



CITY OF

PORTLAND, OREGON

OFFICE OF NEIGHBORHOOD INVOLVEMENT

CHARLIE HALES, MAYOR

Amalia Alarcón de Morris, Bureau Director

Noise Control Program

1221 SW 4th Avenue, Room 110

Portland, Oregon 97204

Promoting a culture of civic engagement

**NOISE REVIEW BOARD
FEBRUARY 11, 2015
MINUTES**

Present: David Sweet (Chair), Carol Gossett, Julie Greb, Melissa Stewart, Kerrie Standlee (not yet confirmed by City Council), and Paul van Orden (Noise Control Officer)

Minutes: Kathy Couch

Call to order 5:58 pm

Chair David Sweet clarifies that even though ODOT is first on the prepared agenda, there was already an understanding that PIR would come first on the agenda, to allow Kenton neighbors present to be able to attend their Neighborhood Board meeting occurring this same evening. ODOT's variance will be heard directly after PIR.

Request for Variance for Sportscar Vintage Racing Association

Dave Sweeney, representing Sportscar Vintage Racing Association says that SVRA is a new organization and will replace the Portland Historics. They are requesting a 115 dBA. A 3 year variance will allow for continuity in their ability to plan and allow for participation of vehicles of the highest caliber. SVRA is a promoter with the ability and assets to take the event, contribute to the community and make this the most significant event at PIR. The event at PIR is one of a number of nationwide events. Although he is disappointed EC Mueller (racetrack manager) couldn't attend the NRB, he is glad that he is at the Kenton Neighborhood Association meeting (being held the same night at this meeting) speaking with neighbors.

This event will have 3 race days, and will be configured like the other events the NRB is already familiar with, consisting of one practice session for each race group of a half – hour duration, 2 qualifying sessions also around 30 minutes, and 2 races of the same duration. The total amount of time per race group will be a little under 3 hours. The vast majority of cars will not hit 115 dBA, much like in the past. The only race group that will approach that level is the Trans Am race group. They will have the same procedures they have had before, including black flags (any car that deviates from the variance will be black flagged, told to fix the problem, and if they are unable to fix the problem, they will be told they can't compete). He has sent a letter to various community associations, requesting a call if there were any concerns, and didn't receive any calls. Also, he sent 2800 postcards to residences put together by the Noise Control Officer, to alert them to tonight's hearing.

SVRA President Tony Parella, who bought SVRA 2 years ago also testified. He says that since he bought the company, they have gone on a huge expansion to raise the prominence of vintage racing nationally. For this community, their plan is for kids under 12 to get in free. They are partnering with Museum of Speed to provide opportunities to visit the car paddock area, among other highlights. They plan to put on a concert on Saturday night with Mitch Ryder & the Detroit Wheels. Directly after the concert, they plan to offer a free fireworks show. There will be free admission for military base personnel. Jaguar will sponsor 7 cars and bring a variety of vintage Jaguars in, as well as offer a hospitality tent, and give car rides during the lunch break. He assures the Board that they will follow all of the conditions of the variance.

Questions from the Board

Melissa Stewart asks if the total amount of races, practices and qualifying races: 1 practice, 2 qualifying, 2 races all take place on each day and is told that this is over 3 days, not each day. In the Historics race there were different classes of race groups and this will be the same situation but there may be an "Enduro". There will be 7 race groups, similar to what we've seen in past.

Hours are 9 am to 5:30 pm. Music will be starting at 6:30 or 7:00, with the band playing for 90 minutes. Fireworks will directly after the band for 10 minutes. They will be placing the band behind the grandstand facing north, where there will be lesser noise impact.

Carol Gossett asks about notification. Mr. Sweeney says he emailed each community organization twice, along with the postcard mentioned earlier, bringing the total notifications to 3.

Paul van Orden says that any amplified music must meet residential standards as far as noise (55 dBA out in community) or a variance will be needed for that portion. Also, a variance for fireworks will be needed. Paul wants the board to keep in mind, as more events of this nature may occur.

