

City of Sherwood
Special Committee Meeting Minutes
07/24/13
22560 SW Pine Street, Sherwood, Or 97140

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MEYER: Good evening, everyone. Today is July 24th. It is now approximately 6:35, and I'd like to call the meeting to order. Sylvia, would you like to take roll call?

MURPHY: Chair Meyer?

MEYER: Here.

MURPHY: Thank you. Rachel?

SCHOENING: Here.

MURPHY: Beth Cooke?

COOKE: Here

MURPHY: Doug Scott?

SCOTT: Here.

MURPHY: Nancy Bruton?

BRUTON: Here.

MURPHY: Larry O'Keefe?

O'KEEFE: Here.

MURPHY: Naomi Belov?

BELOV: Here.

MURPHY: Thank you.

MEYER: Before we get started this evening, we as a committee are going to take a few minutes to step into an executive session. I do not anticipate that it will take very long, so we would just as that you be patient with us as we meet with the city attorney for just a few minutes. And we will be right back.

MURPHY: Excuse me, Chair, and prior to the exec. session, I do need to read a script. The Sherwood Special Committee will meet in executive session for the purpose of discussing pursuant to ORS 192.660(2)(F), exempt public records. Representatives of the news media and designated staff shall be allowed to attend the executive session. All other members of the audience are asked to remain in the community room. Representatives of the news media are specifically directed not to report on any deliberations during the exec. session except to state the general subject of the session as previously announced. No decisions shall be made in the executive session. At the end of the session, the committee will return to open session.

MEYER: Thank you.

BREAK

MEYER: Thank you all very much for your patience. Now we will move on to approval of the minutes for the July 10th meeting. Has everyone had an opportunity to review the minutes? Are there any errors or omissions that you'd like to note?

BRUTON: I was not here.

MEYER: Okay. So I'd like to make a motion to accept - actually, I have one thing to say before that. The one thing that I did notice about the minutes, the exhibits were not included as an attachment to the minutes. So Sylvia and I talked about that briefly, and she has of course agreed to include that in the final minutes, but I would like to make a motion to accept the minutes as is.

O'KEEFE: I will second.

MEYER: Any discussion needed? All in favor?

O'KEEFE: Aye.

MEYER: Any opposed? Okay.

O'KEEFE: I'm sorry. Where's Doug.

MEYER: I don't know.

O'KEEFE: Do we need to wait for him?

61 **MEYER:** No. Okay. So now we will go ahead and move on to public comment, and
62 again, in this meeting, public comment will be limited to 40 minutes. Anyone
63 that would like to come and share - Did I say 40 minutes? All comments will
64 be limited to 4 minutes. Excuse me. So we will go ahead and open that up, and
65 you can feel free to just come on up. Sylvia?

66 **MURPHY:** Would you like the clock set?

67 **MEYER:** Yes, please.

68 **VOORHIES:** My name is Tim Voorhies ...

69 **MEYER:** Can you wait for just one second until the clock is set up. That's
70 the other thing. If committee members and the public could be so kind as to
71 please talk really clearly into the microphone. That's been a struggle of
72 recording the minutes. So it would be helpful to have everyone on the mike.
73 Okay. Go ahead. Thank you.

74 **VOORHIES:** My name is Tim Voorhies, owner of Steel Tek Industries, and I've
75 been part of the city process and stuff, and I'm pretty well disgusted with
76 the city process and stuff right now. Some things that I have seen the city
77 do and have been told by city staff makes this committee obsolete. Okay?
78 Before any city meeting, public speaking, or anything, all decisions are made
79 prior to any public hearing. These committees, public speaking, everything,
80 it's only to make the citizen feel good about themselves that they have a
81 part of the process. Okay? I was told this by a city official - worker. Then
82 they said, "If you don't like it, move your freaking shop out of Sherwood."
83 I'm still here. They're still here. Okay? Let's fast forward a little bit.
84 That happened March 29, 2010. I got involved in the hearing process at the
85 planning commission for the condo project. The planning commission did due
86 diligence. They did their job properly all the way through. But the city
87 council/urban board had already signed a contract with the developer for what
88 they're getting over there. They wasted my time, the planning commission's
89 time, everybody's time. They got what they want. Now I look over there, and
90 it isn't like anything that we'd drawn. So I'm sitting here wondering, are
91 you people going to be thrown under the bus. Okay, let's move on to the rules
92 and regulations that you want to put up to keep Wal-Mart from coming in.
93 Let's say you do win and Wal-Mart doesn't come in, we're stuck. The citizens
94 of Sherwood are stuck with all of the rules that you are doing to try to keep
95 Wal-Mart from not coming in. Is that fair to the rest of us? Where were you
96 when Jim Clos brought up the fact that Wal-Mart was coming in four/five years
97 ago. Everybody said, "Oh, no. That isn't going to happen." I heard - I do
98 work for developers and people - I knew it was coming in four years ago.
99 Everybody said I was crazy. "It'll never happen in our town. Our city
100 officials won't let it happen." Guess what? I think it's all about the
101 almighty dollar. Let's keep the permit fees coming in, the TIF fees coming
102 in. We have to do something to keep our PERS going. This is just my personal
103 look on it, and I'm pretty sure I'm correct on it. It's all about the
104 almighty dollar. They need it to keep this city afloat. Wal-Mart. So that's
105 all I got to say.

106 **MEYER:** Thank you.

107 **BELOV:** Are we allowed to ask questions?

108 **MEYER:** No.

109 **O'KEEFE:** Thank you.

110 **MEYER:** I will say though, Naomi, that if we are asked any questions, we will
111 do our very best to answer your questions toward the latter part of the
112 meeting in our closing comments, but we will not be engaging in a
113 question/answer period during public comments. Anyone else is welcome to come
114 up. Okay. We will go ahead and move on to new business.

115 **O'KEEFE:** Did you need approval for the minutes for the other..

116 **MEYER:** We don't have the other minutes available quite yet. So, Chad, would
117 you like to just touch really briefly on number 5?

118 **JACOBS:** Sure. So as you know, you have a meeting scheduled for tomorrow
119 evening, and Heather Martin from our office will be here to walk you guys
120 through some of the legal issues related to these employee benefit ordinances
121 that you've discussed in the past. I believe you've already gotten a draft of

122 the sick-leave ordinance for your review that you'll also be discussing
123 tomorrow night. In addition, tomorrow morning I believe, Heather is going to
124 send to the city and then they will distribute to you an attorney-client
125 privilege memorandum outlining some of the legal issues that she will be
126 discussing with you tomorrow night. So you'll have that in advance of the
127 meeting to be able to review so you can come prepared.

128 **MEYER:** Okay. Thank you. Did anyone want to talk about that at all this
129 evening? Okay. Let's go ahead and then move on to the review and discussion
130 of first-draft ordinance language. What I'd like to do is go ahead and start
131 with the Hazardous Substances Regulations, First Draft. And for anyone that's
132 visiting, if you haven't seen, there are some materials located on the table
133 there as you walked in to use as reference. So because we did receive these
134 in advance, I'm hoping that we can engage in a discussion on any points of
135 concern or anything we feel like we'd like to address at this point.

136 **SCHOENING:** Chad are you able to - since this is an amendment, I understand
137 somewhat, are you able to tell us what is changed?

138 **JACOBS:** So these are amendments to the code, but all of language in here is
139 brand new. So this will be an entirely new section to the code as will the
140 other two draft ordinances.

141 **SCHOENING:** Did you notice anything that we were asking for in this ordinance
142 that was super glaringly different than what we're already doing or is it a
143 lot different than what we're already doing?

144 **JACOBS:** Than what the City of Sherwood is already doing?

145 **SCHOENING:** Yes. The code that is existing.

146 **JACOBS:** Yes. This would be a brand new provision of the code that doesn't
147 currently exist.

148 **SCHOENING:** It doesn't exist. Okay.

149 **JACOBS:** No. And this is based, if you recall on your previous conversations,
150 this is based on the ordinance from the City of Eugene. And it's very similar
151 language, almost identical language, to that ordinance.

152 **MEYER:** Anyone else have any other comments? If no one else does, I had a
153 couple of comments I'd like for us to consider. On page 4, under Violations,
154 the last sentence: "If the violation continues, the city may deem each
155 calendar day that passes to be a separate violation." I just want to make
156 sure that everyone is okay with that. I feel like that's necessary in this
157 instance. The only thing that I would like to add if possible is, "Any
158 violation of this section shall also constitute a public nuisance and may be
159 abated as provided by law." And I'm wondering if anyone has any thoughts on
160 that or concerns, including you, Chad.

161 **SCHOENING:** Does that - we're trying to keep things decriminalized. Am I
162 right? Does that change that?

163 **JACOBS:** Actually, with this ordinance, it's a little different from the
164 other ordinances. This ordinance actually makes a violation of the ordinance
165 a class A violation which is a criminal violation within the City of
166 Sherwood. The nuisance would be an additional civil remedy as opposed to a
167 criminal remedy.

168 **SCOTT:** On the question around section J there that you read, the part that
169 already exists is that each additional day may be a separate violation. In
170 some scenarios, the ability to clean up, let's say, a spill in one day may
171 not be realistic. So maybe it's a three-day effort, and having that be three
172 different violations, is that reasonable in a situation like that or not? I'm
173 asking the question and not arguing the point.

174 **PESSEMIER:** Well, I think that's why the word "may" is used there and not
175 "shall." This is one of those cases where obviously you can't tailor make
176 everything for every situation, and if BP comes in and has a big oil spill,
177 we maybe want the "shall" line which would (indecipherable) something else.
178 There will obviously be something that goes into that decision making process
179 also if it ever gets - well, and it would get to the court system that also
180 give the presiding officer some flexibility in how they're going to interpret
181 that as well.

182 **SCOTT:** So in enforcement then, the city, whoever's responsible, working for
183 the city of designee of the city, then would make a determination of - Okay,
184 this is multiday event. They should have reacted quicker, and they didn't,
185 and we're going to assess an additional penalty, or okay, they're doing the
186 best they can. It's reasonable. This is to be treated as one event and then
187 they can follow on through the court system, like you said, after that.

188 **JACOBS:** And as the ordinance is written, it's my understanding, and I was
189 the one who actually drafted this, but it's my understanding from reading
190 through the ordinance is that the way the process works is the city manager
191 will actually issue an order ordering the clean up. And within that order,
192 the city manager has the ability to say, "You have X number of days to clean
193 up whatever this spill is," whatever the mess is. And then you wouldn't be in
194 violation as long as you were cleaning it up during that time period. The
195 other thing I would just - to loop back to the nuisance question because I
196 think this all sort of relates is that if you look at the ordinance itself,
197 if you look on page 3 under subsection (c), City Manager Authority, there is
198 a process in there where the city manager can independently contract for
199 removal of the hazardous substances and then seek to recover the costs. And
200 that's sort of the exact same procedure that you would follow through a
201 nuisance abatement procedure, so I'm not sure that - you could certainly add
202 that language as another tool in the city's tool box of how to deal with
203 these situations, but I'm not sure that it's really adding anything
204 additional to the ordinance.

205 **BELOV:** I have one question. Does the city manager have the support of the
206 mayor and council or is the sole authority up to the city manager to follow
207 through with researching these violations?

208 **JACOBS:** Is your question: Does the city manager have to get the approval of
209 the city council before moving forward?

210 **BELOV:** I guess so. How would the manager work with the mayor and the council
211 to decide on how to act.

212 **JACOBS:** This ordinance gives the city manager authority to do it on his or
213 her own and would not need to get approval of the city council before moving
214 forward. Typically, the way most cities work is that the city manager in his
215 or her administrative duties keeps the council informed of what he or she is
216 doing, and I think - I mean, my presumption that an issue this large would be
217 brought to the attention of the city council and the city manager. And
218 certainly, the city manager serves at the pleasure of the city council and
219 the mayor, and to that extent, if they didn't like the way the manager was
220 dealing with something, they could bring that to his or her attention.

221 **COOKE:** And would the fines be determined during the rule-making process?

222 **JACOBS:** The amount of the fine?

223 **COOKE:** Mmhm.

224 **JACOBS:** The amount of the fine is actually set forth in city hall currently.
225 If you look, it's a class A violation under...

226 **COOKE:** So it's in our current code? The actual amount - the determined fine?
227 Okay.

228 **JACOBS:** Yeah. I anticipated this would be a question, so I actually brought
229 that section of the code. And a class A violation is a \$1,000 fine.

230 **COOKE:** Thank you.

231 **MEYER:** Are there any additional comments regarding this proposed language?
232 With that in mind, I would like to make a motion that we accept the language
233 as is to be presented to city council for review.

234 **SCOTT:** Second.

235 **MEYER:** At this point, do I need to ask if we need to have additional
236 discussion, Sylvia?

237 **MURPHY:** You can.

238 **MEYER:** Okay. I'm going to open up to floor for any additional discussion.

239 **BELOV:** I have a question: So is it \$1,000 max, their fine? Or could they
240 have multiple fines?

241 **JACOBS:** That goes back to the language about each day as a separate
242 violation.

243 **BRUTON:** I would like to actually wait until tomorrow for this motion because
244 I have a call into Clean Water Services for some more information, and I
245 would like to at least have that scope of knowledge before I make a decision,
246 but that's my personal preference.

247 **SCHOENING:** I'm sorry. I think we should vote now.

248 **MEYER:** Well, I did make a motion, and it was seconded. So I think unless we
249 would like to further discuss, I'm going to go ahead and take a vote. All in
250 favor?

251 **SCHOENING:** Aye.

252 **BELOV:** Aye.

253 **O'KEEFE:** Aye.

254 **COOKE:** Aye.

255 **MEYER:** All opposed?

256 **BRUTON:** Nay.

257 **SCOTT:** No.

258 **MURPHY:** If I may, Chair, the record needs to indicate that Doug Scott and
259 Nancy Bruton voted against the ordinance. The record will indicate that this
260 draft language is Exhibit C. So that is for record. It is Exhibit C,
261 Hazardous Substance Regulations, First Draft.

262 **MEYER:** Thank you. Okay. Let's move on to the regulation of Camping
263 Ordinance, First Draft, please. And again, I'd like to just follow the same
264 general discussion if we can and just open the floor for any comments or
265 concerns regarding this draft language.

266 **JACOBS:** Chair Meyer, if I may. As you'll see in this draft, we've
267 highlighted, and it's probably a little more difficult to see in the black
268 and white, but we did highlight for you some areas where it wasn't clear to
269 our office that you had, as a body, reached a decision about those discussion
270 points. So to a certain extent, I would encourage you at least to make sure
271 you review each of those and make sure you are comfortable with that language
272 because we were making some presumptions when we were drafting that
273 ordinance.

274 **MEYER:** Thank you. I would agree. So based on that comment, let's start with
275 A) Area open to the public. What are folks thoughts?

276 **O'KEEFE:** Does this include city parks? I didn't see parks in there, but it
277 said any public space. I'm assuming that's a park.

278 **JACOBS:** No, so, as defined, this is really just related to private property.
279 There is already an ordinance in place related to city parks.

280 **O'KEEFE:** Okay. Thanks.

281 **MEYER:** I would like to have a little bit of discussion if possible about
282 including churches in this ordinance, and I'm not sure how folks feel about
283 that.

284 **SCHOENING:** Do you mean not including them?

285 **MEYER:** I do mean not including them. We had a little bit of discussion about
286 this. There wasn't a lot of focus on whether or not we felt like church
287 property should be included in this ordinance. So I'd like feedback.

288 **SCOTT:** So I would not agree with that, and the reason I would not is because
289 I feel like it's pretty comprehensive right now, and I feel like there's a
290 real strong variance policy, variance application policy, as we get further
291 in the document that would allow for any conceivable need, for a church or a
292 school for example with the upcoming Relay for Life. There's an easy process
293 for them to follow to get a variance, and we can discuss the specifics of the
294 variance, but I don't really feel the need to carve them out and give them a
295 carte blanche exemption because they have a really easy method to get the
296 variance that they may need for a specific use case.

297 **MEYER:** Okay.

298 **SCHOENING:** I would like to say I did have a lot of concerns about this one.
299 I'm going to say that about every ordinance. But I agree with Doug. I was
300 concerned that we were targeting specific businesses by writing this
301 ordinance, and seeing as how the variance - it's very easy to get a variance.
302 If you have a legitimate reason to be camping in a public area, you can get
303 permission to do that, and it's not hard to do. So with that being said, I

304 would ask that we also pay attention to page 2, section B, 9.54.050
305 variances, number 1) An emergency situation. It was really important to me
306 that that be included because I do believe that those exist, and I brought
307 that up when this ordinance came up.

308 **MEYER:** I agree.

309 **SCHOENING:** I would hope that we wouldn't remove that. I had discussions
310 today regarding long-haul truckers, whatever, broken down vehicles, families,
311 people who might need a place to stay, and I certainly don't want to be seen
312 as a city that boots people out who are in need or are having an emergency.
313 Neither would I like to cause an emergency to happen because we didn't allow
314 someone to stay. I did have some questions about who determines what an
315 emergency situation is? So for example, if I were the owner of said parking
316 lot, and there was someone there that I felt I needed to question about how
317 long they were going to be there. I thought maybe they were camping, and I
318 went to them as the owner of the parking lot and said, "What are you doing
319 here?" Am I allowed to say, "It's okay for you stay. I see this is an
320 emergency." Who has the power to do that? I wasn't clear.

321 **JACOBS:** So a couple things. Before we get to that point, I would just point
322 out that as drafted, the language talks about granting permission during an
323 emergency if there's an application for a variance. So the broken-down
324 trucker situation wouldn't necessarily apply because that trucker probably
325 would not have applied for a variance. We can certainly delete that language,
326 and it may make a certain amount of sense to, and that's something for you
327 all to discuss and consider. But the way the process works as drafted for an
328 emergency in either situation, whatever you decide on that first question,
329 would be that you have to have the permission of the property owner as one of
330 the three criteria. Then it would be up to the city manager or the police
331 chief to decide whether or not in fact an emergency exists in order to make
332 that decision to be able to camp in violation of the ordinance.

