



SHERWOOD CITY COUNCIL MEETING MINUTES
22560 SW Pine St., Sherwood, Or
February 3, 2015

WORK SESSION

1. **CALL TO ORDER:** Mayor Krisanna Clark called the meeting to order at 5:40 pm.
2. **COUNCIL PRESENT:** Mayor Krisanna Clark, Council President Sally Robinson, Councilors Linda Henderson, Dan King, Jennifer Harris and Jennifer Kuiper.
3. **STAFF PRESENT:** City Manager Joseph Gall, Administrative Assistant Colleen Resch, and City Recorder Sylvia Murphy.

4. **TOPICS:**

A. City Council Vacancy Interviews

The Council interviewed Russell Griffin and Ivonne Gebhardt. The Council members were provided with copies of five candidate applications for consideration, (see record, Exhibit 1). The candidates also considered for appointment were Anthony Bevel, Renee Brouse and Beth Cooke. Interviews of these candidates were previously conducted during a prior consideration of appointment to a Council seat in November 2014.

Note: Councilor King left the meeting after the interviews concluded and returned at 6:27 pm.

B. Joint Session with Planning Commission

Mayor Clark took a two-minute break to welcome members of the Planning Commission.

Commissioners Present: Russell Griffin, Lisa Walker, Alan Pearson, Jean Simson and Beth Cooke.

5. **Staff Present:** City Manager Joe Gall, Julia Hajduk, Community Development Director, Brad Kilby Planning Manager, Connie Randall Associate Planner, Michelle Miller Senior Planner, Ty Hanlon Police Captain, Jeff Groth Police Chief, Administrative Assistant Colleen Resch, and City Recorder Sylvia Murphy.

Code Amendments – Connie Randall, Associate Planner provided the Council with copies of documents previously emailed to the Council (see record, Exhibit A-Email from City Engineer, Bob Galati: Exhibit B-Draft Planning Commission recommendation dated January 27, 2015; Exhibit C-Planning Commission

Meeting Minutes dated December 9, 2014; Exhibit D-Proposed Code Amendment Table). Ms. Randall presented a power point presentation (see record, Exhibit E).

Ms. Randall reviewed the presentation and explained there were 52 proposed amendments to correct errors, increase consistency, consolidate definitions, clarify code language and to make two minor substantive changes.

Ms. Randall explained the substantive changes to Chapter 16.31, Item 10 Incidental Retail Sales in Industrial Zones and a change to Chapter 16.120, Item 44 Performance Bonds.

Ms. Randall recapped the background of the proposed code amendments beginning with a Planning Commission work session on April 8, 2014, Planning Commission work sessions on September 9, 2014 and October 28, 2014 and a Planning Commission public hearing on December 9, 2014. Ms. Randall explained the noticing requirements.

Ms. Randall explained the required findings as noted in Chapter 16.80.030.A Text Amendment Review and Chapter 16.80.030.C Transportation Planning Rule.

Ms. Randall explained the proposed amendments to Chapter 16.31.020 Item 10 and Chapter 16.134.040.A. Council Discussion followed.

Marijuana Dispensaries – Michelle Miller, Senior Planner provided the group with a staff memo (see record, Exhibit F) and explained. Michelle presented a power point presentation (see record, Exhibit G) and recapped the presentation. Discussion followed.

Police Chief Jeff Groth presented information regarding Youth and Marijuana (see record, Exhibit H) and recapped the presentation. Discussion followed.

6. ADJOURN

Mayor Clark adjourned the work session at 7:03 pm and convened to a regular Council meeting.

REGULAR SESSION

- 1. CALL TO ORDER:** Mayor Clark called the meeting to order at 7:10 pm.
- 2. COUNCIL PRESENT:** Mayor Krisanna Clark, Council President Sally Robinson, Councilors Linda Henderson, Dan King, Jennifer Harris and Jennifer Kuiper.
- 3. STAFF AND LEGAL COUNSEL PRESENT:** City Manager Joseph Gall, Assistant City Manager Tom Pessemier, Police Chief Jeff Groth, Police Captain Ty Hanlon, Community Development Director Julia Hajduk, Community Services Director Kristen Switzer, City Engineer Bob Galati, Building Official Scott McKie, Permit Technician Karen Brown, Library Manager Adrienne Doman Calkins, Cultural Arts Center Manager Maggie Chapin, Administrative Assistant Colleen Resch, and City Recorder Sylvia Murphy. City Attorney Chris Crean.

