



**SHERWOOD CITY COUNCIL MEETING MINUTES**  
**22560 SW Pine St., Sherwood, Or**  
**September 16, 2014**

**WORK SESSION**

1. **CALL TO ORDER:** Mayor Middleton called the meeting to order at 6:32 pm.
2. **COUNCIL PRESENT:** Mayor Bill Middleton, Council President Linda Henderson, Councilors Robyn Folsom, Matt Langer and Krisanna Clark. Councilor Bill Butterfield arrived at 6:40 pm. Dave Grant was absent.
3. **STAFF AND LEGAL COUNSEL PRESENT:** City Manager Joseph Gall, Community Services Director Kristen Switzer, Public Works Director Craig Sheldon, Administrative Assistant Colleen Resch and City Recorder Sylvia Murphy.

**4. TOPICS:**

City Manager Joseph Gall announced that Metro Councilor Craig Dirksen was running late and adjusted the agenda accordingly.

**A. Filling of Council Vacancy Procedures**

City Manager Gall informed the Council with the recent notification of Councilor Folsom moving outside the City limits he wanted to brief the Council on City Charter and Municipal Code provisions for filling a vacancy. He distributed a document (see record, Exhibit A) and explained.

**B. Washington DC Trip Recap**

Councilor Robyn Folsom and Community Services Director Kristen Switzer briefed the Council on a recent trip to Washington DC to meet with legislators regarding available funding for City projects, including the Community Center currently under construction. Councilor Folsom explained the effectiveness of the trip and the services and support provided by CFM and the return on the investment in the form of funds being brought into Sherwood for projects.

**C. Metro Update**

Metro Councilor Craig Dirksen provided the Council with a Metro update (see record, Exhibit B) and explained. Discussion followed.

**5. ADJOURN:**

Mayor Middleton adjourned the Work Session at 7:00 pm and convened to a Regular Session.

**REGULAR SESSION**

1. **CALL TO ORDER:** Mayor Middleton called the meeting to order at 7:05 pm.
2. **PLEDGE OF ALLEGIANCE:**
3. **COUNCIL PRESENT:** Mayor Bill Middleton, Council President Linda Henderson, Councilors Bill Butterfield, Robyn Folsom, Matt Langer and Krisanna Clark. Councilor Dave Grant was absent.
4. **STAFF AND LEGAL COUNSEL PRESENT:** City Manager Joseph Gall, Finance Director Julie Blums, Police Chief Jeff Groth, Public Works Director Craig Sheldon, Community Development Director Julia Hajduk, Community Services Director Kristen Switzer, Building Official Scott McKie, Administrative Assistant Colleen Resch, and City Recorder Sylvia Murphy. City Attorney Chris Crean.

Mayor Middleton addressed Approval of Agenda and stated the following motion.

**5. APPROVAL OF AGENDA:**

**MOTION TO AMEND: FROM MAYOR MIDDLETON TO REMOVE ITEM 8.A. AS THE ACCOUNT HAS BEEN PAID.**

In addition, the following motion was stated.

**MOTION TO AMEND: FROM COUNCIL PRESIDENT HENDERSON TO AMEND UNDER ITEM 7, TO ADD A PRESENTATION FROM THE SHERWOOD POLICE FOUNDATION TONIGHT.**

**BOTH MOTIONS WERE SECONDED BY COUNCILOR FOLSOM, MOTIONS PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR. (COUNCILOR GRANT WAS ABSENT).**

Mayor Middleton stated the following motion.

**MOTION: FROM MAYOR MIDDLETON TO APPROVE THE AMENDED AGENDA, SECONDED BY COUNCIL PRESIDENT HENDERSON, MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR. (COUNCILOR GRANT WAS ABSENT).**

Mayor Middleton addressed the next agenda item.

**6. CONSENT AGENDA:**

- A. Approval of August 19, 2014 City Council Meeting Minutes
- B. Resolution 2014-060 Appointing Charlotte Blair to the Cultural Arts Commission
- C. Resolution 2014-061 Appointing Angelisa Russo to the Cultural Arts Commission

**MOTION: FROM COUNCIL PRESIDENT HENDERSON TO ADOPT THE CONSENT AGENDA, SECONDED BY COUNCILOR CLARK, MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR. (COUNCILOR GRANT WAS ABSENT).**

Mayor Middleton addressed the next item on the agenda.

## 7. CITIZEN COMMENTS

Ryan Howard, Newberg City Council President came forward and said he is a small business owner and is running for State Senator District 13. He said he became involved in local government to serve the community and would like to become involved at the state level to help local communities that are struggling to maintain basic services. He stated education is a strong issue. He said we need to refocus on our basic priorities with supporting small businesses and making sure our communities can meet their basic needs. He said he does not like the divisiveness he has seen in state government and would like to go there to meet with both side to find solutions to these issues. He said he is proud to have the support of conservative and liberal members of the Newberg City Council as well as the Chehalem Chamber of Commerce and asked the Council for their consideration in endorsing his race.

