

April-08

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				EDC Noon		
		Fire Bd 8pm		Fire Chief Retirement Reception 3:30 PM - Comm Aud		COUNCIL WS 8am-10am Coffee Hour
6	Planning Comm 7pm	CCI 4pm		PAC 5pm		
13	CITY COUNCIL 6:00 PM - FG High Sch Reception 7:00 PM - REGULAR MEETING COMMUNITY AUDITORIUM	Library 7pm	P&R 7am CFC 5:15pm	Washington County Student Town Hall Demystifying Alcohol 7:00 PM - Comm Aud		
20	Planning Comm 7pm- Tentatively No Mtg CITY COUNCIL - SPECIAL MEETING CEP PRESENTATIONS 4:00 PM - COMM AUD	HLB 7pm	PSAC 7:30am - No Mtg	Fernhill Wetlands 6pm		Arbor Day Run Rogers Park
27	CITY COUNCIL 6:00 PM - WORK SESSION (B&C, Signs) 7:00 PM - REGULAR MEETING 8:00 PM - WORK SESSION (Graffiti) COMMUNITY AUDITORIUM					

May-08

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						COUNCIL WS 8am-10am Coffee Hour
4	Planning Comm 7pm CITY COUNCIL WORK SESSION - TBA	Fire Bd 8pm		EDC Noon FIRST BUDGET MEETING 7:00 PM - COMM AUD PAC 5pm		
<i>Truax out</i>						
11	CITY COUNCIL 7:00 PM - REGULAR MEETING COMMUNITY AUDITORIUM	City Council Police Chief Presentations 6:00 PM - COMM AUD CCI 4pm	Water Providers EC 5:30	Metro Council Meeting 2:00 PM - Comm Aud		
<i>Nyuzen Adult Visit</i>						
<i>Truax out</i>						
18	Planning Comm 7pm CITY COUNCIL WORK SESSION - TBA	Library 7pm	P&R 7am CFC 5:15pm	SECOND BUDGET MEETING 7:00 PM - COMM AUD Fernhill Wetlands 6pm		
25	CITY OFFICES CLOSED HOLIDAY	HLB 7pm CITY COUNCIL 7:00 PM - REGULAR MEETING COMMUNITY AUDITORIUM	PSAC 7:30am			

June-08

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	Planning Comm 7pm CITY COUNCIL WORK SESSION - TBA	Fire Bd 8pm	Water Providers CB 7:00	EDC Noon		COUNCIL WS 8am-10am Coffee Hour
8	CITY COUNCIL 7:00 PM - REGULAR MEETING COMMUNITY AUDITORIUM	CCI 4pm		PAC 5pm		
15	Planning Comm 7pm CITY COUNCIL WORK SESSION - TBA	Library 7pm	P&R 7am CFC 5:15pm			
22	CITY COUNCIL 7:00 PM - REGULAR MEETING COMMUNITY AUDITORIUM	HLB 7pm	PSAC 7:30am	Fernhill Wetlands 6pm		
29						



FOREST GROVE CITY COUNCIL

Monday, April 28, 2008

6:00 PM – Work Session (B&C Interview)
6:15 PM – Work Session (Sign Regulations)
7:00 PM – Regular Meeting
8:00 PM – Work Session (Graffiti Abatement)

Community Auditorium
1915 Main Street
Forest Grove, OR 97116

Thomas L. Johnston
Victoria J. Lowe
Camille Miller

Richard G. Kidd, Mayor

Ronald C. Thompson
Peter B. Truax
Elena Uhing

All meetings of the City Council are open to the public and all persons are permitted to attend any meeting except as otherwise provided by ORS 192. The public may address the Council as follows:

→ **Public Hearings** – Public hearings are held on each matter required by state law or City policy. Anyone wishing to testify should sign in for any Public Hearing prior to the meeting. The presiding officer will review the complete hearing instructions prior to testimony. The presiding officer will call the individual or group by the name given on the sign in form. When addressing the Council, please use the witness table (center front of the room). Each person should speak clearly into the microphone and must state his or her name and give an address for the record. All testimony is electronically recorded. In the interest of time, Public Hearing testimony is limited to three minutes unless the presiding officer grants an extension. Written or oral testimony is heard prior to any Council action.

→ **Citizen Communications** – Anyone wishing to address the Council on an issue not on the agenda should sign in for Citizen Communications prior to the meeting. The presiding officer will call the individual or group by the name given on the sign in form. When addressing the Council, please use the witness table (center front of the room). Each person should speak clearly into the microphone and must state his or her name and give an address for the record. All testimony is electronically recorded. In the interest of time, Citizen Communications is limited to two minutes unless the presiding officer grants an extension.

The public may not address items on the agenda unless the item is a public hearing. Routinely, members of the public speak during Citizen Communications and Public Hearings. If you have questions about the agenda or have an issue that you would like to address to the Council, please contact the City Recorder at 503-992-3235.

City Council meetings are handicap accessible. Assistive Listening Devices (ALD) or qualified sign language interpreters are available for persons with impaired hearing or speech. For any special accommodations, please contact the City Recorder at 503-992-3235, at least 48 hours prior to the meeting.

AGENDA

6:00

WORK SESSIONS:

- B&C Interview
- Sign Regulations

The City Council will convene in the Community Auditorium - Conference Room to conduct the above work sessions. The public is invited to attend and observe the work session; however, no public comment will be taken. The Council will take no formal action during the work session.

7:00

1. REGULAR MEETING: Roll Call and Pledge of Allegiance

FOREST GROVE CITY COUNCIL AGENDA
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Jeff Williams
Interim Police Chief

- 7:05 1. A. PRESENTATIONS:
- **Police Officers Swearing-In Ceremony**

7:30 2. CITIZEN COMMUNICATIONS: Anyone wishing to speak to Council on an item not on the agenda may be heard at this time. *Please sign-in before the meeting on the Citizen Communications form posted in the foyer.* In the interest of time, please limit comments to two minutes. Thank you.

3. CONSENT AGENDA: See Page 3

4. ADDITIONS/DELETIONS:

5. PRESENTATIONS: None.

Tom Gamble
Parks and Recreation
Director

7:45 6. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 2008-02 AMENDING FOREST GROVE CODE SECTION 3.525 SEGREGATION OF REVENUES FOR PARKS SYSTEM DEVELOPMENT CHARGE

Jeff Williams
Interim Police Chief

- 8:00 7. WORK SESSION:
- **Graffiti Abatement**

The City Council will convene in the Community Auditorium to conduct the above work sessions. The public is invited to attend and observe the work session; however, no public comment will be taken. The Council will take no formal action during the work session.

Michael Sykes
City Manager

9:00 8. CITY MANAGER'S REPORT:

9:15 9. COUNCIL COMMUNICATIONS:

9:30 10. ADJOURNMENT

-
3. **CONSENT AGENDA:** Items under the Consent Agenda are considered routine and will be adopted with a single motion, without separate discussion. Council members who wish to remove an item from the Consent Agenda may do so prior to the motion to approve the item(s). Any item(s) removed from the Consent Agenda will be discussed and acted upon following the approval of the Consent Agenda item(s).
- A. Approve City Council Regular Meeting Minutes of April 14, 2008.
 - B. Accept Parks and Recreation Commission Meeting Minutes of March 19, 2008.
 - C. Accept Public Safety Advisory Commission Meeting Minutes of January 23, 2008.
 - D. Accept Library Department Circulation Statistics Report for April 2008.
 - E. Accept Resignation of Stephanie Oppenlander, Public Arts Commission, Term Expiring December 31, 2009.
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APPLICATION FOR CITIZENS ADVISORY BOARDS, COMMITTEES & COMMISSIONS

Please check the Advisory Board(s) on which you would like to serve. (If interested in more than one, please note order of preference):

- Budget Committee
Committee for Citizen Involvement
Community for Forestry Commission
Economic Development Commission
Historic Landmarks Board
Library Commission
Parks & Recreation Commission
Planning Commission
Public Safety Advisory Commission
Public Arts Commission (checked)
Youth Advisory Commission (pending)

I have served # of term(s) on the board noted above and wish to be considered for reappointment. Reappointments may be interviewed at the discretion of Council; you will be notified.