The long-awaited noise community-placed noise meter is almost up and running. Currently the box is on the pole for the noise meter but there is no meter in place, due to the slow progress of getting an electrician to attach it to electrical source.

Paul shows a graphic of complaints to illustrate the need for a community noise meter. The graphic represents 50 complaints, mostly in Kenton, but one in St Johns, and one in Hayden Island. Once the meter is up and running we will have a better sense of how the trackside meter translates to the assumed level out in the surrounding neighborhood. David says that his understanding is that 103dBA at trackside recedes to 65dBA in the neighborhood and 115 dBA translates to 77dBA in the neighborhood. Paul supports this variance for 3 years. He feels that having this event at 115dBA protects the community better than longer duration events, even if their dBA is slightly lower, at 112 dBA. His reasoning is that since the duration is shorter, there is more chance for the community to get some respite.

Public Testimony

Angela Moos – Kenton Neighborhood Association.

The Neighborhood Association sent a letter to the Noise Review Board. They are taking their standard position as seeing 3 year variances limiting the voice of the neighbors as far as participation. She is anxious to hear EC tonight speak about noise meter and how it works in Kenton, and appreciates the board moving PIR to the top of the list so Kenton neighbors can attend both meetings. She would like to know how noise impacts get addressed if we find if it's too loud with a 3 year variance? She shares that Kenton is getting more desirable as a neighborhood, which means there is more development especially for higher- end housing. Ms. Moos feels that having a 3 year variance would not allow these new residents to have a voice. David asks Angela if the Kenton Neighborhood Association supports a 1 year variance for this event. Angela affirms that it does support a variance for a year.

Marty Knowles – Kenton resident

Mr. Knowles feels PIR is loud all of the time when running at 103 dBA. He worries that the Noise Review Board fails to take screen shots of the trackside monitor seriously. Paul explains that the trackside monitor doesn't necessarily reflect

the level in the neighborhood. This is why the neighborhood monitor will be so useful, so we can understand how the trackside monitor translates out into the neighborhood.

Maryhelen Kincaid – East Columbia Neighborhood Association

Ms. Kincaid shares the same concerns as Kenton. The East Columbia Neighborhood Association has always supported Kenton's suggestions and she supports Kenton's comments. She, on behalf of the East Columbia Neighborhood Association, supports a one year variance. She wants to know about monitoring and how it would be enforced. She wants to see that part more clearly defined.

Mr. Sweeney says that every time there is a car on the track it will be monitored by SVRA and PIR. The overwhelming amount of cars won't even come close to 103 dBA. They intend to be good stewards of the event. He reminds everyone that every variance they have received has the stipulation that every year it will be reviewed, subject to complaints by the community. This event seriously needs the ability to plan in the future so they can attract vehicles that have never been here before. He says, "Allow us to be a good steward of the event but give us the ability to plan for the future."

Julie Greb agrees with him on the ability to be able to plan in advance for events of this caliber, and she feels he is a one of the best stewards in terms of PIR. Chair Sweet appreciates Mr. Sweeney's conscientiousness and candor and feels that since this is a new event, and unfamiliar, we will have the community noise meter out for the first time and have the ability to ground truth what 115dBA trackside is out in the neighborhood. He would rather we not be stuck with something if we're taken by surprise by dBA levels. He is pleased that Kenton is supportive of a one year variance. He would suggest a 1 year variance this year and if everything goes well, then he would invite them back for a 3 year variance next year. Mr. Sweeney says that we already have the ability to modify next year when we come in for review. PIR variances are always subject to modification. Stability in planning is vital to future continuation in the event. Melissa Stewart agrees with Julie.

David suggests a 3 year variance with certain conditions for first year, and conditions in subsequent years to be established.

Mr. Sweeney suggests that they are brought back in September, before they have to have bids ready with race groups.

