



SHERWOOD CITY COUNCIL MINUTES
22560 SW Pine St., Sherwood, Or
April 5, 2011

WORK SESSION

1. **CALL TO ORDER:** Mayor Mays called the meeting to order at 6:03pm.
2. **COUNCIL PRESENT:** Mayor Keith Mays, Council President Dave Grant, Councilors Robyn Folsom, Bill Butterfield, Matt Langer and David Luman. Councilor Linda Henderson arrived at 6:15pm.
3. **STAFF PRESENT:** City Manager Jim Patterson, Community Development Director Tom Pessemier, Finance Director Craig Gibons, Police Chief Jeff Groth, Public Works Director Craig Sheldon, Economic Development Manager Tom Nelson, Community Services Director Kristen Switzer and City Recorder Sylvia Murphy.
4. **TOPIC DISCUSSED:** Transportation Utility Fee. Tom Pessemier briefed the Council with a power point presentation, (see record, Exhibit A). Questions and discussion followed.
5. **ADJOURNED:** Mayor Mays adjourned the Work Session at 7:18pm and convened to the regular Council Session. Mayor Mays stated he would not be attending the regular session.

REGULAR COUNCIL MEETING

1. **CALL TO ORDER:** Council President Dave Grant called the meeting to order at 7:25pm.
2. **PLEDGE OF ALLEGIANCE AND ROLL CALL:**
3. **COUNCIL PRESENT:** Council President Dave Grant, Councilors Linda Henderson, Robyn Folsom, Bill Butterfield, Matt Langer and David Luman. Mayor Keith Mays was absent.
4. **STAFF AND LEGAL COUNSEL PRESENT:** City Manager Jim Patterson, Police Chief Jeff Groth, Community Development Director Tom Pessemier, Finance Director Craig Gibons, Community Services Director Kristen Switzer, Economic Development Manager Tom Nelson, Planning Manager Julia Hajduk, Planning Associate Michelle Miller and City Recorder Sylvia Murphy. City attorney Chris Crean.

Council President Grant addressed the Consent Agenda and asked for a motion.

5. CONSENT AGENDA

- A. **Approval of March 15, 2011 City Council Minutes**
- B. **Resolution 2011-028 Appointing John Clifford to the Planning Commission**
- C. **Resolution 2011-029 Appointing James Copfer to the Planning Commission**
- D. **Resolution 2011-030 Reappointing Ashley Marshall-O'Dell to the Cultural Arts Commission**
- E. **Resolution 2011-031 Reappointing Douglas Pederson to the Cultural Arts Commission**
- F. **Resolution 2011-032 Reappointing Judy Silverforb to the Cultural Arts Commission**
- G. **Resolution 2011-033 Appointing Kaelie Nielson to the Cultural Arts Commission**

MOTION: FROM COUNCILOR LINDA HENDERSON TO APPROVE THE CONSENT AGENDA, SECONDED BY COUNCILOR ROBYN FOLSOM. ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR, MAYOR MAYS WAS ABSENT.

Council President Grant addressed the next agenda item.

6. PRESENTATIONS

A. Eagle Scout Recognitions

Eagle Scout Jacob Brooks came forward and informed the Council of the project he completed to earn his Eagle Scout award. Jacob stated with assistance of his troop he built a shed for the Sherwood High School Track Program, the shed will be used to store track equipment and has space for an office. Jacob stated he along with his troop raised approximately \$1200 to refurbish the interior of the track shed, partitioned off office space for the coaches and computers, added locking cabinets and created a uniform storage system for track suites. Jacob said they had a combined 200 man hours to complete the project over a weekend. Council President Grant congratulated Jacob and presented him with a Certificate of Achievement.

B. Proclamations

Council President Grant recognized the following proclamations:

Healthy Kids Day Proclamation declaring April 16, 2011 as Healthy Kids Day, a proclamation requested by the Sherwood YMCA.

