

City of Sherwood
Special Committee Meeting Minutes
08/01/13
22560 SW Pine Street, Sherwood, Or 97140

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7 **MEYER:** Good evening. It is August 1st. It is now 6:35, and I call the meeting
8 to order. This evening, prior to starting our regular meeting, we are going
9 to excuse ourselves for a moment for an executive session. Sylvia, could you
10 kindly read the script?

11 **MURPHY:** The Sherwood Special Committee will meet in executive session for
12 the purpose of discussing exempt public records pursuant to ORS 192.660
13 (2)(f). The representatives, news media, and designated staff shall be
14 allowed to attend the executive session. All of the members of the audience
15 are asked to remain in the other room. Representatives of the news media are
16 specifically directed not to report on any deliberations during the executive
17 session except to state the general subject of the session as previously
18 announced. No decisions will be made in executive session. At the end of the
19 session, the committee will return to open session.

20 **MEYER:** Thank you. Okay.

21 **BREAK**

22 **MEYER:** ...to order. It is now 7:10. Sylvia, would you kindly take roll call?

23 **MURPHY:** Chair Meyer?

24 **MEYER:** Here.

25 **MURPHY:** Rachel Schoening?

26 **SCHOENING:** Here.

27 **MURPHY:** Beth Cooke?

28 **COOKE:** Here.

29 **MURPHY:** Doug Scott?

30 **SCOTT:** Here.

31 **MURPHY:** Nancy Bruton?

32 **BRUTON:** Here.

33 **MURPHY:** Larry O'Keefe?

34 **O'KEEFE:** Here.

35 **MURPHY:** And Naomi Belov is currently absent.

36 **MEYER:** Thank you, Sylvia. Let's go ahead and move on to the approval of the
37 meeting minutes for July 12th and 15th. Are there any errors or omissions in
38 the minutes? Okay. Given there are no errors or omissions, I declare the
39 minutes approved as printed. I don't have to take a vote, correct?

40 **PESSEMIER:** Yeah, you do.

41 **MEYER:** I do? All in favor? Oh...

42 **SCOTT:** I will move to approve both - I will make a motion to approve the
43 minutes of the July 12th and July 15th session.

44 **O'KEEFE:** Second.

45 **MEYER:** All in favor.

46 **SCOTT:** Aye.

47 **O'KEEFE:** Aye.

48 **COOKE:** Aye.

49 **MEYER:** Aye. Any opposed? So moved. Thanks. We will go ahead and now open the
50 floor for public comment. And so just as a reminder, this is not a
51 question/answer period. Please do just make statements to the committee, and
52 everyone will have up to four minutes, so let us know your thoughts. And when
53 Sylvia is ready, we'll go ahead and start. And it's very informal so please
54 just come on up. And we're ready. Thank you.

55 **BRUCE:** I just basically want to make a statement. I realize that most of
56 your work is pretty much coming to a conclusion. I want to thank the special
57 committee for your work. And the restrictions that you've been up against in
58 terms of a state preemption and so forth, I think this is a step in the right
59 direction. And it's very exciting that the citizens of Sherwood, we citizens,
60 are actually taking action and taking a hand in guiding our own destiny. One
61 thing I also do want to emphasize is that despite newspaper - I heard

62 comments by numerous people and union as portrayed in this morning's
63 Oregonian political cartoon, which I nearly gagged when I saw it -
64 (indecipherable) take a look at that about people opposing Wal-Mart. This is
65 a significant issue. It's not whimsical. It's not trivial or arbitrary. Wal-
66 Mart is a entirely different class of corporate entity and is truly an
67 economic parasite on small communities. So we don't have time to go into
68 facts or statistics, but the point of saying that is this is not a trivial
69 matter, and it's not arbitrary, and it's no whimsical; otherwise, a large
70 segment of the population of Sherwood would not have mobilized to this extent
71 in these past few months. So what I want to say is that I hope that - and I
72 also want to emphasize, too, in terms of anybody who is concerned about Wal-
73 Mart's welfare that this is not intended as punishment but simply a means of
74 enforcing good behavior on any corporate citizen who comes into our community
75 and should be applied equally to any larger retailers. I saw in the notes
76 this afternoon - Living Springs Retirement Community was concerned about that
77 they're a large business and that they're going to be harmed by ordinances
78 that apply to wages and healthcare, and my answer to them is they are totally
79 small potatoes compared to what we're looking at with Wal-Mart. And also
80 restrictions in other communities reference size in terms of square footage
81 over 75,000 square feet is a dividing line. And I just want to mention that
82 those - I think it's called the Economic Impact Review and something that
83 can be used in the future to evaluate the economic impact on communities of
84 any large company that comes in. So this is not really necessarily about Wal-
85 Mart in particular. It's about Sherwood and all of us and all of you, and I
86 hope that these proposed ordinances and support the recommendations that
87 you're making are just the first chapter in a long story for Sherwood. And I
88 think I had 14 seconds left. That's it.

89 **SCOTT:** Can we get your name, please, for the record?
90 **BRUCE:** Oh, sure. My name is Bruce Toien. T like Thomas, O-I-E-N like Nancy.
91 **SCOTT:** Thank you.
92 Bruce: Okay.
93 **MEYER:** Thank you, Bruce.
94 Bruce: Sure.
95 **MEYER:** Anyone else this evening?
96 **NEIL:** Good evening. My name is Neil Shannon. I reside at 23997 SW Redfern
97 Dr. I guess I'm going to have to be almost the opposite. I do really
98 appreciate the time that the committee has put it, so I don't want to degrade
99 the amount of time and effort that you have put in. But quite honestly, this
100 was really a bunch of smoke and mirrors, political cover for the city
101 council. Obviously, the activated citizenship early on in some of the early
102 city council meetings wanted to create a poison pill for the retailer that
103 shall not be named. I think very early on in your meetings, you discovered
104 that that poison - that your fangs were pulled basically because of the -
105 well, I mean it's reasonable regulations that you can't write law that says
106 anybody but Wal-Mart. So I understand that completely. I do have some
107 concerns with the proposals that you are coming up currently. One of them has
108 to do with RVs and camping. I am actually an RV owner, and one of the
109 concerns that I would have for Sherwood is that there would be difficulty
110 with RVs parked even in local neighborhoods. You have a friend, a cousin, a
111 family coming up to visit you, it's not unusual for them to park on the
112 sidewalk outside your house for a few days while they're coming through town,
113 and a regulation like this would clearly create a great deal of problems for
114 that. I do not think that it was a problem in the past, and I think that
115 we're trying to regulate a problem that is not a problem. Quite honestly, if
116 the founding fathers or the city council went to the management of Sherwood
117 and says, "We really would rather not have overnight parking here," I am
118 absolutely sure that the management of Wal-Mart, which is well within their
119 discretion, would go, "Well, sure. Yeah, we understand that. We'll post the
120 signs." And I'd rather have Wal-Mart enforcing that no overnight parking
121 rather than us trying to create four pages or more of regulation. And I'm a
122 little bit concerned, based on some of the testimony from Police Groth in

123 discussing it with you, that "well, you know, the police officer has a
124 certain level of judgment that he can apply," and so on and so forth. That's
125 just creating difficulties and problems. Bottom line - it's not a problem
126 right now. Let's not try and solve a problem until it becomes a problem. Same
127 thing actually becomes true with hours of operation. Quite honestly, Chief
128 Groth, when he talked to you, indicated that he did not see an overnight, 24-
129 hour Wal-Mart being a real problem. You asked him what he really felt would
130 be his night problems, and what he said close the bars. Well, unfortunately,
131 that's state regulation again. You're not allowed to close the bars. So,
132 again, you're trying to fix a problem that's not a problem. And quite
133 honestly, a Wal-Mart opened at 4:00 a.m. might be an island of refuge to
134 somebody who is in trouble rather than being the store that's black and
135 closed and so on and so forth. So quite honestly, I am opposed to the
136 proposals that are coming up right now. I don't think that they're necessary,
137 and I'm concerned that the City of Sherwood's going to have to spend at least
138 \$5,000 for a special election, and I'm going to end up campaigning against
139 that election anyway. So I would rather that the city save \$5,000, realize
140 that what this committee is doing right now is not going to be effective for
141 what it was originally chartered for. Thank you.

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

143 **MEYER:** Thank you, Neil, very much. Anyone else?

144 **AARON:** Hello. I'm with the Sherwood Theater, with Regal, and my name is
145 Aaron Muselwhite (sp). I'm the general manager overseeing that facility right
146 now. I just wanted to make comment to the operation hours in the - I believe
147 there were some changes on the last one. So if it is as written, I think
148 they've excluded movie theaters now. So that would be good. But I just wanted
149 to make sure that our company was heard and that our concerns are addressed
150 if anything would change in the future. Basically, just the operating hours -
151 we do operate after 1:00 a.m. on a regular basis, and we do have premiers and
152 such that would require people to be on our facility later than that as well.
153 I know I think my company and the motion picture association sent an email
154 just with our concerns as well. So we just wanted to make sure that we're
155 heard and represented here. Thank you.

156 **SCOTT:** Thank you.

157 **MEYER:** Thank you very much.

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

159 **MEYER:** Anyone else? Okay. We'll go ahead and move on to new business. So
160 this evening, we're going to go ahead and start with a review and discussion
161 of the regulation of camping ordinance, and we'll start with looking at the
162 third draft. And that was distributed to all committee members earlier, and
163 I'm wondering if there are any questions at this point about the
164 modifications that have been made since our last meeting.

165 **BRUTON:** I did have a comment. Was there going to be an appeals process as an
166 option for obtaining the variance?

167 **MEYER:** Can you elaborate on what -

168 **O'KEEFE:** 9.5...

169 **BRUTON:** Assuming that if someone, I guess, attempted to get a variance and
170 wasn't honored one, shouldn't there be language about a potential appeal?
171 That's my understanding. I could be wrong.

172 **MEYER:** I am going to go ahead and turn this over to you, Chris.

173 **CHRIS:** There would be an appeal. Typically, when the - what am I trying to
174 say? So city council/city manager makes the decision. Unless there's an
175 appeal otherwise specified, you can always challenge that decision in circuit
176 court under something called a writ a review. It has to be filed within 60
177 days. There are certain standards and procedures for how that's done. But
178 that would be the appeal process. As for something else being specified in
179 the code, and I don't see anything here - yeah. Let's leave it at that.

180 **PESSEMIER:** It specifically mentioned that that is the appeal process under
181 item 9.54-100 at the very end there.

182 **BRUTON:** Perfect. Yeah, I was curious about that. And then under the variance
183 review, I'm wondering about the word "may," and I had that question in here a

184 lot. It says "the city manager or manager's designee or city council may
185 grant a variance." I feel like that word should be "shall," assuming that all
186 those measures are met or else it seems like they have the ability to say no
187 at their own discretion.