333 **SCOTT:** Could we add at that point, "or designee," so that a designee of the
334 city manager or police chief...?

335 **FEMALE:** It pretty much there, I think.

336 **SCOTT:** Does it? I don't see it under B there.

337 **JACOBS:** No. Right now it just says chief of police or city manager.

338 **O'KEEFE:** Enforcement and Responsibility and Authority.

339 **SCOTT:** Because it's in a later part of the document, but not at that section
340 or earlier.

341 **SCHOENING:** Okay. So I need to take back my last comment. I would hope that
342 we can allow for an emergency without an application for a variance being
343 pending.

344 **O'KEEFE:** I would agree, and I was just going to say something when you were
345 talking about the same thing. "An emergency situation exists that
346 necessitates the immediate need to camp in an area open to the public." I
347 think the best person to identify if that's an emergency or not would be the
348 police officer in question. Is that not right? So I would be perfectly
349 comfortable leaving that determination up to the Sherwood Police Department,
350 and if we could word that somehow. What do you guys think about that?

351 **SCOTT:** Well, I think that is what is covered in subsection B here. So
352 subsection A talks about how you apply for an ordinance in advance, and
353 subsection B talks about the emergency variance which doesn't require an
354 application.

355 **SCHOENING:** No. It says an application for a variance is pending, and so I'm
356 asking that we remove that language. The application for a variance being
357 pending, third line.

358 **SCOTT:** Ah, yes. I would agree then. Yeah.

359 **MEYER:** So at what point do you propose that we strike, Rachel?

360 **SCHOENING:** "Notwithstanding any other provision of this chapter, the chief
361 of police," I would say - or a police officer, I would suggest. "Or the city
362 manager may permit a person to camp in an open area to the public," provided
363 that an emergency situation exists. That's what I would suggest.

364 **SCOTT:** A striking starting at "during" all the way through "pending."

365 SCHOENING: Yes.
366 O'KEEFE: Do you need a motion to strike that?
367 MEYER: Not at this point. Let's continue the conversation. I mean, we can...
368 O'KEEFE: Just to add to that, I would think that the officer's perfectly
369 capable of determining whether it's unreasonably detrimental to the public
370 welfare, and if the guy parked there, or girl, entity parked there creates a
371 public nuisance or whatever.
372 MEYER: So perhaps say the chief of police or their designee would be
373 sufficient.
374 O'KEEFE: Well, chief of police, city manager, or designee.
375 MEYER: Is that - yeah. Okay.
376 SCOTT: I thought we were working our way through. If we're bouncing around,
377 I've got several other (indecipherable).
378 MEYER: Yeah. Let's maybe go back to page one. Actually, under "Purpose," I
379 made a couple of notes to perhaps - under "Some of the adverse impacts caused
380 by such activities," to perhaps even include fire hazards,
381 deterioration/unsightliness, and property damage.
382 JACOBS: Could you repeat that? I'm sorry.
383 MEYER: Yeah. Fire hazards, deterioration/unsightliness, and property damage.
384 SCHOENING: Are we really going to make a law against unsightliness? I mean,
385 are we going to propose a law against unsightliness. I have some issues with
386 that one.
387 O'KEEFE: That's a pretty general term.
388 MEYER: That's why we're discussing.
389 SCOTT: I think the fire hazard and property damage makes sense to me.
390 MEYER: Okay.
391 O'KEEFE: Agreed.
392 SCHOENING: I would just ask that we not include unsightliness.
393 BELOV: Could you define unsightliness. What are you thinking?
394 MEYER: Well, and that's where with deterioration - that was a tough -
395 unsightliness is - I'm fine with deterioration as the adjective.
396 SCOTT: I guess I'd ask you to define that then.
397 MEYER: Okay. Well, I think that deterioration in this ordinance would refer
398 to anything that could impose property damage or potentially impose property
399 damage, so trash, graffiti...
400 BELOV: I think you have a good point though. Unsightliness because it lowers
401 the property values of the properties surrounding whatever is unsightly. So
402 that does make sense to me.
403 SCHOENING: But what is unsightly to you might not be unsightly to me.
404 SCOTT: It becomes very subjective.
405 SCHOENING: It's general.
406 MEYER: Yeah, that's fair. You're right. I would agree. How do you feel about
407 deterioration?
408 SCHOENING: I guess I don't understand what you're saying about deterioration
409 is not already covered. Littering, public urination, public defecation,
410 intoxication, theft of water and electricity...
411 SCOTT: Vandalism.
412 SCHOENING: Are you looking - yeah, vandalism is there. "Harassment or
413 intimidation of occupants, employees, and their customers." I lease a
414 building that does business, and I couldn't find anything in here that
415 wouldn't be covered by what already happens in front of my building.
416 MEYER: Okay.
417 SCHOENING: I guess is my point. I really don't want to open it up to
418 generalization.
419 MEYER: That's fair.
420 JACOBS: If I can just interject. This is, again, just the "Purposes"
421 section. So you're talking about the reason why you're imposing this
422 prohibition. You're trying to achieve a result that doesn't result in these
423 things.
424 MEYER: Correct.

425 **JACOBS:** So it's not that you're going to prohibit unsightliness. You're just
426 trying to have this camping ordinance in place so that you don't end up with
427 unsightliness.

428 **SCHOENING:** That helped.

429 **SCOTT:** I would agree, as I said before, we should have fire hazard and
430 property damage. Well, I think we already got property damage, we have
431 vandalism. So I'd just add fire hazard and move on. Personally.

432 **MEYER:** Do you have something to add?

433 **COOKE:** I think vandalism is considered graffiti and spray paint and garbage
434 issues and those kinds of things that are...

435 **SCOTT:** Intentional versus unintentional property damage.

436 **COOKE:** Right. But property damage could be a larger scope.

437 **SCOTT:** Sure.

438 **COOKE:** That's my concern.

439 **MEYER:** And I'm absolutely comfortable with that if everyone else is. Okay.
440 Good?

441 **JACOBS:** So what was the decision?

442 **MEYER:** Well, it sounds like informally...

443 **O'KEEFE:** Adding two words.

444 **MEYER:** ...adding fire hazards and property damage.
445 Now let's move on to item A, Area open to the public. How do we feel about
446 that as defined?

447 **SCOTT:** I have no objections.

448 **O'KEEFE:** I'm comfortable with that. Vacant or uninhabited lots, parcels of
449 land. I think that covers everything that I was interested in. That covers a
450 large scope.

451 **MEYER:** I would agree. So I think we're comfortable with A, Chad. Actually,
452 the only other thing I was thinking that if we were going to be outlining
453 buildings, we have called out office buildings. Should we include industrial
454 buildings as well?

455 **O'KEEFE:** Does the public have access to those industrial buildings?

456 **MEYER:** To the parking areas, yes. Potentially. I mean, if we are defining an
457 area open to the public as listed here, and that that parking area is open to
458 the public, then an industrial site would be applicable in this instance, I
459 would think.

460 **SCHOENING:** I have no objection to it.

461 **O'KEEFE:** Yeah, I think it already says commons areas such as parking lots
462 and picnic areas. Do you need to add industrial areas, Chad?

463 **JACOBS:** You can. This is a list that's says, "included but not limited to."
464 And so a court will look at these examples - if something's not expressly
465 listed, the court will look at these examples to see if the property that
466 you're attempting to apply it to is similar in nature to those listed. So
467 certainly, since you're having this discussion, I don't think there's any
468 problem with adding the term, "industrial."

469 **MEYER:** Okay. I'd like to do that if everyone is comfortable with that. And
470 at this point, we're not taking a vote, so I would ask that everyone please
471 just take notes and then after we get through the draft ordinance language,
472 we can go through any modifications that have been made and vote at that
473 point when we're done with this.

474 **PESSEMIER:** So the other option would be to actually - you're going to have
475 more meetings, so basically make the changes and come back to you with
476 (indecipherable).

477 **SCOTT:** Yeah, I'm not comfortable voting on anything without seeing the
478 final...

479 **PESSEMIER:** Because you already have about four or five changes, and you
480 might want to - so that would be the other option.

481 **MEYER:** That's great. Okay. Under letter B. We did actually talk about hours
482 at one of our last meetings, so I think that this makes sense to discuss.
483 Rachel, I know you're ready.

484 **SCHOENING:** I would propose that we not say hours. I think "camp or camping
485 shall meet a period of time wherein an individual uses and area open to the

486 public as temporary quarters for the purposes of living, sleeping, or
487 residing" is perfectly fine. I just don't think it's necessary for the four
488 hours, and I see a potential for some very interesting policing that I think
489 doesn't need to happen.

490 **SCOTT:** Yeah, and that's the position I think I took at the last meeting, and
491 I think you convinced me to have the four hours. So I think it's funny that
492 we switched places a little bit.

493 **MEYER:** And that's why we have the discussions.

494 **SCOTT:** Skipping ahead slightly, I'd like to remove the word "overnight,"
495 second to the last word because to me it doesn't matter when this occurs. If
496 the apparent purpose is occupancy, I don't care if it's 2:00 in the morning
497 or 2:00 in the afternoon.

498 **BRUTON:** Can you guys remind me. Did you have a discussion about safety
499 because I know that when someone is sleeplessness or high anxiety, they're
500 encouraged to pull over and park and rest, and I could see this being
501 misconstrued.

502 **SCHOENING:** That's the emergency stipulation on page 2.

503 **BRUTON:** So are you supposed to contact the police chief if you're needing to
504 rest?

505 **SCHOENING:** No. You're just supposed to do it.

506 **MEYER:** No. I think the point of - or not the point, but the opportunity that
507 a police officer would have in this regard would be to approach and question.
508 And if it was an issue of safety, and in this case, I would consider that an
509 emergency, the police would then have the opportunity to say, "Take a nap."

510 **BRUTON:** Yeah, and again, it was clarification that had been discussed?

511 **SCHOENING:** Yeah.

512 **SCOTT:** Yes, it was.

513 **MEYER:** Yes.

514 **JACOBS:** I would say that if you look at ordinances across the country, most
515 of them have some sort of time-related issue whether it's overnight, whether
516 it's between midnight and 6:00 a.m., or whether it's a duration of time such
517 as this, such as four hours, you have something I think to address Nancy's
518 concern. If someone is waiting for their spouse who is shopping, and they
519 decide to take a little catnap in the car while they're waiting for their
520 spouse to come out, you don't necessarily want to criminalize that behavior.
521 So I think there is some reasoning across the country when you look at these
522 ordinances. They do some sort of time period on there to demonstrate that
523 this really is camping and not some other sort of activity.

524 **MEYER:** Okay.

525 **SCHOENING:** So I would propose that we remove "four consecutive hours" and
526 keep "overnight."

527 **SCOTT:** So then we're essentially allowing camping the rest of the time?

528 **MEYER:** Day camping.

529 **SCHOENING:** I think we're leaving camping open to interpretation at that
530 point.

531 **O'KEEFE:** You said remove "four consecutive hours," and keep "overnight?"

532 **SCHOENING:** Mhm.

533 **SCOTT:** Then we have to define what overnight means, obviously, in that
534 scenario.

535 **O'KEEFE:** Yeah, I'm okay - I was going to suggest removing the "four
536 consecutive hours" and replacing "overnight" with extended occupancy.

537 **SCOTT:** That seems too vague to me.

538 **O'KEEFE:** It does. That's why I didn't say it out loud.

539 **SCHOENING:** So I guess I'm not clear on something, Chad, because I know we
540 skipped ahead when we talked about emergency, but part of the reason I did
541 that was because I think that helps us define what camp or camping is. So
542 what you just said, wouldn't that apply under the emergency variance?

543 **JACOBS:** So the way the ordinance works is first you decide whether or not
544 the ordinance applies in the first place. If the ordinance does apply in the
545 first place because someone is "camping" or "camping," then you would say
546 does an emergency exist wherein the police chief, the city manager, or

547 his/her designee can give someone the ability to go ahead and camp
548 notwithstanding the ordinance?

549 **SCHOENING:** Okay. I see. Okay.

550 **SCOTT:** So I guess I'd still be in favor of removing "overnight" and maybe
551 changing four hours to two if there is a concern about people bending this
552 rule or stretching it as far as they can. I don't know.

553 **COOKE:** I guess I'm more concerned - I would like to keep the overnight
554 because I think that's when it comes to being a public safety issue. It's
555 much more of a concern than if you have people how are in the parking lot
556 during that day. It's less of an issue for me from a public safety standpoint
557 than having people potentially overnight in our parking lots.

558 **BELOV:** I would agree. Can we just keep it as is? Is that something we can
559 vote on or...

560 **MEYER:** So what I'm hearing is that there's at least a little bit of concern
561 about placing a time limit. Although I'm not hearing a big concern about the
562 overnight issue. Am I - go ahead.

563 **COOKE:** So my only concern is deleting the "four consecutive hours" is
564 consistency. I think it's important that if someone is being told, "Okay, you
565 can't camp here," - if someone's only been there for two - if they say, "Oh,
566 I've only been here for two hours," or "I've been here..." - so I think from a
567 legal perspective, it is better to have a period where the police can check
568 on them and potentially go back and say, "Okay, you've been here for four
569 hours. You're now meeting the criteria, so we need to have you move."

570 **SCHOENING:** I hear what you're saying, but wouldn't that be covered under
571 trespassing anyway? If I have the parking lot, and I ask someone to leave or
572 I think they're not there for valid reasons, could I not ask them to leave
573 regardless of how long? Are we allowing them a four-hour pass by saying this?

574 **SCOTT:** Yeah. And that's where the overnight kind of loses its heat then.
575 Sorry.

576 **JACOBS:** There's two separate issues. When we're talking about private
577 property, you always have to have the permission of the owner, the person who
578 is in the control of the property, the leasee, to be there. And if you don't
579 have their permission to be there, and they ask you to leave, and you fail to
580 leave, then that can be trespassing.

581 **SCHOENING:** Right. Regardless of they have this four hours? Thank you.

582 **JACOBS:** Regardless of whether it's four hour. Regardless of whether it's ten
583 minutes. Regardless of whether they're sleeping, awake, dancing the jig. It
584 doesn't matter what they're doing. The issue here is that if someone doesn't
585 enforce that because you've got a big retail center parking lot or you've got
586 some other sort of area where the person in control of the property isn't
587 paying attention. It's a vacant lot, and the person who owns the property
588 lives across the country. Then the question becomes okay, well there's no one
589 there who legally can say, "This person is trespassing on my land. I want
590 them off." What do you do as a police officer do? And this ordinance would
591 then give the police officer the ability to tell someone they've got to
592 leave, and they can't camp as long as they meet the definition of camping. So
593 you need to decide what that definition should be.

594 **SCOTT:** So as written, someone could pull in at 1:00 a.m. and camp until 5:00
595 and drive out, and they haven't violated the ordinance. So back to Beth's
596 concern about the public safety during the middle of the night, we're not
597 addressing that issue at all the way it's written.

598 **SCHOENING:** So I'm going to ask: What is that person hurting? I guess I'm
599 not clear on what are we trying to prevent? Are we trying to prevent a
600 homeless camp in the middle of a very large parking lot or are we trying to
601 prevent someone from pulling in for four hours and sleeping and then leaving?
602 Because what you suggest does not seem to be a public safety issue to me. I
603 guess that's where I'm coming from. What are we trying to address?

604 **SCOTT:** I'm asking the same question you are. What are we trying to get at?

605 **SCHOENING:** What are we trying to address with the ordinance because I feel
606 like four hours doesn't make any sense.

607 O'KEEFE: I would say - for me, I think four hours is a reasonable time for
608 somebody to come in an park in the middle of the night. And it allows for the
609 person who is tired, driving their RV or their truck, they can come in and
610 park there, but they have a limit. They can't park there for eight hours or
611 ten hours, and it doesn't matter what time of the day it is. To me, I think
612 this whole wording here is perfectly appropriate for, in my opinion, of what
613 I was hoping to address.

614 MEYER: I would tend to agree, Larry. And I think the reason I would agree is
615 because further into the ordinance language, there are again opportunities
616 for variance applications, and as Chad mentioned and as even Beth mentioned,
617 there is the opportunity for police to check in and offer some assurances
618 that folks are not setting up camps.

619 SCOTT: So to be clear, the goal that I'm hearing is that we're trying to
620 prevent setting up extended camping, but we're not trying to address a safety
621 issue in the middle of the night?

622 MEYER: No, that's not...

623 SCOTT: Because this wouldn't address that as written.

624 COOKE: If there's a way that we can make sure that we're applying it
625 consistently so that we can give the police the mechanism to say, "Okay, now
626 it's time to move on" if it is the middle of the night. Does that mean that
627 the parking lot is just closed? Again, to me it would be important to have a
628 barrier set in the statute so that it's clear and concise and very
629 consistently applied.

630 JACOBS: So, again, if it's the middle of the night, and the parking lot's
631 closed, and people aren't allowed to be on there because the owner, the
632 leasee, has closed that parking lot, then the person would be trespassing in
633 the first place. So really it has to be a situation where someone has either
634 consented to someone being there or they're just not - they're open at that
635 point in time, so the area is open to the public, and people can be there,
636 and the person hasn't asked that individual to leave yet.

637 SCOTT: Right. But in the middle of the night, and the police cruises by, how
638 do they know if somebody sitting there has gotten permission or not or
639 whether the owner of the property has closed the property or not.

640 JACOBS: Well, generally, a private property owner, if they were going to try
641 to close it, would put up some sort of signage to say this parking lot is
642 closed at whatever hour that the building itself closes.

643 SCOTT: So absent that...

644 JACOBS: Absent that.

645 SCOTT: The four-hour rule applies...

646 JACOBS: If it's open to the public, yeah.

647 SCOTT: ...and someone rolls in at 1:00 and stays until 5:00, you'd have no...

648 JACOBS: And I guess I would say - to address what you're trying to achieve,
649 that's the purpose of the section that we were talking about. So you're
650 trying to draft a law that achieves fixing the problems that you've
651 identified in the first section, 010. And whether or not allowing someone to
652 sleep in a car or an RV for four hours or in a sleeping bag for four hours in
653 the middle of the night hinders your ability to achieve those purposes is a
654 policy discussion for you guys to have. But when you talk about what's the
655 purpose, what are you trying to do here, you want to go back to that section,
656 and say this is what we're trying to do and then how do we do that?

