

City of Sherwood, Oregon  
Special City Council Meeting

June 21, 1995

**1. Call to Order**

Mayor Walter Hitchcock called the Special City Council meeting to order at 7:35 PM.

**2. Roll Call**

Councilmembers present were Mayor Walter Hitchcock, Jane Aamold, William Boyle, Mark Cottle and Barry Kennedy. Staff members present were City Manager Pro-Tem Larry Cole, Police Chief Bill Middleton, Police Lieutenant Mike Jordan, and Secretary Roxanne Gibbons.

**3. QT Pub Liquor License Transfer**

Mayor Hitchcock stated the purpose of the meeting was to discuss the QT Pub Oregon Liquor Control Commission (OLCC) liquor license transfer to J.J.T. Enterprises, Inc., Mr. Jody Tanner, owner. Mayor Hitchcock reminded those in attendance that the Council's role is to review the effects of this transfer, if indeed there are any, on the City of Sherwood, its citizens and resources, and to make a recommendation to the OLCC regarding the transfer. The Council's role is advisory only to the OLCC. The issue tonight is not the existence of the QT Pub, which has been a member of the community for many years. The issue of nude dancing also is not an issue and has been shown as a first amendment right by the Oregon Supreme Court. The key concerns should relate to what could happen if the license is transferred, the effect it could have on public safety, public resources and other issues related to the community. Mayor Hitchcock asked that attendees not demonstrate verbally during the testimony.

Mayor Hitchcock announced the order of testimony would be representatives from the Sherwood Police Department, the OLCC, Portland Police Department, QT Pub, J.J.T. Enterprises, General Public Testimony followed by Council discussion and action.

**3a. Sherwood City Police Department Testimony**

Mayor Hitchcock called for the report from the Sherwood Police Department. Chief Bill Middleton stated the report was prepared by Lt. Mike Jordan. Chief Middleton introduced Lt. Jordan.

Lt. Jordan said the report was prepared comparing Jody's Bar & Grille in Portland to the QT Pub in Sherwood and the possible impact the liquor license transfer could have on the City and the Police Department. Lt. Jordan reviewed the City of Portland files referencing the types of incidents which have occurred at Jody's dating back to 1985. He also reviewed the City of Sherwood files on incidents at the QT Pub dating back to 1981. The information available showed that during the last few years Jody's has had an increase of incidents related to criminal activity. In 1994, Jody's had 26 reported incidents. Examples included intoxicated or drunk people, aggravated assaults and fights. Since January 1995, Jody's has had 7 reported incidents. Lt. Jordan itemized the types of incidents in 1994-95. In many cases, the intoxicated person was

transported to detox in Portland.

Lt. Jordan stated many of the incidents required multiple officer response. Normally, the City of Sherwood has one officer on duty and multiple officer responses would require assistance from outside agencies such as Tualatin, Tigard or King City Police.

Lt. Jordan said reported incidents going back to 1981 at the QT Pub indicated a total of 37 cases. Of those cases, 11 were alarm incidents. There was one assault in 1989, 1992 and 1994. Lt. Jordan said 26 of the cases at the QT Pub during the last 14 years required some type of police involvement. By comparison, Jody's had 26 reported incidents in 1994.

Lt. Jordan reported that the DUII arrests on record with the OLCC showed Jody's had 30 in 1990, 15 in 1991, 8 in 1992, 11 in 1993 and 19 in 1994. In 1994, of the 578 liquor establishments reported doing business in the state, Jody's ranked number 4 with 19 DUII's. In comparison, DUII arrests on record showed the QT Pub had 9 in 1990, 7 in 1991, 9 in 1992, 7 in 1993 and 6 in 1994. The incidents at the QT have been relatively low and the incidents at Jody's have been relatively high. Lt. Jordan said an increase of DUII's at the QT Pub would have an impact on the Sherwood Police.

Councilmember Cottle asked Lt. Jordan how long it takes to respond to an incident involving an intoxicated person, on-site. Lt. Jordan responded it depended on whether the person required transport home or to a detox center. The length of time could be 5-10 minutes up to 1-1/2 hours for a detox center transport. In response to Councilmember Boyle's question, Lt. Jordan said it would probably take a total of 3 hours for a DUII arrest, including paperwork. However, not all intoxicated person's require a police call for backup. Backup calls are related to heavier incidents such as violent intoxication, aggravated assaults and robberies or when weapons are involved. In response to Councilmember Cottle's question, Lt. Jordan said he did not review the time of day for the reported incidents. Councilmember Cottle asked that this detail be made available.

