

CITY OF McMinnville
MINUTES OF THE WORK SESSION of the McMinnville City Council
Held at the Kent L. Taylor Civic Hall on Gormley Plaza
McMinnville, Oregon

Tuesday, April 24, 2018, at 6:00 p.m.

Presiding: Scott A. Hill, Mayor

Recording: Melissa Grace, Recording Secretary

Councilors:	<u>Present</u>	<u>Excused Absence</u>
	Remy Drabkin	Kellie Menke
	Adam Garvin	Alan Ruden
	Sal Peralta	
	Wendy Stassens	

Also present were City Manager Jeff Towery, City Attorney David Koch
and Dave Adams of KLYC Radio.

1. CALL TO ORDER: Mayor Hill called the Work Session to order at 6:22 p.m. and welcomed all in attendance.

2. DISCUSSION ON FIRE PARTNERSHIP WITH SHERIDAN FIRE DISTRICT

Fire Chief Leipfert introduced Fire Chief Jim Sterns and Board Chair Scott Breedon. He explained that the concept was to create partnerships to improve service and find funding resources to sustain operations. He noted that virtually all districts had these same challenges. He explained that in 2015/2016 they had worked with Newberg to create a district. Consultants at that time led them through a three step process, 1. Create Intergovernmental Agreements, 2. Create a functional consolidation, and 3. Create a District. Since Newberg decided to join with TVF&R, the dialogue had continued with the rest of the departments in the County. There were agreements with Amity and Lafayette already. The more partners involved the more effective and efficient the process would be. Sheridan had chosen to hire an interim chief instead of replacing the outgoing chief and was looking at what would best serve their citizens.

Fire Chief Sterns explained that he had been brought in on a one year contract in order to explore the possibilities of doing business in a different manner. It seemed to fit well with McMinnville as those discussions were already underway. The ultimate goal would be to form one fire district that would cover the area. He was a big proponent of closest resource to the scene; it did not matter whose truck or personnel answered the call.

Fire Chief Leipfert stated that one of the challenges was loss of identity of your own department as the process moved forward. When he had spoken with members of the department and volunteers they had expressed their support in moving in the direction of mergers and consolidation.

Discussion ensued regarding the escalating cost for fire and emergency services and what a fire district would look like. Fire Chief Sterns explained that it would be formed as allowed under state statute and governed by an elected five member board and an oversight board with representation from each entity served.

City Manager Towery stated that there were a lot of economies of scale including a stronger response that could add capacity. He encouraged the Council to proceed with the initiative and look for ways to get to yes.

Councilor Drabkin asked about response time standards and how they were adopted. Fire Chief Leipfert stated that the City Council established these times currently. If there was a district then response times would be set by the district board.

Fire Chief Sterns stated that with a district there should be an improvement in response times.

Councilor Stassens asked which entities had expressed interest in a district. Fire Chief Leipfert stated Amity, Sheridan, and Lafayette had expressed interest. There was a process for other districts to join later if they had contiguous borders.

Discussion ensued regarding how the fire district model would work differently from what McMinnville had now. Fire Chief Leipfert explained there were things they could do in a district that they could not do as a City that would enhance services. Employees would be employees of the district and voters would be asked to approve a tax rate for the fire district. The taxing district would be responsible for all the financial obligations including PERS.

Councilor Garvin was concerned about taking on more negative ASA dollars with Sheridan Care Homes.

Councilor Peralta expressed concerns with the process of having voters approve a fire district.

Discussion continued regarding the process of creating a fire district including the tax rate, expansions, and capital improvements.

Council direction was to have the Fire Chief bring back a Memorandum of Understanding between the Sheridan Rural Fire District and City of McMinnville.

3. ADJOURNMENT: Mayor Hill adjourned the Work Session at 7:07 p.m.

CITY OF McMinnville
MINUTES OF REGULAR MEETING of the McMinnville City Council
Held at the Kent L. Taylor Civic Hall on Gormley Plaza
McMinnville, Oregon

Tuesday, April 24, 2018, at 7:00 p.m.

