

**CANBY CITY COUNCIL
WORK SESSION MINUTES
July 15, 2009**

Presiding: Mayor Melody Thompson.

Council Present: Wayne Oliver, John Henri, Jason Padden, Walt Daniels, Robert Bitter, and Tony Helbling.

Staff Present: Mark Adcock, City Administrator; John Kelley, City Attorney; Catherine Comer, Economic Development Manager; Bryan Brown, Planning Director; Dwayne Barnes, Public Works Director; and Kim Scheafer, City Recorder.

Others Present: Teresa Sasse, Bev Doolittle, Keith Galitz, Eric Jackson, Erin Jackson, Kim Jackson, Larry Staples, Michele Staples, Larry Bowen, Lynne Bowen, Laurie Mickelsen, Timothy Mulcahy, Steven Willis, and Julie Winklebleck.

Mayor Thompson called the Work Session to order at 6:00 p.m. in the City Hall Conference Room. The Council met to discuss the establishment of sidewalk cafés in the downtown area that would be allowed to serve alcohol with food.

Mark Adcock, City Administrator, said this had been a topic of interest for some time. This would allow for placement of seating and serving of items within the public right-of-way.

Catherine Comer, Economic Development Manager, gave a PowerPoint presentation regarding the sidewalk café issue and examples of what other communities were doing.

Councilor Daniels asked if they added a third chair to the seating, would there be enough room for pedestrians on the sidewalk.

Ms. Comer said because they had existing sidewalk in downtown that was narrower, they would have to submit an outdoor seating plan that would be approved by staff. When they did the new street improvement on First Avenue, they would widen the sidewalk for additional room.

Councilor Bitter asked how much staff time would be needed to review the plans.

Bryan Brown, Planning Director; said the issue was people moving the chairs around and they never stayed where they originally said they were going to be. Approving the site plan at the beginning was no problem, but enforcement might be an issue.

Ms. Comer said the servers of the businesses would regulate the chairs.

John Kelly, City Attorney, said it was an OLCC regulation that the liquor had to be served and the customer had to consume it there.

Teresa Sasse, owner of Pudding River Chocolates and Wine Bar, said they had a lot of requests from customers to sit outside, especially in the summer, and it helped with more seating for overflows and special functions. They had talked with OLCC and they approved them for it and

had gone over the rules and regulations. She thought it would create some excitement downtown, especially on First Avenue.

Councilor Henri asked if OLCC amended her license.

Ms. Sasse said it would be a third license and it would be seasonal, from April to October.

Bev Doolittle, Chamber Director, said Ms. Sasse started a petition to allow outdoor alcohol service. She collected 286 signatures.

Brooks Cutsforth of Cutsforth Thriftway said their business did not have a specific interest in this, but he agreed with Ms. Sasse that it would energize downtown. It was progressive and successful in other cities.

Steve Willis of the American Legion said they went through a lengthy process in order to serve alcohol in the back area behind their building which was fenced off. Some of the things they discovered was this was a high traffic area for youth and there were enforcement issues. His concern was alcohol left on the tables could be taken by youths.

Tim Mulcahy of the American Legion said it was a good idea for a night light on the street. Anytime they could add people to an area they were providing a deterrent to someone who might be thinking of doing something bad on the street and they might get some economic growth because there were other restaurants on the street that might do the same.

Keith Galitz said it was progressive and he hoped they would move forward with it so they could take advantage of this season.

Ms. Doolittle said the Chamber Board brought up some questions, such as did they want to allow it for everyone, should they allow hard alcohol, etc. They were in favor of it and thought it would be good for the community even during the day. It was another way of advertising for the business and getting people to come in and see what they had to offer.

There was discussion about keeping this within the downtown only.

Mr. Kelley said currently this was allowed within C1 and C2 zones.

Councilor Padden thought initially there should not be a fee, but if it became a problem with enforcement, then look to see what impact it was to the City and assess a fee accordingly.