In response to Councilmember Kennedy's question, Lt. Jordan said robberies and assaults would require more hours of police time and could require a Detective's investigation. Other problems at the QT Pub included automobile accidents when people try to cross the Highway 99W intersection from the QT Pub parking lot to the southbound lanes of 99W. At times there are automobiles pulling out of the QT Pub and making a southbound left turn into the oncoming northbound two lane traffic. Lt. Jordan said these types of traffic incidents were not included in the 37 reported incidents at the QT Pub.

In response to Mayor Hitchcock's question, Lt. Jordan said the types of incidents at Jody's are more aggravated than the types of incidents at the QT Pub. There were several calls at both establishments where a call is made and when the police arrive the perpetrator is no longer in the area.

In response to Councilmember Cottle's questions, Chief Middleton said an increase of incidents at the QT Pub would drain police services for the other parts of town. The limited resources would put the officers at a higher risk. Lt. Jordan said there have been times when the mutual aid responses also drain the resources from Tualatin Police. The mutual aid responses for the agencies involved (King City, Sherwood and Tualatin) are equal in frequency. In response to Councilmember Aamold's question, Lt. Jordan said calls for the QT Pub are either generated by the QT Pub or the patron. A few alarm calls were reported by neighbors. He was not aware of any other types of incidents being reported by the neighbors.

In response to Mayor Hitchcock's question regarding shift scheduling, Chief Middleton said the Sherwood Police Department does not have the luxury of scheduling any more people. An increase in incidents at the QT Pub could have the potential of leaving other parts of the City of Sherwood without police protection for certain periods of time in order to accommodate the demands.

Mayor Hitchcock requested that a list of additional questions from the Council be developed.

### **3b. Oregon Liquor Control Commission (OLCC) Testimony**

Dan Croy, Regulatory Specialist, Oregon Liquor Control Commission, Regulatory Field Services Division, 9070 SE McLoughlin Boulevard, Portland, Oregon 97222 (Mail: PO Box 22297, Milwaukie, OR 97269-2297), addressed the Council. Mr. Croy said he is a license investigator and Sherwood is part of his area. Mr. Croy referred the Council to three handouts - OLCC Incident Report, "Monitoring Customers Inside and Outside Your Business" informational paper, "A Citizen's Handbook to Liquor Licensing in Oregon" booklet, and information on illegal/disorderly activities and what the OLCC does not have the authority to address.

Mr. Croy reviewed the OLCC licensing process and regulatory procedures. As a license investigator, he gathers information and writes the report. The report goes to the OLCC Commissioners. There are five (5) Commissioners, all of whom are volunteers appointed by the Governor. The OLCC Commission meets once a month. The Commission makes decisions on all licensing and compliance matters. Mr. Croy emphasized that he does not decide if a license is granted or denied, he collects information for the decision-making process of the OLCC Commission. The Commission decides to grant the application as presented, grant the application with restrictions or proposes to deny the application. If the license is proposed for denial, the applicant has the right to an administrative hearing. This process would take several months. Following the hearing, the Hearings Office makes a report for the OLCC Commission to review. At that point, the Commission adopts a Final Order.

Mr. Croy discussed application license requirements. The QT Pub license is a Retail Malt Beverage License (RMB). Legal hours of

sale in Oregon are 7:00 AM in the morning to 2:30 AM the next morning. Minors are prohibited at the QT Pub. The licensee may sell alcohol for on premise consumption as well as selling factory sealed containers of beer and wine "to go". The licensee may have any form of entertainment that is legal, including nude dancing. The applicant includes on the OLCC application what they propose to do. If this changes significantly, the licensee must get prior approval from the OLCC, e.g. if the licensee wants to expand his premises or obtain a greater serving privilege (serving hard alcohol). Mr. Croy said in the case of the QT Pub license transfer, Mr. Tanner turned in his application to the OLCC and the OLCC sent it to the City of Sherwood. The City of Sherwood processes the application and as a part of this process, the City can elect to have a public hearing, which is what this meeting is about. Mr. Croy said he would be taking notes and would also request a written report, including comments and facts, from the City Council on their decision to approve, approve with restrictions or deny.

Mr. Croy said that anyone may attend a Commission meeting. Upcoming Commission meetings are August 21st, 22nd and September 25th and 26th. The Commission meets during the day at 9079 SE McLoughlin Blvd, Milwaukie, Oregon. The agenda is available one week prior to the meeting. He estimated this application will come before the Commissioners in August or September.