657 SCOTT: Okay. I'm just trying to get at Beth's concern about the safety in
658 the middle of the night, and this doesn't seem to address it. So I guess I'll
659 defer to her though.

660 COOKE: Again, my concern would be being able to provide an opportunity to
661 apply it consistently so it doesn't put us into a position of having it
662 appear inconsistent to the public. Does that make sense?

663 JACOBS: I guess what I would say is that the application of the law and
664 having some sort of time period, whether it's a four-hour time period or
665 saying overnight and saying from 1:00 a.m. to 5:30 a.m. or whatever hours you
666 want to choose, it makes it a lot easier for the police to enforce the law
667 than having no time period. Because no period, I think, is going to result in

668 an inconsistent application because I look at someone closing their eyes -
669 are they sleeping? Are they just blocking their eyes from the sun? It's going
670 to be much more difficult I think for the police to enforce that law than one
671 that has some pretty clear standards.

672 **SCOTT:** So I think what you just said actually gives us the answer that
673 meets, I think, your concern and theirs is that instead of saying four
674 consecutive hours and overnight, we just say between the hours of X and Y,
675 you can't camp.

676 **COOKE:** So I do - I'm thinking of Nancy's concern, though, of that person who
677 desperately needs to close their eyes...

678 **SCOTT:** There's a variance for that.

679 **COOKE:** Okay. Well, again, looking for consistency to make sure that we - the
680 immediate thing that comes to my mind is drunk drivers. So the fact is
681 somebody who pulls over for an hour, two hours, it may be a public safety
682 issue there as well, so you have to balance that. But I do think that there's
683 a difference between that and someone who is camping.

684 **MEYER:** Right.

685 **COOKE:** And then needing our police force to be pulled off from other areas
686 where they need to be patrolling in the middle of the night into parking
687 lots. Again, the four hours - it makes sense to me to have a time limit.

688 **SCOTT:** Okay. It just seems inconsistent with your other concern about the
689 public safety in the middle of the night when nobody's around. So I'm just
690 trying to help justify that, but I guess it's your point, so I'll let it go.

691 **MEYER:** I'm not hearing that there is the mention of striking one or either
692 of those things.

693 **SCOTT:** Right. So if you leave it as is, someone can camp for four hours in
694 the middle of the night. It's allowed under the ordinance. And your earlier
695 concern about that happening, being a public safety issue because nobody's
696 there, would not be mitigated by this as written. I don't know why I'm so
697 strongly trying to argue for a point that you're feeling strongly about, but
698 it seems inconsistent to me.

699 **COOKE:** They would need to have the permission from the property owner as
700 well in order to camp at all.

701 **MEYER:** Which is already outlined.

702 **SCOTT:** Okay. Whatever.

703 **COOKE:** So in cases where a property owner is giving permission for people to
704 camp overnight, this would limit them to no more than four hours.

705 **SCOTT:** Sure. But, again, I go back to the police. How would they have any
706 idea of whether there's been permission granted or not unless there's signs
707 posted like we talked about. So whatever. I'll leave it as is.

708 **MEYER:** Let's maybe table this for a little while, and let's move on. I mean
709 not table it...

710 **SCOTT:** I'm fine with it as written if that's what everyone wants. So I'd
711 rather move on and not table it and disagree.

712 **MEYER:** So Larry, are you sticking to your guns here that you're comfortable
713 with the language as written. I want to make sure that...

714 **O'KEEFE:** I'm comfortable with the language as written because it provides
715 not only during the day but during the night. If the store is closed, the
716 parking lot is closed. So it's kind of...

717 **SCOTT:** Not for 3 hours and 59 minutes it's not.

718 **MEYER:** So would you feel more comfortable limiting that to a two-hour
719 period? I can live with two hours.

720 **SCOTT:** I don't care. I'm not...

721 **COOKE:** I could go with two hours. I can be comfortable.

722 **MEYER:** Rachel?

723 **SCHOENING:** I didn't like four. I'm not going to like two. I am paying
724 attention. I'm curious. I'm hearing two different things, and I'm sorry that
725 we're spending so much time on this, but I think it's important. I'm hearing
726 two different things. One, I'm hearing about an open or closed parking lot
727 which is not addressed in this, and two, I'm hearing about four hours. So can
728 I ask why can we not just say, "When the parking lot is closed," "When the

729 business is not open," or can we stop talking about whether it's open or
730 closed. Those are two entirely different things. I'm sorry, Beth.

731 **MEYER:** So in the first section under "Area open to the public," it addresses
732 all outdoor areas on private property within the City of Sherwood. So I think
733 that addresses - and then it outlines all of these possibilities. So I think
734 that that -

735 **SCHOENING:** I just am hearing people on the committee talking about whether
736 the business or the parking lot is opened or closed. That shouldn't factor
737 into what we're talking about if it's not in the ordinance.

738 **MEYER:** Right. Because we've already identified..

739 **SCHOENING:** Because if a business is closed, and they're not supposed to be
740 there, they're trespassing. That's already addressed somewhere else, right?

741 **BRUTON:** And I was going to ask - Tom, is it possible to get a copy of the
742 trespassing ordinance or that's in writing for that?

743 **PESSEMIER:** Certainly. We could make it available to you tomorrow but
744 probably not this evening.

745 **SCOTT:** Right. And just to follow up, Larry, on one thing you said. Just to
746 be clear, as written, this would not address daytime camping. Camping during
747 the day would be perfectly allowable as written.

748 **O'KEEFE:** Well, no, it wouldn't. It would have a four-hour limit.

749 **SCOTT:** No because it says overnight.

750 **COOKE:** Currently.

751 **SCOTT:** As written.

752 **O'KEEFE:** The very first sentence, it says, "A period of time in excess of
753 four consecutive hours wherein an individual uses an area," blah, blah, blah.

754 **SCOTT:** Right. But then as you read through the rest of it, it says, "For the
755 apparent purpose of overnight occupancy."

756 **O'KEEFE:** Yeah. It says, "May include but not be limited to." Are you guys
757 not happy with that?

758 **SCOTT:** I just want to make clear that I don't this explicitly says daytime
759 camping is prohibited. So if that's your intention, I don't think we're
760 accomplishing that. That's all I'm saying.

761 **O'KEEFE:** I was under the impression that when we started drafting this, we
762 were trying to limit the amount - we didn't want a whole fleet of motor homes
763 or truckers or anything anytime of the day..

764 **MURPHY:** Excuse me. That is not acceptable to approach the committee with
765 notes. I'm sorry. I did the first one, Ms. Belov. From here forward, it is
766 not acceptable. Thank you.

767 **MEYER:** Thank you. Go ahead, Larry.

768 **O'KEEFE:** Lost my train of thought. Give me a second. I thought we originally
769 drafted this for what I just said to prevent a fleet of motor homes or
770 campers or whatever anytime during the day or night, and that's why I thought
771 we came up with the four-hour..

772 **SCOTT:** And that's why I suggested striking overnight when we start.

773 **O'KEEFE:** Yeah, if they're shopping - I mean who needs to shop more than four
774 hours.

775 **JACOBS:** So as drafted, the language applies day or night, and the overnight
776 is just an example. Again, just like we had talked about in the previous
777 ordinances. It's an example of what camping can include. So it doesn't
778 necessarily mean that it's only overnight. If you look at the first sentence
779 which defines what camping is, and it's not limited by overnight.

780 **SCOTT:** Then I would, again, say we should strike "overnight" just to make
781 that abundantly clear. If that's our intention is to limit it to four
782 consecutive hours, 24 hours a day, we should strike that word.

783 **BELOV:** I wouldn't agree with that. The petitions said - one of the main
784 concerns of the residents was that overnight camping - well, that was their
785 main concern. So we really need to focus on that and be sure that we mention
786 that in the ordinance.

787 **SCOTT:** I think if we struck the word, we're actually making the ordinance
788 more applicable rather than less - or the example more applicable rather than
789 - that's all. I'm just trying to promote clarity.

790 **SCHOENING:** I think it's important that we discuss these entirely. I do. I
791 think that they can be applied pretty liberally. And I understand that it's
792 somewhat frustrating, and I get that, but I also think that if we don't have
793 this discussion, we're not going to be comfortable with what we're trying to
794 put in front of the council. And I for one am not spending hours of my time
795 here to not feel comfortable with what I'm putting in front of the council.
796 **FEMALE:** Thank you.

797 **MEYER:** Well, with that said, I actually would like to add some language to
798 this. Not to make this more complicated, but after the last word, "overnight
799 occupancy," I would like to add, "or storage." I would also like to add such
800 activities - so in the middle of this paragraph, include - add cooking or
801 open fires and the storing of personal belongings which I don't know if we
802 need to define or if that can be loosely defined. Is that there in there.

803 **SCHOENING:** I feel like that should've been added to "Purpose." I think when
804 we originally talked about this, we stated that camping would also include
805 cooking and storing of personal belongings.

806 **MEYER:** So I do feel like that was not included, and I'd like to see that
807 added to the language.

808 **COOKE:** So would that be covered under living - for the purposes of living,
809 sleeping, or residing? Are those inherently presumed to be..

810 **JACOBS:** So let me back up, everyone, and sort of just start from the
811 beginning because I feel like a lot of people are sort of talking past each
812 other. So what you want to do first is focus on the very first sentence
813 because that defines what camping is. So camping is "a period of time in
814 excess of four consecutive hours wherein an individual uses an area open to
815 the public as temporary quarters for the purposes of living, sleeping, or
816 residing." So anything that meets that definition would be camp or camping.
817 Then to provide further clarification, the next sentence provides examples of
818 things that could be camping which would include "sleeping or making
819 preparations to sleep including the laying down of bedding for the purposes
820 of sleeping and the parking of any motor vehicle including motor home,
821 recreational vehicle, or trailer for the apparent purposes of overnight
822 camping." So we can add as many examples, we can take away examples, we can
823 change the examples - whatever you feel would help provide clarity to the
824 public to understand what the law is and to the police to be able to enforce
825 the law would make sense to add to these examples. But regardless of what
826 examples we include in here, if it meets that first sentence, it's going to
827 be deemed camping.

828 **MEYER:** It does.

829 **COOKE:** I guess, given that, I could be comfortable striking in excess of
830 four consecutive hours because the "living, sleeping, or residing," - I
831 think giving the police the opportunity to say, "Okay, it's apparent that
832 you're meaning to stay."

833 **BRUTON:** I actually agree. I mean, when four hours is in the context of that,
834 that could apply to someone throwing down a blanket and taking a nap in the
835 park. It's not limited to automobiles and businesses.

836 **MEYER:** Well, as Chad mentioned earlier, the park is not included here
837 because it's included in another area of our code. So that's why that's not
838 being addressed here. So let's focus on sentence one. Let's maybe break this
839 down and maybe just start with the first sentence. "Camp or camping shall
840 mean a period of time in excess of four consecutive hours where an individual
841 uses an area open to the public as temporary quarters for the purposes of
842 living, sleeping, or residing." I would like to there add, "for the purpose
843 of living, sleeping, residing, storing personal belongings, or cooking."

844 **SCOTT:** I agree with cooking.

845 **JACOBS:** So I would say that that would fit within the definition of living,
846 so you would want to use that as an example in the next sentence if you want
847 to add that.

848 **COOKE:** So do we want to keep "within four executive hours" or do we want to
849 strike?

850 **BELOV:** I'd like to keep it.

851 **JACOBS:** So, again, just to try to help you with this conversation and move
852 it along, if you just strike it and leave it, that means anytime anyone
853 sleeps in an area open to the public, it would be deemed camping whether it's
854 five minutes or ten minutes, whether they're waiting for their spouse while
855 they're shopping, whatever the case might be. Which is why you see that these
856 laws have some sort of time period. Whether it's an hourly time period such
857 as is or whether it something such as saying, "during these specific hours"
858 it constitutes camping. So it's usually like overnight hours when they're
859 trying to address overnight camping. So I would encourage you to focus on one
860 of those two options as opposed to just saying any sleeping or any sort of
861 residing or living in an open area is camping because then, as Nancy said, it
862 might not be a public park, it might be an industrial business park that's
863 got a picnic area, and someone lays down a blanket at naptime - or at
864 lunchtime to take a nap, and they've violated the ordinance.

865 **MEYER:** I'm comfortable with the language as is.

866 **O'KEEFE:** I am too. Yeah.

867 **MEYER:** Okay. Nancy? Doug?

868 **BRUTON:** I personally feel that four hours is a little bit limiting, but I
869 also feel like, by putting this ordinance into place, it's almost like giving
870 permission to people to come for whatever hours that we deem is okay. So I
871 think that it's kind of a double-edged sword.

872 **MEYER:** Beth?

873 **COOKE:** I'm comfortable with it with that idea of keeping it being consistent
874 so that you're not going to have multiple nights. You're not going to have
875 someone parked for 10 hours while a business is closed.

876 **MEYER:** Rachel?

877 **SCHOENING:** I'm not comfortable. I don't think it's long enough. But I think
878 that we should either vote to leave it in or not, but I think we need to move
879 past it. I don't think we're going to - I'm not going to reach a consensus on
880 this with four hours.

881 **MEYER:** Okay. So for the sake of moving forward, are we comfortable leaving
882 it in until Chad has an opportunity to redline the document for re-review at
883 this point so that we can move past this topic. I mean, we're not voting on
884 this tonight.

885 **O'KEEFE:** I would be comfortable leaving it as is. I notice a lot of people
886 in the audience, and I'm hoping that maybe some of them will step forward
887 tomorrow night and give us their input on if this is important for us. And we
888 asked at the beginning whether there was public comment, and one person came
889 forward. Maybe tomorrow night or maybe later tonight you can open it up for
890 additional comments. But I would like, and I'm sorry if I'm getting a little
891 off track, but I would like to see public comments on each of these areas as
892 we bring them up.

893 **SCHOENING:** I just want to add we asked for public comments at the beginning
894 of the meeting..

895 **MEYER:** Okay, okay, okay...all right.

896 **BELOV:** Many of the people weren't here.

897 **SCHOENING:** Okay. I'm sorry.

898 **MEYER:** For the sake of moving forward at this point. What I'd like to
899 propose to the committee is that we move forward with our discussion. Toward
900 the latter part of the evening, we are able to reopen for public comment. I'm
901 not promising that we will open for public comment, and I'm not saying that
902 we won't open for public comment. That will be committee - we can agree as a
903 committee to open or not open for public comment.

904 **SCOTT:** And I would like to make a suggestion that in future agendas, when we
905 get to the point where we're going to vote that we specify specifically per
906 night which items we're voting on and that we have a separate public comment,
907 and I think I suggested this in the very first meeting, that we have a
908 separate public comment for each ordinance that we're voting on that night.

909 **MEYER:** That we can consider, but we are not necessarily voting on any
910 particular night, so it would be difficult to define that in the agenda.

911 **BRUTON:** Well, and if I may add, I echo that sentiment, and I would hope that
912 we could do breakouts and have public comment, as Larry said, individually
913 per category so that people can be prepared to discuss specific topics.
914 **PESSEMIER:** So one suggestion would be to actually consider - you have a
915 meeting on Thursday, August 1st. We'll be actually not voting on any of these
916 items until that day so that people do have a chance to take a look at all of
917 the revisions as they get made and come forward and you're not doing this as
918 you go along. I think there will be multiple opportunities on your schedule.
919 We still have a number of other meetings that would allow people to have more
920 time to read the ordinances and listen to your conversations and then provide
921 you feedback before you actually make decisions. That can all happen very
922 quickly if you guys work through the language, and you're comfortable with
923 where things are going, and moving on.
924 **SCOTT:** My only concern with that is it does not allow us time to - we get
925 their feedback, but we have to vote that night, then it doesn't allow us any
926 time to incorporate that feedback (indecipherable).
927 **PESSEMIER:** Right. And I understand that, but it's got to come to a stop at
928 some point. So you still have a meeting Monday, July 29th as scheduled where
929 this language is going to be coming back to you to take a look to see that
930 the changes you guys have recommended are made, and you would still have an
931 opportunity to make minor tweaks in between Monday and Thursday before that
932 language came back. So you have the potential to actually see this two more
933 times before you actually got to that point to make that decision
934 (indecipherable).
935 **SCOTT:** I like that idea. Thank you.
936 **COOKE:** I'd like to go back to the four consecutive hours or not including -
937 I think it's important we at least - in order to give Chad as much
938 information as he needs to decide that time because we can only come back so
939 many times. And so I think it's something that we should be able to either
940 agree or not agree, to do. So can we work on - that's my concern.
941 **BELOV:** It would also save the town a lot of money, I think, by not having to
942 have the attorneys review and re-review. And if we can just move forward and
943 proceed efficiently. That would be great.
944 **JACOBS:** Well, one thing I could do if you want is I could leave the four
945 hours in, and I could put in a time frame, an overnight time frame, and just
946 have those in brackets. And then you could take public comment on that at the
947 next meeting and choose between those two if you have a consensus about what
948 those two would be as opposed to trying to reach one consensus tonight.
949 **O'KEEFE:** I'd be agreeable to that. That sounds great if we narrow it down to
950 two choices.
951 **MEYER:** That sounds good. Thank you, Chad.
952 **PESSEMIER:** I don't know if there are other issues on here, but there were a
953 couple things that I caught that I just wanted you guys to think about
954 considering. First off, as we're going through this...
955 **SCOTT:** Are you still talking about just page one?
956 **FEMALE:** Yep.
957 **PESSEMIER:** I'm talking about the whole ordinance.
958 **SCOTT:** We haven't even moved to page 2 yet. All right. So I'll reserve my
959 comments to the end then.
960 **MEYER:** All right. So now that we have provided Chad a little bit of
961 direction on a couple of modifications to page 1, let's look at page 2.
962 **BRUTON:** If I may, you mentioned that we were going to be discussing churches
963 within the scope of the areas open to the public.
964 **SCHOENING:** It's there.
965 **MEYER:** It is there.
966 **BRUTON:** Did you want to discuss it?
967 **MEYER:** Do you want to discuss it?
968 **BRUTON:** You had asked if we were going to.
969 **MEYER:** Yeah. We discussed that there is the opportunity for a variance, so I
970 feel comfortable with that. On the regulation of camping, any comments on how
971 this is defined?