4. PRESENTATIONS:

A. State of the City Address

Mayor Krisanna Clark came forward and said it is a pleasure to give the first State of the City address. She stated other cities in our municipalities give this address and said it is an opportunity to promote Sherwood. She stated Sherwood is and continues to be one of the most livable cities in Oregon and has been recognized nationally in Family Circle and Money Magazine. She said the unique mixture of a growing emerging community with a small town feel draws new residents every year and keeps the current residents interested and invested in the community. She stated Sherwood has top ranking schools, beautiful parks, strong youth programs and faith communities. She said we can boast two of our own recreational centers, the Sherwood Field House and the Sherwood Recreational Facility as operated by the YMCA. She stated the Senior Center has recently been updated which is also another multi-use facility. She stated Sherwood has a beautiful outdoor amphitheater at Stella Olsen Park with new modern facilities. She said Stella Olsen Park is erecting a new play structure that will be complete before the Music on the Green program this year. She said this is part of the long range maintenance plan on all parks that was brought forward last year by the City Council and that is a tribute to us looking forward. She said she wants to think about what are the things that we need to look forward in the future in order to plan. She commented on the new Arts Center being built in downtown and said the grand opening is February 28 from 11 am to 4 pm. She said the facility was created as a multi-use facility and has individual seats in rows that fold back in a bleacher style, opening up a grand ball room that can accommodate round table banquet seating. She stated these are real theatre seats and not bleacher seats. She noted there are two classrooms: one wet and one dry. She said on the far side of the building are three generous building spaces which will be available to lease as a revenue source for the center. She stated that art centers are generally loss leaders so Sherwood thought ahead and added 3000 square feet that we can rent out regularly and also bring people to the center.

She said the one thing that stands out the most about Sherwood is how much people care about one another. She noted many of the amenities in Sherwood were started by regular citizens such as the Helping Hands Food Bank that was started by Gerald and Dotty Edy in a closet in the United Methodist Church because they saw a need for providing food to the most vulnerable. She stated that Roger and Cindy Aggson started the Give-n-Gobble Thanksgiving Run to help fund the Helping Hands and then Mike and Shelly Rath took control of the run and every year it has continued to grow. She said the food closet now gives back to the Oregon Food Bank and has expanded to include a weekend backpack program to provide food for students on the assisted lunch program that have an opportunity to take a backpack full of food home for the weekend. She said one of the most innovative parts is that it not only provides assistance to those in need but also builds community. She said the backpacks are filled as one of the activities at the Springs Retirement Center. She said this is the Sherwood she has come to know. She commented on a similar program, Faith in Action and Good Samaritan Saturday that occurs twice a year and gives seniors that want to stay in their homes assistance with yard maintenance and window cleaning. She encouraged everyone to get involved in this program and commented on involving her family in this program and how they learned that it is important to think about more than just yourself in a community. She commented on two environmental programs that thrive in Sherwood, the One Tree for All sponsored by Clean Water Services and Trashpalooza which was started by resident Naomi Belov. She said the One Tree for All program has done several plantings in and around Sherwood and said last year she participated in phase 2 of a Woodhaven Park program. She said last year she joined Councilor Harris and many other citizens to remove trash from walkways and ditches at the Trashpolooza event. She said beautification of our town is important to citizens and is also on the City's agenda. She referred to the Sidewalk Repair Program that allows citizens to opt into a reduced fee to repair their sidewalk which keeps the sidewalks safe for all to enjoy and minimizes the impact on the homeowners. She commented

on the Façade Grants through the downtown business revitalization and said the most recent recipient was the Smockville Montessori School.