Mr. Croy reported the OLCC does not have the authority to address nude dancing and other forms of legal entertainment, litter (except for alcoholic beverage containers and related litter), signs or other advertising not related to alcohol, inadequate parking, traffic congestion, devaluation of property and other zoning related issues. It is the OLCC's policy to work with licensees to help them identify the types of problems they are having and how to solve those problems. If the licensee is unable or unwilling to solve the problems, it may be appropriate to write violation tickets. If the licensee is found in violation they are fined.

Mr. Croy said the OLCC Incident Report is available to the community and helps the OLCC monitor a licensee.

In response to Councilmember Cottle's question, Mr. Croy said a warning could be written if there are not enough facts to warrant a fine. All OLCC licensing checks are public information.

Mayor Hitchcock said one of the Council's concerns is the management and type of clientele that could be drawn to Sherwood. Mr. Croy said the criteria looked at is consideration of an applicant's current record, relative to a current or past premise, and the potential adverse impact on the community. Mayor Hitchcock said another concern of the Council is the increase in traffic due to current and future development in the area of the QT Pub (Highway 99W). Discussion ensued regarding traffic impacts on Highway 99W and future improvements by ODOT.

Mayor Hitchcock asked Mr. Croy what the OLCC records contained

concerning the QT Pub and Jody's. Mr. Croy responded he had not finished his report and could not elaborate on any details at this time. However, he is investigating the records of both establishments. His final report could take several weeks and one of the things he would like is the information from the Council referencing their concerns. In response to Mayor Hitchcock's question, Mr. Croy said the Council could postpone their final decision pending his report.

Councilmember Kennedy asked Mr. Croy if the investigation takes into consideration the location of the facility and its compatibility to the environment, residential v. commercial. Mr. Croy said they look at the impact on the community with the assumption that the location is zoned properly. The Council asked that Planning Director Carole Connell provide information regarding zoning and land use for the QT Pub location.

Mr. Croy clarified that the Council could see his preliminary report and that he would not make his final report until he reviewed information from the City of Sherwood.

### **3c. Portland Police Department Testimony**

Perry Christensen, Liquor License Investigator for the Vice Division, Portland Police Bureau, 1111 SW 2nd, Suite 1430, Portland, Oregon 97204, addressed the Council. Officer Christensen said it is very important that documentation take place at any outlet where the complaint is taking place. The City of Portland has found the OLCC to be responsive to their concerns relative to neighborhood livability. Ofcr. Christensen reviewed the Police Bureau file on Jody's. He stated Jody's is one of the more active outlets in the City of Portland in regard to police response and documented activity. Ofcr. Christensen stressed the review included reported incidents. Several times an incident is coded off, that is rather than write a written report the officer will simply give a dispatch code to the call. Ofcr. Christensen said from his personal experience as a Patrol Officer, probably a 5-1 ratio of the calls are coded. In response to Mayor Hitchcock's question, Ofcr. Christensen said he did not have any statistics on how many responses (not incidents) have been made to Jody's. The Council asked that these statistics be provided for their consideration.

A review of reported incidents at Jody's by Ofcr. Christensen showed that the majority occurred late evening to early morning. All police reports that deal with liquor are sent to the OLCC. Detox reports are not sent to OLCC unless the Officer indicates to do so on the distribution margin. Detox reports contain privileged information.

Officer Christensen said he has had a series of meetings with Mr. Tanner, the owner of Jody's, regarding the Police Bureau's concern for over service and serving minors on the premise. Mr. Tanner's attorney, Mr. Paul Gary, attended the last meeting in Fall 1994. Since that time Ofcr. Christensen has seen a decrease in the number and frequency of incidents. Ofcr. Christensen said Jody's is

located at 122nd and Glisan which is a highly traveled roadway. Consequently, most of the patrons drive to Jody's. Jody's is probably one of the larger establishments in Portland. In response to Councilmember Kennedy's questions, Ofcr. Christensen said Jody's is probably in the top 5% of reported activity in the City of Portland for this type of business. The Police Bureau uses DUII information from the State as a guide.

Officer Christensen stated the City of Portland renews liquor licenses once a year. Jody's current liquor license was placed on hold in January 1995 because of the service to minors and the assaults inside and outside the establishment. The OLCC then issued a temporary letter of authority to operate. Ofcr. Christensen said he believed all of these problems have been or are being addressed by Mr. Tanner and a compliance plan has been initiated. The hold on Jody's liquor license was just released, so it was on hold for about 5 months. Ofcr. Christensen said the time the liquor license is on hold should not be an indicator of the severity of the problem. It merely identifies how long the investigation took, because the license could not only be placed on hold by the Police Bureau, but may be placed on hold by the City Bureau of Licenses because of neighborhood complaints.

