



**SHERWOOD CITY COUNCIL MINUTES**  
**22560 SW Pine St., Sherwood, Or**  
**August 16, 2011**

**WORK SESSION**

1. **CALL TO ORDER:** Mayor Mays called the meeting to order at 6:05 pm.
2. **COUNCIL PRESENT:** Mayor Keith Mays, Councilors Robyn Folsom and Linda Henderson. Council President Dave Grant arrived at 6:15 pm, Councilor Matt Langer arrived at 6:45 pm. Councilor's Bill Butterfield and Krisanna Clark were absent.
3. **STAFF PRESENT:** Community Development Director Tom Pessemier, Public Works Director Craig Sheldon, Program Manager Amy Burns, Program Supervisor I Kathy McWilliams, Administrative Assistant II Sarah Smith, Operations Supervisor I Rich Sattler, Program Analyst Paul Ortiz, Finance Director Craig Gibons, Police Chief Jeff Groth, Economic Development Manager Tom Nelson, Administrative Assistant Kirsten Allen and City Recorder Sylvia Murphy. Contractor Jenni Lipscomb with JDL Services.
4. **TOPICS DISCUSSED:**
  - A. **Utility Billing Update.** Staff presented a power point presentation and provided copies of the presentation to the Council (see record, Exhibit A). Staff recapped the history of utility billing, software selection and implementation. Staff provided a software demonstration and an overlook of department staffing. Discussion followed regarding department challenges, software upgrades, and benefits of upgrades and timing of implementation. Staff explained other programs managed by department staff, challenges with workloads and provided a demonstration of new on-line bill pay system.
  - B. **Other.** Mayor Mays informed the Council of conversations with Metro regarding expansion of the Urban Growth Boundary. Brief discussion followed.
5. **ADJOURNED:** Mayor Mays adjourned the Work Session at 7:08 pm and convened to the regular Council Session.

**REGULAR COUNCIL MEETING**

1. **CALL TO ORDER:** Mayor Mays called the meeting to order at 7:17 pm.
2. **PLEDGE OF ALLEGIANCE AND ROLL CALL:**
3. **COUNCIL PRESENT:** Mayor Mays, Council President Dave Grant, Councilors Linda Henderson, Robyn Folsom and Matt Langer. Councilors Bill Butterfield and Krisanna Clark were absent.

- 4. STAFF AND LEGAL COUNSEL PRESENT:** Community Development Director Tom Pessemier, Police Chief Jeff Groth, Finance Director Craig Gibbons, Public Works Director Craig Sheldon, Planning Manager Julia Hajduk, Planning Associate Michelle Miller, Economic Development Manager Tom Nelson, Administrative Assistant Kirsten Allen and City Recorder Sylvia Murphy. City Attorney Chris Crean.

Mayor Mays addressed the Consent Agenda and per a request from Councilor Henderson, moved item C, Resolution 2011-071 to New Business, no objections to amend the agenda were received.

Mayor Mays asked for a motion on the amended Consent Agenda.

## **5. CONSENT AGENDA**

- A. Approval of August 2, 2011 City Council Minutes**  
**B. Resolution 2011-070 Authorizing the City Manager to enter into a Water System Data Use and Confidentiality Agreement with the Regional Water Providers Consortium**

**MOTION: FROM COUNCILOR LINDA HENDERSON TO APPROVE THE AMENDED CONSENT AGENDA, SECONDED BY COUNCIL PRESIDENT DAVE GRANT. ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR. (BUTTERFIELD AND CLARK WERE ABSENT).**

Mayor Mays addressed the next agenda item.

## **6. PRESENTATIONS**

- A. Eagle Scout Recognition.** No Scouts were present.

Prior to addressing the Cedar Creek-Tonquin Trail Presentation, Mayor Mays recognized Mackenzie Bradley, a recent Sherwood High School graduate who recently completed the swimming of the English Channel. Ms. Bradley explained she completed her swim in 13 hours, 5 minutes and answered Council questions. Mayor Mays commended Ms. Bradley and presented her with a Certificate of Achievement.

Mayor Mays stated the Council would address Citizen Comments, due to the length of the Cedar Creek-Tonquin Trail presentation.

