

CITY OF NEWBERG CITY COUNCIL MINUTES
OCTOBER 18, 2010
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING TRAINING ROOM
401 EAST THIRD STREET

Work Session was held prior to the meeting. A discussion on Council Guidelines and Rules continued. No decisions were made.

I. CALL MEETING TO ORDER

Mayor Bob Andrews called the meeting to order at 7:04 PM.

II. ROLL CALL

Members

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

Staff

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| Present: | Daniel Danicic, City Manager | Terrence Mahr, City Attorney |
| | Barton Brierley, Planning and Building Director | Steve Olson, Associate Planner |
| | Norma Alley, City Recorder | Jennifer Nelson, Recording Secretary |

Others

Present: Robert Soppe, Hank Grum, Scott Cassidy, Dan Rouse, and Jim Talt

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. CITY MANAGER'S REPORT

Mr. Daniel Danicic, City Manager, gave updates on the assessment of plans and renderings for the Cultural Center and the project for public spaces; a final report will be prepared at the end of November after public input. He gave updates from meeting with the Newberg Downtown Coalition, the success of the Farmer's Market, and mentioned George Fox University (GFU) marketing students will be helping with the survey of downtown businesses. There were also discussions with the Coalition about upcoming Halloween and Christmas events to bring more activity downtown.

Councilor Wade Witherspoon asked for a report on the groundbreaking ceremony for Portland Community College (PCC) and their plans for building a "net zero" building to reduce the resource consumption and carbon footprint.

V. PUBLIC COMMENTS

Mr. Robert Soppe commented the city website did not accurately reflect which agenda items would be hearing public testimony this evening, according to the agenda, the third item on Electronic Signs is not closed.

Mr. Hank Grum referred to an article recently printed in The Newberg Graphic and spoke of what City Council does affecting the citizens' quality of life and pursuit of happiness. He spoke of the hardship caused on low income levels by utility rate increases being solved by creating a fund for assistance and the scope of

government being extended by this process; the government is creating another problem in the solution to the first one they created by raising the rates. He felt that little by little the citizens are being divided into groups of people with different criteria and essentially different classes, even with the affordable housing efforts as well. He did not feel this was following the spirit of either the federal or state constitutions. He also added that each tax disrupts commerce, benefitting some and hurting others and it all comes down to the amount of the tax and how much of peoples' freedom is being taken away.

VI. CONSENT CALENDAR

Consider a motion approving **City Council Minutes** for September 20, 2010.

MOTION: Shelton/Bacon approving the Consent Calendar including **City Council Minutes** for September 20, 2010. (7 Yes/0 No) Motion carried.

VII. PUBLIC HEARING

1. Consider a motion adopting **Ordinance No. 2010-2730** amending the Newberg Comprehensive Plan and Development code to meet planned densities and encourage needed housing types.

TIME – 7:20 PM

Mayor Andrews discussed which items were closed although not reflected on the agenda and council would need to decide which records to open or keep closed.

Councilor Witherspoon felt the first two items should remain closed, as they were published; but, since Ordinance No. 2010-2731 was not noted as closed on the agenda, it could be reopened.

MOTION: Witherspoon/Shelton to allow the public testimony records to remain closed for **Ordinance No. 2010-2730** and **Ordinance No. 2010-2732** and reopen the public testimony record for **Ordinance No. 2010-2731**. (6 Yes/1 No [McKinney]) Motion carried.

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

Mr. Barton Brierley, Planning and Building Director, presented the staff report assisted by a PowerPoint visual after a short recess for technical difficulties (see official meeting packet for full report).

Mayor Andrews closed the public hearing.

MOTION: Shelton/Rierson adopting **Ordinance No. 2010-2730** amending the Newberg Comprehensive Plan and Development Code to meet planned densities and encourage needed housing types.

Mayor Andrews discussed and clarified language on items in the report with staff regarding the target density ceiling, if items would be passed by resolution or ordinance, whether the report should say “may” or “shall” when referring to providing financial incentives, and the definition of special needs housing.