### 3d. QT Pub and J.J.T. Enterprises Testimony

Ray Bert, Owner of the QT Pub, PO Box 483, Sherwood, Oregon 97140, addressed the Council. Mr. Bert stated he and his wife, Bettie Jo, had owned the QT Pub since 1982. For 15 years, including 1982, he has gotten rebuttal and bad news from the City Council every time he renews his license. Mr. Bert said now he is trying to sell the QT Pub so that he and his wife can retire and he felt the current review of this matter is ridiculous. Mr. Bert said he is operating a legal business and he has done all he can to maintain a nice, clean and decent business. Mr. Bert said the Council is not allowing him to retire because they are saying the new owner and the Berts are terrible people. The QT Pub is being blamed for everything, including traffic problems, now and in the future. All of this is based on assumption. Mr. Bert said it is also incorrect to assume that all of the patrons from Jody's in NE Portland will come to the QT Pub after Mr. Tanner takes ownership and in turn these patrons will cause problems.

Mr. Bert asked that the Council consider looking at the operation of the QT Pub after Mr. Tanner has run it for a year to base their decisions on. Mr. Bert said he considered the Council's current actions as harassment and until nude dancing is declared illegal, the Council does not have a right to say who he can sell his business to, including Mr. Tanner.

Mayor Hitchcock stated for the record that he had been on the Council for 8 years and during that time he did not recall the QT Pub liquor license being recommended for denial by the Council at any time. Mr. Bert said the Mayor was correct. However, Mr. Bert stated when his license has come up for renewal and when it was necessary, he appeared at that particular Council meeting. Councilmember Cottle said if someone like Mr. Bert, with a good

business record, was trying to buy the QT Pub, the Council may not have as many concerns. Again, Mr. Bert said that the Council is assuming that everything happening at 122nd and Glisan is going to happen at the QT Pub.

Paul R. Gary, Attorney, 1600 KOIN Center, 222 SW Columbia Street, Portland, Oregon 97201-6616, representing J.J.T. Enterprises, Inc. and Jody Tanner, addressed the Council. Mr. Gary said he was pleased to have the opportunity to speak to the Council. He referred the Council to his letter of June 15, 1995, a copy of which was included in the packets. Mr. Gary said he hoped the Council would consider all of the points made in this letter. Mr. Gary said the reason they were here tonight is that the Berts want to sell their business and J.J.T. Enterprises, Inc., Jody Tanner, wants to buy the business. Normally, local government has nothing to do with this type of transaction. In this case, it is a regulatory agency (OLCC) that oversees the business. The OLCC has set certain guidelines under which the City of Sherwood may offer its input and participate in the process so that the agency will make a determination to grant the change of ownership.

Mr. Gary pointed out that he did not believe the City of Sherwood is free to make assumptions based upon incident reports, allegations for which the Council has not seen any investigation, adjudication or conclusions that tie the police incidents or contacts to the way Jody's Bar & Grille is managed and operates. The QT Pub will be sold and the Sherwood community will have a continuing role of oversight. Mr. Gary said that Jody's and the QT Pub were similar at a certain point in time in the past when their gross revenues were close. When the gross revenues at Jody's were about 4 times that of the QT Pub, Jody's did not have any police contact from the City of Portland. Mr. Gary said the OLCC file shows that Jody's has a more active record than the QT Pub. Mr. Gary said the assumption that the same customers will be coming to the QT Pub under Mr. Tanner's ownership is incorrect. He referred to another establishment in the vicinity of Jody's that has significantly more incidents.

Mr. Gary said Jody's incidents are decreasing in 1995 due to Mr. Tanner's more active participation in the management and operation of his business, as well as security for the parking lot. It is the people at Jody's that are causing the problems. In 1994 there were 26 police contacts at Jody's, none of which showed Mr. Tanner or his employees being contributors to a serious violation of the law.

Mr. Gary said the City has an obligation to make its recommendation based upon a reasonable inference in facts. The facts being discussed are police incidents and contacts in which Jody is 26 and 0 in 1994, and 7 and 0 in 1995. There have been no conclusions that Mr. Tanner has done something wrong. Councilmember Cottle said the Council is looking at whether Mr. Tanner's establishment, as owner of the QT Pub, will be a strain on the City of Sherwood's service.

In response to Councilmember Kennedy's question, Mr. Gary clarified that in 1985, Jody's had 4 times the revenue of the QT Pub and had zero police calls. It was Mr. Gary's opinion that Jody's business is based on its location at one of the busiest intersections in Portland in a commercial area. Physically, the QT Pub and Jody's are very different.