972 **SCHOENING:** Tom, did you have something about this?
973 **PESSEMIER:** Well, I think that we just might want to make sure that when we
974 say, "any area open to the public" that we either capitalized that or
975 something so it's clear that we're talking about section A and that
976 definition that's put together there. That would be my only comment.
977 **COOKE:** And when we discussed this previously, I believe we discussed having
978 it be commercial areas this particular ordinance would be concerned with. Is
979 that still a feeling of the committee?
980 **MEYER:** Well, and that's why I raised the question because as written, it
981 identifies any area open to the public, although - and with that said, the
982 area open to the public is already defined on page 1. So I feel like that's
983 well addressed, and I feel like we've come to some general agreement on what
984 an area open to the public is. Are you comfortable with that?
985 **SCOTT:** Yeah. I think Tom's point referencing back to page 1 is perfect.
986 **PESSEMIER:** Yeah. The other question I kind of had in that it somewhat
987 relates to this section is that when we began this conversation, we noted
988 that the Elks currently had something. I'm concerned - well, I'm not
989 concerned, but as I look through here, I wouldn't see how they would be able
990 to continue without getting a class B variance, and then what would be the
991 emergency in that situation. So that was something you guys talked about. I'm
992 not sure if this is an appropriate section, but...
993 **SCHOENING:** Are they not designated an RV park, Tom? Because it specifically
994 says designated RV parks are okay. I thought after that discussion, we
995 decided they were already designated an RV park.
996 **MEYER:** That was my understanding.
997 **O'KEEFE:** That was my understanding was that they were grandfathered in.
998 **SCHOENING:** Is that not true?
999 **PESSEMIER:** Well, I guess what's the definition of an RV park? Usually, an
1000 RV park is something that has land use approval for that. I think they're
1001 using that as an RV area which could be potentially considered as an RV park.
1002 But I think if you looked at the definition under our code section for land
1003 use of what an RV park is, it would not meet that definition.
1004 **SCOTT:** So I guess I would like to just ask then the attorney to take this
1005 back - I think we were all in agreement last time. we wanted to make sure
1006 that that use was continued. So is there some way you can take that back and
1007 make sure that in the next draft, that's written up?
1008 **SCHOENING:** The Elks.
1009 **JACOBS:** Yeah. We can try to find out exactly what the Elks is designated as
1010 and ensure that the exception that's drafted would - that their property
1011 would fall within that exception. I would say that whatever exception we
1012 write has to be applied across the board. So we can't focus on the Elks
1013 property, but we have to focus on anyone else who meets that same definition.
1014 **MEYER:** Yes. And so I don't know that we would want to apply a variance to
1015 land necessarily or a location specifically for the sheer fact that the Elks
1016 may not stay there indefinitely. So I would be really leery about including a
1017 land or property designation there just for fear of what replacement might
1018 come to be.
1019 **O'KEEFE:** As I stated in our last meeting, I talked to an Elk member,
1020 unofficially - so the thing that I'm about to say is unofficial, and it's to
1021 the best of my knowledge, and maybe perhaps, Chad, you can verify this, but
1022 it's my understanding that the Elks are grandfathered in, and as long as they
1023 don't expand their RV park or change it or provide additional services to it,
1024 they will be grandfathered in. If they decide to make their RV park a fully -
1025 right now people can park there for such an amount a period of time, but
1026 they're not fully self-contained - or they are fully self-contained. They
1027 can't dump their RV sewage and stuff. They don't have facilities for that,
1028 and they wouldn't be able to do that unless they expanded that park. And if
1029 they did that, then they'd have to go through the zoning laws. Is that
1030 correct?
1031 **PESSEMIER:** Well, I'm certainly not going to make a determination, but I
1032 think what you're talking about is a land use, where they are in their land-

1033 use process which is completely different than what you're trying to do here
1034 with your camping ordinance. So this certainly could be something that would
1035 be different and create things for them, but I think there's a lot of
1036 different ways to get there. I just wanted to point that out that I didn't
1037 see anything in here that addressed your guys' question in regards to that.

1038 **SCHOENING:** They're not addressed under the class B variance?
1039 **PESSEMIER:** Well, they could be, but they would have to apply for a class B
1040 variance, and then they would have to demonstrate that there's an emergency.
1041 **SCHOENING:** It doesn't say, "emergency" for a class B variance. I thought you
1042 could just apply for a class B variance regardless of emergency.
1043 **JACOBS:** You're correct. You can. The emergency is a separate exemption. So
1044 really there's three exemptions: A class A variance, a class B variance, and
1045 an emergency exemption.
1046 **SCHOENING:** So my notes for the Elks were that A says, "any person." Could we
1047 change that to organization? Any person or organization may apply for -
1048 which would cover Relay for Life because under this Relay for Life would be...

1049 **SCOTT:** It could be covered under class A.
1050 **SCHOENING:** It says, "person" though. So what I'm trying to suggest is that
1051 we change that to person and/or organization. That way Relay for Life can
1052 apply for a variance for all of the people who are camping so that each
1053 individual person is not applying for a variance. And also the Elks would be
1054 able to apply for a class B variance as an organization. It seems like that
1055 is logical, but I don't know if that something that can be done.
1056 **JACOBS:** The reason it was written this way is because the prohibition
1057 applies to "a person," so it was permitting a person, but certainly, you
1058 could permit an organization or an entity to apply for the variance on behalf
1059 of a group of people, and I don't see any problem with that.
1060 **SCHOENING:** Does anyone have a problem with changing, "any person may apply
1061 for..."
1062 **SCOTT:** I think that makes sense. My concern would be then if you opened it
1063 up, a class B variance, then it would open it up for other organizations to
1064 come along and say, "You granted a class B variance to this other
1065 organization," to set up essentially a permanent camp and now we wouldn't be
1066 able to tell the next organization no quite as easily, and I think that's
1067 something that the public probably doesn't want to see expand. And Chad, I
1068 guess, can jump in here.
1069 **JACOBS:** I think it makes sense for us to be able to go back and try to
1070 figure out exactly what the Elks is. It sounds, based on Larry's description,
1071 if it's correct, that it was a preexisting use that was in existence at the
1072 time the zoning laws changed, the land use laws changed, so they were
1073 grandfathered in. And generally, under the land use laws, if you had this
1074 preexisting use, as long as you don't expand it or as long as you don't cease
1075 that use for a certain period of time, you're permitted to continue to use
1076 that property in that same manner. So it may be, to take care of the Elks,
1077 all we have to do is expand basically what we're talking about being
1078 designated, which is basically being designated as a land use code, as a camp
1079 ground or an RV park or any other property that is permitted to be used in
1080 that manner by the land use laws. And that way, they would be covered without
1081 having to worry about the...

1082 **MEYER:** All of the specifics.
1083 **JACOBS:** Yeah, and I think the variance process is really not meant for a
1084 permanent-type of process, and that is something that is going to be covered
1085 by the land use procedures. And since this is not a land use law, we're not
1086 getting into the aspects of trying to follow the zoning code and amending the
1087 zoning code and those sorts of things that you would really need to do in
1088 order to have some sort of permanent campground.
1089 **SCHOENING:** So, again, can we change "any person may apply for..." to any
1090 person or organization?
1091 **SCOTT:** I would agree with that, but I would not use that as a pathway to
1092 accommodate the Elks. I would say what we did in the first time we talked

1093 about this is let's have the attorney go away and figure out how to fit them
1094 into the language and then get back to us.

1095 **SCHOENING:** So separate from the Elks, can we change that?

1096 **SCOTT:** Yes.

1097 **SCHOENING:** Because at this point, there are organizations in town that are
1098 doing this that would be affected that we don't intend this law for.

1099 **SCOTT:** I would agree with that.

1100 **O'KEEFE:** Absolutely, Rachel. And you brought a point that I was thinking
1101 about like - well, offhand, I would say there are all sorts of organizations
1102 that run the Christmas tree lots. They park their RV on there for security. I
1103 would think - I don't know where that falls in there in, Chad, but I would
1104 think that's an organization that could get a variance easily without - are
1105 we talking about a cost to them? There's not like a cost involved, right?

1106 **MEYER:** No. That's not outlined here. And you're right, Larry. Based on the
1107 way this is written, submitting a variance application is not intended to be
1108 a difficult procedure. So someone like a Christmas tree - Rotary, Christmas
1109 tree lot owners, all of those kinds of organizations...

1110 **O'KEEFE:** So I'm comfortable with Rachel's suggestion that - person or
1111 organization because that would cover the whole Christmas tree lot down
1112 there.

1113 **MEYER:** Any other comments on that? Are we comfortable with "organization,"
1114 generally speaking. Okay. Great. Chad, would you please include that in the
1115 revision. All right, let's move on to - Tom, did you have anything else to
1116 add there? No? Okay.

1117 **JACOBS:** So before you move on, is the time period for the variances and
1118 giving two weeks to the city manager and over two weeks to the council, is
1119 that - it was my understanding that that was sort of an open issue for you as
1120 well.

1121 **MEYER:** I don't think that it was that I recall. Did anyone have any issue
1122 with that?

1123 **SCOTT:** I originally thought maybe two weeks was a little too long for the
1124 class A ordinance, but I don't think this something that the city manager is
1125 going to abuse. So if the council wants to leave it at 14 days, I'm happy
1126 with that. I was thinking maybe one week instead of two weeks, but that's
1127 splitting hairs.

1128 **BRUTON:** I'm personally thinking from my experience as an organization with
1129 the Sherwood Chamber of Commerce and how we have had need to have RVs parked
1130 out when we put on Cruisin' Sherwood, and usually, the notification that we
1131 get from those who would be using them is very short term, and I'm talking
1132 24-48 hours. This seems long to me to be giving notification. It also
1133 includes church parking in some situations. I'm also trying to think a little
1134 bit outside the box here. I feel like there may be other, I guess, examples
1135 like the Christmas tree sales lots, possibly Magness Tree Farm that may allow
1136 overnight parking that we're not thinking of.

1137 **MEYER:** Well, in that regard, Nancy, I would think that as a chamber
1138 representative, you would have the opportunity at this point to provide ample
1139 notice to organizations that you're involved with.

1140 **BELOV:** I would agree with that. And maybe post it on the website or
1141 (indecipherable).

1142 **MEYER:** or a newsletter even.

1143 **SCOTT:** And I think in the case of Cruisin', if Cruisin' as an organization
1144 applied for a variance for a group of people then you don't necessarily need
1145 a full head count at the time you apply. So you have the variance for a
1146 certain area or a group or the event in general, and then 10 people are
1147 camping or 20 people are camping is really irrelevant. Right?

1148 **BRUTON:** I agree. I also feel like it's putting it in a city manager's hand
1149 and a police chief's hand as to what constitutes and appropriate amount of
1150 camping for a special exemption.

1151 **SCHOENING:** Yes, it does.

1152 **MEYER:** It does do that. My understanding is that that's what we have been
1153 discussing working toward.

1154 O'KEEFE: Can I make a suggestion?
1155 MEYER: Sure.
1156 O'KEEFE: It's 10 minutes after 8:00. I think we were talking about an
1157 abbreviated meeting tonight. I know that there's a lot of people that would
1158 probably like to comment. Maybe we can take a five minute break, open it up
1159 for comments, maybe break then down to - I know we already talked about the
1160 hazardous materials..
1161 SCOTT: We already voted to pass that.
1162 O'KEEFE: We already voted to pass that, but people may want to say something
1163 about it anyway. But I would like to get their input on at least this one
1164 that we're going through now, so that they can make their comments and get
1165 out of here.
1166 SCOTT: My only comment about that is that pretty much guarantees that we're
1167 not going to get to the third item tonight. And that's okay if that's what
1168 we're okay with as a group. I also think that we might get better quality
1169 comments if the people who want to comment have time to go home and read
1170 through this and come back tomorrow and comment. And maybe that's not
1171 possible for everyone, but rather than take comments tonight and then take
1172 them again tomorrow from potentially the same people that have had more time
1173 to digest, it might be better served to use our time to focus tonight on our
1174 comment, let them hear us, and then come back tomorrow having heard us,
1175 having read through the documentation, and then provide comment then.
1176 BELOV: Looking out at the audience though, there's a lot of moms with young
1177 children, and it's really hard to get away. So I'd say while they're here,
1178 let's take time to hear their comments and anybody else that wants to even if
1179 it has to be maybe two minutes instead of four.
1180 SCHOENING: I agree with Naomi. If we are going to take comments today, we
1181 need to take comments from the people that are here now because assuming they
1182 can come back tomorrow is a little bit of a push.
1183 O'KEEFE: I'd like to get them from the most people - yeah. If there's people
1184 that are going to be here tomorrow night then maybe you can save your
1185 comments and let those people that won't be here tomorrow night..
1186 SCOTT: I also believe we can take comments in a written form as well, right?
1187 MEYER: Absolutely. For what I'd like to suggest for the sake of consistency
1188 of our meetings and because of the need to promote consistent forum, I think
1189 that based on this discussion, we should consider opening up for public
1190 comment. However, I would suggest then that we table the other ordinance that
1191 we were going to discuss until tomorrow. And after public comment, we can
1192 then do our closing comments.
1193 JACOBS: Chair Meyer, I hate to throw a wrench into any of your plans, and I
1194 recognize that you have a desire to get out of here, but I would suggest that
1195 before you make a decision about tabling anything that you listen to public
1196 comment, see how long that goes, and then if you have time, if you have the
1197 will to begin a discussion about the 24-hour ordinance to do so because I
1198 spent some time drafting that, and I'm here tonight. Heather's going to be
1199 here tomorrow who didn't. So it may be more productive to have me here to
1200 help you through that if you have the will and that public comment doesn't go
1201 too long. Obviously, if public comment takes a long time, then you should by
1202 all means do it but not make that decision right now.
1203 MEYER: Well, I'm here all night.
1204 SCOTT: Can we finish this one first?
1205 SCHOENING: Please.
1206 SCOTT: We've only made it about halfway through, and I think the rest maybe
1207 won't take as long, but I'd like to finish it just to feel like we've
1208 finished it.
1209 MEYER: All right. Let's get through our discussion on this. After our
1210 discussion, we'll take a five minute break, we'll open up for public comment.
1211 So we've addressed the variance applications, and is there anything that we
1212 feel like we need to add to this language or modify?

1213 **SCOTT:** I think we were in the middle of talking about the number of days. Is
1214 everyone comfortable with 14 days being the cutoff between a class A and a
1215 class B variance?
1216 **COOKE:** Well, if they need council approval for the class B, then they only
1217 meet every two weeks, so it would be difficult if it was...
1218 **SCOTT:** But this is not 15 days ahead of time, this is for 15 days of
1219 camping.
1220 **COOKE:** Okay. Yeah, I definitely wouldn't want more than that.
1221 **O'KEEFE:** I think that's plenty.
1222 **Female:** I would agree.
1223 **SCOTT:** Yeah, I was considering the opposite direction, but if everyone's
1224 good with 14, that's fine.
1225 **MEYER:** What do you mean, "the opposite direction?"
1226 **SCOTT:** Like 7 instead of 14. So class A being up to 7 days, class B being
1227 14. But I also don't necessarily think we maybe want to overburden - I can't
1228 imagine that many variances more than 7 days so it seems...
1229 **O'KEEFE:** That's what I was thinking. Are there any events that - Cruisin' is
1230 pretty much an overnight thing (indecipherable).
1231 **SCOTT:** Most of them are weekends, long weekends.
1232 **SCHOENING:** I'm sorry. I would like to point out that this also applies to
1233 private streets. So if Grandma is coming to visit and parks her RV in front
1234 of your house for two days, that's a class A variance. So that means that
1235 potentially - that's a class A variance, right?
1236 **JACOBS:** The variance is based on the amount of time. So it depends on how
1237 long Grandma's going to stay.
1238 **SCHOENING:** So if she potentially wants to stay for two weeks, she can stay
1239 for two weeks with just a class A variance. I'm just trying to put it into
1240 perspective for what I feel like people might want to - the only thing I
1241 could think of for 14 days.
1242 **O'KEEFE:** So how would that affect neighborhood associations that have
1243 already established a limit? Like a neighborhood association that starts with
1244 a W that is over by the YMCA has a limit of 3 days, 72 hours.
1245 **SCHOENING:** That's nice, Larry, but we don't all live in those homeowner
1246 associations. So, anyway, I'm just trying to put into perspective what could
1247 potentially go up to 14 days.
1248 **JACOBS:** This doesn't give permission for someone to go on to private
1249 property for any period of time without the owner's consent. So in that
1250 situation, the bylaws of the property association would govern how long
1251 someone could stay on the property.
1252 **BRUTON:** Well and, Chad, I was hoping to ask - I was a little bit surprised
1253 that a class B variance doesn't have a closure date. So it's 15+ days and
1254 open ended?
1255 **JACOBS:** I think because that goes to the council, and it has a public
1256 hearing, and the council can decide how long it's going to be, and someone's
1257 going to ask for it, it doesn't really make sense in my mind, by ordinance,
1258 to limit the amount of time where the council can make that decision. Because
1259 otherwise what's going to happen is someone's going to come in, want a longer
1260 period of time than what you've put in the ordinance, so the council is then
1261 going to have to draft an amendment to the ordinance and change the law.
1262 **MEYER:** And so with that in mind, I would like to keep the language as is.
1263 **SCOTT:** That's fine.
1264 **MEYER:** So any comments on the variance application itself?
1265 **SCOTT:** Adding the designee in part B. I think we talked about it earlier.
1266 **MEYER:** Yeah. Chad's got that. Yeah.
1267 **SCOTT:** It feels like - never mind. I see my error.
1268 **MEYER:** I didn't have any more comments on this ordinance or the language
1269 other than the penalties. It says that "a person who violates any provision
1270 of this chapter shall be punishable by a fine of not more than \$100. Do we
1271 feel like that is a reasonable fine? Do we feel like that fine should be
1272 increased. What are thoughts?]
1273 **BELOV:** Is that \$100 per day or per incident?

