the buildings on the hill will visible over the top of this roof, I'm not sure that is true. And there is no evidence to support that statement in the record. So without that evidence to show that this building will in fact allow the character defining features of the historic buildings up on the hill to be viewed from Leif Erickson, the City Council cannot conclude that is the case. Most certainly, this building will dwarf the US Customs House. Quickly with respect to the second approval criterion B requires

an evaluation of the location and orientation of the new site to determine if it is consistent with the typical location and orientation of adjacent structures considering setbacks, distances between structures, location of entrances and similar findings. If you look at this aerial photo, you will see that all the historic structures sit very close to their frontages. They are, I don't know because there is no information in the record about it, but I suspect that the historic structures are 10 feet or so back from their front property line. What is proposed here is a 20-foot setback from 34th Street. 34th Street is not improved all the way to its right of way edge. So you've got a setback there that's more than 40 feet probably from the frontage. That is not compatible and consistent with what is typical for historic properties. You also have a off street parking, 17 off street parking spaces. Not a single historic property adjacent to this has any off street parking. And you have three full bay garage doors. Not a single structure historic property has any garage doors of any kind. So, you have a lack of responsiveness to the criterion in the first instance and then the evidence showing that it does not match in terms of setback, in terms of orientation. In my letter I talked about how the buildings on Franklin, the front doors face Franklin. They face the street that they look on to so it is obvious where the front is. Here, the proposed building faces Leif Erickson, but the drive up is on 34th Street. Really this building, if it were to match the orientation of the Franklin Street historic properties would be turned so that front door faces 34th since that's where the drive access is. So those are the sort of key things. I know I'm out of my 20 minutes, but I would be happy to respond to any questions you have. And I will look forward to providing some rebuttal."

Mayor Jones called for testimony in favor of the appeal.

Julie Carol 4214 NE 73rd Street, Seattle, WA,: "I would just like to say that growing up in the house, I do remember when Howard Johnson bought the property back in the early 1980s. I think it was 1984. And I would like to say that he had a special close relationship with my grandfather, Pete Tadei. And there's no way that Howard would like to see a building of this size put up right in front of our house. No way would he approve of this. So I'm just very passionate about what we have here. And that's all I have to say."

Allen McMacon 3432 Franklin Ave., Astoria," "I live at the location of the previous Bethany Lutheran Church. We've lived there for over 20 years. And it's a great place. We love it. And the most important thing that has been said this evening, I agree with. That's the most important, but I'd also like to bring one other matter to the forefront. And that is that many of us, well, three of us, Vince and his family, Jason Hall and myself, all use that property to access our property. In the back, I have a garage and a garden that I access via the two lots where the buildings are proposed to be built. And if those buildings are built, there will be no access, and the purpose of a garage and a garden, no access that it's not an enjoyable thought. So, I hope that this also will be considered. Thank you."

Joe Tadei PO Box 11, Astoria," "I'm here tonight to appeal a decision to permit the new Bethany Church building be built on the said location. The approval for this building by the Historic Landmarks Commission was a rush to judgment, in my opinion, and without further review or consideration to all parties involved. Therefore, I'm asking that the City Council deny this application tonight and put this matter at rest. That's all I have."

Mayor Jones called for testimony opposed to the appeal.

Randy Stemper, RDA Project Management, PO Box 1417, Astoria: "I am the owner's rep for this project. I've helped Bethany Lutheran develop it. First of all, I'd like to state that this has been a long process for Bethany Lutheran. They purchased this property back in the 1980s with a vision for it. They have spent considerable amount of time developing this. We have worked to design a building that we think is compatible for their use. We have spent an inordinate amount of time going through the city code. The city code was written for a reason. We have met all that criteria. We're asking the City Council to uphold the Historic Landmarks Commission because we have done our job and we have followed through with what we said. I think it's important that the City Council knows that Bethany Lutheran has had multiple conversations with the neighbors. They have made many attempts in trying to become a good neighbor. We have looked at different site plans to move that property. We've proposed multiple different things with the neighborhood to try and make everybody happy. But at the end of the day, we have asked to develop the property and what is a compatible use and an outright use to the City of Astoria. I'm here to answer any questions."

Mayor Jones: "So, there were a couple of drawings presented. One was presented tonight and one was in the package, sort of a rendering of what the building might look like. And I don't know who created those or if those are accurate. Did your firm create any projections?"

Mr. Stemper: "Yes, our firm hired somebody to create a 3D rendering so people would get a better vision of what the building would look like rather than single dimension drawings. And those drawings are representative of scale of the building."

Mayor Jones: "Are you referring to what looks like a photograph? Obviously, it's not a photograph, it's a 3D rendering, and that was in the package that everybody has access to."

Mr. Stemper: "Yes, And that building was originally oriented the other direction and it was much larger at that time. We have decreased the size of the building, changed the orientation. There is a large limitation on that property because there is a sewer main that runs through the property and has a sewer easement. And that's what drove the building to be where it's located now."