## **7. CITIZEN COMMENTS**

Tracie Butterfield 23614 SW Heron Lakes Drive, Sherwood came forward and thanked the Council members for their service and commented regarding the recent recognition of the City as being named in the Top 100 Best Cities to Live In. Ms. Butterfield commented regarding the City Charter and proposed changes to the term length of the mayor and said she was in support of the change from a two year term to a four year term. Ms. Butterfield stated she was aware of one other city in the state of Oregon whose mayoral term was a two year term.

Mayor Mays thanked Ms. Butterfield and stated the City was recently named by Money Magazine number 100 out of 100, of the Best Cities to Live In in the United States, with West Linn also being named in the top 100.

Mayor Mays addressed the next agenda item.

**B. Cedar Creek–Tonquin Trail Segment Presentation.** Community Development Director Tom Pessemier explained that the Cedar Creek Trail is a project that the City has been working on for a number of years and has grown into the Tonquin Trail, which is a regional trail system. Tom explained that the City recently received a nomination from the Washington County Coordinating Committee to receive funds for the project. The nomination is for \$5.1 million dollars and still has to go through more committees and Metro Council, however to date; the Washington County recommendations have not been overturned.

Mr. Pessemier presented a video presentation (see record, Disc marked Cedar Creek-Tonquin Trail) on the proposed trails, showing a map of current and concept trails in Wilsonville, Tualatin, Beaverton, and the proposed Cedar Creek Trail in Sherwood and how they might connect. Tom presented information on the west fork of the Tonquin Trail that starts in Old Town Sherwood running through the Cedar Creek greenway and meeting up with Roy Rogers Road, explaining that there are several existing trail networks that will join up with the new proposed trails, creating pedestrian and bike trails to help people get from their neighborhoods to destinations within Sherwood. Tom compared a map of Sherwood sixteen years ago to a map from ten years ago, and a map from today, indicating that an unintended consequence of Sherwood's explosive growth is a separation of neighborhoods from the commercial and business areas. Tom explained that as there aren't many trail connections across the Cedar Creek greenway, and the project focuses on creating a backbone that can connect the different trails and create places to cross. Tom explained that the only viable connection from Woodhaven is through Washington Street, which is not enough connectivity to make a trail system successful, stating that the City wants to support bike and pedestrian traffic as an important mode of transportation.

Mr. Pessemier reviewed a map of the existing trails, such as Villa Road, Stella Olsen and Adams Avenue with the proposed new trails that the City hopes to construct to make these connections, stating that the new bridge at Stella Olsen Park would be the trailhead for the new construction. Tom referred to the Feasibility Study that was done in 2009, in order to make the application for the federal funds. The Feasibility Study showed cost estimates, issues that needed addressing such as sensitive areas, typical pathway design, and confirmed that other agencies were agreeable to creating the new trails. Tom stated that the typical trail design has twelve foot wide trails for pedestrian and bicycle use, with pervious asphalt surfaces or boardwalks at the creek crossings.

Tom showed Segment I of the trail starting at the parking lot at by Stella Olsen Park and going through the vegetative area to 99W, the trail then loops around 99W at Meinecke Rd. Tom commented that it would be nice to go over or under 99W, but that would consume most of the \$5.1 million to be awarded for the project, indicating that it would be best to create the trail and then to come up with additional funding sources. Tom showed Segment II which goes from Hwy 99W to Edy Road, and the final segment from Edy Road to Roy Rogers Road. Tom showed an existing trail on the other side of Roy Rogers Road that would eventually connect to the Tualatin River National Wildlife Refuge. Tom stated that there has been discussion about a segment to connect Oregon Street to the existing Tonquin Trail and a feasibility study to connect with the Westside Trail. Tom concluded his presentation by reiterating that the City's focus is to create the trail system to provide some connectivity between the residential and other areas, and giving people an opportunity to observe some of the natural areas that the City has preserved.

Mayor Mays asked for questions from Council.

Councilor Linda Henderson asked if a fence will separate the walkways on Hwy 99. Tom answered that he did not think so, but there would be separation through landscaping or another means.

Councilor Robyn Folsom stated her appreciation to the Parks Board for having the Feasibility Study done. Ms. Folsom said that an underpass would be most ideal for the 99W situation, and that an overpass would be three times as much. Tom stated that the costs were very expensive.