Mayor Clark introduced the newly elected City Councilors Jennifer Kuiper, Jennifer Harris and new Council President Sally Robinson and she said they have been an infusion of new positive energy. She said she looks forward to working with them as well as the already seated Council. She referred to the future and began discussing her top priorities as the new Mayor. She said they will talk about stuff and there will be no taboo subjects or hands off issues and no such thing as attacking a department or a partner. She said as an elected leader it is her responsibility to bring forward the hard questions and to solve problems. She said that is good leadership and effective government. She stated one of Mayor Middleton's goals was the completion of the Dog Park and she will be advocating to complete this goal by bringing a supplemental budget approval to achieve the goal of bringing a Dog Park to Sherwood. She said Mayor Middleton started a discussion about how we provide our police service to the citizens of Sherwood and said she will continue that discussion and do a cost-service analysis of contracting the police services with Washington County. She said this is not equivalent to closing the Sherwood Police Department. She stated the Police Officers deserve to have the most opportunity for the advancement possible without having to leave our department. She said in many Washington and Clackamas County cities communities have found financial and service benefits by contracting with the county police departments. She said she would like to investigate the possibilities with no preconceived goal or conclusion in mind. She said we all want to live in a safe community and a community where senior populations feel valued and appreciated. She stated Sherwood was referenced on a national television program "Good Wife" where one of the characters commented that nothing ever happens in Sherwood and she would like to keep it that way by providing the best police services possible at the lowest cost. She stated this month she will be bringing to Council under the Consent Agenda the formation of the Sherwood Police Advisory Board. She said as more citizens get involved in the planning and support of our City's employees the stronger we are as a community. She said another goal is to have City sponsored community gardens. She commented on attending a Smart Growth Conference and said one of the discussion topics was community gardens and how they can be instrumental in bringing generations together to work and learn about healthy foods and local agriculture. She said we have several independently owned and operated community gardens that are at capacity each year. She said she has received a generous offer from Our Table owners to assist in the production and educational programming. She said the last agenda item is the completion of a recycle program in all of the parks and City facilities. She commented on being good stewards and the need for a recycling program. She said she is proud of the planning staff that has developed, organized, publicized and created a citizen owner committee for our Pre-Concept Plan for Sherwood West. She said the staff received a record number of applicants for this committee and said she is excited about the new involvement. She said Sherwood is going to grow and she would like to see us attract new industry that is clean, high tech, professional with high paying jobs that employ citizens that can live and work in the City of Sherwood, and said we need to start planning now. She stated she is committed to encourage new members and new voices into all of our boards and commissions. She noted she will continue to be involved with Washington County and State Representatives that make the decisions impacting our major roads and highways. She said they have a unique positioning where we are bisected by two roads that we have no jurisdictions over. She stated Hwy 99 is controlled by ODOT and Tualatin Sherwood Road is controlled by Washington County and said it is important to have our voice heard in what happens with these roadways. She commented on having open dialogue with them regarding decisions made at the county and state level directly impacting our City's livability and said she will continue to be part of that discussion and the discussion of water planning. She referred to the important partnerships with the City of Wilsonville and the need to stay open and transparent as we plan for our future. She said she will be moving into her office on the

ground floor of City Hall this month in order to be more assessable to the citizens and said she is proud to work for the citizen and is proud of this Council to move Sherwood positively forward.

Mayor Clark addressed the next item on the agenda.

5. APPROVAL OF AGENDA:

MOTION: FROM COUNCILOR KUIPER TO APPROVE THE AGENDA, SECONDED BY COUNCILOR HARRIS. MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR.

Mayor Clark addressed the next item on the agenda.

6. CONSENT AGENDA:

- A. Approval of January 10, 2015 City Council Meeting Minutes**
- B. Approval of January 20, 2015 City Council Meeting Minutes**
- C. Resolution 2015-012 Appointing Council Liaisons to City and non-city commissions, boards and committees**

MOTION: FROM COUNCIL PRESIDENT ROBINSON TO APPROVE THE CONSENT AGENDA, SECONDED BY COUNCILOR KUIPER. MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR.

Mayor Clark addressed the next item on the agenda.

7. CITIZEN COMMENTS:

Jim Claus, Sherwood resident approached the Council and said the YMCA is a tenant and the building belongs to Sherwood. He said the idea was that they would be a nonprofit organization that cannot get involved politically or they lose their charter and the YMCA could run the facility cheaper than City staff. He commented on former Mayor Middleton's editorial and said if it is accurate the City is being stolen from. He said he doesn't know but has heard stories about the Y and encouraged the Council to look into it and said Sherwood owns that building and if they are making that kind of money off of us what else are they doing. He said they are tenants and said if they are making money he would rather see the Assistant City Manager running it for the City. He stated Sherwood put that asset in and anybody that is upset about investigating it has got their hand in the cookie jar and that is what he has heard. He said it is Sherwood's and we should treat it like Sherwood's.