Councilor Brownson: "When you look at that property, there is like the beginning of a driveway onto that lot. Can you tell me where the building is located related to that spot so I can get a sense of where it is?"

Mr. Stemper: "That entrance is on the northwest corner of the property. The building will be pushed to the south edge of the property and it will actually be held 10 feet inside the back property line when it's only required to be held five feet. The 20 feet to the west side of the property is the setback line of the City. It can move no farther to the west."

Mayor Jones called for testimony impartial to the appeal.

Eric Paulsen PO Box 307, Chinook, WA,: "I'll give a brief introduction on the site. This property was acquired when Bethany acquired property adjacent to for the existing church building. And the property was acquired with the intent of having an auxiliary building. And that's been the plan ever since I was a young child at that church. And so, the goal this past year was, especially with COVID going on, we have access for different events for the church at Astor School that wasn't available. And the basement of the church was used last year for different students that didn't have the ability to have internet access. So, we opened up the church as a place for students to use our internet. And so, the goal was to create a building that would be a multi use building. Part of it was so that we could have a half court gymnasium. The doors were to open up, both to have access to the building, but also for ventilation purposes. We know that COVID was an issue this year as far as ventilation goes. And we really thought that it was going to be a big boon to the entire community in the entire neighborhood. The original design was to put it the other orientation. On the east side of the property, we found out there was a sewer easement there. So, then we had to look at where we could and how it would fit on that property. And the orientation it is now is the orientation only allowed by the sewer line. We've met with the Tadei's. They were the first people that we met with. We showed them the building. I grew up them and the last thing I wanted to do was get into a battle with buddies. And they asked us if we would look at working with the City on realigning the sewer system. And we got the initial bid. It came in at \$75,000. We presented it to the Tadei's. We didn't hear anything back from them. We have sent an estimate to do a total engineering study for \$5,000 of which we offered to split that cost with the Tadei's so we can get a firm price on what it would take to realign the sewer system. Again, we didn't get any response from the Tadei's. So, we're trying to do everything we can to work with the Tadei's and the neighbors. And the current design is what allowed for by Code and is allowed by setbacks and the sewer line. So we downsized the building to fit in that requirement as well."

Mayor Jones called for the Appellant's rebuttal.

Ms. Richter: "I want to follow up with a couple of points. First of all, you've heard a lot of talk about the right to develop, that this Applicant has a right to develop, and they most certainly do have a right to develop. They have a right to develop something. But what they develop, regardless of the use, the design must be compatible with adjacent historic properties. That is the critical criterion that cannot be waved away by desire to build a basketball court, a desire to build a garage, a desire to build anything. Whatever that use is, it must be compatible with the surrounding historic properties. And we're not talking about identical. I'm not suggesting that this building needs to have one over one double hung windows that match exactly and must have historic glass in them. That's not what I'm talking about. There is a discussion in the Historic Preservation Plan, which is adopted by reference in ADC Astoria Development Code 1.200, about what compatibility means. And compatibility means comparative scale, height, mass, size, details. The record does not have that information

in it from which the City Council could conclude that this building is compatible. The Applicant has maintained in their application that they design this building to be compatible with the modern Lutheran Church and not the historic structures. The application does not reference these two ADC Chapter 6 criteria at all. The rendering that Mr. Stemper mentioned is in the appeal packet, Page 92. And I believe that Mr. Tadei held it up as well. If you look at it, it does not have a single contextual building around it. If it was an accurate contextual site plan, it would show the hill behind here to the south, and it would show houses on the hill because that is where the historic properties are. This is a rendering of a building in a vacuum. And that is not what compatibility of design means. This is a historic, intact enclave that the public sees the very first thing when they drive in Astoria on Leif Erickson. And this building new construction will be plopped down right in the middle of it. There is no question that the Bethany Lutheran Church has a right to build on this property, absolutely. But alternatives and comparisons and context appropriate analysis must be conducted and provided in the record so that the decision maker can evaluate it. Without that evidence, the Council cannot find that the applicable approval criteria are satisfied. I would be happy to answer any questions. But if none, I ask that you uphold this appeal and deny this application. Thank you."

Councilor Herman: Rosemary, my question and the appellant's attorneys just addressed this so I want you to provide your position and you did earlier, but I just need some more clarity. And that has to do with compatibility. So clearly the proposed building would be considerably larger than all of the buildings on the south side of Leif Erickson. So just compatibility, do we weigh any other structures in the neighborhood? And I ask that for the obvious reason, and that is that Safeway is directly across Leif Erickson. So, reading the Code, my understanding is that we can't consider Safeway or the other large buildings in that very well trafficked area, US Highway 30 through town. So, again, I just need some clarity on that point.