Mayor Mays thanked Mr. Pessemier for the presentation and stated that if the funds are approved by Metro, they will be available in 2014.

Tom stated that the design was still conceptual, final alignments have not been decided and there will be a public process to complete the design.

Mayor Mays addressed the next agenda item.

## **8. NEW BUSINESS**

### **A. Resolution 2011-072 Accepting the Brookman Funding Plan for the Concept Plan Area**

Julia Hajduk, Planning Manager came forward and stated the funding plan is a prerequisite to consideration for annexation of the Brookman Area and said when we adopted the Concept Plan in order to meet the transportation planning rule, we identified that we needed to develop a funding plan to identify how all the necessary improvements to accommodate the area would be reasonably likely to be funded. Julia stated the funding plan in the report was updated to reflect changes that were made through the processes to the land uses. Julia said initially there was more residential and less commercial and as we moved forward through the process there was a little more commercial and that change changed the estimated system development charges (SDC) and fees as well as the need for certain transportation improvements. Julia stated the funding plan identifies the estimated costs and estimated revenues and essentially finds that with the exception of storm water, the development of the Brookman area will be able to be accommodated with system development charges (SDC), fees and other County and regional funds as well as developer required improvements associated with development. Julia stated staff recommends Council approves the funding plan and offered to answer Council questions.

Councilor Folsom asked regarding Storm and not having a funding mechanism in place as of yet.

Julia confirmed that was correct and said the Concept Plan identifies that ideally there would be a regional water quality facilities and the estimated storm water fees would not cover the estimated regional facilities cost, however it's common for development to provide water quality facilities and storm water facilities as they develop as that is certainly an option if we are not able to evaluate that and get that to reconcile as properties are ready to develop.

Ms. Folsom asked if this would be a difficult burden for a developer to shoulder, the existing SDC's, that are steep in some cases and then to try and get them to pitch in for a very expensive facility.

Julia replied it's not unexpected for a developer to pay for system development charges and provide water quality facilities. Julia asked Community Development Director Tom Pessemier if he

had additional information to add in regards to the cost and if the developers are eligible for any credits.

Tom replied they currently aren't and said one of the things staff looked at in the concept plan was doing some regional water quality facilities rather than having every developer do a very small one to provide for more efficiencies with providing for larger systems as there is not as much maintenance for the public works department and they are more effective when they are regional. Tom stated if we were to do something like that, we would need to come up with a funding mechanism, whether through an LID (Local Improvement District) or some sort of additional SDC's. Tom stated if we went this route there would be a process and a developer could potentially get credits but under the current Clean Water Services they are expected to build the water quality facility on their project and this would happen unless we do some other funding mechanism and said there are no credits for SDC's. Tom stated if we look at storm water charges, it's very small and the reason for this is because unless some improvements needs to happen in the stream corridors, there really isn't a lot that is expected as far as capital construction projects or storm projects.

Ms. Folsom asked if the annexation goes through how are the current residents impacted for the development that may happen.

Julia replied existing residents, unless they are developing, there is no impact as far as the fees and said the SDC's are applied at the time of development.

Ms. Folsom said unless we were to build a regional storm facility each person would be responsible for the minimum they would do.

Tom replied, this is correct and even if we did build a regional facility and did it though SDC's, they still wouldn't have to pay anything unless they developed.

Julia informed the Council of a Scribner error on page 29 of the Council meeting packet, in Exhibit A on page 3, in the last table, "Identified Gaps and Plan to Fill", in the traffic column, she moved the sanitary sewer fee into the estimated revenue traffic column and it should be \$8,904,372 rather than \$5, 503,849. Julia said this doesn't change anything it just shows that there is less of a gap in transportation funding

Mayor Mays noted staff would make the correction to the error if Council moves to adopt.

With no other Council questions, Mayor Mays asked for a motion.

**MOTION: FROM COUNCIL PRESIDENT DAVE GRANT TO APPROVE RESOLUTION 2011-072, SECONDED BY COUNCILOR LINDA HENDERSON. ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR. (COUNCILOR'S BUTTERFIELD AND CLARK WERE ABSENT).**

Mayor Mays addressed the next agenda item.

