

**CITY OF NEWBERG CITY COUNCIL MINUTES
MARCH 16, 2009
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING TRAINING ROOM
401 EAST THIRD STREET**

Work Session was held prior to the meeting. A presentation by ODOT on the Newberg-Dundee Bypass was given. No decisions were made.

I. CALL MEETING TO ORDER

Mayor Bob Andrews called the meeting to order at 7:00 PM.

II. ROLL CALL

Members

Present: Mayor Bob Andrews Denise Bacon Bob Larson
 Bart Rierson Stephen McKinney Marc Shelton
 Wade Witherspoon

Staff

Present: Daniel Danicic, City Manager Terrence Mahr, City Attorney
 Barton Brierley, Planning and Building Director Elizabeth Comfort, Finance Director
 Howard Hamilton, Public Works Director Norma Alley, City Recorder
 Jan Wolf, GIS Specialist Jennifer Nelson, Recording Secretary
 Bryan Stewart, Groundskeeper/Facilities Maintenance

Others

Present: Faith Gerstel, Sid Friedman

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. CITY MANAGER'S REPORT

Mr. Daniel Danicic, City Manager, announced the annual and first quarterly Verified Statement Of Economic Interest Reports is due by April 15th. The Chamber banquet will be held on April 9th, Council members were encouraged to contact staff if they plan to attend. The Chehalem Valley Strategic Planning group meeting at the end of the month has been postponed and rescheduled to the Fall since each agency is busy with budgeting and economic stimulus response. Finally, he gave a brief report on the town hall meeting held by Senator Jeff Merkley.

V. PUBLIC COMMENTS

Mayor Andrews recognized and welcomed a group of students from a Political Science class at George Fox University that were observing the meeting.

VI. CONSENT CALENDAR

1. Consider a motion approving **Resolution No. 2009-2829** authorizing the submission of a grant application to the Ford Family Foundation for partial funding for the revised regional strategic plan.
2. Consider a motion approving **Resolution No. 2009-2830** authorizing the city manager to enter into an intergovernmental agreement with the State of Oregon for stimulus funding for pavement rehabilitation of city streets.
3. Consider a motion approving a proclamation declaring March 2009 American Legion Month.
4. Consider a motion approving a proclamation declaring April 4, 2009, Camellia Day.
5. Consider a motion approving City Council Minutes for February 17, 2009.

MOTION: Larson/Rierson to approve **Resolution No. 2009-2829, Resolution No. 2009-2830**, a proclamation declaring March 2009 American Legion Month, a proclamation declaring April 4, 2009, Camellia Day, and the City Council Minutes for February 17, 2009 as amended. (7 Yes/0 No) Motion carried.

Mayor Andrews read the two proclamations approved by Consent Calendar and presented them to the recipients. Ms. Faith Gerstel accepted the proclamation on behalf of the Newberg American Legion and Mr. Bryan Stewart, Groundskeeper/Facilities Maintenance, accepted the Camellia Day proclamation for the City.

Mr. Stewart presented an embroidered camellia flower plaque to Mayor Andrews which was made as a gift to the City of Newberg.

VII. PUBLIC HEARING

Consider a motion approving **Ordinance No. 2009-2711** amending the Newberg Development Code pertaining to large scale retail development.

TIME – 7:19 PM

Mayor Andrews called for any conflicts of interest or abstentions. None were stated.

Mr. Barton Brierley, Planning and Building Director, presented the staff report (see official meeting packet for full report).

There was clarification with staff that if the Leadership in Energy and Environmental Design (LEED) standards were unreasonable then the alternative would be to apply for a Conditional Use Permit (CUP). He also asked why the type of business and wages paid to employees would not also be considered with the economic impact analysis.

Mr. Brierley stated the Planning Commission (PC) did not see it as the city's role to regulate this; it should be left up to the free market and business competition. It was not felt to be a role of the City to

dictate whether one type of business is better than another based on the wages and benefits given to employees.

Councilor Witherspoon was concerned the City would not have any input on the type of businesses that would be developed in Newberg. Staff replied that it would be limited based on the type of uses allowed within the zoning district, not whether or not another business of a similar type already exists.

Councilor Marc Shelton asked if there was any current large scale retailer under this new ordinance. Staff replied there were not any current applications, but it was conceivable there will be in next couple of years.

Councilor Bob Larson felt healthy competition should be the determining factor and felt a large scale retailer may be contacting Newberg soon for development.