Presiding: Scott A. Hill, Mayor

Recording: Melissa Grace, Recording Secretary

Councilors:	<u>Present</u>	<u>Excused Absence</u>
	Remy Drabkin	Kellie Menke
	Adam Garvin	Alan Ruden
	Sal Peralta	
	Wendy Stassens	

Also present were City Manager Jeff Towery, City Attorney David Koch, Community Development Director Mike Bisset, Police Chief Matt Scales, Tom Henderson of the *News Register*, and Dave Adams of KLYC Radio.

AGENDA ITEM

1. CALL TO ORDER: Mayor Hill called the meeting to order at 7:08 p.m. and welcomed all in attendance.

2. PLEDGE OF ALLEGIANCE: Councilor Drabkin led in the recitation of the Pledge of Allegiance.

3. INVITATION TO CITIZENS FOR PUBLIC COMMENT: Mayor Hill asked for comments from citizens on topics not on the evening's agenda.

Caroline O'Brien, 1591 SW Wright Street, stated that she witnessed a hate crime to women at the library. She explained that she reported the incident to the police department and spoke to the librarian who told her the only thing the library could do would be to ban him from the library for 90 days. This man had been arrested over 25 times for menacing, harassment, theft, assault, and strangulation. She asked Council to make a statement that the City was not going to tolerate this type of behavior. She was also going to go to the County Commission to see what could be done on the County level and would contact her State Representatives as well.

4. PROCLAMATIONS

4.a. Lemonade Day

Mayor Hill read the proclamation declaring May 5, 2018 as Lemonade Day and presented it to Gioia Goodrum and Rhonda Pope from the Chamber of Commerce.

4.b. Arbor Day

Mayor Hill read the proclamation declaring April 27, 2018 as Arbor Day and presented it to Associate Planner Chuck Darnell.

Associate Planner Darnell shared some photos of the Tree City USA signs indicating 21 years of participation, new flag to be raised at the Fire Department on Arbor Day, and the tree planting event that was done on March 31 off of Highway 18.

5. CONSENT AGENDA

5.a. Consider the Minutes of March 13, 2018 and March 21, 2018 Work Session and Regular City Council Meetings.

5.b. Consider request for Winery OLCC License from Rose and Fern Cellars, LLC located at 2515 NE Orchard Avenue #3.

5.c. Consider request for Winery OLCC License from Kendrick LLC, DBA Domaine Glennon located at 925 NE 7th Street.

5.d. Consider request for Full On-Premises, Commercial OLCC License from Blue Moon located at 310 NE 3rd Street.

5.e. Consider **Resolution No. 2018-18**: A Resolution supporting the City of McMinnville's ongoing participation as a member of the Yamhill County Affordable Housing Corporation's (YCAHC) regional Housing Rehabilitation Collaborative and the board of directors, and to appoint the Planning Director Heather Richards as the successor to the previous board member Ron Pomeroy.

Councilor Drabkin MOVED to adopt the consent agenda; SECONDED by Councilor Stassens. Motion PASSED unanimously.

6. ORDINANCES

6.a. Consider second reading of **Ordinance No. 5050**: An Ordinance relating to the definition of plastic bags; Amending McMinnville Municipal Code Chapter 5.36.

No Councilor present requested that the Ordinance be read in full.

City Attorney Koch read by title only **Ordinance No. 5050** An Ordinance relating to the definition of plastic bags; Amending McMinnville Municipal Code Chapter 5.36.

Councilor Drabkin said after receiving a lot of feedback, she was uncomfortable with removing the \$.05 fee per recyclable bag.

Councilor Stassens agreed. The experience from other communities showed that the required \$.05 kept the motivation where it needed to be and helped businesses cover the costs.

Councilor Garvin was in favor of removing the mandated fee. He did not think the government should dictate how businesses were run. He thought it should be up to the businesses. Stores gave out paper bags without charge currently, and he did not think there would be a change in overhead costs to the businesses. There were other practices that could be put in place to reduce these costs without the City mandating it on all businesses.

Councilor Peralta thought they only needed to tighten up the language related to single use plastic bags and leave the rest of the ordinance unchanged.