Angela would like schedule of qualifying and races so people can plan. She is told that typically, the races are from 1-1:30pm, but they are willing to work with the neighborhood for the preferred time. She feels it would be a good opportunity to work with Mr. Parella.

David suggests they keep an eye on both real time monitors during the race. While the raceway is measuring the individual cars, the neighborhood can be measuring the aggregate of the race. He restates his concern about the sound level of the entire race.

Julie Greb makes a motion to grant a variance for Sportscar Vintage Racing Association c/o Dave Sweeney for a race at PIR for a 3 year, multiyear variance to hold for one weekend of racing each year, beginning with July 9-12, 2015, and ending in 2017.

Measured dBA level is 115 dBA FAST at trackside. Any racing vehicles above this level will be black flagged, removed from the race and not allowed to return to the race until the cars have been adjusted to meet the dBA requirement. Representatives from SVRA and PIR will return to the Noise Review Board in late 2015 or early 2016 to review any readings and noise complaints and revise if need be.

David Sweet makes a friendly amendment that the 115 level be for this year, and based on measurements, levels will have to be determined for future use.

The applicant will notify the Noise Control office of any complaints related to the event, a mitigation plan will be formulated with the Noise Office.

Noise measurements will be monitored and recorded during the event. The sound level measurements will be supplied to the Noise Control Office within 2 weeks, 14 calendar days, following the event.

Melissa Stewart seconds the motion.

4 Aye

0 Opposed

Motion passes unanimously.

Oregon Department of Transportation

Wayne Statler – ODOT's Construction Project Manager

ODOT has 3 projects coming up for bid in 2015. They consist of 8 intersections on 82nd Ave (OR 213). The variance application for the project is to upgrade ADA ramps, put in new signals, some striping, and new signs. This is basically a signal upgrade, but anytime ODOT touches corners, they need to upgrade to ADA standards. Sandy Blvd is the northernmost intersection and Duke is southernmost intersection.

All of the work is bid in September, except Duke, bid in July. They are not anticipating starting work until January, after the holiday season. This is an extremely built up urban area, with very high vehicle and pedestrian traffic. Sandy is an intersection on 2 bus routes, with over 1000 pedestrians boarding and disembarking from buses every day. There's no room to work, because all of the land behind the sidewalk is developed. To do roadway construction work they need to take one of the traffic lanes. If they use a lane during the day the timeframe for closure is too narrow of a window during the daytime hours. The contractor will want to work at night and will need a 10 hour shift, because they have to put up traffic control, which gives 8 hours worth of work. Most of the equipment used will need to be at night. The first 2 on the list have the biggest noise impact. Concrete saws are very loud and high pitched. Jack hammering is very loud and intermittent. This will generally occur at the beginning of the night. 1st thing done is to remove the concrete and current ADA ramps. This tends to be between 8pm and 10pm. There are 8 intersections, each with 4 corners that need to be upgraded, for a total of 32 corners. ODOT will try to work on all 4 corners in the intersection in one evening if possible. After the concrete is cut and broken then a backhoe will be loading it out. This noise is not nearly as irritating as sawing and jackhammering. These noises are intermittent and unpredictable. That's just ADA ramps, but what they are actually there for are signal replacements. They need to pull the current signals out of the ground and some will have pretty deep holes. They need to be taken out with earth drills. The earth drill isn't louder than traffic noise, but when they pull the signal out of the hole they shake it, which makes a rattling noise. All other work is around the level of traffic noise. They can close the lane between 9am-3pm and will likely pour the concrete during the day. They can set up without closing the lane. They would rather do that in the day because it costs a lot of money to open a concrete plant at night. Can't jackhammer during the day because jackhammers need compressors, and with the density of the area, there is nowhere for the compressor to sit.

Carol Gossett asks if they will require staging areas closer to residential areas. She is told that the Contractor is responsible for staging areas. They usually will go to businesses and rent a parking lot. The NRB is concerned about unknown locations of staging areas that could be close to residential neighborhoods. They can be very disturbing. Mr. Statler then discusses sound mitigation in contracts, such as smart alarms. Carole Newvine, Noise Control from ODOT, clarifies that smart alarms are always written in the contract.

