

CITY OF NEWBERG CITY COUNCIL MINUTES
JULY 18, 2011
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING TRAINING ROOM (401 EAST THIRD STREET)

A work session was held prior to the meeting. Executive Session pursuant to ORS 192.660(2)(f) to consider information or records that are exempt by law from public inspection and ORS 192.660(2)(h) to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed. No action was taken and no decisions were made.

I. CALL MEETING TO ORDER

Mayor Bob Andrews called the meeting to order at 7:23 PM.

II. ROLL CALL

Members

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

Staff

Present:	Daniel Danicic, City Manager	Terrence Mahr, City Attorney
	Barton Brierley, Planning and Building Director	Jessica Nunley, Assistant Planner
	Norma I. Alley, City Recorder	Jennifer Nelson, Minutes Recorder

Others

Present: Josi Fettig, Lee Does, and Sid Friedman

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. SPECIAL PRESENTATION

Presentation of the "If I Were Mayor..." Contest First Place Winners.

Mayor Andrews announced the winners, shared the winning selections, and presented the awards certificates for the attending winner. Miss Josi Fettig was present to accept her certificate and she presented her winning PowerPoint slideshow.

V. CITY MANAGER'S REPORT

Mr. Daniel Danicic, city manager, reported on the success of the Special Olympics this past weekend and announced the upcoming Newberg Old Fashioned Festival (NOFF) Parade and League of Oregon Cities (LOC) Conference for those interested in attending. He announced the new prescription drug bin is in the Public Safety Building (PSB) foyer and forty pounds has already been collected in the last two weeks. He also spoke of the labor trends report for May and although the unemployment rate is down to 9.3% it is still very high and it will be a while before a full recovery is made in Yamhill County. He said he is still working on a report about the changes to the City Hall hours of operation.

VI. PUBLIC COMMENTS

None.

VII. CONSENT CALENDAR

1. Consider a motion approving **Resolution No. 2011-2952** ratifying the Collective Bargaining Agreement for July 1, 2007–June 30, 2011 with the Newberg-Dundee Public Safety Association.

This item was removed from the Consent Calendar.

2. Consider a motion approving **Resolution No. 2011-2960** approving the 2011/2012 Visitor Information Center Marketing and Business Plan.

MOTION: Rierson/Shelton approving the Consent Calendar including **Resolution No. 2011-2960**. (7 Yes/0 No) Motion carried.

VIII. PUBLIC HEARINGS

1. Consider a motion approving **Ordinance No. 2011-2744** amending the Newberg Development Code Civic Corridor Sign Code.

TIME – 7:44 PM

Mayor Andrews called for any conflicts of interest or abstentions; none appeared.

Mr. Barton Brierley, Planning and Building Director, presented the staff report including a PowerPoint slideshow (see official meeting record for full report).

Mayor Andrews asked if the Newberg Bicycle Shoppe, Wine County Antiques Mall, and the Oregon First Community Credit Union signs are all grandfathered in. Staff said yes, because they are on historic buildings.

Councilor Stephen McKinney spoke of the language referring to copper, bronze, and other metals; he asked if silver or stainless steel, like the City's lettering, are compliant because they are raised letters. Staff said yes the City would meet code because the individual letters are raised.

Mayor Andrews opened and closed the public testimony; no citizens appeared. Staff recommended adoption.

MOTION: Rierson/Shelton approving the final adoption of **Ordinance No. 2011-2744** by the first reading. (7 Yes/0 No) Motion carried.

Councilor McKinney said he only had concerns initially for not allowing internal lighting sources. Staff replied there can be internal illuminated signs in the civic corridor. Councilor McKinney said he did not see anything addressing this in the C-3 standards. Staff referred to page twenty and if more than 30% of face is light, then it would be docked two points and need to make up for that somewhere else. Mayor Andrews asked if these are conditions in addition to what is in the C-3 standards. Staff said yes.

MOTION: Rierson/Witherspoon approving **Ordinance No. 2011-2744** amending the Newberg Development Code Civic Corridor Sign Code, read by title only. (7 Yes/0 No) Motion carried.

2. Consider a motion approving **Ordinance No. 2011-2745** amending the Newberg Development Code pertaining to annexation procedures.

TIME – 8:05 PM

Mayor Andrews called for any conflicts of interest or abstentions; none appeared.

Mr. Barton Brierley, planning and building director, presented the staff report including a PowerPoint slideshow (see official meeting record for full report).

Councilor McKinney asked how many of these kinds of properties do we have in the city limits. Staff replied there are five and there may be more in the future.

Councilor Rierson asked if a land owner was to initiate an annexation process and they found out they were batched with something that might jeopardize their chances of winning could they separate themselves. Staff stated they could withdraw their application up to the City Council hearing and separate to not be grouped together and then they could re-apply through the regular process to be considered individually.

Councilor Shelton asked if the three to ten years annexation requirements are done at the hearing stage that the city would set, on the ballot, or both. Staff said the current code is applied at the time of annexation and dates could be set to remove an item by a specific date; annexations could be delayed for one to ten years. The intent was to be a compromise at the State level for property owners with island properties to give them additional time to meet requirements within three to ten years because they may potentially be required to connect.

