



CITY OF TROUTDALE

"Gateway to the Columbia River Gorge"

AGENDA

CITIZENS ADVISORY COMMITTEE

Troutdale City Hall Council Chambers
219 E. Historic Columbia River Hwy. (lower level, rear entrance)
Troutdale, Oregon 97060

****NEW 2016 LOCATION****

Wednesday, March 2, 2016
7:00 p.m.

1. Call to Order
2. Approval of Minutes – February 3, 2016
3. Discussion Items
 - Community Garden at Sunrise Park
 - Update on HOA engagement and improving notification
 - Consideration of Citizen Comments During City Council Meetings
4. Concerns from Committee Chair
5. Adjourn

*This meeting location is accessible to persons with disabilities.
A request for an interpreter for the hearing impaired or for other accommodations for
persons with disabilities should be made in writing at least 48 hours
prior to the meeting to Chris Damgen at 503-674-7228 or
by email to chris.damgen@troutdaleoregon.gov.*

CITIZENS ADVISORY COMMITTEE MINUTES
 City Conference Building
 223 S. Buxton
 Troutdale, Oregon 97060
 February 3, 2016

Members Present: Sam Barnett
 David Becker
 Jon Brown
 Diane Castillo
 Carol Hasler
 Zach Hudson
 Jon Lowell
 Danny Stoddard
 Jan White
 Paul Wilcox

Members Absent: Patricia "Skye" Troy

Staff: Chris Damgen, Senior Planner Peoy
 Rooney Barker, Transcriptionist

Guests: Paul Charpentier, 21205 SW Sturges Lanegoo, Troutdale 97060
 Audrey Lowell, Troutdale resident
 Sally Savidge. 10980 SW Montmore Way, Troutdale 97060pPaul

1. **Call to Order.** Chair Hudson called the meeting to order at 7:02 p.m. It was noted that Mary Burlingame has resigned her position on the committee; thus Jon Brown, the alternate member, was welcomed as a regular member.
2. **Introduction of Members.** Committee members and staff introduced themselves.
3. **Election of Officers.** In the nominations for Chair for 2016, Paul Wilcox nominated Jon Lowell, who declined. **Jan White nominated Zach Hudson with a second by Danny Stoddard.** With no further nominations, Jon Lowell moved, with a second by Jan White, to close the nominations; that vote was unanimous and the nominations were closed. **The motion for Zach Hudson passed unanimously and Zach Hudson is the Chair for 2016.**

In the nominations for Vice-Chair, **Jon Lowell nominated Sam Barnett; Jan White seconded the motion.** The nominations were closed. With no further nominations, Jon Brown moved with a second by Jan White, to close the nominations; that vote was unanimous and the nominations were closed. **The vote was unanimous to appoint Sam Barnett as the Vice-Chair for 2016.** Toward the end of this meeting, Sam reconsidered and decided not to accept the position and asked for the nominations to reopen. **Chair Hudson nominated Jan White who accepted; the vote was unanimous and Jan White is the Vice-Chair for 2016.**

4. **Approval of Minutes – November 19, 2015.** The following corrections were requested: p. 2, second paragraph – correct the following: or a two-year term maximum . . .”; last “paragraph – correct “spelled out their term limits election process; every voter . . .”; p. 2, last paragraph, last line in the third paragraph, correct “. . . reason the Council is looking for they may want to set those term limits.”. . .”; p. 2, last paragraph, p. 3, first paragraph, add parenthesis to the last phrase of the last sentence, “. . . apathy; (another committee member said it will take fewer people); third paragraph, correct the name of the Organization Review Subcommittee to reflect

that it is a subcommittee; this correction was also made in two other places in this set of minutes. **Zach Hudson moved, with a second by Danny Stoddard, to approve the minutes of November 19, 2015, as amended.**

The committee reviewed their new 2016 roster. Paul's email address has been corrected on the January 12th version; Sam last name spelling was also corrected; Carol Hasler's name is misspelled (with two s's). There being no further discussion or corrections, **the vote to approve the minutes as amended was unanimous and they were approved.**

5. **Discussion Items:** Since there were people waiting to testify on the Neighborhood/HOA Engagement topic, the committee agreed to address this item first.