Board Questions

David Sweet asks for clarification as to the request for timing of work. He is told that lane closure will be needed, due to the need for the safety of traffic and pedestrians. ODOT has had at least 4 meetings on what to do about pedestrians to keep them safe. It's reiterated that on Sandy Blvd., there are over 1000 riders on buses getting off and on. The work can be done during the day, but closing the lanes would mean reduced traffic flow, along with reduced pedestrian access, safety and more inconvenience to people.

Carol asks if there is any other work being done besides sidewalks, ramps and signals, and is told there is not.

Julie Greb asks if they require muffled generators and Carole Newvine says they typically don't require it until a complaint comes in, and then they lower the boom and then require generators in a container which would reduce noise.

David Sweet's concern is the intersection at Sandy. It is a busy intersection, with a motel, retirement center and apartments, and the plan as written is for up to 24 nights. ODOT's response is that if it was just ADA ramps, they could give a good time estimate, but they will be drilling 4 big holes and they will not know what's under the soil until they begin. Drilling holes is the potential problem due to Missoula floodplain with random floating boulders. This makes any sort of predictability impossible. They are hoping it will be much less time, but wanted to build in time for circumstances beyond their control.

Kerrie Standlee asks if there is any chance of doing multiple corners at one time on any of the intersections. He is told that opposite corners at the intersections will occur at one time.

Outreach

Dee Hidalgo reports on neighborhood outreach efforts:

On Sandy Blvd, fact sheets, maps & graphics were distributed at an open house held on April 30. The project mailer and invitation were mailed a quarter mile out on April 18 to 903 households & businesses. The open house was held at the hotel located at the Sandy Blvd intersection, and 13 to 14 people attended.

Geotechnical drilling notification was sent out to all four corners of Sandy on 4-28, for work May 14. There is now an ODOT hosted website up now. A 24 hour noise hotline will be posted and available during the project. A preconstruction open house will be scheduled in July, after the contractor is selected, and then another postcard will be mailed out after the bid date. They did the same for 82nd and Duke. With regard to the hotline, at night they use an answering service and during the day it's a direct line. All materials and website will have the hotline and phone number for staff. Thus far, they have had 5 formal comments. 1 was for speeding and honking was another issue. Other comments didn't have anything to do with noise. They did not notify residents of tonight's hearing, as they only found out they needed to be at the hearing 2 weeks ago.

They will be mailing information on the hotline numbers to residences within a quarter mile radius and taking to the retirement community one on one before construction starts. The rest of the corridor will also get mailings.

Julie Greb moves to grant a variance to Oregon Department of Transportation, c/o Wayne Statler, for roadway construction, between September 1, 2015 and October 31, 2016. This variance shall extend to 3 separate projects encompassed within this variance, from SE Duke to NE Sandy Blvd on 82nd (OR 213)

All equipment used shall have sound control devices no less effective than those provided on the original equipment. No equipment shall have an unmuffled exhaust

All haul trucks will meet or exceed standards outlined in Chapter 34, Section 35 of the Oregon Administrative Rules, Oregon Department of Environmental Quality, April 1983

All equipment shall comply with pertinent equipment noise standards of the U.S. Environmental Protection Agency.

The contractor shall use "smart alarms" or a "spotter" instead of standard reverse signal alarms between 6:00 pm to 10:00 pm. A "guide person" or "spotter" shall be used for equipment backup between 10:00 pm and 7:00 am.

The contractor will be directed to install temporary or portable barriers around stationary construction noise sources should a specific noise impact complaint occur.

The contractor will have portable noise meters on the job during night work activities for noise level spot checks on specific operations.

The ODOT Project Manager shall ensure compliance with any and all noise variance conditions. The ODOT Manager will also ensure compliance with the noise abatement requirements and mediate any infractions of those requirements if they should occur. Complaints will be investigated to determine if there is a violation, and if so determined, the contractor will begin appropriate mitigation measures.