Dean Boswell, Sherwood resident approached the Council and asked what the Sherwood Police Foundation is and said those who seem to know say that it is a committee created by the Sherwood Chamber of Commerce. He said he did a Google search for the foundation and said they do not have a website or a Facebook page announcing who they are, who they are affiliated with, and who their members are or a mission statement stating their intentions. He stated the Sherwood Police Foundation is a private and secretive committee organized by a private organization and commented regarding the lack of public information on the organization. He said he is confused as to why Council President Henderson would refer to a private and secretive committee as a partner member and asked how the Police Foundation is a partner member to the City of Sherwood. He said he is confused as to when the City Council passed an ordinance that allows a private and secretive committee to share Council responsibilities and authority. He reminded the Council that the only authority they have is the authority that we the people of the City give you and you do not have the right to just take over and do what you want. He said we the people will and can vote you out of office if you continue down the road of dictatorship. He reminded the Council that the State of Oregon provides resources like the State Ethics Committee to investigate and prosecute government officials that break the law. He commented regarding the Declaration of Independence, the Constitution, its amendments and the Oregon State Constitution that lays out clearly the rights of the people. He recommended that the Council read through those documents and said it will give them a better insight on how to perform their jobs as Council members. He said if you chose to read these documents they are not open for interpretation like you seem to think they are, he provided the example of the Sherwood sign code. He said from what he can see the Sherwood Police Foundation is a committee that was created by the Sherwood Chamber of Commerce and stated he contacted the Chamber and has not received a response, he commented about not expecting a reply and made reference to Chamber President Keith Mays and Mr. Mays' lack of response to emails. He stated he knows this to be true because when he (Mays) was Mayor he emailed him on several occasions with concerns and received no response. He said what he sees is a committee made by the former Mayor in an effort to regain some control of the City. He said he is a believer that every thriving City needs a Chamber, however the Chamber is not part of the city government even though they work together, and the Chamber has no authority in City government. He said he has talked with businesses that are Chamber members and has heard two different trains of thought, one stating Keith Mays has done a lot of good things for the community and another stating there is an "inner circle"

at the Chamber and gave examples of businesses not being invited to local events. He recommended to Council President Henderson to go back to the Sherwood Chamber of Commerce and tell them to do their job and service their members and stop trying to gain a foothold on the Sherwood City Council.

Robert James Claus, Sherwood resident came forward and said he is going to file a series of formal complaints with state agencies as he was requested to do when certain things occurred. He stated an officer from the Sheriff's Department came to his home and informed him that Councilor Butterfield and his wife made a complaint about him making a call and harassing them. He said he asked the officer if he had a complaint in writing and the answer was no. He said he told the officer that coming to his home with nothing in writing, and if the complaint is false it is a felony and asked him to leave and he said he would talk to his supervisors. He said it turned out that complaint was never signed and it was never signed because the phone call was never made. He commented regarding somebody trying to use their office to intimidate a citizen on public policy. He stated he has attended two sign meetings and in one the police came close to outnumbering the citizens. He referred to special prosecution and malice and filing complaints and not putting them in writing. He said the reason they won't put it in writing is explained by a sequence of happenings that Chief Groth will stand on this and he appreciates it and said they have enough in writing to make an issue. He stated signs are being seized by police and when they have made calls to get them back they couldn't get them back. He said then the meeting occurred and the "self help" threat occurred and it occurred whose signs they were taking and suggested it was certain members of Council who were not supportive of the Police Department and their budget. He said there have been honest criminal complaints filed against people that have not been followed up on. He said they were told they couldn't get the signs back and they told Mayor Middleton that they have never taken a sign. He asked Mayor Middleton to confirm that he was there.

Mayor Middleton said he attended the second meeting.

Mr. Claus asked him if that is the statement they made that they didn't take signs. He said they have it in writing that they took signs and won't give them back. He commented on intimidating people that don't support the gang of 5 and their current decisions. He said this has to go to some agencies to look at the criminal aspect. He commented regarding messages that they haven't taken signs and then they say another thing and then the City Manager writes a memo to get your signs and you can get them between 9 and 10 on Monday morning if somebody is at the Police Department. He commented on not separating the administration politically and the next election will show that. He said when you use the police he wants the state police to hear about it as they should know better than to waste our time.

Susan Claus, Sherwood resident approached the Council and commented on the sign code during election cycles. She said the code has been in place for a couple of years and she approached Councilor Henderson a year and a half ago about the need to change it and nothing happened. She commented on this election cycle when in early August there was another new interpretation of the sign code which came from the contracted City Attorney. She said the City Council is supposed to be the body that interprets code when there are problems and provided the example of when the City Recorder interpreted the code which made the recalls difficult. She stated they are allowing the City Attorney to make interpretations of the code and making it difficult for candidates. She commented on right-of-ways and confiscating signs and two sign code meetings and commented on the short election cycle and the number of candidates and some that are not well known and the need help to get information to the public. She said this is a problem that the Council was aware of before the election cycle and they chose not to address it and now we have surrogates making policy that is affecting our election at the local level. She state Community Development Director Julia Hajduk is also making policy and the Code

Enforcement Officer is telling them that he just does what he is told as far as enforcement activities. She said the Planning Department is the one making some of the policy interpretations and Mr. Crean is making some other policy interpretations and then we have Councilor Langer making complaints on particular signs. She referred to a new interpretation regarding one of their signs and said you can have a 4x8 sign. She said one of the code interpretations that has been allowed is we have commercial signs in town that are at angles and now the Code Enforcement Officer is saying the only way you can keep these two signs is to put them together or they will be confiscated. She said if that is the truth it needs to apply to all of the commercial property signs throughout town. She said the rules that are being made are directed at the political signs and it should be directed to all the signs in town. She said they have been issuing notices to members of our community that just want to express themselves and put a sign in their yard and they are being told that the signs are out of compliance and it is all under the threat of fines or other police activity because it is coming under the Police Department through the Code Enforcement Officer. She said this is a local election and it is being criminalized and they are making citizens fearful to have political signs. She referred to citizens getting letters in the mail regarding their signs and asked why the signs can't be different sizes and why are Mr. Crean or Ms. Hajduk making the interpretations that belong to the City Council. She asked why are the citizens and the candidates the ones getting the brunt of this and why does Councilor Langer who has taken it upon himself to make complaints about other signs when he doesn't follow the policy himself with his signs on barns.