Planner Johnson: "Okay, the Historic Landmarks Commission, when they review things, as I said earlier, they review it based on the criteria in the Code and compatibility is not defined. The plan suggests that we should define it and it gives a recommendation, but it's not defined in our Code. The criteria specifically says that the new construction shall be reviewed, following receipt of the request, and in reviewing the request, the Historic Landmarks Commission shall consider and weigh the following criteria. And that's where you get into the design compatible with the design of adjacent historic structures, considering scale and style. So, the Historic Landmarks Commission in their review, considered that, but then they also weighed that against the development in the area, which on the north side was much larger. So, they considered that compatibility with the historic but then weighed the development of the entire neighborhood in their decision."

Councilor Herman: So, because it's not spelled out in the Code, your contention is that they were certainly within their rights to do, within their purview?

Planner Johnson: I'm just saying that is what the Historic Landmarks Commission has done, is that they considered the compatibility with the historic but weighed that against other issues in the neighborhood.

Councilor Rocka: "Since Miss Johnson is there, I have a question out of curiosity. If the church were to decide not to build this building and sell the property, and some other developer bought it and they decided to build buildings there, let's suppose they were going to build homes. What would they need to do in terms of matching up to the neighborhood at that location? Do you have any guidance on that? When you go and look at the site, it is kind of a very mixed environment there. And it is near some wonderful historic homes that are all facing in the other direction. And so, I'm just trying to get straight in my head. We're not really talking about a case of this building or no building. I mean, it's logical that at some point, something will be built there as the city grows. And I'm just trying to better understand the balance there. Can you shed any light on that, Miss Johnson?"

Planner Johnson: "Yes, any structure that is built on this site will require historic design review, no matter what. The Historic Landmarks Commission, when they review applications, they have to review what the Applicant has submitted. And so, whether there is a better design, that is not their purview. They have to look at the proposal before them. So, we can't say what someone will submit for the future if this is not approved. We would take each application on its own merit and look at it for its design. So, there could be a multitude of different designs that could be proposed for that site."

Mayor Jones closed the public hearing at 8:15 pm and called for Council discussion and deliberation.

Mayor Jones: I guess I'm just going to make a side comment. I was reminded by Councilor Rocka his question it was just a few years ago when we had the Council, which was not all the same counselors as we have sitting on the Council today. I think it might have been two and a half, three years ago that the City Council at the time was considering selling a number of the smaller Parks properties, one of which was the Customs House property. We looked at the opportunity since the Customs House reproduction is not actually sitting in an historically accurate location. We looked at the opportunity to move that house to a different location where it might get more tourist visits, and actually sell that property for housing, and look at the opportunity to put up an apartment complex there. And it was decided at the time the logistics of moving the house, as well as the ability to build a large enough housing complex at that site to make it worthwhile, we didn't go forward on that. But just another point I'll make is that the City Council was considering that just a couple of years ago. So, I guess I'll ask who wants to who wants to start?

Councilor Brownson: "I'll kick it off here. I want to thank everybody who showed up to make testimony. And I heard the emotion and the strong feelings that everybody had and I do acknowledge that. But I find that a town is made up of old and new buildings. There is always a certain mix that makes up a town. And one would think that there should never be new buildings if old still exists if you went by those who stood by historic buildings as being the benchmark. And then, so I think for me, the real discussion is the compatible word. As we heard, Rosemary Johnson's say that it wasn't defined. So, we have another wonderful gray area to make a determination. So, my thoughts are as such, other than the Customs House, historic homes as best I can tell face away from the proposed side. Often, when we talk about preserving the appearance of historic homes, we default to what impact of change will have on the street side, either fronting or on a corner, the side visible on that side of the street. The back and less exposed sides are often more open to alterations. I don't believe that these buildings in this case are really relevant to the design of this new building. They are all facing Franklin. And if you want to see historic homes, and you want to see these and enjoy them, that's where you would go. You would drive along Franklin and you'd see these wonderful houses face on, not the back ends up on a hill. And the argument that these are the first things you see when you come to Astoria. Well, you drive by a lot of houses before you get there and then you should be looking at the stoplight, not the house is on your left. So, I don't quite buy that either. And another, I wonder about how much influence the siting of a building this size in that location really has to do with it. Now, with the Customs House, yes, it will dwarf the Customs House as just about everything else does. But the Customs House will be prominent. It will be fronting the building. It will be the first thing you see and it's designated. And so, it's like anywhere. You go anywhere else and there's a small building and a lot of new buildings. The old building is designated as historic. It is an opportunity to see what a building looks like at that time and place. It doesn't mean you can't have new buildings around it. You see that all the time, in my opinion. Another point I'd like to make is that since this building is essentially an expansion of an existing structure, the church, it's design is to be compatible with the church. It is an extension of the church. It's an addition to the church. From that point of view, I would think that it has every right to mimic the design of the church, as such. So those are my those my initial comments on that. So, I'll let somebody else speak."

