MINUTES OF THE NEWBERG CITY COUNCIL
MONDAY, NOVEMBER 2, 1998
7:00 P.M.
NEWBERG PUBLIC SAFETY BUILDING - TRAINING ROOM

I. CALL MEETING TO ORDER

Mayor Proctor called the meeting to order.

II. ROLL CALL

Charles B. Cox (CBC)
Alfred (Fred) Howe (FH)
Deborah Sumner (DS)
F. Robert Weaver (RW)
Roger Currier (RC)
Donna McCain (DM)
Lisa Helikson (LH)

CITY STAFF: Duane R. Cole, City Manager
Terrence D. Mahr, City Attorney
Michael Soderquist, Community Development Director
Katherine Tri, Finance Director
Peggy Nicholas, Recording Secretary

OTHERS PRESENT: Kelli Highley, Pat Haight, Stephanie McIntosh, Jim Morrison, Warren Parrish, Sid Friedman, Pati Seitz

III. *PLEDGE OF ALLEGIANCE*

The pledge of allegiance was performed.

IV. CONSENT CALENDAR

1. Proclamation declaring the week of November 9-16, 1998 as Recycling Awareness Week.

MOTION: DS/DM to approve proclamation. (Unanimous). Motion carried.

Mayor Proctor announced there would not be a second meeting of the City Council in November and December due to the holiday schedules. Mayor Proctor also stated that she was not informed of revised agenda and had questions concerning the additions. Mayor Proctor reviewed information she had concerning election policies.

2. Motion to censure Councilor Roger Currier for actions not in accordance with City Council guidelines, adopted October 6, 1998.

Discussion was held concerning an issue dealing with the possible censure of Council

Roger Currier as outlined in the Council packet.

Councilor FH presented information concerning censuring Councilor RC and laid out the facts as he understands them. Councilor FH said each Councilor should be accountable to their office. Councilor FH reviewed a statement he prepared concerning the request for Council action. Discussion was held concerning the leakage of confidential information to the public and to the Newberg Graphic, Council members' accountability and responsibility. Councilor FH asked to withdraw his motion for censure and requested that the Council work together on setting goals or guidelines in handling.

Mayor Proctor read a statement concerning her conversations with City Attorney Terry Mahr, Councilor RC and Council President Robert Weaver.

Council President Robert Weaver expressed his statements concerning censure.

Councilor RC reviewed a prepared statement concerning statements made and how he became aware of the situation. Councilor RC reviewed and commented on the Council guidelines, involving respect for others and their beliefs. Discussion was held concerning the importance of all Council members' attendance at all meetings and workshops. Councilor RC expressed his views about the Baker Rock asphalt proposal plant. Councilor RC said that he thought he and Councilor FH were working on their differences. Councilor RC said he believes in freedom of speech. Councilor RC said that charges were placed and dropped against he and Councilor FH on both separate issues. Councilor RC said he will not resign.

Mayor Proctor reaffirmed the 3 minute time limit. Councilor FH said that the motion has been withdrawn.

Ms. Pat Haight, 501 E. Illinois, #12, Newberg, Oregon, said that she has shown Councilor RC documents at various times and has brought them to the Council's attention. Councilor RC should not be chastised for speaking out on issues which have been addressed by Ms. Haight.

Ms Kelli Highley, 619 S. River Street, Newberg, Oregon, said she has learned to get her point across without being abrasive and show respect for others.

Mr. Sid Friedman 14286 NW Old Moores Valley Road, Yamhill, asked that Councilor FH apologize to Council President Weaver and Mayor Proctor for the statements made. Mr. Friedman referenced the placement of a sign on a building by Councilor RC as being a legitimate mistake, but appears to have turned into a political issue. He urged the Council to work it out.

Mr. Lon Wall, 625 N. Morton Street, Newberg, said he is grateful to Councilor FH and it appears that the whole situation has been politically motivated. It is important that the City has leadership, even though they may have some disagreements, but they still need to get along and get something done.

