



Home of the Tualatin River National Wildlife Refuge

SHERWOOD CITY COUNCIL MINUTES
22560 SW Pine St., Sherwood, Or
August 7, 2012

REGULAR CITY COUNCIL SESSION

1. **CALL TO ORDER:** Mayor Mays called the meeting to order at 7:04 pm.
2. **PLEDGE OF ALLEGIANCE:**
3. **COUNCIL PRESENT:** Mayor Keith Mays, Council President Dave Grant, Councilor's Matt Langer, Robyn Folsom and Krisanna Clark. Councilor Bill Butterfield arrived at 7:06 pm and Councilor Linda Henderson arrived at 7:10 pm.
4. **STAFF AND LEGAL COUNSEL PRESENT:** City Manager Joe Gall, Community Development Director Tom Pessemier, Police Chief Jeff Groth, Public Works Director Craig Sheldon, Finance Director Craig Gibbons, Planning Manager Julia Hajduk, Senior Planner Brad Kilby, City Engineer Bob Galati, Administrative Assistant Kirsten Allen and City Recorder Sylvia Murphy. City Attorney Paul Elsner.

Mayor Mays addressed the Consent Agenda and asked for a motion.

5. **CONSENT:**
 - A. **Approval of July 17, 2012 City Council Meeting Minutes**
 - B. **Resolution 2012-038 Approving repair of concrete sidewalks within the City of Sherwood**
 - C. **Resolution 2012-041 Appointing Councilor Dave Grant as the alternate for the Washington County Coordination Committee (WCCC) and Bob Galati as the WCCC Transportation Advisory Committee (WCCC TAC) member**

MOTION: FROM COUNCILOR ROBYN FOLSOM TO APPROVE THE CONSENT AGENDA, SECONDED BY COUNCILOR KRISANNA CLARK, ALL COUNCIL MEMBERS VOTED IN FAVOR.

Mayor Mays addressed the next agenda item.

6. **PRESENTATIONS:**

- A. **Swearing in of Police Officers**

Chief Groth administered the Oath of Office to Police Captain Ty Hanlon and Police Sergeant Jon Shields. Chief Groth read a brief bio for each Officer stating Captain Hanlon started his career as a Police Officer for the Beaverton Police Department and during his tenure there, he worked patrol, was an SRO, a Narcotics K-9 Handler and a member of Washington County SWAT Team and was a detective. Officer Hanlon joined the Sherwood Police Department in 2009 as a Sergeant and was promoted to Captain in June 2012. Captain Hanlon and his family reside in Sherwood.

Chief Groth stated Sergeant Jon Shields began his police career in 1999 as a Police Officer with the Beaverton Police Department and spent his tenure there working patrol. Sergeant Shields joined the Sherwood Police Department in 2008 as a Police Officer and was promoted to Police Sergeant in April 2012. Sergeant Shields and his family reside in Sherwood. Chief Groth provided the Council members with a copy of the bio's (see record, Exhibit A).

Mayor Mays addressed the next agenda item.

B. Recognition of Sherwood High School Student Achievements

The City Council recognized Sherwood High School Students for Academic Achievements, students that received a perfect 4.0 GPA for the 2011-12 school year and recognized students for Athletic Achievements, students that placed 1st in State in a sport or art, as a team or individual. Mayor Mays with the assistance of City Manager Joe Gall called forward students and presented them with Certificates of Achievement.

Mayor Mays addressed the next agenda item.

7. CITIZEN COMMENTS:

Jim Claus 22211 SW Pacific Hwy Sherwood came forward asked if the sign code hearing record was still open, Mayor Mays replied it was opened and then closed at the prior Council meeting. Mr. Claus provided the City Recorder with documents (see record, Exhibit B) and provided Councilor Langer with materials.

City Recorder Note: Exhibit B denotes Sign Code testimony for Ordinance 2012-009, as the public hearing and record was closed on July 17, Exhibit B is not included into the Sign Code hearing record. Materials provided directly to Councilor Langer are not considered an exhibit to the City Council meeting record.

Mr. Claus stated recently the Wall Street Journal quoted a colleague of his and stated one of the unique things about Oregon is the Ethics Committee, he stated he put a copy of Matt Langer's so called economic interest and said he believes they speak for themselves. Mr. Claus commented to Mr. Langer regarding process for trying to get the Delaware Corporation. He stated what was interesting in your IRS tax ruling (speaking to Councilor Langer) you commented you ceased farming and you are now a developer. Mr. Claus speaking to Mr. Langer, said he assumes he knows what he means. Mr. Claus stated what has benefited this board....