188 **CHRIS:** It should be a discretionary decision in the same way that policy
189 makers have discretionary policy authority, police officers have discretion
190 whether or not to stop you for speeding if you are one or two miles an hour
191 over the speed limit, and I think the language of the ordinance requires it
192 to be discretionary. When you look at (A) for example, there are unnecessary
193 or unreasonable hardships. So even if the language in the introductory
194 sentence was "shall grant a variance," the city manager could say, "Well, I
195 don't think this is an unreasonable hardship," or "I don't think this is an
196 unnecessary hardship" and get to the exactly the same result, notwithstanding
197 the word, "shall." The very language of the provision itself is clearly
198 designed to be a discretionary decision on the part of the city manager, and
199 this would be the people of the city, frankly, vesting that authority in the
200 city manager.

201 **BRUTON:** I can appreciate that. Thank you for clarifying.

202 **MEYER:** Any more comments on this most recent draft? All right. I'd like to
203 go ahead and make a motion that we accept the regulation of Camping Ordinance
204 - Third Draft as written for presentation to council.

205 **COOKE:** I'll second.

206 **MEYER:** All in favor?

207 **SCOTT:** Aye.

208 **COOKE:** Aye

209 **O'KEEFE:** Aye.

210 **MEYER:** Aye. Any opposed?

211 **O'KEEFE:** Do you need to do an individual count there?

212 **MURPHY:** No, I do not, but I do need to inform that if you don't vote one way
213 or the other, that vote is in favor for. So if your voice isn't heard, that
214 is in favor for.

215 **SCHOENING:** Oh, Aye.

216 **MEYER:** Thanks, Rachel.

217 **MURPHY:** I'm sorry. Nancy, your vote was Nay?

218 **BRUTON:** Yeah.

219 **MURPHY:** Yes. Thank you.

220 **MEYER:** Okay. Let's go ahead and move on to the third draft of the regulation
221 of business hours. We have received several modifications for our last
222 meeting. Would anyone like to start with any comments or concern?

223 **COOKE:** I believe in section (B), we discussed at the previous meeting
224 changing the 20% to 50% under gasoline filling station.

225 **O'KEEFE:** Agreed.

226 **MEYER:** I would agree.

227 **SCOTT:** Agree

228 **BRUTON:** Yeah.

229 **MEYER:** In section (D), number (4), we need to strike "or" at the end of that
230 paragraph, and I would like to see the remainder of that paragraph that's
231 italicized on page 3 also struck from the ordinance language.

232 **SCHOENING:** We all agreed that that should be struck in the previous meeting.
233 Yeah?

234 **COOKE:** Agreed.

235 **MEYER:** Oh, thank you.

236 **O'KEEFE:** Was there also discussion about adding - under (D)(2), gasoline
237 filling stations? I would suggest defining the sale of
238 prescription/nonprescription how it does in number 4. Also elaborate on
239 gasoline filling stations.

240 **SCOTT:** I believe we had decided against that.

241 **O'KEEFE:** We decided against that? Never mind, I'll withdraw my suggestion.

242 **MEYER:** And just to clarify, Larry, so under section (D) - I think what
243 you're asking is whether or not that is defined, and it is under section (B),

244 number (1). And so the modification that we've asked council to make is the
245 percentage increase from 20 to 50.

246 **O'KEEFE:** Just the percentage increase? Okay. All right.

247 **BRUTON:** I had a question about kiosks and vending machines and possibly
248 things like Redbox machines because as I understand them, they would fall
249 under retail sales, but they would be open all night.

250 **O'KEEFE:** I think they're already open all night.

251 **BRUTON:** I'm sorry. I was curious where they'd fall.

252 **SCOTT:** Can they build those things with timers in them so it shuts down at a
253 certain...

254 **O'KEEFE:** I've seen a couple outside of retail centers, and I want to say
255 it's Albertson's, and it's open 24 hours.

256 **BRUTON:** Yeah, they're open 24 hours.

257 **COOKE:** Again, Nancy, is this a make or break for you? Would you support this
258 ordinance if we were able to exclude Redbox and those kinds of items?

259 **BRUTON:** I have, and I'm being mindful of the scope of possibility because...

260 **COOKE:** If there's a couple - I just don't see how that would have an impact.

261 **MEYER:** And so I guess I'd like to defer to council on that question. Under
262 Definitions under number (4) - and I may be wrong, but given that a Redbox is
263 an isolated piece of equipment...

264 **O'KEEFE:** It's a rental.

265 **MEYER:** I'm not sure that that would be defined as an establishment.

266 **SCOTT:** Well, but you're also talking Coke machines or something.

267 **MEYER:** So for me, that's how I would see that because it's not its own
268 entity as an establishment. Chris?

269 **CHRIS:** If the - I don't know what the contractual relationship is that
270 allows a Redbox to be established. If Redbox is a company that has leases,
271 for example, with 7-11's and Albertsons that allows them to be placed there,
272 is then that company, which may or may not be headquartered in Sherwood, an
273 establishment versus the Albertsons that clearly would be. I think probably
274 the definition, or the word "establishment" there, would be interpreted
275 broadly enough to cover both or to cover the Albertsons, notwithstanding the
276 fact they have maybe a Blue Rhino propane tank rental or other thing outside.
277 If you wanted to exclude those, you simply add those to the definition of
278 retail sales businesses to exclude...

279 **SCOTT:** Vending machines.

280 **CHRIS:** Purchased vending machines - purchased or operated vending machines.

281 **COOKE:** The machine is actually in the exterior.

282 **SCOTT:** User operated.

283 **CHRIS:** User operated vending machines located on the exterior of a building,
284 something like that.

285 **COOKE:** As we grow, if we had parking lots that were open 24 hours and
286 whether or not we could have vending machines selling parking tickets because
287 that would be something you'd also wanted to see regulated as an
288 establishment because that's essentially what we're doing by vending
289 machines.

290 **BRUTON:** I'm trying to understand the scope of possibilities for this
291 ordinances because I see it as my responsibility - though I don't agree with
292 dictating hours of operation, I want to make sure that council thinks we've
293 looked at everything and every possibility.

294 **SCHOENING:** I'm sorry. I think I sort of - I'm sorry. But if I own a vending
295 machine at Fat Milo's, and it's open 24 hours, I'm making money from that
296 vending machine at 2:00 a.m., and I think Nancy has a right to bring it up.
297 Because if you are next door to me, and you're open 24 hours, and you can't
298 afford a vending machine, do I have to unplug mine at 2:00 a.m.? And I think
299 it's a valid question, and I would hate that somebody might question this
300 entire ordinance over a loophole that small.

301 **COOKE:** So I think going back to the concerns and the reasons for this
302 ordinance being, again, the livability, the welfare of our community, I don't
303 think that a vending machine is really...

304 **SCHOENING:** So if someone walks into that giant parking lot and they say that
305 they're there to use the vending machine, are they there for a valid reason?
306 **PESSEMIER:** One suggestion is maybe - and Chris, I'd look to you, is could
307 you define vending machines as a personal service business?
308 **CHRIS:** I was thinking the same thing.
309 **BRUTON:** Yeah.
310 **SCHOENING:** I mean, let's just define it. Let's just address it is all I'm
311 trying to say. I'm just saying let's not dismiss out of hand. We've tried to
312 address everything else.
313 **PESSEMIER:** For example, if we're talking about Redbox, that's a rental, so
314 it's not something that's consumed. I would consider that more of a personal
315 service.
316 **SCOTT:** Well, we do have Coke machines.
317 **BRUTON:** You do have a Coke machine next to it...
318 **PESSEMIER:** A can of Coke might be different.
319 **COOKE:** Could be something that was excluded under retail sales businesses?
320 **SCOTT:** Excluding self-service, user operated vending machines or something..
321 **CHRIS:** Well, that's what I was thinking. Two things - 1) So I worked for
322 legislature for six years writing statutes, and every year, the things that I
323 would write and get passed would come back would come back, and we would have
324 amend them. You can't write a perfect statute or ordinance, and you shouldn't
325 - the other thing is you can't let the perfect be the enemy of the good,
326 right? We do the best we can. That said, it's a fairly straightforward matter
327 to add to the definition of retail sales business. "Establishments engaged in
328 selling merchandise to the general public for personal or household use or
329 consumption and rendering services incidental to the sale of such merchandise
330 including but not limited to specialty shops and boutiques," but excluding
331 user operated vending machines located on the exterior of a building.
332 **SCOTT:** That.
333 **MEYER:** That seems reasonable.
334 **COOKE:** Thank you.
335 **O'KEEFE:** Agreed.
336 **MEYER:** Did you get all that, Chris?
337 **SCOTT:** I think in a previous conversation, we also talked about the
338 percentage in the restaurant category perhaps being too high because of stuff
339 like lottery sales?
340 **COOKE:** I think we talked about changing that to 50% as well.
341 **SCOTT:** Yeah.
342 **O'KEEFE:** I thought we did. It's my recollection that we tried to make a
343 consistency across the board on that.
344 **MEYER:** Oh, yeah.
345 **SCHOENING:** Can I just ask that we do change that to 50% but also call
346 attention to that to council because I had a conversation with another
347 restaurant owner who said that his 50% might not even cover it. And I feel
348 like if he - in my conversation with this person, he said that he would be
349 willing to address council and let them know of his own situation, and
350 possibly that would be a conditional use issue that we were speaking about
351 with Tom, or possibly that would be a conditional use issue because 50% might
352 not be enough.
353 **O'KEEFE:** I would agree. I think that's something we want to verify and
354 confirm.
355 **SCHOENING:** Right. I feel like we're just kind of pulling that number out of
356 somewhere.
357 **SCOTT:** I would suggest 50% and then we maybe add to the report that we ask
358 the council to look at it further. And then maybe in the meantime, we can
359 help them with that by coming up with some information between now and then.
360 **MEYER:** Well, the spirit of the ordinance, again, and as we have talked about
361 this, the primary purpose for including restaurants is so that - there are
362 opportunities for civic gatherings and abilities for folks to get together so
363 that they can eat. Is 50% really where folks are comfortable? And I'm asking.

364 **BRUTON:** I agree with Rachel that Oregon Lotto sales probably make up a
365 higher majority of those sales than 50% at night from my understanding from
366 businesses I've talked to.

367 **COOKE:** But this does not clarify "at night." It's a general rather than...

368 **SCHOENING:** I'm willing to guess that there is an establishment that is open
369 for 24 hour - or that is a restaurant, doesn't matter if it's 24 hours
370 because we're not just talking about that, that has more than 50% of its
371 sales coming from the lottery. I mean, okay, so if we don't agree on that,
372 can we please agree that we will ask council to visit it the same way we will
373 a filling station?

374 **MEYER:** I agree with that.

375 **SCOTT:** I'm not comfortable leaving it at 80% in the meantime.

376 **O'KEEFE:** No. At the very minimum, I think we should change it to 50% or
377 maybe consider 40%.

378 **SCOTT:** Going back to the spirit of what we're trying to get at here is
379 retail. And whether - it's hard for me to conceive of a retailer who is going
380 to sell 40% or 50% of their business being food. And if they do, then I guess
381 they're more of are restaurant than a retailer, and I would be okay with
382 that.