National Community Development Week Proclamation declaring April 25th - 30th, 2011. Council President Grant stated the City of Sherwood has been a recipient of \$2,058,266 in block grants since 1979. Mr. Grant said the Sherwood Senior Center has recently benefited from grant funds from the Community Development Block Grant (CDBG) Program.

Washington County Child Abuse Prevention Month A proclamation declaring the month of April 2011 as Child Abuse Prevention month.

Council President Grant addressed the next agenda item.

7. NEW BUSINESS

- A. **Resolution 2011-034 Authorizing staff to apply for a local government grant from the Oregon Parks and Recreation Department for the construction of a skate park**

Kristen Switzer, Community Services Director came forward and explained the resolution and stated this is the same grant staff sought last year. Kristen reminded the Council last year's grant was not successful and staff has made some adjustments to the plan in hopes to score more points. Kristen stated the overall estimated project costs for Phase 1 is \$210,000 and the City can ask for 60% of this amount, which is \$126,000 and this would require the City to match \$84,000. Kristen stated Council is being asked this evening if they want staff to pursue the grant and asking Council to confirm the matching funds are available should the City receive the grant.

Council President Grant thanked Kristen and asked for Council questions.

Councilor Folsom asked for the current amount of the pledge drive. City Manager Patterson replied just under \$6000.

Councilor Folsom asked if staff had a feel for the amount of Parks SDC's coming in within the next year. Finance Director Craig Gibbons replied we did not have any indication and he is not counting on any coming in.

City Manager Patterson interjected and said he believes a Council commitment needs to be made if they feel that the \$84,000 commitment can be made utilizing contingency funding, ending fund balance. He said SDC's are too speculative and will not come close to that number, fund raising and donations are too speculative and said there is not a lot of horsepower here at this point.

Councilor Folsom asked if the City were to receive the grant, when are we required to use the money. Kristen replied we have one year to complete the project.

Councilor Folsom asked if the City has heard from the YMCA if they have had any success with their grant writing efforts.

Councilor Luman replied and said last month when the Y Board met, the trustees of the Board had earmarked and agreed to consider a \$50,000 grant towards the capital project the Y and the City was considering for the greater build out and an incumbent part of that was the skate park. Councilor Luman commented regarding a discussion of carving out the skate park portion of the project. Mr. Luman stated the Y Board is suppose to consider the \$50,000 grant at their meeting tomorrow night.

Councilor Butterfield stated it took Tigard over ten years of raise the funds for their skate park and said he doesn't know if in these economic times a skate park is where we should be spending our money. Mr. Butterfield stated those that want a skate park in this town should step up and help raise the money even if it takes 6 or 10 years, as long as we don't shelf it and keep working on it, eventually we will get a skate park.

Councilor Luman asked when the grant application was due. Kristen replied this Friday and said they look at firm commitments and we basically need cash in hand and they like pledges. Kristen said they want to know if we can count on money, such as the Y funds, stated in a letter of support and said this can count towards part of our local match.

Council President Grant clarified that the City needs to tell them we are not only committing to our portion of it, but we also need to tell them where we are going to get it. Kristen replied, if possible and said it makes the grant more attractive. Kristen said she spoke with them and

received feedback on our application from last year and the biggest concern of the evaluators was lack of community support, they wanted to see it come from the community and see the kids behind it.

Council discussion followed and comments from City Manager Patterson were received regarding having firm commitments with the grant.

Councilor Henderson asked in regards to staff adjustments made to the plan. Kristen informed the Council you can receive County points for picnicking and staff has added in a family picnic structure and picnic tables and we hope this will also serve a different segment of the population. Kristen said we are also embellishing the rain-garden feature and trying to turn this into a more educational feature rather than just a storm water collection area as well as adding a novice area, this would be a play structure feature that helps kids with balance, this would be for kids roughly 5-8 years old who can practice before going into the skate park.

Councilor Henderson asked what was the state allocation this year. Kristen replied, but said she was uncertain on the dollar amount.