Naomi Belov, Sherwood resident reminded residents to register to vote by October 14, 2014 and said registration can be done online. She said they have been doing voter outreach in Cannery Square. She commented on rumors about Councilors knocking over signs and said if there are complaints she wants the police to look at them as the signs are expensive and an expression of someone's support for a candidate. She said there have been no complaints about Henderson's signs being stolen or lost.

Councilor Henderson said that is not true.

Ms. Belov provided an example of a sign that was recently broken and said it needs to stop. She asked if Councilor Folsom is moving out of the city limits and if that is true what the process for filling the position is. She commented on the need to open the position to everybody who lives in Sherwood and follow the due process. She said another rumor she heard is there is a job opening at the art center for an arts administrator position and said if this is so she hopes they open it up to the nation and asked that consideration be given to all applications.

Mayor Middleton said the job opening is on the City website.

Ms. Belov asked if the job was even open or is there a listing.

City Manager Gall responded that the job opening is now closed and the City received 31 applications from all over the country.

Nancy Taylor, Sherwood resident came forward and stated she is a taxpayer, homeowner and now stalker. She reminded everyone to register to vote before October 14 and encouraged everyone to vote immediately as it is a good habit. She said Sherwood needs a change and she is happy that there are 3 positions open with 9 people running and said that shows that Sherwood has a lot of concerned people that feel change will be good. She reminded citizens not to write people in and said according to the state they won't qualify. She said please vote, please change and give Sherwood a fighting chance to be a better place to live.

Tim Voorhies approached the Council and read an article pertaining to the First Amendment and political speech and said it was a federal ruling. He read in 2010 the Supreme Court threw out a federal ban on independent political speech by corporations, unions, associations and Citizens United vs. Federal Elections Commission and holding that this law was a ban on speech. He stated the Court noted that the First Amendment has its fullest and most urgent application to speech uttered during a campaign for political office thus speech must prevail against laws that would suppress it whether by design or by inadvertence. He said whether or not you make a law against it you can't do it. He said free speech is an essential mechanism of democracy because it is the means to hold officials accountable to the people. He stated it is our law and our tradition that more speech not less is the governing rule. He commented that is federal law and said that means he can have a 30 x 30 billboard on his property and as long as it was political speech you couldn't touch it. He gave examples and said he has checked with other cities and asked what is going on with this town. He noted it is the same every political year and referred to getting harassed by the police and receiving threatening letters. He said it has to stop. He commented on the form that you sign says "we shall not impugn" and said that means we can't question anything the Council does and we need to change this form to allow us to question in a public forum and get answers in a public forum instead of waiting for a response. He said he was told his sign was illegal because it was a "v" shape and referred to Mrs. Claus' comment of other properties with "v" shaped signs.

Tess Kies, Sherwood resident came forward and said it is hard to listen to people that are so ignorant about what they are talking about. She said there is a lot of concern about signs and she understands but encourages people to go past the sign problem and do your research on the candidates. She said if you did your research you would understand that the Police Foundation has nothing to do with the Chamber, and you would understand which candidates want to make our tax base worse than what it is and which do not, and which want to take the Y out of the City and which do not. She said and if you paid attention and did your research, signs would be the least of your concerns because they are not that important. She said they don't tell you anything about the person running for office. She said why should anybody who has worked for 15 years or works at all in City government be punished by saying we have had enough of them and want change. She encouraged people to be careful about what you are asking for because all of those changes are not necessarily good. She noted our Police Department is the 63<sup>rd</sup> in the nation for safety and 3<sup>rd</sup> in Oregon and there are people that want to change that and put it under a different entity. She said people are not paying attention to the issues. She said she supports Henderson and they have had just as many signs taken down, stolen and abused and said it not fair to do that to either party and we all have the right to vote for who we want. She referred to impugning ones character and said when people insinuate that someone on Council is trashing signs she disagrees with that and stated all the Councilors have better things to do and have more integrity than that.

Renee Brouse, Sherwood resident approached the Council as a representative of the Sherwood Chamber of Commerce to give clarification to Mr. Boswell's comments. She stated the Chamber of Commerce supports all businesses in Sherwood and is not one person and is made up of a board of people who are volunteers in the community, not just Keith Mays. She noted the Chamber has an RFP process for events and it is a process that is followed diligently. She said although the Chamber supports the Police Foundation it is not an affiliate of the Chamber, it is a separate entity doing great work by supporting our police.

Mayor Middleton addressed the next agenda item.

## 8. PRESENTATIONS

## **A. Proclamation, National Constitution Week**

Mayor Middleton read the proclamation and proclaimed the week of September 17-23, 2014 as National Constitution Week. He stated the anniversary of the signing of the Constitution provides a historic opportunity for all Americans to realize the achievements of all the Framers of the Constitution and the rights, privileges and responsibilities it affords and the independence guarantees to American citizens, whether by birth of naturalization, should be celebrated by appropriate ceremonies and activities during Constitution Week.