**B. Resolution 2011-073 Authorizing the City Manager to Acquire Real Property at 22895 SW Elwert Road**

Tom Pessemier, Community Development Director explained the resolution and recapped the staff report. Tom informed Council the City's Transportation System Plan (TSP) identifies a need

to improve the intersection and said when the two new schools came in (Edy Ridge and Laurel Ridge) the intersection of Elwert and Hwy 99w was operating at capacity. Tom explained this intersection is number 24 of all intersections in the County as far as safety is concerned. Tom recapped information provided in the staff report including funding information and said funding would come from the Transportation Capital Improvement Budget and staff would be shuffling other city projects, such as Phase 2 of Pine street construction to be able to fund the purchase.

Mayor Mays stated the intersection has been a problem for over 15 years, and said it will be nice to be able to buy the property at a good price in order to fix the intersection and this also allows the City to advocate for County and State funds for improvements.

Council President Grant commended staff for being in a position to buy at such an opportune time in this economy and said we would have to buy eventually to improve the intersection.

Finance Director Craig Gibbons added that the money used to purchase the property is dedicated solely to transportation projects.

With no other Council questions or comments, Mayor Mays asked for a motion.

**MOTION: FROM COUNCIL PRESIDENT DAVE GRANT TO APPROVE RESOLUTION 2011-073, SECONDED BY COUNCILOR ROBYN FOLSOM. ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR. (COUNCILOR'S BUTTERFIELD AND CLARK WERE ABSENT).**

Mayor Mays addressed Resolution 2011-071 moved from the Consent Agenda.

**C. Resolution 2011-071 of the Sherwood City Council Certifying the Explanatory Statement for proposed revision of City Charter to be referred to the electors on the November 2011 Ballot**

Councilor Henderson suggested the following revisions to the Explanatory Statement, Exhibit A to the resolution, "...the roles of the mayor..." in the second paragraph be changed to "...some of the responsibilities of the mayor..." and suggested adding a bullet stating "Establishing a two year term for the Council President beginning in the next general election."

City Attorney Chris Crean agreed with the suggested changes, stating that his aim was to be as inclusive as possible.

Councilor Folsom suggested the following amendment to the Explanatory Statement. Ms. Folsom asked to add "as well as establish a four year term" to the second paragraph of the Explanatory Statement as well as in the bulleted section.

City Attorney Chris Crean clarified the request made by Councilor Folsom and said the purpose is to highlight the most significant changes in the introductory paragraph and the four year term of the Mayor would merit the inclusion and the term of the Council President less so. Mr. Crean stated he wanted to be careful that we did not start duplicating everything. Mr. Crean repeated the proposed suggestions for amendments to the second paragraph as follows:

*This measure would update the city charter to delete obsolete provisions, clarify some responsibilities of the mayor and city council, establish a four year mayoral term; and modify other administrative provisions to reflect current municipal organizational practices.*

**City Recorder note:** Although not repeated by City Attorney Crean in the proposed motion to amend, the additional bullet as suggested by Councilor Henderson was to be included in the motion, bullet to read: Establishing a two-year term for the Council President beginning with the next general election in 2012.

With no other Council comments, the following motion was received.

**MOTION TO AMEND: FROM COUNCILOR LINDA HENDERSON TO AMEND RESOLUTION 2011-071 AS NOTED BY CHRIS CREAN AND COUNCILOR HENDERSON. SECONDED BY COUNCIL PRESIDENT DAVE GRANT. ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR. (COUNCILOR'S BUTTERFIELD AND CLARK WERE ABSENT).**

**MOTION: FROM COUNCILOR LINDA HENDERSON TO APPROVE THE AMENDED RESOLUTION 2011-071, SECONDED BY COUNCILOR MATT LANGER. ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR. (COUNCILOR'S BUTTERFIELD AND CLARK WERE ABSENT).**

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

## **9. PUBLIC HEARING**

### **A. Resolution 2011-074 Approving Annexation Proposal An 11-01 and Calling for an Election**

Julia Hajduk, Planning Manager explained the resolution and provided the Council with additional information that had been submitted, (see record, letter from **Marian R. Garstka**, dated 8.2.2011 Exhibit B; written testimony provided by **David and Carol Sadler** dated 8.11.2011, Exhibit C; and **ODOT letter**, dated 8.16.2011, Exhibit D). Julia also provided a Frequently Asked Questions Sheet, If Brookman Annexation Is Approved, (see record, Exhibit E.) Julia presented a power point presentation and explained the following areas of the presentation (see record, Exhibit F).