Councilor Herman: "Well, I'll go ahead. This is a tough decision because I empathized with the Appellants and the other neighbors in the area. And the big issue for me, as I alluded to with my question a few minutes ago, has to do with the compatibility of this significant structure in the area. And so, my question was, do we only look at compatibility as it relates to the historic structures or do we look at compatibility for the neighborhood as a whole. And because the Development Code does not spell that out, then I have to assume it's the neighborhood as a whole. And therefore, I do not think this structure is out of scale with the neighborhood because it is just not even a stone's throw from Highway 30. It's across the street from Safeway, and driving to town, one is not looking just up the hill. We're really looking at both sides out of each eye. So, I don't think it's incompatible in that regard. I actually think it's a much better use of the land than what might be some other allowable uses there. So again, I feel for the neighborhood who disagree with this use, maybe not with the use but the structure itself, the size of it. But for its site, right along US 30 or very close to it, I don't think it's incompatible. Those are my thoughts."

Councilor Rocka: "I'll be happy to talk. I'm not sure it moves me or us any closer to fruition on this, but I would have to say I went and looked at the site. And the first thing that struck me about the site was certainly not history. It's a very mixed area. I'm really very moved by the feelings of the Tadei family and I understand a house that you've been in for 125 years and not wanting to see change, particularly when that change feels like loss of view or loss of what you've had. And I don't diminish that at all. I think I could feel what you were feeling. In this case, we need to I guess confine our decision not to views and things like that, but to the

specifics of this HLC recommendation. I might like a building that looked different but I understand the compatibility with the church. Normally we think of things like a church annex that has provision for youth athletics and so on as a good thing. And I think in that sense, this is a good thing. As I say, I am moved by the Tadei's family's passion for their home. I think in the end, I probably would have to vote to support the Historic Landmarks' decision on this."

Councilor Hilton: "I think I'll use the words that Chris Thompson said. Change for change, things are going to change. Progress sucks. This is a very difficult decision for me. I believe in the historical significance of our community. There's no doubt about that. I think that in some way, if this goes through and they do build this building, that in some way they should protect the rights of the neighbors so that Mr. Tadei has a view and his neighbors have access to their properties. I don't like it at all, honestly. But it does fit the idea of the properties around. It doesn't fit the historical significance of the properties, no, which way they face or what they look at. The one thing I did hear was the intent of this property. Was there ever any written intent of this property? And when it was bought, if Howard Johnson bought it, there was a reason why he bought it. I'd like to know what that reason is or what that written intent was. If it was just a verbal intent, that's one thing. So, I'm just kind of rambling because this is a very difficult decision for me to make. But I think I know where I stand. I stand somewhere in the middle. The historical significance of our neighborhoods must be protected. And if there is no definition of it, then we need to define that. We can't just wave it."

Mayor Jones: "It is a tough one because it's not black and white. I mean, it's just not a simple black and white, obvious decision. There's some subjectivity in the compatibility definition and what that means. And so yes, I am very sympathetic to the emotion that was expressed by the family and neighbors who are facing a proposal to dramatically change the small world of that site and right behind those few houses that people have lived in for a very long time. You know, I am sympathetic to the property owner that if the property owner of the church bought that property in the 1980s with an idea towards eventually being able to afford to build their dream annex, and now it's 30 years later and they've got the opportunity to finally bring that dream to fruition. Regarding the Customs House, it's an interesting one because it's a tiny reproduction structure. It's not literally historic because it's not sitting on the site that was originally on. It is sitting on a piece of property that was closest to the original site where it could be placed. But you're never going to have a building that looks... And as we heard, compatibility doesn't mean looks just like it. I think if we were looking at a proposal of the church to make some money by selling this property to put up some single family homes, then compatibility, we might be looking at compatibility differently. If we're looking at single family homes, we'd be looking at the tall, narrow structures that are just south of it. But this isn't a proposal to put up single family homes. It's a proposal to put up a church annex and I think that how we look at what compatibility means in terms of church annex has to be considered in light of what a church annex is. It's not a single family home. But yes, as Councilor Hilton so aptly put it, it is a tough one because it's not black and white. It's a bit of a gray area. But all in all, and looking at in context and in balance, I have to agree with the Historic Landmarks Commission. So, it sounds as though, from having heard all my colleagues, there are at least four who are in agreement with upholding the Historic Landmarks Commission's decision to approve the request with conditions. And I'm not sure if Councilor Hilton is, but in any case, I heard four people say they essentially agree with that. So, if someone who would like to make a motion, or if there's additional comment and discussion from the Council first."