Mr. Adcock said Council's policy in the past was that they recovered their actual cost for staff time. They could bring back a fiscal impact statement and Council could decide at that time what to do with the fee.

Mr. Kelley suggested they add a Sunset Clause that said the process would end on a certain date automatically unless they removed or extended the Sunset Clause.

Council consensus was for staff to come forward with an ordinance amending the Canby Municipal Code for serving alcohol at sidewalk cafés and hold a public hearing at the August 5, 2009 Council meeting.

Mayor Thompson adjourned the Work Session at 7:16 p.m.

**CANBY CITY COUNCIL
REGULAR MEETING MINUTES
July 15, 2009**

Presiding: Mayor Melody Thompson.

Council Present: Wayne Oliver, John Henri, Jason Padden, Walt Daniels, Robert Bitter and Tony Helbling.

Staff Present: Mark Adcock, City Administrator; John Kelley, City Attorney; Dwayne Barnes, Public Works Director; Catherine Comer, Economic Development Manager; and Kim Scheafer, City Recorder.

Others Present: Bob Cornelius, Jim Newton, Jerry Ambois, and Carl Menkel.

CALL TO ORDER: Mayor Thompson called the Regular Meeting to order at 7:30 p.m. followed by the opening ceremonies.

COMMUNICATIONS: None.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS: None.

MAYOR'S BUSINESS: Mayor Thompson invited everyone to the Legacy Park dedication on July 18 at 10:00 a.m.

COUNCILOR COMMENTS & LIAISON REPORTS: Councilor Henri said the Urban Reserve PAC had a meeting last night and discussed one site.

Councilor Padden said the Bike & Pedestrian Committee was looking for new members and a new location.

Councilor Daniels said OHAS, the provider for the bus drivers, increased their fee by 7½ percent and the transit budget was short because of it. The Transit Advisory Committee had discussed the issue and suggested discontinuing the Saturday service for at least a year to make up for the \$50,000 short fall. They recommended putting it on the August 5 Council meeting agenda for public comment. Council agreed to put it on the agenda.

Councilor Bitter said there would be a meeting Thursday morning regarding the Main Street Program at 8 a.m. at the Canby Pub and Grill. He thanked Jim Newton for his service on the Canby Utility Board. He attended the Utility Board meeting where they discussed green power and the Westcott Substation project. The Police Chief Advisory Search Committee had a draft schedule for activities.

CONSENT AGENDA: ****Councilor Daniels moved to approve the minutes of the June 25, 2009 City Council Special Meeting; minutes of the July 1, 2009 City Council Regular**

Meeting; reappointment of Madeleine Henderson to the Library Board for a term to expire on June 30, 2013; and appointment of Todd Wagner to the Canby Utility Board for a term to expire on February 28, 2012. Motion was seconded by Councilor Bitter and passed 6-0.

RESOLUTIONS & ORDINANCES: Resolution 1036 – Dwayne Barnes, Public Works Director, said people had been parking their RV's in the park for an extended period of time in the pull out area which kept the Park Department from being able to access the park for maintenance. It also prevented citizens from accessing the park as well.

Councilor Henri did not think putting up signs would help.

Councilor Helbling thought this was a public park and there should be a time limit.

Mayor Thompson said staff would need to direct the Police Department for enforcement.

Councilor Bitter asked if there had been any complaints.

Mr. Barnes said there were none that he was aware of.