- ✓ **Neighborhood/HOA Engagement.** Chris Damgen briefed the committee on the Sheldon Development proposal, and the Planning Commission's review and subsequent denial of that development as well as the City Council turning it down in a six-to-one vote; they will finalize their decision at their next meeting. He went into more detail of this proposal and said an issue that arose was giving notice on it to the surrounding neighbors and neighborhood associations (NAs) and homeowner associations (HOAs). The 250-foot notification as stated in the Code was met, but the City Council expressed concern that not enough notification was made to surrounding areas given the size of this project. City staff does not have a record of NA/HOA contacts; he invited one of them to this meeting for her input. The questions before this Commission are what can be done, how do we do a better job, and do we need to revisit our notification requirements.

Sally Savidge, President of the Cherry Ridge Homeowners Association, and Paul Charpentier, a homeowner. Ms. Savidge said she lives not far from the proposed Sheldon Development location and had not received any notification on it. She found out about it when Mr. Charpentier told her about the Planning Commission meeting he had watched on television. The two of them gathered the homeowners and distributed fliers regarding the project and upcoming Council meeting by going door-to-door in their community and they also made extra fliers for the Woodale neighborhood nearby. She does not believe Morgan Meadows citizens were notified. The 250-foot requirement for notification would have left at least half of the affected homeowners without notification. She said she hated to think what would have happened if the HOA had not done their notification and the project got to the groundbreaking phase. This project upsets everyone in the neighborhood that they were not notified. If the City could notify the HOAs or NAs it would be easy for the associations to do the notification. There is the Troutdale Champion and mail, and the City could make this a priority. Perhaps a portion of the applicant's fee could be the cost of notification.

Chris said currently our Code states that the developer or his/her representative assumes the burden of submitting to the City the property owner information. Our task is to put these labels on mailed notification. After that first Council meeting, the Council asked staff to go back and extend the notification range. Within those two weeks we were able to get the number up to about 180 properties. That does not help the long-range concern of how we can do a better notification job.

Ms. Savidge said there are usually huge placards posted telling those interested what was going on, but there was nothing posed in that field regarding this project. It looked really bad to the homeowners, she said. Chris said staff wants to do a better job and that is why it's being discussed.

The 250-foot notification is used for Type II, III and IV applications, Chris said. In this case, the Map Amendment is the most impactful land use application. The only time the notifications go beyond the 250-foot threshold is when a proposed project is next to

agricultural land or a forest timber area, by State law. Technically, we followed the Code but did we really serve the community in that regard? The 250-foot measurement was discussed. It was said that Portland staffs an Office of Neighborhood Associations that keeps records of all neighborhood associations, and perhaps Troutdale could do this. Chris said his information was that there was no active HOA within the area and that's a problem; it's also why he said he was bringing that information to this committee's attention. The City needs that information. We'll see this come up more often and he does not want to replicate the experience this neighborhood went through. Ms. Savidge said she would like to also see an expansion of the 250 notifications

Paul Charpentier said he contacted Ms. Savidge after he heard about the Sheldon Development, and that was when he started talking to neighbors. He lives in the second house on Sturges and was never notified. Rather than using the 250-foot rule, he suggested they make it necessary to include 200 people in the area, for example, and not just businesses since businesses will want the trade that more residents will bring. When we expanded the notice, Chris said, we aspired to include all of Ms. Savidge's and Mr. Charpentier's neighborhood, but we do not have the manpower to do that.

This HOA is registered with the State, Ms. Savidge said, and Chair Hudson said perhaps the City can keep the information on the NAs and HOAs.

Mr. Charpentier recommended changing the notification process to 250 houses instead of 250 feet, or something similar. Ms. Savidge suggested notice be placed in *The Champion*; Chris said that is published only every other month, and for notification requirements we need a more consistent process, and the Gresham *Outlook* may not have subscribers in specific neighborhoods. The City does publish notices in *The Outlook* but, again, not everyone subscribes.