There will be a 24-hour telephone response line (Hot Line) available to the nearest receptors. The ODOT Project Manager shall investigate complaints, develop information, and secure data necessary to address complaints within 24 hours or before the next scheduled night work.

Varianced hours shall be limited to 6 days per week, with no work on Sundays. (Midnight Saturday to 7:00 am Monday).

No saw cutting, jackhammering or pavement grinding between 10:00 pm and 7:00 am the following day.

Applicant shall keep a log of complaints received. The Noise Control Officer is to receive a copy of the log weekly. The log shall include a response, and changes made in response to the complaint.

The Applicant shall mail a notice to all affected residents within a quarter mile of any intersections, informing them of numbers they could call within a month to 2 months prior to construction.

Carol Gossett seconds.

Discussion

Maryhelen Kinkaid wants to add a connection to neighborhood coalitions as a condition so they can disseminate information to neighbors. Southeast Uplift and Central Northeast Neighbors are the affected coalitions. Her other concern is language and the availability of translation services for non-native speakers.

The motion passes unanimously. 4 Aye – 0 opposed

Short break

Walsh Construction

Walsh Construction requests a variance for 5 extended work dates, with potential work hours between 5 am - 8 pm (This is the variance they were previewing at the January NRB meeting). They are requesting 2 amendments from the original variance application. They would like to amend the requested days to 4 days only. They figured out a way to pour one of the remaining 5 days during work hours. They bought a bucket and will tie up their tower crane all day long but it was worth it to move things along. They would also like to amend the dates from April 30 to May 15 due to uncontrollable circumstances. They are requesting a variance for 4 elevated concrete deck pours, each pour consisting of 700-800 yards. The deck thickness averages out at around 12 inch deck, with a thickness of approximately 9.5 inches on one end, 12 inches in middle and 24 inches on the other end. They plan to place & finish in a day. This makes it necessary to start earlier, in order to get service from suppliers, placing the concrete and allowing chemical factors to occur so is in a state to be finished. The goal is to try and have it finished before dark. The bulk of the noise (except trowel machines) will be the first 6 hours through normal working hours. (Unless it begins raining, which could extend the day beyond normal work hours, which would involve more components for the concrete to set and finish. Between 5 am- 7am, there will be

concrete pumping, set up, with diesel engines running starting at 5am, concrete trucks begin showing up at 5:15, 5:30. The concrete company has disabled back- up alarms and has provided a flagger. Also, someone might hear the concrete vibrators. All pours are 2 truck operations. When the pumping starts there is an alarm of short duration, as concrete comes out in four directions. It doesn't last very long, and is not able to be disabled.

Paul van Orden informs the board an appeal has been filed for both variances for last month. Since there was no quorum last month there were no NRB decisions and the dates were referred to Paul to process. He is unclear whether the appeals would encompass those dates only, or the entire variances that will be decided tonight.

Public testimony

Gwenn Seemel – Pearl District.

Ms. Seemel reads 2 letters opposed to variances from her neighbors, which are attached to the minutes.

Gwenn says there were alarms from concrete trucks before 7 am. She says that they have it on video but it doesn't matter because the Noise Control Officer doesn't care about that. She would also like the board to recognize how saturated the neighborhood is, when giving variations in the Pearl. She says that she is not trying to punish Walsh, but feels that the board can't imagine what it's like living in a neighborhood where there are 4 projects going on, with 3 previous sites and 2 more slated to begin. She tells the board that they just can't understand. She tells them If they are granting variances it's because they do not understand what it's like to live in that neighborhood when the ordinance already provides very generous hours.