Councilor Henderson asked in regards to funding and where the funds would come from contingency and this year's budget or next year's budget. Finance Director Craig Gibons commented and said he was also concerned with the ongoing costs to oversee the facility. Discussion followed with the Sherwood Y providing monitoring support and police presence and staff support being more than .5 FTE (full time employee). Kristen informed the Council staff has spoken with the Y and with our insurance and at this time we are not planning on staffing the skate park. Kristen said Anna Lee, HR Manager for the City said the City would be more liable is we staffed it. Kristen said she also spoke with Public Works Director Craig Sheldon and in researching maintenance costs; the City is looking at \$20,000 to \$24,000 a year. Insurance is approximately \$2000-5000 per year and police staff responding to calls is approximately .25 to .5 FTE.

Discussion followed with requiring signing of release forms, the City's liability and use of helmets.

Councilor Butterfield asked Kristen to provide feedback received from the Parks Board. Kristen replied they met last night and they don't have SDC's to commit to the project and if Council wanted to move forward great, but it wasn't something they had money to commit too and they also believed the support was dwindling and they weren't seeing it and even if they had the funds, they were unsure if they would push it forward or keep it high on their priority list due to lack of support.

Councilor Henderson asked in regards to the grant application from last year, what form of community support are the grant evaluators looking for. Kristen replied they want to see cash and effort, in the form of fundraising, IE carwashes, bake sales, art contests and an organized group that is going to rotary for example, seeking funding and different grant opportunities.

Councilor Langer stated he was involved in building a skate park in Arizona and shared his experience with youth involvement throughout the entire project and said hopefully we will get there and at this time it doesn't sound like we are there yet. Mr. Langer stated unfortunately the money is not there and he would support this amenity being added to our community only

when the time was right with support and money. He stated he would not like to see the City add on another amenity with added costs to operate.

Council President Grant stated he came to the meeting in support of it and finds himself being talked out of it. He mentioned the support of the Y funding and said Y monitoring is more valuable to him. He said as far as funding, it's too soon to know if this is talk or actual commitment.

Council President Grant asked for a motion on Resolution 2011-034. No motion was received, the Resolution died.

Council discussion followed regarding if a commitment from the Y was received if this would change the opinion of the Council members.

City Manager Patterson interjected and said as part of his City Manager's report, this being information the Council received yesterday, he wanted to make it very clear that as it relates to next year's budget in order for us to balance the budget and maintain a 15% contingency, we have had to take some very serious actions to address structural imbalances in our budget and things will be challenging.

Council President Grant commented regarding it being a challenging year for the budget and for City staff and Council can make good decisions whether it's a yes or no on this and we will have to deliver that message to the community. Mr. Grant stated he feels we can find \$28,000 for a project and asked to receive Council's opinion on this.

Councilor Butterfield replied he would go back to the Parks & Recreation Board and believes they have thoroughly looked at this and feels the community support is not there and the support has dropped off dramatically from when we first started and on top of that we are having fiscal problems.

Councilor Langer stated the \$28,000 is a onetime construction cost and does not address the maintenance costs and employee costs and this doesn't make sense since we are making cuts.

Councilor Luman stated he echoes the comments of Councilor Langer with cost of maintenance fees and employees going up every year and we don't know if the Y can support it. He said he would love to have a skate park here, but doesn't believe we are in a position of knowing enough today and said there's always next year.

Councilor Henderson stated she would also like to see it done and commented regarding using all the Parks SDC's and allocating those funds to build restrooms at Stella Olsen Park and in her opinion this is not in the same category as a skate park and something we've needed for a long time. Councilor Henderson stated she would propose, Council not moving forward on this resolution and her along with Council President Grant identifying their contacts within the community and along with the Y, said, we can narrow down some of the unknowns and help get a group organized and going. Ms. Henderson stated the initial interest was huge with over 100 people attending the skate park open house, she said the interest is there it's just not well organized and believes as leaders and being well organized we need to be a resource to them.

Councilor Luman commented regarding the comments made by Councilor Henderson.