Ms. Kathy Austin declined to speak.

Mr. David Garber, read a prepared statement concerning Councilor FH's actions at Council meetings. Mr Garber reviewed political issues.

Ms. Pati Seitz declined to speak.

Ms. Virginia Jungwirth, 410 S. College, Newberg, asked why Councilor FH was not going to discuss any issues with Councilor RC before placing the matter on the agenda.

V. PUBLIC HEARING

1. Continued public hearing regarding the adoption of **Ordinance No. 98-2499** amending the City of Newberg's regulations concerning signs.

Mr. Barton Brierley presented the staff report concerning the changes to the sign ordinance. Staff recommended adoption of the Ordinance.

Councilor RC discussed signs for espresso shops, etc. located in parking lots. The ordinance does not cover signage for these types of businesses. Mr. Brierley said there are temporary merchant sections in the ordinances which allows the signage. Mr. Brierley said he believed that temporary signs are allowed for a period of three months.

Councilor CBC inquired about non-conforming signs having to be removed prior to January 1, 1998. DRC asked for information on assisting the business owners in determining what signs are legal, illegal, conforming and non-conforming.

Councilor RC asked for clarification of portable signs (Sections 10.50.188(3)) which appear to be conflicting with temporary signs for events (such as political signs). Discussion was held concerning further definition of affixing signs to the ground or other structures which make them permanent.

Councilor CBC invited discussion concerning election signs and other appropriate signs.

Councilor DM addressed issues with Section 10.22.103 and removing the word "do" from the language of the last sentence.

Councilor RW asked about enforcement provisions on the removal of signs such as election signs and garage sale signs (weekend type signs).

Mr. Brierley said that the Planning Commission recommended a sign ad hoc committee who could make appropriate recommendations.

Councilor RC discussed placement of the signs being approved by the owner of the property, not just the renter or lessee.

Councilor FH said that other cities have similar sign ordinances that appear to be clearer than the City of Newberg. Discussion was held concerning page 31 (attachment B) (Duties) dealing with signs which are not in compliance and the time periods in which to correct discrepancies. The language of the duties of the ad hoc committee should be in compliance with the ordinance.

MOTION: FH/DS to amend the Ordinance to include an amortization period of 10 years as contained in the original packet. (Yes 6/1 No [RC]). Motion carried.

City Manager DRC asked for clarification of the Motion and the intent of the Council concerning (Attachments A and B) and the need to change the dates to January 1, 2008 and change the language as discussed.

Discussion was held concerning adjustment for variances and any legal non conforming signs.

Councilor FH asked that the language prepared by Mr. Soderquist be approved (page 62 of the original staff report). Option 2 appears to be less restrictive than the others. In addition, prior to January 1, 2009, the owner of any legal nonconforming sign shall be allowed to have the sign remain as long as it is not in disrepair or a hazard to the community.

MOTION: RW/RC to reconsider the Council's prior action; (5 Ye/1 No [DS]). Motion carried.

MOTION: RC/FH to review Option 2 as read by DRC allowing for alternatives. (5 Yes/2 No [CBC LH]). Motion carried.

Mr. Brierley said that the Planning Commission has the authority to appoint an ad hoc committee.

MOTION: RC/FH to approve the language outlined in Section 2.

Councilor DM said there are situations where the owner of a business is absentee and how would the City make the decision of who's authority allows it.

Councilor LH said she too would not like the language to be added. Councilor RC said the State requirements appear to require approval by the owner of the property.

City Attorney TDM clarified the intent of the motion: Nothing in this ordinance gives permission or construes authority to place a sign without permission and the entitlement to place such a sign is as provided by their own lease or rental agreements.

ROLL CALL ON MOTION: (4 Yes/3 No [FH/LH/CBC]). Motion carried.

Councilor FH asked about the process for the appointment of the ad hoc committee. Mr. Brierley said that the language could be added to note that the Council will make such appointments.