Mayor Mays gaveled, interjected, and said he was cutting Mr. Claus off at the advice of Counsel and asked if he had anything else to say. Mr. Claus asked why he was being cut off.

City Attorney Paul Elsner stated the reason is, when he signed up for comments, one of the rules is you don't make personal attacks and this was beginning to sound like a personal attack against Councilor Langer. Mr. Elsner said if Mr. Claus has something he would like to submit into the record concerning Mr. Langer, he might want to do that in writing, but will not do it orally.

Mr. Claus replied Mr. Elsner was getting into content regulation. Mayor Mays replied he was not. Mayor Mays stated as he is the presiding officer, it was the manner in which it was said. Mr. Claus

asked if Mr. Elsner was regulating content. Mr. Elsner replied when Mr. Claus signed up for public testimony, he agreed to abide by the rules. Discussion ensued and Mr. Elsner stated the Council can shut off public comment if the speaker doesn't abide by the rules, the presiding officer, being the Mayor, has the authority to say you are disturbing the proceedings of the City Council. Discussion ensued and Mayor Mays repeated that Mr. Claus was finished and he was welcome to submit anything in writing.

Mayor Mays asked to receive other public comments. With none received, he addressed the next agenda item.

8. NEW BUSINESS:

A. Resolution 2012-039 Approving one or more borrowings to refinance outstanding City borrowings and the execution of an Intergovernmental Agreement with the Urban Renewal Agency of the City of Sherwood committing the Agency to provide tax increment revenues to pay debt service on any portion of the borrowings that refines Urban Renewal projects

Finance Director Craig Gibbons came forward and said staff was reviewing our loans and found a few that were good candidates for refinancing in this low rate environment. Craig stated this resolution authorizes the City Manager and himself to proceed and go out to bid and said if the bids come back indicating that it's financially feasible to refinance, the Council through this resolution is authorizing staff to complete the transaction. Craig stated this also includes the authorization to go into an agreement with the Urban Renewal Agency, where the Agency commits to paying the debt service on behalf of the City. Craig stated the City is only involved because we are using our full faith and credit in order to get a better rate.

Mayor Mays replied it's always good to take advantage of the market to save community resources and said as part of this work we will also be potentially looking at our bond rating. Craig confirmed and said we will have a bond rating with our rating agency and explained they will do an interview and said we are in a better position and said he is optimistic that we can get it increased.

Mayor Mays asked for Council questions on the proposed resolution.

Councilor Folsom asked what is the cost to refinance loans of this type and referenced the estimated savings as indicated in the staff report, Craig replied the figure includes the cost and confirmed it's a net figure.

With no other questions or comments the following motion was received.

MOTION: FROM COUNCILOR ROBYN FOLSOM TO ADOPT RESOLUTION 2012-039, SECONDED BY COUNCILOR LINDA HENDERSON, ALL COUNCIL MEMBERS VOTED IN FAVOR.

Mayor Mays addressed the next agenda item.

B. Resolution 2012-040 Calling for an election and approving a ballot title to authorize the Sherwood City Council to hold a public hearing at a later date to consider annexation of all or part of the Tonquin Employment Area

Julia Hajduk, Planning Manager came forward and stated the resolution would approve a ballot title and said as the Council is aware, the City Charter requires a vote of the registered voters in the City

prior to an annexation taking effect. As this can take time due to the notice requirements, public hearing and the lead time for an election, this adds a lot of uncertainty for potential developers and as they don't know if the annexation will pass, they don't want to invest the time in considering a piece of property. Julia explained this resolution would essentially answer the vote question upfront and someone would still have to go through the public hearing process with the City Council and have all the required findings and the City Council would still have to ultimately decide on the annexation and would have the City vote answered upfront.

Mayor Mays stated he appreciated Julia's initiative to take this approach and said the Tonquin Employment Area is important for our community and increasing for our overall tax base and the balance of residential verses jobs.

Mayor Mays asked for questions or comments from the Council, with none received, the following motion was stated.

MOTION: FROM COUNCIL PRESIDENT DAVE GRANT TO ADOPT RESOLUTION 2012-040, SECONDED BY COUNCILOR BILL BUTTERFIELD, ALL COUNCIL MEMBERS VOTED IN FAVOR.

Mayor Mays addressed the next agenda item and stated Ordinance 2012-009 was continued from the previous Council meeting where a public hearing was held and closed and said Council gave preliminary direction to staff to select a few options from testimony and feedback received.

