

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, City Planner Murphy, Finance Director Brooks, Fire Chief Crutchfield, Police Chief Spalding, Public Works Director Harrington, 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): Red Cross Proclamation

Mayor Jones read the proclamation declaring March 2022 as Red Cross Month. He announced that on March 29th from 1:00 pm to 6:00 pm there would be a blood drive at the Holiday Inn Express, 204 W. Marine Drive.

REPORTS OF COUNCILORS

Item 4(a): Councilor Hilton thanked the citizens who sent emails and participated in the February 22nd City Council meeting.

Item 4(b): Councilor Brownson reported that he met with the City Manager to discuss several topics. He also rode on the American Cruise Line riverboat test route for the tour busses. Volunteers ride on the busses and tell the history of the area. Lastly, he encouraged everyone to support Ukraine.

Item 4(c): Councilor Herman reported that she attended the Astoria Downtown Historic District Association (ADHDA) meeting. She welcomed new business Galactix, which describes itself as Astoria's first immersive interstellar underground arcade and taproom. It is located below 9th Street between Marine and Commercial. She and Councilor Rocka attended the ribbon cutting for Wauna Federal Credit Union's new branch on Marine and 6th.

Item 4(d): Councilor Rocka reported that the City would be hosting a meeting for Uniontown businesses on Thursday at 5:30 pm at the Holiday Inn to get input about on-street parking issues and discuss whether an association would be beneficial to the district. Jessamyn West, Executive Director of the ADHDA, would be in attendance to answer questions. Parks Director Dart-McLean would also be in attendance to discuss the wayfinding project. He announced the first open house about the project to develop affordable housing at Heritage Square would be held on Monday from 4:30 pm to 7:30 pm at the Astoria Armory. He would be doing an interview with Joel Sherman, co-founder of Edlen & Co., which would air on KMUN on Monday at 9:30 am.

Item 4(e): Mayor Jones reported that in the last week, at least two instances of vandalism had occurred involving rocks and cinder blocks being thrown through windows of businesses. A couple of County vehicles had also been vandalized. He understood the instances were being investigated and asked Chief Spalding if any progress had been made. He also asked if law enforcement could increase their presence in the near term.

Chief Spalding responded that the Police Department did not yet know who the offenders were. The owner of the business across from Fort George, which had a brick or paver thrown through the window, had observed someone in dark clothing at 6:00 am. Police are contacting nearby businesses to see if any of them have cameras. Three County vehicles at 8th and Exchange were vandalized. Two had broken windows and one had minor damage. Nothing was taken out of the vehicles and the police did not have any information about who might be responsible. Last night, a caller reported several individuals on top of a building and on top of the food

carts. Police do not know who they were. The Police Department was currently evaluating scheduling options to provide additional coverage and patrols specifically to address vandalism. The department has ten patrol officers and at certain times of the day only two officers are on patrol. Three or four officers are on patrol during peak times when no one is out on leave.

City Manager Estes added that during the February 16th work session, the Council and Staff discussed adding a full-time community outreach officer position. The Council directed Staff to prioritize the addition of that position even if other General Fund budgets had to be tightened to make that possible. At the next City Council meeting, he and Chief Spalding would be presenting the job description for this position. Once the job description is approved by the Council, Staff could begin recruitment.

CHANGES TO AGENDA

No changes.

CONSENT CALENDAR

The following items were presented on the Consent Calendar:

- 6(a) City Council Minutes of February 7, 2022
- 6(b) Draft Committee Meeting Minutes
- 6(c) and McClure Parks (Parks)

City Council Action: Motion made by Councilor Rocka, seconded by Councilor Brownson, 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): Public Hearing and First Reading of Zoning Map Amendment Request (A21-02) by Larry Bensel, Rose Tree LLC, to amend the zoning designation of 0.04 acres at 515 15th Street from High Density Residential (R-3) to General Commercial (-3)

On January 25, 2021, the Astoria Planning Commission held a public hearing regarding a request to rezone 0.04 acres of property at 515 15th St. from the High Density Residential (R- 3) Zone to the General Commercial (C-3) Zone. The portion to be rezoned is located at the southern edge of the property's parking lot and has been in use as a parking lot for several decades.