There was a discussion on the 200- versus the 250-foot notification, of having some process within the City for better notifications to the HOAs and NAs, and what form the notifications take, e.g., mail, signage, etc. Chris said that is what staff is looking for; it will help them and, in the long term, there could be a person within the City to coordinate it. Jan White asked Ms. Savidge if she has the knowledge or capability to let other HOAs and/or NAs know that the City does not know about them or how to contact them. Ms. Savidge said she could do that, and then give the gathered information to Chris, and maybe the City could develop a data base. Ms. Savidge said it wouldn't hurt for the City to send a letter to homeowners about this, also to developers, and begin the work of beginning a registry. Our President and Secretary turn over each year, but we still have a Board. She doesn't know how to contact other HOAs unless they're online. Maybe the City could start a subcommittee or something that could be the City contact. We should do this before more development pops up, she added. At the least, proposed developments should be put in *The Champion*. There's a lot of work done on these before they're approved so the every-other-month publication shouldn't be a problem. We have an obligation to respect the applicant's right of confidentiality, Chris said, so we'd have to weigh that against a newspaper publication. Once the application is submitted, it can be public.

Diane Castillo suggested that we have a small space in *The Champion* devoted to NAs and HOAs that lists a City contact and each association contact. Ms. Savidge said she would like to see that as well as something in the *Champion* and some sandwich boards (waterproof signage) with notifications attached. Sometimes signs are ignored, Mr. Charpentier said, but mail notice isn't. Jon Lowell said he doesn't understand why the HOAs aren't beating down the City's door in order to be recognized as the citizens also have a responsibility to the City to let them know where they are. If the City designates someone to receive that information, every HOA should be notified even if it's on the other side of town because traffic, etc., could

still affect their neighborhood. Ms. Savidge said if the City will give her the name of someone to contact, she will register her HOA with the City and keep it up to date, and will do what she can to let others know. Some people are not active in their HOA and this might be a way to raise the general awareness level and 'catch' some people who would otherwise not be informed. Ms. Savidge said Troutdale's website is very user friendly.

Carol Hasler said one part of this is a communication problem. This might be an opportunity to add something to the City's website, perhaps a link, that could say, "If you want to be notified about pending construction/development/etc., sign up here" for somewhat of a mailing list for upcoming projects. Mr. Charpentier said he and his neighbors have had contact with the City for different things but that idea of registering their HOA has never come up before; it took something big like this.

Notification requirements were reviewed and discussed again as well as different sizes and types of development, each having has its own standards which Chris explained, and the types of signs posted as notification, some of which are hard to read as one drives by them, which is why Ms. Savidge mentioned sandwich signs earlier, and the possibility of asking the developer to create sturdy signs of notification.

Chris said the Planning Commission is close to providing this committee with a copy of the revised Development Code; this will be the perfect time for this committee to interject their concern about the notification requirements.

Chair Hudson asked the committee if they want to make a recommendation to the Council or wait until the revised Development Code is provided. The Code may be distributed to them in March, possibly April, Chris said. The committee was asked if they would like to share their ideas and draft a document about this for the Planning Commission at their next meeting as a recommendation. They will meet on February 17th. To his knowledge the Commission has not addressed this issue in their review. The cost of expanding notifications was also discussed.

After more discussion, **Chair Hudson moved that the committee take to the Planning Commission a recommendation that they consider the following ideas for inclusion in the revised Development Code:**

- ✓ The responsibility of the City to provide timely notification by City staff to the citizens;
- ✓ Expand the notifications to more than 250 feet for Type III and IV development projects for Type III and IV (for a subdivision or a land division action) applications;
- ✓ Improve and expand signage posting and internet contact;
- ✓ Type III design review notification.