9. PUBLIC HEARINGS:

A. Ordinance 2012-009 Amending the Sign Code section of the Sherwood Zoning and Community Development Code (16.102)

Brad Kilby, Senior Planner came forward and stated the City Council held a work session on July 31st regarding the sign code and within that work session and subsequent in this meeting packet there were six (6) changes that were put before the Council, Brad explained the following changes:

Changed the size of portable signs to read from three (3) square feet to 18" by 24", referenced on page 5 of 16 of Exhibit A.2

Changes on page 9 of 16 of Exhibit A.2, to correct a scrivener error from "no banner signed", to "no banner sign".

Changes on page 12 of 16 of Exhibit A.2, Brad stated this was the language proposed by Mr. Jagow of the St. Paul Lutheran Church and staff amended the language to say "from the curb or edge of pavement". Brad said staff believes this gives more latitude and flexibility, and said however they will not be able to put a banner sign in the right-of-way under this code because they would be required to attach it to a building. Brad stated we did not add that a banner sign could be added to a fence or a wall. Brad stated he spoke with Mr. Jagow and he feels they are still in the same situation they have been in for a while and said he would go back to his group of folks and discuss a possible resolution.

Changes on page 14 of 16 of Exhibit A.2, we amended under 14, subsection 3, "property zoned institutional public may place a portable sign, meeting the dimensional standard every 50 feet for the length of the sites frontage along a public street.

Changes on page 15 of 16 of Exhibit A.2, changes were made as proposed by Mr. Jagow to reflect the language that we had opposed earlier.

Brad stated these are the changes staff made and said at the work session we spoke about an outreach to the businesses if the Council decides to move forward with the amendment. Brad stated he drafted a rough draft of a brochure we would provide to businesses in addition to going out and speaking to businesses. Brad provided the draft brochure to the City Recorder (see record, Exhibit C).

Brad informed the Council he spoke with the City attorney in regards to changes they would make to the code to make it clearer and one of the proposals he recommended was that we place the definitions at .015, so it would be renumbering that section of 16.100 to separate out the definitions and make them its own section under .015 as opposed to .010. Brad explained .010 will still be the General Regulations and .015 would be the definitions.

Tom Pessemier Community Development Director asked Brad a clarifying question on comments he made and referenced page 15 and 16, section 16.102.050, section 5 and said he believes it says, if with Mr. Jagow testimony, a "banner of temporary may be displayed on a fence or a wall at 50 feet or more" and this would not be required to be put on a building, Tom said he thought this is what Brad had said earlier, that they would only be allowed to put it on a building in that particular case. Brad replied, Tom was correct and apologized as he missed this and said he spoke with Mr. Jagow, as Council had discussed in work session, that it not be allowed on a fence or a wall, so it would be up to the Council if they wanted to strike that from the language.

Mayor Mays asked for Council questions.

Councilor Folsom thanked staff, planning commission and the Council for all the work done on this and said this is very complex and hard asked if we the Council could come back and amend the code. Staff replied, absolutely, the Council can amend the code anytime.

Tom Pessemier informed the Council that there is a 21 day notice period, as well as the period when an ordinance is effective which is 30 days, unless there's an emergency clause.

Mayor Mays stated he appreciated the work performed by staff, the planning commission and the community and said this was a long project, about a year, and appreciated the conversations and feedback received.

Mayor Mays stated there's a request from staff, and asked Tom Pessemier as part of the recommended language in our packets, to adjust the location of the definitions in this chapter. Brad confirmed the recommendation came from the city attorney for clarification purposes.

Mayor Mays confirmed with City attorney Paul Elsner that the Council needed to make a motion to amend. Mr. Elsner stated the following recommended motion;

To amend the proposal in front of the Council to reflect the recommendation from the City Attorney's office so that the definitions for the sign code are placed at the beginning of the chapter to ensure clarity and ease of use.

Mayor Mays replied, this is my motion as stated by Mr. Elsner:

MOTION TO AMEND: TO AMEND THE PROPOSED ORDINANCE 2012-009, SECONDED BY COUNCILOR LINDA HENDERSON, ALL COUNCIL MEMBERS VOTED IN FAVOR.

Mayor Mays asked for discussion on the amended ordinance or a motion to read caption and adopt.

MOTION: FROM COUNCIL PRESIDENT DAVE GRANT TO READ CAPTION AND ADOPT ORDINANCE 2012-009 AS AMENDED, SECONDED BY COUNCILOR CLARK.