Lathan Gorbett from the Oregon Resource Group approached the Council to discuss the issue of medical marijuana dispensaries and said he consults people in the industry in dispensaries, cultivation and manufacturing of different products. He said he attended the Council work session and said the conversation was one of the more intelligent one he has heard. He commented on fear based legislation conversations he has heard and said it is good and means well but doesn't legislate well. He provided statistics regarding traffic and said this is around the buffer zones. He said if you decide to put buffer zones beyond what the State has in place, and said the school buffer zones of 1000 foot was political and not based on statistical evidence, that having a 1000 foot buffer from a medical marijuana facility and a school actually provided any safety to anyone. He said what they have shown when putting a medical marijuana facility into an area traffic incidents do not change, underage use does not change, and crime

goes down. He said one of the speculative reasons why is because the regulations are heavy and much more than a liquor store. He said medical marijuana should be viewed differently than recreational marijuana and said the medical should be regulated similar to a pharmacy. He said the dispensaries look more like a pharmacy. He commented on the amount of regulations on medical marijuana and said it costs close to \$250,000 to set up a facility. He stated there is a waiting room and you have to show ID which is recorded and you have to show your card. He said there are cameras everywhere and they are professional. He stated the people in the industry have invested a lot of time and money over the last decade and the last thing they want is to get shut down because they broke one simple rule.

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

8. NEW BUSINESS:

A. Resolution 2015-013 Authorizing the City Manager to enter into a professional services contract with DKS Associates for the Sherwood TSP Project Implementation Refinement

City Engineer Bob Galati presented the staff report and said the TSP update was funded through a Transportation Growth Management (TGM) Grant issued by ODOT. He said the grant had certain restrictions placed upon it based on which goals we were trying to meet and what we could do with the money and the timeframe in which to expend the funds and get the TSP project completed. He said with the grant they did what they could and met all the requirements. He stated the TSP has a cost statement based on orders of magnitude and he said they are rough estimates. He said this project will take all of the projects that were defined in the TSP and do a cost analysis on them so the data can be used for a rate study and the SDC analysis. He stated those costs will help define whether or not the SDCs are in line or can be reduced. He said that would be the next phase. He stated with the refined cost analysis the City can budget regarding what the project will cost and how the revenue will come in and how we can generate and plan better with this information. He said the contract price is \$52,000 with a 5% contingency of \$2,600 with a total not exceed cost of \$54,600.

Mayor Clark read from the staff report that the project will be funded from the transportation reserve fund and asked if this is a line item in the budget.

Mr. Galati said this project was budgeted as part of the TSP project and was budgeted last year. He said he then submitted for a TGM grant and was awarded the grant. He stated the money is sitting in a fund and the reserve fund is not SDC related.

Assistant City Manager Tom Pessemier said it would be in the Transportation Capital Fund and is a line item in the budget.

With no further questions Mayor Clark asked for a motion.

MOTION: FROM COUNCILOR KUIPER TO ADOPT RESOLUTION 2015-013, SECONDED BY COUNCILOR HENDERSON. MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR.

Mayor Clark addressed the next item on the agenda.

B. Resolution 2015-014 Renaming the former Machine Works Building site to Sherwood Center for the Arts

Community Services Director Kristen Switzer said at the January 20 work session several options for names were presented to the Council. She said the name that had the most support was Sherwood Center for the Arts. She reported that the Cultural Arts Commission is in support of the name and she asked the Council to approve and adopt the resolution.

With no questions from the Council, Mayor Clark asked for a motion.

MOTION: FROM COUNCILOR HENDERSON TO ADOPT RESOLUTION 2015-014, SECONDED BY MAYOR CLARK. MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR.

Mayor Clark addressed the next item on the agenda.

C. Resolution 2015-015 Adopting rates and a Fee Schedule for the Sherwood Center for the Arts

Community Services Director Kristen Switzer reminded the Council that the draft fee schedule was discussed at the January 20 work session. She said staff changed some language regarding deposits and the prime time and not prime time hours. She stated it is basically the same and said staff has looked at comparables and said this is in the marketplace. She said the fees will be reassessed once staff is in the building and adjustments can be made.

Council President Robinson said business hours were not defined on the fee schedule.

Ms. Switzer said business hours will probably be 9 am - 6 pm or 10 am - 6 pm Monday through Friday. She said the fee is based on staff already being in the building. She stated anything outside of those hours is when there would be a monitor on site and the fees would increase. She said in the marketing material that time will be identified and said that time could change as well.

Councilor Harris suggested that if someone wants to rent a classroom for a full day maybe there should be a full day price break.

Mayor Clark asked if that is something staff would like to discuss now.

Ms. Switzer suggested waiting until we get in the facility and see how it is being utilized and said that is a good suggestion.

With no further question Mayor Clark asked for a motion.

MOTION: FROM COUNCILOR HARRIS TO ADOPT RESOLUTION 2015-015, SECONDED BY COUNCILOR HENDERSON. MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR.

Mayor Clark addressed the next item on the agenda.