David Sweet replies that she has heard why a pour might be needed beyond permitted hours and asks if she doubt that's true. She says that she has seen another project (Block 15) and they haven't had a single variance. She finds that it's surprising to her that all of these other crews need variances. She says that the (Julie Greb) construction expert wasn't here last month to give her expertise to whether or not variances were actually needed and she questions whether or not the city asks if it's really needed, especially if Block 15 doesn't feel it's necessary and says she's not an expert, but Block 15 is a big project and if they don't need variances, why does anybody else? David Sweet explains that it has to do with the size of the pour and a continuous pour takes longer. She then asks how Block 15 is doing it. David Sweet suggests that maybe they have smaller pours. She wants to know why Walsh can't divide their pours into smaller increments. Chuck Hemvard (Walsh Concrete Supervisor) responds and says that no one wants to do a gigantic pour, but in structural design, with plates in certain structures, it's what is required. With all the reinforcement, and the way it works within it, there's no way to break it into smaller increments. You get one shot, and it's what necessitates large pours. He speculates that perhaps Block 15 has a very conveniently located plate. Ms. Seemel says that if NRB were to discourage this kind of variance, maybe your architect would have done a better job of designing it so that it could be more like Block 15. If there was a concerted effort to say that you're not going to be able to start at 5 am whenever you want, people would make an effort, and there's not that happening. She says that she gets that their project is right in the middle right now and it's not like you can change it but until someone says that it's not going to work this way anymore, we're not going to get any change in my neighborhood.

Myself (this is the only name given)

When asked by board members for his name for public testimony, Ms. Seemel states he is worried about being harassed. He doesn't want to give his name. Melissa Stewart asked by whom is he going to be harassed and both Gwenn and Myself indicate they are afraid the Noise Review Board will harass him. David Sweet says he will grant him 3 minutes.

He asks how many people were annoyed by the noise he was making earlier and asked them to raise their hands if they were bothered. (He was referencing a noise heard in the hallway during ODOT's testimony, causing someone to get up to shut the door.) He asked what the NRB felt the dBA level was and indicates this is the type of noise he listens to everyday because of construction beginning at 7 am until 6 pm and Saturday. When it goes past that time period, all they care about is production and have no regard for neighbors.

David Vanadia – Pearl District

He supports the expression of Myself making noise. He says that just the noise in the hallway was very distracting. The door was open and people looked around and people immediately got up to shut the door so that the little bit of noise would not be distracting. He says that he thinks it was a poignant way to make a statement that we are dealing with this and living with this all the time. He feels it was a valid and applicable statement. He would like to know what the board votes on last month's variance. He says he is against the variance but is not going to kid himself and believe the variance won't be granted. He's says that he's been starting to ask for a compromise which would be that the variances in the Pearl District only be granted between Tuesdays and Fridays so that citizens that live in the neighborhood have more of an expectation about when noise will be happening. He reads though a list of all the variance instances used in 2015. He says that Walsh's last concrete pour was slated to begin at 5am, but when he got up and went out there, they were set up already. He reads variance dates that have a date range built in to accommodate weather conditions and says that the construction companies aren't sure which dates at this point, so he isn't sure. His point is that all the trucks from the different projects all drive under their window and past Ramona's building. Myself specifies the noise he was making earlier was the same volume as a concrete truck, as he used his noise meter. Mr. Vanadia says they are not here for construction noise during permitted hours, but feels that conditions for variances are not being followed. He tells Walsh they haven't notified anyone and said last month they said they weren't like the other companies. He then says that Walsh notified some people, so he would like to rephrase what he said. There was a notification that went out last month just before the noise meeting. This month he says they didn't notify anyone they were going to be here and didn't notify anyone about the actual pours. He states that notification is not working. He says has been telling the board this for many months. They are tired and he's sure the room can feel his frustration. He says that there is no enforcement or oversight. He says he is desperate. They are desperate people who have been dealing with constant noise worse than the noise heard for two seconds in the hall. He says that he deals with this constantly and not only that, all of the bureaucracy and the BS they have to deal with and people who are saying "this is not our responsibility, go over there. We're working on that. We've been working for 15 years. We have oversight. Reports say that everything's okay." He says they are constantly bombarded and constantly lied to and it's frustrating and when a person comes here and wants to express themselves in their own particular way that they are mocked. That's frustrating to him too because he feels more akin to somebody that's coming here because he's frustrated expressing himself and trying to make a point. So, to sum up and to finish, he wants to at least push all the activities between Tuesdays and Fridays. That way everyone knows during the week it's going to be noisy, but on Saturdays they can sleep until 7 and on Sundays they can have quiet time. And on Monday mornings when everyone is facing their crappy week, and so are the construction crews, they can at least start at 7am. Then as the week goes on, they will know it's going to be noisy. He states that David Sweet said last month that these buildings are going to be built and at least this way it will be reasonable. That all said, he'd rather they didn't get any variances.