Mayor Hill stated the presentation from Recology on the difficulty with recyclables showed the need to reduce the number of plastic bags in the landfill. By eliminating the \$.05 per bag they took some of the teeth out of the ordinance. There were three letters of support for leaving the \$.05 cent charge in the ordinance. He was not in favor of leaving the \$.05 fee to the discretion of the businesses.

Councilor Drabkin asked grocers to employ an already reusable resource in the stores, such as boxes that the goods came in, and make them available for people to use.

Mayor Hill opened up public comment.

Steve Iverson, 1033 SW Courtney Laine Drive, member of Zero Waste. He stated that they applauded the Council in clarifying the term reusable check out bag. He also complimented Council for the foresight in choosing to prohibit pure plastic bags of any type. As a result customer behavior had been strongly directed to use reusable bags. They were not in favor of making the \$.05 per bag an optional charge. The two major reasons for supporting the \$.05 were that it compensated the stores for the additional costs and directed the charge to those customers who were using the paper bags. It also provided a gentle and not too punitive push to customers to remember to bring reusable bags when shopping. This would be the same for every store in town.

Pat Angland, 218 NW 7th Street, stated that this was a forward thinking ordinance. There was an estimated 300 plastic bags used per person in the United States each year. She quoted from the letter from Surfrider that stated in Portland where no fee was applied paper bag use increased. She

questioned where all of the bags went. She stated that the City cited sustainability as the reason for the ordinance and prudent use of paper products was a reasonable part of that goal. If businesses were giving out increased numbers of paper bags, profit and loss statements would begin to show it and customers would experience price increases. Plastic bag recycling bins were filling up much more slowly, however she questioned if paper bag bins would take their place. Overuse of paper bags was not the intention of this ordinance. She agreed with the clarification of the reusable bag definition. Keeping it clear and logical for community members was important. She did not think they should make it an option for the \$.05 bag fee as it did not fulfill the purpose of a sustainable City.

Councilor Drabkin MOVED to pass Ordinance No. 5050 to a second reading, only moving forward with the proposed changes to Section 1, Exhibit 1 and leaving the rest of the ordinance as originally proposed at the April 10 Council meeting without the proposed changes to Section 2 and 3; SECONDED by Councilor Peralta. Motion PASSED unanimously.

City Attorney Koch read by title only for a second time Ordinance No. 5050.

Councilor Stassens MOVED to approve Ordinance No. 5050 An Ordinance relating to the definition of plastic bags; Amending McMinnville Municipal Code Chapter 5.36; SECONDED by Councilor Drabkin. Ordinance No. 5050 PASSED by a unanimous roll-call vote.

- 6.b. Consider first reading with possible second reading of **Ordinance No. 5051**: An Ordinance relating to Special Use Permits for City parks; revising the fine schedule for violation of park rules; and, amending McMinnville Municipal Code (MMC) Chapter 12.36.

No Councilor present requested that the Ordinance be read in full.

City Attorney Koch read by title only Ordinance No. 5051 An Ordinance relating to Special Use Permits for City parks; revising the fine schedule for violation of park rules; and amending McMinnville Municipal Code (MMC) Chapter 12.36.

Parks and Recreation Director Muir provided a background noting that there were some negative behaviors at local parks. They had been approached about potentially hosting the Walnut City Music Festival at City Park and found that there was a ban on alcohol in all City parks. She also wanted to clean up the ordinance to make sure they had delegated authority for permitting large events and to allow noise ordinance waivers. The proposed ordinance removed the alcohol ban in City Park if a special use permit was approved. It also authorized the City to collect fees for

these large events and updated the fines. She asked the City Attorney to explain the noise ordinance waivers.

City Attorney Koch explained that noise was addressed in a few places within the City Code. There was a general prohibition against noise that would require a permit from Council for any amplified music. A newer ordinance governed noise in parks and did not allow noise producing machines, devices, or instruments that would be heard beyond the boundaries of the park unless approved by the Parks Director. He had added language within the permit section that would allow the Parks Director to authorize permits without it necessarily having to come to Council so long as the noise was contained between 9 a.m. and 11 p.m. If it did not fall within those hours, the permit would require Council approval.