Mayor Andrews opened and closed the public testimony; no citizens appeared. Staff recommended adoption.

MOTION: Shelton/McKinney considering final approval of **Ordinance No. 2011-2745** in the first reading (7 Yes/0 No) Motion carried.

MOTION: Shelton/McKinney approving **Ordinance No. 2011-2745** amending the Newberg Development Code pertaining to annexation procedures, read by title only. (7 Yes/0 No) Motion carried.

IX. CONTINUED BUSINESS

Consider a motion approving **Ordinance No. 2011-2740** amending the Urban Growth Boundary, revising the Economic Opportunities Analysis, amending the Comprehensive Plan Map and text, and amending the Transportation System Plan.

TIME – 8:28 PM

Mayor Andrews introduced the legislative hearing held over from last time for deliberation to give an opportunity for rebuttal to communications received earlier that were submitted by City staff.

Councilor Ryan Howard mentioned he had a conversation with Ms. Pat Haight about her being in general opposition to this, but he will base his decision on the record.

MOTION: Shelton/Rierson approving **Ordinance No. 2011-2740** amending the Urban Growth Boundary, revising the Economic Opportunities Analysis, amending the Comprehensive Plan Map and text, and amending the Transportation System Plan, read by title only.

Councilor Shelton thanked City staff for the work done and thanked volunteers for committing their time and resources to be active participants in this process; he said this speaks highly of staff and the City's interest in making good land use decisions as well as looking at the economic development; he felt both need to go together for a healthy community. He spoke of the letter from the land owner who has the majority of the one-hundred twenty buildable acres supporting this plan.

Councilor Howard said he was on the fence for while on this matter and there was a lot to consider. He would be inclined to defer to planning to what they consider are requirements for land, but felt it would be an injustice

to the people to go against all parties. If he had to pick an area to build, the area we have identified would be where he would choose to do this, but he did not know if he agreed with the projections. He is not against an industrial zone and is generally in favor of the expansion when needed, but he did not know if this entire area is needed as imminently as staff is requesting. He would vote in opposition, not because he would not support another industrial plan, but because he does have concerns with the projections as presented.

Councilor Denise Bacon agreed with Councilor Howard on some of his points but she will vote yes because we are not taking the land to use now. It can be as it is until it is annexed. She does not find the argument to be true that no one will farm the land because of this land use action and does not see that happening, so she is comfortable voting yes.

VOTE: Approving **Ordinance No. 2011-2740.** (6 Yes/1 No [Howard]) Motion carried.

X. COUNCIL BUSINESS

A presentation from Councilor Ryan Howard on a bike plan project.

TIME – 8:36 PM

Councilor Howard presented a report including a PowerPoint slideshow on the bike plan project to prepare for the August 15, 2011, meeting (see official meeting record for full report). Discussions followed regarding this being a proposal for allowing alternative transportation and not preventing motorists, improving the quality of life by making things safer and more livable, planning the routes out to concur with regional efforts, police involvement with the bicyclist community and ensuring an educational component goes along with this

Mr. Terrence Mahr, city attorney, provided an update on the law enforcement collective bargaining agreement being removed from the Consent Calendar and the need for finalizing the language before approval.

Mayor Andrews offered appreciation and congratulations from the board members and State games organizers for the Special Olympics on a successful event.

Councilor McKinney referred to the decision made to approve the Habitat for Humanity partitioning/alley issue with **Order No. 2011-0031**. He said they discussed making the alley a one-way but neglected to get into the motion on how to follow up with this.

Councilor Wade Witherspoon agreed and reminded everyone he said he would only vote yes if there would be considerations made concerning making this a one-way and allowing the Traffic Safety Commission (TSC) to look at the issue.

Councilor McKinney added he had a conversation with Mr. Paul Chiu, senior engineer, and staff representative for the TSC; he said he would be a lot more comfortable with Council making the executive decision for an overlay, rather than working it in later.

Mr. Danicic replied it ought to be a public discussion allowing the neighbors to weigh in and the TSC is the right body for this because they can make a limited decision with public noticing.

MOTION: Witherspoon/McKinney to direct the Traffic Safety Commission to consider the alley located at 803 E. Ninth Street to be a one-way vs. a two-way. (7 Yes/0 No) Motion carried.

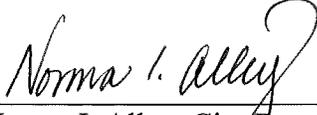
Mr. Mahr discussed Mr. Hank Grum's Initiative Petition ballot measure and a competing measure. He passed a memorandum around as follow up to the previous discussions and explained they have until next council

meeting to make a decision regarding this subject (see official meeting record for full report). Discussions followed regarding the legal costs associated with the initiative petition, approval requirements for fees and/or increases being by double majority vs. single majority, and the varying election dates available to address these types of situations.

XI. ADJOURNMENT

The meeting adjourned at 10:24 PM.

ADOPTED by the Newberg City Council this 15th day of August, 2011.



Norma I. Alley, City Recorder

ATTEST by the Mayor this 18th day of August, 2011.



Bob Andrews, Mayor