Last year's estimated meeting attendance :

Name: Kathy Broom
Residence Address:
Mailing Address:
Employer:

Home Phone:
Business Phone: none
Email Address:
Occupation Profession:

Years lived in Forest Grove? 30 Are you in the City Limits? yes How did you hear of this opportunity? Linda Taylor - Current commission member
How would you rate the City's performance over the last five years? Excellent Good (circled) Fair Poor

What ideas do you have for improving "Fair" or "Poor" performance? This is a difficult question as the city does many diverse responsibilities and performs very well in some arenas and poorly in others. I'm interested in creating awareness of current local arts events and bringing more opportunities for citizens to experience art locally.

Why are you interested in serving on the Advisory Board/Commission(s)? I like to do volunteer work and feel I have something to offer to make a positive impact in my community through the Arts Commission.

What contributions do you feel you can/will make to the Board/Commission(s)? I'll be committed to attend all meetings. I like to work co-operatively in a group, contributing ideas and doing my share of necessary tasks.

What are your qualifications and/or experience that will help you serve on the Board/Commission(s)? I'm a working artist. I have a lot of background in the arts - music, dance, folk art and organics. Also, I have a lot of experience in non-profits and working with volunteers and as a volunteer. Previous appointed or elected government offices: none

Previous/current community affiliations and activities: Board member - Hospice of Wn. County, School district committee to develop TAG Program, organized community events, contacts in the arts.

May we keep your name on file if not appointed at this time? [X] YES [] NO (07/07)

Memorandum

To: City Council
From: Jon Holan, Community Development Director
Date: April 28, 2008
Re: Work Session on Sign Regulation Issues

There have been several issues the City has encountered related to the City's sign regulations. Staff would like to take the opportunity to review these issues with the Council. This is part of a broader input process staff has been pursuing. We have reviewed this memo with the Economic Development Committee and will solicit their input at their next meeting in May. We are also asking the Committee other groups that staff should meet with. One group will be the Chamber of Commerce.

The following is a discussion of sign issues identified by staff. Please keep in mind that the focus is on signs for private use and not public information signs. Once input has been obtained, staff will then develop amendments to the City's sign requirements. These requirements are found in the Municipal Code and the Zoning Ordinance.

Background

There are certain legal parameters that must be kept in mind when discussing signs. These parameters are centered around the U.S. Constitution's free speech clause. The U.S. Supreme Court has held that to protect free speech, sign regulations generally must be content-neutral. That is, the regulation does not regulate or the purpose of the regulation does not consider the content of signs. The Court has also drawn a distinction between commercial (speech which does no more than propose a commercial transaction) and non-commercial speech. The test for laws regulating commercial speech is that the law:

- Must serve a substantial governmental interest;
- Must directly advance the asserted governmental interest; and
- Must be no more extensive than necessary to serve that interest.

Courts have accepted aesthetics and safety as legitimate public purposes in the regulation of signs. Time, place and manner sign regulations avoid the content issue. The regulations under this approach regulate such factors as size, spacing and location (e.g. setbacks) of signs. Courts have upheld ordinances that restrict the number of on-premises signs, illumination, movement and flashing, and portable signs. Portable signs, however, do present a special situation if the regulations treat these signs differently than permanent signs. Ordinances, however, have been upheld on aesthetic purposes when a substantial basis (e.g. public testimony) has been cited.

Another legal consideration is requiring sign permits due to potential prior restraint issues (i.e. prohibits free speech unless permitted by a local jurisdiction). Courts have upheld sign permits if the code is content-neutral and provides clear and specific standards.

Issues

1. Off-Premises Signs: These are signs on private property but not on the property of the business. There are two aspects of this topic: temporary and permanent signs. The following is a discussion of both.
 - a. Temporary Signs: There are two different type of temporary signs which have generated questions by staff: Sandwich Board and Banner Signs.
 - i. Sandwich Board Signs: Sandwich board signs have been a long-standing issue in the City. Currently, the city regulations allow temporary signs in the Central Business District but no where else. Staff (notwithstanding a former Police Chief) has interpreted this section to allow sandwich board signs since they are movable signs provided the signs are removed each night. The allowed size for these signs is 30 by 40 inches.

The benefit is that it provides some type of advertising for businesses that are mid-block and away from high traffic routes. The complaints have been the proliferation of these signs and the poor image it creates. It also creates potential conflicts with pedestrian access on sidewalks where these signs are placed. In addition, staff receives inquiries about the inconsistency of allowing these signs because it is only allowed in one zone district.

Should sandwich board signs be allowed? If so, should they be limited to particular commercial areas? Should there be provisions to limit their location (e.g. designated areas designed to accommodate these signs such as bulb-outs)? If allowed, is the currently allowed size appropriate?

- ii. Banner Signs: Banner signs are those temporary signs announcing grand openings, anniversary sales, etc. Informational signs announcing upcoming city events might also be included in this category although it would involve the broader free speech consideration since there is no commercial transaction involved.

The Municipal Code prohibits these types of signs. Should these types of signs be allowed? If so, should there be locational, design and timing requirements?

- b. Permanent Signs: The two main commercial districts (Central Business District and Community Commercial) are oriented to the couplet (19th and Pacific avenues). Some businesses are not located on the couplet but either north, south or between the two streets. Currently, off-premises signs are not allowed by the Zoning Ordinance or Municipal Code. Thus, exposure to high traffic areas for these businesses is difficult.

Should offsite signs be allowed and/or should other approaches such as nodal commercial development be considered? If offsite signs are allowed, are there locational or size considerations? Should billboards be allowed?

- 2. Offsite Signs within the Right-of-way: Aside from the traffic control and other types of public informational signs, signs in general are prohibited in the public rights-of-way. However, many different signs are found in the rights-of-way such as for real estate, political and garage sales. If a person drives down a street in Forest Grove, many of these small signs can be found along the street. Political signs are given permission since it involves non-commercial freedom of speech issues. Should these signs be allowed? If allowed, are there any parameters that should be established to regulate their location, size or design? For political signs, should the City charge a fee for the removal of these signs after the election has been concluded?

Real estate signs are a particular issue. These signs are used to guide prospective clients to developments. However, the profusion of them creates clutter and contributes to an unsightly streetscape. These signs are source of a number of complaints that we receive from citizens. Keep in mind that it is illegal to regulate signs based on content. That is, if real estate signs are allowed then any other sign meeting the same requirement must be allowed.

- 3. Reader Board Signs: The Municipal Code (in part) currently does not allow the issuance of a sign permit for the following:

“(b) Illuminated signs which do not meet the following conditions:

- (i) The light from an illuminated sign is shaded, shielded or directed so that the light intensity or brightness is of such character as to be a nuisance.
- (ii) No sign shall have blinking, flashing or fluttering lights or other illuminating devices such as a changing light intensity, brightness or color, **except as approved by the planning commission**. Beacon lights are not permitted.
- (iii) No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.
- (iv) Neither the direct nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.
- (v) No exposed reflective type bulbs and no strobe light or incandescent lamp which exceeds 25 watts shall be used on the exterior surface of any sign so as to expose the face of the bulb, light or lamp to any public street or adjacent property.
- (vi) No sign may be erected or maintained if it:
 - 1. Contains, includes or is illuminated by any flashing, intermittent, revolving, rotating or moving light or lights, or moves or has any animated or moving parts, except as approved by the commission.
 - 2. Has any lighting, unless the lighting is effectively shielded to prevent beams or rays of light from being directed at the main traveled way of a state highway, or is of such low intensity or brilliance as not to cause glare or impair the vision of the driver of any motor vehicle or otherwise to interfere with the operation of the vehicle." (emphasis added)

Recently, the City received a request to install a reader board at Cedar and Pacific Avenue. Pursuant to the code, this request was referred to the Planning Commission. The Commission reached a conclusion that reader board signs are inappropriate for Forest Grove. The Council subsequently over-ruled the Commission's direction.