D. Council Appointment to Vacant Council Seat

Mayor Clark reported that the Council has gone through an interview process and asked the City Recorder to explain the voting process.

Ms. Murphy stated similar to the prior process, the Council conducted interviews and upon the conclusion of those interviews they followed the Municipal Code which states that the Council will consider those interviewees and by a nomination process they can nominate to put an individual's name on a ballot. She said the Council will proceed with a ballot vote and the ballot must indicate a name and the ballots will be tallied. She said the Council will continue to vote by ballot until there is a candidate with a majority of the votes. She reminded the Council that previously there was a motion to include all candidates on the ballot rather than having a nomination process. She said considering that process she produced ballots with all of the applicants on the ballot and if the Council chooses to not go in that direction she will need a few minutes to redo the ballots.

Mayor Clark asked if the candidate selected needs a majority of the Council votes or just the most votes.

City Attorney Crean said the Charter requires a majority of the Council which is 4 votes in order to be appointed.

Mayor Clark asked if the Council was in agreement to use the ballots provided by the City Recorder.

Councilor Harris agreed to use the provided ballots.

Councilor Kuiper agreed to use the provided ballots and asked Mr. Crean if Council appointments are required by the Charter or the Municipal Code.

Mr. Crean said the Charter provides two procedures for filling a vacancy. He said if there is more than 13 months left in the term it has to be done by an election and if there is less than 13 months the seat can be filled by appointment. He said the authority to appoint is discretionary and the Council could decide not to appoint and wait until the next election.

Councilor Kuiper commented on the qualified pool of applicants and commented that if you have someone running for a Council office in the future and are pursuing an appointment and said she has a concern about bringing someone on Council that is involved in an election. She said the other side is that if you have someone that applies and has the credentials and the desire to serve.

Council President Robinson commented that Beth Cooke has experience above and beyond and would make an excellent appointment. She noted that Ms. Cooke and Mr. King are running in the March election and said it would be good for the public to see how those candidates are performing their job. She said should Ms. Cooke be appointed it is an opportunity to see how she performs. She stated that Council has not rushed to judgment and has had a couple of meetings and did not immediately appoint someone. She stated she reviewed the interviews that were recorded previously and said the Council had two interviews tonight. She said there has been a process and they followed it and she is ready to vote. She said it is important to move the City forward and an appointment is needed should a tie event occur.

Councilor Harris said when this process started she watched the interviews and reviewed the applications and said she used her Human Resources perspective and from that perspective there is one candidate that is over qualified and would be an asset. She said Beth Cooke has prior government experience and

is a standout candidate. She agrees that we need a full Council and said the next election is not until May.

Mayor Clark asked the City Recorder if everyone is on the ballot or if the Council has to nominate them.

Ms. Murphy said everyone is on the ballot as she followed the process of the previous appointment. She said it is the Council's discretion and they do not have to follow that process and can have a nomination process if they choose.

Councilor King said all of the candidates are qualified. He stated he is concerned about one candidate that serves on the Planning Commission. He said he served on the Planning Commission for a year and understands the boundaries and rules of how the Planning Commission works. He commented on the video from the last Planning Commission meeting where they voted on the PUD for the D.R. Horton development on Hwy 99. He said when the Planning Commission came to a vote on the PUD this particular person decided to abstain and that is not a luxury you have on the Planning Commission. He stated the Planning Commission goes through the requirements and if everything is met it is not a political thing of whether you like it or not, you either approve it or deny it based on those qualifications of whether they met the requirements. He said this particular person expressed in the video that even though the development meets all of the requirements she still had a dissatisfaction with something that had nothing to do with the requirements and she abstained. He said you don't make that kind of decision on the Planning Commission and this made him question how she would reason other things on the board and this board in particular because it is political. He referred to the Council being political and politically divided and noted they still voted unanimous on items tonight. He said he does not see any future legislation between here and May where the Council will be divided and said they could function with a board of 6. He said it would be better to let the voters fill the Council seat than to appoint tonight. He said based on what he has seen on this persons performance he has a concern. He said she has the qualifications but when it comes to the decision making process and making a decision he has a concern whether it is politically expedient or not.

Councilor Henderson asked staff if the position that is up for appointment will be handled in the next available election which is May. She said the next available election is not May but March and if we appoint a candidate that is running in the March election for a position that was vacated in September and then they win the election in March that election will not be certified before the deadline to file for the May election. She said the May election deadline is March 23 with Washington County. She said her concern is that each election costs somewhere from \$10,000 to \$15,000 because we are not sharing the election with anyone else on the ballot. She said it is \$1.50 to a \$2.00 per registered voter and we have 10,300 registered votes. She said if that necessitates having an additional election in September then we have almost paid for the Dog Park.