## **B. Sherwood Police Foundation**

Michael Tinney and Laurie Zwingli from the Sherwood Police Foundation approached the Council and thanked them for the opportunity to introduce the Sherwood Police Foundation and the board. Mr. Tinney said the mission of the foundation is to strengthen and promote community support for the Sherwood Police Department. He said the vision of the foundation is to promote the highest level of public safety and security by ensuring that the Sherwood Police possess the necessary tools, resources, training and programs to effectively and safely serve our community and create community partnerships that encourage citizen participation and enhancing the community of Sherwood. He said the organizing committee formed in early 2013 with members including Bank Vice President Tim Heine, Attorney Laurie Zwingli, Retired Police Chief Ray Shipley, Graphic Artist Kendra Kurtz, Retired Communication Consultant Jim Haynes and himself, Investment Advisory Michael Tinney. He said City Manager Joe Gall and Police Chief Groth serve as advisory liaisons. He said to validate their ideas members met with individuals, community leaders, and business leaders within the Salem Police Foundation Board and reviewed foundation bylaws and other information from throughout the country. He said this summer the newly formed foundation received its 501(c)3 nonprofit tax designation and now have a working Board of Directors, bylaws modeled after several successful local police foundations and the legal and tax designations to request funds and distribute them in ways supporting the Sherwood officers. He stated the function is to provide support that may not typically be included within the municipal budget. He provided examples of funding the youth substance abuse prevention programs, citizen appreciation and other public outreach. He said the actions will be guided by input from the officers and citizens. He noted this year the foundation was able to host the Annual Officer Recognition Dinner at Bella Via with over 60 officers and their spouses and community leaders. He said the foundation also provided the Sherwood Police Department with 10 AR 15 rifles, a Canine Officer including all of the associated costs, police ballistic shields, and automated external defibrillator for police vehicles.

He said to continue the spirit of giving the foundation will present a unique gift of personal safety to police canine Irma. He asked Officer Jentsch and Irma to come forward and said thanks to donations made to the foundation they are able to outfit Officer Irma with equipment similar to her human team members. He presented Officer Jentsch and Irma with a ballistic canine vest.

Council President Henderson thanked Mr. Tinney for acknowledging our Police Department and said it is fitting to call Irma an officer. She referred to comments about lack of information on the internet and said she assumes that is due to just getting the 501(c)3 status and that now allows you to start advertising and promoting the foundation. Mr. Tinney replied that is correct.

Councilor Henderson asked if the foundation supplied the money to purchase Irma and train her. Mr. Tinney said yes, in the spirit of the foundation prior members before the 501(c)3 provided those funds.

Councilor Henderson asked if the vest was an addition way of protecting that asset. Mr. Tinney said yes. Councilor Henderson noted that now they are a 501(c)3 with bylaws and a Board of Directors they will now be able to do more outreach in the community and become more well known. She commented on Mr. Boswell's remark that they are a secret organization and said it is not a secret that we have a K-9 unit and that unit came from the spirit of supporting the police and that is what the foundation is about, not a secret organization of the Chamber. She said as a citizen she is grateful that there are people that want to support our police in ways that we can't due to budget constraints. She asked to hear more about the K-9 unit and how the vest will contribute to Irma's safety and longevity.

Mr. Tinney said there is nothing secret about what they do and stated they hesitated going out to the public and becoming known before the 501(c)3 status.

Councilor Folsom said Irma has become an asset to our department and the county and said we have Irma because of the Police Foundation. She said she is grateful and would like the public to hear some of what Irma has done over the past two years.

Officer Jentsch said Irma is now cross trained to track humans and also finds the odors of drugs. He provided an example of a DUI crash where the driver fled on foot and Irma was able to track the suspect. He said recently outside of Sherwood there was a lost autistic child and they used Irma to help find the child.

Councilor Folsom asked if they are working the School District now that she is cross trained. Chief Groth said that is in the process. Councilor Folsom thanked them for making the community safer.

Mayor Middleton indicated he had another presentation and stated he would address it during Council Announcements.

Mayor Middleton addressed the next agenda item.

## 9. PUBLIC HEARINGS

### **A. Ordinance 2014-017 Amending Section 15.04.110 of the Sherwood Municipal Code adopting the 2014 Oregon Mechanical Specialty Code based on the 2012 International Building Code**

Building Official Scott McKie approached the Council and said the State of Oregon building codes are periodically updated by the Oregon Building Code Division. He said local jurisdictions are also required to adopt the updates locally. He said the ordinance would amend the municipal code to stay current with the state approved code which is the current 2014 Oregon Mechanical Specialty Code.

Mayor Middleton asked for Council questions, with none received he opened the public hearing.

With no testimony received, he closed the public hearing.

With no questions from the Council the following motion was received.

**MOTION: FROM COUNCIL PRESIDENT HENDERSON TO READ CAPTION AND ADOPT ORDINANCE 2014-017, SECONDED BY COUNCILOR FOLSOM, MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR. (COUNCILOR GRANT WAS ABSENT).**

Mayor Middleton addressed the next agenda item.

**B. Ordinance 2014-018 Amending Section 15.04.110 of the Sherwood Municipal Code adopting the 2014 Oregon Structural Specialty Code based on the 2012 International Building Code**

Building Official Scott McKie said this is the same explanation as the mechanical code and this is the building code which is also the Oregon Structural Specialty Code.

Mayor Middleton opened the public hearing. With no public coming forward he closed the public hearing.

Mayor Middleton asked for Council questions. With no questions from the Council the following motion was received.