****Councilor Daniels moved to adopt Resolution 1036, A RESOLUTION LIMITING VEHICLE PARKING IN THE TRIANGLE PARK AREA LOCATED ON NORTH HOLLY STREET TO A MAXIMUM OF TWO HOURS. Motion was seconded by Councilor Padden and passed 4-2 with Councilors Henri and Bitter opposed.**

Ordinance 1312 – ****Councilor Helbling moved to adopt Ordinance 1312, AN ORDINANCE ESTABLISHING NOMINATION PROCEDURES FOR ELECTIVE OFFICE; ADDING CHAPTER 2.10 TO THE CANBY MUNICIPAL CODE; AND DECLARING AN EMERGENCY. Motion was seconded by Councilor Henri and passed 6-0 by roll call vote.**

Ordinance 1313 – ****Councilor Helbling moved to adopt Ordinance 1313, AN ORDINANCE AMENDING CANBY MUNICIPAL CODE CHAPTER 12.08 REGARDING STREET EXCAVATIONS. Motion was seconded by Councilor Daniels and passed 6-0 by roll call vote.**

Ordinance 1314 – ****Councilor Daniels moved to adopt Ordinance 1314, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO PURCHASE ONE (1) VEHICLE FOR CANBY AREA TRANSIT FROM EMMETT KOELSCH COACHES, INC. OF OREGON CITY; AND DECLARING AN EMERGENCY. Motion was seconded by Councilor Henri and passed 6-0 by roll call vote.**

NEW BUSINESS: Request for Waiver of Fees from Habitat for Humanity – John Kelley, City Attorney, said Habitat for Humanity built several houses in Canby over the last few years. Each time they asked for fees to be waived for the Planning Department's plan check fee, construction excise tax, and system development charges. The amount was \$9,785. The City's Code had exemptions from these fees in cases of low income. They had approved waiving of the fees for previous projects in Canby.

Councilor Henri said with the downturn in construction in the community, was it wise to forfeit this money. Councilor Helbling said the Planning Department fees and budget was based on

projections of income that weren't currently in the General Fund, and in this case, it was an outstanding program. They established the precedent for supporting Habitat for Humanity by waiving these fees and he thought they should continue to do so.

****Councilor Helbling moved to waive the Planning Department's plan check fee, construction excise tax and system development charges for the Habitat for Humanity project located at 519 N Locust Street. Motion was seconded by Councilor Padden and passed 6-0.**

Main Street Program Estimated Costs for Downtown Promotions – Catherine Comer, Economic Development Manager, said the Main Street Coordinator would be trained to manage promotions and events that had an impact on residents and businesses. Urban Renewal Funds could not be used to fund promotions and events. The cost would be \$10,000. This was an estimate for the first year.

****Councilor Helbling moved that Council approve \$10,000.00 towards funding the Main Street Program for staff time and materials for promotions and events out of the general fund. Motion was seconded by Councilor Daniels and passed 6-0.**

CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS: None.

CITIZEN INPUT: None.

ACTION REVIEW:

1. Approved the Consent Agenda.
2. Reappointment of Madeleine Henderson to the Library Board.
3. Appointment of Todd Wagner to the Canby Utility Board.
4. Adopted Resolution 1036.
5. Adopted Ordinance 1312.
6. Adopted Ordinance 1313.
7. Adopted Ordinance 1314.
8. Waiver of Planning Department's plan check fee, construction excise tax, and system development charges for Habitat for Humanity.
9. Approved \$10,000.00 toward funding the Main Street Program for staff time and materials for promotions and events out of the General Fund.
10. Bringing back information on the establishment of sidewalk cafés in the downtown area for public comment at the next Council meeting on August 5.

There was not an executive session.

Mayor Thompson adjourned the regular meeting at 8:16 p.m.

Mayor Thompson reconvened the regular meeting at 8:16 p.m.

****Councilor Henri moved to approve the Change of Ownership Liquor License Application with Marvel's Lone Elder Pizza. Motion was seconded by Councilor Daniels and passed 6-0.**

Mayor Thompson adjourned the regular meeting at 8:19 p.m.

Handwritten signature of Kimberly Scheafer in black ink.

Kimberly Scheafer, CMC
City Recorder

Handwritten signature of Melody Thompson in black ink.

Melody Thompson
Mayor

Assisted with Preparation of Minutes – Susan Wood