Should reader board signs be allowed? If so, should the sign be reviewed by the Planning Commission? Are there any parameters such as size, type of illumination, rapidity of text change, level of graphics, concentration of signs, etc. which should be established for guidance? The referral to the Commission also pertains to other types of illuminated signs. Are there any thoughts on the policy direction related to these other type of signs?

- 4. Signage for the Northern Entrance: The city entrance sign at the northern entrance (at Highway 47 and Sunset Drive) is within the Light Industrial Zone District. This district has very limited sign provisions and was part of the reason for the "lollypop" signs for the various service clubs in the community. Should a special signage provision be established for entry signs? If so, are there any special provisions that should be considered?
- 5. Signage for Downtown: A recent study made two points with respect to signs: the need to have uniform type signs in the downtown that provide

information about the nature of the store or service, and way fare signs to inform persons the location of important facilities.

- a. Uniform Downtown Signage: This cannot be achieved strictly by a sign code revision because the City cannot control the content of the sign. However, the City working with downtown businesses could implement this concept. Is this an idea to pursue? If so, whom should the City work with?
 - b. Way Fare Signs: These are signs within the public right-of-way that would provide information as to the location of downtown and certain public facilities downtown and other parts of the community (e.g. City Hall, Library, etc.). The signage would be similar to the signs on street signs identifying the location of churches in the community and roadway signs directing travelers to location of downtown. Rob Foster, Director of Public Works, has formed a committee to discuss way fare signs. For the Council, the question is what type of signs should the community use taking into account aesthetics and safety?
6. Other Sign Issues: Members of the Council may have other sign related issues they would like to discuss.

3A

**FOREST GROVE CITY COUNCIL REGULAR MEETING
APRIL 14, 2008 – 7:00 P.M.
COMMUNITY AUDITORIUM
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Minutes are unofficial until approved by Council.

1. ROLL CALL:

Mayor Richard Kidd called the regular City Council meeting to order at 7:04 p.m. and led the Pledge of Allegiance. **ROLL CALL: COUNCIL PRESENT:** Thomas Johnston, Camille Miller, Ronald Thompson, Peter Truax, Elena Uhing, and Mayor Richard Kidd. **COUNCIL ABSENT:** Victoria Lowe, excused. **STAFF PRESENT:** Michael Sykes, City Manager; Paul Elsner, City Attorney; Tom Gamble, Parks and Recreation Director; Colleen Winters, Library Director; Susan Cole, Assistant Finance Director; Jeff Williams, Interim Police Chief; Aaron Ashbaugh, Police Captain; Wayne Hart, Police Detective; David Nemeyer, Fire Inspector; Jeff King, Economic Development Coordinator; and Anna Ruggles, City Recorder.

1. A. AWARD PRESENTATIONS:

Forest Grove High School - Outstanding Community Achievement:

Johnston read the Citation of Merit and Truax read the proclamation honoring the Forest Grove High School for its superior academic and professional performance and exceptional commitment to academic learning and achievement and becoming a national leader. Mayor Kidd presented the Outstanding Community Achievement Proclamation and commended the school superintendent, administrators, teachers, staff, parents, and students for their dedication and service to the community.

Fire Department - Civilian Appreciation Certificate:

Nemeyer read the Citation of Merit honoring Kayla and James Varde, daughter and father, for a recent act involving great personal risk that resulted in safely removing two Forest Grove residents from a house fire. Mayor Kidd presented the Civilian Appreciation Certificate to Kayla and James Varde and commended them for their courageous act and heroic deed.

Police Department - Employee of the Year Award:

Williams read the Citation of Merit honoring Officer Jason Moser as the Police Department's Employee of the Year. Mayor Kidd presented the award to Officer Moser and commended him for his outstanding performance and dedication to protect and serve the citizens of Forest Grove.

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1. B. PROCLAMATIONS:

National Library Week:

Truax read the proclamation proclaiming April 13 - April 19, 2008, as National Library Week. Mayor Kidd presented the proclamation to Dayla Smoland, Library Commission; Mike Smith, Friends of Forest Grove Library; and Charles McAvoy, Forest Grove Library Foundation, and commended them for their service and dedication to the community.

Arbor Day:

Truax read the proclamation proclaiming April 26, 2008, as Arbor Day. Mayor Kidd presented the proclamation to Stephanie Beall, Community Forestry Commission Chair and representative from the Oregon Department of Forestry. Beall presented Mayor Kidd with the Oregon Department of Forestry 2008 Tree City USA Award. The City has received this award for 18 consecutive years.

2. CITIZEN COMMUNICATIONS:

Kathryn Harrington, Metro Councilor, District 4, announced that Metro Council is holding a meeting in Forest Grove on May 15, 2008, at 2:00 p.m. at the Community Auditorium. Harrington invited everyone to attend Metro's meeting.

3. CONSENT AGENDA: Items under the Consent Agenda are considered routine and will be adopted with a single motion, without separate discussion. Council members who wish to remove an item from the Consent Agenda may do so prior to the motion to approve the item(s). Any item(s) removed from the Consent Agenda will be discussed and acted upon following the approval of the Consent Agenda item(s).

- A. Approve City Council Regular Meeting Minutes of March 31, 2008.
- B. Accept Historic Landmarks Board Meeting Minutes of February 26, 2008.
- C. Community Development Department Monthly Building Activity Informational Report for March 2008.

MOTION: Councilor Uhing moved, seconded by Councilor Thompson, to approve the Consent Agenda as presented. **ABSENT:** Councilor Lowe.

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MOTION CARRIED 6-0 by voice vote.

4. ADDITIONS/DELETIONS:

Sykes deleted from the agenda Item 7. Public Hearing and First Reading of Ordinance No. 2008-02 Amending Forest Grove Code Section 3.525 Segregation of Revenues for Parks System Development Charge. Sykes noted the above-proposed ordinance would be rescheduled for Council consideration at a later date

5. CERTIFICATE OF APPRECIATION:

Washington County Sheriff's Office:

Gamble read the Citation of Merit honoring the Washington County Sheriff's Office for overseeing and supporting the *Work In Lieu of Jail Program*. Gamble noted the inmate labor program has allowed a sustained level of service for the Forest Grove Parks and Recreation Department. Mayor Kidd presented the Certificate of Appreciation to Washington County Sheriff Rob Gordon and Corporal Terry Rilling and commended Washington County for its community support.

6. RESOLUTION NO. 2008-29 APPROVING THE WASHINGTON COUNTY USE OF DEADLY PHYSICAL FORCE BY POLICE OFFICERS PLAN PURSUANT TO SENATE BILL 111

Staff Report:

Williams and Hart presented the above-proposed resolution for Council consideration, noting the Washington County Use of Deadly Physical Force by Police Officers Plan (Plan) is pursuant to Senate Bill 111 (SB 111). Staff introduced Washington County Sheriff Rob Gordon and Corporal Terry Rilling who presented a PowerPoint presentation outlining the requirements of SB 111 and the purpose of the Plan. Gordon and Rilling reported the purpose of the Plan is not to set standards or substitute an agency's existing policy regarding use of force, but rather the Plan is to provide framework for a consistent response to an officer's use of deadly physical force that treats all people affected by such an event fairly, and promotes public confidence in the criminal justice system. Gordon and Rilling reported that each governing body in Washington County is being asked to approve or disapprove the Plan, noting if two-thirds of the agencies approve the Plan, the Plan will be submitted to the State Attorney General for final approval. Williams and Hart noted the Plan formalizes the City's existing use of force policy.

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Before proceeding with Council discussion, Mayor Kidd asked for a motion to adopt Resolution No. 2008-29.

Elsner read Resolution No. 2008-29 by title.