**MOTION: FROM COUNCIL PRESIDENT HENDERSON TO READ CAPTION AND ADOPT ORDINANCE 2014-018, SECONDED BY COUNCILOR CLARK, MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR. (COUNCILOR GRANT WAS ABSENT).**

Mayor Middleton addressed the next agenda item.

## **10. CITIZEN COMMENT**

With no citizens coming forward Mayor Middleton addressed the next agenda item.

## **11. CITY MANAGER REPORT**

City Manager Gall asked staff to address the sign code questions that were raised.

Community Development Director Julia Hajduk said there is nothing to update on the sign code. She said they have had informational meetings and a FAQ document was prepared before the first sign code meeting and has been updated with additional questions. She said they had the second meeting last week and received additional questions and those were added to the FAQ document and it will be posted on the City website tomorrow. She clarified there has been no change to the interpretation just clarifying the enforcement provisions. She stated the code does authorize for the City to remove and dispose of signs in right-of-ways. She said based on input at the meetings, as well as conversations with staff and legal counsel, they have determine that it would be appropriate to have some time available for people to come in and pick up the signs that were removed from the right-of-way. She said the time available to pick up signs is Monday mornings between 9 and 10.

Mayor Middleton said he appreciated all the work and setting time aside to pick up signs.

Mr. Gall said this is his second election cycle and it appears that people are abiding by the rules. He stated there has been damage to signs and that is unfortunate. He said we will see a strong campaign season. He commented regarding the frustration regarding enforcement and said we can learn and do a better job. He said the next Council will probably revisit the sign code.

Councilor Langer noted that all the people that complained about the sign code earlier have already left and asked if there was a way to get the message to them.

Mr. Gall responded that they are trying to communicate with each of the campaigns and we have eleven local candidates, and we are relying on the candidates to communicate the information to their volunteers. He said the campaigns are doing a good job of putting the signs up on the weekends and taking them down at the proper time. He noted it is an emotional time and there is passion in this community for campaigns.

Council President Henderson referred to comments comparing 4x8 political signs to commercial signs and asked if 4x8 commercial signs are temporary and is that allowed in a commercial zone. Julia Hajduk said they would be considered temporary signs and would have to comply with the temporary sign code and said she is not familiar with the particular complaints.

Councilor Henderson said some of the confusion is between a commercial permanent sign that goes through a planning process as either a sign permit or a development permit, as opposed to a temporary sign that might advertise a special promotion or a political sign, and the difference between how the City regulates those signs as far as height, distance and material type versus the temporary or portable signs that are used in political campaigns, garage sales or real estate signs.

Julia said a permanent freestanding sign in a commercial development is different than what we refer to as a temporary sign, and commercial real estate signs are considered temporary.

Councilor Henderson said if you compare a political temporary sign to a permanent commercial sign the signs are in different categories and are regulated differently.

City Attorney Chris Crean clarified that the City sign code differentiates between zones and you may drive through a commercial zone and see a 4x8 sign and decide to put one up on your house only to discover the sign code has different standards for signs in residential zones. He said the sign code is different based on what zone you are in, but within those zones every property is dealt with the same and every sign is dealt with the same. He said the people that come out most strenuously when the cities revise their sign codes are the realtors. He said the sign code standards in residential zones are designed in part to accommodate those signs but it just says you can have a sign on a property where the house or property is for sale without regard to what the sign says and the assumption is it will be a for sale sign. He said the time, place and manner restrictions apply to every property within the zone according to the standard for that zone and the standards will vary from zone to zone.

Councilor Langer referred to the pamphlet made a few years ago regarding the sign code and asked Julia if they are readily available.

Julia said they are available and she will make sure there is stock at City Hall and out in the community. She said she thought the information was clear but they now are providing the FAQ document. She clarified that this does not change anything it just says this is what this means so there is no confusion. She stated that everyone tries to comply with the rules but everyone understands the rules differently and that is what they are working on.

Councilor Henderson asked if signs of any nature are allowed in a round-about.

Julia said no, the idea is that a round-about is a moving intersection and if you are distracted by a sign it could be the difference between life and death. She said they have determined that signs have to be at least 50 feet from the pedestrian crossing in a round-about. She referred to diagrams that are on the City website and will be attached to the FAQ and allows you to see where the signs need to be placed to make sure that we don't cause safety issues for pedestrians.

Councilor Henderson asked if each candidate was able to attend a sign code meeting.

Julia said they did not keep track of who attended. She said there were two meetings over a three week period.

Mayor Middleton addressed the next agenda item.

## **12. COUNCIL ANNOUNCEMENTS**

Councilor Folsom announced that she is moving outside the city limits and said it is not great timing and would like to continue to serve but must follow the rules. She stated she will step down at the end of the month. She asked Kristen Switzer to come forward to offer clarity to some of the citizen's comments and explain the process for recruitment of the new Cultural Arts Center Manager.

Community Service Director Kristen Switzer said they advertised on the City website and the position was open for 2 weeks. She said they also used the National Recreation and Parks Association website and the Regional Arts and Culture Council to advertise.

Councilor Folsom commented on her involvement and asked Kristen whether she looked over the job description or was part of the process and if she knew during that 2 week time it was happening and if she applied for the job herself. Kristen said no.

Councilor Folsom said she was informed by City Manager Gall that citizens have called and were concerned that she is moving outside of the City limits to take that job. She confirmed with Mr. Gall that she could work for the City without having to move outside the City limits. Mr. Gall replied, that was correct.

