



SHERWOOD CITY COUNCIL MINUTES
22560 SW Pine St., Sherwood, Or
June 19, 2012

REGULAR CITY COUNCIL SESSION

1. **CALL TO ORDER:** Mayor Mays called the meeting to order at 7:14 pm.
2. **PLEDGE OF ALLEGIANCE:**
3. **COUNCIL PRESENT:** Mayor Keith Mays, Council President Dave Grant, Councilor's Matt Langer, Linda Henderson, Robyn Folsom and Krisanna Clark. Councilor Bill Butterfield was absent.
4. **STAFF PRESENT:** City Manager Pro Tem Tom Pessemier, Finance Director Craig Gibons, Police Captain Mark Daniel, Planning Manager Julia Hajduk, Associate Planner Michelle Miller, City Engineer Bob Galati, HR Manager Anna Lee, Administrative Assistant Kirsten Allen and City Recorder Sylvia Murphy.

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

5. **CONSENT:**

A. Approval of June 5, 2012 City Council Meeting Minutes

MOTION: FROM COUNCILOR LINDA HENDERSON TO APPROVE THE CONSENT AGENDA, SECONDED BY COUNCILOR KRISANNA CLARK, ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILOR BILL BUTTERFIELD ABSENT).

Mayor Mays addressed the next agenda item.

6. **PRESENTATIONS:**

A. Recognition Gerry & Dottie Edy, Sherwood Helping Hands

Mayor Mays welcomed Gerry and Dottie Edy and stated the Council is honored to recognize a local family and an important program in our community. Mayor Mays stated Gerry & Dottie Edy were the directors of Sherwood Helping Hands, the community non-profit food bank and they took over from Velma Wooley after many of service. Mayor Mays commented that during the recession the needs of families and children have increased and generosity has stepped up with several local programs that help support Helping Hands, such as school fundraisers, food drives and Give N Gobble. Mayor Mays stated that Gerry and Dottie started a backpack program that stretches beyond our local community and asked Gerry and Dottie to give more information about Helping Hands and their programs.

Gerry Edy explained that Helping Hands has been in the Sherwood United Methodist Church for approximately 25 years and stated that they are very thankful for the work done by Velma Wooley. Mr. Edy stated in May of this year 118 families were helped, equaling 385 people, with food boxes and in addition to this, going on its second year, is the backpack program. Mr. Edy explained they service 104 kids per week and provide breakfast and lunch on Saturdays and Sundays, equaling 400 meals per week.

Mayor Mays asked Mr. Edy to provide more information on the backpack program as many people are not aware of it.

Mr. Edy stated they work through four councilors at the elementary schools and due to the importance of confidentiality, helping hands does not know the names of the families. Mr. Edy stated they ensure that every youngster in the family has food and these meals are packed in backpacks which then go home with the children on Friday's. Mr. Edy stated he and Mrs. Edy pillage goodwill's for backpacks and ensures they are all different as to not identify those seeking support.

Mr. Edy stated all of the backpacks are used and informed the Council that 74 of the backpacks are packed by the Cedar Creek Assisted Living residents. Mr. Edy shared experiences with the amount of support received by these volunteers and how they have accepted packing additional backpacks as the needs grow. Mr. Edy informed the Council they have spoken with the councilors at the middle schools and are prepared in September of this year to expand the backpack program into the middle schools.

Mayor Mays stated that for those who want to know more about Helping Hands or how to help, they can go to sherwoodhelpinghands.org or visit the Methodist Church. Mr. Edy stated people can contact them directly at 503.625.7744.

Mayor Mays asked for comments from the Council.

Councilor Folsom confirmed helping hands could utilize used backpacks, Mr. Edy confirmed and said not all backpacks are returned. Ms. Folsom asked how and through what events is the food supplied. Mr. Edy stated through programs such as Food for Fines at the Sherwood Public library, where food is accepted in place of fines. Mr. Edy stated the middle schools have a Scavenger Hunt, the Cub Scouts, the LDS Church, and Give N Gobble also have food drives that collect food for the pantry. Mr. Edy stated they just finished a food drive with the local letter carriers, with all the food staying here in Sherwood.

Councilor Clark commented she heard that a high need item for the backpack program was snack food type items. Mr. Edy confirmed and stated the Leadership class at the High School recently held a drive and collected 200 boxes of food and hygiene products.