Councilor Marc Shelton spoke of some of the reasons why the Council wished to decouple the design standards from the code amendments and how affordable housing has been a goal of the people of Newberg so everyone working here can also live here and enjoy what Newberg has to offer. He did not feel this meant neighborhoods would have to change, but instead it would give opportunity to young people just out of school who have grown up here to be able to afford to buy a home here. He added that many members of the community have worked on this together and want to see it happen, not just at the Council level.

Councilor Stephen McKinney stated his support for affordable housing has waned because he feels it will significantly change the neighborhoods of Newberg and no protection is offered for those homeowners already sitting in R-1 zones. He also felt this would contribute to the already insufficient parking problem in the city and it would be even more difficult to proceed with getting permits and building homes without fitting this definition. He felt it would be depriving some of the liberties of people who have been living in Newberg by changing their property values with having inexpensive properties built next to more substantial homes. He felt this added an additional bureaucracy and felt it was out of the city's scope of responsibility. He did not feel he could support the proposal in any way.

Councilor Denise Bacon said that citizens often talk about when they moved here and bought their home "Twenty years ago", and since income levels have not changed as drastically as housing prices have, she feels that we are just trying to give the new families that are moving here the same opportunities that our long time citizens received when they moved here. The City cannot thrive without bringing more people here and those already here want their children to be able to afford to live here. If changes are not made, that will not happen and the only people who will be able to buy a house in Newberg will be those who are rich and older; our kids will not be able to live here.

Councilor Ryan Howard asked staff about the local housing trust on page 16 and the City of Newberg housing trust fund on page 26 being the same thing and how it would be administered. Staff replied it refers to the same fund and the Affordable Housing Committee is working on that issue as a concept and the Council will have an opportunity to approve that trust fund in specifics later as a resolution. Councilor Howard asked how this proposal compares to what was approved with the Orchard's Lair project because he does not want the rest of Newberg to be sectionized like Orchard's Lair was; staff replied the Orchard's Lair project was unique although there are similarities.

Councilor Bacon said this is about reaching the target densities and if we have not reached our targets yet then we cannot justify asking for more land in the Urban Growth Boundary (UGB). This plan will help us focus on meeting those density targets and we can say we are doing what we said we would do, this looks better for us in the future.

Councilor McKinney spoke of the difficulties of the development behind Orchard's Lair being successful as an example of possible consequences of this type of building and he was concerned that builders and developers will look at the City of Newberg differently, which he did not feel would be a good thing if this passes.

MOTION: Andrews/Rierson to amend **Ordinance No. 2010-2730** on page 23 striking the word "disability" when referring to special needs design and adding a #2 to read "This ordinance does not apply to properties where a zone change application is approved pursuant to an application pending at the time of adoption of this ordinance. The ordinance shall not apply where the applicable provisions have been modified by or are governed by a development agreement or specific plan" under the Ordains as Follows.

Councilor McKinney asked if anything is excluded from special needs housing such as halfway houses, or if these are exceptions to this, because some things may not be endorsed by the neighbors. Staff replied it is a broad definition and it is important to see how the term is used in the ordinance in terms of what the city may allow to give a reduction of parking.

VOTE: To amend Ordinance No. 2010-2730. (6 Yes/1 No [McKinney]) Motion carried.

VOTE: Adopting Ordinance No. 2010-2730 amending the Newberg Comprehensive Plan and Development code to meet planned densities and encourage needed housing types as amended and read by title only. (6 Yes/1 No [McKinney]) Motion carried.

2. Consider a motion adopting **Ordinance No. 2010-3732** amending the residential design standards in the Development Code.

TIME – 8:25 PM

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

Mr. Brierley presented the staff report assisted by a PowerPoint visual and stated the Planning Commission recommends approval (see official meeting packet for full report).

Councilor Bart Rierson asked if the optional proposed design standards are for extra special treatment or are they imposed on every builder and do they add costs. Staff stated they apply to any new subdivision or development, they are not an optional standard, but would be requirement for all.

Councilor Witherspoon wished to hear from a developer or contractor regarding these design elements to ensure that nothing seemed out of line or unreasonable. He understands the reason for them but not how they truly affect the builders. Staff replied two developers Mr. Mike Gougler and Mr. Mike Willcuts were on the committee, offered feedback, and recommended the proposal. This satisfied Councilor Witherspoon's concerns.