Parks and Recreation Director Muir said the OLCC regulations would apply to these types of events and anyone who wanted a permit to include alcohol would need to comply with the regulations. She spoke with two City Park neighbors and one was in favor and one was less supportive. One of the requirements for the permit was that the activity would not have an unreasonably adverse impact from noise, litter, or traffic on the park or surrounding neighborhood. If they started to receive complaints from large events about noise or other impacts, they had the ability to not allow more events.

Councilor Peralta asked when the last time the ordinance was updated. Parks and Recreation Director Muir stated it was last updated in 1999.

City Attorney Koch explained that the fine schedule was adopted at that time and they were based on the fines generally adopted statewide for ordinance or code violations. The amounts proposed in this ordinance were consistent with the 2018 schedule of fines. The maximum fines matched exactly with the ORS fined for traffic tickets. He clarified that it was at the discretion of the judge to set the fine amount.

The Council thanked Ms. Muir for her work on the ordinance.

Councilor Stassens MOVED to pass Ordinance No. 5051 to a second reading; SECONDED by Councilor Drabkin. Motion PASSED unanimously.

City Attorney Koch read by title only for a second time Ordinance No. 5051.

Councilor Garvin MOVED to approve Ordinance No. 5051 An Ordinance relating to Special Use Permits for City parks; revising the fine schedule for violation of park rules; and amending McMinnville Municipal Code

(MMC) Chapter 12.36; SECONDED by Councilor Drabkin. Ordinance No. 5051 PASSED by a unanimous roll-call vote.

6.c.

Consider first reading with possible second reading of **Ordinance No. 5052**: An Ordinance amending Title 17 (zoning) of the McMinnville City Code, specific to Chapter 17.06 and Chapter 17.62, to update definitions and the regulation of nonconforming signs.

No Councilor present requested that the Ordinance be read in full.

City Attorney Koch read by title only Ordinance No. 5052 An Ordinance amending Title 17 (zoning) of the McMinnville City Code, specific to Chapter 17.06 and Chapter 17.62, to update definitions and the regulation of nonconforming signs.

Associate Planner Darnell provided a background explaining that in 2008 the City adopted Ordinance No. 4900 which included the amortization process requiring nonconforming signs to be brought into compliance. The deadline for compliance was December 2017. There was a one year extension approved on December 31, 2017 by Ordinance No. 5013. He stated that in June 2017 notices of potential sign noncompliance were sent to 140 properties. There was business community and legal opposition and the deadline was extended again by Ordinance No. 5044 to allow for further review of the legality of the amortization process. There was a legal analysis and assessment of risk concluded and presented to City Council. Council direction was to explore other processes for bringing nonconforming signs into compliance. The Planning Commission held a public hearing on March 15, 2018. The proposed amendments were to remove the amortization process from the code and in place of that to introduce other triggers and enforcement methods that would result in updates to nonconforming signs. There were five proposed triggers:

Trigger #1 was any alteration of a nonconforming sign that required a building permit. The current definition of “alteration” was any change in the size, shape, method of illumination, construction, or supporting structure of a sign. The 2014 Oregon Structural Specialty Code required a permit for changes to signage that would impact wind load or structural load.

Discussion ensued regarding the definition of alteration.

Trigger #2 was any alteration of a structure or building on the property that required a building permit and a certificate of occupancy. He explained that the 2014 Oregon Structural Specialty code regulated changes in occupancy. The McMinnville Building Official issued a

certificate of occupancy in the following situations: new construction or change of use (and required construction type).

Planning Director Richards stated that the intent was that there needed to be some proportionality in terms of a trigger. The difference between the trigger approach and the amortization process was that if the property owner wanted to do something with their property, they would bring the signs into compliance. There was no trigger for the amortization process; it was just a period of time people had to bring their signs into compliance. They were recommending using land use processes as triggers and they were bringing as many triggers into play that were legally available and proportional.

Discussion ensued regarding the reasons why the amortization process was not enforceable.

Trigger #3 was additions or expansion of 25 percent or more of the overall square footage of a structure or building on the property.

Trigger #4 was any change to a property that required a building permit of which the value of the building permit improvements was 25 percent or more of the real market value of the buildings on the property within a 24 month period, as determined by the Yamhill County Assessor's Office in the most recent tax year.