Mr. Gary said Mr. Tanner has operated successfully under the regulations of the OLCC for 10 years without a violation. Councilmember Cottle said the Council's concern is if the volume of incidents increases it will severely strain Sherwood's police services and asked if this was fair to the citizens of Sherwood.

Mayor Hitchcock asked Mr. Gary to clarify the discussion of Officer Christensen referencing the hold placed on Jody's liquor license for 5 months and the inference placed here. Mr. Gary responded that Officer Christensen said the hold on the license was consistent with over service, but that this was not the kind of inference or fact he was talking about. Mr. Gary pointed out that Mr. Tanner has committed time and resources to work with the OLCC and Portland Police to reduce the number of incidents.

Jody Tanner, J.J.T. Enterprises, Inc., addressed the Council. Mr. Tanner said he had owned Jody's since 1979. Jody's had 12 owners in the 12 year period prior too 1979. Mr. Tanner said currently the QT Pub is a very low volume tavern. Any potential new owner would have to increase the volume of the QT Pub to cover mortgage, lease and expenses. Jody's is possibly 3-4 times larger than the QT Pub physically in size and is located in a commercial area with outlying dense residential areas. Mr. Tanner said as Jody's business increased so did the police calls.

Mr. Tanner reviewed business revenues during his ownership. The QT Pub has a volume of approximately \$40,000 per month. The QT Pub will never have the volume Jody's is doing currently. In response to Councilmember Cottle's question, Mr. Tanner said there are 10-15 similar businesses in the area of Jody's. Contrastingly, the QT Pub does not have similar competitors in it's immediate area. Mr. Tanner said the Council should review how many calls the other Sherwood bars and taverns have had within a year.

Mr. Tanner said he plans to make several improvements to the QT Pub, both interior and exterior. Some of the remodeling will include outside signage, new siding, mansard and roof, parking lot paving, enlarging the bathrooms, kitchen update, new carpet and paint. This investment would be approximately \$100,000. In response to Councilmember Kennedy's question, Mr. Tanner said he did not plan to increase the square footage of the QT Pub. Mr. Tanner stated the QT Pub has the potential for an increase in clientele compared to its current levels. Right now the QT Pub is a very low volume operation and a new owner would have to increase the volume about 4 times to make it profitable.

Mr. Tanner said he plans to keep the same format, however, there is legislation on the 1996 ballot where all of this discussion may not



be necessary. If this legislation were passed, Mr. Tanner said that with the development behind the QT Pub, it would also make an excellent sports bar.

Mr. Tanner said he would like to increase the business at the QT Pub and attract people traveling by the business. He has no interest in bringing the Jody's neighborhood to Sherwood. Mr. Tanner discussed management of Jody's and the QT Pub. Jody's will be managed by a long term employee and the QT Pub management is already in place. He credited the present decrease in incident reports at Jody's with the ability to manage and staff for the increased volume. They have also added security at Jody's. Mayor Hitchcock said he felt it takes active management participation to make a small business a success. Mr. Tanner reiterated that Jody's is in a densely populated area with a high volume and they are doing 10-15% more volume than the QT Pub. Mr. Tanner said he refused to sit there and say he mismanaged Jody's because they had 26 police calls.

In response to Councilmember Cottle's question, Mr. Tanner said the QT Pub is open from 12 Noon until legal closing hours. He said initially they plan to keep the current QT Pub business hours. As it is remodeled and the need arises, they may open earlier. They also plan to be open on Sunday. Discussion followed regarding the QT Pub location on Highway 99W and safety concerns.

In conclusion, Mr. Tanner said it is disturbing and distressing that Mr. and Mrs. Ray Bert are being delayed in their sale of the business. Mr. Tanner said tonight he was going to suggest to the Berts that if they have the opportunity to sell their business for anything close to Mr. Tanner's offer, that they do so. However, he was going to pursue this purchase until there is no longer anything to pursue. Councilmember Cottle said the Council scheduled this meeting specifically to review this sale of the QT Pub and pending liquor license transfer.

Ray Bert said when he first took over the QT Pub it was 'rock and roll' and had numerous police calls. When the QT Pub moved to dancing girls it was full from noon to night. During this time there were no calls for the police. Mr. Bert said the difference between Jody's and the QT Pub is like day and night.

Mayor Hitchcock recessed the hearing at 9:45 PM and reconvened at 10:00 PM.