Councilor McKinney added he had conversations with both of these gentlemen and comments were made that this adds considerable bureaucracy and costs while trying to create something affordable.

Councilor Bacon said she was sorry to hear those developers changed their minds, but they sat in every meeting and went through each item to suggest those standards, like paint color or a porch, that did not add high cost, but significant changes. They looked at pictures showing neighborhoods with these elements and without and it made a huge difference.

Councilor Rierson reminded the Council the two proposals were not made independently and he was glad they were decoupled because the additional rules and constraints applied to the developers create less flexibility and added costs. He felt the market should decide the best way to do this and the builders are most prepared to decide on which design elements to include.

Councilor Shelton felt this ordinance goes beyond motivating affordable housing to mandating design standards that all builders and developers have to prescribe to. He does not agree with design standards, but likes recommendations and guidelines and letting the market decide what is built. He will vote based on the testimony of the builders that these steps take it too far and they will be the factor deciding whether or not to build homes. He is not in favor of this being a mandate.

MOTION: Rierson/McKinney to deny Ordinance No. 2010-3732 amending the residential design standards in the Development Code, read by title only.

Mayor Andrews agree he does not like mandates and the market should be allowed to determine what is built.

Mr. Mahr spoke of the decision being based on the findings and finding can be found in favor, but he is unsure if there are adequate findings to support a denial. Staff argued there were sufficient findings to support a denial.

VOTE: To deny Ordinance No. 2010-3732. (7 Yes/0 No) Motion carried.

Mayor Andrews recessed at 8:53 PM and reconvened at 8:59 PM.

3. Consider a motion adopting **Ordinance No. 2010-2731** amending the Development Code pertaining to electronic signs.

TIME – 8:59 PM

Mayor Andrews stated the record was opened and spoke of an email that had been distributed; he asked Council if they wanted to accept the email into the record.

MOTION: Shelton/Rierson to accept the email into the record. (7 Yes/0 No) Motion carried.

Mr. Brierley presented the staff report assisted by a PowerPoint visual and recommended adoption (see official meeting packet for full report).

Councilor Shelton asked if there had been any traffic studies conducted around the potential hazards of electronic signs. Staff replied there are studies but it is complicated because lots of things affect traffic safety and it is hard to definitively say such a sign would cause an accident; there are more concerns with texting or using cell phones. Officers polled could not see any connection between signs and driving, but a large screen television will be distracting.

Mayor Andrews recessed briefly to read material in record at 9:05 PM. He reconvened and opened the public testimony.

Mr. Scott Cassidy, Operating Manager for A Storage Place, spoke of education being an important component of signage and electronic signs help to educate the community and those moving through it. Their sign attracts customers from the surrounding community, with only 65% of customers being from Newberg address, others are from out of town. Their managers live onsite and often promote schools, charities, weather updates, and city events. When cities are restrictive, it makes it harder to use the sign as it is intended when purchased to better the business and keep the community educated. It is good to set boundaries to make sure Newberg does not look like Vegas, but there should be enough freedom to express their message.

Councilor McKinney spoke of the complimentary feedback received during the pilot project and the pages of comments received. He asked if their sign makes doing business easier in Newberg. Mr. Cassidy replied it absolutely does and spoke of the time and thought put into the messages displayed.

Mr. Dan Rouse, Walgreens, spoke of the code in place when deciding to purchase sign eight years ago and their participation in the pilot program. He spoke of the successes from last year selling products specifically advertised on their electronic sign and the need to update the sign regulations in Newberg so businesses can use these tools to the best of their ability.

Councilor McKinney added that they were able to document significant percentages of increases through the pilot program by keeping track of customer transactions. He asked if the proposed changes are perceived as more business friendly compared to the ten minute rule. Mr. Rouse agreed it was more business friendly than the ten minute rule.