Mayor Mays presented a Certificate of Appreciation to Gerry and Dottie Edy and the Helping Hands organization for their dedication and public service to the Sherwood community.

B. Recognition of Mark Christie, Sherwood School District Board of Directors

Mayor Mays stated that Mark Christie was retiring as a School Board Director after 15 years of service to the schools, the children and the community and highlighted a few accomplishments that

included; serving on the board while all of his children graduated and personally giving them their diplomas, putting aside differences when the School District and the City had issues, and partnering with the City to maximize community resources to the best interest of the community and the children. Mayor Mays stated the City has shared the story of the partnership with regions across the state. Mayor Mays stated Mark served as a mentor to new incoming School Board members and during his tenure the Board hired three fantastic Superintendents. He stated Mark was financially conservative and was the point person for the latest School Bond.

Mayor Mays recapped the School Board meeting and those in attendance that recognized Mark for his service.

Mayor Mays asked for comments from the Council.

Council Folsom expressed her appreciation for Mr. Christie's involvement in the last large school construction project and the fact that money was leftover when the project was completed. Ms. Folsom added that she was grateful for his continued service as he could have stepped down when his last child graduated but remained to continue to address issues.

Council President Grant commented regarding Mr. Christie's part in the many years of having a positive relationship between the City and the School Board.

Mark Christie stated that he was blessed and privileged to serve the community for the last 15 years and commented that it was all about teamwork, building relationships, transparency, and being wise stewards of the money and the students we have been entrusted to, that each student have the best educational opportunity. Mr. Christie stated the School Board and City will continue to look for unique ways to serve the tax base that both organizations serve and encouraged the City to continue to be a model as a place people want to come to, stating that Council and City staff's accessibility is one of the keys to Sherwood's livability and lovability. Mr. Christie thanked the Council for their work as elected officials.

Mayor Mays presented a Certificate of Appreciation to Mark Christie in appreciation for his leadership, devotion, and public service to the Sherwood School District and the Sherwood community.

Mayor Mays stated the Council had another presentation not listed on the agenda and recognized Tom Pessemier, Community Development Director/City Manager Pro Tem for his service as acting City Manager during the recruitment process to fill the City Manager position.

Mayor Mays stated that for the last eight months Tom Pessemier has stepped up to be the City Manager Pro Tem during the recruitment process to find the next City Manager. Mayor Mays thanked Tom for running the City during that time and acknowledged City staff efforts as well. Mayor Mays stated Tom helped complete a successful budget process, addressed development projects in town, supported the Council and advocated a lot of issues outside of town. Mayor Mays stated that Tom took on a list of additional tasks, willingly for a 5% salary increase and stated he and the Council appreciated this in Tom. Mayor Mays indicated that Tom will be going back to his position as the Community Development Director and said he is confident Tom will continue to do a great job.

Mayor Mays asked for comments from the Council. The Council members commended Tom for his leadership in the budget process and leading a smooth process and appreciated the tough decisions he made. Council recognized Tom for maintaining relationships, communications with Council, taking on tasks, commended for his work on URA projects, management of City projects, continued management of the Community Development department, they appreciated his availability and prompt response to Council's needs. Mayor Mays presented Tom with a Certificate of Appreciation.

Mayor Mays addressed the next agenda item.

7. CITIZEN COMMENTS:

Jim Claus 22211 SW Pacific Hwy Sherwood came forward and provided the City Recorder with a document indicating errors she made on the minutes of the previous Council meeting. Mr. Claus commented regarding the Council giving power to the City Attorney Beery Elsner and Hammond (BEH), commented regarding the City Attorney communications with staff, making policies and communications with Council as a contracted attorney. Mr. Claus referenced a contract indicating BEH and staff communications were a violation of civil rights, commented regarding a document admitting staff and BEH violating civil rights, and referenced the employee manual. Mr. Claus commented regarding his work on nonconforming uses and the Council creating illegal uses they have now issued permits for. Mr. Claus commented regarding his property and Cedar Brook and directed the City to keep off his property. Mr. Claus commented regarding getting moving on the codes.

With no other citizen comments received, Mayor Mays addressed the next agenda item.

8. NEW BUSINESS:

A. Resolution 2012-034 Approving amendments to City of Sherwood Employee Manual

Anna Lee, Human Resource Manager came forward and informed the Council of an error in the redlined document and referenced Section 3.17 of the revised version on page 20, (page 80 of the Council packet). Disciplinary Actions Section 3.17 and explained that all of Section 3.17 was updated and is addressed in Section 3.18. and 3.18 should now be Section 3.17.