383 **MEYER:** Well, okay. I think what I...

384 **SCOTT:** I mean the whole reason this is here is because we don't want
385 somebody who has a café to be able to use that as an exemption for getting
386 all of their other retail goods, right? I mean, that's why we put the
387 percentage in to begin with.

388 **MEYER:** And not just that, but we've clearly defined what a restaurant is in
389 the preceding couple of sentences. So I would tend to suggest that because
390 we've defined what a restaurant is, the language is adequate. And if we do
391 feel that 50% is appropriate, I'm comfortable with that. Chris, can you offer
392 some guidance?

393 **CHRIS:** Well, primary - if I would look at the word "primary activity," to me
394 that would suggest more than 50%. So if your merchandise sales exceeds 50%
395 then you are no longer primarily...

396 **MEYER:** A restaurant.

397 **CHRIS:** ...engaged in the activity of the preparation of food and beverages.

398 **SCOTT:** So maybe we should just strike the entire last bit there after
399 "consumption."

400 **SCHOENING:** Do we have to have the percentage qualifier at all?

401 **SCOTT:** The "primary" covers it, right?

402 **CHRIS:** Right.

403 **MEYER:** Yes.

404 **SCHOENING:** Yes.

405 **MEYER:** I think that's a good fix. I'd just like to read it one more time.
406 "'Restaurant' means an establishment where the primary activity is the
407 preparation of food and beverages for sale and consumption on or off premises
408 and at which customer tables or counters are typically available. Such an
409 establishment may take phone orders for food and may deliver food to
410 customers off-premises. If such an establishment is also engaged in selling
411 merchandise to the general public for personal or household use or
412 consumption, to qualify as a restaurant at least X% of the establishment's
413 overall annual sales must be from the sale of prepared food and beverages for
414 consumption on or off premises."

415 **SCOTT:** So, actually reading - I'm glad you read that again. I would actually
416 suggest we strike starting with the word "if."

417 **O'KEEFE:** "If an establishment...?"

418 **MEYER:** Yeah.

419 **SCOTT:** Yeah.

420 **PESSEMIER:** Chris and I were wondering the same thing as we were reading
421 through it. I don't know that lottery tickets would be considered
422 merchandise. To that end, I don't know it would apply.

423 **SCOTT:** Lottery games means entertainment.

424 **MEYER:** That's an entertainment.

425 **SCOTT:** Right.
426 **PESSEMIER:** Which would be a personal service (indecipherable).
427 **SCOTT:** Right. So if it just said, "Restaurant means an establishment where
428 the primary activity is the preparation of food and beverages for sale and
429 consumption on or off premises and at which customer tables or counters are
430 typically available. Such an establishment may take phone orders for food and
431 may deliver food to customers off-premises." Period.
432 **COOKE:** Agreed.
433 **MEYER:** Great. Is everyone generally fine with that language?
434 **BRUTON:** Yeah.
435 **O'KEEFE:** Agreed.
436 **MEYER:** Yeah? Great. All right. I'm just looking at my notes real quick. I
437 have to raise this as a concern because as I put together the exhibit for the
438 general report and rereviewed public testimony that has been both submitted
439 and provided to us here at our special committee meetings, I'm really
440 concerned about the hours that we've outlined. And I feel like, again, as I
441 reviewed the hours issue, the majority of comment that we received had a
442 greater restriction in terms of closing earlier and opening later. So I would
443 like for us to revisit that issue if the committee is willing to do that.
444 **SCOTT:** I feel like we've spend a large amount of time discussing that issue
445 and have arrive to where we've arrived at, not easily, and I'm comfortable
446 with what it says. I also think you have to consider this is going to the
447 public and passability. And I feel like the smaller that window is, the
448 higher your chance of passing this bill. And you open up those hours - you
449 make people close earlier and open later, you're going to lose more and more
450 and more support. So whether or not I end up voting for this - I've said this
451 before - I don't know if I'm going to vote for this or not, but personally,
452 I'm a lot more likely to vote for this than I am if it's 11:00-7:00 or
453 something more onerous, and I think that might be true of other people.
454 **O'KEEFE:** I agree with Doug. Oh, sorry. Were you done?
455 **SCOTT:** That's fine.
456 **O'KEEFE:** I agree with Doug. And as stated in the last meeting, I think the
457 minimal impact that we have on retail businesses, and we've heard this from
458 the public in their public input, the more we try to regulate stuff, the
459 farther away we get and the more bound we are by our laws. I'm happy with
460 1:00-5:00. Those aren't just the hours. I think I've said I'm kind of
461 flexible on the midnight thing, but the 5:00 a.m., that's when the whole town
462 of Sherwood starts waking up generally speaking.
463 **SCOTT:** And I also think you have to go back to why we're doing this
464 ordinance to begin with, right? The whole purpose, I believe, we heard of why
465 we're doing this is really because we don't want 24-hour, and we don't want
466 that really late night/really early morning stuff. And anything that we do,
467 no matter what the hours are, is accomplished in that goal. So I think that's
468 the key here. And to me - I already said about impact, we're accomplishing
469 that goal with the least amount of impact on people who do have different
470 hours that they like to shop or have to shop and also on businesses, and I
471 think that's a good balance to me. We're accomplishing the goal of the
472 limiting 24 hours but with the least amount of burden on business and
473 customers.
474 **MEYER:** Okay. Any other thoughts? No? Beth? No? Nancy? Okay. And again, my
475 point for raising the issue was in good conscience, I just wanted to make
476 sure I addressed the public testimony that we've received, and I'm certain
477 that, again, council will rereview all of this language, and during the
478 public hearing, we'll be also open for public comments. Any other notes or
479 thoughts on this language?
480 **O'KEEFE:** In regards to the gentleman that brought up personal services
481 business, page 2, (B)(2), where it says limited to movie theaters -or not
482 limited to movie theaters, I thought that we had addressed this at the last
483 meeting.
484 **SCOTT:** We did because personal services businesses are exempt from this
485 ordinance.

486 O'KEEFE: Okay.
487 MEYER: Right.
488 SCOTT: And I believe, based on what we talked about previously, that the
489 intention of the committee was never to have this apply to movie theaters,
490 but that in one of the drafts, I think there was some confusion with the
491 legal counsel and that ended up in there. In any case, it's not in there now.
492 O'KEEFE: I just wanted to make sure that you didn't put movie theaters in a
493 predicament where they have to apply for a permit.
494 MEYER: If you wouldn't mind just referring to page (3) under section (F)
495 Temporary Late Night Business Permits, this is - if the gentleman is still
496 here, I just want to make sure that he knows that this is addressed under
497 number (3).
498 COOKE: So we actually need to strike - under (3)(a), we need to strike
499 "opening nights of special movies" because it's no longer included.
500 MEYER: Oh, correct. Excuse me, that's correct.
501 COOKE: So did you get that, Chris? Okay. Perfect.
502 O'KEEFE: So strike after "product releases..."
503 COOKE: To "special movies,..."
504 O'KEEFE: So "or opening nights of special movies."
505 COOKE: Right, because they're no longer included at all - because they're no
506 longer special services- personal services are no longer -
507 O'KEEFE: And does that also address the concerns about having a movie in
508 progress showing and it's going over...
509 SCOTT: Yes. The entire category of the business is exempt.
510 COOKE: And we talked about that from early on.
511 O'KEEFE: Okay. I just want to make sure.
512 BRUTON: And if I may, I'm not sure if this is going to change our
513 viewpoints, but I did want to mention that I had a conversation with a person
514 who is in the executive office at Kohl's corporate office, and he had a
515 couple of concerns that that he wanted to share, and he also had a couple
516 observations as they relate to general retail practices and this ordinance.
517 1) He mentioned that - he asked the question, "Is there is a possibility to
518 modify this so that it is for new retailers and grandfather preexisting ones?
519 So he did ask that question and pose that question. He also made some general
520 observations about retailers as a whole. He mentioned the holiday hours, and
521 I know we've talked in great detail about that. He said that "restrictions
522 during holidays are painful. Retail can generate up to 33-40% of their sales
523 between Thanksgiving and the two to three weeks after Christmas." I know we
524 talked about the 30 days. "There are other annual important sales likes back
525 to school, Halloween, and all of these are crucial to retailers bottom
526 lines." He says, "Regulating hours for big box is tough. The hour
527 restrictions during the last six weeks of the year creates real anguish for
528 any retailer. Remember, every customer dollar spent in Sherwood could go down
529 the road to Tualatin or another neighbor if customers don't find a
530 convenience in their work and lifestyle required." And then he talked to
531 consistency. He said, "Multi-store retailers need to convey a consistent
532 message to the marketplace on hours and pricing. They don't say the sweater
533 is \$12 at one store and \$10 on another. Similarly, it's disruptive to say
534 things like all stores are open until 10:00 except for Beaverton which is
535 9:00 and Sherwood opening an hour earlier and closing an hour earlier. No
536 matter how we try to convey the message, it's gets garbled if it's not
537 consistent." And he continued on, but I wanted to bring that up for one
538 specific fact. He had mentioned that with the way that we're currently
539 looking at holiday hours that he had some concerns that because a retail
540 manager is often transitory because they get promoted, they go store to
541 store, that they have concern on the corporate level whether or not that
542 person would potentially - they were worried that they may blow it and forget
543 to get a variance or not get a variance because of that type of turnover and
544 that there is a lack of awareness for those types of retailers at the
545 corporate level because of managing so many stores. I was really appreciative
546 of his feedback because he did talk about marketing and consistency, and one

547 of the biggest questions that he posed to me is he understands that we're
548 looking at having a variance for holidays and certain days, but would we
549 consider looking at the holiday season as being some sort of an exemption
550 because it really is during that time that they have the high need for
551 changing store hours and flux and change. So I wanted to read that just
552 because I know when we had been talking specifically - and we had taken the
553 line our about the length of the variance, but we didn't really have a lot of
554 feedback from those businesses.