Doug Nelson, Business Brokers, Inc. (BBI), 901 SE Oak, Suite 101, Portland, Oregon 97214, addressed the Council on behalf of Mr. and Mrs. Ray Bert. Mr. Nelson said BBI initially sold the QT Pub to the Berts in 1982. BBI represents Mr. & Mrs. Bert in the pending transactions. The QT Pub has been on the market for one year. BBI has talked to numerous prospective buyers and the most qualified individual has been Mr. Jody Tanner. Mr. Nelson said any operator of the QT Pub will have to increase the business in order to make a profitable operation. BBI valued the property with its status as a liquor licensee with video poker and will probably not be able to

find a more qualified operator in a reasonable amount of time than Mr. Tanner.

### 3e. General Public Testimony

Sally Ward, 308 Clem Bridge, Newberg, Oregon 97132, addressed the Council. Ms. Ward said she had lived in Yamhill County for 20 years and the QT Pub is not any way she would make a living. She said she has always been careful not to drive by the QT Pub late at night or in the area because often times she has seen people driving the wrong way on Highway 99W or without headlights turned on after leaving the QT Pub. A year ago, Ms. Ward and the occupants of her car were involved in an accident with someone leaving the parking lot of the QT Pub. This occurred at the Chevron Station stop light on Highway 99W in Sherwood. Ms. Ward said Newberg is building 600 new homes and most of the potential occupants will be traveling on Highway 99W. Ms. Ward said she is having a lot of problems today because someone at the QT Pub did not act responsible in serving customers. When these types of incidents are taking place, then it is time to do something about it. Ms. Ward felt that the increased traffic on Highway 99W would jeopardize people's safety traveling by the QT Pub.

David Bantz, Project Manager for Genstar NW, 11535 SW Durham Rd, Suite C-1, Tigard, Oregon 97224, addressed the Council. Mr. Bantz said Genstar is the managing partner of the Woodhaven Project, 1268 units immediately behind the QT Pub. He had talked to Mr. Bert and he was very cordial. Mr. Bantz said he was very concerned about the continued operation of the QT Pub. In two years Woodhaven will have eight lots that will be within 300 feet of the QT Pub. These lots have no access to Highway 99W and are not zoned commercial. Mr. Bantz suggested that the QT Pub operation is a nonconforming use in an office/commercial zone. The Council asked that Planning Director Carole Connell review this point. Mr. Bantz said any expansion consisting of increased signage, expansion and parking lot paving will be viewed by Genstar, and should be viewed by the City, as an expansion of a nonconforming use and will have to receive City Council approval. Mr. Bantz said a question of existing sewer/septic system should also be an issue of consideration in the purchase of this property. The Council asked that Planning Director Carole Connell review the nonconforming use statutes.

Chris Corrado, 2160 SW Fair Oaks Drive, Sherwood, Oregon 97140, addressed the Council. Mr. Corrado said the issue is really public safety. He stated if he had any sympathies in this argument it may lie in the fact that the Berts may have a business they cannot sell. Mr. Corrado said he would not place the safety of children or any Sherwood citizens at risk because they feel compelled to provide the Berts a certain retirement. Increased traffic on Highway 99W will cause increased safety problems.

Jim Scanlon, 425 NW Marshall, Sherwood, Oregon 97140, addressed the Council. Mr. Scanlon said he was on the Planning Commission for seven years and helped develop the current ten year plan the City is operating under. At the time he was on the Planning Commission,

the zoning for the QT Pub was neighborhood commercial. The reason for this zoning was that the use pre-existed some of the City's codification and had fallen through the cracks in terms of how to accommodate a pre-existing use. The neighborhood commercial zoning seemed to fit that usage the best. However, the Commission did have great difficulty with the issues of safety and the issues of setbacks within the zoning for adjacent properties. Mr. Scanlon said he would like to go on the record as saying with Woodhaven being developed behind the QT Pub, were this a new application coming before him on the Planning Commission, he would recommend against it based on public safety considerations for that zoning.

Mr. Scanlon continued that in terms of the existing condition today, he would like to add his voice to the other testimony that there exists today a dangerous condition with that use in its current configuration. He also has nearly been side-swiped on two separate occasions by patrons of the QT Pub trying to get in or out of the business parking lot and not knowing where the driveway was.