Prior to calling for a vote, City attorney Elsner stated the recommendation from attorney Chris Crean is to move the definitions and not amend any language, Brad Kilby added, it's not really moving it, it keeps it in the same location and referenced page 1 of 16 on Exhibit A.2, and said there's section 16.100.010 Common Regulations with definitions within this section beginning at Section I, and they would now have their own section of Sign Related Definitions at 16.100.015, followed by section .020 Prohibited Signs. Brad added the Council will be amending Exhibit A.2.

VOTE: ALL COUNCIL MEMBERS VOTED IN FAVOR.

Mayor Mays addressed the next agenda item and asked the City Recorder to read the public hearing statement.

B. Ordinance 2012-011 Amending sections of the Zoning and Community Development code including Divisions II and IV relating to Commercial, Industrial and Institutional, and Public Uses Classifications

Brad Kilby came forward and referenced page 96 of the Council meeting packet and said this is the planning commission's recommendation and they made the recommendation to the Council on June 12, 2012 after nearly 1 ½ years of deliberations, which involved several work sessions, public open houses on two different occasions, and a Council work session. Brad stated the recommendation is intended to simplify our code. Brad explained it would consolidate three industrial chapters into a single chapter and consolidate four commercial zoning into a single chapter. Brad said there will still be, for example, Industrial, Light Industrial, Employment Industrial and General Industrial and they would all be under one chapter, Industrial, and the same would be for the commercial zones. It would clarify the use classifications within each zone and this also applies to public and institutional zones. Brad explained what it does is try to make the nomenclature across the board for each use type the same throughout the code, so it's not vague or unclear as to whether or not something is permitted. Brad gave an example of language for medical facilities and said a major part of this effort was to go through the code and see what the uses were.

Brad stated the amended language would eliminate Chapter 16.24, the office-retail zone from the code and said currently we don't have any properties within the City that are zoned office-retail. Brad stated the fourth amendment would clarify how residential uses are treated on commercially zoned properties. Brad stated currently they can be permitted to a planned unit development or permitted to a conditional use process and said then it goes into whether or not they are subject to general design standards and whether or not they need to be located above of behind commercial use and the planning commission's recommendation is that they be permitted outright within the commercial zones that they are currently permitted in, provided that they meet a stipulation that's currently in the retail commercial and general commercial zones that reads: the residential portion of the mixed use

can be considered clearly secondary to commercial uses and mixed use development when traffic trips generated, dedicated parking spaces, signage and the road frontage of residential uses are all exceeded by that of the commercial component and the commercial portion of the side is located primarily on the ground floor. Brad stated this ensures that in the commercial zones you are allowing a mixed use residential product, which is a good thing, that it's secondary to the commercial use, so we don't have people going into a commercial zones and developing all residential. Brad stated by making it a permitted use it eliminates the process for some of the developers, which also encourages this type of development, it doesn't require they go through a process provided that they meet that stipulation. Brad stated they would still be subject to the same standards in our code. Brad said the amended language would provide for a use classification system under chapter 16.88 and said we have a similar uses section that gives the director the ability to make a determination as to whether or not a use is similar to another use for the purposes of deciding whether or not it's appropriate for that zone. Brad explained we expanded on that and said these are the characteristics that are associated with commercial type uses and you list general uses under that and you might define some of those uses as to what they mean and it provides staff with guideposts, Brad provided an example to Council.

Brad stated staff tested this language in September of last year on 132 businesses, primarily on Tualatin-Sherwood Road and Pacific Highway and said one of the goals and objectives of this was to make sure we weren't creating any nonconforming uses by this language. Brad informed the Council of the 132 businesses surveyed, 12 of the uses would not be permitted. Brad stated the area used to have a crematorium that is no longer there and said we don't list crematoriums as a specific use in our development code and they would be considered either nonconforming or unlisted uses and they would require a determination. Brad gave another example of a residential use in an industrial zone and said with these 12 issues, our revised code did not make them any less nonconforming.

Brad stated staff sent out 418 Ballot Measure 56 notices to businesses and he has met on several occasions and has fielded several phone calls from business owners on what this language does and what it means. Brad stated he believes the lack of audience members this evening reflects that business owners understand and he did not receive a lot of return calls once the language was explained. Brad offered to answer Council questions.

Mayor Mays thanked staff and the planning commission and asked for Council questions.

Councilor Butterfield asked regarding the 12 nonconforming businesses and if they are grandfathered in and not required to do anything to meet the requirements.

Brad replied, not necessarily as there are different classifications of nonconformities, some of them might be illegal nonconformities, uses that have gone in after the implementation of the code that probably were not some type of enforcement. Brad stated he did not look at and classify those nonconformities, he indicated he looked at them as existing today and either have been permitted or went in and considered nonconforming. Brad informed the Council if they came in today seeking to put in this type of business, they would not be allowed as it's not a use that's permitted in the zone.

