



Home of the Tualatin River National Wildlife Refuge

SHERWOOD CITY COUNCIL MEETING MINUTES

22560 SW Pine St., Sherwood, Or

Pursuant to House Bill 4212 (2020), this meeting will be conducted electronically and will be live streamed at <https://www.youtube.com/user/CityofSherwood>

September 7, 2021

WORK SESSION

1. **CALL TO ORDER:** Mayor Mays called the work session to order at 5:54 pm.
2. **COUNCIL PRESENT:** Mayor Keith Mays, Council President Tim Rosener, Councilors Doug Scott, Kim Young, Sean Garland, Renee Brouse, and Russell Griffin.
3. **STAFF PRESENT:** City Manager Pro Tem Kristen Switzer, City Attorney Josh Soper, IT Director Brad Crawford, Community Development Director Julia Hajduk, Public Works Director Craig Sheldon, Finance Director David Bodway, Police Chief Jeff Groth, HR Manager Christina Jones, Planning Manager Erika Palmer, Senior Planner Joy Chang, and City Recorder Sylvia Murphy.

OTHERS PRESENT: Sherwood Planning Commission Chair Jean Simson, Chris Bell with Bell and Associates, Eric Anderson with Pride Disposal, Mike Leichner, Cindy Leichner, Kristin Leichner, and 3J consultant Anais Mathez.

4. TOPICS

A. Solid Waste Rate Review

Public Works Director Craig Sheldon stated that they would be discussing Municipal Code 8.20.080 4.b., Solid Waste Management. He explained that normally, Pride Disposal would provide the City Manager with an annual report on or before March 15th, and the City Manager would then provide that information to Council by April 15th if any rates or adjustments to the rates were needed or not. He explained that because the City Manager left in May, those things did not happen. He explained that Chris Bell with Bell and Associates, had also reviewed the rates and would be providing the presentation. Mr. Bell presented the "City of Sherwood Solid Waste & Recycling Collection" PowerPoint presentation (see record, Exhibit A). He reported that the current rates were implemented in January 2021 with rates for carts remaining unchanged, container rates increased by .60%, and drop box rates increased by \$5 per haul. He recapped that at that time there was talk of Metro increasing the tipping fee mid-year, but Metro had decided to push the increase back to July 1, 2021. He recapped the adjusted 2020 rates on page 3 of the presentation. He reviewed the estimated 2021 costs and reported that recycling processing costs decreased by 40% in 2021 due to the increased material values, yard debris processing increased by \$3.35 per ton primarily due to the costs associated with transportation to a distant processor, increases in labor costs, disposal costs increased \$3.88 per ton on January 1st primarily due to contractual obligations with the landfill and transportation