The applicant, Larry Bensel representing Rose Tree LLC, would like to change the zoning to reflect the existing development pattern and allow the area to continue to be used as a parking lot for a new hotel use in development on the property. ADC §7.030(B) requires that parking lots be located in the same zone as the use they serve or in a zone that allows parking lots as a specifically permitted use. The R-3 Zone does not allow hotels or commercial parking lots, so a zone amendment is necessary to continue using the area as a parking lot.

The Planning Commission recommends approval of the requested zone change. It is recommended that the Council conduct a public hearing and consider holding a first reading of the ordinance.

Planner Murphy said that the deadline for the City to make a decision is March 22, 2022.

Councilor Brownson confirmed with Staff that the adjoining property with the hotel was already zoned C-3.

Mayor Jones opened the public hearing at 7:18 pm and 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 a conflict of interest or ex parte contact 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 confirmed there was no testimony from the Applicant and called for testimony in favor of, opposed to, or impartial to the request. Seeing none, he closed the public hearing at 7:21 pm. Councilor Rocka asked if Staff believed there would be any potential downsides to the requested rezoning.

Planner Murphy responded that the area had already been in use as a parking lot. Staff did not believe there would be any issues and the Planning Commission did not express any concerns, nor did any members of the public present at the Planning Commission hearing.

City Council Action: Motion made by Councilor Brownson, seconded by Councilor Herman, to conduct a first reading of the ordinance amending the Astoria Zoning Map to amend the zoning designation of 0.04 acres at 515 15th Street from High Density Residential R-3 to General Commercial C-3. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, Hilton, and Mayor Jones; Nays: None.

Director Brooks conducted the first reading of the ordinance

**Item 7(b): UPDATED – Public Hearing and First Reading of Ordinance adding City Code 5.640
Declaring that Abandoned Shopping Carts are a Public Nuisance in the City of Astoria
and Providing Rules to Deal with Abandoned Shopping Carts**

The City of Astoria has experienced an increasing number of shopping carts that are taken from businesses located in Astoria and then abandoned at random locations. These abandoned shopping carts can accumulate trash, block sidewalks, are sometimes thrown into the river, abandoned on private property, can roll into a roadway, and create other hazards and be an unattractive nuisance for the City. Currently there is no city ordinance that addresses this issue with enough specificity to address this problem.

Oregon laws, ORS 98.515 Unauthorized Appropriation of Shopping Carts and ORS 98.520 Notice of Crime of Unauthorized Appropriation of Shopping Carts, provide a foundation for a city ordinance related to shopping carts. These laws provide the authority for cities to enact ordinances to prohibit the unauthorized appropriation of a shopping cart and to provide for the salvage or reclamation of an abandoned shopping cart. Additionally, the law provides for the requirement of the business owners to post signs to give notice to members of the public entering onto or leaving the business premises that unauthorized appropriation of a shopping cart is a crime and provide a local telephone number that members of the public may use to report an abandoned shopping cart to the business that is the owner of an abandoned shopping cart. This ordinance would also allow jurisdictions to impose a \$50 fee for non-compliance. Police staff met with the management of the Astoria Co-Op and Safeway in an effort to craft an ordinance that will assist with the goal of reducing the number of abandoned shopping carts in the City and prevent businesses that use shopping carts from having their carts stolen.

Those who are found to have committed theft of shopping carts are subject to being charged with theft in the 2nd degree. Often, however, shopping carts are found unattended, and it is difficult to determine who stole the cart. In the case of an attended cart, it can prove difficult to establish whether the person in attendance stole the cart.