1274 **PESSEMIER:** Well, that's what I was going to bring up because someone, if
1275 they really wanted to be difficult could basically say, "I'm going to pay my
1276 \$100, and I'm going to stay here forever."
1277 **MEYER:** Yeah, that's my concern.
1278 **PESSEMIER:** So I was thinking maybe adding the same text that we have in the
1279 other one, if the violation continues, we may deem each calendar day that
1280 passes to be a separate violation.
1281 **MEYER:** I would be more comfortable with that language and perhaps increasing
1282 that dollar amount.
1283 **SCOTT:** I think \$100 is reasonable.
1284 **SCHOENING:** I would like to reiterate that this does apply to just private
1285 citizens.
1286 **MEYER:** But remember, there is variances available.
1287 **SCHOENING:** I understand that, but if you're getting the variance you've gone
1288 through the steps, you're more than likely not going to go over that time,
1289 and if you do, \$1,000 a day or more than \$100 a day to a resident I feel like
1290 is probably enough to deter them from doing this, especially if we're
1291 discussing someone who isn't in an HOA.
1292 **SCOTT:** I think \$100 is very reasonable in this, especially if we're talking
1293 about adding one per day.
1294 **MEYER:** Okay.
1295 **O'KEEFE:** I would agree, and going back to variance decision where they talk
1296 about the "spirit of the chapter will be observed, public safety, and welfare
1297 secured". So \$100 is, I think, very reasonable.
1298 **MEYER:** Would you agree "per day?"
1299 **O'KEEFE:** Yes.
1300 **MEYER:** Okay.
1301 **BRUTON:** Can I have some clarification? Rachel, you just said something that
1302 I'm a little unclear on. The person violating this is the one camping, not
1303 the resident or the business that they're on, correct?
1304 **SCOTT:** Absolutely.
1305 **JACOBS:** That's correct.
1306 **MEYER:** Thank you, Chad. Any other comments at this point? So I propose that
1307 we take a quick break and reconvene at 8:25. So I will open the meeting back
1308 up at 8:25.
1309 **BREAK**
1310 **MEYER:** All right, everyone. It's 8:25, and I promised I would reopen the
1311 meeting at this time. So given that we didn't have a lot of folks show up at
1312 the beginning of the meeting and were interested in public comment, we will
1313 go ahead and open for public comment for 40 minutes. We will then close the
1314 public comment so that we can reconvene our discussion and get to another
1315 ordinance to discuss tonight while we have Chad with us. I'd just like to
1316 remind everyone in the public to please direct your comments to me. There
1317 will not be any question/answer period during public comment. You will be
1318 limited to four minutes. And in the future in any meeting, you are more than
1319 welcome to submit any written materials or letters or emails to the committee
1320 for comment or consideration, but please submit those directly to Sylvia's
1321 office. And then what she will do with that correspondence or any letters
1322 that you would like for us to review, she will submit that to the committee
1323 as an exhibit to our discussion. Is there anything you'd like to add?
1324 **MURPHY:** (Indecipherable).
1325 **MEYER:** Okay. So we'll go ahead and open for public comment now, and anyone
1326 that would like to come up, please do.
1327 **AMANDA:** Do we need to do our name and address like city council?
1328 **MEYER:** No. If you would be so kind as to just say your name.
1329 **AMANDA:** Amanda. So I know you're trying to draft ordinances to keep Wal-Mart
1330 out and we're concerned about overnight camping in the parking lot, but this
1331 camping ordinance has got some issues. In the last year, I've had four
1332 homeless people living in my house at different times who have all been
1333 camping in Sherwood. So that is a real issue here, and it's something that we
1334 need to consider. And my main concern with Wal-Mart has always been that it

1335 marginalizes the economically challenged people, and I want to make sure that
1336 we as a community see those people and have ways and pathways for them to go
1337 places. I am here tonight instead of being - I don't know why this makes me
1338 so nervous all the time, but it's my grandmother's 85th birthday tonight, and
1339 I'm choosing to be here. So anyways, this one is really concerning for me,
1340 and I think that is all I have to say. Thanks.

1341 **MEYER:** Thank you. Anyone else? Yeah. Please.

1342 **HUGHS:** My name is Michael Hughs, and I just have a real - well, I don't know
1343 if it's simple or not, and forgive me if you've already addressed this.
1344 Forgive me if you've already addressed this in a previous meeting. I guess
1345 the question is are subcontractors responsible - this in reference to the
1346 hazardous substance discharge removal. Are subcontractors responsible or are
1347 the businesses that hire the subcontractors responsible? And the second part
1348 of that question is if they're doing something - I don't know if pesticides
1349 have been addressed - but if they're doing something like that or if an MSDS
1350 is required, say Target hires somebody to come in and they bring a chemical
1351 that OSHA would otherwise require an MSDS present, and then that place now
1352 turns into a job site where your customers and employees - anyway, there's
1353 some pretty important language here that probably has to be addressed in that
1354 if this - because there's going to be some liability issues. And I did say on
1355 section D, Joint and Civil Liability, "Each responsible party is jointly..." -
1356 Okay. So yeah, I don't know if that really addresses that, but I just wanted
1357 to kind of bring that to your attention. I don't know if - yeah. That's all I
1358 had.

1359 **MEYER:** Thank you.

1360 **TAYLOR:** I'm going to make this very quick. Nancy Taylor. One of the things I
1361 keep seeing missing in the comments, and I hope they hear me is I'd like to
1362 see the churches come in and talk about what Amanda just talked about. In
1363 other communities, the churches take care of this situation. If you're
1364 homeless, you need a place. If for some reason, there's a hurricane, you need
1365 a place, it's the churches that normally open up and then the schools and
1366 things like that.

1367 **MEYER:** Thanks.

1368 **HUGHS:** My name is Jacqueline Hughs. I just had a couple of questions
1369 regarding the camping ordinance. I haven't been coming to the last couple of
1370 meetings, so I don't know if this was previously discussed, so I apologize if
1371 it was. The initial purpose, in my understanding, for this committee was for
1372 the more big box realtors that were coming in - or not realtors, but
1373 retailers. And basically, from reading through some of this, it kind of
1374 concerns me. An example that you brought up about Grandma bringing her RV in
1375 and parking it on private street. What if your kids want to camp on the front
1376 yard? I mean, this is stuff that's kind of moving away from the initial
1377 purpose, and that concerns me. What happens on my front yard is my business
1378 as long as it's not hurting anybody. So the fact that these are reaching into
1379 that area, I don't think is appropriate. The other thing is how are private
1380 citizens going to be notified? Most citizens don't come to these meetings.
1381 There's a lot of people that use their front yards, Grandma brings the RV -
1382 that's \$100 that could really kill a budget for some people. So how is that
1383 going to be published so people know? That's another question I had. Also,
1384 another thought was the four hours. Well, that's four hours in one parking
1385 lot. You have the potential for Wal-Mart. Target is right next door.
1386 Albertson's next door to that, and then you have a Safeway. What if they just
1387 keep moving from parking lot to parking lot? They're still in Sherwood.
1388 They're still in your neighborhood. That's all I had.

1389 **MEYER:** Thank you.

1390 **LEO:** My name is Jay Leo. I am the director of operations for The Springs
1391 Living which are ten communities that we operate for seniors. One of which is
1392 in your backyard, right down the street here, The Springs at Sherwood. What I
1393 want to just briefly talk about is potential unintended consequences. I think
1394 there's some good discussion here tonight. I guess, in general, I'd like to
1395 just warn of unintended consequences, and I'll give some examples. We have

1396 greater than 50 employees at our retirement community right up the street.
1397 Within a 6 or 7-mile radius between our other retirement communities, we have
1398 roughly 600-700. They're all considered employees, local employees. We are
1399 currently going through a major construction remodel to offer additional
1400 services to the seniors of this greater community. It's not widely known, but
1401 it is public that we are acquiring land for an expansion. Roughly looking at
1402 \$25-30 million dollars of investment to this local community. So as you
1403 consider these things, we're not a big box, but in so many cases, we qualify
1404 for some of the ordinances that you're discussing. And we represent fantastic
1405 seniors. We have the absolute gift of providing care for seniors in need. We
1406 also have the fantastic gift of providing employment to great people. The
1407 things that you're talking about here tonight, taking away from Wal-Mart,
1408 completely separate, but what you're discussing have unintended consequences.
1409 As a business owner, those unintended consequences raise question - raise
1410 question for us and how we operate and the future of our operating in
1411 Sherwood. And a couple examples of that are hours of operating. Well, guess
1412 what? The way that the ordinance is currently written, we operate 24 hours a
1413 day as do seven or eight other long-term care facilities in the local area.
1414 So things like benefits and looking at how some ordinances focused on
1415 benefits significantly change how what is a fairly small company like
1416 ourselves operate. It's a game changer. So while the Target may be big boxes,
1417 I would encourage you to consider the unintended consequences of what you're
1418 talking about and some of those local businesses like ourselves. Thank you.
1419 **MEYER:** Thank you.
1420 **RANDALL:** Laurie Randall, and I just have two quick things to say. Nancy's
1421 right about when you're doing an event and sometimes things happen, and you
1422 just have to go with it. But I think it's entirely reasonable that if you're
1423 - hopefully this becomes a quick process, but it's totally reasonable for an
1424 organization to provide for the police a list of who is going to be there and
1425 not just leave it open ended because you are going to know who's going to be
1426 there. You want to give the police something to work with. The other thing is
1427 on the variance application, I'd like to make sure that those are available
1428 online, through email, that you can scan your signed statement, that it does
1429 not have to be done in person because that is such a deal breaker for people
1430 who work full time. And there's no reason it shouldn't be available that way,
1431 so I would like to kind of see that that happens. That's it.
1432 **MEYER:** Thank you. Anyone else?
1433 **VOORHIES:** Tim Voorhies again. Meredith, are you the Chair?
1434 **MEYER:** My name is Meerta.
1435 **VOORHIES:** Meerta? Are you the Chair?
1436 **MEYER:** I am.
1437 **VOORHIES:** Okay. I take exception to being chastised by Sylvia Murphy for
1438 passing notes to Naomi. You are the Chair. She was out of line interrupting
1439 me or whatever. 2) I have talked to old mayors and stuff, and they say it is
1440 perfectly fine to pass questions to committee members, budget committee
1441 members, and everything. If it isn't, you need to get the rules of engagement
1442 for everybody to know the rules of engagement and level the playing field. 3)
1443 What I see happening here in the meeting is you're not running the meeting.
1444 Chad is, Tom is, Sylvia is. They're running it. So you got king, bishop,
1445 queen, and then you're the pawns. That's what I'm seeing. Now, you have the
1446 parking ordinances of the thing for four hours. Okay? Somebody already
1447 brought it up - go from Albertson's to Safeway to Target to Wal-Mart to
1448 Walgreens and everything else, okay? If I'm a business owner and somebody
1449 asked me if they could park on my property, I'm going to tell them, "sure."
1450 What gives the committee or the city the right to tell me who can park on my
1451 property and who cannot park on my property, who can sleep on my property or
1452 who cannot sleep on my property? Just like the lady that said she has kids
1453 sleeping in tents. Where are we going here? This is getting to be a very,
1454 very, very slippery slope for everybody to have 1,2,3,- 7, 8 people saying
1455 what's going to happen to 18,000 residents or 20,000 residents. It is very,
1456 very scary. We are getting way too many rules to live by, and we don't need

1457 them. You just honor each other. You respect each other. If you see somebody
1458 strange in your neighborhood, you go out there and - you yourself go out
1459 there and ask them, "Hey, what are you doing in this neighborhood." If
1460 they're not there, they stammer, and they go on. Then you call the police,
1461 "Hey, there's somebody down here that isn't supposed to be here." It isn't
1462 the police department's job to keep us safe all the time. We have bigger
1463 problems than that. What are we going to do about it? Make more rules and
1464 more rules and more rules? Let's face it. I've had the police out at my place
1465 because I went in and disagreed with the city council. Thank God we got Bill
1466 Middleton in there now as mayor. But by God, I talked to the FBI the other
1467 day, and what the city was pulling on me was against federal law. They said
1468 next election, call me. We will intervene for you with the city. So what has
1469 this city done? What has this city done to stifle the citizens? Thank you.

1470 **MEYER:** Thank you. Anyone else?

1471 **DURELL:** Cam Durell, Sherwood resident. Just touching bases and just
1472 listening to the conversation - you'll have to excuse me, also. I'm first
1473 time to the meetings and will be here more often definitely. I'm just
1474 wondering if really, honestly we're putting way, way too much thought into
1475 this thing. Has anybody actually contacted one of the 14 stores in Oregon to
1476 find out that don't allow overnight parking or the 600 stores in the United
1477 States that don't allow overnight parking? And contacted them and seeing the
1478 stipulations that they have and kind of the rules they've gone by. The other
1479 side of that, Wal-Mart, when they do that, they ask that you go in and check
1480 in with the manager. The manager then could issue a permit that you could
1481 visibly place in the window with their permission. Most of the time, you get
1482 into this thing and they do ask that you go in and check with their managers
1483 to do an overnight parking stint. The majority of the time, you're not going
1484 to be there for an extended period of time. At that point in time, that's
1485 where the regulations could come in. But the safety issue which was brought
1486 up, which I was glad to see brought up, because of the fact of driving
1487 overnight, coming in - most of these people that are coming in here are
1488 legitimate people driving \$80,90,100,000, \$200,000, \$1 million motor home.
1489 They're coming in here, they're going to be ran off by the Sherwood police
1490 after their four-hour stint which is really not going to put a - it's a black
1491 eye for the town which is - the reason I moved here is because of the town
1492 that it is. But the other side of that is, like Nancy had mentioned before, I
1493 have affiliation with cars. We sponsor the Cruisin' Sherwood Car Show. I have
1494 friends that come into my parking lot. They bring their \$500,000/\$1 million
1495 motor homes with their \$80,000 cars to come in for the show, "Hey, can we
1496 stay in your parking lot?" "You bet. Yeah, you can stay in my parking lot."
1497 These are my friends. These are fellow managers in the company that are hot
1498 rod enthusiasts. These aren't people that are going around and graffitizing
1499 things or lighting fires in the parking lot. But to now tell them that "You
1500 know, we got an ordinance now because Wal-Mart came in here" which is where
1501 this is all starting. That business profile has been going for a lot of
1502 years. And like I said, we need to probably contact the 14 stores in Oregon
1503 that don't allow this to even be there yet in their own parking lot. It's
1504 publicized. I can email you the list if you want, but somebody needs to
1505 contact these people and say, "Hey, how have you gone about it?" It sounds to
1506 me like if they've done it, it's fairly simple. There's a lot of metro stores
1507 that are that way. So on that side of it, just what have we done until now.
1508 I've had customers where we have somebody who comes in, the breaks are bad.
1509 It's an older motor home, parts are obsolete. They are camping. They're on
1510 their vacation. They just came here; they were coming down from Longview, and
1511 this happens probably three times/four times a summer, okay? Coming down from
1512 wherever they're coming from. By the time they get off I-5, and they're
1513 headed over going to coast, that motor home is locked up or something's a
1514 matter with the trailer. They're stopped there, these parts aren't available
1515 - they're not available for a couple days. They're camping in my back - and
1516 granted this is a variance, but this is an unexpected variance, and this
1517 isn't a two-week variance. This isn't a one-week variance. This is I'm on my

1518 way to vacation, and we're riding bikes out in the parking lot and going to
1519 movies and eating KFC now. So all these things considered, what have we done
1520 until now with this? If it's a problem - we're forecasting a problem and
1521 trying to solve this problem before - and how much time have we spent on
1522 this?

1523 **MEYER:** Thank you very much. Any other comments?

1524 **HARRIS:** Jennifer Harris. I just wanted to also consider the intended
1525 consequences, and one of those being the average, entry-level, minimum wage
1526 workers could be treated with some level of respect, dignity, and fairness.
1527 Also, I am president of our HOA, and HOA does not have jurisdiction over the
1528 street. So you may park your camper in the street, and we can send you a
1529 letter saying please move it, but we can't enforce it, so I encourage you to
1530 go with the seven days. Thank you.

1531 **MEYER:** Thank you. Any other comments?