company, and Metro's increased fees and taxes on all waste disposal increased by \$8.40 per ton on July 1st. He reviewed the projected 2021 results on page 5 of the presentation and stated that the projected results were just under 8.9% for composite, 6.21% for cart, 12.75% for container, and 11.62% for drop box. Mr. Bell commented that the change in processing was not included in the projected 2021 results because he did not have that information at the time he put his report together and commented that if added, it would probably increase the 2021 results by 1-2%. He reported that Alternative 1 would adjust the rates to 75% of CPI on January 1, 2022 and explained that if the rate of return was greater than 11% (11.22%) but less than 12%, then the proposed rate adjustment would be three-fourths (0.75) times the index. He provided an example of a 35-gallon cart cost increase of .65 cents. He addressed Alternative 2 and explained that it would pass-through the Metro fees immediately and then adjust rates to 75% of CPI on January 1, 2022. He explained that Alternative 2 would allow Council to immediately pass the .51 cent disposal increase from Metro and then initiate the .65 cent increase on January 1st. He addressed Alternative 3 and stated it would pass the disposal increase and rate adjustment to 75% of CPI on January 1, 2022. He commented that Alternative 3 was Pride Disposal's preferred alternative. Mayor Mays asked that if the numbers did not reflect the change in recycling, was the data valid? Mr. Bell replied that the answer was two-fold. One, the code stated that there was a portion of the CPI that was applied, and it did not look at projected results of where the city was going. He explained that what was being proposed was two things: the percentage of the CPI because the CPI was based on the prior year and the increased disposal costs. He commented that it would fall outside the bounds of the Municipal Code if the projected 2021 results were applied instead. He explained that there was a lot of costs that were increasing that may or may not be reflected in the CPI. Council President Rosener asked Mr. Bell how the CPI rule worked with guaranteed margins? Mr. Bell replied that there were changes happening that were significantly increasing costs, so the approach was to run a CPI for several years and then, when necessary, do a rate review to true up the rates, but that had not been the case. He commented that Council could adjust the rates, pass the CPI, and the cost of processing could increase to where they were getting money back, and the rate of return could be significantly above that 12%. And if that was the case, there could be a CPI adjustment as well. Council President Rosener asked if the numbers reflected the 40%? Mr. Bell replied no, because Sherwood's Municipal Code did not take into consideration the projected rate of return for the current year. Councilor Scott asked if the 40% were to trend to 80%, then in a year the rates could be the same or potentially lower? Mr. Bell replied that was correct. Kristin Leichner provided an example of last year's rate of 7.94, which was outside the range delineated in the Municipal Code, and that was why Pride did not follow the CPI model and Mr. Bell completed projections to try and predict what the next year would look like. She explained that the Municipal Code states that if the rates fall below 8 or above 12, then a full scale reset of the rates would be completed that reviewed recycling costs, disposal costs, labor costs, and insurance costs. However, if the rates fell between 8-12%, then it was either a CPI or a percentage applied to the CPI based on where in that range they fell. She explained that this year was an outlier because of the Metro increases and the recycling prices getting better, but were still volatile and inconsistent, which contributed to the uncertainty of the projections. Mr. Bell recapped next steps and asked for questions from Council. Council President Rosener asked if the projected 2021 results numbers were calculated based on the first 9 months of 2021? Mr. Bell replied that the calculations were based on information from 2020 as he did not have the numbers from the first 8 months of 2021. Mayor Mays commented that per the Municipal Code, the rates were based on actuals from 2020, not projections. Mr. Bell replied that was correct. Mayor Mays referred to Alternative 2 and asked if it meant that Council could pass a new adjustment as soon as possible and then in January, enact the CPI? Mr. Bell replied that was correct and explained that Alternative 2 was problematic because if it was passed today, the adjustment would be initiated in October/November followed by another rate adjustment in January. Councilor Scott commented he preferred Alternative 2 because it was clear what increases were due to Metro. Council President Rosener asked how they could educate rate payers on that

information? He continued that at the end of the day, there were no actuals based on the rate increases, only projections. Mr. Bell confirmed that the actuals from Metro's tipping fee increase were included when he completed his projection models. Council President Rosener asked that since the rates of return were between the 11-12% range, only a CPI adjustment was being looked at? Mr. Bell confirmed that was correct. Mayor Mays asked for clarification on Alternative 3, Pride Disposal's preferred alternative. Mr. Bell explained that there were two things at play, the CPI adjustment and the Metro tipping fee increase which went into effect on July 1st. He explained that as of July 1st, Pride was paying that additional amount per ton and they were not asking to be made whole on the past six months, Pride was asking to be made whole on the rate that would go into effect on January 1st. He explained that the .75 cent increase reflected how much the cost for disposal went up from January 1, 2021 to January 1, 2022. Mayor Mays asked if the Municipal Code addressed adjusting for pass-throughs? Mr. Bell replied that no, the code did not address pass-throughs, only CPI. Council President Rosener asked if Mr. Bell knew how much the tipping fee increase was offset by the change in value of recycled materials? Mr. Bell replied he did not perform that calculation, but he could do so and report back. Mr. Bell addressed Alternative 2 and explained that the disposal rate was lower than Alternative 3 because the Metro tipping fee was calculated based on a per-ton basis whereas Alternative 3 looked at what the disposal rate was for January 2022 and then set the rate increase taking into consideration the full increase. Councilor Scott commented the price differences between Alternative 2 and Alternative 3 did not make sense to him since Alternative 2 had an initial increase of .51 cents for a total of \$29.54 for a 35 gallon cart and then in January they would pay a total of \$30.20, whereas in Alternative 3 they would pay \$30.43. Mr. Bell replied that was correct and explained that the difference was the tipping fee increase was based on \$8 per ton. The tipping increase between the two years was much higher at \$12 or \$13 a ton because it took into consideration the operational increases/contractual increases that Pride was going to incur for disposal and transportation costs. Councilor Scott asked if Alternative 2 also took that into account? Mr. Bell replied that no, Alternative 2 would only do the pass-through of the Metro taxes on disposal. Councilor Scott expressed that he was still confused as to why there were price differences between Alternative 2 and Alternative 3 when they would essentially enact the same things. Mr. Bell explained that the tipping fee increase that Metro had passed was \$8 per ton, and the expected increase per ton between the tipping fee on January 1, 2021 and January 1, 2022 was \$12.28, so he had calculated the tipping fee increase based on either the \$8 pass-through fee or the \$12.28 increase on disposal fees that would be in effect on January 1st. Mayor Mays commented that if Council followed the Municipal Code guidelines, they could only do the CPI and therefore the recycling data needed to be included in the calculations as well. Council President Rosener commented he agreed with Mayor Mays. Mr. Bell stated he would make those calculations and report back. Councilor Scott commented that the other alternative was that if the adjusted rates were always based on trialing actuals then Council could do nothing with the Metro tipping fee and only do the normal adjustment on January 1st, then complete another adjustment a year later when the actuals were available. Kristin Leichner commented that there was a section in the Municipal Code that referred to how rates were set, and it stated that rates were to be adjusted annually based on the methodology, but it did allow for an exemption specifically for disposal costs either at the landfill or the pass-through by Metro. Eric Anderson commented on recycling pricing and factoring those numbers into the calculations and stated that the improved pricing was included in the report submitted to the City and would continue to be included in the calculations as the data became available in real-time. He continued that while there had been an improvement, it was already representative of what they had experienced so far in those numbers. He explained that in Mr. Bell's forecast, they were potentially dropping down into the 8% range, that would capture any benefits that were coming from that pricing. When the code CPI was factored for the next time, those benefits and improvements were built into those numbers for what that CPI would look like. City Attorney Josh Soper referred to the Municipal Code information Ms. Leichner had spoken on and explained that there was an annual review process as well as a separate section that stated that Council