Mayor Mays asked if the legislation should be continued to another date or if it can be addressed today.

Ms. Lee replied it can be addressed today, and said it's a duplicated section that was not redlined properly.

Ms. Lee explained the resolution before the Council is to update the employee manual and said staff has reviewed the amendments with legal counsel and updated in regards to updated employment law and best business practices for administrative purposes. Ms. Lee explained that this is the first phase of reviewing best business practices for all business units of the City and the redlined version was the old version of the manual. Ms. Lee explained the old version went through steps similar to our union contracts and was not necessary in regards to best business practices for an employee manual. Ms. Lee stated it has been streamlined and the City has given the employees the same legal benefits as well as the City and it has been streamlined to not give five steps like a union contract would. Ms. Lee offered to answer Council questions.

Mayor Mays asked for Council questions or comments, none were received.

Mayor Mays asked Tom Pessemier if he agreed with making not of the error and modify.

Tom Pessemier replied as this is a resolution that would be fine to note the removal of Section 3.17 and rename Section 3.18 to 3.17 and as this was his error it should not affect the document.

Mayor Mays asked for questions from Council.

Councilor Henderson suggested on page 31 of the packet, page 14 of the exhibit, under the Layoff Section 3.4.1 that the word "abolishment" be changed to "elimination". Ms. Lee answered that the manual will be updated in sections and she will make note of that for when the section is being worked on.

Tom Pessemier added that there are a significant number of sections that need to be reviewed and the focus was on the Disciplinary Actions and Termination section as a first phase and as a second phase we will be looking at the remainder of the document.

With no other Council comments, the following motion to amend was made.

MOTION TO AMEND: FROM MAYOR MAYS IN THE REVISED LANGUAGE TO DELETE SECTION 3.17 DISCIPLINARY ACTIONS ON PAGE 20, 21, AND START OF 22 ON EXHIBIT A, AND RENUMBER THE DISCIPLINARY ACTIONS SECTION CURRENTLY 3.18 TO THEN 3.17 AND AS APPROPRIATE FROM THERE, SECONDED BY COUNCILOR LINDA HENDERSON, ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR, (COUNCILOR BUTTERFIELD WAS ABSENT).

With no discussion on the proposed amendment, the following motion was received.

MOTION: FROM COUNCIL PRESIDENT DAVE GRANT TO ADOPT RESOLUTION 2012-034 AS AMENDED, SECONDED BY COUNCILOR LINDA HENDERSON, ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR, (COUNCILOR BUTTERFIELD WAS ABSENT).

Mayor Mays addressed the next agenda item and asked the City Recorder if she needed to read the public hearing statement. The City Recorder responded that it did not need to be read again as the hearing was continued from the June 5th Council meeting. The Mayor stated that public hearing had been opened and closed and asked staff to come forward.

9. PUBLIC HEARINGS

A. Ordinance 2012-008 Amending multiple sections of the Zoning and Community Development Code relating to landscaping, off-street parking and loading requirements

Michelle Miller Associate Planner briefed the Council with a presentation (see record, Exhibit A) and stated that Council held a public hearing on Ordinance 2012-008 on June 5, 2012 regarding parking area landscaping and layout. Michelle stated that the Council heard from staff and took public testimony at that time and Council closed the public hearing and began deliberations. Michelle stated

that Council in general supported the planning commission's recommendations but had a few issues with respect to some Metro requirements and requested staff to investigate further and provided further information on several issues. Michelle stated that Council continued the hearing until tonight in order to address residential minimum parking requirements, carpool/vanpool parking for employees and the calculation of the number of trees in parking areas.

Michelle began with the residential parking minimums and explained that Metro has a maximum minimum parking requirement, meaning jurisdictions cannot have a higher minimum maximum than the Metro requirements. Michelle stated that a single family dwelling unit is required to have at least one parking space and the number of Multi-family parking spaces required is based on the number of bedrooms in the particular unit. Michelle commented that there was a glaring example in our community where those minimum standards did not give us the parking needs for our particular site and Metro agreed that jurisdictions could exclude garages from the minimum calculation for parking requirements.