#### **Summary of Resolution:**

The resolution will:

- approve annexation of the Brookman area,
- direct staff to place the issue on the November 8, 2011 ballot for approval by the City of Sherwood and the registered voters in the area to be annexed,
- designate the zoning that will be applied upon annexation consistent with the adopted comprehensive plan, and
- provide for delayed assessment of City taxes within the area to be annexed.

#### **Background:**

- Area brought into the UGB by Metro in 2002
- Concept planning work between 2007-2009
  - Public outreach and input helped shape plan
- Concept plan for the Brookman Plan area in 2009 via Ordinance 2009-004.
  - Adopted the Concept plan as well as comprehensive plan zoning
    - Multiple public hearings held with the Planning Commission and Council
- City approved Resolution 2011-062 initiating the annexation on July 19, 2011
- Public Hearing required prior to approving the annexation

- Notice sent to property owners and residents in area, posted, published and sent to affected agencies.

Julia explained the following annexation methods.

**Annexation Methods:**

	City initiated	Property owner initiated		
		Super majority	Double majority	Triple majority
<b>ORS authorization</b>	ORS 222.111	ORS 222.125	ORS 222.170(2)	ORS 222.170 (1)
<b>Vote of City of Sherwood voters required?</b>	Yes	Yes	Yes	Yes
<b>Vote of registered voters in the area required?</b>	Yes	No	No	no
<b>Registered voter approval required</b>	Yes, via election	Yes, more than 50% via petition	Yes, more than 50% via petition	No
<b>Property Owner approval required</b>	No	Yes, 100% of property owners via petition	Yes, majority (more than 50%) of property owners via petition	Yes, majority of property owners who own a majority of land area and a majority of assessed value via petition

**Criteria for Annexation:**

- State
  - Process must be consistent with ORS 222
- Regional
  - Metro Code Chapter 3.09 (Local Government Boundary Changes) outlines criteria that must be addressed
- Local
  - Comprehensive Plan policies must be addressed.
    - Chapter 3, Growth Management
    - Chapter 8, Urban Growth Boundary Additions
    - The city has reviewed the annexation proposal to confirm compliance with the applicable state, regional and local standards and finds that annexation of the entire Brookman area will meet the standards with conditions.

Julia explained propose zoning and showed Council a map (see page 7 of Exhibit F).

**Delayed Assessment of taxes options:**

Julia explained the resolution also includes four options to consider to gradually phase in the assessment of City taxes for properties within the area:

- **OPTION 1** – No assessment of City taxes for the first 5 years then assessment of 50% of the City taxes in 5 years and the final 50% in 10 years (FY 2022-23).

- OPTION 2 – Assess 10% of the City taxes the first year and then increase by 10% per year until 100% of the City taxes are assessed (10 years, FY 2022-23)
- OPTION 3 – Assess 100% of the City taxes in 10 years, fiscal year 2022-23
- OPTION 4 - Assess 50% of the taxes in 5 years (fiscal year 2017-18) and increase by 10% per year for an additional 5 fiscal years

Julia explained taxing options under Section 12 of resolution and stated staff recommends Option 4.

Julia recapped frequently asked questions pertaining to the proposed annexation that were not covered in the presentation. Julia stated that development is not required by property owners if the annexation is approved, the annexation means you reside inside the city limits and allows development to urban densities, but does not require it. Julia explained that the zoning identifies general land uses, but development will determine uses consistent with the zoning. Julia indicated that the annexation does not affect land owners who have Farm Forest Deferrals, or require residents to hook up to City water or sewer. Julia clarified that residents who hook up will be required to obtain permits and pay the appropriate fees, including System Development Charge fees to do so. Julia stated that if a septic system fails, residents within 300 feet of City sewer are required to hook up per Oregon OAR 340.071.060, and residents who choose to hook up to water are required to hook up to sanitary sewer. Julia stated that residents who have farm animals will be permitted to keep them as a “pre-existing non-conforming” use, and tax lot IDs will not change with the annexation. Julia concluded by recommending that Council consider approving the annexation and asked for direction from Council concerning taxing options.