could amend the rates at any time and in any frequency to respond to increased operating costs directly attributable to landfill disposal costs and was the exception to the annual review. Discussion on if tipping fees were considered a part of the landfill disposal costs occurred. Mr. Soper clarified that tipping fees were typically considered a part of landfill disposal costs. Councilor Brouse commented that based on City Attorney Soper's interpretation of the code, she would prefer to do a single increase versus multiple increases. Council President Rosener stated he would like to see the analysis with the recycling rate increases taken into account. Councilor Scott commented he was fine with either Alternative 1 or Alternative 2. Councilor Young commented she preferred Alternative 3 and added that she would also like to see the recycling rate changes. Councilor Griffin commented he was fine with Alternative 3 and also wanted to see the recycling rate changes. Mr. Bell stated he would update the report and bring it back to Council.

B. Review of Draft Comprehensive Plan

Consultant Anais Mathez presented the "Sherwood 2040 Comprehensive Plan Update 2021 Adoption Process" PowerPoint presentation (see record, Exhibit B). She recapped the adoption process timeline and stated that three previous Planning Commission work sessions had been held in June and July of 2021 and their feedback and revisions were compiled into an updated draft Comprehensive Plan to be presented to Council at this meeting. She explained that any final revisions by Council would be added to the draft document to create the final Comprehensive Plan and reported that there would be a Planning Commission hearing on the document on October 26, 2021 and a City Council hearing on November 16, 2021. She provided a recap of the work plan timeline on page 7 of the presentation. She detailed the Comprehensive Plan visioning process and reported that the process had reached hundreds of Sherwood community members, developed a framework for the Comprehensive Plan Update, was guided by a Community Advisory Committee, and was adopted by City Council January 15, 2019. She provided a breakdown of the structure of the draft Comprehensive Plan documents (see record, Exhibit C and Exhibit D) emailed to Council prior to the work session. Ms. Mathez addressed the "Thriving and Diversified Economy" block and reported that key activities of the block included: an updated Economic Opportunities Analysis (EOA), targeted outreach to community members that primarily focused on economic development activities, an online survey to review policy concepts, PAT review, CAC and TAC review, Planning Commission review, and City Council review. She recapped the feedback that was received on the "Thriving and Diversified Economy" block and explained that there was feedback to encourage development of industrial/high employment businesses to increase the City's tax base through faster growth rate of jobs per resident rather than housing units, explicitly calling out office commercial to make the distinction from retail commercial, focus on providing opportunities to develop infrastructure and emerging technologies to support employment group while ensuring access to the broader Portland Metropolitan Region. She reported that the document was updated again, and the revised draft was reviewed by the TAC and CAC on July 10, 2019. The TAC agreed that the goals and policies were in line with the City's vision and did not have any substantive changes to the document. The CAC discussed the concept of incubator space and supported an emphasis on transportation projects, suggesting minor edits to Objectives 2.7 and 3.4. She addressed the "Strong Community, Culture, and Heritage" block and recapped key activities as: the Sherwood Art Walk, engaging in targeted outreach to organizations that primarily focused on public involvement, arts, and history/heritage in Sherwood, an online survey to review policy concepts, meeting with Chamber of Commerce, City Volunteer Coordinator, and Library staff, PAT review CAC and TAC review, Planning Commission and City Council review. She provided an overview of the input received from the stakeholders and reported that the stakeholders had provided insight to the project team on the development of the draft goals, policies, and objectives of this block. She reported that the Planning Commission reviewed the draft goals, policies and objectives document on October 17, 2019 and had provided valuable feedback and revisions. She detailed

