

**FOREST GROVE CITY COUNCIL REGULAR MEETING  
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***Minutes are unofficial until approved by Council.  
Council approved minutes as presented March 28, 2011.***

**1. ROLL CALL:**

Mayor Peter Truax called the regular City Council meeting to order at 7:03 p.m. and led the Pledge of Allegiance. **ROLL CALL: COUNCIL PRESENT:** Thomas BeLusko, Jr., Thomas Johnston, Council President, Victoria Lowe, Camille Miller, Ronald Thompson, Elena Uhing, and Mayor Peter Truax. **STAFF PRESENT:** Michael Sykes, City Manager; Paul Elsner, City Attorney; Paul Downey, Administrative Services Director; Jon Holan, Community Development Director; Rob Foster, Public Works Director; Aaron Ashbaugh, Police Captain; Derek Robbins, Civil Engineer; James Reitz, Senior Planner; and Anna Ruggles, City Recorder.

**2. CITIZEN COMMUNICATIONS:**

Bill Buck, Forest Grove, addressed Council regarding concerns with the sign code prohibiting portable offsite signage and urged Council to modify the sign code and/or find a compromise for businesses. Buck indicated that businesses are suffering financial losses because of the loss of signage on main thoroughfares, stressing that signage is viable for business advertisement purposes.

Christine Knight, Forest Grove, addressed Council and urged Council to work something out to allow signage for 22<sup>nd</sup> Street Station and/or find some way to help direct people to the restaurant. Knight indicated she is a patron of the restaurant and she has noticed the restaurant's business has diminished due to lack of signage on main thoroughfares, stressing it is difficult for people to find the restaurant because of its vicinity .

Claude Davis, Forest Grove, addressed Council regarding concerns with the sign code prohibiting offsite real estate open house, directional, and For-Rent signs, noting because of the loss of this type of signage, businesses are financially affected. Davis indicated that he paid over \$176,000 last year in property taxes on his rental properties in Forest Grove and without directional signs, people cannot find the location of his rental properties, stressing that Forest Grove has some street addresses that are very difficult to find. Davis stressed that without signage he is now being forced to use paid advertisement and urged Council to help

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businesses prosper during this economy turndown.

Mayor Truax disclosed he had a telephone conversation with Claude Davis.

Tawnya Pole, Forest Grove, addressed Council regarding concerns with the sign code prohibiting offsite real estate directional and open house signs and urged Council to come up with some sort of compromise to allow offsite directional and open house signs on Saturday and Sunday, stressing that without directional and open house signs her business is suffering. Pole indicated that Forest Grove has numerous streets named the same or that crossover and GPS systems do not always show new residential addresses, and as a result, people cannot find the location of the open houses.

Richard Davis, Cornelius, addressed Council voicing support of allowing signage for 22<sup>nd</sup> Street Station and urged Council to do something to support small businesses, stressing that without signage on main thoroughfares no one knows the restaurant is open. Davis indicated the restaurant needs offsite signage for advertisement purposes in order to remain open for business. Davis indicated the owner of 22<sup>nd</sup> Street Station has permission from other businesses located on the main thoroughfares to place signs at the corner of their property; however, the sign code prohibits offsite signage.

Mike Pearson, Cornelius, addressed Council voicing support of allowing signage for 22<sup>nd</sup> Street Station and urged Council to amend the sign code and/or find a solution for 22<sup>nd</sup> Street Station and other businesses, who are not allowed to have signs on Pacific Avenue, to stay in business. Pearson stressed that 22<sup>nd</sup> Street Station has been a landmark of Forest Grove for over 70 years and the restaurant owner pays taxes and has been a loyal resident for many years. Pearson indicated he has been a patron of the restaurant for over 25 years and he has seen the restaurant when it was alive and well and since the sign code was adopted the restaurant seems like a morgue now.