555 **MEYER:** Two questions about the - who did you say that was?
556 **BRUTON:** He asked that I say that it was a person in the executive office at
557 corporate Kohl's.
558 **MEYER:** Oh, okay.
559 **BRUTON:** Yeah, he did not give me permission to disclose that.
560 **MEYER:** He didn't have - I'm sorry. I didn't hear that. He didn't have
561 permission...
562 **BRUTON:** I would have to ask him permission to disclose it. Yeah.
563 **MEYER:** Okay. And then my other question was - that's great that you had an
564 opportunity to talk with him, and I'm hoping that you assured him that the
565 way that this ordinance has been drafted is that a temporary permit could
566 absolutely be provided and Tom, if I recall correctly, you had talked a
567 little bit about, of course, there being a little bit of time before the
568 ordinance would take affect so that the City of Sherwood had an opportunity
569 to provide notice and let folks know that if this ordinance should pass that
570 there would be some kind of a notice period.
571 **PESSEMIER:** Well, typically, any ordinance, unless there's an emergency
572 declared, has 30 days. So that would be the standard. You could certainly
573 write something into the ordinance that would do it as of date certain. But
574 since this is going to the voters, obviously it would have a lot of notice
575 and information, and it would be about 30 days from date that the vote was
576 probably certified would be my guess.
577 **MEYER:** That's great. I mean and I would think, Nancy, with all of the
578 connections that you have at the Chamber that would be a great opportunity
579 for our Chamber to really do a lot of public outreach and notify the local
580 businesses and bring them - make them aware of any of these ordinances that
581 could affect them.
582 **BRUTON:** If this ordinance were to go into affect, absolutely, we would make
583 sure they were educated.
584 **MEYER:** That's great.
585 **O'KEEFE:** I would also point out that we changed the wording in Temporary
586 Late Night Businesses (F) (1) on page (3) to open to the public for business
587 hours between 1:00 a.m. - maybe that's worded wrong. "Retail sales businesses
588 can receive a temp - open to the public...from 1:00 a.m. to 5:00 a.m." My
589 thought on that would - that we kind of address the hours so even when they
590 extend their holiday hours, they still kind of wouldn't be over that
591 threshold of hours. But I don't think they'd be on there for an extended
592 period of time is what I'm trying to say.
593 **MEYER:** Yeah. That's correct. We did discuss that.
594 **COOKE:** I feel comfortable if we wanted to add a day certain, January 1,
595 because that would give them this holiday period, this upcoming holiday
596 period.
597 **BRUTON:** Well and if I may say, I've actually heard a couple people - a
598 couple of our larger retailers say that January 8th is actually the best close
599 day for them in the holiday season because that's when returns are usually
600 finalized.
601 **MEYER:** I mean, again, I feel like with - let's see, November - should this
602 be placed on the ballot, this will be placed on the November ballot...
603 **PESSEMIER:** Right. So I don't know the exact dates, but essentially - it's
604 usually certified within a week or two or 10 days after election. So it would
605 happen right in the middle of December
606 **SCOTT:** I mean, 30 days is going to put us in mid-December.

607 **COOKE:** It just feels like by January 1st, they should be able to - we don't
608 think they'd be able to do a variance by January 1?
609 **SCOTT:** For the sake of...Sorry, Rachel.
610 **SCHOENING:** For what Tom just said, this law would come into effect, and they
611 would have to follow this rule by December 5th, and this is where my
612 marketing hat comes in. Their ads and advertisements have already been
613 finished. So is there a way that we can say this will not affect them in this
614 coming holiday season?
615 **PESSEMIER:** Why don't we - we can certainly say an effective date of January
616 1st or whatever.
617 **SCOTT:** I say February 1.
618 **SCHOENING:** January whatever. I think we're talking about two different
619 things. We were talking about the 1:00-5:00 has to stop by January 8th? Is
620 that what you were saying, Nancy? I think what Nancy was saying..
621 **BRUTON:** No. To have the law go into effect.
622 **SCHOENING:** Right - the law to go into effect on January 1st but that it would
623 have a hard stop of January 8th. So I think you're talking about two different
624 things, and I want to clear that up. What Nancy was saying was..
625 **SCOTT:** I'd just be in favor of having the entire law go into effect on a
626 certain date instead of trying to split it different ways.
627 **SCHOENING:** No. She's saying that you can't ask for the permit after January
628 8th, that the holiday season would technically end after January 8th. That was
629 the discussion that Nancy was having. I get what you're saying, but I'm just
630 trying to clarify that there are two different things that people are talking
631 about. 1) When will it become effective? 2) When can you stop getting the
632 variance?
633 **BRUTON:** Yeah.
634 **SCHOENING:** What is the end of the holiday season? Do we want to define what
635 the end of the holiday season is because Mother's Day is a holiday,
636 Valentine's Day is a holiday.
637 **SCOTT:** I think the variance section has no restrictions on it as to when you
638 can get a variance and when it would apply, so that just on..
639 **O'KEEFE:** Any 30 days.
640 **SCOTT:** Well, even the 30 days has been taken out.
641 **MEYER:** Well, and again, just to be clear, this is about a temporary permit.
642 So the process upon which we arrive is not intended to be onerous upon anyone
643 applying for a temporary permit to the city manager, and provided the
644 language that we've listed, the city manager may provide the permit at any
645 time throughout the year for what have you.
646 **SCOTT:** So I think the point that I feel, now that it's been said, resonates
647 with me is the fact that this would go into effect in the middle of a holiday
648 season as written. And I think that it's reasonable to say let's have this
649 instead, the entire ordinance, go into effect, I would say, February 1st. That
650 get you through the holidays, through the New Year. It's not going to be the
651 end of the world that it's a month and a half later. We don't have it now,
652 and it allows the retailers time to get through the entire holiday period and
653 then make adjustments after that going forward.
654 **O'KEEFE:** I would agree that that covers our intent, and I would just add
655 this clarification that although - I'm just using a hardware store as an
656 example, they like to change their summer hours sometimes. So there's no -
657 and thanks for reminding me that it was - we took out the 30 days, so it
658 doesn't just particularly apply to this one store everyone seems to be
659 talking about. It applies to everybody and any reasonable request to extend
660 their hours. So I would pick a February 1st date to put this in effect as
661 totally reasonable.
662 **MEYER:** So just to defer back to council and Tom, do you see any concern with
663 proposing an effective date? Okay. So is everyone comfortable with February
664 1st, generally? Yes? Nancy?
665 **BRUTON:** Yes.
666 **O'KEEFE:** Yes.
667 **MEYER:** Beth? Yeah, okay.

668 **PESSEMIER:** So since you're going to be voting on this here, and we want to
669 be crystal clear about what changes are being made, Chris, do you want to
670 take a stab at what some language might look for that?
671 **CHRIS:** Yeah. If you're at all familiar with the format of a city ordinance,
672 usually there's a number of recitals up front, whereas this is a good idea,
673 whereas that's a good idea, whereas, whereas, whereas - "Therefore be it
674 ordained by the city council," but in this case, it will say, "Be it ordained
675 by the electors of the City of Sherwood, the following sections are enacted,"
676 and then section (1) would be all of these operative provisions: 5.04.100 -
677 well, 5.04.100. That's it. And then section (2) would be the effective date
678 clause, and it'd say, "In section (1) of this ordinance 2013-XYZ become
679 effective on February 1, 2014." So it's underneath the ordaining clause. It's
680 part of the operative provisions of the bill itself, and it's enacted by the
681 people at the same time as the other provisions become enacted.
682 **MEYER:** And I'm happy to include that recommendation in the report to council
683 so that that just documented that we felt like this was a reasonable
684 accomodation.
685 **PESSEMIER:** Yeah. I think that's a good idea is because council - one of the
686 things that council will have to decide is whether they're actually going to
687 use the ordaining language that Chris was talking about or if they're just
688 going to take this language. If they take this language, they'll probably
689 actually have to write it into this itself which is...
690 **CHRIS:** (indecipherable) going to go on the ballot. I'm not sure what the...
691 **PESSEMIER:** Yeah. So we'd have to figure that out. So it would be really good
692 to put something in there so that it doesn't get lost.
693 **MEYER:** Yeah. I'll make sure that I include that. I don't have any other
694 notes for comment. Are we comfortable moving forward with this language in
695 our recommendation to council for consideration? Yes?
696 **PESSEMIER:** Yeah. So there's a couple ways to go here. One would be to
697 officially amend the language through a motion, but I think typically what we
698 can maybe do is maybe have me or someone, if they want to, kind of recap the
699 changes here just so that it's really crystal clear as to what you guys are
700 voting on.
701 **MEYER:** Tom, would you mind doing that?
702 **PESSEMIER:** Sure. I was taking careful notes because I anticipated that. So
703 we're taking a look at the third draft of the Regulations of Business Hours
704 for the Sherwood special committee. The changes that I noted were section
705 (B)(1), changing the middle of that paragraph to read, "merchandise comprises
706 less than 50% of the establishment's overall annual sales; modifying (B)(3)
707 to strike "if such establishments also engaged in selling merchandise to the
708 general public," and everything thereafter; to striking section (D)(4),
709 everything after the "or," capitalized "or."
710 **CHRIS:** Tom, did we decide to amend (B)(4), Retail Sales Businesses to
711 exclude user operated vending machines located on the exterior of a building?
712 **PESSEMIER:** Yes. Thank you, Chris. And then sectio (F)(3)(a) to remove "or
713 opening night of special movies." And those were the changes that I had.
714 **COOKE:** And add an effective date if necessary for February 1, 2014.
715 **PESSEMIER:** Yeah. That wouldn't be a part of this language. That would be a
716 part of the ordinance which gets written later.
717 **MEYER:** All right. So if someone would like to make a motion to accept the
718 language in the Regulation of Business Hours with the amendments that Tom
719 just outlined along with Chris's help, we can do that.
720 **O'KEEFE:** I would make that motion to accept the amended hours as stated from
721 Tom.
722 **COOKE:** I will second.
723 **MEYER:** All in favor.
724 **SCOTT:** Aye.
725 **MEYER:** Aye.
726 **COOKE:** Aye.
727 **O'KEEFE:** Aye.
728 **MEYER:** Any opposed?

729 BRUTON: Nay.
730 SCHOENING: Nay.
731 MEYER: Thank you very much. If it's all right, I'd like to take a 10-minute
732 break - let's make it a 5-minute break. Is that okay? All right. And then we
733 will reconvene and move on to reviewing draft language for our presentation
734 to council. So we will reconvene at 8:05.
735 BREAK
736 MEYER: All right. It is now 8:10, and I'm going to go ahead and call the
737 meeting back to order. Thank you very much for your patience. We just needed
738 a few minutes. So now we'll go ahead and move on to a review and discussion
739 of the general report to city council. Okay. So this is marked Exhibit F in
740 our packet this evening. Rachel, who was kind enough to point out that in the
741 second paragraph, I listed June 10th as opposed to July 10th, so I will
742 absolutely make that change. My apologies. Any other comments about this
743 special committee report.
744 BRUTON: Yeah, in this report and the other ones that follow, that second
745 paragraph, I feel that if the word "legal" was put before "counsel" that that
746 would show what our council was, that it's not citizen council. I think that
747 it's assumed, but I think that would help it.
748 MEYER: Okay.
749 BRUTON: Today's the 31st, right?
750 MALE: First.
751 BRUTON: Oh, sorry.
752 O'KEEFE: So you're saying - second paragraph, first sentence "With the
753 support of city staff and..."
754 BRUTON: Legal counsel.
755 O'KEEFE: And adding "legal counsel."
756 BRUTON: Yeah.
757 O'KEEFE: I would agree with that.
758 BRUTON: And that's actually going to be in the other..
759 MEYER: Yeah. I'll carry that over to all of the reports for sure.
760 SCOTT: So in section (8), I have two thoughts.
761 MEYER: Which section? Under Considerations of Findings?
762 SCOTT: Sorry, yes. I'm in Considerations.
763 MEYER: Okay.
764 SCOTT: There's another section?
765 MEYER: Yeah. So you're looking at page (2). So the back side of page (1).
766 Oh, you're looking at..
767 SCOTT: Am I looking at the wrong thing?
768 MEYER: Yeah, you are.
769 SCOTT: Which one are we looking at?
770 FEMALE: The first one.
771 SCOTT: Exhibit F. Thank you. All right. I do have things here, too. Someone
772 else can go while I find my place.
773 COOKE: Do we need to make that same change later in that second paragraph,
774 "city staff and legal counsel" at the very end? The last sentence?
775 MEYER: Oh, I'm happy to do that. No problem.
776 SCOTT: Which point talks about hours? Which bullet number?
777 O'KEEFE: Seven.
778 SCOTT: Seven. Thank you.
779 O'KEEFE: General Findings, point (7).
780 SCOTT: Okay. So I'm actually - okay, maybe my question is more general then.
781 Why is there a bunch of emails attached to this?
782 MEYER: I noted under Considerations - and actually I didn't in this report
783 so perhaps I should include that language. Under Considerations, what I would
784 like to do is, as I did in the other reports, list public comment because
785 that was a consideration of our discussions.
786 SCOTT: Okay. I would agree with listing the public comment, but I'm not sure
787 a) The value of attaching one type of public comment without - we sat in
788 meetings for 25 hours roughly in here, and we took all variety of public
789 comments. Why are we calling out specifically emails that we received and not

790 all the other public comment we received. All the stuff is already on the
791 public record. What value is added by attaching to the report and bloating
792 the report out?