that revisions to the document included breaking apart objectives that included two concepts, general wordsmithing for clarity, and a conversation about engaging underrepresented communities within the Sherwood community and creating opportunities for youth to be involved in civic affairs. Ms. Mathez addressed the "Strategic and Collaborative Governance" block of the Comprehensive Plan and recapped key activities as: a public workshop, an online survey to review policy concepts, PAT review, CAC and TAC review, and Planning Commission and City Council review. She reported on the feedback received on this area and explained that placing an emphasis on the importance of transparency and clear communication from city government, accessible public engagement and decision-making, importance of public services for a robust community and the need to grow those services so they were proportionate with growth, and the importance of preserving and maintaining natural areas. She addressed the "Attractive and Attainable Housing" block and recapped key activities as: updating the Housing Needs Analysis (HNA), a CAC-led targeted outreach to community members that focused on housing development, access and affordability, an online "Housing Preferences" survey, in-depth interviews with community members to develop a "Housing Snapshot", an online survey to review policy concepts, PAT review, CAC and TAC review, and Planning Commission and City Council review. She reported that the survey received 1,091 responses after distributing the survey through social media and email lists, including utility billing. She explained that revisions from the August 2020 CAC and Planning Commission review of the block included breaking apart objectives that included two concepts, replacing verbs (from "ensure" to "encourage"), adding additional language for specification, and adding clarifications for certain terms. Ms. Mathez address the "Coordinated and Connected Infrastructure" block and recapped key activities as: a targeted outreach to local agency partners, utility providers and City departments, an online survey to review policy concepts, PAT review, CAC and TAC review, and Planning Commission and City Council review. She explained that key decisions in this block included condensing or removing redundant transportation policies and referring to the implementation of the City's adopted Transportation Plan. She explained that because the City would be updating its TSP in the near future, and that the City implemented the goals and policies in the current adopted document, both the CAC and Planning Commission felt that many of the draft policies were "action" items. She addressed the "Healthy and Valued Ecosystems" block of the Comprehensive Plan and reported that key action items included: stakeholder interviews with state partner agencies, non-profit groups, and other regional agencies, an online survey to review policy concepts, PAT review, CAC and TAC review, and Planning Commission and City Council review. Councilor Young thanked everyone for their hard work on the document and commented she was pleased with her initial review of the document. Mayor Mays asked Planning Manager Erika Palmer to speak on next steps assuming the Comprehensive Plan would be adopted by the end of the year. Planning Manager Palmer explained that after the adoption of the plan, staff had created an action plan to implement the Comprehensive Plan. She explained that the actions were based on the goals and policies in the plan and would serve as the work plan for the Community Development Department over the next twenty years at which time a Comprehensive Plan update would be needed. Mayor Mays asked if a meeting should be scheduled to discussed the proposed action plan and allow Council to provide feedback? Ms. Palmer replied that a work session to discuss the action plan would be scheduled. Community Development Director Julia Hajduk added that a Comprehensive Plan would be a document that helped guide future work and Council's input on the priorities was essential as it would also help staff know which grants to apply for. Mayor Mays asked for Planning Commission Chair Jean Simson's thoughts on the Comprehensive Plan. Planning Commission Chair Simson replied that she was proud that this had been a community driven process which had unfortunately been affected by the COVID-19 pandemic, but she was pleased with how the CAC had continued to hold virtual meetings. She gave her compliments to Ms. Mathez and her team and commented she was pleased with the review process that the document had been put through. Council President Rosener commented he was pleased with the document and expressed his excitement to move forward with the process. Councilor Griffin commented it

had been enjoyable being a part of the process and attending the meetings and he was excited to move forward with the process.