MOTION: Councilor Johnston moved, seconded by Councilor Truax, to approve Resolution No. 2008-29 Approving the Washington County Use of Deadly Physical Force by Police Officers Plan Pursuant to Senate Bill 111.

Council Discussion:

In response to Uhing's concern pertaining to SB 111, Section 15(1), excluding youth correction officers, Elsner referenced the training authority for youth correction officers.

Hearing no further discussion from the Council, Mayor Kidd asked for a roll call vote on the above motion.

ROLL CALL VOTE: AYES: Councilors Johnston, Miller, Thompson, Truax, Uhing, and Mayor Kidd. NOES: None. ABSENT: Councilor Lowe. MOTION CARRIED 6-0.

7. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 2008-02 AMENDING FOREST GROVE CODE SECTION 3.525 SEGREGATION OF REVENUES FOR PARKS SYSTEM DEVELOPMENT CHARGE

Sykes deleted from the agenda the above-proposed ordinance noting the above-proposed ordinance would be rescheduled for Council consideration at a later date.

8. PUBLIC HEARING CONTINUED FROM MARCH 31, 2008:

SECOND READING OF RESOLUTION NO. 2008-27 AUTHORIZING COMPENSATION TO APPROVE NON-REPRESENTED EMPLOYEES FOR CITY USE OF PERSONAL CELLULAR PHONES

The first reading of Resolution No. 2008-27 by title and motion to adopt occurred at the meeting of March 31, 2008.

Staff Report:

Cole had nothing further to report.

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Public Hearing Continued:

Mayor Kidd continued the Public Hearing from the meeting of March 31, 2008.

Proponents:

No one wished to testify and no written comments were received.

Opponents:

No one wished to testify and no written comments were received.

Others:

No one wished to testify and no written comments were received.

Public Hearing Closed:

Mayor Kidd closed the Public Hearing.

Council Discussion:

Hearing no further discussion from the Council, Mayor Kidd asked for a roll call vote on the motion made at the meeting of March 31, 2008.

Elsner read Resolution No. 2008-27 by title for second reading.

ROLL CALL VOTE: AYES: Councilors Johnston, Miller, Thompson, Truax, Uhing, and Mayor Kidd. NOES: None. ABSENT: Councilor Lowe. MOTION CARRIED 6-0.

9. RESOLUTION NO. 2008-30 ADOPTING THE FOREST GROVE ECONOMIC DEVELOPMENT COMMISSION BYLAWS

Steve Boone, Economic Development Commission (EDC) Chair, presented the above-proposed resolution for Council consideration, noting the EDC's first order of business was to draft a set of bylaws to regulate the EDC's business and responsibilities, noting the proposed bylaws, along with a mission statement, were reviewed and approved by the EDC at its January 8, 2008, meeting.

Before proceeding with Council discussion, Mayor Kidd asked for a motion to adopt Resolution No. 2008-30.

Elsner read Resolution No. 2008-30 by title.

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MOTION: Councilor Truax moved, seconded by Councilor Miller, to approve Resolution No. 2008-30 Adopting the Forest Grove Economic Development Commission Bylaws.

Council Discussion:

In response to Johnston's concern pertaining to Article V(f), selecting an alternate member, Mayor Kidd advised that the above bylaw would not set a precedence for other commissions and confirmed that Council would still make its final recommendation of appointing alternate members.

In response to Mayor Kidd's inquiry, directed at Uhing, EDC Council Liaison, Uhing advised that she was extremely satisfied with the bylaws.

Hearing no further discussion from the Council, Mayor Kidd asked for a roll call vote on the above motion.

ROLL CALL VOTE: AYES: Councilors Johnston, Miller, Thompson, Truax, Uhing, and Mayor Kidd. NOES: None. ABSENT: Councilor Lowe. MOTION CARRIED 6-0.

10. CITY MANAGER'S REPORT:

Sykes reported on upcoming events as noted in the Council calendar and reported on other various upcoming local meetings and events. Sykes referenced a letter, submitted by a concerned citizen, pertaining to parking violations occurring by Lincoln Park on Sunset Drive and loud, excessive noise emitting from the sound system. Sykes indicated that Pacific University has taken steps to reduce the volume; staff posted No Parking signs were appropriate; and police officers are patrolling the area and ticketing offenders. Sykes referenced a letter, issued by the City to TriMet officials, requesting that TriMet analyze the existing City transit system in efforts to enhance transit service to and from the Forest Grove High School. Sykes reported on Adelante Mujeres' grant proposal for a new Forest Grove Access Center, noting the Center would replace and/or closely link services offered by the WorkSource Centers. In addition, Sykes reported the Forest Grove Senior Center Board of Directors is asking that Council consider appointing a Council Liaison to its board and is proposing to change its name from the Forest Grove Senior Center to the Forest Grove Senior Community Center. In response, Mayor Kidd suggested the Board of Directors submit a letter to Council making a formal request, noting Council would need to consider adopting a resolution. Sykes also reported the City has hired a new

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Senior Planner and is conducting Police Chief interviews, noting the panel is interviewing eight candidates.

Presentation of Department Work Plans:

Sykes referenced and outlined each of the department work plans as submitted in the Council packet, noting each department was asked to submit a proposed work plan to begin the budget process for Fiscal Year 2008-09.

11. COUNCIL COMMUNICATIONS:

Johnston voiced concern that parking for Lincoln Park needs to be enhanced to handle multiple events and the 35-mile per hour speed limit on Sunset Drive needs to be reduced for pedestrian safety.

Miller reported on the Committee for Citizen Involvement meeting, noting the Committee is reviewing and assigning, to appropriate boards, committees, and commissions, the newly adopted Vision Statement Action Plans. In addition, Miller announced the Sister Cities Committee is looking for families to host the Nyuzen Adult Delegation, who are visiting May 14 through May 18, 2008.

Thompson reported on the Community Forestry Commission, noting the Commission discussed plans for the Arbor Day Run.

Truax reported he plans to attend the upcoming Forest Grove School Board meeting, noting the Board will be holding a Public Hearing on the school-based health center. In response, Council suggested Truax mention the Community Development Block Grant funds that were awarded to the school for the health center.

Uhing reported she attended an event at the Forest Grove Senior Center and met the Interim Director, noting she appreciates that the Senior Center is asking to appoint a Council Liaison. In addition, Uhing inquired if the City has a Recreational Vehicle (RV) Sewage Disposal Station, to which Mayor Kidd advised the City currently does not have a station. Johnston advised the Forest Grove Elks Lodge is discussing with officials the possibility of installing a station at its RV park.

Mayor Kidd reported on various Metro and Washington County meetings and tours he attended and upcoming meetings and events he was planning to

**FOREST GROVE CITY COUNCIL REGULAR MEETING
APRIL 14, 2008 – 7:00 P.M.
COMMUNITY AUDITORIUM
PAGE 8**

attend. Mayor Kidd reported on the Public Arts Commission meeting, noting the Commission reviewed its Community Enhancement Program grant application. In addition, Mayor Kidd reported on various regional and local issues and upcoming events and reported on various community events.

12. **ADJOURNMENT:**

Mayor Kidd adjourned the meeting at 8:55 p.m.

Respectfully submitted,

Anna D. Ruggles, CMC, City Recorder

APPROVED

3B

I. Roll Call

- a. Commission members Susan Taylor, Stephanie Vasquez, Paul Waterstreet, Don Jones, and Duane Anderson were present.
- b. Staff Members Tom Gamble and Steve Huffman were present.

II. Citizen Communications: None.

III. Approval of Minutes: The minutes were approved with changes. Paul moved, Don seconded.

IV. Additions/Deletions

- a. Thatcher Park under new business was seconded by Dick, not Susan.
- b. Commissioners Reports item D is not "Atrium Club", but the "Age Group Club".