Councilor Folsom said she has heard Brad say, unless it requires change or forced confirmation, is it a complaint driven code? Brad replied we have complaint driven enforcement with one enforcement officer on staff. Councilor Folsom stated a business could go in and unless we hear a complaint, Brad replied we could hear a complaint or staff could be out and observe its not a permitted use for the zone, but it's primarily complaint driven. Councilor Folsom asked if there's an appeal process for the person. Brad replied we would have to start enforcement proceedings, open an investigation, figure

out what is wrong and give them options. Brad stated staff often times get people that come into city hall and want to put in a use that is not appropriate for the zone and staff will assist with locations that would be appropriate and we would also do this if we discovered someone was nonconforming.

Councilor Folsom confirmed the 12 nonconforming were nonconforming prior to this code. Brad confirmed.

Mayor Mays asked for other Council questions or comments, with none received he stated Council will reserve the right to ask additional questions after receiving public testimony. Mayor Mays opened the public hearing and called forward R. Claus.

Jim Claus came forward and asked City attorney Paul Elsner if he was banned from public speaking and said he will not agree to content control.

Mr. Elsner informed Mr. Claus the Chair has the right to enforce the rules of the Council and of the hearing and if he or she determines, regardless of your content, that disrupting the proceedings of the Council in their deliberations, he can ask you to stop so that they can conduct. Mr. Elsner stated this is a business meeting and they are allowed to conduct their business, it has nothing to do with the content. Mr. Claus replied, then tell me what they look at if it's not content, it's clearly not time and place, matter, you've already got time, it's four minutes, you've got manner that you have to sit here and speak and you have time.

Mr. Elsner asked if Mr. Claus signed the form. Discussion ensued and Mr. Claus commented regarding character and content and said if the chair has the right then he doesn't agree to it.

Mr. Elsner said he will advise the Council and if the Council wants to allow Mr. Claus to speak then he can speak, it doesn't necessarily mean the Council has to sit and listen to it. The Council can allow Mr. Claus to speak and the only people that have to stay here are the City Recorder as she is keeping the record and myself. Mr. Elsner said to the Council, they can allow Mr. Claus to speak but they don't have to listen, they are not compelled to.

Mayor Mays informed Mr. Claus his time is rolling and he can use it as he wishes.

Mr. Claus asked Mayor Mays if he was going to control content or not and referenced case law prohibiting this. Mr. Claus stated he can't come forward and make comments because if he comments about certain things, the Mayor will say it's on the character rather than the word product.

Further discussion occurred regarding testimony, determinations made by the Mayor on testimony, Mr. Claus needing a listening devise and not requesting one, and claiming a devise was not being made available to him.

Mayor Mays stated citizen comments and comments on an ordinance in his opinion are two different things and he has had his four minutes. Mr. Elsner informed the Council if Mr. Claus wants to speak, for the Council to allow him to speak as it's now a matter of time, place and matter as he is being asked to speak on the matter that is before the Council. Brief discussion occurred and the clock was reset to four minutes and Mr. Claus provided the following testimony.

Mr. Claus referenced Chapter 16.36 and said if the Council looks at this they will see repeatedly there are not definitions of certain things. There are no definitions for recreational vehicles. Mr. Claus stated the state defines it one way and the city at various times, defines it multiple ways. Mr. Claus said the problem with this is you don't know what zoning rights you have. Mr. Claus stated there is

question after question in this ordinance as in all your ordinances where the terms don't mean anything. Mr. Claus gave the example of restrooms and said restrooms have four standard definitions in the industry and the City has a new definition of restrooms, a definition he has never seen and it's not complete. Mr. Claus stated this leads to a problem and said how can you get due process or equal treatment when you don't know how to respond to the language that's in the code. Mr. Claus referenced the definitions and not being able to find definitions and also referenced the sign code and language being different in different areas of the code. Mr. Claus stated the problem is depending on the time of day you get in, is the treatment you will get. Mr. Claus commented regarding former Mayor Walt Hitchcock and definitions of the code and the process not going through a public hearing and now we find similar language. Mr. Claus referenced historic resources and asked how is this defined. He stated the state has one manner and the federal has another and to his knowledge we don't have any way at all, so this will go to a staff person. Mr. Claus stated if the Council is going to try and simplify this, at least give us something so we know what we are dealing with. Mr. Claus referenced fraternal lodges and the language saying it has to be open to everyone, and said fraternal lodges automatically are not open to everyone. Mr. Claus stated there's inclusive language and exclusive language. Mr. Claus stated the most restrictive language in the code holds and gave an example of fraternal lodges. Mr. Claus referenced definitions for finance, insurance and real estate offices and asked what about title companies, and said it's not included in the uses. Mr. Claus said you have to break the code down and change it or you're going to run into repeatedly the same problem. Mr. Claus commented regarding due process and commented regarding mass merchandisers not being defined in the code and gave an example of Walmart and toy stores. Mr. Claus provided documents for the record (see record, Exhibit D).