Elizabeth Muncher, Forest Grove, addressed Council voicing support of allowing signage for 22<sup>nd</sup> Street Station and other small businesses and urged Council to modified the sign code to address issues to allow offsite signage. Muncher referenced the City's Vision Statement, pertaining to

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small businesses and historic landmarks; tourism-related assessment report which pointed out the City's lack of tourism-related signage; and quoted the tagline of Forest Grove being a place "where businesses and families thrive". Muncher distributed a letter, submitted by Tina Reynolds, Forest Grove, voicing support of allowing signage for 22<sup>nd</sup> Street Station and urging Council to come up with an option of issuing a waiver to allow signs to be placed daily on the corner of 19<sup>th</sup> Avenue and Douglas Street and Cedar Street and 22<sup>nd</sup> Avenue or come up with other options to help promote 22<sup>nd</sup> Street Station.

Johnston disclosed he had a telephone conversation with Elizabeth Muncher.

Uhing disclosed she had conversations with Elizabeth Muncher and Cynthia Smith, owner of 22<sup>nd</sup> Street Station.

Carl Carmichael, Hillsboro, addressed Council regarding concerns with the sign code prohibiting offsite real estate directional and open house signs and urged Council to reevaluate the sign code and reconsider allowing offsite open house and directional signage to help owners sell their homes and to direct buyers to homes that are for sale, noting GPS systems and maps do not always work when trying to find addresses.

Ed Nigbor, Forest Grove, addressed Council voicing support of allowing signage for 22<sup>nd</sup> Street Station and urged Council to allow signs on Pacific Avenue within a three block radius and/or consider allowing tourism-related signs similar to the State's blue tourism signs and urged Council to reconsider the action taken at the meeting of October 11, 2010, (adopt policy that would have allowed signage on City street signs and other poles). Nigbor referenced a newspaper article celebrating the 70<sup>th</sup> year that 22<sup>nd</sup> Street Station has been in business and displayed various placard signs advertising youth-related sport activities as examples of the type of signs the City is removing from the rights-of-way.

Mayor Truax disclosed he had a conversation with Ed Nigbor.

Trevor Lamb, Forest Grove, addressed Council voicing support of allowing signage for 22<sup>nd</sup> Street Station and urged Council to consider the economic job-related aspects of keeping 22<sup>nd</sup> Street Station in business. Lamb indicated he is employed at 22<sup>nd</sup> Street Station and since the signs

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for 22<sup>nd</sup> Street Station have been removed business has declined, and as a result, his work hours have been drastically cut back. Lamb stressed that he is afraid he will be without a job if lack of business at 22<sup>nd</sup> Street Station continues and urged Council to allow offsite signage so 22<sup>nd</sup> Street Station can remain in business.

Don Turner, Forest Grove, addressed Council voicing support of allowing signage for 22<sup>nd</sup> Street Station and urged Council to find a way to help 22<sup>nd</sup> Street Station prosper during this economy turndown.

Cynthia Smith, owner of 22<sup>nd</sup> Street Station, Forest Grove, addressed Council and spoke in detail of how the sign code has affected her business, 22<sup>nd</sup> Street Station. Smith indicated she is not trying to harass anyone at the City; she is just trying to survive after 38-1/2 years of being at the restaurant almost every day, stressing that within the last six months, her business has suffered drastically. Smith indicated she would not have come tonight if it were not for her customers and people supporting her, stressing that she would have quit and closed her restaurant if it was not for her daughter, who will be taking over the family business. Smith referenced a newspaper article pertaining to the City's tagline "where small businesses thrive", stressing that the Council was not upholding the meaning of the tagline. Smith addressed comments directly to a Councilmember and indicated the Council was attacking small businesses, stressing that the sign code was absolutely destroying everyone in Forest Grove.