MOTION: RC/FH to change the wording from "Planning Commission" to "City Council" who would be making the appointments.

Councilor FH said that the duties of the committee should also be reviewed. DRC said that he would ask the ad hoc committee to form up their future role. Further discussion was held concerning making the interpretation consistent with the City's code.

CLARIFICATION OF THE MOTION: Mr. Brierley restated the intent of the Motion: "The duties of the of ad hoc committee are to recommend enforcement action and any other duties so assigned by the City Council."

Councilor DM said she feels the Council needs to remove the word "ad hoc" and allow for a recommendation by the Planning Commission. Discussion was held concerning the Planning Commission's involvement.

Councilor FH added that the ad hoc committee would deal with enforcement issues and the Council should be part of the creation. The ad hoc committee would report to the Planning Commission on certain issues and the appeal process would be to the City Council. Discussion was held concerning the purpose of the Committee being an advisory committee and by eliminating the words "ad hoc", it could be an advisory committee of the Planning Commission.

MOTION: FH/RC restated the motion as discussed: "The Council wishes to create an ad hoc committee who will work with the Planning Commission as indicated on page 31 and wherever the Planning Commission is mentioned concerning the appointment process, shall be replaced with the words "City Council". The duties will be as stated by Barton Brierley.

ROLL CALL ON MOTION: (6 Yes/1 No [DM]). Motion carried.

Mr. Jim Morrison, 717 E. Sheridan Street, Newberg, commented on the current political situation dealing with signs. In addition, Mr. Morrison said the purpose of the ad hoc committee was to be a pro active group who should report to the City Council. They would deal with businesses on their signs and helping them to advertise.

Mr. Warren Parrish, 30450 NE Wilsonville Road, Newberg, reviewed the history of the revisions of the sign ordinance and the establishment of the ad hoc committee would better public relations. As far as the amortization issue, the Planning Commission did not feel that business owners should have to spend additional funds to make existing signs be in conformance with the City's new laws. He feels that the ordinance should provide grand fathering rights.

Councilor FH said that he is in favor of amortization. The current ordinance does not provide for adequate enforcement. Without the amortization language, there is no enforcement policies for the Council to consider.

Ms. Pat Haight, 501 E. Illinois, #12, Newberg, presented the following concerns:

1. A temporary sign is set for a certain period of time.
2. A permanent sign is a certain type which is different than other classifications.

Ms. Haight further said there is much confusion, additional revenue to the City and the whole idea infringes upon the rights of businesses. Ms. Haight said the City should better define each type of sign.

Councilor RC said the Council has already made some amendments. DRC said that it is staff's recommendation that the Council approve the Ordinance with the changes previously reviewed and discussed by the Council.

MOTION: DS/FH to read the ordinance by title only. (Unanimous). Mayor Proctor read Ordinance No. 98-2499 by title only (as amended). (6 Yes/1 No [CBC]). Motion carried.

DRC said he commended Mr. Brierley's dedicated attention to the details involved in the sign ordinance revisions.

2. Public hearing regarding the adoption of **Ordinance No. 98-2501** amending the Newberg Development Code Section 10.36.040 annexation procedures and Newberg Comprehensive Plan annexation policies, File G-39-98.

Mr Brierley reviewed the process.

1. Changes: The City Council makes a quasi-judicial and a legislative decision. Discussion was held concerning meeting applicable criteria.

2. Allows the Planning Commission to make a legislative recommendation to the City Council.

3. Changes would be returned to the Planning Commission.

4. Timing requirements (8 months before an election to be submitted to the City).

5. The text would be re-arranged to provide for the timing process to be completed.

6. Island annexations would not be allowed.

Councilor FH expressed concerns involving the process of annexation by election.

MOTION: FH /RC to amending paragraph #9 to paragraph #10. If the applicant does not fully comply with the provisions of sections 6 & 7, and the annexation request remains on the ballot because paragraphs 6 & 7 do not allow sufficient time to remove the measure from the ballot due to non compliance, and if the vote is approved by the electorate, the Council will not approve the annexation and the applicant would have to re-start the process from the beginning.