Council President Grant asked regarding jurisdiction having a higher maximum requirement than Metro. Michelle answered that jurisdictions are not allowed to have a higher minimum maximum and gave the example that if metro required two parking spaces as a minimum, then the City could not require three parking spaces for a minimum. Michelle added that in this case for a single family its one unit and the City could not require two parking spaces for single family.

Michelle stated that we had proposed a visitor parking requirement for multi-family units and Metro agreed with us that they have no provision with respect to visitor parking and would take no position on that recommendation.

Michelle stated that based on the discussion at the last Council meeting staff proposes to change Exhibit 1A on page 131 of the June 5, 2012 packet.

Mayor Mays stated he supported going through the information but he would not support doing anything today because he wanted to look at the whole ordinance in its entirety.

Michelle continued, stating that on page 131 of Exhibit 1A, Section 16.94.10 General Requirements, in E Location (referring to the presentation) said that it showed the existing language in white and proposed language in orange underlined. Michelle explained that the section previously said *"residential off street parking shall be located on the same lot or development as the residential use"* and stated she added the provision *"shall not include garages or enclosed buildings with the exception of a parking structure in multi-family developments where spaces are not individually enclosed,* and an example would be underground or multi-level parking structures.

Mayor Mays commented that the flaw with that suggestion is that in a multi-family development instead of having a single space enclosed they might have a double wide space and therefore that counts. Michelle stated that it would count as a parking space if it was an enclosed multi-level parking structure. Mayor Mays asked if a two car garage in the multi-family unit would be counted towards parking with that definition and stated he was thinking of work-arounds that people would suggest that he wanted to avoid. Michelle stated that the thinking was that if someone were going to have underground parking that the City could likely include that for a parking space because the likelihood that they would use a garage for storage is less than if they are individually enclosed.

Michelle added that a multi-level parking structure or underground parking could count for parking if the space warranted it.

Tom Pessemier added that he understood the Mayor's concern and staff would work on tightening up the language. Tom stated that staff heard from Metro the day before today's meeting and were trying to get information before Council for consideration and if Council wanted to continue the hearing that would give staff time to tighten up the language.

Mayor Mays asked if the section under discussion covered all housing zoning except for downtown. Michelle answered that it was residential minimum parking and covered anything residential. Tom Pessemier clarified that it included single family and multi-family. Mayor Mays asked if the City has a different parking standard for old town. Tom Pessemier confirmed.

Michelle addressed the issue of carpool and vanpool parking and stated that Metro requires car and vanpool parking designation for businesses that employ over 20 workers and they agreed that there were no specific percentage requirement for carpool or vanpool spaces. Michelle stated that based on that discussion the proposed amended language found on page 131 of the June 5, 2012 packet Section 16.94.10 General Requirements, E Location under 3a. the words "*at least 2% of the required parking spaces for*" will be removed and the amended language would read "*All new development with 20 employees or more shall include preferential spaces for either carpool and vanpool designation.*"

Michelle discussed the number of trees in a parking area and stated that the proposed language included the provision for a certain number of trees in the parking area based on the number of parking spaces. Michelle stated that Council felt that it might result in too many trees for a site and asked staff to investigate the inclusion of street trees in the number of trees required in the parking area. Michelle explained that the proposed amended language could be found on page 126 of the June 5, 2012 packet, B.2.a. under the definition section and suggested that the words "*or as street trees*" per Chapter 16.142 (Parks, Trees, and Open Space) and on page 127, to add the words in Section 4, sub 2 "*Street trees may be included in the calculation for the number of required trees in the parking area*".

Michelle explained that staff recommended that City Council adopt the proposed changes as revised or to direct staff to investigate and refine the language with respect to the garage requirement or make a motion to modify Exhibit 1-A to reflect the revisions identified through tonight's discussion and a motion to adopt Ordinance 2012-008. Michelle offered to answer Council questions.

Mayor Mays asked for questions of the Council, none were received. Mayor Mays thanked staff for all their hard work and reaching out to Metro with concerns.

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

MOTION: FROM MAYOR MAYS TO CONTINUE ORDINANCE 2012-008 AN ORDINANCE AMENDING MULTIPLE SECTIONS OF THE ZONING AND COMMUNITY DEVELOPMENT CODE RELATING TO LANDSCAPING, OFF-STREET PARKING AND LOADING REQUIREMENTS TO A DATE CERTAIN OF JULY 17, 2012 CITY COUNCIL MEETING, SECONDED BY COUNCILOR LINDA HENDERSON.