Mike Ross, Forest Grove, submitted written testimony addressed to the Mayor and Council and urged Council to consider amending the sign code to limit the amount of signs within a specific area instead of outright banning signs, noting Council will find there is community support for modifying the sign code. Ross indicated he understands the Council's desire to keep Forest Grove looking good and not tacky; however, Ross indicated he personally believes that the placement of a few signs on sidewalks and street corners does not make the City look ugly. Ross indicated that establishments, such as the 22<sup>nd</sup> Street Station, a successful local business with a long history, have seen revenues drop and entrance of new customers ceased since the enactment of the sign code. Ross indicated the sign code seems to unfairly favor businesses, located on the main thoroughfares of 19<sup>th</sup> Avenue and Pacific Avenue, to the detriment of businesses that cannot afford the high rents or high costs of moving to

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locations with more traffic, stressing that such signs serve a useful purpose in attracting customers to smaller, out of the way businesses in the Forest Grove community.

Margo Laur, Forest Grove, addressed Council voicing support of allowing signage for 22<sup>nd</sup> Street Station and urged Council to help businesses survive by allowing directional signs for those businesses located off the main thoroughfares. Laur indicated she has also noticed a severe decline in business at the restaurant and she indicated that she has given friends the address to the restaurant and they have gotten lost, even while using a GPS system, stressing it is difficult to locate businesses when a person does not know where the businesses are located.

Martha Ross, Forest Grove, addressed Council and asked how the sign code/adoption of ordinance came about and if there were any complaints about the posting of signs and asked if citizens were aware of tonight's Council meeting because she had not heard anyone testify in favor of the sign code ordinance, to which Mayor Truax addressed and explained the process that Council underwent in adopting the sign code ordinance, noting there were complaints about signs that had proliferated along the main thoroughfares.

BeLusko advised Ross that the sign code ordinance was not an agenda item on the printed Council meeting agenda this evening; however, citizens are always welcome to address Council under Citizen Communications for items that are not on the printed agenda.

Uhing explained the lengthy public process that Council underwent during the adopting of the sign code ordinance, noting the citizenry brings about the Council's goals and objectives. Uhing added that she is very committed to reevaluating any adopted ordinance that has unforeseen circumstance. Uhing noted that she hopes to have a discussion on the matter as part of the Council's upcoming Goal Setting Retreat.

Johnston commented that by the turn out of testimony heard this evening it indicates to the Council that they need to reevaluate and support businesses during this economic turndown, noting he was a dissenting vote when the sign code ordinance was adopted. Johnston noted that Council needs to find a level for all businesses not just one business.

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Mayor Truax responded to the testimony heard and assured those who spoke under Citizen Communications that Council and staff would listen to the testimony levied and would reply to concerns heard about 22<sup>nd</sup> Street Station and real estate signage, noting the testimony heard would be taken serious and would not be dismissed by Council. Mayor Truax advised that ordinances are living and breathing documents that can be reexamined as needed, noting Council and staff will reexamine the sign code ordinance, and may even ask some of the citizens who testified this evening to participate in the process, and stressed; however, that he could not guarantee that everyone would be happy with the end results.

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 Work Session (B&C Interviews) Meeting Minutes of January 24, 2011.
  - B. Approve City Council Work Session (Watershed Management Plan) Meeting Minutes of January 24, 2011.
  - C. Approve City Council Regular Meeting Minutes of January 24, 2011.
  - D. Accept Historic Landmarks Board Meeting Minutes of December 31, 2010, and January 5, 2011.
  - E. Community Development Department Monthly Building Activity Informational Report for January 2011.
  - F. **RESOLUTION NO. 2011-17 MAKING APPOINTMENT TO BUDGET COMMITTEE (APPOINT THOMAS BECK, TERM EXPIRING DECEMBER 31, 2013).**
  - G. **RESOLUTION NO. 2011-18 MAKING APPOINTMENT TO COMMITTEE FOR CITIZEN INVOLVEMENT (APPOINT LEN HUA, TERM EXPIRING DECEMBER 31, 2014).**
  - H. **Endorse Liquor License Renewal Application Requests for Year 2011:**
    - 1. 76 Forest Grove, 2710 19<sup>th</sup> Avenue (Off-Premises Sales)
    - 2. Aramark Educational Services, LLC, 2043 College Way (Limited On-Premises Sales)