Councilor Brownson: "I'll just come back real quick, back to my point. We're not destroying a historic neighborhood. I mean, if you look at the property, it's down on Leif Erickson Drive. It is closer to commercial stuff than it is to homes. The homes are on Franklin. You walk up Franklin. That's where the homes are. We're not destroying the neighborhood. And I think, once again, it's important to be able to build new buildings. You know, we are in historic city and we are loaded with historic buildings, and I don't want to see one of those removed or destroyed if we can possibly help it. I appreciate that the Appellants have stuck to the historic application, dealing with that. During the Historic Commission's meetings, there was a lot said about quality of life and views and whatnot. I can appreciate all that. I have lived in two houses where somebody has built legally right in front. I've had an ocean view taken away. And I've had a view of trees and creeks taken away because somebody chose to build something that wasn't compatible to my sensitivity. So, I get that. But in my opinion, this building probably serves a greater purpose for the community because in my opinion, we are not destroying the historic nature of that neighborhood. So those are my final comments."

Councilor Rocka: "May I jump in? Councilor Hilton, I thought, raised a point that would be good to get an answer to, and that was the question of access. Is there an answer that we can have about whether the adjacent property owners would continue to have access?"

Planner Johnson: "Access is not a criterion for the Historic Landmarks Commission. This property is privately owned and there are public rights of way that give legal access to the adjacent properties, including an alley on the south side of this project. Access is not for the HLC or part of this appeal and there are no existing easements for the adjacent properties to be using the lot. The applicants have tried to accommodate some access. And that is something that they are working on separately with the property owners, but not part of this application."

City Manager Estes: "Going back to your statements earlier where you were saying it appears there may be four Councilors wishing to support the Landmarks Commission's decision, before a motion is made, I think it'd be good to be able to get City Attorney Henningsgaard's thoughts on whether or not we need to have revised findings brought back to you at a subsequent meeting to capture this discussion. At an appeal that was held at your last meeting, we were able to quickly put something together for the Council to vote on the same night. But I'd like his opinion as to whether or not this should have a little bit more documentation of the discussion tonight before a final decision."

City Attorney Henningsgaard: "Well, I'm not sure that you need to have anything added to it unless there are some something missing from the from the findings from the point of view of the City Council. I think the findings of the Landmarks Commission covers their bases and it sounds like the Council has fairly well adopted those findings. There were a few comments perhaps that weren't included. If the City Council would like something like that included, we can certainly come back. I don't think it's necessary."

City Manager Estes: "So, Mayor, if the Council wanted to adopt the Landmarks Commission's findings as their own, there could be a motion made to that effect to deny the appeal and adopt the Landmark Commission findings as their own in this case. However, as Mr. Henningsgaard said, if the City Council wanted to integrate some additional thoughts or comments into the findings, then the motion would be to tentatively make a decision and direct Staff to prepare revised findings to bring to your next meeting."

Mayor Jones: "I don't have any additional findings that I want to incorporate. Do any other counselors have additional findings they wish to state?"

[1:37:35 End Verbatim]

City Council Action: Motion made by Councilor Brownson, seconded by Councilor Herman, to deny Appeal AP21-02, approve New Construction Request NC20-08 by RDA Project Management LLC, and adopt the findings and conclusions contained in the Staff report. Motion carried 4 to 1. Ayes: Councilors Brownson, Herman, Rocka, and Mayor Jones; Nays: Councilor Hilton.

Mayor Jones read the rules of appeal into the record.

Item 7(b): Astoria Hillside/Pioneer Cemetery Name Discussion

In 1864, Astoria's cemetery (known at the time as "Potter's Field") was located at 14th Street and Irving Avenue. As development in the area increased the need for buildable land near the downtown area, the graves were removed and the bodies reinterred at what was designated Hillside Cemetery.

"Hillside Cemetery" was established in 1865 and the site was used for burials until around 1897 when Ocean View Cemetery was established. The unused cemetery then fell into disrepair and many bodies were disinterred and moved to Ocean View (named Clatsop Cemetery at the time). In 1961, a citizens' group cleaned up the grounds, removed overgrown bushes, and dubbed the site "Pioneer Cemetery". In 1969, a sign reading "Astoria Pioneer Cemetery" was installed on the west entrance to the site along with a granite marker in the center of the grounds.

The current Astoria City Code provides the following reference to the site under the Cemetery Regulations section:

1.285 Hillside Cemetery. *Hillside Cemetery, located on Block 93, Shively's, together with all improvements thereon, is a municipal cemetery operated by the city. No further interments are permitted in this cemetery.*

In Section 5 of the Astoria City Code, under PARKS RULES AND REGULATIONS:

5.926 Definitions. ...*Pioneer Cemetery* [listed in Park Properties] Clatsop Community College's (CCC) Historic Preservation Program has received a grant from the State Historic Preservation Office to document, assess, and clean grave markers and replace the deteriorated posts and sign on the west side of the cemetery. Lucien Swerdloff and John Goodenberger from CCC are leading this work and have researched the cemetery's history to help determine the most appropriate name to put on the replacement sign. Parks and CCC staff are requesting guidance from the City Council to determine the appropriate name to put on the replacement sign.