Councilor Denise Bacon asked if this only applied to large scale retail, not industrial. Staff replied it only applied to retail and would have to be amended for industrial, preferably as a new ordinance.

Mayor Andrews opened public testimony.

Mr. Sid Friedman, spoke on behalf of 1000 Friends of Oregon and the Friends of Yamhill County and offered support for the ordinance as a benefit to the City of Newberg. He agreed there could be negative impacts on a community if a big box retail building is left vacant and for existing businesses in competition with large scale retailers. He added that many dollars can also go out of the community if citizens are going outside of the community to get what they need. He urged the Council to adopt the ordinance and then have staff return with refined language addressing various impacts.

Mayor Andrews closed public testimony. Staff recommended adopting the ordinance.

Councilor Rierson spoke of the economic impact of some large scale retailers over others in terms of family wage type jobs and benefits and the difficulty to regulate who can or not come into town based on this. He would like to see some language incorporated into the ordinance to allow the City some control over the choices that can be made for livability of the community without regulating competition and the free market. Staff stated this has been done in the form of an economic analysis; but it must be based on real impacts, not just preferences.

Mr. Mahr said he was unsure how to explore business economics under land use planning and mentioned the Planning Commission was also uncomfortable with this. He would need to conduct more research into what other communities are doing to address this without getting into litigation.

MOTION: Larson/Shelton to approve **Ordinance No. 2009-2711** amending the Newberg Development Code pertaining to large scale retail development, read by title only.

Councilor Shelton supported the work the PC had done. He felt it is a good idea to explore the impact a large scale retailer would have on the community.

Councilor Rierson liked the idea of a vacancy agreement so vacant stores will not be a blight on the community. He would also like to see how an economic impact analysis can be incorporated as well with more research being completed.

Councilor McKinney agreed people will vote for what they want based on where they go and where they spend their money and he would like some type of system to address or mediate the type of big box retailer that comes into the community. He supported the action.

Councilor Witherspoon was in favor of the ordinance and believed it was consistent with the City's comprehensive plan and the goals of the Council.

Councilor Larson spoke of some communities where large scale retailers actually improved local businesses because they sold items not carried by the big box. He felt the plan was well done and he supported it.

Councilor Bacon supported the ordinance and agreed the market will have to control what comes into the community ultimately.

Mayor Andrews supported the ordinance and felt further research to include economic impact studies and vacancy agreements should be completed and added to this later.

VOTE: To approve **Ordinance No. 2009-2711** amending the Municipal Code to require an economic impact assessment report and to mend the development code to require an abandoned building surety agreement, and environmentally beneficial building and design practices for large scale retail development sites. (7 Yes/0 No) Motion carried.

VIII. NEW BUSINESS

Presentation on South Industrial Master Plan

TIME – 8:10 PM

Mr. Brierley presented the staff report (see official meeting packet for full report).

Councilor Shelton mentioned the importance of Newberg being self contained as well as having accessibility to I-5. He wanted to know if Newberg has a say in the improvements to the Aurora interchange and McKay Road access points. Staff replied that Newberg does have an important role in those discussions. Councilor Shelton wanted to know if any other improvements would be needed for the bridge over Hwy 219. Staff stated it is designed to handle the freight necessary for industrial type traffic levels.

Councilor Bacon stated she hopes a plan would be included to address overnight truck parking as well.

IX. COUNCIL BUSINESS

TIME – 8:30 PM

Councilor Larson spoke about the Riverbend Landfill meeting and passed out brochures with meeting times and information.

Mr. Mahr discussed annual statements and who needed to fill them out. Discussions followed on items that needed reporting and items that did not.

MOTION: Rierson/Andrews to ask the City Attorney to conduct research for incorporating economic impact studies within the conditional use process for large scale development and return to Council with recommendations. (7 Yes/0 No) Motion carried.

Mayor Andrews recessed for five minutes at 8:45 PM before Executive Session.

X. EXECUTIVE SESSION

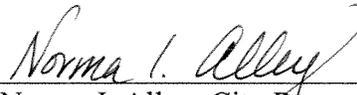
Executive Session pursuant to ORS 192.660(2)(d) relating to labor negotiations.

TIME – 8:50 PM

XI. ADJOURNMENT

MOTION: Shelton/Larson to adjourn at 9:38 PM (7 Yes/0 No) Motion carried.

ADOPTED by the Newberg City Council this 20th day of April, 2009.



Norma I. Alley, City Recorder

ATTEST by the Mayor this 23rd day of April, 2009.



Bob Andrews, Mayor