V. Commissioner's Reports

- a. FC West v. Woodburn at 12pm before the Timbers game on the 30th (11-14 yoa).
- b. Classic Team: Talking with Banks club to make a joint venture for the soccer club in order to create a real classic team (real cost ~\$400 per kid).
- c. Forest Grove Community School is having a Community Forum to design their playground.

VI. Staff's Reports

- a. Lincoln Park Dates
 - i. Sat. March 22, 2008 (Baseball) – 12pm, Chuck Bufaro field dedication, invitations are in the mail. 30 minute ceremony.
 - ii. March 30, 2008 (Timbers) – Timbers game, there will be a hospitality tent for us with a beer garden, \$5 at the gate (no advance sales). Youth at 12pm, Timbers at 2pm.
 - iii. April 5, 2008 (Softball) – Dedication of the Larkins-Sherman Softball stadium.
- b. Parks
 - i. Local option levy reinstated one employee in Parks who had been laid off. Plan to use the funds for 4 seasonal p/t employees instead of 1 year-round f/t employee.
 - ii. Lincoln Park – North end restroom will be opening today. Walk through with contractor today to review progress. Fences should all be down today so that you can walk all the way around it. There was discussion around progress.
 - iii. Joseph Gale – Restrooms reopening, was closed for the winter.

VII. Old Business

- a. School District Turf Project – The City Council asked the City Manager to provide a report on the SDC fund availability, as P&R had not previously known the cost of Thatcher Park. The expected balance after all planned projects was \$41,000. At that level, it is not possible to commit funds to a turf project at this time. The Council advised the School District as such.
- b. Lincoln Park Grand Opening – The grass should be in and full by fall, so it makes sense to wait until the fields are actually usable. The university can help, the contractors will be gone, and families will be back by the beginning of September. A date was tentatively set for **September 6**.
- c. Thatcher Park construction documents are under way. Expected to be out to bid by end of April.

VIII. New Business

- a. Dog Park Development Advisory Committee – Council really wants a dog park. Looking at putting it on the south side of B street on a 7 acre lot.

IX. Announcement of Next Meeting: April 16, 2008

X. Adjournment: Meeting Adjourned at 8:19 am.

30

**PUBLIC SAFETY ADVISORY COMMISSION
FOREST GROVE FIRE STATION,
1919 ASH STREET
January 23, 2008
Page 1 of 5**

1. ROLL CALL:

Chair Randy Roedl called the meeting to order at 7:33 a.m.

ROLL CALL: MEMBERS PRESENT: Randall Roedl, Herb Drew, Rod Fuiten, Russell Redmond, Sharon Boge, Dan Hornberger, and Susan Aguilar

LIAISONS PRESENT: Naomi Montelongo, Tim Dierickx, Tom Johnston, Bob Davis, Melanie Stagnitti, and Ralls Hall

STAFF PRESENT: Fire Chief Bob Mills, Police Chief Glenn VanBlarcom, Paul Downey, Michael Sykes, and Carol Lorenz.

MEMBERS NOT PRESENT:

LIAISONS NOT PRESENT: Brandon Hundley

COUNCIL MEMBERS PRESENT: Ron Thompson, Elena Uhing, Pete Truax, and Victoria Lowe

2. CITIZEN COMMUNICATIONS:

3. APPROVAL OF MINUTES:

4. ADDITIONS/DELETIONS:

5. ACTION ITEMS/DISCUSSION:

Handout: Joint Work Session

- 1. New Police Chief and Fire Chief:** Handouts: Executive Search for Police Chief, and Police Chief Candidate Profile Draft. The process has started for both a new Police Chief and a Fire Chief. PSAC was involved in the discussions. The Executive Search for Police Chief's handout outlines the executive search process to secure a new Police Chief for the City of Forest Grove and the time line. The City Manager Michael Sykes announced that with the retirement of the fire chief, Ian O'Connor would be the acting fire chief until the position is filled.

**PUBLIC SAFETY ADVISORY COMMISSION
FOREST GROVE FIRE STATION,
1919 ASH STREET
January 23, 2008
Page 2 of 5**

2. **The next levy – 2012:** With the passing of the levy in Nov. 2007, HR is busy hiring new positions that were lost during the hiring freeze. Three new firefighters and three new police officers are in the process of being filled. With the next levy scheduled for 2012, PSAC is already looking into what steps they can take towards the next levy. PSAC term limits are 3 years so the turn over will be in 2009.
 - a.) What can be done about the double majority vote?
 - b.) Can we look at other ways of funding public safety without a levy?
 - c.) Educate the community concerning the needs and the funding needed in the Police and Fire Departments.
 - d.) The need to talk to state representatives in Salem regarding public safety funding
 - e.) Contact other cities that are similar to ours to see how they handle their funding and to approach the state representatives
 - f.) Try to get citizens involved in our community
 - g.) Should we use the League of Oregon Cities
 - h.) Forest Grove School District is talking about going out for a levy in 2010
3. **Stable public safety funding (Salem):** The PSAC group would like to send a representative to Salem in regards to funding public safety without a levy. They would also like to talk to them about the double majority vote. The double majority vote would have to go back to the voters to be voted on in order to have it removed. Could the League of Oregon Cities help with some of our issues?
4. **Public safety as linked to parks, library, etc.:** PSAC asked if Police and Fire should be linked to parks, library and the other departments in the general fund. If so, should they call it a community levy vs a public safety levy.
5. **Light and Power Billing:** PSAC wanted to know if the city was going to reinstate the Power and Light utility charges from the city buildings that are in the general fund and if they were going to be paying back the Light and Power Department for the power usage. PSAC also wanted to know if the council would look at the idea of library late fees.
6. **Fire District:** PSAC wanted to know with the retirement of both Chiefs, should our city look at the idea of districts. PSAC would like to evaluate the costs, level of service, loss of control, growth factor, and how would the city benefit? If we tried merging, and the city decided that we would rather stay

**PUBLIC SAFETY ADVISORY COMMISSION
FOREST GROVE FIRE STATION,
1919 ASH STREET
January 23, 2008
Page 3 of 5**

separate, could we get our departments back? PSAC rural board representative stated that the rural fire district pays ½ on equipment and would be opposed to losing local control and going to a district control.

7. **Friends of public safety concept:** Cindy McIntyre has stated that she has a list of citizens that would like to be involved in supporting public safety. PSAC would like to invite Cindy to the next meeting to discuss this group and how they could be used.
8. **Light rail issues:** PSAC has real concerns about the idea of light rail coming to Forest Grove. With looking at the problems that the City of Gresham faces, PSAC worries that we would not have the police staffing that light rail would bring to our area. Other cities have discovered that their problem spots are located around the Max Stations. PSAC does not like the idea of the Max funding our department with more officers because the city will lose control.
9. **Business License:** PSAC does not agree with the new business license. Everything that is not a garage sale would have to apply for a business license. The question was asked, “What does the business owner get for this fee?” How about an occupancy permit instead? Council stated that the description of the business license is not finished at this time and is still being worked on.
10. **Forest Grove City Council charge to PSAC for the Future:** What would council like PSAC to focus on in the next year? Council agreed to let PSAC go forward with the idea of talking with our state representative in Salem.

6. **COMMISSIONER’S REPORTS:** None

7. **STAFF REPORT:** None

8. **OLD BUSINESS:**

City Council Invitation: The PSAC group has invited the council to the January 23rd meeting at 7:30 am. The council had requested a later time to meet, possibly 12:00 or 4:00 pm, on January 23, 2008. It was voted on by PSAC and it passed 5 to 0 to keep the meeting at their regular scheduled hours of 7:30 am. They would like to talk with the council regarding going down to Salem to discuss ways of funding public safety. Sharon with Forest Grove Fire would be asked to add the council onto the January agenda.

**PUBLIC SAFETY ADVISORY COMMISSION
FOREST GROVE FIRE STATION,
1919 ASH STREET
January 23, 2008
Page 4 of 5**

Public Safety Levy: The 1.35 was based on new homes being built and sold. The amount that should have been asked for on the levy was 1.75 per 1,000. With the slowing economy, is 1.35 per 1,000 going to be enough? Could PSAC ask for another levy just for public safety of .35 in 2008? Are the reports still valid regarding the city running out of money in 5 years with the new levy? PSAC would like to look into a future levy that would be specifically for public safety.