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3. Bi-Mart, 3225 Pacific Avenue (Off-Premises Sales)
4. Circle Inn Tavern, 3007 Pacific Avenue (Limited On-Premises Sales and Full On-Premises Sales)
5. Diamond Palace, 1921 Main Street (Full On-Premises Sales)
6. Forest Grove Sushi, 1905 Birch Street (Limited On-Premises Sales)
7. Grampy's Deli and Pub, 1918 Main Street (Limited On-Premises Sales and Off-Premises Sales)
8. Half Moon Sports Bar / New Chinese Cuisine, 1927 Main Street (Full On-Premises Sales)
9. Hello Market, 1917 19<sup>th</sup> Avenue (Off-Premises Sales)
10. Izgara Bar and Grill, 2036 Main Street, Suite B (Full On-Premises Sales)
11. Jade Green Palace, 3018 Pacific Avenue (Full On-Premises Sales)
12. Little Monkey Deli, 1919 Pacific Avenue (Limited On-Premises Sales)
13. Mandarin China Restaurant, 2338 Pacific Avenue (Limited On-Premises Sales)
14. Mini Mart, 2705 Pacific Avenue (Off-Premises Sales)
15. Pizza Schmizza, 2042 Main Street (Limited On-Premises Sales)
16. Plaid Pantry #20, 2436 19<sup>th</sup> Avenue (Off-Premises Sales)
17. Plaid Pantry #99, 2901 Thatcher Road (Off-Premises Sales)
18. Prime Time Sports Bar and Restaurant, 4202 Pacific Avenue (Full On-Premises Sales)
19. Rainbow Lanes, 2748 19<sup>th</sup> Place (Limited On-Premises Sales)
20. Safeway Store #0406, 2836 Pacific Avenue (Off-Premises Sales)
21. Winners Connection, 2748 19<sup>th</sup> Place, Suite L (Off-Premises Sales and Limited On-Premises Sales)
22. Cornerstone Pub and Grill, 2307 Pacific Avenue (Limited On-Premises Sales and Off-Premises Sales)  
**(Added to Consent Agenda)**
23. El Torero Restaurant, 2009 Main Street (Full On-Premises Sales) **(Added to Consent Agenda)**

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24. Forest Grove Elks Lodge #2440, 2810 Pacific Avenue (Full On-Premises Sales) ***(Added to Consent Agenda)***
25. Forest Grove Tobacco, 3034 Pacific Avenue, Suite B (Off-Premises Sales) ***(Added to Consent Agenda)***
26. Godfather's Pizza, 2834 Pacific Avenue, Suite A (Full On-Premises Sales) ***(Added to Consent Agenda)***
27. Grendel's, 2004 Main Street (Full On-Premises Sales) ***(Added to Consent Agenda)***
28. Phil's 1500 Subs, 2834 Pacific Avenue, Suite D (Limited On-Premises Sales) ***(Added to Consent Agenda)***
29. Urban Decanter, 2030 Main Street (Limited On-Premises Sales and Off-Premises Sales) ***(Added to Consent Agenda)***

**MOTION:** Councilor Lowe moved, seconded by Councilor BeLusko, Jr., to approve the Consent Agenda as amended. **MOTION CARRIED 7-0 by voice vote.**

4. **ADDITIONS/DELETIONS:**  
Ruggles added Consent Agenda Item H. 22 to 29 (as noted above).
5. **PRESENTATIONS:** None.
6. **PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 2010-08 ADOPTING PROVISIONS REGULATING NOISE, REPEALING FOREST GROVE CODE SECTION 5.070, TITLED UNNECESSARY NOISE, AND ADDING NEW CODE SECTION 5.250 THROUGH 5.259, TITLED NOISE REGULATIONS**

**Staff Report:**

Ashbaugh and Holan presented the above-proposed amended ordinance for Council consideration, noting at the Council meeting of September 13, 2010, City Manager Sykes asked to remove the proposed ordinance from the Council meeting agenda so staff could have additional time to address Council concerns and meet with the Economic Development Commission (EDC) and Public Safety Advisory Commission (PSAC) for the purpose of seeking input on the proposed ordinance. Ashbaugh reported staff met