Councilor Folsom clarified that if she wanted to seek employment she could have stepped down from Council and not have to move after 18 years. Mr. Gall said that is correct. She said she has supported the Cultural Center over the past 15 years but it was never a means to employment. She stated she is excited about the Community Center and with a pool of 31 applicants she is sure they will find someone more qualified than her.

Kristen noted that they have a pool of 31 candidates from all over the country as far away as New York.

Councilor Folsom thanked Kristen and stated she wanted it to be clear that she is not seeking employment. She announced that the Sherwood High School has hired her to take over the Drama Department and she is excited. She commented on her 6 years of service and said there are too many highlights to list. She referred to the last year and a half and said there has been a lot of focus on what has failed. She said because of the First Amendment, as Mr. Voorhies stated, as a Council we have allowed people to have that right. She said this is a good time to focus on the great things that have happened in our community. She referred to the Stella Olsen Park amphitheater and the bathrooms at

Stella Olsen Park. She said the tennis courts on top of the water reservoir were such a unique and creative plan and use of space that it was featured on the front cover of a national parks and recreation magazine and said that is all due to the staff. She stated Sherwood has received millions in MSTIP funding to help with road projects and said we received these dollars because staff was prepared and ready for projects. She said about \$37.5 million in a 5 year cycle was awarded to Sherwood for road projects. She noted we received a \$200,000 Brownfields grant to study how to clean up the old tannery site. She said that happened because Council President Henderson and Assistant City Manager Tom Pessemier went to Washington DC last year and said we were unsuccessful in our grant with EPA and asked how we could be successful and the EPA provided information. She gave the information to staff and they were successful in receiving a grant. She said they built the Cannery Plaza and the Cultural Center is on its way to being completed. She stated it didn't work the way we thought it would in 2001 and there were disappointments but noted the Urban Renewal District worked and it is happening and what a difference a few years made. She thanked the Charter Review Committee for their hard work.

She said as a member of Council she is proudest of the Budget Committee process. She said when she took office in FY 2009 there was a 9% general fund contingency and we now have a 26% contingency and that is the hard work of the Budget Committee and Finance Director Julie Blums. She commented on misleading budget information in the Gazette that said we had a 17% increase in spending and she clarified that moving into FY 2015 the adopted general fund budget is estimated to increase approximately only 12% and 11% of the increase is due to the funding of asset maintenance and one time expenditures that will increase efficiency within the City. She stated the reason the Budget Committee was able to make that 11% increase is because the year before we had saving of almost \$1.1 million and the Budget Committee decided that rather than increase spending and create programs that weren't sustainable over the long term they were going to focus on one time expenditures that we could do to support the assets within the community which had been neglected and noted there was a lot of building over the last decade but not a lot of thought about the sustainability and maintenance and that has been the topic of conversation over the last 4 years. She said only 1% of the 12% increase went into personnel costs. She noted they are adding planners because development is increasing and they have added a Cultural Center Director.

She referred to comments of making a change and getting Sherwood back to being a good place to live and stated that Sherwood has been ranked as a top 10 community in the nation multiple times over the last decade. She noted the Police Department was recognized as Sherwood being the 3<sup>rd</sup> safest community in Oregon and she thanked Chief Groth. She thanked the staff and said the Council is the policy makers and does only about 10% of what makes the community great and it is the staff that does the rest. She thanked City Recorder Sylvia Murphy for her education on process and said Sylvia has made her a better citizen. She commented regarding Mr. Crean stating that she has brought humanity to the process and noted how much she has learned from him and thanked him.

She stated the last year and a half has not been easy and it has defined her character. She commented on the accusations she has faced and said that is part of the process when you serve. She noted that it is passionate people being involved in their government. She said she is grateful for the other members of Council and commented on accusations of being the "rubber stamp five" and she said that speaks to what democracy is about because people of differing backgrounds who didn't know each other can come to a consensus and move the work of the City forward and she is grateful to have learned that from her fellow Councilors. She said she is a panelist for the NEA for their theatre grants program and will stay actively involved in the community.

Councilor Butterfield thanked Councilor Folsom for serving and commented on how Councilor Folsom and Council President Henderson have helped him understand why the minutia is important. He said he votes, thinks and acts on a common sense basis and he leaves the feeling part to Councilor Folsom. He said Councilor Henderson has been an inspiration and is very intelligent and knows the City and said he will support her. He referred to Councilor Clark and said he doesn't know her that well and can't say she is not a bad choice. He commented on the situation with Councilor Langer and stated he did not know Councilor Langer before he was on the City Council. He said all the stories about them working together in past and stealing money from the City are not true. He referred to working with Councilor Grant and the ideas they have shared. He commented on the opportunity to get to know Mayor Middleton with a few discussions and meetings and the realization they would not be thinking on the same line. He concluded that we are all people and we think, cry and have feelings and get angry and sometimes he leaves these meetings and is angry because he cannot respond to some of these things. He said sometimes he would rather ignore things than deal with them and said in the case with Mr. Claus he could not ignore it and had to do something about it. He said Council is a place he feels he needs to be and he is going to run again so there can be some common sense.