Mr. Jim Talt agreed the Walgreens sign works well and so does the sign at A Storage Place, but he has great concerns for animated, video, and scrolling signs. He feels the purpose of animation is to get people's attention, which means attention is being diverted from driving and at 35 mph, a driver will travel 250 feet in five seconds, which is ample opportunity to get into an accident involving a bicycle or pedestrian. He felt extended video is just a limited commercial and that the ordinance was more lenient than Las Vegas, Nevada. He respects the work done but suggests revamping the size and message style to not exceed thirty square feet and to remain static or alternating, not animated or scrolling in style and to not permit them in residential zones except for schools and churches.

Mr. Robert Soppe spoke of his detailed testimony previously given both written and oral and hoped the Council would pay close attention to those points made. He was concerned that a giant TV could be permitted if the code allows for a 50 sq. ft. sign and that electronic score boards on a sports field are not limited and can be fully animated as long as they are facing the field. He felt this could be a huge loop hole and hoped the point would be carefully considered.

Mayor Andrews closed public testimony.

Councilor McKinney asked staff to address the scoreboard concern. Staff replied a lot of time was spent talking about scoreboards and a number of options and variations of limitations went behind the recommendation; the committee felt drafting language around all possible contingencies and worst case scenarios was not possible and they were not worried this would happen.

Councilor Shelton asked if there would be some type of approval process in place. Staff replied a building permit and sign permit would be required for any sign, a scoreboard is similar to a menu board for drive-in restaurants, if it cannot be read off site they can get building permit, but no sign permit is needed, so there are some safeguards.

Mayor Andrews discussed defining the time period for signs challenging the code to be replaced and what the standards were for ambient light with staff. Staff also described the different defined display methods referred to in the Electronic Message Center (EMC) standards and the chart used to review those various methods according to the size and zone, etc.

Councilor Rierson said he would not support the ordinance unless extended video messaging was excluded.

Councilor Bacon agreed this could be dangerous and only really appropriate in a mall parking lot, not where people were driving by.

MOTION: McKinney/Shelton to adopt **Ordinance No. 2010-2731** amending the Development Code pertaining to electronic signs, read by title only.

Councilor Howard agreed he may support this without extended video messages or animated messaging of video quality, text based animation would be fine.

MOTION: Witherspoon/Rierson to amend **Ordinance No. 2010-2731** disallowing extended video messages, keeping the definition and column in chart and adding "prohibited" in all zones. (7 Yes/0 No) Motion carried.

Councilor Rierson still was concerned about not wanting to see a 9.9 second video message that is just essentially a long animated message.

Councilor McKinney spoke of these items being discussed in depth for sake of community, not expressing personal likes and dislikes, but what is best for the merchants to drive their products. The purpose was to bring the ordinance into the 21st century.

Discussions followed about what signs would currently be non-compliant around town and concerns for flashing and rapid scrolling.

Councilor Howard still had concerns for animated messages and the definitions of rapid scrolling and extended video and brief discussion followed until the questions were called for.

VOTE: To adopt **Ordinance No. 2010-2731** amending the Development Code pertaining to electronic signs as amended and read by title only. (5 Yes/2 No [Howard, Rierson]) Motion carried.

VIII. COUNCIL BUSINESS

TIME – 10:26 PM

Mr. Danicic discussed establishing a patent for the City's process for drying sawdust for use in waste water treatment of bio-solids. The initial costs associated with hiring a patent lawyer are estimated at twenty-thousand, but he would keep the Council posted for anything over ten thousand. Possible revenues, the benefits of a patent, and consequences for not initiating a patent were also discussed.

MOTION: McKinney/Witherspoon to initiate funds necessary to see if the process is able to be patented. (6 Yes/1 No [Rierson]) Motion carried.

Councilor Witherspoon asked about other contributions to the Visitor Center and if they should attempt to ask other communities to contribute. It was discussed that Newberg reaps most of the benefit but the Chamber of Commerce could be asked to solicit other contributions from those who benefit from the Visitor Center.

Updates on the Animal Shelter project were also discussed.

IX. ADJOURNMENT

The meeting adjourned at 10:26 PM.

ADOPTED by the Newberg City Council this 15th day of November, 2010.



Norma I. Alley, City Recorder

ATTEST by the Mayor this 18th day of November, 2010.



Bob Andrews, Mayor