5. ADJOURN:

Mayor Mays adjourned the work session at 6:53 pm and convened a regular session.

REGULAR SESSION

1. CALL TO ORDER: Mayor Mays called the meeting to order at 7:02 pm.

2. COUNCIL PRESENT: Mayor Keith Mays, Council President Tim Rosener, Councilors Kim Young, Sean Garland, Renee Brouse, Doug Scott, and Russell Griffin.

3. STAFF PRESENT: City Manager Pro Tem Kristen Switzer, City Attorney Josh Soper, IT Director Brad Crawford, Community Development Director Julia Hajduk, Public Works Director Craig Sheldon, Finance Director David Bodway, Police Chief Jeff Groth, Planning Manager Erika Palmer, HR Manager Christina Jones, and City Recorder Sylvia Murphy.

4. APPROVAL OF AGENDA:

MOTION: FROM COUNCILOR GRIFFIN TO APPROVE THE AGENDA. SECONDED BY COUNCILOR YOUNG. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

Mayor Mays addressed the next agenda item.

5. CONSENT AGENDA:

A. Approval of August 17, 2021 City Council Meeting Minutes

B. Approval of August 26, 2021 City Council Meeting Minutes

C. Resolution 2021-081 Appointing Arisa de Olde to the Sherwood Cultural Arts Commission

D. Resolution 2021-082 Authorizing City Manager or City Manager Pro Tem to enter into a contract with Carrier Corporation to Replace Air Conditioning Chiller at the Civic Building

E. Resolution 2021-083 Approving the Oregon Water/Wastewater Agency Response Network Agreement Addendum No. 1 for the Sharing of Personnel During an Emergency When Workers are Unable to Get to Their Normal Reporting Location During a Severe Emergency (Shared Workers)

F. Resolution 2021-084 Appointing Becky Hicks to the Sherwood Senior Advisory Board

G. Resolution 2021-085 Appointing Jen Myers to the Sherwood Senior Advisory Board

MOTION: FROM COUNCILOR YOUNG TO APPROVE THE CONSENT AGENDA. SECONDED BY COUNCILOR BROUSE. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR

Mayor Mays addressed the next agenda item.

6. CITIZEN COMMENTS:

The City Recorder reported that there were no citizen comments.

Mayor Mays addressed the next agenda item. The City Recorder read the public hearings statement and reported that no public testimony had been received for either ordinance.

7. PUBLIC HEARINGS:

A. Ordinance 2020-005 Amending sections of the Sherwood Zoning and Community Development Code as it relates to the regulation of Signs *(Second Reading)*

Planning Manager Erika Palmer presented the “Sign Code Update” PowerPoint presentation (see record, Exhibit E) and recapped the sign code discussion timeline. She explained that the first hearing for the proposed ordinance was held in July 2020 and Council decided to continue the second hearing to November 17, 2020 due to the COVID-19 pandemic. In November 2020, the second hearing was continued to March 2, 2021 due to COVID-19 and additional issues raised by Council and a work session was requested. She recapped that the key issues raised in the sign code discussion were: murals, portable signs located in the ROW of residential areas, flags, feather signs, Permanent Residential Development Signs, and IP zone wall signs. She addressed murals and explained that under the current code, it was unclear if murals were allowed. In the proposed amendments, murals would be exempt from the sign code and would be classified as “Public Art” that was publicly owned and fully controlled by the City, and the process and criteria for creating murals was established by the City’s Murals Plan. She addressed portable signs located in the ROW of residential area and reported that the proposed amended language stated that if you placed a portable sign within the ROW adjacent to a home, prior authorization from the adjoining property owner was needed. She reported that they had received one public comment from the Portland Realtors Association on the proposed code language via the public hearings process at a Planning Commission meeting in which they asked that the code language not be changed for portable signs in the ROW. Ms. Palmer addressed flags and explained that the City could not regulate flag content, which could lead to controversial content or disputes due to their highly visible nature. She explained that they had also defined the term “flag” in the proposed ordinance since the current code did not have a definition for flags. She reported that additional standards for flags had been created for residential and non-residential areas and recapped the new standards. Ms. Palmer addressed feather signs and explained that the issue was that the current code was not clear in its intent to prohibit the use of feather signs and the proposed changes made the prohibition of feather signs clearer. She explained that Council had directed City staff to develop a feather sign buy-back program or a program that would benefit those businesses that had already purchased feather signs. She explained that the proposed buy-back program would begin in October 2021 and would first focus on providing education to local businesses with feather signs as well as advertising the buy-back program on the City’s social media networks. She provided details on the buy-back program and explained that businesses must have a valid Sherwood Business license, businesses must provide the completed form along with feather signs to be compensated, the amount of compensation would vary based on the number of signs (\$50 for 1 sign, \$100 for 2-3 signs, \$200 for more than 3 signs maximum), businesses may only submit to the buy-back program once, after submittal of the form and signs staff will process the form and send a check to the business, the program will run from October 2021-January 2022 after which no more buy-backs would be possible and the enforcement of the feather signs would begin. Community Development Director Julia Hajduk explained that Council would be able to provide their feedback on the proposed buy-back program at the next Council meeting. She commented that she recently had done a rough count of 15 local businesses that were using feather signs. Councilor Scott asked if the buy-back program was a part of what Council was voting on at this meeting? Ms. Hajduk replied that it was not a part