Dave Becker seconded the motion. Chris was asked if this would be a burden on staff; he replied that the other option was if the lesser notification caused a large Council meeting with unhappy citizens, and this is worth his or any future staff's time. **The vote was unanimous and the motion passed.**

Chris said the *Champion* is currently requesting articles for the next edition so staff will get a space in it requesting NA and HOA contact information; that should go out next Tuesday. The committee thanked Ms. Savidge and Mr. Charpentier for their testimony.

- **Public Comment at City Council Meetings (continued).** There was a question at the November meeting about rules for community input at City Council meetings and Chair Hudson said he researched this to inform the committee, and he shared that information. He believes the concern was that at Council meetings the public comment is limited to items that

are not on the consent agenda. Jon Lowell said his concern is that on the agenda there is an item that says the public may comment on any item that is not on the agenda, and to him that is intimidating. It references the rest of the meeting and tells people that they cannot speak on the agenda items listed below. He was told that that is not the intent, and he agreed but said that's how it's interpreted. The Mayor publicly says he will decide who will speak and when, Jon said, and he shouldn't have that right. There should be a notice on the agenda that anyone can speak to any item on the agenda while it is being discussed.

Paul Wilcox agreed with Jon; the only time a citizen is specifically allowed to speak is on a non-agenda item or if it's a public hearing on an ordinance. As far as anything else, it's totally up to the Mayor's discretion whether the public can give input and he gave an example. He quoted from the Municipal Code, Section 2.08.100 Citizen Comment, where it states that citizen comments are allowed on both non-agenda and consent agenda items. When he pointed that out (via an e-mail), at the beginning of that meeting one of the Councilors pulled that particular item off the consent agenda and put it on the regular agenda so he couldn't speak to it. The entire process was never opened to public input; that entire decision was denied public input. When asked, he said it was passed by resolution.

Diane agreed with Jon Lowell and Paul, and said this happens often. She would like to see citizens be able to voice their thoughts and concerns. She believes that every person has the right to chime in as there might not be other avenues to do so. This is our town and we should have that opportunity. Jon Brown said the Council could impose a time limit on any speaker. Carol said it would be reasonable to have a rule of two or three minutes than to effectively chill speech from citizens; that is a concern to people who live here. Jon Brown concurred. Chair Hudson shared more information on the rules.

Other jurisdiction's rules on citizen comment were briefly discussed, and the committee agreed that speaking permission depending on the Mayor's discretion should be removed for citizens, and a time limit can certainly be imposed. Danny Stoddard said this committee had just listened to some important information from two citizens this evening; those were appreciated and we welcomed their input as it was important. Chris said the Council did hear public comment at the public hearing on the Sheldon Development with a two-minute time limit.

Jon Lowell moved to forward to the City Council a recommendation to remove the Mayor's discretion on allowing public comment and to allow public comment to be heard in all City Council meetings as well on any agenda items as they are presented, and that statement be printed on each agenda. Public comment at work sessions and regular Council meetings was discussed as were time limits on comments. **Jan White seconded the motion.** This may require a change to the Municipal Code and that was discussed. Chris was asked his opinion and he declined saying this was not in his realm of knowledge or work and he would have to ask the City Attorney. He asked what this motion is for, a resolution or a recommendation. **No vote was taken on the above motion as Chair Hudson moved, with a second by Jon Brown, to table the above motion until their next meeting in order to do more research and consideration. The vote was unanimous and the motion carried; the previous motion will be on the next meeting agenda.**

Suggestions were that the minutes of the City Council regular meetings as well as executive sessions and work sessions be made public as soon as a vote is taken on any discussion item. This was challenged on the grounds of subjects that need to be protected as they sometimes include personnel matters and subjects of confidentiality. The original suggestion was modified to include those. It was determined that this could be a slippery slope and they may want to seek legal counsel on it. Discussion followed on what citizens don't know about when

anything is decided by the Council. Chair Hudson said the City Attorney had spoken with him about the severe restrictions and strict limitations on these, and he elaborated. Some members said they still don't think that once something has been discussed and closed, one should not have to use the Freedom of Information Act to request those minutes in order to know what took place and what decision was made. Chris explained how this could open the City to potential legal problems; Oregon has one of the best bylaws for executive sessions, and there is accountability here better than a lot of other cities. Danny agreed that we cannot change Oregon Meeting Laws. We could make recommendations based on research, but this is still the Oregon Public Meeting Law. Jan said we don't want litigation.