Paul van Orden wants to make sure he goes on record, since there have been allegations regarding his work at the city, that he didn't mock anyone at the table and sat expressionless. Gwenn Seemel and David Vanadia concur that he did not engage in mocking.

Erik Holte from Walsh responds that he was there both days when they started early. He says they had one concrete truck that didn't have its back-up beepers disconnected. As soon as he heard it from his office, he says he went out to ask them to turn them off. He says that the assertion that they had many back up beepers is false because he was there. Paul van Orden interjects that if there is video showing back up beepers and it was more than one instance, that would be a problem, and video could be used to issue a citation.

Erik does say he has a very busy job but recalls hearing one back up beeper while he was in his office and ran outside to halt it immediately.

With regard to notification, he says that he notified Ms. Seemel directly of both concrete pours. She responds that he didn't notify her of the hearing tonight. He tells her that the notification he sent out last month mentioned this meeting tonight.

Mr. Vanadia says he understands that Mr. Holte is frustrated because they are watching, and watching for every mistake. He says that the reason for that is, they've been told that there are many moving parts so they're trying to find a solution and make them simpler and proposing Tuesday through Friday.

Julie Greb asks Walsh if that seems doable. Both representatives from Walsh affirm they could do this, as long as weather is taken into consideration. If it's predicted to rain Tuesday through Friday and not raining on a Monday, they are going to want to pour on a Monday.

Paul van Orden asks if they would be amenable to putting in a weather-dependant condition.

Maryhelen Kincaid

Ms Kincaid suggests that notification in advance of when there is a pour would clarify things for all. If you can clarify situations in variances then it makes it easier to deal with.

David Sweet moves to grant a variance to Walsh Construction for:

4 concrete pours to take place between February 12, 2015 and May 15, 2015 that may extend as early as 5:00 am start, and as late as 8 pm finish.

All concrete trucks will have their back up beepers turned off and use spotters instead.

Applicant will continue to maintain hotline for complaints.

Applicant shall keep a log of complaints received, with details of the complaint and how it was will be resolved. The complaint log will be provided to the Noise Control Officer.

Advance notice of pours to extent possible shall be given to residents of the Parker, Ramona, and an email to anyone who has requested them.

These pours, to the extent that weather permits, will take place Tuesday through Friday only, with the understanding that they can't be done in the rain. No pours will take place under any circumstance on Sundays.

Vanadia and Seemel interject to ask why it can't take place Tuesdays through Fridays, David responds that it's what he just suggested. Vanadia and Seemel both then tell him he said "unless it's raining". He agrees that he did say that. They then asked why the "unless it's raining" is included. Vanadia then asks what "advance notice to extent possible" means. David Sweet informs him he is not inviting his comment on his motion at this time. Vanadia replies that he is sorry but he is commenting on the motion. David Sweet asks for a second for the motion.

Carol Gossett seconds.

Friendly Amendment from Julie Greb: notification one week prior to work, with a 3 day window.