The new city ordinance would declare the presence of abandoned shopping carts within the City of Astoria a public nuisance and will address the retrieval of shopping carts, require business owners that use shopping carts to post signs reminding the public that taking shopping carts from a business is considered theft and to have their shopping carts identified with their business name. Business owners would have 48 hours to retrieve any reported abandoned carts and if the business owner doesn't retrieve the shopping cart in the allotted timeframe, they may be subject to a \$50 assessment after the first courtesy notification. Management of both grocery stores agreed that 48 hours is sufficient time for their staff to retrieve abandoned carts. It is understood that it is not the intent to punish the store owners of theft crimes. The draft ordinance has been reviewed by City Attorney Henningsgaard. It is recommended that Council hold a public hearing and consider holding a first reading of the new ordinance of City Code 5.640.

City Manager Estes requested this hearing be continued to the next meeting to allow City Attorney Henningsgaard more time to research whether State statutes would allow the City to provide relief to a grocery store that did not want to install name plates on their carts.

Chief Spalding added that the Police Department had received complaints about the unattractiveness of and dangerous situations caused by abandoned grocery carts. Seven other jurisdictions in Oregon have an ordinance and two jurisdictions were in the process of proposing an ordinance. Staff spoke with the managers of

both grocery stores, who are generally supportive of this ordinance. Safeway currently has a service that picks up the carts once a month and this ordinance would allow them to collect their own carts. Additionally, Safeway had been embarrassed about their carts being abandoned throughout town. The Astoria Co-op believed it could be onerous for them to put placards on their carts since they are such a small store, but they supported the ordinance. This ordinance was not designed to punish the stores or generate revenue, so Staff would continue to work with the stores. The goal of the ordinance is to get carts out of the roadways and sidewalks and eliminate the nuisance they cause. In order for the Police to enforce violations, the stores will need to add signage on their properties. Taking a cart is theft and someone who steals a cart could be charged. However, the store would first have to press charges and the Police would start by giving a warning.

Mayor Jones stated that social media posts indicated the City's response to theft was to punish the victims. Theft is already illegal and this ordinance does not address the act of stealing carts specifically. In most cases, theft of the carts is not seen. Carts are found on the street and there is no way to prove who stole it. The ordinance focuses on getting the carts off the street. Business owners and community members have repeatedly told the City that the carts are a nuisance. Safeway is the primary victim, and the manager indicated this ordinance would be a good way for them to get some of their carts back.

City Manager Estes said Safeway's corporate office clarified with Staff that per State law, Astoria needed to allow 72 hours rather than 48 hours for the stores to retrieve their carts. Staff did not have any concerns about allowing 72 hours.

Mayor Jones asked how citizens could report abandoned carts. Chief Spalding responded that people could call the stores directly. Phone numbers might be printed on the cart placards. The City might decide to require the phone number to be on the placard. The goal is to get carts out of hazardous conditions as quickly as possible, so Police might need to take carts to storage until the store could pick them up.

Mayor Jones opened the public hearing at 7:39 pm and called for Council discussion.

Councilor Herman said she believed stores should be given at least 72 hours to retrieve carts. She was also concerned about fining the business for not retrieving stolen property. She asked if stores would be required to retrieve carts being used by individuals to store personal items, and if so, what would the stores do with the personal items.

City Manager Estes said ORS dictates the timeframe and the amount of the fine. City Attorney Henningsgaard will do more research to determine whether Astoria's ordinance must comply with both of those requirements.

Chief Spalding added that a warning would be given for the first offense because the City is not trying to generate revenue, just incentivize the return of the carts. When a cart is full of personal items and someone is with the cart, the person would be given the opportunity to remove their property from the cart before it was retrieved. If an unattended cart is full of items, the items would be collected by the Police Department and trash would be disposed of. The Police Department would keep the items for 30 days and the individual could claim the items at no cost.

Councilor Herman understood that even if the ordinance included a fine, the City would not be obligated to assess fines. City Manager Estes said City Attorney Henningsgaard would be doing research to determine whether the City would be required to assess the fine. The ORS is very specific, but some language does infer flexibility. Chief Spalding added the police would do everything possible to work with the businesses. Assessing a penalty would be a last resort.