Eugene Stewart 22595 SW Pine Street Sherwood came forward and said one of the things that bothers him a little bit is when the comprehensive plan was originally brought out and part two you had a lot of goals and policies and this particular revision of the ordinance doesn't reference any goals or policies. Mr. Stewart said the Council is changing their laws and they have not gone back to look at their goals and policies to see if they should be revamped. Mr. Stewart asked if the Council was following their goals and policies. Mr. Stewart stated he has not had time to look at the goals and policies, but feels that goal one was not followed and said he does not believe the Council addresses in this revision how they followed goal one, he said he has noticed in others, but doesn't see it this time and apologized if he missed it in the meeting packet. Mr. Stewart stated it appears we are doing so many changes that we don't know how it's affecting other parts of the code, we have no clear vision of what our comprehensive plan is. Mr. Stewart stated he thinks we have lost sight of some of our goals and admitted that some of the goals and policies need to be changed and asked if those should have been addressed first before we started changing the ordinances. Mr. Stewart stated he believes we have not done the best job and knows that staff and the planning commission is trying and said he believes we need more leadership on getting more public input and involvement in this process and doesn't believe a couple of public get-togethers doesn't give a chance to try and formulate opinion and present it to the planning commission and then the Council. Mr. Stewart said most of this is staff driven and they try and do a good job, but by not reaching out to the people and getting opinions in a more organized way, he believes we are losing some good ideas from the general public. Mr. Stewart referenced the IP and said originally the IP was not allowed in any zone, it required a zone change anytime you needed to use IP and now it's a conditional use in any zone. Mr. Stewart said last month you had a hearing to change an IP zone back to residential and said people had to go through all the expense of getting it back to its original zoning, where if you made any IP a zone map change then no matter where you can decide where to put it, he believes this

would be more effective. Mr. Stewart referenced the building of a church in the IP zone and said Council should consider this.

Mayor Mays thanked Mr. Stewart and stated in the staff report it indicates we are here today after an 18 month process and said the planning commission is our advisory group of the community to hear from folks and staff did reach out to nearly 150 businesses and had multiple notices.

Gary Surgeon 5257 SW Greenwood Place, Tualatin came forward and stated he is a retail commercial broker and is working with the Albertson's and Safeway Centers in Sherwood and has a new retailer coming into Sherwood, Petco an unleashed concept, a smaller concept of Petco. Mr. Surgeon stated he is testifying in support of the proposed changes to the zoning allowing pet grooming and boarding as an outright permitted use in a retail store. Mr. Surgeon stated these are incidental uses and this proposed store at the Safeway Center is 4500 square feet and the grooming area will be approximately 300 square feet and there is no boarding scheduled at this point and it would be inside only, but there is nothing in the concept at this point. Mr. Surgeon stated it's to try and get this deal done and try and fill space, pet boarding, grooming and self-service dog wash will also be a portion, Mr. Surgeon stated this is already a permitted use and said he is testifying in favor of those changes.

Mayor Mays asked in general when Mr. Surgeon reviewed it, was he supportive of the overall effort of staff and the planning commission on the proposed ordinance. Mr. Surgeon replied yes.

Mayor Mays asked to receive additional testimony, with none received he closed the public hearing and called staff forward.

Brad Kilby stated there were three items he wanted to speak of, one being comments made by Mr. Claus and definitions. Brad suggested the Council look at section 16.10.010, specifically the second paragraph, which states; "where terms are not defined they shall have their ordinary accepted meanings within the context with which they are used", and if refers to Webster's International Dictionary for guidance. Brad said he believes the Council needs to give staff some deference to make those interpretations of those uses based on these as guideposts and we are trying to make that more clear by adding the language to 16.88.188, because we are never going to be able to define every term in this code and everyone will have their own idea of what something means.

Brad stated Eugene Stewart spoke of goal one and we did look at the goals and goal one was specifically addressed on page 99 of the packet and we did not do any substantive changes to this language that would, in our mind, warrant going back and revisiting the comprehensive plan policies and objectives. Brad said he only had the two points to reference and offered to answer Council questions.