of what was getting voted on at this meeting. Planning Manager Palmer addressed Permanent Residential Development Signs and explained that the new code language fixed the definition of Permanent Residential Development Signs that closed a previous loophole in the code language. She addressed IP Zone wall signs and explained that the current code language did not call out signs within IP Zones, and the new code language would make it clear regarding the regulations around signs located in IP Zones. Council President Rosener asked if inflatable/movable signs had been defined in the new code? Ms. Palmer replied that movable/animated signs were prohibited in the current code. Mayor Mays stated that there was no public testimony on the proposed ordinance and closed the public hearing portion and asked for questions or discussion from Council. Hearing no other questions or discussion from Council Mayor Mays asked for a motion on the proposed ordinance.

MOTION: FROM COUNCILOR YOUNG TO READ CAPTION AND ADOPT ORDINANCE 2020-005 AMENDING SECTIONS OF THE SHERWOOD ZONING AND COMMUNITY DEVELOPMENT CODE AS IT RELATES TO THE REGULATION OF SIGNS. SECONDED BY COUNCILOR GRIFFIN. MOTION PASSED 6:1, MAYOR MAYS, COUNCIL PRESIDENT ROSENER, COUNCILORS GARLAND, BROUSE, YOUNG, AND GRIFFIN VOTED IN FAVOR. COUNCILOR SCOTT OPPOSED.

Mayor Mays addressed the next agenda item.

B. Ordinance 2021-008 Amending sections of the Sherwood Zoning and Community Development Code to modify standards for residential uses in Commercial Land Use Districts *(First Reading)*

Planning Manager Erika Palmer presented the “Multi-Family in Commercial Land Use Districts Development Code Update” PowerPoint presentation (see record, Exhibit F) and explained that there were concerns that permitting multi-family housing in Commercial Land Use Zones based on the current standard of “on the upper floors, in the rear of, or otherwise clearly secondary to commercial buildings” without additional limitations or restrictions allowed for the consumption of land not associated with office, retail service, and other commercial employment uses in areas intended for those uses. She commented that economic development, job creation, and the preservation of the tax base in commercial zones were Council priorities and there were concerns that the current language was unclear and difficult to interpret, and additional limitations and restrictions needed to be created. She recapped previous work completed in Council work sessions on page 3 of the presentation and reported that the code needed to focus on clear and objective language, only allow for vertical mixed-use building opportunities outright, limit the number of stairwells open to the outside, make clear that the reference to high-density residential (HDR) standards in the current code provided the maximum density but that there was no minimum density, ensure that the development of the commercial use occurred first or concurrent with residential development, and ensure that there is adequate parking. She provided an overview of the proposed amendments on page 4 of the presentation. Mayor Mays stated that there was no public testimony on the proposed ordinance and closed the public hearing portion and asked for questions or discussion from Council. Councilor Scott asked when the proposed ordinance would go into effect if it was passed? Community Development Director Julia Hajduk replied it would go into effect 30 days after adoption. Mayor Mays asked with the way the draft language was written, could any of the ground floor be used as parking? Planning Manager Palmer replied that that was not specified in the proposed language as it was currently written. She commented that the language states that the first floor must be commercial, and she felt that that was the way staff would interpret it. Mayor Mays confirmed that she felt that staff would interpret the language to mean that it had to be commercial and parking was not a commercial use? Ms. Palmer replied that was correct. City Attorney Josh Soper suggested that the language be revised to make the standards as clear and objective as possible if it was Council's wish not to allow