City Manager Patterson commented and said he thinks there was a lot of interest and a lot of people who were excited and said we are going to get a lot of interest when people think they are getting something they don't think they have to work for and said he believes where it becomes challenging is when people recognized there's still hard work to be done. Mr. Patterson said he would like to remain as part of the process and if Council identifies that person or persons he would like to work with them and said he would be very clear and very open as to what the needs are and what the expectations are and help them navigate through some of the challenges. Mr. Patterson stated there may not be a need for the City to seek a grant as there are a lot of generous people in this community.

Council President Grant stated this is Council's direction to staff, to stand down on this. Staff confirmed they understood the Council's direction.

Council President Grant addressed the next agenda item and the City recorder read the public hearing statement.

8. PUBLIC HEARING

A. Ordinance 2011-003 Amending multiple sections of the Zoning and Community Development Code including Divisions, II, III, and VI

Michelle Miller, Planning Associate came forward and presented a power point presentation (see record, Exhibit B) and briefed the Council on the following:

History of the Code Clean Up Project:

- The Development Code has not been comprehensively updated since the late 1990's
- Kicked off Code Clean Up Project last April
- Phase 1 and 1.5 have been adopted by Ordinance
- Now at Phase II-Includes Division II and Variance Code Updates:
 - Planning Commission forwarded the recommendation to City Council on February 22, 2011
- March 15, 2011, City Council Work Session:
 - Overview of the recommendations
 - Questions arose regarding the proposed Code updates
 - To amateur radio tower height and backyard chickens
 - Suggested that those issues be separated out in order to expedite the review of the remaining Code updates that are before you
- April 5, 2011 Public Hearing

Identified Issues – Residential Uses & Variances

- Some of the Code provisions are confusing
 - Hard to find
 - Silent on issues
 - Conflicts with other provisions within the Development Code
- Current Variance language is not flexible and unpredictable-
 - Minor changes may require a hearing and thus create added cost and uncertainty to developers
- Updates needed to be consistent new requirements
 - Building

- Engineering
- Update to State laws
- Getting some feedback on the residential use issues prompted us to take a closer look at the accessory structures and home occupations to evaluate if community standards had changed

Developing New Code Language

- Review of issue papers
- Comparing other jurisdictions provisions
- Listening Sessions
- Review of non-scientific survey information
- Three planning commission work sessions discussing the merits of the new code language
- Updates to Archer and Gazette
- Public Notice posted and published

Variance and Adjustments Code Amendments

Three types of variances:

- Adjustments-up to a 10% change (Type I)
 - Front and Interior Setbacks
 - Landscape areas
- Class B Variance-Up to 20% change (Type II)
 - Individual lots only
 - Front and Interior Setbacks
- Class A Variance-“Catch all” Hearing with Planning Commission (Type IV)
 - Criteria
 - Not detrimental to the code or policies
 - Hardship exists
 - Existing physical systems will not be adversely affected
 - No self imposed hardship
 - No more than three lots
 - Not with a subdivision

Making the Code easier for Citizens to Use-Minor Updates

- Combine residential zone classifications into charts and tables
- Moving chapters and subjects to where it makes sense
- Revising the language to make it easier to understand
- Changing terms of Home Occupations
 - The only substantive change allows an additional employee/volunteer if no parking issues

Proposed Updates to Structures

- Architectural Features like eaves, cornices and chimneys could extend into the front and rear setback up to 5 feet
- Accessory Structures Changes

Accessory Structures-Existing Standards

- Maximum size is 720 square feet
- Maximum height is 25 feet tall

- If under 200 square feet and detached:
 - 6 feet from house and at least 3 feet from side or rear property lines
- If over 200 square feet for detached:
 - 6 feet from house and 5 feet from side and rear property lines
- When Building Permits Required for Attached Structures
 - All Setbacks apply

Accessory Structures-Proposed Code Updates

- Definition of Accessory Structure
- Clarified Exceptions
- Allow Smaller structures closer to property line
- Larger structures would need to be further from property lines
- Overall reduction in maximum height and size

Michelle stated staff recommends the Council hold a public hearing to receive testimony.

Council President Grant opened the public hearing to receive testimony.