Post levy for Fire Department: With Rick Schneider's retirement, the fire department had a list of applications already to choose from. So with the levy passing, the fire department feels they should be fully staffed by January 2008.

Post levy for Police Department: The city had posted the position last Saturday in the paper and the positions are set to close on December 31, 2007. The paper had 43 open police officer positions in Washington County alone. The police department is looking at uncertainties for bringing in lateral police officer's. The City of Forest Grove Police Department has to compete against other departments offering higher salaries, positions that are not levy funded, other areas of assignments, and industrial growth for taxes. Another concern was the amount of room in the police department and how to pay for future growth.

PSAC's response: PSAC feels that they need to go before the council to be more competitive against other departments. Regarding what we offer vs other departments.

Max: PSAC has strong concerns about Max coming to Forest Grove. PSAC brought up the problems that the Max has brought to the City of Gresham and are concerned about it happening in Forest Grove. PSAC has brought up the idea of going in front of the city council regarding this issue. PSAC would like to see Tri-Met offer public transportation further out on Hwy 8.

Hwy 47 / Purdin Update: A meeting with ODOT regarding this intersection has brought about a reduction in speed to 50 mph and a flashing light. They are still looking into future changes to make this intersection safer. The idea of connecting David Hill Rd to Purdin was also talked about so that there would be only one major intersection on Hwy 47. Hwy 47 and "B" Street is also an intersections that is becoming a major concern for the community. The idea of candles on Hwy 47 was brought up but PSAC mentioned that if those were used farmers could not get their equipment down the Hwy.

Friends of Public Safety: Cindy has a group of about 100 people. Cindy would like to see them become more visible in support of public safety.

**PUBLIC SAFETY ADVISORY COMMISSION
FOREST GROVE FIRE STATION,
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Page 5 of 5**

Neighborhood Watch: There are about 200 active members in neighborhood watch. There are regular meetings and they receive press release information to try to keep the group informed. Chief Mills has expressed interest in the fire department being part of this group. They would like to be able to share fire information through this group.

Presentation to City Council: 15,000 Grant – on December 10, 2007 there is a presentation to the City Council for a grant to go towards a program to reduce alcohol use in teens and educating merchants.

9. **ANNOUNCEMENT OF NEXT MEETING:** February 27, 2008

10. **ADJOURNMENT:**
Chair Randy Roedl adjourned the meeting at 09:30 a.m.

Respectfully submitted by:
Carol Lorenz

3D

FOREST GROVE CITY LIBRARY
CIRCULATION STATISTICS REPORT: APRIL 2008

	MAR 2008	FEB 2008	MAR 2007
Total Check-outs:	26,662	23,670	20,026
Total Check-ins:	21,377	17,869	18,972
New Registrations:	190	161	188
Intra-library Holds To Forest Grove:	8,751	8,493	8,062
Intra-library Holds From Forest Grove:	7,003	6,558	5,979
Children's Programs:	8	8	8
Average Attendance at Children's Programs:	32	38	24
ILLs (Inter-library loans/out of county):	113	90	92
Self-Check Out* Patrons Accepted	950	751	409
Self-Check Out* Patrons Denied	211	190	228
Self-Check Out* Total Items	3,476	2,734	1,334
Self-Check Out* Items Denied	53	50	43
Self Check-Out* Items Renewed	25	17	15
Reference Questions	NA	NA	1,622
Eye Count:	15,210	12,666	16,254
Number of Days Open:	26	21	27
SAM Stats for FGL			
# of users logged	1,034	878	1,158
# of sessions	3,313	2,601	4,090
Total user hours	1,798	1,384	2,177
Average session time in minutes	32	31	31

RENOVATED AREA/WHOLE LIBRARY OPENED JUNE 21, 2007
***SELF-CHECK OUT MACHINES BEGAN OPERATIONS 3-17-2007**
 KH/FGL 4/1/08

Memorandum

To: Mayor Kidd and City Councilors
From: Anna D. Ruggles, City Recorder
Subject: Accept Resignation on Public Arts Commission
Date: April 28, 2008

Stephanie Oppenlander, Public Arts Commission (PAC), At-Large, Term Expiring December 31, 2009, has informed staff of her desire to resign from the PAC as per her attached resignation e-mail notification.

STAFF RECOMMENDATION: Staff recommends Council accept the above resignation and deem the seat vacant.

Anna Ruggles

From: Bev Maughan
Sent: Tuesday, April 08, 2008 4:54 PM
To: Anna Ruggles
Subject: FW: FW: PAC Documents for "Meet the Artist" Dinners

Anna: The Public Arts Commission received the following notice from Stephanie Oppenlander wishing to resign her position on the Commission. Please request Council to declare a vacancy. Thanks,

*Beverly J. Maughan
Executive Assistant to City Manager
City of Forest Grove
503-992-3234
NOTE NEW EMAIL: bmaughan@forestgrove-or.gov*



From: Stephanie V. Oppenlander [REDACTED]
Sent: Monday, March 10, 2008 2:11 PM
To: Bev Maughan
Subject: Re: FW: PAC Documents for "Meet the Artist" Dinners

Thanks for the email. I am not sure who to send this to- but was hoping you could forward it for me.

I am going to resign my position on the Art Committee. My plate is very full with this pregnancy and our adoption. I have enjoyed everyone and hope to serve again when my responsibilities at home lessen.

Bev Maughan <BMaughan@forestgrove-or.gov> wrote:
*Forest Grove
503-992-3234
NOTE NEW EMAIL: bmaughan@forestgrove-or.gov*

April 28, 2008

**STAFF REPORT AND ORDINANCE AMENDING FOREST GROVE CODE
SECTION 3.525 RELATING TO SEGREGATION OF REVENUES
FOR PARKS SYSTEM DEVELOPMENT CHARGE**

Project Team: Tom Gamble, Parks and Recreation Director
Paul Downey, Administrative Services Director
Don Ganer, Don Ganer & Associates, Inc.
Michael Sykes, City Manager

Issue Statement: Currently the Parks System Development Charge (SDC), Ordinance 1990-07, Section 3.525, Segregation of Revenue, requires that funds shall be used in the district where collected. Currently the City has five (5) districts that funds are collected and then spent in. This system has presented a number of problems in funding park development projects.

Discussion: The City is considering eliminating the current requirement that a portion of the Parks SDC revenues collected must be spent only within the parks planning district area in which the revenues were collected.

ORS 223.304(2) requires that the methodology for an "improvement fee" SDC's must "demonstrate consideration of the portion of the projected cost of capital improvements identified in the master plan and capital improvement plan (CIP) list adopted by the City, that are needed to increase capacity required to serve the demands placed on the system by future users", and "be calculated to obtain the cost of capital improvements for the projected need for capacity for future users." In addition, ORS 223.307(2) requires that "improvement fees may be spent only on capacity increasing capital improvements" and that "the portion of the improvements funded by improvements fees must be related to the need for increased capacity to provide services for future users."

While Oregon Law does not require that Parks SDC revenues be spend within any specific proximity to the development from which the SDC revenues are derived, Forest Grove Code Section 3.525 requires that "At least 50% of the funds collected in each parks planning district shall be used in the district where collected". Requiring that Parks SDC revenues be used based on proximity to collection places restrictions on the use of SDC funds above and beyond those required by Oregon Law. These restrictions hamper City efforts to improve levels of service in areas where parks facilities are less accessible, and require that funds be spent in areas that may already have superior access to parks facilities. This policy also hampers the City's ability to take advantage of unforeseen

opportunities that may arise. For example, the City currently has approximately \$1.5 million in Parks SDC revenues, but less than \$200,000 has been collected in the north planning district area and less than \$100,000 has been collected in the northeast planning district area. Both of these areas are in need of neighborhood parks, but land acquisition is not possible because of the current code restrictions in use of Parks SDC revenues.