1532 **PATTY:** All right. My name is Patty Sprain (sp) here in Sherwood, Oregon and
1533 - mind you, my thoughts are a little bit scattered because I've just been
1534 taking notes as I've been going. But I just wanted to touch base that many of
1535 the ordinances proposed seem to be really open ended. I think they need to be
1536 closed down. For example, the specifics of, let's see here, the camping
1537 ordinance. When they apply for the special variance, a class A variance to
1538 camp in an area for up to 14 days in duration, I think and limit it to 30
1539 days. So if they want to apply for the variance and take the time and pay the
1540 fee to apply for that variance, because I think a fee should be assessed with
1541 that, it needs to be limited to 30 days, no more. Otherwise, they're going to
1542 face a fine of \$100 per day from there on out. I don't believe that the
1543 variances should be allowed, and I don't know if this is already a part of
1544 charter, but they can't continually apply for these variances like one after
1545 another after another if they've already been there - which I personally
1546 don't feel like this is going to be an issue for Sherwood. But just in case,
1547 forecasting for the future I think is smart and very practical considering
1548 we're going to be opening up our town to an entirely new demographic that
1549 none of us - we like to think we can empathize with and be near and
1550 understand, but in reality, many of us, I don't want to say all of us, I
1551 don't think can. The new development is the new development, but the anchor
1552 store is of significant worry for me. Another thing was unintended
1553 consequences with the living wage, for example, and initiating sick leave for
1554 folks that work more than 30 hours per week. I believe that, and this is my
1555 personal opinion, that there's nothing wrong with lifting the standard of
1556 living for the middle class because that's really whom we're addressing right
1557 now. People deserve sick leave, period. If they're going to put in 30 hours a
1558 week, and they're going to give their heart and soul to a business, they
1559 deserve that if they're sick and not feeling well or they're running a fever,
1560 they should have the right to take that time off not on their own buck but a
1561 corporations buck. So I feel like that needs to be directed towards folks who
1562 perhaps employ more than 100-150 people who fall under the corporate agenda
1563 and who fall under the big box situations. I'm sorry. I'm scattered here. I
1564 took notes as I was going. And absolutely, yes. We do need to be forecasting
1565 for the future because that's part of Sherwood's problem is we've had all of
1566 our eyes closed, and we've been very, very much asleep as a community. So
1567 forecasting for the future is called responsibility, and taking
1568 responsibility for our town now, so then that way in ten years when new
1569 things come to town, we can't all sit around and moan and groan about it
1570 because we've already set a precedence. We have ordinances in place. We're
1571 already ready for the upcoming and new development to come into town. And
1572 that's exactly what's happened now is we're not ready. And I'm shaking, and
1573 I'm rambling, and I'm sorry. I'm human. And then regarding the Cruisin' and
1574 the parking and the Les Schwab and all of this and that, it does state in
1575 there that in an emergency situation. In my opinion, that could be considered
1576 an emergency situation. If somebody's coming to town for the weekend, they
1577 apply 14 days ahead of time, they can stay a for a couple nights. No big
1578 deal. They're not going to be in violation of the ordinance. So that falls

1579 under the emergency situation in my opinion. But yes, for the most part, I
1580 just feel like a lot of these ordinances need to be capped and more precise
1581 and not so open ended so they can't be manipulated because this town has
1582 already been manipulated, and we want it to stop. That's why we have the
1583 lovely committee before us. So I thank each and every one of you for your
1584 time and your efforts, and hopefully, we can come together and figure this
1585 out. Thank you.

1586 **MEYER:** Thank you.

1587 **O'KEEFE:** Thank you.

1588 **MEYER:** Any other comments this evening for us?

1589 **HARRY:** Yeah. I'm Brian Harry. Just a couple of comments. I think first of
1590 all, there's been some very interesting things that have been brought up so
1591 far that I think are very important. I think it is very important to consider
1592 the unintended consequences. I think also, however, that we do know that
1593 Sherwood has grown substantially in the last ten years. It's going to
1594 continue to grow substantially, and I think I'm in agreement that forecasting
1595 what problems we may be observing down the road is important. I do think
1596 that's something that's much easier to deal with now than it is to deal with
1597 later. Having said that, looking at the draft the way it is here, it looks to
1598 me like - in the Purpose here, it sounds like things are about as they should
1599 be. As you're discussing activities including littering, public urination,
1600 public defecation, intoxication, theft of water, electricity - all of these
1601 things are clearly things that we would like to avoid in the future. I think
1602 that there has to be great care though in making sure that rest of this
1603 ordinance accomplishes those goals without - again, without the unintended
1604 consequences. So I guess - that's pretty much all I had to say. I think there
1605 were a couple of the unintended consequences that were brought up previously
1606 that I think are pretty well handled in here in the emergency situations and
1607 in the variances there as well. But I would urge continued diligence in that.

1608 **MEYER:** Thank you very much. Anyone else? Absolutely.

1609 **HUGHES:** I'm Michael Hughes again. Just a few quick comments. I just found out
1610 that the U.S. is ranked 27th - our middle class. We're 27th in the world. Our
1611 middle class is dying, and thinking about the future, any type of living wage
1612 or any little bump with the continual printing of our money and the
1613 devaluation of our dollar and the inflation, we're going to see our middle
1614 class continue to die. I guess it makes sense why you would want to bring in
1615 somebody in who can give you things for pennies on the dollar, but they can
1616 afford that being as large as they are, and "They" meaning Wal-Mart, "They"
1617 meaning Target. Any of these big box corporations, they can afford to give
1618 their employees a better life. Because if they don't they're not going to
1619 have anybody working for them anymore in these United States. So 27th in the
1620 world. Go U.S.A.

1621 **MEYER:** Thank you. Any other comments this evening? Okay. So thank you all.
1622 Let's move on to review and discussion of the next ordinance which is the
1623 regulation of business hours.

1624 **BELOV:** I have a question. Do we have the chance to respond to any of their
1625 comments?

1626 **MEYER:** In our closing comments, you're more than welcome to address issues.
1627 So to get us started, are there any initial thoughts on the language as
1628 drafted?

1629 **BRUTON:** I had an initial thought. In section D, which is the provisions for
1630 limitations in this section, I feel like we kind of pulled ideas out of a hat
1631 for that one, and I'm not sure we took enough time with rational basis for
1632 that, and that's something that I just wanted to draw attention to. Section D
1633 where we say, "The limitations in this section do not apply to restaurants,
1634 gasoline filling stations, or the sale of prescription or nonprescription
1635 medications in drug store or pharmacies. I feel that this is something that
1636 public comment would be greatly impactful for.

1637 **SCOTT:** Speaking on that same point, the way point 3 is worded I think could
1638 be an end run around a lot of the goal that we're trying to accomplish here
1639 because most big box stores in town or potentially could be in town have

1640 pharmacies in them, and we don't have a provision in here for that being only
1641 limited to - it has to be the most of your business instead of any portion of
1642 your business, right? Or is that addressed somewhere I'm not seeing?
1643 **JACOBS:** No. So the exemption for prescriptions is limited to the sale of
1644 prescriptions. So those big-box stores that have a pharmacy would not be able
1645 to be open for the sale of anything else.
1646 **SCOTT:** Okay. I just wanted to make sure.
1647 **JACOBS:** Yeah. So that's why it's written that way as opposed to having a
1648 percentage. The percentage we have related to the gasoline filling station if
1649 you look at the definition in (b)(1), that's why it was written that way. If
1650 you want to try to draw a distinction between certain pharmacies and other
1651 pharmacies (indecipherable).
1652 **SCOTT:** I was thinking more around - that's where I was going with the
1653 percentage. A dedicated pharmacy versus any other type of retailer that has a
1654 pharmacy as a smaller component of their overall footprint. Right?
1655 **JACOBS:** Yeah, and I guess the way I was thinking about it when I was
1656 drafting it, just so you know, is that the exemption was for sort of the
1657 public welfare that people may need medicine in the middle of the night, and
1658 regardless of who is selling that - if that's what their limited to selling,
1659 that's all their limited to selling whether it's a big box store or whether
1660 it's a Walgreens or whether it's the neighborhood pharmacist. If that's all
1661 they can sell then that's satisfying that piece.
1662 **SCOTT:** Okay. I just didn't know that the language would be that clear that
1663 (indecipherable) and not other things. The other thing I think based on some
1664 testimony I heard is that we may need to expand either 0.3 or add a 0.4 to
1665 talk about healthcare in general - urgent care centers, assisted living
1666 facilities, any kind of general health and welfare, and I'd be expansive as
1667 possible in the language because I don't think the intent of anyone on this
1668 committee is to try to limit those type of things.
1669 **BELOV:** I agree. That's a great idea.
1670 **MEYER:** I agree as well.
1671 **SCOTT:** Moving onto another point then, back to point C. In our previous
1672 meeting, we had a lot of debate around the time that this prohibition would
1673 end in the morning, and so I think we need to revisit that conversation and
1674 come up with what we agree the final number should be.
1675 **O'KEEFE:** I would agree and just to clarify because we had a vote - if you
1676 recall, we had a vote on 5:00 or 6:00, and we voted on 5:00, and we were kind
1677 of split. I don't think there was any dissent after it was suggested that
1678 we split the difference and said 5:30, but I think it would be only fair to
1679 us and everybody else involved if we either call for a vote on 5:00 or 6:00
1680 or 5:30 or whatever it is and make it all official.
1681 **MEYER:** Yeah. I would agree. I think it's really important that we revisit
1682 that, and thank you for bringing that up. Just to clarify, when we had that
1683 discussion, it was not a vote but rather we decided on a placeholder time for
1684 the purpose of just drafting language. So I just wanted..
1685 **SCOTT:** Right, but the placeholder time that ended up in the language is not
1686 what we agreed on to be the placeholder language.
1687 **MEYER:** Well, and I think the reason for that was - actually, Larry was going
1688 back and forth between 5:00 and 6:00, and I didn't feel like he had a clear
1689 position. And so based on the fact that we were divided at that point, I
1690 threw out 5:30 as a middle ground as a placeholder. So that's why that landed
1691 there.
1692 **SCOTT:** The only other comment I'd add on this same section is..
1693 **BELOV:** Excuse me, do you mind closing the door? It's just so loud out there,
1694 I can't hear.
1695 **MEYER:** I don't think we can close the door. We need to keep the door open.
1696 **SCOTT:** So in that same section where we said, "Located within the city may
1697 not operate," and we were very clear on this in our previous conversation
1698 about allowing businesses to have people operating within the business as
1699 long as they were not open to the public, and I just want to make sure that
1700 our language is clear that..

1701 **MEYER:** Can you point me to where...

1702 **SCOTT:** I'm sorry. Section C - there's only one sentence, "All retail sales
1703 and personal service business located within the city may not operate between
1704 1:00 a.m. and 5:30 a.m." And we were very clear that we only wanted to limit
1705 this to being open to the public and that internal operations were
1706 (indecipherable).

1707 **JACOBS:** That was my oversight. I can fix that.

1708 **MEYER:** So one thing. We did receive an email from a security company this
1709 afternoon that I would like to read that has been submitted to us. It was
1710 presented by Arcadia Security, and I don't know if you've had a chance to
1711 read this, so I'd like to read it. It was addressed to Sylvia and myself, and
1712 it says, "It is my understanding that an effort is being made to help ensure
1713 that City of Sherwood remains that of a quaint and peaceful community,
1714 desirable for families to live and raise children without the worries and
1715 problems that many of the other nearby cities struggle with and that the two
1716 of you are heading a committee in the effort of creating new ordinances to
1717 help preserve what those who currently live in Sherwood love about their
1718 city. I've been in the security industry for about 15 years, and during this
1719 time, my company has and does provide security services to a wide variety of
1720 businesses and industries leaving me uniquely qualified to address some of
1721 your committee concerns. I know that one of your concerns is to address the
1722 operating hours of retail and service industries operating within the city,
1723 and this is a concern that I would like to specifically address. Arcadia
1724 Security and Patrol services clients in almost every city in the Portland
1725 Metro area. And because of this, we have a good deal of understanding when it
1726 comes to what kind of issues are to be expected when adding a new client
1727 property based on where this property is located, what kind of business it
1728 is, and what other kinds of businesses are nearby. When servicing a client
1729 property, even though our client may have designated business hours that
1730 calls for that business to close, let's say 7:00 p.m., should that client
1731 have a neighboring business that stays open, let's say 24 hours, we tend to
1732 find this will have an affect not only on our client property but those other
1733 businesses and properties also within the immediate area and beyond. The
1734 first problem we see with businesses that have long or continual operating
1735 hours is that of loitering. We find that homeless people, street kids, and
1736 those just looking for something to do will congregate to these businesses.
1737 In addition to having continual vehicle and foot traffic coming and going
1738 from the businesses, you will also see a rise in crime that is directly
1739 connected to the fact that the business is there and open. Oftentimes we find
1740 people camping and even living in the parking lots of such businesses as
1741 these. We do find some businesses will make an effort to try and drive
1742 loiterers and campers off their property. However, that does not solve the
1743 problem. In fact, doing this often makes things worse for the community as
1744 loiterers, campers, and homeless don't leave the area or city. They just move
1745 throughout the city loitering in new areas and finding new places to camp or
1746 set up backwoods homes. Knowing that there is a business with a late or 24-
1747 hour activity will provide a constant source of panhandling, theft, dumpster
1748 diving, and an assortment of unwanted and illegal activity all because there
1749 is a constant source of commerce and opportunity. This is not a problem that
1750 the residents of Sherwood should have to deal with, and limiting the
1751 operating hours for businesses will prevent or limit this kind of activity.
1752 As a resident of Sherwood, you would need to ask yourself, 'Do I want to
1753 increase vehicle traffic driving through my community at all hours of the day
1754 and night. Businesses with extended or 24-hour service will inevitably drive
1755 up three very specific problems. One being the amount of traffic driving the
1756 streets at all hours of the day and night. Two being the amount of parking
1757 that will be required to handle the increased traffic caused by the extended
1758 operating hours. And third, and what I feel is most important, the increased
1759 amount of crime and police and security we'll be faced with due to the
1760 increased amount of business and other undesirable activity due to follow."
1761 He goes on to say that "We find that communities that regulate operating

1762 hours to specific times and days of the weeks tend to have fewer problems and
1763 unwanted activity as those who would be involved in such things tend to move
1764 to other areas that allow for this activity. In an effort to preserve
1765 Sherwood, I would encourage an ordinance detailing hours of operation for
1766 businesses as well as no camping, loitering, or long-term parking ordinances
1767 to help drive any potential problems away from the city and back into the
1768 more urban areas of the metro area. Should you have any additional questions
1769 or would like to follow up, I may be reached at my office." And this was
1770 submitted to us by Don Clod (sp), the managing director at Arcadia Security.
1771 I felt it necessary to include this because at our last meeting, there was
1772 some question about data and backup for the reasons why we're discussing
1773 these ordinances. And so I felt like this was an appropriate - well, not that
1774 anything is inappropriate to bring to us, but this deals directly with what
1775 we're talking about now. So and I know, Doug, that you had asked for some
1776 backup.

1777 **SCOTT:** Yeah. Thank you, and this has been valuable information. I do have a
1778 couple questions. It doesn't appear by the way he wrote this letter that he
1779 is a resident of Sherwood.

1780 **MEYER:** I don't know whether he is or not.

1781 **SCOTT:** Not that that's necessarily relevant because it is good data. I'm
1782 just curious what areas does his company operate in? What cities? What towns?
1783 Are they of a similar profile to Sherwood or completely different, and that's
1784 just a data point that I'm curious about if you know.

1785 **MEYER:** I don't know, but we can certainly respond to that.

1786 **SCOTT:** But I think it is good information. So, thank you.

1787 **BELOV:** I have data as well. Is it a good time to share it?

1788 **MEYER:** Yeah. I mean, at my last meeting we talked about that. But what I'm
1789 really hoping for is that our discussion can be really focused on this
1790 language so we can get questions and modifications or amendments to Chad for
1791 review.

1792 **BELOV:** Well, if you need more data, I have plenty. So maybe I'll wait with
1793 that, and we'll just move along.

1794 **MEYER:** So I think one of the things that we've heard from the public tonight
1795 and at some of our other meetings is unintended consequences. We've talked
1796 about hours. We've talked about how or where or if this makes sense. And so
1797 those are the kinds of discussion points I'd really like to hone in on as we
1798 look at this ordinance.

1799 **BRUTON:** I feel this in an appropriate time for me to talk to some
1800 conversations that I've had. I have reached out to all of the big box
1801 retailers here, and I'm trying to think in terms of forecasting into the
1802 future and future need. The general consensus from all of them is that
1803 consumer behavior should dictate the hours of operation. And I want to be
1804 really clear in one of the messages that has been given to me. These big box
1805 retailers are in an interesting position right now where they cannot come out
1806 and speak out for these ordinances because the time frame for us turning
1807 around these decisions, the corporate mandates and the levels of tiered
1808 activity that they have to go through to be able to get those permissions,
1809 and of course the financial, consumer, economic, political risks that they
1810 pose by coming out on one side of an issue. One of the things that I thought
1811 was an interesting point of conversation for me was talking about store
1812 volume and sales, and several of our businesses mentioned, here in town in
1813 Sherwood, existing businesses mentioned that if they were to drop between 10-
1814 12% of their sales volume based on what they've been doing for last several
1815 years that they would go from being a large volume retailer to a small volume
1816 retailer by their corporate standards. And that would mean cutting jobs, that
1817 would mean decreasing their hours, and not being able to service the
1818 community in the way that they have been. And so I have a lot of concerns
1819 with this because I feel like this could hurt the competitive marketplace
1820 that Sherwood has in the region. And I feel like in a lot of ways, trying to
1821 push these decisions through fast are jeopardizing our ability to get the

1822 voice of the people who really are going to be impacted by these decisions.
1823 So I was hoping to add that to the record.

1824 **MEYER:** Okay. Thank you. Any comments or any other discussion on any of the
1825 language here or comments or thoughts? Rachel, you've been quiet.

1826 **BRUTON:** I did have another comment as it regards to crime. One thing that I
1827 thought was a little bit interesting is that corporate regulations on
1828 retailers, and this is retailers that usually have a large level of corporate
1829 involvement, gives them specific standards for calling 911. And Larry might
1830 be able to add a little bit to this if you know, but they take it upon
1831 themselves to do things like call if there is an alarm going off or if they
1832 see someone that they potentially think could be trespassing and that that
1833 enters into the statistics for that specific business, too. So that is one
1834 reason why a lot of businesses, and again, this is coming from some of the
1835 businesses I've had the opportunity to talk to - in my closing comments, I
1836 have talked to some of our smaller, more local retailers as well, but that
1837 impacts, I guess, the quantity of crime-related calls that would be put on a
1838 business. And I thought that was an interesting statistic to add because it
1839 may be another reason why late at night you're getting a lot of crime-related
1840 calls.

1841 **MEYER:** Okay.

1842 **BELOV:** I'm not sure what you're saying exactly. Are you saying that
1843 employers or retailers wouldn't report something because they don't want that
1844 to reflect poorly on their business. For example, Kohl's now has 76 instances
1845 where they've had to call the police, so is that...

1846 **BRUTON:** What I'm saying is that in some cases, it's not broken down into the
1847 types of calls that it may be and that based on their own standards of
1848 operation that sometimes they will call 911 based on their own policies. So I
1849 thought that was an interesting piece to add.