Councilor Butterfield asked Brad to confirm if over the last 18 months we had several opportunities for the public to comment. Brad replied yes and said he assumes it's not always easy for people to come and testify at the planning commission and also assumes that a lot of people don't get involved in a process until it specifically affects something they are trying to do, Brad stated he understands this and believes we do a really good job of trying to reach out to folks, whether they agree with our methods or not. The planning commission on multiple occasions has asked for other ideas on ways that we can get the public involved. Brad said we've had a dessert and discussion, open houses and we have an open door policy, people are always welcome to come in and talk to us about things and

said he thinks we can establish another committee to do further review, but agrees with the Council that the planning commission is there for a reason, these are folks that want to serve the public and they do their best. Brad stated he believes we've done as good as we can and said there's always room for improvement and with good use of social media and technology we will eventually get to a point where we can....Brad continued and said people will always have something to say about our outreach.

Mayor Mays thanked Brad and asked for Council questions.

Councilor Henderson said this is a lot of information and is spread neatly in chapters and tables and asked when we have a potential business or development that wants to come to town and they may already own a lot and want to build something on that lot or they may have a business they own, Councilor Henderson referenced the Petco business and referenced page 142 of the packet, under light industrial, general industrial, employment industrial it say, "manufactured home sales are not outright permitted", Councilor Henderson asked how does someone go about trying to get a business in a zone that is not permitted in that zone. Brad replied they would talk to staff and explain the nature of their business and if they own the property, it puts them in a more difficult situation and said most businesses coming to relocate, he doesn't believe, own the property, they will do their due diligence and find the best location. Brad said if we don't have a location within the city for that type of use, he regularly calls Tualatin and their planners and likewise they contact us to see if we have acreage for certain types of uses. Brad said we do the best we can to direct them to an appropriate location. If they want to locate in Sherwood and it's not a use that's permitted, then our recommendation to them is to go through a zone change or a code amendment to try and make their case before the decision makers; the planning commission and then the Council, as staff doesn't make the decisions we just administer the code.

Councilor Henderson asked what is the difference between automotive boat trailer and recreational vehicle storage which is not permitted, Ms. Henderson referenced page 133 of the packet and said under industrial we have mini warehousing or self-storage not permitted and said mini storage is a big business and asked for clarification. Brad said if it's personal mini storage that is the primary use and you have an area for recreational vehicle storage, in the same sense as the Petco for example, they are generally a retail use, the majority of the 4500 square foot space will be used for retail and they have 300 square feet where they want to put in self-serve dog washes, and said in his mind those are ancillary uses to that primary use and we would treat them as such, as long as the primary use is a listed use that's what we would try and regulate the use on. Brad said specific to storage, he agrees it's not specifically clear. Ms. Henderson asked if we do allow recreational, boat, automotive trailer, does the land have to be improved. Brad replied yes. Ms. Henderson asked if it has to be identified at the beginning before they get their permits. Brad replied we would not issue a permit without understanding what the use is on the property, Brad gave an example and said if the property's primary use was boat storage, RV storage, or something like this, then we would not permit it, if it was not a permitted use in the zone. Brad continue with an example of storing hazardous materials in mini storages and staff communicating with the business to find out what the use is for.

Mayor Mays asked for other Council questions, with none received he asked City Manager Gall what he thought on the planning commission's recommendation. Mr. Gall replied he is aware a lot of work went into this and know's that Council can make changes in the future to make it better and is supportive.

Mayor Mays asked for comments from City attorney Elsner. Mr. Elsner replied as the acting body if the Council finds a piece of legislation that has been adopted and they want to alter it, they are allowed too.

Mayor Mays stated with the extended outreach, staff and the planning commission did a great job.

Mayor Mays asked for additional comments on the proposed ordinance, with none received he asked for a motion.

MOTION: FROM COUNCIL PRESIDENT DAVE GRANT TO READ CAPTION AND ADOPT ORDINANCE 2012-011, SECONDED BY COUNCILOR BILL BUTTERFIELD, ALL COUNCIL MEMBERS VOTED IN FAVOR.

Mayor Mays addressed the next agenda item.

10. CITY MANAGER REPORT

City Manager Joe Gall reported and commended the Sherwood Police Department for their work on Child Safety Seat Clinics and said we have had these for a number of years and the Police Department has received a designation from ODOT and the Alliance for Community Traffic Safety in Oregon and we have been designated an official child safety seat distribution center. Mr. Gall stated the efforts from Chief Groth and his staff has moved this to a higher level and our success has been acknowledged. Mr. Gall reported another clinic will be held on Saturday, August 18th, 10am to noon at the Sherwood Police Department. Mr. Gall reported that back in April we had 43 attendees and checked 32 seats. Chief Groth added that people should arrive early as they have had to turn people away due to the high volume of vehicles and added that the service can also be provided by appointment and can be done when a technician is working. Mr. Gall added information is also available on the City website.