Council President Grant asked regarding the Tax Chart, Julia explained that she had spoken with the tax assessors from both Washington County and Clackamas County, but recommends checking with the appropriate assessor’s office to confirm the information.

Finance Director Craig Gibons stated that the chart is all current tax year and that tax rates may change or fluctuate.

Councilor Langer asked which tax code Ms. Garstka was in and if she had received a response to her letter. Julia responded that Ms. Garstka had not received a letter.

Craig Gibons stated that Council should not get into details because the chart is a general schematic.

Councilor Folsom asked what if the Concept Plan had not been done. Julia replied that the County would have done it.

Ms. Folsom commented regarding the public being able to have more input because the City created the concept plan. Julia confirmed.

Mayor Mays gave an example of an alternative done in the Bethany area that was done by the County that was not reflective of that community.

Ms. Folsom asked regarding it being City initiated and asked why this method. Julia explained that nobody has come forward since the Concept Plan was developed in 2009, and many property

owners have inquired when the City was going to annex. Julia explained that it helps remove uncertainty for potential developers and may spur development.

Mayor Mays provided examples of other city initiated annexations that were done in the same manner.

Ms. Folsom commented regarding uncertainties for the past ten years for those who live in the area. Tom Pessemier replied that the City has been working on the area since Metro identified the area, developers are uncertain in the economic times and land owners don't know what their neighborhood will look like, but this gives them an opportunity to have a voice in what happens.

Ms. Folsom asked regarding expense to property owner if annexation was owner initiated. Tom explained if the property owners had initiated the annexation they would have to organize themselves and pay the City to prepare the appropriate documents.

With no other Council questions or comments, Mayor Mays opened the public hearing to receive testimony.

**Kay Garstka**, came forward stated she resides on Ladd Hill and is a family member of a resident in the proposed area. Ms. Gartska asked if it made a difference that they had opted out of development when the UGB was formed. Mayor Mays replied that the annexation was for the entire area, if voters of Sherwood and the Brookman area say yes, it would be annexed. Mayor Mays explained that development is up to individual property owners. Ms. Garstka stated that the original map showed a road from Brookman Road to Ladd Hill Road. The Mayor stated the plan was a concept and road alignment is not certain.

**Sue Drouin** 16350 SW Brookman Road came forward and asked if there would be a sewer line under Brookman Road, stating that it would be too close to her well. Ms. Drouin asked if the City would move her well. Mayor Mays stated that he understood that if the City's actions impact a property owner, the property owner has to be fairly compensated. Council President Grant added that property owners will be notified well in advance if they are going to be impacted.

**Carleen Brewer** 17769 SW Brookman Road came forward and asked regarding development and the planning process. Mayor Mays replied that growth is much slower now, that there are no places for our children to live in the City when they grow older, and annexation provides an opportunity to provide homes for people who want to live in the City. Ms. Brewer asked for a copy of the presentation and stated there are not a lot of property owners who purchased in order to develop.

**Byron Gregory** 16457 Brookman Road came forward and stated he has no intention of selling his property and commented regarding the forested area providing places for wildlife and asked about property for natural areas. Byron stated he does not support the annexation and commented regarding zoning asking the City Council to think about people that live in the area.

**Carleen Brewer** asked to provide additional comments and stated the developers are interested in the flat land and regarding the forested area it is an imposition with no way to recoup. Mayor Mays replied that the city plan protects the stream corridors and the flood plains and the planning commission is working on a plan to give development the flexibility to preserve more trees. Ms.

Brewer stated regarding taxes that landowners with a lot of acreage will be paying taxes as if it was developed. Mayor Mays replied that assessed value of difficult or impossible to develop land does not have the same value, but acknowledged there may be an increase in taxes.

With no additional testimony received, Mayor Mays closed the public hearing and asked for Council questions and comments.

Councilor Folsom asked for more specifics regarding the annexation vote. Julia explained the Sherwood residents would receive a November ballot as always and a special precinct would be created for the Brookman Annexation Area residents, managed by Washington County Elections office and coordinated with Clackamas County. Julia stated that both areas have to approve the annexation or it is not approved at that time.