Mayor Jones noted that most of the time, the carts would not be more than a five-minute drive from the stores. It would not be an excessive burden for the store to send someone to pick up a cart within 72 hours. He called for public comments.

Nathan Pinkstaf [45:27] 1594 SE 2nd Street, asked if the City would take action with people in possession of a stolen cart.

Mayor Jones responded that the store would need to be willing to press charges. In the past, the stores have not been willing to press charges.

Chief Spalding added that it would not be practical or fair for the Police Department to start looking for people pushing carts and start making arrests. If this ordinance passes, it would take affect 30 days after the second reading during which time the police would begin educating the public. Once all of the carts are collected, the police could start making assumptions that people seen with carts did not have the right to be in possession of them. Possession of stolen property and theft of the cart would require the stores to pursue charges, which could be a challenge with a large corporation like Safeway. There are a few situations where the District Attorney would make a determination.

Mr. Staff said the City would be wasting precious resources playing a cat and mouse game with the carts. Fifty dollars is very minimal to Safeway. He did not believe the City should start fining the businesses, but with 72 hours to retrieve a cart, the cart would likely be relocated by someone within that timeframe. Additionally, there would always be someone in possession of stolen property. He understood the City did not want to arrest everyone, but people should not continue to get a free ticket. He did not want to feel obligated to approach someone with a cart full of stuff to get the phone number off of it. The thieves should be held accountable for stealing or being in possession of a stolen cart.

City Manager Estes explained that in order to start enforcement, there has to be a milestone moment. Because citations have not been issued in the past, a change needs to happen. This ordinance would allow the City to set a new milestone by giving the police 30 days to tell people with carts that they will not able to continue after a certain date. This is required in order for the District Attorney to prosecute.

Mr. Staff said he had seen multiple officers go to the same recreational vehicle (RV). The RV owner get three days to move it, but they only move it 20 feet.

Mayor Jones responded that the City would be addressing that issue at a future meeting. However, he did note that the State's policy allows it. Astoria strongly objected to the State's policy and would like to see change, but the City is required to follow State Statutes that allows RVs to be moved 20 feet and start the clock over again.

Mr. Staff said the police will give people the benefit of the doubt when the owner says the RV is broken down. He added that no one wants to go around town to pick up the carts. He offered to pick up the carts once a month.

Chief Spalding stated the City had a potential fix for the RV problems. He added that victims needed to support prosecution. However, there were situations where the City could move forward with prosecution without the victim's support and in those situations, prosecution would be up to the District Attorney. Implementing this ordinance would take a lot of work at first. But once all of the carts have been collected, the situation would be more about maintenance, and it would be abundantly clear that stealing carts is not acceptable.

Mr. Staff said he had been part of the social media comments because the situation was frustrating. John Lindell used to get several carts full and the City would come take his carts away.

Chief Spalding encouraged Mr. Staff to call him directly to discuss the ordinance further.

Maryanne Buxton Box 12, Astoria, said when people steal the shopping carts, the City is not addressing the humanitarian needs of individuals to hold on to their property. The community needed storage sheds or tiny homes for these individuals. The shopping cart issue is important, but it is much more dignified not to have to feel the need to steal a shopping cart. Talking about \$50 fines does not get to the deeper root of the issue.

Christian Lopez no address, said that lack of a place to store belongings was related to the issue of not having permanent housing. Astoria should have temporary storage lockers for people to store their belongings instead of being a nuisance by stealing carts. Unsheltered people like to have things and need a place to store them. There is no permanent shelter. The cold weather shelter provides a place for people to sleep at night and during the day, there is a day room people can go. But there is no place for people to take their things. He understood there would be an education and roll-out period, but it would be great to have an actual solution for every part of the community. Astoria had a unique opportunity for everyone to work together to find a solution that benefits everyone.