Mayor Clark asked why we would have a third election.

Councilor Henderson said she is not sure how the applicants for the May election will work out. She said Beth Cooke is a candidate for the March election and the Council is considering appointing her to a seat that is not the March election. She referred to vacating another seat and the certification for that election will not be until after the deadline for the May election.

Ms. Murphy said she did not have the specific dates as far as when the City will receive the certified election results from the County. She said the County has a timeline that they have to meet to provide us

with that information then the Council has to adopt that information to make it official. She referred to the scenario of Ms. Cooke being appointed this evening and running in the next election and said if she does win in March the Council will then have to determine another seat vacant.

Councilor Harris clarified that we have two vacant seats and if Ms. Cooke wins the election she would be taking Councilor King's position so we would be appointing someone but the May election would still happen for the open seat. She said there could be an appointment if they decide to appoint a 7th member but it would not include a September election.

Mr. Crean said the Charter says the seat is filled at the next available election after the seat is determined vacant.

Councilor Harris stated there are two vacant seats right now. She said Councilor King is serving as an interim so his seat is technically vacant and is on the March ballot.

Mayor Clark referred to the seat they are considering appointing an interim too and said that is the May election position. She said it would be an appointment process not a September election.

Councilor Harris stated whoever the Council appoints is irrelevant to the election process.

Mayor Clark said it is irrelevant and stated one person is appointed and one person is elected.

Council President Robinson called the question.

Councilor Henderson noted she wasn't done speaking and said the March election will not be certified before the May election deadlines have happened. She said the seat vacancy application process for the current seat will be before the March election is certified and said it is confusing to potential applicants and if you appoint somebody to the vacant seat it still has to be done by an election because it is greater than 13 month. She said it is a confusing process to appoint somebody that is already running for an office. She commented on the application pool and said having a full Council is an advantage but not required. She referred to the applicant Russell Griffin who currently serves on the Planning Commission alongside Commissioner Cooke, and said she is in favor of Mr. Griffin because he represents a group of interested residents and businesses that are not represented at the table who work or live in Old Town. She stated he is not running in the March election which would clarify and allow the voters to cast their ballots based on the candidates they see. She said she is concerned about the March election and said Councilor King is the only candidate that submitted information for the Voter's Pamphlet. She commented on the money that Sherwood will spend on the election and questioned why the other two candidates did not submit information for the Voter's Pamphlet. She said it would be simpler to appoint someone that is not running in the next election and that is what she has heard from constituents. She is also concerned about the cost of special elections.

Mayor Clark commented on the number of applicants and the benefits of new voices. She referred to Councilor King's comments and said instead of talking about someone he supported he spoke about a candidate he did not want appointed. She said she would prefer to hear why someone is good and well suited to sit on Council. She stated it is not confusing because we have two open seats and will have two elections. She said the May appointment is because someone on Council ran for the Mayor's seat and that created the May appointment and because Robyn Folsom resigned after the election deadline for the November election so we have this seat open. She commented on having someone with experience that

could start right away. She said after listening to the interviews and reading the applications she agrees that Beth Cooke is overqualified and how she wants to campaign is irrelevant. She said her vote will be for Beth Cooke. She stated the question has been called and asked the City Recorder to handout the ballots.

The City Recorder informed the Councilor to indicate on their ballots that this is round 1 and said they need to select one individual and sign the ballot.

Councilor Harris asked what happens if they all vote for someone different.

Mayor Clark said they need a majority of 4.

All ballots were completed and returned to the City Recorder and City Manager Gall tallied the ballots and announced there is a majority with 4 votes for Beth Cooke and 2 votes for Russell Griffin. (see record, Exhibit I).

Mayor Clark stated pursuant to Sherwood Municipal Code Chapter 2.04.034 Beth Cooke has received the highest number of votes and is hereby declared to be appointed to fill the vacant Council seat position. She said Beth Cooke will be seated as a City Councilor upon taking the Oath.

Mayor Clark recessed the meeting at 8:20 pm and reconvened at 8:25 pm.

Beth Cooke came forward and Mayor Clark administered the Oath of Office. Ms. Cooke took a seat at the dais.

Mayor Clark addressed the next item on the agenda.