Ms. Folsom asked for clarification for if the special precinct fails, does the entire ballot measure fail. Julia responded that the annexation does not go forward at that time, this annexation into the City has to be approved by the registered voters of Sherwood, if it fails the property owners in the Brookman area can pursue annexation by other options that include another public hearing and adoption by Council.

With no other questions the Mayor asked for discussion on the proposed resolution.

Mayor Mays stated that to involve the property owners in the proposed area and the community was the proper step for annexation and said he was in support of Option 4 under Section 12 of the resolution.

Councilor Langer stated that the Council is not making the decision to annex, but allowing the voters to decide in November, declaring that if Brookman area residents or the citizenship of Sherwood vote against the annexation the process stops.

Mayor Mays commented regarding the Sherwood School District involvement in the process, stating that the district assumes the annexation will eventually take place, and is in favor of the annexation.

Councilor Folsom commented regarding eligible voters in the area and said she supports delayed taxation giving time for development to occur.

Councilor Henderson asked if Council chose to delay taxes, could the decision be revisited.

City Attorney, Chris Crean responded that Council may phase in the taxation and delay for up to ten years. Mr. Crean stated the Council has the authority to change the tax structure within the city, but that similar properties have to be taxed uniformly and a change later would mean discussing the tax classification for the City.

With no other Council comments, the following motion was received.

**MOTION TO AMEND: FROM MAYOR MAYS TO DELETE OPTIONS 1, 2 AND 3, LEAVING OPTION 4 ON RESOLUTION 2011-074, SECONDED BY COUNCILOR LINDA HENDERSON. ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR. (COUNCILOR'S BUTTERFIELD AND CLARK WERE ABSENT).**

**MOTION: FROM MAYOR MAYS TO ADOPT RESOLUTION 2011-074 AS AMENDED, SECONDED BY COUNCIL PRESIDENT DAVE GRANT. ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR. (COUNCILOR'S BUTTERFIELD AND CLARK WERE ABSENT).**

Mayor Mays addressed the next agenda item. Councilor Matt Langer recused himself and sat in the audience.

**B. Ordinance 2011-010 Renaming SW Adams Avenue to SW Langer Farms Parkway**

Michelle Miller Planning Associate came forward and explained the Ordinance. Michelle described that a petition had been received to change the name of SW Adams Avenue to SW Langer Farms Parkway, a street that runs generally north and south between Tualatin Sherwood Road and Oregon Street, east of SW Baler Way. Michelle informed Council that the applicant has satisfied the basic criteria for the street renaming and notice has been sent to the adjacent property owners, placed at two locations along the street in question, and in the newspaper ten days previous. Michelle provided Council with written testimony from **Carol King** for the record (see record, Exhibit G). Michelle recommended that Council hold a Public Hearing to determine whether the street renaming was in the public interest.

Mayor Mays asked if the Parkway designation was intended if the street name does not change. Michelle answered that Avenue is generally a north south designation and the Parkway designation, a boulevard type of street, is also acceptable.

Councilor Folsom asked if there was something particular in the agreement for the development about the name change. Michelle stated that there was language that allowed the Langer family to propose a name change for SW Adams Avenue. City Attorney Crean added that street naming is a function of the council and clarified that the agreement stated that Council will entertain a petition if the family wanted to bring one forward.

Mayor Mays opened the public hearing to receive testimony.

**Yvonne Scheller** 23137 SW Schamburg Drive, Sherwood came forward and provided Council with documents (see record, Exhibit H) and stated that she and her husband were responsible for naming Adams Avenue, in 1993, after her late father Hollis Adams. Ms. Scheller stated that her family descends from Henry Adams, who came to America in 1632, John Adams, and John Quincy Adams. Ms. Scheller stated that she and her husband were also instrumental in changing Foundry Avenue, at the south end, as it no longer connects with Adams Avenue. Ms. Scheller stated that she would like the Adams name to remain on the north end of Adams Avenue as there is already a Langer Drive and according to the staff report of the Planning Commission from December 8, 1992, "no street name shall be given a name that is the same as, similar to, or pronounced the same as any other street in the city". Ms. Scheller stated there is no other street name that sounds like Adams, but there is already a Langer Drive, and Langer Farms Parkway would be confusing to the Fire Department, Police Department, Post Office, and the citizens of this great community. Ms. Scheller indicated that street names related to the English theme are acceptable and residents should live in Sherwood for fifty to one hundred years. Ms. Scheller explained that Adams is an old English name and she has lived here for sixty-one years. Ms. Scheller told council that she was very pleased to have her family's name on the street, and said street naming is Council's decision, but she had a long history in Sherwood too.