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with EDC as directed and EDC supported the overall concept of the proposed ordinance and made recommendation to set the maximum dBA sound level of 80 to 85 for commercial and industrial businesses. Staff also met with PSAC as directed and PSAC supported the overall concept of the proposed ordinance and found the ordinance provides better regulatory tools to more effectively enforce and obtain compliance on the various types of chronic noise cases; however, PSAC could not reach a consensus on whether to allow or prohibit construction-related activities to occur on Sunday. Staff referenced Exhibit A of the staff report outlining examples of code regulations for various cities and county, noting at the work session of October 11, 2010, Council directed staff to conduct further research on construction-related activity and hours permitted on Sunday. In conclusion, Ashbaugh and Holan recommended adopting the proposed ordinance as amended, noting if the proposed ordinance is adopted, staff will track and monitor noise complaints and activities during the upcoming summer season to ensure the noise regulations are working and are appropriate for the Forest Grove community.

Before proceeding with Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Ordinance No. 2010-08.

Elsner read Ordinance No. 2010-08 by title for first reading.

**MOTION: Councilor Johnston, moved, seconded by Councilor Thompson, to approve Ordinance No. 2010-08 Adopting Provisions Regulating Noise, Repealing Forest Grove Code Section 5.070, Titled Unnecessary Noise, and Adding New Code Section 5.250 through 5.259, Titled Noise Regulations.**

**Public Hearing Opened:**

Mayor Truax opened the Public Hearing.

**Proponents:**

No one testified and no written comments were received.

**Opponents:**

No one testified and no written comments were received.

**Others:**

No one testified and no written comments were received.

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**Council Discussion:**

In response to Lowe's inquiry pertaining to chainsaw-related activity, Ashbaugh addressed the various scenarios posed by Lowe. In response to Lowe's concern pertaining to staff workload, Ashbaugh advised he anticipates staff time will be reduced as a result of ordinance.

Uhing recapped the EDC discussion pertaining to the noise ordinance, noting EDC supported the overall concept of the noise ordinance with a recommendation to increase the dBA for commercial and industrial.

Johnston stressed that Council needs to address unfunded mandates with State legislators, noting the Department of Environmental Quality (DEQ) terminated its Noise Control Program due to revenue cuts and is now relying on local jurisdictions to enact and enforce noise violations, and as result, it is costing cities revenue to enforce laws that should be enforced by DEQ.

**Public Hearing Recessed:**

Mayor Truax recessed the Public Hearing until the next Council meeting of February 28, 2011.

**7. CONTINUE PUBLIC HEARING FROM SEPTEMBER 27, 2010, AND SECOND READING OF ORDINANCE NO. 2010-09 ADOPTING THE CITY OF FOREST GROVE 2010 TRANSPORTATION SYSTEM PLAN UPDATE AND REPEALING ORDINANCE NO. 1999-16**

The first reading of Ordinance No. 2010-09 by title and motion to adopt occurred at the meeting of September 27, 2010.

**Staff Report:**

Holan, Foster, and Robbins reported at the Council meeting of October 25, 2010, second reading of Ordinance No. 2010-09, Council remanded back to the Planning Commission the proposed Transportation System Plan Update and directed the Planning Commission review the TSP Appendixes and review the new oral and written testimony heard and received at the Council hearing of September 27, 2010, including letters submitted by Oregon Department of Transportation (ODOT) regarding signalization of Yew Street/Adair Street intersection; a letter and map submitted by Forest Grove School District regarding realignment of Hartford Drive; and oral and written testimony submitted by a citizen.