Vanadia asks Walsh if they would prefer the four days without advance notification, even with the weather, than having to notify and is told by Walsh that they would love to take a four day window, but a lot of times nobody can give it to them. Walsh tries to explain they do not want to pour on Mondays but if it's raining for 2 weeks and the only dry day is Monday, they are going to need to pour on a Monday. Seemel replies that it's about money and staying on time with the project. She restates that it's about money and not about livability. Both David Sweet and Erik Holte say that it's more about not stopping work, and about the construction crew working a 40 hour week when they expect to. Mr. Vanadia and Ms. Seemel feel that there is no compromise. They are reminded that Ramona was built with the same company with the same methods and it affected someone else. They say they do not want to hear that and that argument makes no sense. They say that their point is they are telling them now they cannot live like this.

Motion passes unanimously. 4- Aye 0- oppose

Ms. Seemel and Mr. Vanadia then ask what the conditions were that were just passed. Conditions are read and Mr. Vanadia states there is no compromise for Walsh.

Walsh is excused.

Ms. Seemel continues that she believes last month's 2 days that had already occurred that went back through Paul should be ratified. Mr. Vanadia says that Walsh got what they wanted, and has protections and Myself calls out to Walsh as they leave with a question of how long they've been in Oregon.

Anderson Construction

Next order of business is a variance for Andersen from last month. – David and Melissa heard request for extended hours for concrete pours and crane demobilizations between January 21 and May 31, 2015. The request was for 5 am – 9 pm for concrete pours and 6am – 9 pm for a crane demobilization in May. The request was for 4 concrete pours during January and February and up to 3 days for crane demobilization in May, with the hope that it won't actually take 3 days. The Noise Control Officer went ahead and wrote up the variance and since we took testimony last month, we made the decision not to ask Andersen to come back this month, but with a full quorum we would ratify this variance. David goes through conditions from last month in order to ratify now that quorum is present. Conditions as follows: 7 days between January 28 and May 31, 2015. Hours are 5am-9pm for 4 concrete pours and 6am – 9 pm for 3 days in May 2015 for demobilizing tower crane

No work allowed on Sundays

Applicant shall post a copy of the variance at the site for viewing by the public or a responding police officer. Minimum of 16 by 22 inches, with the permit reproduced in its actual size. The top shall say Noise Variance Permit in bold.

Notification of the variance shall be given to the front desk at The Sitka, Wyatt, Parker, Ramona, and Freedom Center Apartments, with a reminder 3-4 days before each pour and before crane demobilization occurs. Notice shall have contact person and phone number for construction noise issues.

From 6 pm – 9:30 pm, applicant shall use "smart alarms" for backup. After 9:30 pm and until 7am, backup alarms will be disconnected and spotters shall be used.

Applicant will utilize a direct connection to power whenever possible.

Complaint reports to NCO along with a complaint log and how the issue was resolved.

Variance will be reviewed upon receipt of complaints. NCO may modify the variance as needed.

David Sweet makes a motion to approve. Julie Greb asks for a friendly amendment for Tuesdays through Fridays only for the one remaining pour, weather permitting.

Julie Greb seconds

The motion passes unanimously. 4- Aye, 0 Oppose

David Sweet moves to approve minutes from December and January as written.

Melissa Stewart seconds.

Minutes approved unanimously.

4-Aye, 0 oppose

Ms. Seemel and Mr. Vanadia announce that they still want Walsh's 2 pours that went through the Noise Control Officer in January to be ratified by the Noise Review Board. David Sweet informs them that they weren't planning on ratifying those 2 days. Walsh's variance for the Noise Review Board was just heard tonight. Mr. Vanadia and Ms. Seemel say minutes are not accurate and want to know how the Noise Review Board is serving the citizens because from what they have seen, the Board is serving the construction companies and PIR, and they then ask if they get free tickets to PIR and/or kickbacks. They say that people don't show up to the Noise Review Board meetings because they know it won't do any good. David Sweet tells them he acknowledges the insinuations, which he considers very insulting, but will not respond to them.

Carol Gossett moves to adjourn, Julie Greb seconds.

Motion passes unanimously 4- Aye, 0 Oppose

Adjourn: 8:38