It is recommended that City Council provide direction to Parks and Clatsop Community College staff for their preferred name to place on the sign at the cemetery and their preference for what the official name of the site should be designated as in the City Code's listing of Park sites.

Director Dart-Mclean explained that the site commonly known as Pioneer Cemetery at 15th and Niagara was the city's first official cemetery, originally designated as Hilltop Cemetery. He provided a brief history of cemeteries in Astoria and said Hilltop was renamed Pioneer in the 1960s to acknowledge the history of the site. CCC received grant funds to find unmarked graves and do restoration work at Hilltop/Pioneer. Replacement of the wooden sign and the name of the cemetery was reviewed by the Parks Advisory Board, which has recommended that the official name of the cemetery be discussed publicly by the City Council. City Code Section 1.285 refers to the cemetery as Hillside Cemetery and says it is not being used for burials. However, City Code Section 5.926 refers to the cemetery as Pioneer Cemetery.

Mayor Jones thanked the historic preservation students for doing this work.

Lucien Swerdloff said that he believed the most appropriate historic name for the cemetery was Hillside. The name was changed unofficially and part of the City's Code still refers to it as Hillside.

John Goodenberger added that the archives at Clatsop County Historical Society contained records of burials at the cemetery. Native Americans, Chinese laborers, Scandinavian cannery workers, and others are buried in that cemetery.

Councilor Rocka stated he believed Hillside was the appropriate name. He suggested that the sign read "Hillside Cemetery 1864 – 1897", which would indicate the cemetery is historic and no longer in use.

Mr. Swerdloff responded that the plan was to put "1865" on the sign, but Councilor Rocka's idea was more appropriate.

Councilor Brownson agreed the dates should be added to the sign and that the cemetery should be called Hillside. He suggested additional signage that described all of the people buried there.

Mayor Jones said he had spoken to Director Dart-Mclean about an interpretive sign that tells the history of the cemetery. The City has a list of interpretive signs to be installed when funding is available. He suggested a sign at this cemetery be added to the list.

Councilor Herman stated she was glad that the college was publicizing the history of this cemetery. She also supported the idea of an interpretive sign.

Councilor Hilton noted that the wooden sign was made by Bumblebee Seafood.

Mayor Jones called for public comments. There were none.

City Council Action: Motion by Mayor Jones, seconded by Councilor Hilton, to affirm the name of the cemetery at 15th and Niagara as Hillside Cemetery, put "1864 – 1897" on the sign, and develop an interpretive sign for the site when funding is available. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, Hilton, and Mayor Jones; Nays: None.

Mr. Swerdloff described the work that still needed to be done on the cemetery. He invited the public to help clean grave markers on the weekends, noting there was plenty of space for social distancing.

Item 7(c): Authorize Industrial Discharge Permit for Buoy Beer

The influent loads to the City's Wastewater Treatment Plant (WWTP) have increased dramatically over the past 6-8 years. This increase in influent organic loading measured as biochemical oxygen demand (BOD5) has been due to increases in wastewater concentration associated with industrial discharges. While a new Industrial Pretreatment Program is being developed, Council supported staff's recommendation to create individual Industrial Discharge Permits for the two largest dischargers: Fort George Brewery and Buoy Beer. Since the new Fort George Brewery location at 70 W. Marine Drive had strict deadlines for beginning operation, their Industrial Discharge Permit was the first to be issued in November 2020. It is recommended that Council authorize Public Works Director Jeff Harrington to execute the Industrial Discharge Permit No. 002-2021 for the Buoy Beer facilities located at and adjacent to No. 1 8th Street.

Councilor Brownson confirmed with Staff that this permit was the same as Fort George's permit. He asked how excess load charges would be calculated.

Director Harrington stated the City's consultant would develop and equitable fair share cost analysis for the Council to consider. Grant funding for that consultant's work is being reviewed by the Council in the next agenda item.

Councilor Herman thanked Buoy Beer and Fort George for working with the City to develop a pretreatment program.

City Council Action: Motion made by Councilor Rocka, seconded by Councilor Brownson to authorize Public Works Director Jeff Harrington to execute the Industrial Discharge Permit No. 002-2021 for the Buoy Beer facilities located at and adjacent to No. 1 8th Street. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, Hilton, and Mayor Jones; Nays: None.

Item 7(d): Authorize IFA Financing Contract for the Industrial Pretreatment Program Financial Feasibility Study

The influent loads to the City's wastewater treatment plant have increased dramatically over the past six to eight years triggering the need for an Industrial Pretreatment Program. The basic purpose of a pretreatment program is to prevent interference to the wastewater treatment process and to prevent pass through of contaminants into the treated effluent. There have been a number of Council Work Sessions and Council actions since August 2020 to work through preliminary information about industrial discharges and begin implementing permits associated with the developing Industrial Pretreatment Program. A critical part of the Industrial Pretreatment Program is preparation of a Financial Feasibility Study. Business Oregon Infrastructure Finance Authority (IFA) has offered the City a \$20,000 technical assistance grant to fund a large portion of this task. It is recommended that Council authorize the IFA Financing Contract for a \$20,000 grant to prepare an Industrial Pretreatment Program Financial Feasibility Study.