9. PUBLIC HEARINGS:

A. Ordinance 2015-002 Amending Chapter 8.12 of the Sherwood Municipal Code to adopt by reference the 2014 State Fire Code and adopting the 2014 Tualatin Valley Fire and Rescue Fire Prevention Code

Building Official Scott McKie and Tualatin Valley Fire and Rescue (TVFR) Deputy Fire Marshal John Wolff approached the Council and stated that every three years an updated version of the Oregon Fire Code is adopted by the Oregon State Fire Marshal. Mr. McKie said when this code is adopted by the State the City is also required to adopt the current code. He said TVFR also amends their Rescue Fire and Prevention Code and each city in their district is also required to adopt the local fire districts current code. He stated this ordinance will amend the Sherwood Municipal Code to reflect these newly adopted codes which are the 2014 Oregon Fire Code and the 2014 Tualatin Valley Fire and Rescue Fire Prevention Code.

With no questions from the Council, Mayor Clark opened the public hearing and with no one coming forward she closed the public hearing.

Councilor Harris clarified that this is just aligning the City with the State Code.

Mr. McKie said that is correct and we are required by law to adopt the State adopted codes.

The City Recorder reminded the Council of the new process for ordinances of having a first and second reading.

Mayor Clark polled the Council regarding the first and second reading process.

Councilor Kuiper said the Charter Review Committee decided to require two readings and only in an emergency situation should the Council move to adopt. She suggested if this is not an emergency they should wait and have a second reading.

Mayor Clark said that is reasonable and will give people another opportunity for input. She asked Mr. McKie if there is any reason why this couldn't wait for a second reading.

Mr. McKie said the sooner the better because the codes are already adopted by the State.

Mayor Clark asked if this ordinance could be placed on the next agenda.

City Manager Gall said it is already scheduled for the next meeting in two weeks. He said this is fairly common in other cities to adopt law over two readings. He said the intent is to allow the public to participate in the process. He said if it was an emergency the staff report would have stated it and requested the Council to adopt in one reading. He stated that was the intent of the Charter Review Committee.

City Attorney Crean clarified that they are talking about two different issues which are the date of adoption versus the effective date and it is two different provisions of the Charter. He said in the Charter under Section 16 it states that *"adoption of an ordinance requires approval by majority of the Council at two separate meetings separated by 6 days, however (a)(3) says an ordinance may be adopted at a single meeting by unanimous vote of all City Councilors."* He said if it is unanimous an ordinance can be adopted at a single meeting. He asked if the ordinance takes effect immediately or in 30 days, and said that is addressed in Section 17 which states that an ordinance normally takes effect in 30 days unless the Council declares an emergency and in which case it can become effective immediately. He said the Council can adopt in one meeting if it is unanimous. He said the first rule in the Charter states that if it is an ordinance it should be adopted in two meetings with the exception of a unanimous vote. He said the effective date is 30 days from adoption with the exception of declaring an emergency.

Council President Robinson stated that the ordinance that went before the voters did not have an emergency clause that said you cannot adopt in one meeting so there is not a requirement that it has to be read at two meetings and said it was not clear in the legislation that was passed. She said on issues where there is no real dispute in adopting it should be done in one session.

Councilor Harris asked if the Council is required to adopt.

Mr. Crean said you have to adopt.

Councilor Harris said if the Council is unanimous and they have to adopt.....

Mayor Clark interjected that there was no public testimony and she agrees with Councilor Harris and Council President Robinson that a delay is not necessarily in the public's best interest.

Councilor Kuiper referred to the Charter language requiring two readings and the exception of not requiring a second reading if the vote is unanimous.

Mayor Clark asked for a motion.

MOTION: FROM COUNCILOR HARRIS TO READ CAPTION AND ADOPT ORDINANCE 2015-002, SECONDED BY COUNCIL PRESIDENT ROBINSON. MOTION PASSED 7:0, ALL PRESENT MEMBERS VOTED IN FAVOR.

City Recorder Note: Vote included that of Beth Cooke, appointed to the City Council earlier in the meeting.

Mayor Clark addressed the next item on the agenda.

10. CITY MANAGER REPORT:

Mr. Gall reminded the public and the Council of the Sherwood West Preliminary Concept Plan for 1200 acres west of the current city limits. He said it will be a 12 month process and it is important as we start to plan for growth. He said one of the first steps toward community engagement is Thursday, February 5 from 5 to 6 pm at Edy Ridge in the cafeteria. He said there will be a Community Advisory Committee meeting to follow at 6:30 pm. He said there is a 2 minute video that has been developed to illicit input from the community. He said now is the time to start talking about what the area will look like when it comes into the City. He noted it could be decades from now but this is the time to get involved. He announced there will be AV enhancements to the Community Room with new monitors and microphones. He stated the current equipment is analog and we need digital in order to broadcast the City Council and Planning Commission meetings live on the website and over the public access channel.