Councilor Drabkin asked about a trigger for parking lots. Associate Planner Darnell stated that this trigger would apply for a parking lot.

Councilor Peralta asked about proportionality. If the sign change the City demanded far exceeded the cost of the renovation, it could create a legal problem.

Planning Director Richards explained a certificate of occupancy was not an abnormal trigger for land use processes to bring a site up to code.

Councilor Stassens clarified a certificate of occupancy happened when there was a significant change to the space. There could be a change of tenant that used the same space with only minor changes and did not need a certificate of occupancy.

City Attorney Koch said that was the choice of the property owner, whether or not to do a major renovation of the tenant space and knowing it would trigger a requirement to bring their nonconforming sign into conformance. The proportionality question was evaluated in terms of an exaction of the property. An example was the case of Dolan vs. the City of Tigard.

Councilor Peralta asked that the Council delay action on the ordinance until they received a legal opinion on this issue.

Trigger #5 was the abandonment of a nonconforming sign. The current definition of abandonment was vague and there were no clear timeframes. Staff proposed to amend the language and set the timeframe to be a sign that advertised a business or event that had been closed for more than 30 days or a sign that had been damaged and repairs had not been started within 60 days of the date the sign was damaged or not completed within 180 days once started.

Associate Planner Darnell reviewed the public testimony received. There was one proponent at the Planning Commission public hearing, and four opponents. Letters of opposition had also been received and one requested a public hearing be held on this matter. A public hearing was not required, however. He stated that the Planning Commission recommended approval of the zoning text amendments to City Council.

Councilor Peralta asked that the second reading of the ordinance be moved to the next City Council meeting. City Attorney Koch stated that he would work on a legal briefing.

Councilor Drabkin understood that the City was trying to avoid litigation. The triggers were reasonable and well vetted. She would feel comfortable moving forward with the ordinance tonight. This had been a challenge for everyone involved. She applauded City staff for their efforts and that their efforts had been considerate of the business owners who had not brought their signs into compliance over the last decade.

Councilor Stassens thought this had been a long process and she appreciated the thoughtfulness of the process and the work. She thought the legal issues had been addressed.

Councilor Drabkin MOVED to pass Ordinance No. 5052 to a second reading to be held on May 8; SECONDED by Councilor Stassens. Motion PASSED unanimously.

7. ADVICE/ INFORMATION ITEMS

7.a. Reports from Councilors on Committee & Board Assignments

Councilor Garvin said YCOM had approved a 3% increase. There would be a hearing on it in June.

Councilor Stassens announced the Alpine Avenue Lunch was this Friday at 11:00 a.m.

Councilor Drabkin announced the McMinnville Affordable Housing Task Force would meet tomorrow at 10 a.m.

Mayor Hill reported on the Parkway Committee meeting where the signed letter of support for the Bypass Phase II was presented. The Visit McMinnville Committee met last week and dove into the budget for the upcoming year, looked at many successes with media, and looked at the future. They walked the City looking at possible wayfinding sign locations.

7.b. Department Head Reports

City Manager Towery noted he would be out of the office most of next week due to participating in the recruitment for a new Deputy Chief Operating Officer for the Metro Council and attending the ICMA Conference.

8. EXECUTIVE SESSION: EXECUTIVE SESSION UNDER ORS 192.660(2)(d) TO CONDUCT DELIBERATIONS WITH PERSONS DESIGNATED TO CARRY OUT LABOR NEGOTIATIONS.

Mayor Hill announce that the City Council would be moving into Executive Session under ORS 192.660 (2) (d).

Mayor Hill opened the Executive Session at 8:48 p.m.

Mayor Hill closed the Executive Session at 9:00 p.m.

9. RETURN FROM EXECUTIVE SESSION TO TAKE ACTION.

9.a. **Resolution No. 2017-19:** A Resolution ratifying a collective bargaining agreement between the City of McMinnville and the McMinnville Police Association (MPA) for Health Care only for the period starting July 1, 2018.

10. ADJOURNMENT: Mayor Hill adjourned the Regular City Council Meeting at 9:03 p.m.

s/s Melissa Grace

City Recorder