Mr. Gall reported on the Relay for Life event this past week with the City having its first team, with 20 plus staff signed up and over 30 participants. Mr. Gall thanked Team Captain Karen Brown for her work and coordination and looks forward to next years event. Mr. Gall asked Councilor Clark to report on the event and she stated she read the proclamation at the event and it was a great event with a temperature of 102. Councilor Clark provided a brief overview of the day and challenges with the weather. Mr. Gall reported close to \$70,000 was raised at this event.

Mr. Gall reported on upcoming events and reminded of the Music in the Park concerts and Movies in the Plaza and said this year the location for the movies has changed to the Cannery Square from Stella Olsen Park and said the City has partnered with Sherwood Main Streets. Mr. Gall stated the first movie is this Friday, with a showing of Over the Hedge and he invited the community to come out.

Mr. Gall asked for questions from the Council, with none received, Mayor Mays addressed the next agenda item.

11. COUNCIL ANNOUNCEMENTS

Mayor Mays commended staff for their role in all summer events and congratulated the Robin Hood Festival Association for a great event and said Washington County Visitors Association had a survey crew at the festival gathering information on where people are coming from and he is excited to receive those results.

Mayor Mays reported on the Japanese students that visit Sherwood every year from Edogawa Japan and said 18-20 students come and stay with Sherwood host families for about 2 weeks visiting the local area including the Sherwood YMCA and Assisted Living facilities and do work in the community and do tourist activities and shopping. Mayor Mays shared a gift presented to the City on behalf of the Mayor of Edogawa. Mayor Mays stated if anyone is interested in being a host family to contact the City for information.

Councilor Folsom reported she is the Council Liaison to the Sherwood Cultural Arts Commission and thanked them for being forward thinkers in trying to network nonprofit community groups and as a result they came up with the idea of Pics on the Plaza and partnered with Sherwood Main Street who will be planning booths at the event and preshow entertainment for all ages. Councilor Folsom congratulated the Commission as the Vice Chair wrote a grant for the Royal Academy and was awarded the grant from the Oregon Arts Commission and said the grant is called Arts Build Community. Ms. Folsom reported over 30 volunteers participated and briefed the Council on other aspects of the event. Ms. Folsom stated she appreciated the efforts of the Commission for their forward thinking and networking with community groups and for their work with hosting two Missoula Summer Camps.

Councilor Folsom stated she is also the Liaison to the Senior Center and reported they are forming a new committee to continue to look forward to maintain a strong and active Senior Center and reported they have hired a new director and encouraged the community to volunteer at the center.

Councilor Henderson thanked staff for their partnership and assistance during the performance of Wizard of Oz and briefed Council on some of the challenges they faced. Ms. Henderson informed the Council on feedback they received on their website regarding the charm of Sherwood and how well its managed and the wonderful venue and stage at Stella Olsen park.

Councilor Butterfield thanked public works for their preparation of fields for the upcoming athletics of soccer, football and lacrosse and said we have over 3750 kids playing on sports field and Craig Sheldon's crew has done a great job in preparing the fields for the upcoming season.

Councilor Langer reported the Wizard of the Oz was an incredible event and thanked all those involved and reported pavers are still for sale and can be ordered through Sherwood Main Street whose office is located in the back of the Sherwood Chamber. Mr. Langer stated the Sherwood Gazette printed an article on Jen Ranazan (spelling?) an active community member who's battling cancer and mentioned an upcoming benefit run.

Mayor Mays reported Sherwood has benefited from our regional and County partners and they have dedicated and pledge over \$37 million in road projects in the Sherwood community in the next five years. He reported we had a priority list and the top four projects were funded. He said the County allocated \$43 million in Roy Rogers' district and Sherwood will benefit from \$37 million with the first project being on Tualatin-Sherwood Road that hopefully will begin next year. Mayor Mays reported

Sherwood did not receive the federal grant we were pursuing to get more sidewalks on Hwy 99 and the one federal grant that was awarded went to Lane County.

12. ADJOURN

With no other business to address, Mayor Mays adjourned to a URA Board of Directors meeting at 8:45 pm.

Submitted by:



Sylvia Murphy, CMC, City Recorder



Keith S. Mays, Mayor