The City's Parks Master Plan was used to develop a parks and recreation SDC-CIP list that identifies the facilities on which Parks SDC revenues may be spent. ORS 223.309(2) provides that this plan may be modified "at any time". As an alternative to maintaining the current restrictive proximity requirements for expenditure of collected Parks SDC revenues, the City could eliminate this policy and, instead, monitor and modify the Parks SDC amounts allocated to projects during the annual CIP review.

At the April 16, 2008, meeting of the Parks and Recreation Commission, the Commission approved a motion to amend Forest Grove Code Section 3.525 as discussed.

Recommendation: Staff and the Parks and Recreation Commission recommends that City Council approve the attached ordinance amending Forest Grove Code Section 3.525 to eliminate the requirement that a portion of the Parks SDC revenues be spent within the parks planning district area in which the Parks SDC are collected.

(c) The land will at all times be available and accessible to the general public in accordance with existing ordinances and regulations dealing with the use of public facilities, and

(d) The Forest Grove Recreation Commission approves the location and construction of all improvements on the land.

(e) The amount of fee reduction is based on Comprehensive Plan park standards considering amount of land and cost of facilities dedicated to the City, number of dwellings or population served, etc. Meeting neighborhood park standards for the proposed residential population may reduce fees up to one-half. Meeting neighborhood and community park standards may eliminate park system development charges.

In the event land is dedicated in lieu of the systems developments charge, an equal portion of the value of the land dedicated shall be apportioned to each of the lots created. As the building permits are issued and the systems charge collected for each lot, the value of the dedicated land apportioned to each lot shall be credited, without interest, to the person dedicating the land, or his heirs, or his assigns, until the total value is credited or five years have elapsed from the date building permits are made available from the City. In the event the total amount has not been credited within five years or before the development is completed, the residual balance shall be liquidated to the City.

X 3.525 Segregation of revenues. All funds derived from the system development charge for park acquisition and development shall be kept in a fund created by this ordinance and entitled "Park Acquisition and Development Capital Fund". This fund shall be segregated from other funds of the City, divided into five separate funds based on the Parks and Recreation Planning Districts Map, and shall be used for no purpose other than the acquisition, design, construction or improvement of park facilities as defined in Section 3.505 of this ordinance. At least 50% of the funds collected in each district shall be used in the district where collected. Remaining funds may be used for community park needs outside the district.

3.530 Scope. The system development charge for park acquisition and development provided for in this ordinance is separate from and in addition to any and all applicable taxes, assessments, charges, or fees otherwise provided by law.



April 3, 2008

NOTICE OF PUBLIC HEARING
CITY OF FOREST GROVE
AMENDING FOREST GROVE CODE SECTION 3.525, SEGREGATION
OF REVENUES FOR PARKS SYSTEM DEVELOPMENT CHARGES

NOTICE IS HEREBY GIVEN that the Forest Grove City Council will hold a public hearing on **Monday, April 28, 2008, at 7:00 p.m. or thereafter**, in the Community Auditorium, 1915 Main Street, Forest Grove, to consider adopting an ordinance amending Forest Grove Code Section 3.525, Segregation of Revenues for Parks System Development Charges. The proposed ordinance, if enacted by the City Council, would take effect on the thirtieth day (30th) after enactment.

This hearing is open to the public and interested parties are encouraged to attend. A copy of the proposed ordinance and staff report are available for inspection before the hearing at the City Recorder's Office. Written comments or testimony may be submitted at the hearing or sent to the attention of the City Recorder's Office, P. O. Box 326, 1924 Council Street, Forest Grove, OR 97116, prior to the hearing. For further information, please call the City Recorder's Office at 503.992.3235.

Anna D. Ruggles, CMC, City Recorder
City of Forest Grove

Published April 9, 2008

first Reading

6.

ORDINANCE NO. 2008-02

**ORDINANCE AMENDING FOREST GROVE CODE SECTION 3.525
RELATING TO SEGREGATION OF REVENUES
FOR PARKS SYSTEM DEVELOPMENT CHARGE**

WHEREAS, Forest Grove Code Section 3.525, Segregation of Revenues, currently requires that at least 50 percent (50%) of the Parks System Development Charge (SDC) funds collected within each City parks planning district must be used in the district where collected; and

WHEREAS, Oregon Law does not require that SDC revenues be spent within any specific proximity to the development from which the SDC revenues are derived; and

WHEREAS, requiring that Parks SDC revenues be spent based on proximity to collection places restrictions on the use of SDC funds above and beyond those required by Oregon Law; and

WHEREAS, these restrictions hamper City efforts to improve levels of service in areas where parks facilities are less accessible, and require that funds be spent in areas that may already have superior access to parks facilities; and

WHEREAS, this policy also hampers the City's ability to take advantage of unforeseen opportunities that may arise.

NOW, THEREFORE, THE CITY OF FOREST GROVE ORDAINS AS FOLLOWS:

Section 1. Forest Grove Code Section 3.525 is hereby amended to state as follows:

3.525 Segregation of Revenues. All funds derived from the system development charge for park acquisition and development shall be kept in the "Park Acquisition and Development Capital Fund". This fund shall be segregated from other funds of the City and shall be used for no other purpose than the acquisition, design, construction or improvement of park facilities as defined in Code Section 3.505.

Section 2. All former ordinances or portions thereof inconsistent or conflicting with this ordinance or any portions hereof are hereby repealed to the extent of such inconsistency and conflict.

Section 3. This ordinance is effective 30 days following its enactment by the City Council.

PRESENTED AND PASSED the first reading the 28th day of April, 2008.

PASSED the second reading the 12th day of May, 2008.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 12th day of May, 2008.

Richard G. Kidd, Mayor

Date: April 28, 2008

WORK SESSION TO REVIEW DRAFT GRAFFITI PREVENTION, PROHIBITION AND REMOVAL ORDINANCE

PROJECT TEAM: Jeffrey Williams, Interim Police Chief
Michael Sykes, City Manager

ISSUE STATEMENT:

The City of Forest Grove is experiencing frequent and repeated incidents of graffiti placed upon public and private property. The abatement of this graffiti directly promotes the safety and livability of our community. Implementation of a graffiti abatement ordinance facilitates the ability to work collectively with the community to respond to graffiti incidences. The proposed graffiti abatement ordinance has been reviewed by the City Attorney.

BACKGROUND:

In 2006, the Forest Grove Police Department documented 16 instances of property damaged by graffiti. In 2007, there were 66 instances of property damaged by graffiti. In the first three months of 2008, there have been 17 instances of property damaged by graffiti. If this trend continues, we can expect an increase in incidences of graffiti from 2007.

Graffiti is often an indicator of gang-related activity for the purpose of identifying territory. Graffiti is an unsightly nuisance which offends community values and creates the impression of an unsafe community.

Property owners where the graffiti is placed are unwilling victims who are most often cooperative in the prompt removal or covering of the offending marks, insignias and messages. The City wishes to work cooperatively with victims to have the unsightly damage removed and will use its discretion when notifying property owners.

Best practices indicate the prompt removal of graffiti usually does not result in a repeated application of the markings.

The following jurisdictions already have similar ordinances in effect: City of Cornelius, City of Hillsboro, and City of Beaverton.

RECOMMENDATION:

The purpose of the work session is to ask City Council to review and provide input on the draft graffiti prevention, prohibition and removal ordinance.