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Holan referenced Attachment 1, outlining edits to the TSP as proposed by the Planning Commission, noting the Planning Commission held two hearings, focusing on the appropriate street system around the High School and signalization at Yew Street/Adair Street intersection, noting staff has no objections to the Planning Commission's proposed edits with the exception of the Planning Commission's recommendation to retain in the TSP the traffic signal at Yew Street/Adair Street intersection. Holan referenced Attachment 5, outlining a letter submitted by ODOT, dated January 14, 2011, noting ODOT is proposing to install stop bars and create a southbound right-turn lane at Yew Street to improve safety (refer to Attachment 5, illustration); however, Holan noted the Planning Commission still had concerns these improvements would not resolve vehicular and pedestrian safety issues, and as a result, the Planning Commission voted to retain in the TSP as a future study area the traffic signal at Yew Street/Adair Street. Holan noted after listening to all testimony and reviewing the data available, staff continues to believe that instead of focusing on a traffic signal at Yew Street/Adair Street intersection, the City and ODOT should pursue some immediate corrections with pavement markings and accelerate the proposal of extending Mountain View Lane to Yew Street north of Highway 8. Holan referenced Attachment 2, outlining edits to the TSP as proposed by ODOT, noting staff is agreeable with ODOT's disclaimer language as outlined in the attachment. In addition, Holan noted ODOT is proposing to install a pedestrian island and crosswalk at the intersection of Quince Street and Pacific Avenue. Holan reported another issue that has arisen since the Planning Commission hearing is regarding a proposed street connection between Fern Hill Road and Poplar Street, noting the Planning Commission voted to retain the roadway, which is intended to function as a frontage road to reduce local trips on Highway 47. Holan referenced Attachment 8, outlining a letter submitted by Fernhill Wetlands Council, dated January 27, 2011, opposing the above-noted route. In addition, Holan reported the Forest Grove School District submitted a transportation study (Attachment 4 – Kittelson Study) addressing the road network around the High School, noting the Planning Commission and staff accept the recommendations with one addition (continuous sidewalk on one side of Nichols Lane). In conclusion, Holan outlined the various recommendations as outlined in the staff report for Council consideration, noting the Council may adopt the TSP as proposed by the Planning Commission with modifications (Attachment 1 to Exhibit B); adopt the TSP as amended by Council; remand the TSP back to the Planning

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Commission for specific purposes; or deny the TSP citing reasons for denial.

**Public Hearing Continued:**

Mayor Truax continued the Public Hearing from the meeting of September 27, 2010.

**Written Testimony Received:**

Holan referenced a letter submitted by Fernhill Wetlands Council, dated January 27, 2011, which was included as part of the record and mentioned above.

**Proponents:**

No one testified and no written comments were received.

**Opponents:**

No one testified and no written comments were received.

**Others:**

Elizabeth Muncher, Forest Grove, asked if the proposed TSP included a plan for sidewalk improvements in areas where there are currently no sidewalks, to which Foster addressed, noting the TSP shows the areas lacking sidewalks, but the City does not have funds set aside for sidewalk improvements. Foster advised the City recently implemented a Citywide Sidewalk Improvement District Program, which has been very successful, noting property owners are normally obligated to pay for sidewalk improvements pursuant to City Code.

David Morelli, Forest Grove, posed various scenarios and shared his insights about timing traffic signals, concerns with using painted stop bars, and correcting traffic flow issues, and urged Council to retain the traffic light at Yew Street/Adair Street intersection in the TSP, stressing that extending Mountain View Lane to Yew Street north of Highway 8 as proposed by ODOT and staff, instead of installing a traffic light at Yew Street/Adair Street intersection, is unsafe for pedestrians, citing the area is near low-incoming housing and near Wal-Mart and the area along Highway 8 lacks sidewalks.

No one else testified and no written comments were received.

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**Public Hearing Closed:**

Mayor Truax closed the Public Hearing.

**Council Discussion:**

Lowe voiced concern that pedestrians will continue to cross at Yew Street/Adair Street intersection regardless if the City attempts to direct them to Mountain View Lane, noting the same is true for the pedestrian crossing at Safeway.

Thompson indicated he has walked the area, concurring that extending Mountain View Lane to Yew Street was the most natural area for safe pedestrian crossing, noting there is very little residential housing to the north. Thompson also suggested combining the bus stop at Yew Street with the bus stop at Mountain View Lane to reduce pedestrian crossing at Yew Street/Adair Street intersection. In addition, Thompson pointed out that grants could be obtained to complete the sidewalk gap along Highway 8.