Councilor Langer announced the Chamber of Commerce is having a voter's forum open to all candidates and the public from 6:30 - 8:30 pm on Tuesday September 30 at the High School Commons. He said the Chamber Golf Tournament is Thursday September 25 at Meriwether Golf Club. He noted the Onion Festival is Saturday October 11 from 9 am - 4 pm at Archer Glen. He announced the YMCA has the new floor installed upstairs and the steps are almost complete and the new session started on September 15. He said Zumba Fest is October 3 and Harvest Fest is Saturday October 24 from 4 – 6 pm. He said there will be a Haunted Teen Center on October 23 and 24 from 7 – 9 pm. He stated there is a 12 hour walk/run for kids on November 1 from 6:30 am - 6:30 pm. He said the YMCA Executive Director Renee Brouse has been asked to present the Brian Grant Powering Forward at the YMCA National Conference in February and this will bring national attention to this program.

Council Langer said normally he does not respond but referred to the sign complaints and said over the last year and a half he has dealt with all kinds of attacks and accusations and said there have been 6 ethics violations filed against him and there was nothing there. He said he continues to be harassed and he leaves it alone as much as possible. He commented regarding Nancy Taylor's mention of her being a stalker and he explained that she came to his house and stood on the edge of the lawn and stared in the window at his 12 year old daughter and took pictures of her. He said his daughter took pictures of Nancy Taylor taking pictures of her and then Ms. Taylor proceeded to take pictures of the house and the sign. He said she could have done this from across the street if it was about the sign code. He noted she was there to intimidate him and provided examples of signs such as "No Walmart" being placed in his yard and across the street over the last year and a half. He said this has gotten out of hand and it is time that the public know the truth of the harassment and ridiculous stuff that is going on. He said Ms. Taylor scared his daughter so they called the Police Department and filed a complaint. He commented on accusations that he is not following the sign code and said that particular sign has been stolen 4 times off of his lawn. He said this last time he put the sign in his yard and carefully zip tied it to his fence and cut the backs of the zip ties off so you couldn't tell unless you tried to steal it for the 5<sup>th</sup> time. He noted that is when a complaint was made with Officer Collins. He said the zip ties have now been removed. He commented on remarks that the only signs being stolen are Clark signs and this is not true, and he personally has had a total of 12 signs stolen and has found signs that were stolen from his yard placed in right-of-ways after Monday morning and then reported to Officer Collins. He referred to lies, accusations and conspiracies that have no foundation and if they had been true he would have been recalled and noted that the recall attempt only received 5% of the signatures that were needed because there are

people in the City that know the truth and reality and the vocal minority did not get a lot of traction and that says a lot for our community. He commented on the community being in the top 10 standing for communities to live in for the last decade and now our Police are recognized for being the 3<sup>rd</sup> safest City in the state while two members of Council are trying to disrespect the Sherwood Police Foundation. He said the majority of the Council never intended to show any sign of disrespect by not putting them on the agenda. He addressed the Sherwood Police Foundation and said the majority of the Council tried to have the presentation put on the agenda and finally amended the agenda tonight to include the presentation and he understands their concerns of disrespect and assured them it was not by a majority of the Council. He commented on references to the “rubber stamp five” and said Mayor Middleton used the term in the Gazette.

Mayor Middleton asked Councilor Langer to get to the point and said this is not a dissertation. Councilor Langer replied he took his chance in the Gazette to accuse them of being the “rubber stamp five”.

Mayor Middleton said this is not the location to do this.

Councilor Folsom called for a point of order and said this is okay.

Councilor Langer commented on a dictatorship and trying to quiet everyone down. Mayor Middleton said he is trying to keep some sort of order.

Councilor Langer commented on the Mayor bashing him in the Gazette and at the dais and letting people insult him at Council meetings and never saying a thing and the minute one person on Facebook calls the Mayor a thug he makes that the reason why the Sherwood Police Foundation can't get on the agenda. He said he had about 100 people insulting him and he takes one comment and won't let the Sherwood Police Foundation, who provided 10 AR 15's....

Mayor Middleton said which they don't need.

Councilor Langer continued and stated they got us Irma, ballistic shields, defibrillators and now a bullet proof vest for Irma. He thanked the Sherwood Police Foundation and said it means a lot to him and the entire community. He thanked Councilor Folsom and said she has been an inspiration and he has learned so much from her and he wished she could finish her remaining two years of her term as she has done many great things for the community, particularly the Cultural Arts Center. He said it has been a pleasure working with her and Councilor Henderson on a variety of topics.

Councilor Clark said we almost made it without having an argument and she was hoping for Councilor Folsom's sake they would make it. She said she has enjoyed working with Councilor Folsom and appreciates her service and she will be missed. She noted we were almost there and then Councilor's had to take their privilege and campaign and run other people down. She stated she does not have the power to put things on the agenda or stop them so putting her in the same category as the Mayor is Councilor Langer's way of doing the opposite of the “bully five”. She stated she does not understand why we need to run each other down, and would like to get through a Council meeting and talk about the wonderful things that are happening in Sherwood.

She said she is disappointed in all of the sign drama and she does not have a negative visceral reaction when she sees a Henderson sign and she thinks it is awesome to have two great candidates willing to

step up to an unpaid volunteer position. She stated it would be great if we could all cheer for our side, whichever side that may be and coming out in the end feeling great about Sherwood.

She said she would not campaign because it would be wrong to take her position and use it. She said she would love to hear some “yeah Sherwood” and said she enjoyed hearing from the Sherwood Police Foundation.