parking on the first floor. Mayor Mays commented he felt that Council wanted it to be commercial use and commented that if someone was building a showroom that would be different. Councilor Scott commented that a parking structure would also be different. Council President Rosener commented that the City had to be careful because someone could make the argument that if someone was charging for a permit to park, it would be considered a commercial use. Mayor Mays suggested that amended language should be brought forward at the next hearing for the ordinance that made it clear that it should be commercial use only and not parking. City Attorney Soper added that he noticed that it said that non-residential use was permitted on the underlying zone that was located on the ground floor and that the City would want to clarify that it was occupying the entire ground floor not just that there was some non-residential use on the first floor. Mayor Mays asked if that would still allow for a lobby with an elevator? Mr. Soper replied that that could be made clear as well. Councilor Griffin asked for clarification regarding stairwells as he felt the language was unclear. Mayor Mays asked City Attorney Soper to review the stairwell language and clarified that the goal was to have an emergency stairwell and a single stairwell, or two stairwells if it was a 2-unit, and an elevator if it was a 3+ unit. Council President Rosener asked regarding proposed amendment #5 of "the ground floor must have an interior height of not less than 14 feet measured from the entry level finished floor to the bottom of the structural members of the floor above" and asked if a drop ceiling would count or not? Planning Manager Palmer replied that with the interior height of the ground first floor commercial, they were saying that the 14 feet was measured from the entry level finished floor to the bottom of the structural members of the floor above. Councilor Scott replied that the proposed code language said "structural ceiling" which would imply that a drop floor would be permitted. Community Development Director Hajduk commented that she would like to bring in the City's building official to ensure that the language was worded in a way that made sense to him before the second hearing on the ordinance. City Attorney Soper commented that he welcomed any additional feedback on the proposed language prior to the next hearing on the ordinance on September 21st.

Mayor Mays addressed the next agenda item.

8. CITY MANAGER REPORT:

City Manager Pro Tem Kristen Switzer reported that the Robin Hood Festival had been cancelled and that the Robin Hood Festival Association was currently planning their December 4th holiday event. She reported that the League of Oregon Cities conference was cancelled due to COVID. She provided updates on upcoming construction projects in town including a sewer line upsize project and road closures on Tualatin-Sherwood Road and Roy Rogers.

Police Chief Jeff Groth reported on the opening of new schools and reported that he had coordinated with the Sherwood School District to help enforce school zone speed limits including officers stationed at the high school and middle school for the first two days of school. He reported on police activity during the Labor Day weekend and stated that the Sherwood Police Department was continuing their efforts combatting theft in Sherwood and commented that the department had recently recovered large amounts of stolen property. Councilor Young asked if the SRO position had been filled with a permanent person? Chief Groth replied that they were moving forward with the process and stated it would be completed within the next week or so. Councilor Brouse asked if there were still open positions in the Sherwood Police Department and asked how they were balancing the needs of the community with the gaps in personnel? Chief Groth replied there were still open positions in the department and commented that they were handling it "very carefully and cautiously" and it was a balancing act. He added that they recently had three very strong applicants. Council President Rosener asked regarding a police presence at the intersection of Sunset and 99W to help with

traffic control for students crossing there. Chief Groth replied that they were doing their best and commented that the automated enforcement system there would also hold drivers accountable as well as having officers monitor that area.

City Manager Pro Tem Kristen Switzer reported that she had met with the new City Manager Keith Campbell last week while he visited Sherwood.

Mayor Mays addressed the next agenda item.

9. COUNCIL ANNOUNCEMENTS:

Councilor Griffin reported that the Robin Hood Festival was cancelled and thanked the Robin Hood Festival Association for their hard work.

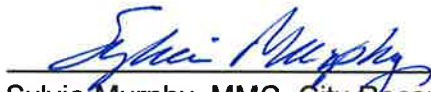
Councilor Brouse reported that the next Senior Advisory Committee meeting would be held on September 8th.

Mayor Mays wished the students of Sherwood a wonderful first day of school.

10. ADJOURN:

Mayor Mays adjourned the regular session at 7:51 pm.

Attest:


Sylvia Murphy, MMC, City Recorder


Keith Mays, Mayor