Councilor Brownson asked if this work would include Fort George's permit.

Director Harrington said the study was for the program that would apply to all industrial pretreatment in the City.

Assistant City Engineer Moore added that Staff had several work sessions with City Council about their approach to developing an industrial pretreatment program. The strategy was to get the largest industrial producers, Fort George and Buoy Beer, under permits so the City could work with them to get their pretreatment facilities in place as they expand. Development of the City's program will take much longer. The City's contractor is preparing documents and an ordinance, which will require this financial feasibility analysis so that rates can be restructured. This grant reflects IFA's support of the City's program and economic development.

City Council Action: Motion made by Councilor Brownson, seconded by Councilor Rocka to authorize the IFA Financing Contract for a \$20,000 grant to prepare an Industrial Pretreatment Program Financial Feasibility

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

Item 7(e): Consider Authorization of Contract Amendment #1 with Richwine Environmental for Development of an Industrial Pretreatment Program

The influent loads to the City's wastewater treatment plant have increased dramatically over the past 6-8 years triggering the need for an Industrial Pretreatment Program. The basic purpose of a pretreatment program is to prevent interference to the wastewater treatment process and to prevent pass through of contaminants into the treated effluent. In October 2020, Council authorized a contract with Richwine Environmental, Inc. to help develop an Industrial Pretreatment Program and provide continued technical guidance for the various decisions throughout the program development. Contract Amendment #1 includes the financial feasibility analysis task that will be necessary to create a fair and appropriate rate structure associated with the Industrial Pretreatment Program.

It is recommended that Council approve Contract Amendment #1 for Industrial Pretreatment Program Development with Richwine Environmental, Inc. to increase the contract amount by \$29,850.

City Council Action: Motion made by Councilor Herman, seconded by Councilor Brownson, to approve Contract Amendment #1 for Industrial Pretreatment Program Development with Richwine Environmental, Inc. to increase the contract amount by \$29,850. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, Hilton, and Mayor Jones; Nays: None.

Item 7(f): Resolution for Supplemental Budget – Community Development Block Grant Fund #125

ORS 294.471(3) provides guidance for a municipality to consider a supplemental budget to adjust for changes which could not reasonably be foreseen when preparing the original budget and for which expenditures are adjusted for 10 percent or less.

The City of Astoria developed the adopted budget for Fund # 125 Community Development Block Grant (CDBG) loans based on anticipated level of program loans for Fiscal Year Ending June 30, 2020. COVID-19 restrictions had an impact on the loan scheduling in the prior year and the actual loans processed were lower than anticipated. Additional funds are available to distribute in the current year and loan program requires disbursement of the CDBG funds in the current fiscal year ending June 30, 2021. A supplemental budget is required to recognize the remaining amount of CDBG funds available for loan distribution and to adjust the corresponding loan disbursement and program management requirements.

Staff is presenting a resolution for a supplemental budget to recognize \$25,899 of additional CDBG fund resource available for loan distribution and the associated increase to materials and services requirements in the same amount. This amount represents an adjustment of 9.1 percent of the expenditures for Fund # 125.

It is recommended that City Council approve the supplemental budget as presented in the attached resolution

City Council Action: Motion made by Councilor Rocka, seconded by Councilor Brownson, to approve the supplemental budget Community Development Block Grant Fund #125. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, Hilton, and Mayor Jones; Nays: None.

Item 7(g): Consideration of Resolution to Transfer Appropriations within Emergency Communications Fund #132 Budget for Fiscal Year 2020-2021

ORS 294.463(1) provides guidance for the transfer of appropriations within a fund, when authorized by resolution of the governing body. At the time the Emergency Communications Fund Budget was prepared the City did not anticipate the retirement of the Emergency Communications Manager. In order to provide appropriate oversight and prepare for a replacement transition for the Emergency Communication Department the City is utilizing an Intergovernmental agreement (IGA) with City of Seaside for management services and dispatch coverage. A transfer in the amount of \$100,000 is required between Personnel Services and

Materials and Services to provide coverage for several months while emergency communication operator needs are determined, a person is recruited and trained, and the processes for the management position are reviewed and procedures and updates are documented. It is recommended that City Council approve the transfer of \$ 100,000 from the Emergency Communications Fund Personnel Services to Materials and Services.

City Council Action: Motion made by Councilor Herman, seconded by Councilor Hilton, to approve the transfer of \$ 100,000 from the Emergency Communications Fund Personnel Services to Materials and Services. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, Hilton, and Mayor Jones; Nays: None.