Brittany Brim 38 NW Cedar, Warrenton, said she believed allowing storage units was a good idea. She asked how to get funding to get programs like Helping Hands to help people get back on their feet and afford low-income housing. She wanted to know how to get funding to start programs that incentivize people but there are also boundaries, rules and guidelines to stay there.

Mayor Jones responded that Helping Hands had existed for many years and over time had built up a lot of support, donations, and grants. Those programs take a long time to build up. Clatsop Behavioral Health was helping to get funding from the State that is geared towards shelters and treatment facilities. The grants and funding that is available takes a lot of work to get. A non-profit or social service agency is required to have credibility to get those funds.

Ms. Brim said she wanted to find a way for the community to pull together and apply for grants. She believed a large part of the community would be willing to do that. The community should help people who want to help themselves. She appreciated that Lifeboat Services provided guidelines and helped to ban people from their facility for being disruptive. She wanted the community to help with that.

Mayor Jones stated Chief Spalding would forward information about the Homeless Solutions Taskforce (HOST) to Ms. Brim.

City Manager Estes said Staff appreciated the partnership and community they have had with the managers of Safeway and the Astoria Co-op.

City Council Action: Motion made by Mayor Jones, seconded by Councilor Brownson, to continue the hearing on the ordinance adding City Code 5.640 to Monday, March 21, 2022 at 7:00 pm in City Hall Council Chambers. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, Hilton, and Mayor Jones; Nays: None.

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

City Manager Estes provided the following information about upcoming meetings:

- March 10th at 5:30 pm at Holiday Inn Express - Discussion on parking, wayfinding, and the formation of a business association in Uniontown
- March 14th at 4:30 pm at Astoria Armory - Heritage Square Housing Open House #1
- March 23rd at 6:30 pm - Discussion on transients, camping, and community livability. This meeting was coordinated by Kevin Leahy and would include representatives from the Astoria Warrenton Chamber of Commerce, Clatsop Economic Development Resources (CEDR), and the ADHDA. The location would be announced within the next week.
- March 24th at 10:00 am via Zoom – HOST next meeting. The Zoom link is available on the City's website.
- March 24th at 4:30 pm at Astoria Armory - Heritage Square Housing Open House #2

Unidentified Speaker the cold weather shelter would be closing mid-March. He asked what funding options were available to keep the shelter open. Once the shelter closes, about 30 people would be on the street. The shelter needed to be kept open as a temporary cold weather shelter and people needed to get together to find a permanent solution. People need boundaries and limits for behavior. The community needed more mental health services and the homeless community needed to work on their disruptive behavior. People needed help with housing. People were unsheltered for various reasons, including mental illness and addiction. The staff at the warming shelter and at Ozark know the homeless population well because Astoria does not have a huge homeless population. He believed the community could come together to find a solution. No one wanted to be on the street, but there were a lot of preconceived notions. Instead of working together, it seemed like people were working apart.

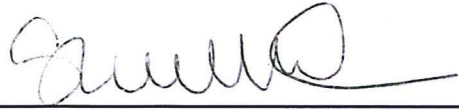
Gretchen Allen 41109 Homestead Ln., Astoria, said she owned a business downtown. Business that are already struggling with expenses and having to incur even more expenses to repair damages. She was concerned that businesses would be fined for something that was done to them, but she understood stores needed to collect their shopping carts. Preconceived notions occur when things are destroyed, and rocks are thrown through windows. Maybe the rocks were thrown by young children, but the issues have continuously worsened over the last year. She believed the laws were complicated and she hoped people started to understand them. As a tax preparer and accountant, she sees businesses' numbers starting to dwindle. If businesses in Astoria fail, more

people will become homeless. This issue could become even bigger if the disruptions downtown are not taken care of. Businesses are incurring extra expenses at a time when prices are rising. There is not a lot of money to throw around and every individual has a personal responsibility to be a member of the community and a citizen.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:15 pm.

ATTEST:



Finance Director

APPROVED:



City Manager