793 **MEYER:** Well, the intention is to place a public comment on the record
794 because these people did not appear before us. The other public comment is
795 within our minutes, so that is documented. And Sylvia, maybe you can...

796 **MURPHY:** The emails that the committee received have a 1-year retention. It's
797 considered a general correspondence. All general correspondence have a one-
798 year retention. So if you're looking for this record to go any further past
799 one year, you need to introduce it in a different manner. However you choose
800 to do that is completely up to you.

801 **MEYER:** So in that case, for the sake of history, I feel like in order to
802 provide a comprehensive package to council that can be referred to 20 years
803 from now, they can look through the background and the history and all of
804 this and also see that the public comment was included.

805 **SCOTT:** I have an alternative proposal. I would like then to suggest that we
806 take all of this written correspondence and separately, through a motion, add
807 it to the public record but not include it as an attachment to our report to
808 council.

809 **SCHOENING:** I similarly had the same concerns only as though - I felt when
810 reading this that we were giving more weight to these email comments than we
811 were to the people that were here that addressed us, and that concerns me.
812 It's not even about what the content of emails is specifically. It's that
813 there were people that were here that addressed and then there were people
814 who emailed us, and we only included the emails here, and I feel like that
815 might give them more weight. And I feel like that maybe public perception
816 might be unfair.

817 **O'KEEFE:** I would agree with that.

818 **SCHOENING:** I think that Doug's motion is valid.

819 **SCOTT:** Can we do that, Sylvia?

820 **COOKE:** Sylvia, could we add these to the - but we won't be meeting to
821 approve the minutes for that meeting where we discuss these.

822 **CHRIS:** I was going to ask about that. Sylvia, what's the retention - I
823 understand that the minutes are being prepared frankly more in the nature of
824 a transcript, but they were sent out - once we get those back, what's the
825 retention period for those?

826 **MURPHY:** The retention is a permanent retention for minutes for all boards
827 and commissions, all council. It's a permanent retention for the minutes. So
828 those minutes will reflect - obviously you've seen them. It's a transcription
829 of the individuals plus your own business meeting. So a way to introduce -
830 again, to introduce the correspondence would be that night at the council. If
831 you physically provided me the documents, "I want to submit these into the
832 record. These are written comments from..." then that retention provided to
833 the council is a 5-year retention. Again, it's not a permanent retention.
834 Those documents there are 5 year.

835 **MEYER:** So the minutes have a 5-year retention...

836 **CHRIS:** No. Permanent.

837 **MEYER:** The minutes are a permanent. So if, and I want to make sure I
838 understand - so if we include these email correspondences along with this
839 packet, does this packet to council become a permanent record as well?

840 **MURPHY:** Yes. The packet. The packet to the council is a permanent record.

841 **MEYER:** So if how this has been put together is presented as is, then all of
842 that would also become a permanent record?

843 **MURPHY:** Correct. My intent with this document, unless the committee or legal
844 tells me otherwise, is the council packet for August 6th is posted currently.
845 I plan on amending that packet to add whatever conclusion you guys come up
846 with, your staff reports, your proposed language, and any exhibits you want
847 to provide. Once it's in that council meeting packet, the council meeting
848 packet is a permanent retention.

849 **MEYER:** Okay.

850 SCOTT: So I would then be comfortable in separating the emails from the
851 report and including it as a separate exhibit as additional written comment
852 received throughout the course of public testimony.
853 MEYER: Sure.
854 SCOTT: But separate from the report itself.
855 MEYER: Yeah. That sounds great.
856 O'KEEFE: I would agree with that.
857 MEYER: Okay. We can do that. And then packet would become a part of the
858 permanent record.
859 O'KEEFE: It would become an exhibit.
860 MEYER: Yeah. Right. Yes? Okay. I just want to make sure. Perfect. So we can
861 do that. Any other comments about the language as drafted? And just to note -
862 Nancy, in our last meeting, I want to just call out, under the General
863 Findings, under number (8), I did include - as I looked through the minutes
864 of our, it was either the July 12th or 15th meeting minutes, you'd indicated
865 that fostering economic development within Sherwood was another issue that we
866 discussed, so I wanted to just let you know that I did include that in this
867 report.
868 BRUTON: Thank you.
869 PESSEMIER: Sure. And under the General Findings, number (8), Chris, could
870 you give us a correct number of days that land use regulations would have to
871 be noticed to, I think to DLCDC is what this is talking about.
872 O'KEEFE: Something different than 35, right?
873 PESSEMIER: Yeah, I don't think 35 days it the right...
874 SCOTT: It is now.
875 PESSEMIER: It is now?
876 MEYER: Yeah, I took that from...
877 PESSEMIER: Okay. Thanks.
878 BRUTON: And Meerta, may I ask the question? So under Financial Impact, it
879 says there is "limited financial impact to the City of Sherwood should the
880 proposed ordinance language be approved?" For me, I guess my question was
881 since we haven't done a financial impact study on these ordinances, is it
882 fair to say that at this point?
883 MEYER: Tom, can you weigh in on this. You and I talked about this very
884 briefly.
885 PESSEMIER: Yeah. This is our typical format for staff reports and sometimes
886 it's fairly difficult to come up with numbers. I think the ordinances that
887 you have would primarily be police calls of some sort, and so I think it's
888 difficult to kind of - it would probably be impossible to actually do a study
889 except for after the circumstances. So we typically use language like this if
890 it doesn't appear that we're going to have to add an extra officer or
891 something just to implement these ordinances or maintain them. Certainly,
892 like Meerta and I talked about, if we had a sick leave one, there would have
893 to be a much more robust financial analysis section. But since these are
894 primarily recurring things that probably won't require adding additional
895 staff or things, it's probably reasonable, what's there.
896 O'KEEFE: So why wouldn't we just say the financial impact is not known?
897 BRUTON: Right.
898 FEMALE: Yeah.
899 PESSEMIER: You could say that as well.
900 BRUTON: I think I would prefer something like that just because I know we've
901 talked about the education of businesses for these things, and there's some,
902 I guess, unknowns we haven't addressed as a committee.
903 MEYER: Okay.
904 O'KEEFE: I would make that suggestion that we change the wording to read
905 that the "financial impact to the City of Sherwood should the proposed
906 ordinance language be approved by the city council and adopted by public vote
907 is unknown at this time." Or is not known.
908 COOKE: I would feel comfortable if we added - but it is expected to be
909 minimal in nature because even notice requiring is not expensive.

910 **SCOTT:** We could just go the other route and say the committee didn't
911 consider financial impact as part of our deliberations. I mean, that's
912 honest. We didn't.

913 **O'KEEFE:** I'd be okay with that, too. That's a good suggestion, too, because
914 we didn't.

915 **MEYER:** Okay. The "financial impact to the City of Sherwood..."

916 **O'KEEFE:** Because that wasn't part of our job description..

917 **SCOTT:** And I think we all thought about it as we were deliberating, but we
918 never actually had a conversation about financial impact and weighing that.

919 **O'KEEFE:** Other than maybe the sick leave. We talked about the financial
920 impact of that and the time considerations of that.

921 **PESSEMIER:** Yeah. That would be fine.

922 **MEYER:** Okay.

923 **PESSEMIER:** Again, this is just a standard form that we use, and
924 (indecipherable) appropriate.

925 **O'KEEFE:** Yeah, I didn't mean to make a big thing out of it.

926 **MEYER:** But was curious. Perfect. Okay. I'm happy to make that change. Thank
927 you. Got it. Any other comments on the language as drafted? Okay. I don't
928 think that we need to take a vote on this. So unless there's any other
929 changes, I'll make those changes. And then the changes as we've discussed
930 will then be presented to council.

931 **BRUTON:** I know it's been said, but thank you so much for drafting this and
932 the next to follow. I really appreciate your work.

933 **MEYER:** Well, thank you.

934 **O'KEEFE:** Thank you very much.

935 **MEYER:** Oh, yeah. Not necessary, but thank you. Okay, let's go ahead and move
936 on to the General Reports starting with the Hazardous Substance Regulations.
937 And that, for those of you that are here, is marked as Exhibit E in the
938 packet. So, again, as pointed out in the General Report, and I'm just going
939 to say this once so I don't have to say this each time, but in the second
940 paragraph, I'll include the word "legal" where appropriate, and I will update
941 the June 10th date to reflect July 10th. Thanks. Any other comments on this
942 language as drafted?

943 **SCOTT:** Looks good.

944 **MEYER:** Great. Rachel, did you have anything on this one? Okay.

945 **CHRIS:** Chair?

946 **MEYER:** Yes?

947 **CHRIS:** I hate to nitpick, but on the General Report, we just said that the
948 committee was unable to determine the financial impact and the time
949 available, but when you look at the financial impact on this one, there's a
950 fairly specific statement saying we looked at it, and there won't be a
951 financial impact because whoever's responsible would be liable for any costs.

952 **MEYER:** And that's because it's included in the language of the ordinance.

953 **CHRIS:** Right. So we know with respect to this one, there's no financial
954 impact on the city. For the others, we're not sure.

955 **MEYER:** Right. And that is honestly why I included the word "limited" in the
956 General Report.

957 **CHRIS:** So you might start the General Report with the introductory clause
958 that says, "With the exception of the Hazardous Waste Ordinance..."

959 **MEYER:** Okay.

960 **CHRIS:** "...the committee was unable to determine the financial impact."

961 **SCOTT:** Thank you.