Brad Brucker 16273 SW Railroad St. Sherwood came forward and stated he believes this is a great idea and said he's been talking to the planning department staff. Mr. Brucker gave an example of an issue and stated many of the lots in the Old Town Over Lay Zone are 5000 square feet, that's the nominal dimension. Mr. Brucker stated they bought a lot in 2004-'05 on the corner of Park & Railroad which currently occupies two businesses. Mr. Brucker said the issue is we thought we were buying a 5000 square foot size lot and when our surveyor went out there he detected a change in the size, it was 28 square feet short of 5000 square feet. The problem with this is we wanted to divide the property and the minimum lot size according to the planning department is 2500 square feet, Mr. Brucker said we suddenly have a problem. Mr. Brucker stated to do a variance we had to have a full scale deal that should have been an across the counter transaction. Mr. Brucker said a lot of the lots in old town are just a bit over, when they are surveyed or a little bit under the 5000 square feet. Mr. Brucker said he feels as an owner and developer and wanting to do what's right for the city and for ourselves, I don't think we should have to pay that kind of money to do a full scale variance and go before a planning commission when we have very knowledgeable staff that can make a reasonable decision and if you can give them some flexibility, and in my case, a 5% flexibility in the code. Mr. Brucker gave an example of having to search the code and in turn confirming with staff that his search was accurate. Mr. Brucker suggested giving an example and said the language is there for certain reasons but for the lay person, it's hard to understand. Mr. Brucker stated he is very much in favor of what is going on as it gives very intelligent people the power and this makes sense.

Council President Grant thanked Mr. Brucker and asked to receive other testimony. With no other comments received he closed the public hearing and asked to receive additional staff comments.

Michelle Miller came forward and offered to answer Council questions.

Councilor Butterfield stated he thinks staff has done a great job and said over the years he has dealt with the City and permitting and planning and there were challenging times and he appreciates what has been done by staff.

Councilor Henderson asked given Mr. Brucker's comments how does the code as it stands today address his issue verses the code that is being proposed for adoption.

Michelle Miller replied his issues were related to partitioning and it would be considered a variance and that would require a potential public hearing if it was under 20%, notice would go out to surrounding property owners and if there was a request for a hearing, one would be held for the planning commission and said it created a great deal of uncertainty in that regard.

Councilor Henderson asked what was his cost for that. Julia Hajduk came forward and replied if it was a Type IV hearing, it would be approximately \$4000. Michelle Miller further explained the process and Julia replied an administrative variance which is a staff level variance, which is subject to a potential hearing if requested, is \$1102 and a Type III Variance is \$4145. Councilor Henderson replied with no positive guarantee of results. Julia confirmed this was correct.

Julia stated this is not in the current Fee Schedule and if it were a Type I ministerial decision we would most likely recommend in the adoption of the budget and Fee Schedule process that it be similar to other over-the-counter permits, in the \$50 range after analyzing how much staff time it would take.

Councilor Henderson asked in regards to the fee and it corresponding to a decision that was tangible. Tom Pessemier replied his understanding of Mr. Brucker's issues and the new code if adopted by the Council, would fall under a Type A adjustment. Staff explained the Type A and said staff tried to make it reasonable and rational to people. Tom stated he understands Mr. Brucker's comments about providing examples and said examples won't be provided in the code but staff will be putting together applications and more information in the policy guidelines.

Council President Grant commented regarding other issues coming forward and having a help link on the City website.

Councilor Langer thanked staff for all their work and said to the community it's in our best interest to try and make this process easier for situations like Mr. Brucker's and there are other circumstances that will pop up and hopefully through this process we have decreased the amount of those situations.

With no other Council comments, Council President Grant asked for a motion.

MOTION: FROM COUNCILOR LINDA HENDERSON TO READ CAPTION AND ADOPT ORDINANCE 2011-003, SECONDED BY COUNCILOR MATT LANGER. ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR, MAYOR MAYS WAS ABSENT.

Council President Grant addressed the next agenda item.

9. CITIZEN COMMENTS

No citizen comments were received.

Council President Grant addressed the next agenda item.