With no other testimony received, Mayor Mays closed the public hearing.

Mayor Mays stated that he understood that the northern portion of Adams, yet to be developed, was going to be called Langer Farms Parkway, stating that a street with two names is confusing. Mayor Mays suggested that Columbia Street in Old Town needed changed because the two Columbia Streets are separated. Mayor Mays commented that if the name change was approved, Adams might be an appropriate name for the new street in Old Town.

Council President Grant stated that he was concerned about confusion, stating that the proposed Langer Farms Parkway and Langer Drive do not intersect, stating the confusion would be in crossing the street and having the name change. Mr. Grant commented that the most consistent thing would be to keep the street name the same all the way.

Councilor Folsom commented that the proposed Langer Farms Parkway would be adjacent to the business park named Langer Farms. Ms. Folsom stated that she appreciated the history of Adams Avenue and agrees with the Mayor's suggestion to continue to honor the Adams family in Old Town.

Councilor Henderson commented that she had a recent experience with confusing street names and wishes the two street names were not so similar. Ms. Henderson stated that she would like confirmation that the new street north of Adams would be named Langer Farms Parkway.

Mayor Mays indicated that he was told that this was the expectation.

**Yvonne Scheller** requested to provide additional comments and Mayor Mays reopened the public hearing.

Ms. Scheller commented that if the option was to name the north section Langer Farms Parkway and leave the other as Adams Avenue she would prefer not to create that confusion.

Mayor Mays closed the public hearing.

Councilor Folsom asked regarding the renaming of Columbia. Mayor Mays replied the Council could schedule the discussion to occur in work session.

With no other Council discussion, the following motion was received.

**MOTION: FROM COUNCIL PRESIDENT DAVE GRANT TO READ CAPTION AND ADOPT ORDINANCE 2011-010, SECONDED BY MAYOR MAYS. MOTION PASSED 4:0 (COUNCILOR LANGER RECUSED; COUNCILOR'S BUTTERFIELD AND CLARK WERE ABSENT).**

Mayor Mays directed staff to schedule a work session to discuss renaming of other streets.

Mayor Mays addressed the next agenda item and Councilor Langer rejoined the Council.

## **10. NEW BUSINESS-Continued**

### **A. Resolution 2011-075 of the Sherwood City Council Certifying the Explanatory Statement for Brookman Annexation to be referred to the Electors on the November 2011 Ballot**

City Attorney Chris Crean explained the resolution stating that it was an explanatory statement for the November ballot for the Brookman Annexation.

Mayor Mays asked for questions or comments on the resolution.

Councilor Henderson commented on the phrase about the approval of the voters or property owners. Mr. Crean stated that it is the process under a City initiated process.

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

**MOTION: FROM COUNCILOR LINDA HENDERSON TO APPROVE RESOLUTION 2011-075, SECONDED BY COUNCILOR ROBYN FOLSOM. ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR. (COUNCILOR'S BUTTERFIELD AND CLARK WERE ABSENT).**

Mayor Mays addressed the next agenda item.

## 11. CITY MANAGER REPORT

Tom Pessemier, Community Development Director sitting in for City Manager Jim Patterson, stated the City was recently recognized as one of the Top 100 Cities to Live in the U.S. by Money Magazine. Tom stated that it is a great compliment to the community and everyone who lives here.

Mayor Mays commented that it was a great honor for our community, noting that West Linn was also recognized.

Mayor Mays addressed the next agenda item.

## 12. COUNCIL ANNOUNCEMENTS

Council President Grant stated tomorrow was the last Music on the Green concert and Woody Hite would be performing.

Councilor Henderson stated Movies in the Park have started and said the next movies are While You Were Sleeping and Grease, Tangled having been well attended.

## 13. ADJOURN

Mayor Mays adjourned the meeting at 9:35 pm to convene to a URA Board of Directors meeting.

Submitted by:

  
Sylvia Murphy, CMC, City Recorder

  
Keith S. Mays, Mayor