Item 7(h): Consideration for Renewal of Intergovernmental Agreement between Cities of Astoria and Seaside for Astoria 911

The City of Astoria entered into an Intergovernmental Agreement (IGA) with the City of Seaside to provide certified Dispatchers and a part- time interim Emergency Communications Manager to Astoria 911 to fill vacant positions in the Center. On May 4, 2020, this IGA was approved by Council. This IGA expires on May 3, 2021. Both parties have agreed to extend the IGA for a period of six months. The terms of the agreement remain the same with the exception of the hourly rate for the interim Communications Manager, which is established by the City of Seaside. The term of the Agreement has also changed to six months. The Council is asked to approve the amended IGA between the City of Astoria and The City of Seaside.

Chief Spalding said staffing had been at critical mass for an extended period of time. The hiring process is extensive and the training process takes up to six months. Staff has tried to accelerate the hiring process without losing any quality, and the City is starting to see some benefits from those efforts. The City currently has four out of five qualified applicants going through the background check process. At least one of those applicants will be offered employment with a start date of about three weeks from now. This applicant already has experience so would just need to learn Astoria's system. He hoped to give the other applicants an offer of employment as well if they complete the rest of the application process successfully. If all four are hired, the training system will be strained as only three dispatchers can be trained at one time locally. Seaside has agreed to assist with training if all four applicants are hired. Staff has started on a second round of hiring so that positions can continue to be filled until the department is fully staffed. He noted that Seaside was filling the Communications Manager position for 20 hours each week, but Astoria needs a full time Communications Manager. An executive recruiting firm has been contracted to fill the position and they will start interviewing this week. Final interviews will be done towards the end of May and he hoped to have the position filled by the end of June or early July.

City Council Action: Motion made by Councilor Brownson, seconded by Councilor Rocka, to approve the amended intergovernmental agreement between the cities of Astoria and Seaside for Astoria 911. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, Hilton, and Mayor Jones; Nays: None.

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

Councilor Herman recommended that some of the vague wording in the Development Code regarding home occupations be clarified when Staff has the time. She believed that if Code language had been more specific, the recent appeal might not have occurred.

City Manager Estes asked if the Council wanted to direct Staff to initiate the proposed Code amendment.

Mayor Jones stated he respectfully disagreed with Councilor Herman. He questioned what would be accomplished by prohibiting any type of work on vehicles. If noise is the concern, the City could amend the noise ordinance. If someone is allowed to reupholster or deep clean a sofa in their garage as a home business, then cleaning the inside of a car should also be allowed. The number of visitors to the business is restricted by limiting the number of appointments or through the noise ordinance.

Councilor Herman believed that if the Code was clearer, the Council would not have to deal with disagreements in the future. Noise and traffic were her concerns. She also believed steam cleaning furniture would make less noise than spraying a vehicle. Additionally, she was not sure the noise ordinance would cover that.

Councilor Rocka noted that amending the Code as proposed could have unintended consequences. Auto detailing is a low impact business, and the only other auto detailer in Astoria is at a residence in Surf Pines. He did not believe an outright ban was appropriate.

Councilor Brownson said this issue might be worth discussing because the City keeps running into grey areas, lack of clarity, or lack of specificity in the Code.

Councilor Hilton stated he did not want to move forward on the proposed Code amendment. He also said that recently he had received complaints about noise in the downtown. Someone is ringing a bell and playing loud music late at night. If the City has a noise ordinance, this issue needed to be addressed.

City Attorney Henningsgaard noted that the noise ordinance was about as old as the Hillside Cemetery. The ordinance does prohibit ringing bells and fog horns in relation to businesses. The City has struggled with noise issues in the past because the only way to make an ordinance specific enough for any kind of prosecution is to have a decibel level. This would require expensive equipment that could measure decibels. Additionally, measuring is site specific and someone would need to be present at the time the noise was being made.


Mayor Jones announced the City Council had a work session on April 7th at 1:00 pm to discuss the library.

City Manager Estes added that a Development Commission meeting would be held immediately following the work session to discuss the maximum indebtedness of the Astor West Urban Renewal District. The next work session on April 21st would include presentations by the ADHDA, Clatsop Economic Development Resources (CEDR) and the Astoria Warrenton Chamber of Commerce.

ADJOURNMENT

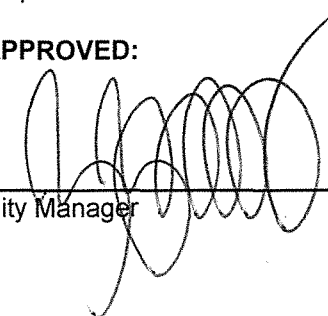
There being no further business, the meeting was adjourned at 9:33 pm.

ATTEST:



Finance Director

APPROVED:



City Manager