1850 **SCOTT:** So are you saying that in the overall statistics, they may be
1851 essentially over representative because they have a more stringent corporate
1852 policy about calling sooner than maybe a smaller company might have not a
1853 policy at all and it's more of a judgment call whereas I know in my company,
1854 not a retailer, we're a private company, and we also have a pretty strict
1855 protocol of when we call. And I think the bigger companies that I've worked
1856 in, the threshold is much lower, right? It's a risk mitigation factor because
1857 of a liability issue, you call really early in the process because you don't
1858 want the risk of if you didn't call. So I think that's an interesting point.
1859 I don't know how much that influences the statistics, but it's interesting.

1860 **BELOV:** Maybe this is a good time to share the statistics I do have because
1861 it's directly about that issue. Is it okay to go ahead and do that?

1862 **MEYER:** I'm sorry. I didn't hear your question.

1863 **BELOV:** I have some statistics from a study that was done.

1864 **MEYER:** Well, I think that we're kind of deriving from point, and perhaps I
1865 started that, so I apologize. The reason for reading the letter was in direct
1866 response to your request last week for some data and some back up of actual
1867 events. And so that was my hope. And Nancy, the information that you've
1868 accumulated is really helpful so that we can take all of that into account as
1869 we're reviewing the language that's been drafted.

1870 **O'KEEFE:** Can I respond to that letter?

1871 **MEYER:** Yeah.

1872 **O'KEEFE:** I think Mr. Clod hit the nail on the nail on the head about the
1873 three reasons that we have there. Basically, any store staying open 24 hours
1874 is going to create that commerce that just allows people to - works as a
1875 magnet to drive people around the area. You have one store, you chase them
1876 off, they don't necessarily leave the city. They'll just go somewhere else. I
1877 agree with his letter. I'd like to see us get back to trying nail down some
1878 hours if we're to that point.

1879 **MEYER:** Okay. Sure.

1880 **O'KEEFE:** I think they're definitions are good - the personal services, the
1881 retail sales. I had a comment earlier before the meeting started that says
1882 we've excluded restaurants, you know, Wal-Mart - try to stay away from

1883 mentioning Wal-Mart, and I would reiterate that this is bigger than Wal-Mart.
1884 This is all future retail stores coming to Sherwood. So some store comes to
1885 Sherwood, and they have a deli, correct me if I'm wrong, but they can't stay
1886 open 24 hours a day because they're not a restaurant, right?
1887 **SCOTT:** I think we need to clarify that like similar to how gas stations are
1888 clarified.
1889 **JACOBS:** Sure.
1890 **SCHOENING:** I just have one question. Does either Naomi or Nancy - do either
1891 of you have any statistic relating to crime in the City of Sherwood with a
1892 24-hour business because we're talking about a 24-hour ordinance. So I just -
1893 if we have that, I'd like to hear it.
1894 **BRUTON:** I have a scheduled meeting with Chief Groth.
1895 **SCHOENING:** Okay. But has anyone spoken to a business in Sherwood that's open
1896 24 hours selling things and has statistics on their crime reporting.
1897 **BRUTON:** I have, but I do not have permission to disclose that information.
1898 **SCHOENING:** Okay. Naomi, do you? Okay.
1899 **MEYER:** So...
1900 **SCHOENING:** I have one more question. I'm confused. We talked about personal
1901 services, and then we talked about excluding healthcare. So I thought last
1902 time we spoke about this we were not going to make a list of exclusions. So
1903 is personal services healthcare? Because I thought we specifically said we
1904 were not going to address 24 hour urgent care, hospitals, healthcare, self-
1905 care. I don't - under this, it's pretty confusing to me.
1906 **COOKE::** The current language - it doesn't provide for that.
1907 **SCHOENING:** Yes, but it says what is covered: Retail sales, restaurant,
1908 personal services, and gas filling stations. Does healthcare come under
1909 personal services.
1910 **MEYER:** I think that might have been an oversight because I believe we did
1911 have that conversation.
1912 **JACOBS:** Yeah, it wasn't an oversight. It was - as you recall, at your
1913 direction, we based this ordinance based off the Camden, New Jersey
1914 ordinance. So this definition is taken directly from their ordinance. I don't
1915 think the intent of the Camden ordinance nor your intent was to cover those
1916 types of facilities. I can understand how you could read that definition to
1917 include those facilities. So it's just a matter of clarifying that definition
1918 to really talk about what you intended to be personal services as opposed to
1919 the emergency care facilities.
1920 **SCOTT:** Right. So actually in B, we need to add the emergency services kind
1921 of stuff as an exception, right?
1922 **JACOBS:** As opposed to an exception, I think what you would do is in the
1923 definition of "personal services," you would clarify that definition so that
1924 it does not include those types (indecipherable).
1925 **SCOTT:** Okay. Gotcha.
1926 **MEYER:** Yeah.
1927 **SCHOENING:** I'm sorry. That's what I was getting at. It was a little
1928 confusing. Because I thought we said we weren't going to make a list of
1929 exceptions so that this was not targeted to a specific business.
1930 **COOKE:** But I think it's definitely a different type of category. When we're
1931 talking about retails...
1932 **SCHOENING:** But we specifically say what we include in this.
1933 **COOKE::** But we're excluding restaurants. I think most of us...
1934 **SCHOENING:** Do we want to make a list of things that are exceptions or don't
1935 we?
1936 **SCOTT:** I think what we're...
1937 **SCHOENING:** Well, I understand that, but we specifically talked about
1938 healthcare and specifically said it wasn't going to be covered, and we
1939 weren't going make a list. Because we could go on now if we talked...
1940 **COOKE:** No. We said we were not going to include it in this ordinance. It's
1941 not that we were going to...
1942 **SCHOENING:** I understand that. I'm saying is it - okay.

1943 **SCOTT:** We're asking for a clarification because the ordinance covers retail
1944 sales and personal services as defined in section B. And I think we're asking
1945 - we need to add language to subsection 2 of section B that clarifies
1946 personal services means some of these things we see on here but doesn't mean
1947 an urgent care clinic or a skilled nursing facility or those kinds of things.
1948 **SCHOENING:** Just not adding to D which are the exceptions?
1949 **SCOTT:** Correct.
1950 **SCHOENING:** Thank you.
1951 **MEYER:** Under "Purpose and Findings," number 2, section B, I would just like
1952 to see "and other unlawful acts" included after - anywhere in there to reduce
1953 the incidents of all of those things. And then I would just like "and other
1954 unlawful acts" included. So page 1, section A, number 2 under the first small
1955 b.
1956 **SCOTT:** So "related criminal activities including littering, drug dealing,
1957 and noise disturbance 'and other unlawful activities.'" **MEYER:** Okay. That's my only comment on page 1. Any concern with adding that
1958 language?
1959 **SCOTT:** No.
1960 **MEYER:** Okay. Let's talk about hours because I think we're perhaps at a point
1961 where it makes sense to hone in on that. So at our last meeting, we decided
1962 to table a discussion until we all had had an opportunity to think that
1963 through a little bit, and so, let's talk.
1964 **SCOTT:** So maybe we should take one time at a time, start with the 1:00.
1965 **MEYER:** Well. Okay. We don't have to limit what this says to be clear. This
1966 is draft language, so we can modify or adjust.
1967 **O'KEEFE:** I would ask if we're all in agreement on a closing time of 1:00
1968 a.m. I think you'll remember that I brought up it kind of coincides with the
1969 alcohol sales, obviously restaurants and bars are not included in there.
1970 **MEYER:** I'm very comfortable with that.
1971 **O'KEEFE:** I'm still comfortable with 5:00 a.m. for an opening time.
1972 **SCOTT:** I also still prefer 5:00 a.m.
1973 **COOKE:** I am still comfortable with 6:00 a.m.
1974 **MEYER:** Any other thoughts?
1975 **BELOV:** I'm comfortable with 6:00 a.m. as well.
1976 **MEYER:** I think one of the things that I remember from this conversation is
1977 as we're noting in this proposed language that we're not limiting inventory,
1978 stocking hours, those kinds of things - again, this is a focus on being open
1979 to the public.
1980 **BELOV:** And also, it's going to cut us costs, right, if we don't have to
1981 employ additional officers to patrol for an extra hour every night for every
1982 day of the year.
1983 **SCOTT:** I'm not sure what the relationship between business hours of
1984 operation and how we staff our police department is. Is there one currently?
1985 **PESSEMIER:** I'm not sure I'm the best person to testify on that, but Jeff
1986 Groth did offer to come to the meeting on Monday, next week, so you can ask
1987 him questions directly in regards to this.
1988 **MEYER:** That would be great.
1989 **PESSEMIER:** So I think that might be good for you to be able to have that
1990 conversation before you get to the point of actually adopting these. The
1991 other suggestion I might make is kind of stealing Chad's idea before of him
1992 just kind of bracketing a couple different time frames here so that the
1993 public can give you comments on which ones they would prefer as well. And
1994 then ultimately, you guys can vote to amend the resolution in one way or
1995 another so that you can come to conclusion on this because I think - so if
1996 you could come up with one or two or three or four different options that he
1997 could put in there, then ultimately, you guys can vote on it. I think
1998 everybody can understand 1:00-5:00 or 1:00-6:00 fairly easily. And
1999 ultimately, I think you guys are just going to have to make a motion to amend
2000 the ordinance language in one direction or another and that will be what it
2001 is.
2002

2003 **MEYER:** So with that in mind, should we just consider taking that advice and
2004 tabling the hour discussion until we've had an opportunity to hear public
2005 comment?
2006 **SCOTT:** I think we should have him draft it with both options of 5:00 a.m.
2007 and 6:00 a.m.
2008 **O'KEEFE:** I would agree with that and go off of the public comment of what
2009 they...
2010 **MEYER:** Okay. Any other comments?
2011 **BELOV:** Sure. Sounds great.
2012 **MEYER:** Okay. Thanks, Chad. The...
2013 **SCHOENING:** Or Tom. You're doing it.
2014 **MEYER:** Tom made the suggestions. Thank you, Tom.
2015 **SCHOENING:** Did we in fact make the change to "may not operate?" Is that
2016 clear?
2017 **JACOBS:** Yes.
2018 **MEYER:** The other thing that we talked a little bit about, and while I hate
2019 to throw this in at this point on this particular ordinance, what I'd like to
2020 do is have a conversation, not tonight necessarily, but I'd like to have a
2021 conversation about extended hours, holiday hours, and how we'd like to see
2022 those issues in draft language. But I still feel like we need to talk about
2023 that.
2024 **SCOTT:** Actually, that's a great point because in our previous discussion, we
2025 wanted to allow a general consensus on that, and somehow that didn't ended up
2026 anywhere.
2027 **JACOBS:** I thought the way you ended up was when you had the discussion on
2028 hours that because you were going all the way to 1:00 in the morning, that
2029 you weren't worried about the midnight opening because that would give them
2030 that hour. And I may have misunderstood.
2031 **SCOTT:** I've been to a lot of midnight openings, and an hour is not
2032 sufficient.
2033 **JACOBS:** I don't have that experience, so I apologize.
2034 **SCOTT:** So I do think we need either a variance process or a temporary use
2035 process whether it's in this ordinance or handled in the administrative
2036 process, I don't know, but I think we need to have that discussion.
2037 **MEYER:** And I don't know if this is the place to do that, and that's the
2038 discussion we can have. I would support a variance for extended and holiday
2039 hours so long as some kind of a public safety plan was required. Because I
2040 feel like - relating to public safety issues, I feel like as businesses are
2041 choosing to extend hours either early or late, there are these public safety
2042 concerns of traffic and people congregating and things that we've discussed.
2043 And I feel like there is some responsibility that needs to lie with the folks
2044 that are extending their hours.
2045 **SCHOENING:** We just approved an ordinance regarding camping and approved a
2046 variance for that. So I feel like for the sake of consistency, we have to
2047 discuss a variance for this. That being said, I have in my questions for the
2048 Chief how it already is happening. It happens at Kohl's. It happens at
2049 Target. I would like to hear from him what they do - "they" meaning the City
2050 of Sherwood police department, when those extended hours happen. Because that
2051 is one thing that is already happening in city and so I feel like this is the
2052 one unique time where it's actually happen. So maybe we can ask him what that
2053 adds to the police department and what their plans are when they're open for
2054 extended hours.
2055 **MEYER:** Any other thoughts on that?
2056 **O'KEEFE:** I would agree. The thing going through my mind, and with any
2057 retailer doing extended hours, and I'm particularly thinking of holiday
2058 hours, major holiday hours, sale hours, where they open the door, and you
2059 have 200-300 people standing a the doors. And they open their doors all at
2060 one and then there's a crowd, and we've seen the stories on the news how some
2061 poor or some little kid gets trampled. And I'm not sure I'm comfortable
2062 without some sort of public safety plan for an event opening I guess I would
2063 call that to where certain stores in the past have gone away from that

2064 everybody rushes the doors. You line up, and they hand out a lottery ticket,
2065 and then they let in the first ten numbers or something like that. And I
2066 don't know if that's something we can address, but that's just a concern that
2067 I have in the back of my head. And we can make recommendations for maybe a
2068 public safety plan that the city council or planning department can come up
2069 with.

2070 **MEYER:** Yeah, and that's where I was really going with this. I would hate to
2071 include language that would detail how a business should operate. However, I
2072 think that creating parameters upon which promote public safety, generally
2073 speaking, is really important.

2074 **BRUTON:** If I may, this ordinance details how a business should operate.

2075 **MEYER:** Well, absolutely, with regard to public safety. And that's the basis
2076 upon which I do support this ordinance.

2077 **SCOTT:** Yeah, and I would just say that I think in regards to public safety,
2078 there are some assumptions being made.

2079 **BELOV:** If you'd like, I can read my statistics, and that will help to
2080 clarify any assumptions.

2081 **MEYER:** Or we can...

2082 **SCOTT:** I think we've all done - at least I know I have. I've done some
2083 pretty extensive independent research. So I won't speak for the rest of - if
2084 she wants to read them, and the Chair recognizes that, I'm fine. I'm just
2085 saying that I'm not ignorant of the statistics that are out there, but I know
2086 there's a lot of...

2087 **COOKE:** There are statistics that validate the need for this in order to
2088 protect the livability of the community.

2089 **SCOTT:** And there's also statistics that you could find that would say that
2090 there isn't. I mean, it all depends on which set of statistics you look at,
2091 right? I mean, that's the beauty of statistics - which study do you like? And
2092 what we don't have, or what I haven't seen, is what the statistics are for
2093 Sherwood or towns that are very similar in profile to Sherwood. I've seen a
2094 lot of generalized, nationalized statistics.

2095 **BELOV:** But Sherwood doesn't have a 190,000 square foot retailer, and there's
2096 nothing we could use. There's no precedence set. We can only go by what other
2097 retailers across the country have done and how that's affected..

2098 **SCOTT:** Yeah, but I think you have to look at the profile of the community in
2099 general, not taking a national statistic and applying it to Sherwood.

2100 **BELOV:** You can also look at specific retailers and look at their statistics.
2101 That's what I have.

2102 **SCOTT:** Yeah, and they go - and again, it depends on which set of statistics
2103 - anyway, I don't want to go around and around about this. I think my point
2104 being is that there's some assumptions being made, and I don't know that the
2105 public safety component as it applies specifically to Sherwood is clear cut.
2106 I'm not saying it doesn't exist. I'm just saying it's not been proven to any
2107 kind of definitive nature.

2108 **BELOV:** But if you have statistics that speak otherwise, you should bring
2109 them because if you can convince us that it's not an issue, we'd like to hear
2110 it, I'm sure.

2111 **MEYER:** Well, and the other thing that we've discussed is having the Chief
2112 come in next week and perhaps - I'm happy to extend an invitation to the
2113 gentleman that submitted this letter today to ask if he would be willing to
2114 come in and speak to some of the earlier questions about security services.
2115 And we could certainly invite other security companies that are working
2116 locally to come and talk about their observations and experiences in these
2117 kinds of situations.

2118 **SCOTT:** And I value the input of this letter. As I mentioned earlier, I'm
2119 curious to know what towns and areas and whatever that his experience is in.
2120 And I definitely want to hear from the Chief because I think that is the most
2121 relevant data we have available to us.

2122 **COOKE:** I also think it's important to get data, but I also think that it's
2123 important that we don't just let the chips fall where they may. We have a
2124 real opportunity here to look forward and - we do a lot of planning for our

2125 cities, for the way that our schools - I mean, we project out. And I think
2126 it's really important. There are changes that are coming to Sherwood, and we
2127 need to take a rational look at various points of data in order to, again,
2128 help promote, protect the livability of our community.

2129 **SCOTT:** Good.

2130 **MEYER:** The other thing, too, is whether or not there is an existing issue.
2131 Fear of crime and fear of potential crime is a real issue. So the fear of
2132 crime can certainly affect people's opinions, people's choices, how they feel
2133 about their community. It can strain relationships with authorities and
2134 other. So I feel like in looking at an ordinance like this and in reviewing
2135 language like this, we are creating a parameter to give the public some
2136 feeling of assurance that these issues are being reviewed and that we are
2137 being proactive and that we are looking at the livability of Sherwood now and
2138 into the future.

2139 **SCOTT:** Yeah. Absolutely. And I think that the only counterpoint I would make
2140 in regards to the fear is the idea that you could overreact to that fear and
2141 end up with some of these unintended consequences that I'm hearing the
2142 community is worried about, and I've been saying all along from the first
2143 meeting, that I'm worried about. I think, Beth, you said the best word,
2144 "rational." Right? So I completely agree at looking at all the rational and
2145 relevant data points. And ultimately, again, this is going to go to the
2146 voters. I think our duty is to put the best ordinance in place and let the
2147 voters decide what it is they want.

2148 **BELOV:** See I'm not really sure what you're asking for. What specifically do
2149 you want to change.

2150 **SCOTT:** I want to hear from the chief of police. That's what I'm asking for.

2151 **MEYER:** Okay. I'm happy to extend the invitation. Or Tom, since you've
2152 already spoke to the Chief, maybe you can confirm with him? Either way.