Mr. Brierley said the proposal is in harmony with state guidelines.

Councilor LH expressed her views on the applicant have to go through the entire process again.

Councilor RC called for the question.

Discussion was held concerning the requirements of proper noticing being borne by the applicant. The City of Corvallis provides for the noticing and sends the measure to the voters.

Councilor FH withdrew his motion and Councilor RC withdrew is second.

MOTION: FH/CBC to return the proposal to staff with the additional language as recommended by the City Attorney. (Unanimous). Motion carried.

Mayor Proctor called for a break at 9:25 p.m. The meeting reconvened at 9:30 p.m.

VI. CONTINUED BUSINESS

1. The Traffic Safety Committee recommends the approval of **Ordinance No. 98-2500** repealing Ordinance No. 858 and Ordinance No. 2218 and providing for the registration, operation, regulation and use of bicycles, skateboards, scooters, unicycles, roller blades and roller skating within the City limits of the City of Newberg; and setting forth the penalties for the violation thereof.

Police Chief Robert Tardiff presented the staff report. In summary, the revisions replace two prior older ordinances. He reviewed the recommended changes as approved by the Traffic Safety Commission.

Discussion was held concerning bicycle registration. Councilor RW said he would like to see the appropriate language placed on every bulletin board at community places and that every school principal be provided a copy which could be sent home with the students.

Kelli Highley, 619 S. River Street, Newberg, said the existing requirements state that bicycle lights have to be visible by 500 feet. She said her children have to ride on the street rather than on sidewalks. There should be exceptions in some areas due to the lack of appropriate sidewalks.

MOTION: RW DS to read by the Ordinance by title only. Mayor Proctor read the Ordinance by title only. (6 Yes/1 No [RC]) Motion carried.

VII. NEW BUSINESS

1. **Resolution No. 98-2144** adopting the 1998-99 Supplemental Budget No. 2.

Finance Director Katherine Tri presented the staff report and noted that half of the projects are in the capital projects fund and the other half are contained in the general fund.

Ms. Pat Haight, 501 E. Illinois, #12, Newberg, Oregon, asked for additional clarification (varied amounts as reported). Ms Haight asked for information concerning bids and how did it happen that the cost escalated so high. DRC said there is a contingency fund for unexpected needs. Discussion was held concerning fixing the library when it is necessary.

Councilor DM reviewed the budget process, how funds are used and expended and the requirements by the State on how the City prepares and utilizes its budgets.

Further discussion was held concerning the money invested in the library. Councilor FH questioned the words "which transfers and reappropriates funds in the 1998-99 budget". Ms. Tri reviewed the City staff's commitment for fixing City buildings and reserving sufficient funds to make needed repairs.

MOTION: LH/RW to approve the Resolution. (Unanimous). Motion carried.

2. Motion to approve the City Council Student Liaison Program.

DRC reviewed the staff report and proposal. It is an on-going program and the proposal is to formalize the process to allow a student liaison to work with the City Manager, attend City meetings and participate in goal setting.

Councilor RW questioned the student liaison "advising" the Council and not allowing his/her attendance at executive session. The Council discussed removing the language dealing with executive sessions and the words "advise the Council" (replace with "may add input on issues, in particular issues dealing with the youth of the community". Discussion was held concerning the City not providing a scholarship.

Ms. Stephanie McIntosh, a senior at Newberg High School thanked the Council for their favorable consideration.

Councilor RC asked about the time constraints involved in the duties. Councilor DM suggested that if he/she is not able to meet, they can get clarification from the City Manager.

MOTION: DS/RC to approve as amended. (Unanimous). Motion carried.

2. **Resolution No. 98-2145** authorizing the Mayor to sign an addendum to the Newberg Urban Area Growth Management Agreement.