962 **MEYER:** Okay. That's (indecipherable). Great feedback. Thank you.

963 **BRUTON:** You've done this before.

964 **CHRIS:** A time or two.

965 **MEYER:** Okay. And I've made that note. Okay. All right. We'll go ahead and
966 move on to the camping ordinance which is marked for all of you as Exhibit D.

967 **SCOTT:** I'd like to - on Considerations, number (1), I'd like to maybe insert
968 some language. "Regulations regarding camping ^on private property^..."

969 **MEYER:** Okay.

970 SCOTT: Or private property accessible to the public maybe is a more accurate
971 -.
972 MEYER: If it's all the same to you, perhaps I can just regurgitate the
973 actual language?
974 SCOTT: Yes.
975 MEYER: Okay. I'll do that. Any other comments there?
976 SCOTT: Number (5).
977 MEYER: Okay.
978 SCOTT: I'm thinking about this one, and I haven't thought about it at all
979 before just this second. I'm trying to think back to the public comment we've
980 received, and I recall receiving comment on both sides of this issue, and I
981 don't really recall if one was stronger than the other. So I'm not really
982 arguing the point. I'm just asking the other committees what they remember.
983 O'KEEFE: That was my recollection, too, is that we had differing points of
984 view in our public comment and in the emails as I remember. And I would just
985 suggest that maybe we amend number (5) to reflect that, those different
986 decisions, and the input wasn't clearly defined as pro or con.
987 MEYER: Would you feel comfortable if I generally referenced the exhibits
988 that will be provided and referenced the minutes as well? And that way
989 there's just a comprehensive statement to be inclusive of all of the
990 comments.
991 O'KEEFE: Or maybe as simple as we received testimony both in favor of and
992 against adopting policy related to camping regulations within the city. See
993 attached exhibits.
994 MEYER: Okay. Does anyone have anything else to say on that?
995 CHRIS: I don't think you're recommending a policy..
996 MEYER: Yeah, no. We're - oh, you're right.
997 CHRIS: ...in favor of or opposed to additional camping regulations within the
998 city.
999 MEYER: Okay. We received testimony - how about just that? How about, "We
1000 received testimony related to camping regulations within the city..." and then
1001 I can reference all of the public comment.
1002 O'KEEFE: Okay. And then just strike in favor of..
1003 MEYER: So I'll strike in favor of adopting.
1004 O'KEEFE: Just related to camping regulation. That's perfectly fine.
1005 MEYER: Yeah. Okay, great.
1006 BRUTON: I like saying though, "in support and opposed," so that you're
1007 showing that it was on both sides of the fence rather than just testimony.
1008 MEYER: Yeah? Okay.
1009 CHRIS: Yeah. That's a good idea.
1010 MEYER: Okay, okay. Got it. Okay.
1011 PESSEMIER: And on the Financial Impact, you might want to consider the same
1012 statement that you made in the General.
1013 MEYER: In the General. Okay. Got it. And last but not least, the Regulation
1014 of Business Hours.
1015 BRUTON: I'm kind of jumping ahead here, but when it comes to the Chief
1016 statements where under (8), it says, "The Chief indicates the regulation of
1017 business hours could be a preventative measure in limiting behavioral
1018 incidents." I don't have a recollection that he said that.
1019 MEYER: Oh, okay.
1020 BRUTON: I did see it in the email that you addressed to him, but he didn't
1021 qualify that in that email. And it was the same in the third asterisks where
1022 it says, "He indicated limiting business hours could be an action of
1023 community policing and lends itself to setting a tone of community
1024 expectation." He did say we don't have problems here, and we don't want
1025 problems, but he was, I guess, very poignant in not addressing the ordinance
1026 in his conversations.
1027 MEYER: Well, and actually, that's - thank you for mentioning that. So I did
1028 receive comments back from him because I wanted to be very clear not to
1029 misrepresent any of his comments in his testimony to us. And so that email
1030 that I sent - and that I believe is included for the public in Exhibit F with

1031 the General Report - so there's some email exchange back and forth where I
1032 confirmed and reconfirmed so that in this report I was very, very specific to
1033 include his actual comments. So thank you for addressing that.

1034 **SCHOENING:** I'm sorry. I couldn't find where he said that it had anything to
1035 do with hours. I'm sorry, Meerta. I read all of the email, and I couldn't see
1036 where - I see the quotes that you took from him, but I remember very
1037 differently when he talked about it being dark, and that wasn't in relation
1038 to the hours. That's not at all how I understood it. And I couldn't find in
1039 his email where he says that - he doesn't say that. You were asking him that,
1040 and he never says, "yes," in relation to business hours.

1041 **SCOTT:** I think I have some of the same objections...

1042 **SCHOENING:** Unless you can show me. I could be reading it entirely wrong, but
1043 I specifically looked for it. Because - I'm sorry, but I do feel like you got
1044 a completely different perception of his comments than I did.

1045 **SCOTT:** So I'd like to make a suggestion if I may. I like the first paragraph
1046 of number (8) about the 90 minutes, and I would just simply at that point
1047 say, "Please refer to the public record," because we have full minutes and
1048 video of testimony, "as well as the attached email exchange," and then leave
1049 the entire rest of this out. Because we're trying to paraphrase what he said
1050 in public testimony and through an email exchange that is already part of the
1051 public record. So I would prefer just to refer to the public record itself.

1052 **SCHOENING:** That was also going to be my suggestion. We don't paraphrase
1053 anyone else or sort of regurgitate what anyone else said when they came up in
1054 public comments, and I feel like this is the one place where you can most
1055 definitely - and this is not personal, and I know you understand that - but
1056 where you can most definitely sort of take your personal inference of what he
1057 said and put it to the page when no one else is actually doing that. We're
1058 not doing that with anyone else who gave testimony. I think we all could
1059 probably write a different account of what we heard him say. But I'm all in
1060 favor of saying "please review his testimony" because I think it's going to
1061 mean different things to different people. And I think it needs to absolutely
1062 be addressed by the council.

1063 **O'KEEFE:** And we don't - in adding to what you just said, we don't want to do
1064 a disservice to the police chief by adding our even unintended perception of
1065 what he said because I think we all got maybe not necessarily something
1066 different, but even though we heard the same thing - anytime you have that -
1067 different people, they touch on different points that they want to hear.

1068 **SCHOENING:** And I in no way want to take away from the work that you did in
1069 trying to solidify what you were doing as background. I'm not trying to pet
1070 you death, but that's my point. I get what you were trying to do. I just -
1071 when I read it, it felt very skewed to me, and it made me uncomfortable and
1072 then it made me kind of go back and try to look and find. And I thought if
1073 I'm doing that, I know I want to do that because I heard him, but I want to
1074 be sure that the council weighs his words heavily and actually reads his
1075 words.

1076 **MEYER:** Okay. So I guess I just want to explain why I did this. Again, in
1077 terms of qualifying the considerations, I did send the email to the Chief,
1078 again, just to be very, very clear. And so I hear what you're saying, and if
1079 the committee's most comfortable with me just including his email as an
1080 exhibit along with the public comment, then that seems more than reasonable.

1081 **BRUTON:** I would agree with that, and I agreed that the first paragraph was
1082 good. I would like to change the words where it said, "took time to confirm
1083 the following information." I would like to say, "to discuss the following
1084 information" because I think, again, he wasn't confirming what we all knew.

1085 **SCOTT:** Well, and if we're taking out all of the following information, then
1086 we just change the language to something like "The Chief spent nearly 90
1087 minutes with the special committee in a question/answer format, and we urge
1088 you to review the public record as well as his attached email exchange."

1089 **BRUTON:** Yeah.

1090 **MEYER:** Okay. How about - are you comfortable with "The Chief spent nearly 90
1091 minutes with the special committee in a question/answer format and also took
1092 time via email to clarify and further address his comments?"
1093 **O'KEEFE:** Addressing concerns.
1094 **MEYER:** What did you say?
1095 **SCOTT:** Took time to respond to some emails.
1096 **MEYER:** Took time via email to clarify - okay. I'll come up with something
1097 that -
1098 **SCOTT:** I think would be comfortable to come up with.
1099 **MEYER:** No problem. I can do that. Any...
1100 **SCOTT:** Back to number (7), I'd like to strike the second sentence similar to
1101 what we talked about during the General Report. The testimony will be
1102 attached by exhibit already, and we're not attaching it again to the email,
1103 right?
1104 **MEYER:** So the General Report will also then include the subsequent
1105 individual reports along with the proposed draft language, and that will be
1106 in one packet, is that correct?
1107 **MURPHY:** All of these documents will be included into the current city
1108 council packet. So if you look at the website, you'll see the agenda of the
1109 council meeting as New Business. That's your report. Then it has a public
1110 hearing and each of these three topics is listed under the public hearing.
1111 The intent is the mayor is going to open and close for each topic of that
1112 public hearing. So each topic of that public hearing will have a staff
1113 report. So the council will have a staff report. The council will see the
1114 draft language. Open and close public hearing for each item. So you're first
1115 under New Business where you give your general report. That general report
1116 is, again, whatever you want it to be. Do you want it to include the
1117 email/exchanges with the chief of police? Do you want it to include the email
1118 that the committee received from the public? Again, that's up to you if you
1119 want the general report to include that information.
1120 **MEYER:** Okay. So in that case, I feel like, with all of that said, perhaps in
1121 each of these reports, I can refer back to the comments made by the public in
1122 minutes and via email as well as comments made by the chief.
1123 **SCOTT:** Yeah.
1124 **O'KEEFE:** I agree.
1125 **MEYER:** Okay. Great. That's easy enough.
1126 **SCOTT:** Yeah. Really, my only real objection was calling out highlighting one
1127 type of comment instead of all types of comment.
1128 **MEYER:** Understandable. Understandable. I think that does it.
1129 **SCOTT:** Did I have one more? That's all I had on that.
1130 **MEYER:** Tom or Chris, did you have anything to add on any of the language,
1131 any suggestions in terms of format or cause for misinterpretation? Any of
1132 that? Okay.
1133 **PESSEMIER:** I didn't. Format - Sylvia would comment on if there was anything.
1134 I'm sure she already (indecipherable).
1135 **MEYER:** Okay. Great. Would anyone...
1136 **SCOTT:** I have a procedural question.
1137 **MEYER:** Sure.
1138 **SCOTT:** So at the city council meeting, does someone from the committee or
1139 members of the committee present something to the council? How does that work
1140 exactly?
1141 **PESSEMIER:** Okay. So the way we have the agenda or at least the tentative
1142 agenda set up is there will be a New Business item where my understanding,
1143 Meerta is going to give these reports, will address the council on her
1144 General Report, go through the General Report that you guys have put
1145 together. And then we'll move into public hearings. And so typically in
1146 public hearing, in this particular case because there's specific things that
1147 we need from council in order to make the deadlines, I will probably lay out
1148 what we need on each one of these to make sure that we have all of the pieces
1149 in place and the staff, and the attorney's office has the proper direction to
1150 make sure that we get things done timely. And then there will be a staff

1151 report which I'm assuming Meerta will do, and then they'll open it up for
1152 public testimony. They'll typically close public - well, she'll read a
1153 statement actually, and then they'll close public testimony and then ask
1154 additional questions of staff or Meerta since she'll be representing the
1155 special committee. And then there will be time for them to deliberate and
1156 answer the questions that we've asked and hopefully give direction to staff
1157 to take particular actions as how they want to proceed.