Mayor Clark addressed the next item on the agenda.

11. COUNCIL ANNOUNCEMENTS:

Mayor Clark announced Councilor Henderson's birthday.

Councilor Henderson said former Councilor Folsom baked a cake and invited everyone to have some after the meeting and thanked everyone. She announced that tomorrow night is Broadway Bits which is a fundraiser for the High School Choir program and said she will be a judge at the show. She commented on the amount of talent and leadership involved. She announced the VPA will be presenting Mary Poppins at the Sherwood Center for the Arts on March 5, 6 and 7 and March 12, 13 and 14 and said it is an all age community production. She announced the SFA Puzzle Tournament will be held in the Sherwood Police Department Community Room on February 21. She commented on the Police Advisory Board and said it is a new board that the Chief of Police brought forward. She referred to the earlier work session regarding marijuana and said that is an ongoing issue and she will be getting input from the new committee regarding this issue and bringing something before the Council. She announced that on March 20 at the Sherwood Center for the Arts there will be a Tom Grant Concert for a People to People fundraiser. She said it is a fundraiser to send two students who are two of eight from Oregon to be invited on the Student Ambassador Program where they will travel to Ecuador and the Galapagos Islands. She referred to a Teen Advisory Committee in Tualatin and asked Council if they would like staff to research

having a Teen Advisory Committee. She said she was invited to attend one of these meetings and said it would be valuable to look at in the future.

Councilor Kuiper encouraged everyone to attend Broadway Bits. She said she attended the Sherwood Tualatin River Wildlife Refuge Friends meeting and commented on the grants they are receiving and said they are well organized and she is looking forward to being a liaison to this group. She said she attended the Parks and Recreation Board meeting and commented on the final plan for Woodhaven Park.

Councilor Cooke thanked the Council for the opportunity to serve and said Sherwood is an amazing community and she sees many opportunities. She announced the Girl Scouts are sponsoring a Marijuana Education Forum at 6:30 pm Tuesday, February 24 at Saint Anthony's parish center. She announced the Oregon State Legislature started the 2015 session yesterday and she encouraged all of the citizens to visit the State Capitol and said our voices are an important part of the process and there are important pieces of legislation that will be discussed over the next two months.

Councilor Harris reported that 21,000 visited the Library in January. She said the Library hosted Holocaust survivor Alter Wiener on Saturday, January 24 and over 200 people attended and they had to turn away another 200 due to space. She said he is 88 years old and had stopped doing public appearances but because of the large number of people turned away he agreed to do an encore performance. She said he will be performing on May 16 at 2:00 pm at the Sherwood Center for the Arts. She said doors will open at 12:30 pm and it is free to the public.

Mr. Gall said they are looking at videotaping the performance and putting it on the website.

Councilor Harris announced that the Library started a Homework Help program last month for grades 6 through 12, held every Tuesday afternoon for Math and Science. She said they are one on one sessions and appointments can be made between 3 pm and 5 pm. She announced Thursday, February 19 at 3:30 pm there will be a preview of Mary Poppins in the Library and the actors and actresses will answer questions about acting. She said she attended the Sherwood Cultural Arts Commission meeting as the Council liaison and reported they are having an Open House for the Sherwood Center for the Arts on February 28 from 11 am to 3 pm and the ribbon cutting will be at 11:30 am. She said there will be crafts, self-guided tours and live performances on stage. She announced the Cultural Arts Commission has vacancies and the information is on the City website and the positions will be opened until filled.

Council President Robinson said in the absence of the Mayor she attended a grand opening ceremony for Modern Dentistry which is located in the Walmart center. She said she will be the Council liaison for the Sherwood West Preliminary Concept Plan and she commented on the number of applicants for the committee and their experience. She commented on the committee selection process and the criteria they considered.

Councilor King said he attended the grand opening for Menchie's Yogurt over the weekend as did Councilors Henderson, Kuiper and Council President Robinson.

Mayor Clark reported that she was in Baltimore for the City attending the Smart Growth Conference. She commented on the conference and said we are at a point of growth and there is opportunity to define what the growth will be.


12. ADJOURN:

Mayor Clark adjourned the meeting at 8:58 pm

Submitted by:



Sylvia Murphy, MMC, City Recorder



Krisanna Clark, Mayor