2153 **PESSEMIER:** He's scheduled to be here. He already has it in his schedule, and
2154 I'll make sure that he knows that you would like to hear from him.

2155 **MEYER:** Yes. Any other specific modifications to the language as written
2156 before Chad redlines this for rereview.

2157 **O'KEEFE:** I highlighted a couple issues. Section F, Penalties - "City's
2158 reasonable attorney's fees. The manager may seek recovery of the city's
2159 reasonable attorney fees." And in that same section, "See prior violations,
2160 magnitude of the violation, whether the violations were repeated and
2161 continuous, or whether the violation was intentional." I think that's good
2162 wording, and I would not want to add anything to that unless you guys are
2163 thinking specifically, but I think I'm agreeable that this is good once we
2164 nail down the hours.

2165 **BELOV:** I would agree.

2166 **MEYER:** Any other thoughts at this point?

2167 **SCHOENING:** I think it can wait for the Chief, but I do want to say I have
2168 concerns about on page 1, under A, number 2a, it seems - I just think it's
2169 something that we should have the Chief address. It's talking about a limited
2170 police force. It's talking about the police should be focusing its resources,
2171 providing protection to residential neighborhoods. I think we've spoken about
2172 health and safety. I think that we've also discussed the need for employees
2173 to feel safe in their workplace, and I feel like this is very inclusive, and
2174 it's not addressing the health and safety of the employees who are working in
2175 these facilities. And so I would just like to say that possibly we should
2176 look at rewording that. It just doesn't seem like a reason for me. It seems
2177 like we're leaving out a large piece of the picture.

2178 **BRUTON:** I think that quality of life, again, as we've talked about before,
2179 is something that has different meaning to the individual, and I don't think
2180 that that needs to be in here.

2181 **SCHOENING:** I can't believe any police chief is going to say it's more
2182 important to police one part of the town as opposed to the other, so I would
2183 like to hear if he agrees with that is where I'm coming from. That sounds
2184 very classist to me, and as someone who works late and walks late at night in
2185 Old Town, I'm hopeful that they'll police that are too.

2186 **MEYER:** Did you have anything to add?
2187 **JACOBS:** I would just throw in that this is not an exclusive list, so you can
2188 add additional things. That was a topic that was discussed by the committee
2189 previously which is why it's in there as one of the purposes. And certainly
2190 if you - requiring a business to be closed during certain hours where there
2191 is limited police availability certainly is a reason that protects the health
2192 and safety of the employees, and we can add that as an additional reason.
2193 There's no problem in doing something like that. So if the committee wants, I
2194 can add that to the redline draft.
2195 **COOKE:** And that point is one that the Chief made at a recent city council
2196 meeting in particular as to why this potential ordinance would be useful
2197 because they do have limited resources and whether or not they're going to be
2198 policing - again, helping to protect those employees or helping to protect
2199 the residents who are sleeping in their beds at night.
2200 **SCHOENING:** So the employees aren't residents?
2201 **COOKE:** Many of them are, but at the same time.
2202 **SCHOENING:** You have no idea if the employees are residents or not.
2203 **COOKE:** But no he brought that up. That's one point in particular he
2204 (indecipherable).
2205 **SCHOENING:** Okay, but can we just please ask him because if we're talking
2206 about health and welfare in one ordinance, we're discussing the health and
2207 welfare of employees and how we're looking out for that, but in this
2208 ordinance, we're leaving them out entirely. So I just want to make that noted
2209 and on the record that we should also be addressing the health and safety of
2210 the employees that are working.
2211 **O'KEEFE:** All the people residing and working in the City of Sherwood and
2212 making (indecipherable).
2213 **SCHOENING:** It's just that simple.
2214 **COOKE:** ...leaves them out, but I look forward to hearing what he has to say.
2215 **MEYER:** Okay. Great. I think that Chief Groth's comments will be very helpful
2216 to us. Chad, I'm hopeful that with the few points of a modification that
2217 we've made that those will be some quick changes for you. Do you have any
2218 questions of us?
2219 **JACOBS:** I don't have any questions. Just to give you an update on the
2220 schedule then. What we will do is I will go back and draft the changes to the
2221 two ordinances where you requested changes, and I will have those to the city
2222 staff by sometime Friday because I will be going on vacation next week. So
2223 Chris will be back I'm told to help you guys through the rest of next week.
2224 But this way you'll have this language in time for you to discuss at your
2225 meeting next Monday.
2226 **MEYER:** Thank you very, very much. In an effort to wrap up this evening, I
2227 would like to open the floor for closing comments. Naomi, would you like to
2228 start tonight?
2229 **BELOV:** I think that Tim - he's no longer here, but he was worried that some
2230 of the ordinances would affect his business, his steel industry. So we can
2231 just reiterate that it's for retail sales and service businesses, not his
2232 type of business.
2233 **MEYER:** Could you speak a little bit more loudly into your microphone?
2234 **BELOV:** Sure. So the ordinance would be for retail sales and service
2235 businesses. He was worried about people camping out on his property. So he
2236 would be fine with that, right? Because we're not even - his steel service
2237 business would be exempt I think. And then the woman who was worried about
2238 people not being able to camp in her yard. That's also residential. People
2239 would still be allowed to, correct?
2240 **MEYER:** Those issues are already addressed in the ordinance.
2241 **BELOV:** Right. Maybe we can just clarify it though. I think that's it.
2242 **MEYER:** Okay. Larry?
2243 **O'KEEFE:** Responding to a couple of the comments. Amanda had some homeless
2244 concerns regarding hurricanes, schools, churches. I would think that would
2245 fall under emergency things, so any concerns - I wouldn't think they'd be a
2246 big thing, but I would want to clarify, and I don't think she's still here.

2247 Larry Randall suggested events with camping. It would be reasonable to
2248 require people to provide - retailers to provide a list to police of people
2249 they've given permission to camp on their private property. Definitely have
2250 the electronic forms available online. I think it's written in the words on
2251 the draft. We don't want to create a hardship for people in doing this.

2252 **MEYER:** No.

2253 **O'KEEFE:** The - I'm just going to come out and say this, and it's unrelated
2254 to the things that we've talked about tonight. I won't be here tomorrow
2255 night, and so I wanted to get my little speech in about the sick leave draft.
2256 I think we've got a lot on our plate with the three things that we've already
2257 done, and I think - I can't support the sick leave process as it is right
2258 now. I think it needs more work. I think 240 hours - I'm just doing the math
2259 when I was reading this over and over and every of word of it. 240 hours a
2260 calendar year is 20 hours a month. That's five hours week that we're asking
2261 employers with five or more employees to pay. I don't think this is something
2262 we as a committee should be spending our energy on at this time. Now down the
2263 road, I think we can recommend to the city, and we certainly want to
2264 encourage retailers and businesses alike to provide time for their employees.
2265 I'd definitely be interested in employers providing some sort of flexible
2266 spending account that they can spend pre-tax dollars on stuff, but to mandate
2267 that the city and all businesses come and provide sick leave for their
2268 employers, I think it's overstepping what I think that we as residents want.
2269 And I do think employees need living wages and they need benefits, but I
2270 would be much more inclined to spent my energy on doing a dollar amount
2271 targeted towards benefits. So my vote is no if you guys get to a vote
2272 tomorrow night. And I won't be here, but if you discuss - I'm okay just
2273 letting that one fly. That's all I have to say.

2274 **MEYER:** Okay. Nancy?

2275 **BRUTON:** Thank you. I just wanted to first thank those of you who sit on this
2276 committee: Staff, council, and the public for being here. That is really
2277 important that we're all sticking it out. I wanted to reiterate a couple
2278 things. One, I truly love Sherwood. I want to say that. I want it on public
2279 record because I believe in this town, and I think it has a lot of potential.
2280 One of the things that all of these ordinances concerns me about is that is
2281 they currently, based on the way that they're drafted and the conversations
2282 that we're having are already having impacts on Sherwood's ability to do
2283 economic competition and future development in the area. And I'm already
2284 starting to hear examples of businesses that are questioning the ability to
2285 come here, that are questioning their ability to develop or expand based on
2286 the conversations that we're having. I had some light feedback from some of
2287 our business community, and I wanted to just really quickly say that the
2288 general consensus I'm getting in talking to businesses is that they fear that
2289 we're addressing a problem that isn't yet a problem. One business owner here
2290 in town says, "The more freedom that a business owner is allowed to make
2291 money, the more money it will give back to its community. This is a circular
2292 process." And I hope that we recognize how many great things Sherwood
2293 businesses have done for this community. I have a wealth of notes and
2294 information from a breakout session that we had with over 50 of our business
2295 leaders here in town. I am going to actually submit those to public comment
2296 for sake of time tonight, but I wanted to address one of our many questions
2297 which was, "As you conduct business, what do you fear?" And some of the
2298 feedback we got, and this is limited, it isn't the full list, but a
2299 restriction of income because of potential ordinances, no customers, growing
2300 our business, the community degrading, Sherwood not being open to business,
2301 and decisions being made without education. And I wanted to, again, mention
2302 the fact that the business community feels, again from my perception, that
2303 they're in kind of a compromised position. This is kind of a double-edged
2304 sword because they feel like we are putting potential ordinances in front of
2305 council that impact them directly, but them coming out could be detrimental
2306 for them in terms of jeopardizing their consumer base, and it's something
2307 that personally saddens me when I go home.

2308 **BELOV:** I'm not quite sure what you mean by it would - why they wouldn't come
2309 and voice their concerns. Why is that an issue?
2310 **SCHOENING:** Because people will stop coming to our businesses because we're
2311 here, and I can tell you that it's already happening.
2312 **BELOV:** I just don't understand that.
2313 **SCHOENING:** I'm sorry that you don't understand it, but it's the reality, and
2314 I'm sorry, but there are people who will retaliate against businesses or
2315 people or at least maybe the perception is in some instances that if someone
2316 comes out prodevelopment let's say, they will be retaliated against with
2317 people's dollars. And so I will say that from my standpoint as a business
2318 owner in town and from some of the other business owners that I've spoken to,
2319 it's real. It's a real fear.
2320 **BELOV:** That may be real, but the reality is that we're also here to voice
2321 the concerns of the residents, the 18,000 people. So we're not here primarily
2322 to represent the businesses unfortunately.
2323 **SCHOENING:** Some of these businesses owners live here, Naomi. A lot them live
2324 here. And a lot of the employees live here. And discounting a very large
2325 voice is unfair.
2326 **BELOV:** Well, I think they could come here, and they could speak, and I don't
2327 see why they shouldn't. If they feel like their business - we had the man
2328 from Pride Disposal come, and we had a man here tonight from The Springs, and
2329 I don't think there's any reason why they shouldn't come.
2330 **MEYER:** I think we need to move on with closing comments, if that's okay for
2331 tonight. Doug?
2332 **SCOTT:** Thank you. I first want to explain my vote on the hazardous materials
2333 ordinance. I voted no. I was planning on voting yes, and I'm in favor of the
2334 ordinance as written. However, when Nancy indicated that she was expecting
2335 some information from Clean Water Services, I felt like we should have waited
2336 to hear that information, so that's why I voted no. Moving on to something
2337 I've heard expressed in public comments tonight about a living wage, and I
2338 know that people haven't been here to all of our meetings, but that came up
2339 in our first two public meetings. And just to clarify that ORS 653.017
2340 expressly prohibits us from enacting any wage standard on private employers,
2341 and there are a couple exceptions for generally public employment. And so as
2342 advised by attorney early on, we just can't go there whether we want to or
2343 not. So I know people keep bringing that up, but we are just not allowed to
2344 go there by law. End of story. There are other fringe issues that we continue
2345 to look at like sick pay, like other benefits, and I think the next session
2346 tomorrow is going to be focused on that. But in regards to wages,
2347 specifically pay, we just can't go there. So I know that's a thing that
2348 people are really passionate about, and it doesn't matter because we can't do
2349 it. Oregon States says we can't do it. I'd like to move on to a lot of the
2350 issues I heard concern from public comment about the camping ordinance in
2351 particular. I think that hopefully as people read through it, they will agree
2352 that the variance process addresses almost all of those concerns, and I'm
2353 pretty sure also that the ordinance does not apply to camping in your back
2354 yard. It was publicly accessible areas, and I don't think anyone would define
2355 somebody's private property, residence property, and a publicly accessible
2356 area. Finally, I heard a lot tonight about something that's been foremost in
2357 my mind throughout this process even before the committee formed, and that is
2358 unintended consequences. And that's my biggest concern is that this entire
2359 process was put together for good reason, and we're serving a good purpose
2360 here, but we have a very short time line, and a lot of it is based upon a
2361 reactionary, right or wrongly reactionary, I'm not debating that point, but
2362 it's a reactionary response to things that are happening right now. And I'm
2363 really concerned and have been concerned from day one about doing something
2364 in a quick, knee-jerk fashion to try to react to a problem or even a
2365 perceived problem, but what the consequences may be for other areas and other
2366 businesses in town downstream from that. Specifically, when we start getting
2367 into some of the employee benefits and issues that we're going to be
2368 discussing, for example, the sick pay. Right now, as a first draft, it's

2369 basically a carbon copy of Portland's sick pay policy. This policy as written
2370 is going to hit the hardest by far the small businesses in this town that
2371 I've heard in a lot of the comment forums I read and when I talk to people in
2372 the community, and when I hear people testify week after week - what I hear
2373 is more small business, we want to support small business. This sick leave
2374 policy is going to really, really impact small businesses in this town, and I
2375 think people don't recognize that or maybe we'll tease that out tomorrow. But
2376 I'm really concerned about that because it seems to be going against what a
2377 lot of people are saying they want to support.

2378 **FEMALE:** Number of people. Square footage and number of people.

2379 **SCOTT:** And we'll talk about all of those things, but that's what I'm saying
2380 is as it's written now and as it was distributed to us, it's really, really
2381 going to hit small businesses the hardest.

2382 **BELOV:** I think - can I...

2383 **SCOTT:** This is closing comment time. Thank you. And so I just want to
2384 reiterate, please, come back tomorrow, have this discussion because this sick
2385 leave policy is going to drive small businesses out of this town, and it's
2386 going to prevent small businesses from coming to this town. And there's no
2387 argument that anybody can make otherwise that's rational. So that's my
2388 closing comment.

2389 **COOKE:** I would dispute all that you've just said about the sick leave
2390 policy. You have to remember - if you've done the math, the actual cost of
2391 what's proposed in this ordinance - it's a very well thought out process.
2392 Portland went through months and months - this is something that is not
2393 unique to Sherwood. This is something - actually, I was involved in the
2394 Portland community for nearly a year and a half. There are a lot of people,
2395 businesses, champions, small businesses, we heard over and over, "Oh, this is
2396 going to hurt..." be an impact on small - it was the small businesses that
2397 stood up for this type of ordinance. But I agree with Larry that it is
2398 possible that it's not the right time in this process for us to take a look
2399 at this particular policy, so I will agree with Larry on that point. But I
2400 will disagree kindly with all that you just said because if you've done the
2401 math, you'll find that it's not the small businesses that you have to worry
2402 about offering these benefits. They again - we've talked before. Those are
2403 the ones that you hear about that value their team that recognize that they
2404 don't want their employees going to work sick, getting the public sick. This
2405 is something - 80% of low-wage workers in Oregon don't have a single day of
2406 paid sick leave right now. So this is something that if you look at in
2407 threshold - I think the thresholds that are set in this draft ordinance are
2408 viable. I would not recommend doing higher - I would not support something
2409 that had a higher threshold than this. This is something that is a larger
2410 scale I think we should be working towards as not only as a city but as a
2411 state. Portland - I applaud the activity that went on there. I'm proud of the
2412 work that was done. But absolutely, I disagree kindly with - and if you had
2413 had more time as I've had to review it in depth...

2414 **SCOTT:** I find that insulting.

2415 **COOKE:** Well, I find some of your comments insulting.

2416 **SCOTT:** (Indecipherable) I didn't read it. I've read it multiple times.

2417 **MEYER:** So, okay. I'm sorry. I don't mean to interrupt, but...

2418 **COOKE:** Those are my closing comments.

2419 **MEYER:** As opposed to bantering in closing comments, let's stick to our own
2420 personal closing comments, please. Rachel, you go ahead. I'll wait. We've
2421 covered a lot of information in the several meetings that we've had. We've
2422 worked a lot of hours. There has been clearly discussion and disagreement
2423 amongst us which I think is positive and beneficial to progress. Some might
2424 suggest that rules or laws should be enacted for every eventuality, and
2425 that's just not possible in my opinion. I think that I joined this committee
2426 very specifically to work toward progress within Sherwood because it's my
2427 community, and I hear about it. As we work within this committee, and as we
2428 continue to work in and around this community, I think it's important that we
2429 are working together to promote a sense of community and to promote

2430 relationships within this community. And it concerns me that there has been a
2431 lot of dissent among what we're trying to do or what we're not trying to do
2432 here. And it's just my hope that what you have observed in these meetings is
2433 an attempt to keep things good, make things better, and create some
2434 parameters that are reasonable in promoting the livability of this town.
2435 There is so much to be appreciated, and I think that we're all here because
2436 we love Sherwood. We spend many of our hours living and breathing here and
2437 beyond, and if we didn't care, we wouldn't be here and neither would any of
2438 you and neither would any of the folks that are watching this video at home.
2439 So thank you for all of your commitment. Thank you for the disagreements.
2440 Thank you for the emails. Thank you for all of the comments because, again,
2441 all of what we do here is lending itself to progress. And with that, I will
2442 say goodnight, and the meeting is adjourned.

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2451 205 SE Spokane Street, Suite 395
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2457 _____
2458 Meerta Meyer, Chair
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2461 10-14-13
2462 _____
2463 Date

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2466 Documents presented at the meeting:

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2468 Exhibit A - Regulation of Camping Ordinance, First Draft
2469 Exhibit B - Regulation of Business Hours, First Draft
2470 Exhibit C - Hazardous Substances Regulations, First Draft
2471 Exhibit D - Arcadia Security, Letter submitted to the Committee