- **Goals for 2016.** Not addressed.

6. **Concerns from Committee Chair.** None.

6a. **Concerns from Committee Members.** Diane brought up the standing room only at some City Council meetings and the fact that some people in the audience cannot hear; there are no speakers or any enhancement to volume. Another concern of hers is electronic message signs and why they are allowed. This is a Code issue and Chris offered to give the committee a presentation on what is allowed for signs, and he mentioned the recent litigation and the Federal case on these signs. We aren't addressing signs right now in the Code rewrite until it's settled, and he told them what Troutdale regulates now. He suggested they wait on this.

At this point Sam Barnett said he had second thoughts about being Vice-Chair and he asked the committee to withdraw their votes for him; he felt he'd been over-ambitious in accepting in the first place. Chair Hudson moved, with a second by Danny Stoddard, to reopen the nominations for committee Vice-Chair; the vote was unanimous and the nominations were opened. **Chair Hudson nominated Jan White for Vice-Chair, with a second by Carol Hasler.** There was no discussion. **The vote was unanimous and the motion passed. As noted on p. 1 of these minutes, Jan White is the Vice-Chair of the committee for 2016.**

7. **Adjourn.** The next committee meeting is scheduled for March 2nd. Chris asked if the committee would prefer meeting in this chamber again or at the City Conference Building. No response was heard. **Jan White moved, with a second by Danny Stoddard, to adjourn. The vote was unanimous and the meeting adjourned at 9:30 p.m.**

Zach Hudson, Chair

Date

Attest: _____
Rooney Barker, Transcriptionist

2.08.060 - Presiding officer.

The mayor is the presiding officer of the council. In the mayor's absence from a council meeting, the council president presides. In the absence of both the mayor and council president, the council appoints a presiding officer for the meeting. The presiding officer preserves order at council meetings, recognizes speakers and decides all questions of order. The presiding officer may vote on an issue that is before the council and may participate in debate. The presiding officer shall not make motions but may second motions. The presiding officer shall remain neutral and avoid favoritism in making rulings and performing the functions of presiding officer. Any ruling of the presiding officer on a question of order is subject to appeal to the council by any two councilors. A councilor may speak more than once on any such appeal only with permission of the council.

(Ord. 679 § 1, 1999; Ord. 608 § 2 (part), 1994)

2.08.070 - Councilor attendance at meetings.

A councilor shall inform the mayor, city manager or city recorder if the councilor is unable to attend a council meeting. When necessary a councilor may participate in a council meeting through the use of telephone or other electronic communication.

(Ord. 608 § 2 (part), 1994)

(Ord. No. 801, § 1, 1-11-2011)

2.08.080 - The meeting agenda.

The mayor and city manager prepare an agenda for each council meeting giving a brief description of each item to be considered. Items may be placed on the written agenda by the mayor, any councilor, the city manager, the city attorney or any resident of the city by filing a written request with the city recorder at least fourteen days in advance of the meeting. An item may be placed on a council agenda after the agenda is closed and notice published only by permission of the mayor or approval of two-thirds of the councilors present at the meeting. No councilor shall be listed as a proponent or sponsor of an agenda item without the councilor's consent.

(Ord. 608 § 2 (part), 1994)

2.08.090 - Order of business.

A. The order of business at regular council meetings is:

1. Opening;
2. Approval of minutes and consent agenda;
3. Proclamations, presentations;
4. Citizen comments on nonagenda and consent agenda items;
5. Public hearings;
6. Other items of business (adoption of ordinances, resolutions, orders and other measures);
7. City manager and staff reports;
8. Items from the mayor and city councilors;
9. Adjournment.