1158 **SCOTT:** If members of the committee wanted to testify during public hearing,
1159 would that be inappropriate?

1160 **PESSEMIER:** I've been asked that question already. It certainly wouldn't be
1161 illegal. It's kind of - I'm trying to use my words carefully here, but it's
1162 kind of a slippery slope as other things are because you're trying to work as
1163 a committee, you've voted as a committee, you guys have made your decisions
1164 as a committee, and the language and the resolution is very clear that the
1165 committee doesn't disband until the end of that meeting. So it would
1166 certainly be something you could do but probably maybe not the best forum.

1167 **SCOTT:** Thank you.

1168 **MEYER:** Can we just talk really briefly about remaining minutes that have not
1169 been reviewed? So I'm deferring because I don't know.

1170 **PESSEMIER:** So I think the question, and Sylvia might have asked this, and
1171 we're going to put Chris on the spot here because he has no idea that this
1172 question is coming. But yeah, so how do additional minutes get approved?
1173 Obviously you're not going to have a chance to do it before the committee by
1174 the resolution is terminated at the end of - I didn't want to use that word
1175 but couldn't think of another one - at the end of the Tuesday meeting - is it
1176 9:30 yet? No? Okay. So that's a good question because...

1177 **MEYER:** Well, I have a question. We tentatively had scheduled a meeting on
1178 Monday. Are the minutes going to be ready for Monday? No?

1179 **MURPHY:** More than likely not.

1180 **MEYER:** Everyone is breathing a sigh of relief right here.

1181 **MURPHY:** At this point, the transcription company indicated that the 24th and
1182 25th would be available sometime next week. They still have the 29th, and
1183 tonight's meeting, the 1st. So I anticipate, hopefully, completion of all four
1184 meeting dates that are remaining that we don't have in our possession within
1185 the next two, maybe three, weeks.

1186 **MEYER:** So what I'd like to be sure of is that all of the content of the
1187 minutes is absolutely included on the record as permanent record.

1188 **MURPHY:** Oh, absolutely. Absolutely.

1189 **MEYER:** Okay.

1190 **MURPHY:** What I would ask maybe Chris to weigh in on is on the 6th when the
1191 council meets and this business concludes on the agenda, is that I request
1192 the council to extend this committee to meet one more time upon receipt of
1193 all those minutes so that you can meet to approve the minutes, basically not
1194 conduct any other business, and then the committee would conclude.

1195 **CHRIS:** And I think because the committee was not established by ordinance...

1196 **MEYER:** Your microphone is not on, Chris.

1197 **CHRIS:** Because the committee was established by resolution, the council can
1198 amend that resolution and extend the committee's life, if you will, to a date
1199 certain (indecipherable) minutes. Probably a good idea to have them formally
1200 approved.

1201 **MEYER:** Okay.

1202 **BRUTON:** I'm wondering if rather than refer specifically to the minutes if we
1203 refer to the video so that councilors can practice their fiduciary
1204 responsibility of educating themselves of the scope of the committee when
1205 they're looking at these considerations.

1206 **MEYER:** Well, the content of the minutes and the content of the videos mimic
1207 one another...

1208 **SCOTT:** I think she means in the report.

1209 **BRUTON:** In the report.

1210 **MEYER:** Oh, in the report. Oh, I see what you're saying. Oh, yeah. I can
1211 absolutely include that. I'm happy to do that. That's not a problem. Yeah,

1212 for sure. So unless there's anything else from staff, we may move on to
1213 closing comments. Larry, I'm going to put you up on the spot tonight, if
1214 you'd like to.

1215 **O'KEEFE:** I'm going to pass because I hate going first.

1216 **SCOTT:** You only get one chance.

1217 **O'KEEFE:** If I only get one change, then I'm going to go because I never walk
1218 by a microphone without saying something. Let me take this opportunity to
1219 thank the other committee members and Meerta for the hard work, and I'm just
1220 going to single out Sylvia here really quick. Did you send an email out at
1221 1:00 a.m. the other day? So I sincerely thank you for all your hard work. I
1222 know that you're a paid city employee, but boy, that's above and beyond. I
1223 just really appreciate everything you've done for us. Tom, same goes for you
1224 and the city council. Chris, this is the first time I've met you, so I
1225 appreciate your hard work and the hard work that your office has done. But
1226 more importantly, I mean, we were given some tough issues to kind of take on,
1227 and I've gotten some feedback from some public members that maybe we didn't
1228 do what they wanted to. And it's hard to take in everything the public wants
1229 to do and the input and put that all together and think of, okay, here's six
1230 or seven people that are trying to do the best for Sherwood. And I know it's
1231 not going to be perfect, but I think you guys would agree it's like the very
1232 best that we can come up with. That said, I think there's other issues that
1233 need to be brought up in the future and maybe, definitely not by our
1234 committee, but by some committee somewhere until we start to look at - we get
1235 away from an idea that goes from minimum wage and look at like an average
1236 wage that we encourage employers to do and not necessarily mandate them to
1237 do. Those are all things - the whole plastic bag recycling thing and getting
1238 those out. There's other steps that we can take as a city, and I'm just going
1239 to leave it at that that it's a lot of big future, and I've said this before,
1240 too, and this is the last time I'm going to say it. This is more important
1241 than one big business coming to Sherwood. This is going to affect our future
1242 for a long time to come, and I thank you guys for trying to look at the big
1243 picture of this. Thanks.

1244 **BRUTON:** I appreciate the leadership of our Chair, Meerta Meyer, and I'm
1245 thankful for the open and honest dialogue of this committee and the public
1246 officials that serve on it and those who have taken their time to share
1247 feedback. I'm additionally thankful for the support of staff and legal
1248 counsel. According to the RetirementJobs.com, retail is a force for strong
1249 economic expansion, job creation, and business growth across our entire
1250 economy and in communities across the country. Retailers directly employ 28.1
1251 million Americans and support 1 in 4 U.S. jobs. The Sherwood Special
1252 Committee has completed what it was tasked with by creating a presentation of
1253 potential business regulation options for the Sherwood city council to
1254 consider and possibly citizens. I value that Sherwood citizens care so deeply
1255 about the quality of life here in Sherwood. As someone who has lived and
1256 worked in Sherwood for over three-quarters of my life, I see it as a personal
1257 goal to preserve Sherwood as a wonderful place. I hope that the citizens and
1258 Sherwood City Council in turn recognize how vastly important the business
1259 employers and their employees in Sherwood are to creating a vibrant city
1260 which has received the ongoing reputation for being a livable, welcome, and
1261 friendly community. According to Washington County, Washington County's
1262 population is the fastest growing in the state, adding 20 new residents a
1263 day. In April 2013, Washington County reports a seasonally adjusted
1264 unemployment rate of 6.6%. A 0.7% increase over the past year in employment
1265 can be attributed to retail jobs. According to the 2035 Reviewed TAZ Forecast
1266 Distribution, Sherwood's population is projected to increase 6% by 2035. If 1
1267 in 4 American jobs are in the retail sector, who's to say that late-night
1268 jobs at a retailer can adjust need, improve out unemployment rate in the
1269 county, and generally make sure what a continuing great place to live and
1270 work. Additionally, according to OregonLive's article addressing similar
1271 projections, declining unemployment among trends noted at Washington County's
1272 economic update. But the good news is that Washington County's unemployment

1273 rate has been falling, so is our workforce. The pull of workers has shrunk
1274 due to causes such as slow population growth, increasing retirement, and
1275 businesses hiring fewer teens. For the expenses of obtaining a Bachelor's
1276 degree going up, job creators can hire those in need of employment. I
1277 personally think that the retail sector holds a great deal of opportunity for
1278 this, and regulations hurt their ability to increase volume of sales and
1279 support jobs. These conversations cause me to fear Sherwood's future.
1280 Ordinances being dialogued in this way create the question for future
1281 investors into our community: Is Sherwood welcoming to businesses? In a
1282 perfect world, Sherwood as a community would be free of crime, bully free,
1283 engaged in a proactive and open dialogue considering the needs of all of its
1284 residents and businesses and constantly and cohesively working toward
1285 community betterment. I believe that this is what we can continue to work
1286 towards. Businesses are a valuable asset to the city and citizens of our
1287 community. We need to expand ways to entice future investors to Sherwood and
1288 model ourselves after communities that recognize that quality of life is
1289 linked to a vibrant business community. Thank you.

1290 **SCOTT:** So I'd also like to echo Larry's comments and thank city staff,
1291 Sylvia and Tom particularly, and the rest of this committee. I feel like this
1292 committee came together, and everyone on it, I believe, brought a lot of
1293 thoughtfulness, a lot of dedication, and a lot of good ideas to the table.
1294 And I think we had a lot of really good dialogues and really good
1295 discussions. Nothing that came forward to this committee was dismissed out of
1296 hand, and nothing that came forward to this committee was pushed through
1297 without thought, and both of those are good things. I think that even though
1298 everyone on this committee didn't always agree, I thought we voiced our
1299 differences of opinions and our ideas and debated them, argued for them,
1300 articulated them well with one another, and I'm really grateful for that, and
1301 I appreciate everyone on this committee for what they brought. I think that
1302 there will be some who are going to be disappointed in the outcome of the
1303 work here, and I find that understandable. And I also think that before you
1304 get involved in something like this, or even maybe slightly after you get
1305 involved in something like this, you don't necessarily realize how
1306 complicated it is. A phrase you hear a lot and that I hear a lot in my line
1307 of work is "The Devil's in the details," and that definitely applied in a lot
1308 of what we discussed here. You hear an idea of "Oh, let's do an hours
1309 ordinance." "Okay. That sounds great. That's reasonable." And then you start
1310 getting into the details. And they just get deeper and deeper and deeper and
1311 broader and broader and broader, and that's true with everything that we
1312 discussed. So I think we did a good job, and I think also what you came to
1313 realize quickly in this process, specifically in relation to some of the
1314 items that members some of the public were really interested in, talking
1315 about worker's compensation and benefits and other kind of rights, is that
1316 the body of law, federally and at the state level, surrounding those areas is
1317 very, very deep and very complex. And trying to navigate those waters became
1318 pretty quickly a challenge that we really couldn't take on for a variety of
1319 reasons - legal reasons, time reasons, and the fact that we're a small city
1320 of 18,000 people, and places that have done these kind of things in the past
1321 either are in different jurisdictions where they laws are different or they
1322 are large cities with lots more paid legal staff and paid staff in general to
1323 debate these ideas and come up with them. So I think that that will be a
1324 disappointment to some people, but I think that it was something that,
1325 honestly, I don't think there was any way for us to avoid. Lastly, I would
1326 like to say this. I do think that the dialogue that was started with this
1327 committee does need to continue. I think some of the ideas that we've had
1328 around looking at the land use code, particularly, but then also, business
1329 attraction to the city and business retention to the city are key things that
1330 we need to look at going forward. And I'm a much bigger fan, and I think what
1331 works a lot better is a carrot and not a stick, and so I think that
1332 accomplishing the goals that we all want of having more small businesses,
1333 more businesses, better paying jobs, more desirable jobs - all of those