Mr. Scanlon said he has worked for a civil engineering firm and with transportation engineers and he is a technical person in that field. His opinion, just on what he has seen, is there exists a dangerous condition that should be corrected no matter who owns the business. The ingress and egress from the business should be controlled in the same manner that the City has controlled ingress and egress for the Six Corners Shopping Center, especially given the drunken nature of some of the patrons. By the erratic nature of their driving, Mr. Scanlon assumed they were drunk. Mr. Scanlon said full improvements to the property on all of its frontage to the highway need to be accommodated, sidewalks, curbs and an engineered ingress and egress to the property no matter whether it maintain its current owner or is sold to a new owner.

Monica Bastian, 25155 SW Labrousse Road, Sherwood, Oregon 97140, addressed the Commission. Ms. Bastian presented the Council with a list of 30 signatures from people who are opposed to the transfer of the OLCC liquor license from the current owners to J.J.T. Enterprises. Ms. Bastian said her husband was killed in September 1994. She said there are more problems coming out of the QT Pub than the Council had heard. Ms. Bastian said the QT Pub does not pay any attention to who their patrons are or who is drinking. Ms. Bastian said the person who killed her husband had a blood alcohol level of 0.28. The legal limit is 0.08. If the Council allows a person in the QT Pub that is going to increase the volume of business, they would not only be putting her family at risk again, but also putting their families at risk.

Jean Canfield, 24799 SW Obert Road, Sherwood, Oregon 97140, addressed the Council. Ms. Canfield said she has been a resident of Sherwood for almost 19 years, is State Chair for Mother's Against Drunk Driving (MADD), and has been a volunteer for almost 8 years. She works with individuals like Ms. Bastian and she knows what happens and is sure none of the residents of Sherwood want to go through what the Bastian family or others have gone through. Ms. Canfield said they do know that overserving is what causes the

problem. The servers are trained to cut off a visibility intoxicated person. This is around 0.12 to 0.14 where the person is impaired. Ms. Canfield said with the traffic on Highway 99W, MADD can see nothing but problems. She asked that the Council think about the residents of Sherwood. MADD is not against drinking, not against alcohol, but MADD is certainly against drinking and driving and they are certainly against overserving when there are fights and all the kinds of things they have heard about tonight. In response to Mayor Hitchcock's question, Ms. Canfield said she had discussed Jody's record with the MADD Chapter in Multnomah County and Jody's is one of the names that comes up very often.

Reverend Ken Vanderhoff, 23510 SW Stafford Road, Tualatin, Oregon 97062, addressed the Council. Rev. Vanderhoff said he is the pastor of one of the local churches. The guidebook that he goes by has one line that comes to mind, "All things are lawful when they do not alter things expedient." What that says to him is that there are things in life where they make choices and sometimes they make assumptions. Having worked in the pastor's field for a number of years one of things he deals with are people who struggle with the problem of drinking and alcohol. He is reminded several times a week when he travels to Newberg on business of the high cost of alcohol when he sees the cross and name "Tim" spoken to earlier. It reminds him of how much he hates that whole issue. He does not hate the people behind it, it's lawful, he can't do anything about that, but is it expedient. Rev. Vanderhoff said he had a major concern for our City about the QT Pub and he is concerned that as the QT Pub grows and the traffic increases in this area that they are creating a tremendous hazard. It's lawful, but is it right? He did not believe it fits the image of Sherwood and he is concerned about the expansion of that facility.

Susan Claus, 22211 SW Pacific Highway, Sherwood, Oregon 97140, addressed the Council. Ms. Claus said she has lived across Highway 99W from the QT Pub for 5 years. As someone that lives across the highway, and from what has been heard from other people in the audience, there are a lot of things that happen on Highway 99W that aren't necessarily reported because Sherwood does not have the manpower, there are a lot of different reasons. As a family, they have been in the unenviable position doing part of the policing. On several occasions, over the years, people have used the Claus' circular driveway. There are a series of problems associated with Highway 99W and a lot of it does stem from the patrons at the QT Pub. Many QT Pub patrons do not understand the Highway 99W traffic pattern when they are sober. It is even more of a problem when they are inebriated. Traveling southbound on Highway 99W, heading toward Newberg, the patrons trying to get into the QT Pub parking lot are making lefthands turns. Ms. Claus said she believed the patrons do not have direct access off of the median. When you come off the median, you go at an angle, it is not a ninety degree turn and you have to go against traffic to get into the QT Pub parking lot. There are no parking strips and nothing to really direct the people. This becomes more of a problem if the person has been drinking. Ms. Claus said the Highway 99W traffic safety problems

will become more of an issue with the development of Wyndham Ridge on the west side of 99W. Ms. Claus suggested the Council find out if the QT Pub has access from Highway 99W traveling south and going into the QT Pub. There is also a bus stop for school children next to the QT Pub parking lot. Improvements to the interior and exterior of the QT Pub would be a positive step. Ms. Claus said the use is the problem on the highway and the use is the problem in the community.