Councilor Clark announced Sherwood had their first Bowmen football game and barely lost an exciting game. She said it was a real celebration and congratulated the team. She reported on the last SURPAC meeting and said it is transitioning into a different phase and she thanked those who served on SURPAC and said it has been a great Board to be a liaison too. She said she was invited to an employer appreciation day by Major Lisa Scott at the Air Force Reserve and said it was a privilege and shared her experience and thanked Major Scott for the invitation. She said she attended the dog park open house along with Councilor Butterfield and Mayor Middleton and said they received lots of support and input from the public. She said the owners of Nature’s Pet have offered to sponsor the doggy waste stations and want to get involved and make a donation to the City. She said the dog park is wanted and needed and will be greatly appreciated in Sherwood. She commented on the Willamette Water Supply meeting where they announced an open house for the public at Al’s Garden Center on November 15 from 10 am to noon. She encouraged people to attend if they want to have some input on the water system.

Councilor Henderson noted that it not our water system it is TVWD plant.

Councilor Clark said yes but we hook into it and it is an important part. Councilor Henderson said yes but not our water system.

Councilor Clark announced the Main Street meeting is Thursday at 4 pm at the Rebekah lodge.

Mayor Middleton asked if the agenda was online. Councilor Clark responded yes.

Council President Henderson said she attended the Cultural Arts Commission meeting in Councilor Folsom’s absence and they have two new members. She said the commission discussed the grand opening for the Cultural Arts Center and the many details of that event. She encouraged people that are interested in volunteering to come to the next Cultural Arts Commission meeting and said they meet on Mondays at 6:30 pm. She said the Library Board, which meets every other month, is in the process of interviewing for a new High School representative which is an important part of the Board as the High School does not have true Librarians and students often come to the public library for services. She said they have two candidates so far and will be setting up interviews.

Councilor Henderson stated she had a question that has come up in conversations she has had with staff and Councilor Folsom that Mayor Middleton is interested in exploring an option of moving our police services from local to contracting with Washington County. She said Council has not had that conversation about whether that is a route they want to take and how it would affect the budget and level of service. She said if that is a route the Council wants to take they would do it as a body and not as an individual. She asked if given the status of our Police Department and the accolades for the system we have in place and for being named the 3<sup>rd</sup> lowest crime rate in the State, whether other members of Council are interested in exploring that opportunity which would involve staff time, resources and money. She said she is not in favor of pursuing that but is open to the other views of Council. She asked for a

straw poll to determine if we want to expend time, money and resources looking into this for the new fiscal year and potentially the new Council.

Councilor Butterfield responded if it isn't broken don't fix it. He said he does not see any need to go outside and we have a system here and our Police Chief takes care of the City and he is backing the Chief.

Councilor Folsom referred to an email the Council received from former Mayor Cottle who indicated his surprise that Mayor Middleton was discussing this issue because as the Police Chief he was adamantly opposed to the idea for many reasons and he had expressed concerns to the Council. She said she spoke with former City Manager Ross Schultz about this issue and he said on two occasions in the near decade when he was the City Manager and CFO they explored that option and found for budgetary purposes that it fiscally did not make sense, and at the time Chief Middleton had expressed concern about the loss of contact with the community. She said given the great department that we have she is against pursuing any staff time or expenditure on this.

Councilor Langer responded if you are asking if I am interested in spending tax payers' dollars to figure out if we should terminate the Sherwood Police Department and replace it with services from Washington County his answer is no don't waste the money.

Councilor Clark responded that she could not possibly have enough information on a surprise question and she deferred to hearing more about it.

Councilor Henderson said this is just straw poll. Councilor Clark said she had no comment.

Councilor Henderson clarified that she had no comment for or against. Councilor Clark said correct.

Councilor Henderson asked if that was her final comment. Councilor Clark said yes.

Mayor Middleton said they did look at contracting and almost went with a contract. He stated Mayor Cottle and Ross Schultz are not factually telling the whole story and said that is something we are looking into as a budget item.

Councilor Henderson said "we".

Mayor Middleton said this does not have to be the Council and said that citizens are allowed to look into anything they want and can even put it out for an advisory vote. He commented that this is a political thing right now and he can state his reasons later. He said he spoke with the Chief at one time when they said they needed so many new officers and he said they may have to contract out some day and the Chief said yes we may and that was in a long context of a different conversation. He said he does not think this was the place to bring it up and noted it is election time.

Mayor Middleton reported that the Planning Commission had a work session regarding the Westside Concept Plan and said it is a huge area that may someday be brought into the City and we have to plan now. He commented on the earlier work session with a Metro Councilor and said this is a big issue and Sherwood needs to decide if they want rapid growth or controlled growth and said they need to look at the infrastructure.

Mayor Middleton said he had a presentation for Councilor Clark and it involves the Police Department and stated we are heavily involved in the Special Olympics and he asked Chief Groth to comment.

Chief Groth said the biggest event is Tip-a-Cop and he stated they added a second event this year at Rose's. He stated for several years they have participated in the Law Enforcement Torch Run. He said most recently they participated in the Polar Plunge. He stated the Special Olympics is the charity the Police Department supports.

Mayor Middleton presented Councilor Clark with a plaque from the Special Olympics for participating in the Bocce Ball Cup event.

Councilor Clark commented on bringing the torch in and said it is a great event with the Olympians and we are lucky to have had the event in Newberg.

Mayor Middleton referred to the number of projects being worked on and said we don't need to politicize the Council and it was an embarrassment but we will move on from there.

### **13. ADJOURN**

Mayor Middleton adjourned the meeting at 8:55 pm.

Submitted by:

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Sylvia Murphy, MMC, City Recorder

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Bill Middleton, Mayor