Prior to receiving a vote, Council President Grant stated he did not attend the prior Council meeting and asked for the reasoning behind the Mayor's objections to the ordinance.

Mayor Mays replied because everything came so late from Metro and he thought this is what we were doing and staff was great to do the work they had done and he wanted the Council to have the full text of the code in front of them to refresh their memory in case they have other concerns and specifically with the suggested changes he'd like tightening up of the language for the parking section to remove a potential loophole for multiple parking spaces that could be considered and used still as storage.

With no other comments, Mayor Mays called for a vote.

VOTE: ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR, (COUNCILOR BUTTERFIELD WAS ABSENT).

Mayor Mays addressed the next agenda item.

10. CITY MANAGER AND DEPARTMENT REPORTS

City Manager Pro Tem Tom Pessemier stated he did not have a formal report but wanted to thank a lot of people. Tom stated being a City Manager Pro Tem and taking to a number of people in the region, things can go one way or another and for him it went very well and this was a result of a lot of support he received from the community, business owners, the City Council, Boards & Commissions members and most importantly City staff. Tom stated the people that work here at the City are very good and talented. Tom commended the Community Development department staff for stepping in and thanked Council and all staff for their support.

Mayor Mays addressed the next agenda item.

11. COUNCIL ANNOUNCEMENTS

Councilor Henderson stated the Sherwood Foundation for the Arts will have performances of The Wizard of Oz next month on July 26, 27, and 28 in Stella Olsen Park and said they are sharing costs and security with the VPA who has performances the weekend before. Ms. Henderson added that the 4th of July is coming up and reminded residents and visitors to not use illegal fireworks to celebrate and shared a personal experience regarding the dangers of illegal fireworks. Ms. Henderson stated there were many groups in town that sell legal fireworks and our Police Department is committed to the enforcement of using illegal fireworks in our town. Captain Mark Daniel stated the Police Department will be doing their part to keep it safe for the Fourth of July.

Councilor Langer stated that pavers for in front of the Sherwood Community Center can be ordered from Angi Ford at Sherwood Main Street which is located in the Sherwood Chamber office located on Washington Street and said it is a good way to get your name engraved in granite in the community for a long time.

Councilor Folsom stated that the Voices for the Performing Arts is doing a production the same weekend as the Robin Hood Festival. Ms. Folsom explained that the Robin Hood Festival, the Sherwood Cultural Arts Commission, the Sherwood Foundation for the Arts, and the Voices for the Performing Arts Foundation have joined together and received a grant called "Arts Builds Communities" from the Oregon Arts Commission and the Oregon Cultural Trust and stated she

hopes the event becomes a tradition of the Robin Hood Festival. Ms. Folsom stated it will be a gated admission for children in the park, \$10 and they will get a mini craft and there will be many opportunities as well as seeing a Sherwoodian version of Sleeping Beauty called *True Love's Tale*. Ms. Folsom stated families are welcome with a \$5 for adults and \$10 for children with a probable family rate. Ms. Folsom thanked the Senior Center for allowing the group to practice at the center and stated the target age for children is between the ages of 3 and 12, adding that older children could volunteer as helpers. Ms. Folsom stated the event starts at 6:30pm in Stella Olsen Park following the knighting ceremony.

Mayor Mays stated that the Robin Hood Festival, a two day celebration is around the corner and is always a lot of fun for the entire family. Mayor Mays reported Greater Portland Inc., of which Sherwood is a part of, celebrated their one year anniversary after combining the regional partners' public entity with the private entity of Greenlight Greater Portland. Mayor Mays stated they are doing a lot of great things for economic development in the region and launched a new branch in export strategies to help grow exports from our region in addition to growing existing businesses and attracting businesses to our region. Mayor Mays stated he is trying to get Sean Robbins, the Executive Director, to come to Sherwood to talk about what the value is for Sherwood to participate in Greater Portland Inc. and stated he serves on the board representing nine small cities. Mayor Mays stated that one benefit will be having all the cities participate in the monthly economic development professionals meeting so public and private entities can be pointing in the same direction.

12. ADJOURN

With no other business to address, Mayor Mays adjourned at 8:17 pm.

Submitted by:


Sylvia Murphy, CMC, City Recorder


Keith S. Mays, Mayor