Mayor Hitchcock asked if anyone else wished to testify. There being no further testimony, Mayor Hitchcock suggested because the Council had requested a series of information, that the QT Pub Liquor License Transfer be tabled until the additional information is received and Council has an opportunity to exchange findings between Council and the preliminary findings of the OLCC. The next regular Council meeting will be in 3 weeks. Mr. Croy said he would do his best to prepare a preliminary report by that time. If this will not be possible, Mr. Croy said he would notify the Council. The Councilmembers concurred with this schedule.

Mayor Hitchcock reviewed the list of items which Council requested more information on. These were:

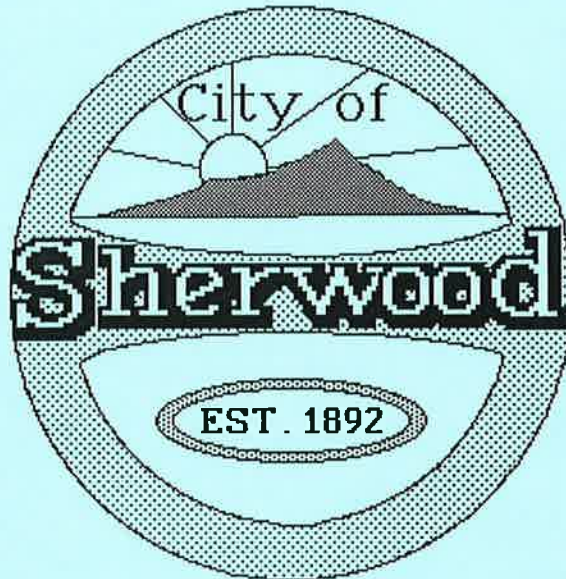
1. Traffic at the QT Pub - flow, legal crossing, impact of Wyndham Ridge and other developments in the area using the turnaround
2. Land Use Information - what can and cannot be done under the current zoning and the noncompatible use issue.
3. Review the Statistics in Terms of Manpower Hours for the Incidents at Jody's in the City of Portland - review the resource requirements that are being drawn in Portland.
4. Time of the Reported Incidents - day, night, early morning.

#### Adjournment

There being no further business before the Council, the meeting adjourned at 10:30 PM.

Respectfully submitted,

Roxanne Gibbons  
Secretary



**City of Sherwood, Oregon**  
Special City Council Meeting

June 21, 1995

**7:30 P.M.**

Stewart Senior/Community Center  
855 N. Sherwood Blvd.

Walt Hitchcock, Mayor  
Bill Boyle, Council President  
Barry Kennedy   Jane Aamold   Mark Cottle  
Jim Rapp, City Manager



City of Sherwood, Oregon  
**Special City Council Meeting**

June 21, 1995

**7:30 PM**

Stewart Senior/Community Center  
855 North Sherwood Blvd.

**6:30 PM**  
**Executive Session**

Executive session as per ORS 192.660 (1)(h), to consult with legal counsel with regard to litigation or litigation likely to be filed.

**1. Call to Order (7:30 p.m.)**

**2. Roll Call**

**3. Special Meeting**

The City Council will hold a special public hearing to receive testimony regarding the transfer of liquor license for the QT Pub to J.J.T. Enterprises, Inc. There will be no other items on the agenda.

- a. Testimony from City Police
- b. Testimony from OLCC
- c. Testimony from Portland Police
- d. Testimony from QT Pub and J.J.T. Enterprises
- e. General Public Testimony
- f. Council Discussion and Action

**4. Adjournment**



WASHINGTON  
COUNTY,  
OREGON

**WASHINGTON COUNTY**  
**WILL HOST**  
**THE WASHINGTON COUNTY**  
**PUBLIC OFFICIALS CAUCUS**

*Thursday, July 13, 1995*  
*7 p.m. to 9 p.m.*

*Public Services Building*  
*Shirley Huffman Auditorium*  
*155 N. First Avenue*  
*Hillsboro, Oregon*

**AGENDA**

- I. INTRODUCTION**
- II. METRO REGION 2040 DECISION SCHEDULE**
- III. REGION 2040 PUBLIC WORKSHOP - SUMMARY**
- IV. METRO GROWTH CONCEPT ANALYSIS**
- V. QUESTIONS - ANSWERS AND DISCUSSION**
- VI. CONCLUSIONS AND ADJOURN**

**Please RSVP to Joan Dueker at 648-8685**

(g: caucus.agn)