DRC presented the staff report and the mediation process between the County and the City. The City and County could not agree to mediate the entire agreement. The County represents the property owners outside the City. Discussion was held concerning identifying responsibilities and criteria. The deadline for approval is November, or the County can force enforcement action. Recommendation is to approve the agreement as a first step.

TDM said if the addendum is adopted and a term of the agreement renewed yearly, the agreement provides for a 90 day notice to terminate agreement. Discussion was held concerning the repercussions of what would happen if the NUAMC agreement was not resolved.

Mr. Warren Parrish, 30450 NE Wilsonville Road, Newberg, discussed the 20 year time frame of the URA/UGB provisions and he recommended that due to the lack of the population projections, the Council should go with the current Comprehensive Plan with 30-50 years. Mr. Parrish asked for clarification of the area of influence and to not approve the Resolution.

Ms. Pat Haight, 501 E. Illinois, #12, Newberg, said she was surprised to hear that the City staff is recommending that the Council approve the Resolution and work closer with the County. Ms. Haight raised issues dealing with the asphalt plant and the alleged city staff negotiations with the County. Ms. Haight addressed other incidents in which she felt the City staff has worked with the County without the Councils knowledge. Councilor DS reiterated her confidence in the City staff, the City Attorney and the City Manager.

Councilor RC said that with the change in County government due to the upcoming elections, it may be the opportunity for the City to have the opportunity to work better with County officials.

MOTION: RC/DS to approve Resolution No. 98-2145.

MOTION: RW/RW to amend the Resolution with the discussions of the Council and direct the City Attorney and City Manager to notify the County that they are interested in negotiating the agreement. (Unanimous). Motion carried

ROLL CALL ON ORIGINAL MOTION, as amended: (Unanimous). Motion carried.

VIII. COMMUNICATIONS FROM THE FLOOR

Ms. Nadine Windsor, 2902 E Second Street, Newberg, said she appreciated the Mayor's opening comments. Ms. Windsor read a statement concerning election and political issues (excess signs).

Ms. Pauline Ogden, 1113 James Street, Newberg, discussed transfer of water rights, taking water from the Willamette River and the City's intent to obtain water sources.

City Attorney TDM said that the City is aware of the transfer of water rights and notified City Utility Manager Randy Naef.

Councilor RW suggested that City staff communicate with the group that is protesting and they all work together. Discussion was held concerning rezoning the property at the riverfront. City Attorney TDM discussed the zoning requirements of an application for water rights. City Attorney TDM further reviewed the LUBA notice of appeal and briefing process.

Discussion was held concerning DEQ's regulations on the Willamette River.

Mr. Michael Wallace, 1532 E. Third Street, Newberg, Oregon, expressed concerns over the exhibition of the comments made earlier in the meeting and hoped that the City can get back to City business.

Ms. Pat Haight, 501 E Illinois #12, Newberg, Oregon, noted there were four protests filed on the water rights application. A public notice has been published in the Newberg Graphic and anyone could file a protest. Ms. Haight questioned why the City did not file a protest.

Ms. Kelli Highley, 619 S. River Street, Newberg, referenced the notification of the Planning Commission's review of the 96 unit project to be constructed by the airpark (behind the Texaco gas station). Ms. Highley said the Council should respect each other and everyone else.

Mr. Warren Parrish, 30450 NE Wilsonville Road, Newberg, provided written information to the Council for their review (US Constitution) and said believes the Council has gotten off course. He encouraged the Council to not get off track and also not eliminate the communications from the floor (cutting off citizens from being able to communicate).

XI. EXECUTIVE SESSION

Executive Session was held prior to meeting.

XII. ADJOURNMENT

MOTION: RC/DS to adjourn at 11.10 p.m. (Unanimous). Motion carried.

ADOPTED by the Newberg City Council this 1st day of February, 1999.

Duane R. Cole

Duane R. Cole, City Recorder

ATTEST by the Mayor this 2 day of February, 1999.

Charles B. Cox

Charles B. Cox, Mayor