B. The mayor, with the concurrence of the council, may consider agenda items out of order.

(Ord. 608 § 2 (part), 1994)

(Ord. No. 801, § 1, 1-11-2011)

2.08.100 - Citizen comment.

The citizen comment portion of the meeting is limited to comments on nonagenda and consent agenda items. Remarks shall be limited to five minutes for each speaker unless a different time is allowed by the mayor. The council and mayor should avoid immediate and protracted response to citizen comments.

(Ord. 608 § 2 (part), 1994)

2.08.110 - Consent agenda.

In order to make more efficient use of meeting time, all ordinances, resolutions and requests which are routine in nature and not likely to be controversial are placed on the consent agenda. To clarify the consent agenda for people watching the meeting, the mayor reads item titles and explains the items. Any item on the consent agenda may be removed by request of a councilor (made before the adoption of consent agenda motion is made) and placed on the "other items of business" part of the agenda. The consent agenda is adopted by a single motion which is not debatable. If there are dissenting votes, each item on the consent agenda is voted upon separately.

(Ord. 608 § 2 (part), 1994)

2.08.120 - Public hearings.

The presiding officer, with permission of the council, may limit the amount of time devoted to public testimony and time allotted for each speaker at a public hearing. These restrictions are announced prior to the start of the public hearing. The council may designate a hearings officer to conduct public hearings.

(Ord. 608 § 2 (part), 1994)

2.08.130 - Council meeting staffing.

The city manager attends all council meetings unless excused. The city manager may make recommendations to the council and participate in all council discussions. The city manager or the manager's designee acts as the sergeant-at-arms. The city attorney attends all regular council meetings as invited, gives opinions on legal issues and acts as the council's parliamentarian and as interpreter of these rules. The city recorder keeps the minutes and any official journal. Department heads and other staff attend council meetings upon the request of the mayor, or the city manager. All staff members desiring to address the council must first be recognized by the presiding officer. Staff may respond to questions or comments by the council or members of the public with permission of the presiding officer and in a polite, tactful manner.

(Ord. 608 § 2 (part), 1994)

(Ord. No. 801, § 1, 1-11-2011)

2.08.140 - Public members addressing the council.

Any member of the public desiring to address the council must first be recognized by the presiding officer. Before speaking, a person states his or her name, city of residence and the organization they are representing if applicable. Remarks are limited to the question under discussion. Remarks are addressed to the presiding officer and no person speaks more than once on a subject until all others wishing to speak have spoken. No person addresses the council after a motion is made or after a public hearing is closed, without permission of the presiding officer.

(Ord. 733 § 1, 2003; Ord. 608 § 2 (part), 1994)

2.08.150 - Order and decorum.

- A. The sergeant-at-arms, at the direction of the presiding officer, shall remove any person from the council chambers or meeting hall for the duration of a council meeting because of:
1. Use of unreasonably loud or disruptive language;
 2. Making of loud or disruptive noise;
 3. Engaging in violent or distracting action;
 4. Wilful injury of furnishings or of the interior of the council chambers or meeting hall;
 5. Refusal to obey any of these council rules; and
 6. Refusal to obey an order of the presiding officer or an order issued by a councilor which has been approved by a majority of the councilors present.
- B. Unreasonably loud or disruptive language, noise or conduct is that which obstructs the work of the council. The council recognizes constitutional protection for speech and petitioning and these proscriptions shall be interpreted not to impair any constitutional right. Before removal of any person, the person shall be given a warning to cease the offending conduct. If a meeting is disrupted by members of the audience, the presiding officer or a majority of the councilors present may order that the council chambers or meeting hall be cleared.
- C. No flags, posters, placards or signs, unless authorized by the presiding officer, may be carried or placed within the council chambers or meeting hall. This restriction does not apply to arm bands, emblems, badges or other articles worn on person or clothing, provided these devices do not interfere with the vision or hearing of other persons at the meeting and do not extend from the body in a manner likely to cause injury to another. This restriction is needed to protect the vision, hearing and participation of all members of the public in a council meeting and to protect persons from injury.

(Ord. 608 § 2 (part), 1994)