10. CITY MANAGER REPORT

City Manager Patterson asked Police Chief Groth to provide Council with an update on Photo Red Light. Chief Groth provided Council with system data from the last five months; November 2010 the system recorded 1843 violations and 885 notices were sent out. Chief Groth stated this was a combination of the warning period ending and citation period beginning; December 2010, 1577 total violations and we were in the full citation mode and we issued 665 citations; January 2011, 1361 total violations with 690 citations issued; February 2011, 1225 total violations with 653 citations issued. Chief stated the trend from February 2011 to November 2010 was a downward trend. March 2011, 1446 total violations with 786 citations issued. Brief Council comments were received regarding the March 2011 increases possibly due to the increase in spring break traffic.

City Manager Patterson reported the Parks Board and SURPAC went through a rigorous process, related to the Cannery Square and the Plaza and he is elated to say he has directed staff to move forward with putting the project out to bid as the Parks Board and SURPAC agreed and made a formal recommendation to the Council to approve all the design elements as originally planned, including the grass.

Mr. Patterson stated yesterday April 4th he announced to all City staff and the Council that in order to address structural imbalances in the 2011-12 proposed City Budget, that the City has made the decision to layoff three employees and a decision has been made as a part of the upcoming budget to implement a wage freeze, including step increases and cost of living adjustments for all non-represented employees. Mr. Patterson stated the affected employees were informed of the City's decision and all have been offered to work through the end of June 2011 or they may leave on April 15th. Mr. Patterson informed the Council the affected employees will be taken care of with the upmost care and respect and said the City appreciates their service to the City. Mr. Patterson stated the Human Resources staff is working with the affected employees to work through the transition with offering career and transition counseling. Mr. Patterson stated Sherwood will grow commercially and residentially again and this will take us to a new and brighter future and the budget I'm recommending is designed to bridge the gap between now and the time we see the next wave of growth and in spite of the very difficult decision, I'm optimistic that we will see ongoing improvements in our national, state and local economies. Mr. Patterson said the people that work for this organization are proving their loyalty, dedication and commitment and thanked them.

Council President Grant thanked Mr. Patterson and recognized the difficult decisions made and stated the Council's heart goes out to those affected and wishes the best to them.

Councilor Luman commented regarding the exiting options provided to the affected staff and how this shows care and compassion.

Mr. Patterson commented regarding this being a mirror of what was done in 2006 and said it was a collaborative process of the senior management team.

Council President Grant addressed the next agenda item.

11. COUNCIL ANNOUNCEMENTS

Councilor Langer reported BOOTS (Businesses of Old Town) is currently in the process of determining who will be their BOOTS Coordinator.

Councilor Henderson reported the Sherwood McMenamin's hosted a fund raiser this evening for the Sherwood Charter School with 50% of food receipts being donated to the school.

Councilor Henderson stated the week of April 18th at the High School PAC auditions for Sound of Music will be held and the Sherwood Foundation for the Arts will be bringing this performance. Ms. Henderson stated any interested volunteers or cast members can sign up by going to Sherwoodarts.org and select Musical.

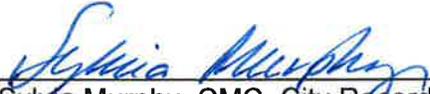
Ms. Henderson reported Sherwood Foundation for the Arts in partnership with the City has open registration for two weeks for Missoula Children's Theater, with a performance of Robin Hood at the end of July and the Little Mermaid the first week of August.

Ms. Henderson reported this Thursday the Sherwood Cultural Arts Steering Committee will be meeting at 7pm in a work session regarding the Business Plan and the future Cultural Arts Center. The meeting will be held in the community room at Sherwood City Hall. Staff added information regarding a public meeting to be held on the 14th, 7pm at this same location to review the Business Plan.

With no other announcements, Council President Grant adjourned the meeting.

12. ADJOURN: Council President Grant adjourned at 8:40pm.

Submitted by:


Sylvia Murphy, CMC, City Recorder


Keith S. Mays, Mayor