1334 things are going to be a lot easier to accomplish and can be accomplished
1335 more effectively through economic policies that are going to encourage
1336 businesses to come here and not necessarily through regulation that is going
1337 to mandate specific things. So I would encourage the city and commissions and
1338 city council going forward to look at those kinds of things because I think
1339 that's the way to get to our goal. Lastly, I'd like to say one more thing is
1340 that a lot of what I've heard throughout this process is kind of a business
1341 versus worker or business versus citizen mentality from some people, not
1342 many, but some, and I think that that's the wrong way to look at things. I
1343 don't think that we should be considering ordinances and thinking this is
1344 pro-business or pro-worker and anti-business and anti-worker. I think those
1345 things are not mutually exclusive. I think there's partnerships involved, and
1346 I think that it's unfortunate that it's unfortunate that I saw some of the
1347 idea that if you're not against a particular business then you must be for
1348 it, and that's not true. It's quite possible, and I know this because it's
1349 me, to be pro-business but not be pro every business or to be pro free market
1350 but not be in favor of every single business practice that exists. It's just
1351 a matter of how you think the best way to go after those things is whether
1352 it's through regulation or some other means. And so I think that's something
1353 I hope that people will look at going forward, and I guess that's all I have
1354 to say. Thank you, Chair. Thank you the rest of the committee. It's been a
1355 pleasure.

1356 **COOKE:** So I'd also like to echo the thank you for all the hard work you guys
1357 have put in, Tom and Sylvia. And Chris, you and your staff, Chad and Heather,
1358 it was fantastic working with all of you. Thank you very much for all the
1359 hard work you put in over the last several weeks. Members of the community,
1360 I'm very proud of the fact that we were a group of very diverse opinions, and
1361 we were still able to put together what I believe are rational, thoughtful
1362 proposals for city council to review and hopefully for our residents to vote
1363 on. I believe that while we weren't able to move every idea forward, we
1364 definitely elevated the conversation regarding a number of different issues
1365 that have not only local and regional but national importance. Over the last
1366 two years of living here, I don't think I've had the opportunity to meet
1367 quite as many people as I have over the last month. A number of folks have
1368 indicated to me how happy they were that this committee had come together.
1369 They really did feel that they have had their voices heard in a way that they
1370 felt was something new and was very valuable. So I'm proud of being part of
1371 that. And I do think that it's very important to have it's not just about
1372 workers or businesses. It's about creating a healthy, vibrant community as
1373 well as a strong business community, and I feel confident that the measures
1374 we put together provide that opportunity for all. So thank you.

1375 **SCHOENING:** Again, thank you very much, and I did notice that 1:00 a.m.
1376 email, but I also was awake, and I think some of you also were, too. So that
1377 being said, you know, it's been said very many times, and it's not a secret,
1378 and I'll say it again that I don't live here, but I do business here, and I
1379 am extremely proud. My husband and I are very proud to do business in
1380 Sherwood, and this community has supported us more than we could ever have
1381 expected, and I think some of you know my personal story and can understand
1382 maybe where I'm coming from with that support. But aside from that, you know,
1383 our business is here as a local business, and to us that means, you know, not
1384 only the other businesses who are our neighbors and who provide services so
1385 that we can do our business and the city personnel who support us in that
1386 business and sometimes tell us when we're doing things incorrectly, but it's
1387 also about the child who walks in who is in the 4-H program and wants me to
1388 buy their lamb, which happened four or five times over this course of this
1389 Washington County go around, and I wish I could buy every lamb or every pig.
1390 Someone tried to sell me a cow, and maybe next year that will be a goal for
1391 us at Fat Milo's. But that being said, those are things that I think about
1392 when we think about the City of Sherwood, not big box retailers. That being
1393 said, I think - I echo a lot of what was said, but there a couple of things
1394 that are very important for me to say, and one of them is I hope that we can

1395 take the ideas that we've said here in that promoting business is not
1396 necessarily promoting bad business, and you've heard me say this before. But
1397 making an environment and a community where good businesses can thrive is key
1398 to a good community and a good place to live, and I think we all agree on
1399 that. And if a business is not doing business in the way that the community
1400 supports, the business won't stay in business, end of story. That's how it
1401 is. So what I'm asking, if it means anything at all, for the record is that
1402 we take the energy that we put into trying to stop the wrong businesses from
1403 coming to supporting the right ones that we have in the community. And that
1404 doesn't mean come to my place. It means go to every other place that you
1405 believe in as a business and make sure that you're doing the best you can to
1406 practice what you preach, and I know I will try to do a better job. I know
1407 our mission from day one has been to try to promote local, and we've already
1408 tried to do a better job of that. And so I'm hoping that this energy can keep
1409 going but in a positive direction because I believe that you can say no to a
1410 business very loudly by not darkening their doorstep, and you can yes to a
1411 business just as loudly by showing up whenever you can. I have one more thing
1412 to say. I do believe that the land use laws need to be addressed, and I'm
1413 hoping that some of our committee members can do that by being on certain
1414 commissions and use the things that they've learned here to make sure that
1415 these, I won't say mistakes, but maybe missteps won't happen again. And I
1416 will also say that I firmly believe that a personal attack diminishes any
1417 message by a lot and can cancel out everything you say before and after the
1418 personal attack. So I would hope that we can maintain some semblance of the
1419 dignity that I know this community has and stop them.

1420 **MEYER:** Tom, Sylvia, did you want to add anything before I make my closing
1421 comments?

1422 **MURPHY:** I just would like to say that I did get scolded for sending that
1423 text message at 1:00 a.m.

1424 **MEYER:** I might have initiated that. I'm sorry.

1425 **MURPHY:** I was told to go to bed. But seriously, this committee's done an
1426 awesome job. To get citizens from the community to come together, business
1427 owners to come together, and to do the work that you have done has been
1428 amazing. I've worked for this council and seen a lot of work from other
1429 boards and commissions, and you guys hit the ground running unlike other
1430 groups who have taken months and months and months and years to accomplish
1431 what you've accomplished and just to work together. So thank you. It's been a
1432 pleasure. Yes, the hours have been long, but likewise, I think we all have
1433 learned something. And I also appreciate Tom very much.

1434 **PESSEMIER:** Well, I think we all appreciate Sylvia. No question about that.
1435 You know, this committee had a very large handicap coming in, and that was
1436 time. Unfortunately, time was a critical component of what you guys could
1437 accomplish, and so I think from my perspective, it was very informative to
1438 listen to you and to listen to other people from the public because this
1439 conversation will go on. I mean, this isn't the end of this, and I hope that
1440 from my position and from my ability, we can use what we learned here and
1441 continue the conversation in many other areas. This affects what the planning
1442 commission is doing. This affects what certainly SURPAC as doing as they're
1443 starting to get much more into dealing with businesses and how we can
1444 incentivize and make sure that we're treating existing businesses and
1445 potential future businesses in a manner that is respectful and will help them
1446 be successful but also keeps the livability of our community intact. So this
1447 will touch a lot of different areas over time, and I know some of you have
1448 volunteered to be on boards and commissions, and I encourage others who might
1449 be here to also consider becoming a part of the conversation. We've said it
1450 over and over again at our staff level is if we could just have more citizen
1451 involvement, we could actually make a lot better decisions and know where
1452 things are going. And so you have to take everything that comes up, and I
1453 know that some people look at certain things that have happened as a very
1454 negative. From my perspective, we can turn this into a positive by better
1455 defining what our community is and better meeting the needs. And so

1456 certainly, there's a lot of people around here committed to doing that
1457 despite what other people might think, and we certainly want to have an open
1458 discussion about what Sherwood means to people. One thing that we haven't
1459 done in a long time, and I certainly will recommend this is we haven't done a
1460 community survey to kind of look at a broader statistically sound survey of
1461 what this community wants and what it needs. We did that in the past every, I
1462 think, three years up until about five or six years ago, and I think it's
1463 time that we do that again. I heard a lot of different subjects brought up,
1464 and we can certainly take those and actually pull those and see where people
1465 really are. We can get a large enough sample that the margin of error will
1466 tell us where this community really is, and I think that's really important
1467 because without that type of information, it's hard for you to make
1468 decisions. It's hard for others because you do get differing opinions, and
1469 well, there's 18,000 people, we're 9,000 of them. So I think that's something
1470 that I'm certainly going to recommend that we do so that as we move forward
1471 and other boards and commissions are thinking about things: How do we treat
1472 businesses? What does livability mean? What does this community want and
1473 need? Because that is our job. Our job is not to respond to every single
1474 individual in the city, but it is to make sure that we're doing what the city
1475 as a whole wants. So I thank you guys. You guys did a great job considering.
1476 This is tough stuff, and you did a great job, and I think you should be
1477 proud.

1478 **MEYER:** Well, with that said, I'm really proud. I'm really proud of all of
1479 the work that we have done with all of your support. So I cannot emphasize
1480 how many thanks we have to all of you for your help. I think that there is a
1481 danger in apathy, and as I grow personally and professionally, I see that so
1482 much more and more with each passing year, and I feel like what motivates us
1483 changes as we grow, and the wisdom that we gain from all of our experiences
1484 collectively improve upon decisions that are made in our own lives and in the
1485 lives around us. I hope that the work that we've done reflects motivation
1486 toward progress. I hope that the work that we've done encourages change, and
1487 I have every intention to continue to be one of the voices that are heard in
1488 Sherwood, and that's important to me. And so I would welcome working with all
1489 of you at any point in the future. And I just can't emphasize enough that I
1490 just feel like this committee reflects a sampling of the residents of
1491 Sherwood, and the council afforded us an opportunity to not only have a voice
1492 but to work toward better defining livability and what that means for this
1493 Sherwood of ours. And I feel really pleased and proud to have been a part of
1494 it. So thank you all. Here's to many more hours of conversation and debate
1495 and argument toward making Sherwood the very best Sherwood it can be. Thank
1496 you again. Good night.

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1509 Maerta Meyer, Chair
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1511 10/14/13
1512 _____
1513 Date
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1517 **Documents presented at the meeting:**

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1519 Exhibit A - Regulations of Camping Ordinance, Third Draft

1520 Exhibit B - Regulations of Business Hours, Third Draft

1521 Exhibit C - Draft #2, Report to Council, Regulating Business Hours

1522 Exhibit D - Report to Council, Regulation of Camping

1523 Exhibit E - Report to Council, Hazardous Substance Regulations

1524 Exhibit F - Report to Council, General Special Committee Report