ORDINANCE NO. _____

ORDINANCE ADOPTING PROVISIONS TO ALLOW FOR GRAFFITI PREVENTION, PROHIBITION, AND REMOVAL, AMENDING FOREST GROVE CODE BY ADDING SECTIONS 5.150 THROUGH 5.180 RELATING TO GRAFFITI PREVENTION, PROHIBITION AND REMOVAL

WHEREAS, the City is experiencing frequent and repeated incidents of graffiti placed upon public and private property; and

WHEREAS, graffiti is often an indicator of gang-related activity for the purpose of identifying territory; and

WHEREAS, graffiti is an unsightly nuisance that offends community values and creates the impression of an unsafe community; and

WHEREAS, the property owner where the graffiti is placed is an unwilling victim that most often is cooperative in the prompt removal or covering of the offending marks, insignias and messages; and

WHEREAS, best practices indicate the prompt removal of the graffiti usually does not result in a repeated application of the markings; and

WHEREAS, the City wishes to work cooperatively with victims to have the unsightly damage removed; and

WHEREAS, the City Council held a duly noticed Public Hearing on the proposed ordinance.

NOW, THEREFORE, THE CITY OF FOREST GROVE ORDAINS AS FOLLOWS:

Section 1. The City Council hereby adopts the graffiti prevention, prohibition, and removal provisions as defined in the attached Exhibit A.

Section 2. That Forest Grove Code Section 5 is amended by adding Sections 5.150 through 5.180, Graffiti Prevention, Prohibition, and Removal as defined in the attached Exhibit A.

Section 3. This ordinance is effective 30 days following its enactment by the City Council.

PRESENTED AND PASSED the first reading the _____ day of _____, 2008.

PASSED the second reading the _____ day of _____, 2008.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this _____ day of _____, 2008.

Richard G. Kidd, Mayor

ORDINANCE NO. _____

GRAFFITI PREVENTION, PROHIBITION, AND REMOVAL

Sections:

- 5.150** **Purpose and Intent.**
- 5.155** **Definitions.**
- 5.160** **Graffiti Prohibited.**
- 5.165** **Possession of Graffiti Implement Prohibited.**
- 5.170** **Other Violations.**
- 5.175** **Community Service.**
- 5.180** **Graffiti Removal; Notice and Procedures.**

5.150 **Purpose and Intent:** It is the purpose and intent of this Ordinance to provide a procedure for the prevention, prohibition, and removal of graffiti on public and private property in order to promote a safe and livable community and to protect the public health and safety.

5.155 **Definitions.** As used in this Ordinance, the following words or phrases have the following meanings:

- (1) "Abate" means to remove graffiti from the public view.
- (2) "Aerosol paint container" means any aerosol container adapted or made for spraying paint.
- (3) "Etching device" means a glasscutter, awl or any device capable of scratching or etching the surface of any structure or personal property.
- (4) "Felt tip marker" means an indelible marker or similar implement with a tip which, at its broadest width, is greater than one-fourth (1/4) inch.
- (5) "Graffiti" means any inscription, word, figure, or design that is marked etched, scratched, drawn, or painted on any surface with paint, ink, chalk, dye or other similar substance, regardless of content, which is visible from premises open to the public, such as public rights of way or other publicly-owned property, and that has been placed upon any real or personal property, such as buildings, fences, and structures, without authorization from the owner, occupant or responsible party.

(6) "Graffiti implement" means an aerosol paint container, a felt tip marker, an etching device, or a graffiti stick.

(7) "Graffiti nuisance property" means a property upon which graffiti has been placed and such graffiti has been permitted to remain for more than seven days after the property owner of record or occupant has been issued written notification.

(8) "Graffiti stick" means a device containing a solid form of paint, chalk, wax, epoxy, or other similar substance capable of being applied to a surface by pressure, and upon application, leaving a mark at least one-fourth of an inch wide.

(9) "Manager" means the Forest Grove City Manager or the manager's designee who is responsible for the administration of the graffiti nuisance abatement program under this Ordinance.

(10) "Occupant" means any person, tenant, sub-lessee, successor or assignee that has control over property.

(11) "Owner" means any person, agent, firm or corporation having a legal or equitable interest in a property and includes but not limited to a mortgagor in possession, an occupant, or a person, agent, firm or corporation that owns or exercises control over items of property, such as utility poles, drop boxes, postal collection boxes, and other types of containers.

(12) "Permit" means to knowingly allow, suffer, and acquiesce by a failure, refusal or neglect to abate.

(13) "Premises open to the public" means all public spaces, including but not limited to streets, alleys, sidewalks, parks, rights of way and public open space, and private property onto which the public is regularly invited or permitted to enter for any purpose.

(14) "Property" means any real or personal property, including but not limited to items affixed or appurtenant to real property or premises, house, building, fence, or structure, and items of machinery, drop boxes, waste containers, utility poles and vaults, and post office collection boxes.

(15) "Responsible party" means an owner, an entity or person acting as an agent for an owner by agreement that has authority over the property or is responsible for the property's maintenance or management. There may be more than one party responsible for a particular property.

(16) "Unauthorized" means without consent of the owner, occupant or responsible party.

5.160 Graffiti Prohibited.

(1) It is unlawful and a violation of this Ordinance for any person to place or put by any means, any drawing, inscription, figure, symbol, mark, or any type of graffiti on any public or private property without the consent of the owner, occupant or responsible party of the premises, or upon natural surfaces such as rocks, trees or any surface whatsoever. It is unlawful and a violation of this Ordinance for any person to solicit or command another person to apply graffiti or aid or abet another person in applying graffiti.

(2) A violation of subsection (1) of this section is a violation punishable by a maximum fine not to exceed \$500.00. Each wall or object upon which graffiti is placed constitutes a separate violation. Each day on which a violation occurs or continues is a separate violation.

5.165 Possession of Graffiti Implement Prohibited.

(1) No person may possess, with the intent to unlawfully apply graffiti on any real or personal property of another, any graffiti implement.

(2) Unlawful possession of a graffiti implement is a violation of this Ordinance punishable by a maximum fine not to exceed \$500.00. Each day on which a violation occurs is a separate violation.

(3) In addition to issuing a citation, a graffiti implement used or possessed in violation of this section may be immediately seized and impounded by the Manager. The court, upon disposition of the issued citation, shall determine whether the instrument shall be returned to the defendant or deemed contraband subject to destruction under Oregon law.

5.170 Other Violations.

(1) Any property located in the City that becomes a graffiti nuisance property is in violation of this Ordinance and subject to abatement by the City under Code Section 5.285 and assessment of costs under section 5.290.

(2) Every owner, occupant or responsible party who permits a property to become a graffiti nuisance property is in violation of this Ordinance and subject to any remedy or penalty provided by Code Chapter 5.

5.175 Community Service.

In lieu of a fine under this Ordinance , the court may order the violator to perform community service, unless the court finds that special circumstances exist that would preclude such service. The court will make a reasonable effort to require the violator to perform a type of community service that is expected to have a rehabilitative effect on the person, preferably community service that includes removal of graffiti.

5.180 Graffiti Removal; Notice and Procedures.

(1) The owner, occupant or responsible party of any property within the City shall remove any graffiti from that property within seven days of the graffiti's appearance.

(2) Whenever the Manager determines that graffiti exists on any property in the City, the Manager may issue an abatement notice. The owner, occupant or responsible party shall have seven days after the date of service of the notice to remove the graffiti.

(3) The notice will be served by addressing the notice to the owner, occupant or responsible party and delivering it by personal service or by mailing it as certified mail. Service may also be accomplished by posting the notice in a clearly visible location on the subject property.

(4) The person served with the notice who is unable to remove, or cause to remove, the graffiti within seven days due to a hardship may apply to the Manager for an extension of time. For purposes of this subsection, "hardship" means serious illness or disability, extremely inclement weather that temporarily prevents removal of the graffiti, or other extraordinary circumstance.

(5) If graffiti is not removed within seven days after service of notice, the Manager may issue a citation to the owner, occupant or responsible party, or all of them requiring appearance in Forest Grove Municipal Court.

(6) Failure to remove graffiti as required by this section is a violation punishable by a fine of up to \$500.00. Each day the graffiti remains after the notice is sent constitutes a separate offense.

(7) The City Manager may adopt rules and procedures to implement this Ordinance.