Johnston pointed out that B Street, Elm Street, and Martin Road are examples of intersections that have painted stop bars extending 20' in front of the stop sign, noting the painted stop bars are a new ODOT engineering technique.

At the conclusion of the above-noted discussion and hearing no further discussion from the Council, the following motion was made.

**MOTION NO. 1: Councilor Miller moved, seconded by Councilor Uhing, to approve Section 1. A. of Ordinance No. 2010-09, adopt the proposed amendments to the TSP as recommended by the Planning Commission as provided in Attachment 1 to Exhibit B.**

**Council Discussion:**

In response to Lowe's point of clarification pertaining to the road connection between Fern Hill Road and Poplar Street, Holan advised the above-noted motion to accept the proposed amendments to the TSP includes the road connection between Fern Hill Road and Poplar Street.

In response to Miller's point of clarification pertaining to the traffic signal at Yew Street/Adair Street intersection, Holan advised the above-noted motion to accept the proposed amendments to the TSP includes retaining

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in the TSP the traffic signal at Yew Street/Adair Street intersection.

Hearing no further discussion from the Council, Mayor Truax asked for a roll call vote on the above-noted Motion No. 1.

**ROLL CALL VOTE MOTION NO. 1: AYES: Councilors BeLusko, Jr., Johnston, Miller, Uhing, and Mayor Truax. NOES: Councilors Lowe and Thompson. MOTION CARRIED 5-2.**

**Council Discussion:**

Mayor Truax opened the floor and roundtable discussion ensued as Councilmembers discussed whether or not to accept the Planning Commission's recommendation of retaining in the TSP the traffic signal at Yew Street/Adair Street intersection.

At the conclusion of the above-noted discussion and hearing no further discussion from the Council, the following motion was made.

**MOTION NO. 2: Councilor Thompson moved, seconded by Councilor Lowe, to approve Section 1. B. of Ordinance No. 2010-09, to not accept the Planning Commission recommendation of the traffic signal at the intersection of Yew Street and Adair Street (because the signal would be too close to an existing signal at Mountain View Lane and Adair Street; testimony received from ODOT indicates that it is unlikely the signal would be approved, improvements to the intersection proposed by ODOT would improve safety of the intersection and there exists an alternative pedestrian way in close proximity at Mountain View Lane that would be safer for pedestrian movement).**

**Council Discussion:**

In response to BeLusko's point of clarification directed at Thompson, Thompson explained that a study was conducted of the area with a recommendation of not having a traffic signal at Yew Street/Adair Street intersection, noting staff is also making the same recommendation. Thompson advised that he rarely overturns the Planning Commission's recommendation but he feels in this instance that this is a traffic-related issue rather than planning-related issue.

Uhing stressed that she would prefer retaining in the TSP as a placeholder

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the traffic signal at Yew Street/Adair Street intersection, noting she does not feel she has sufficient information to make a long-term decision of extending Mountain View Lane to Yew Street.

Johnston stressed that he too would prefer retaining in the TSP as a placeholder the traffic signal at Yew Street/Adair Street intersection, noting he has concerns that pedestrian traffic will significantly increase in the area as soon as the Rose Grove Recreational Vehicle (RV) Park is developed.

Lowe made a MOTION TO AMEND MOTION NO. 2 to expand the future study area in the TSP to include Mountain View Lane connection and the traffic signal at Yew Street/Adair Street intersection; however, MOTION DIED DUE TO LACK OF A SECOND.

In conclusion of the above discussion, Mayor Truax recalled a fatal traffic accident involving a student that occurred in 1983 when there was no traffic signal at Mountain View Lane intersection, reliving the pressure it took to get the State to install a traffic signal at this intersection, noting he will be voting in support of the Planning Commission's recommendation to retain in the TSP the traffic signal at Yew Street/Adair Street intersection.

Hearing no further discussion from the Council, Mayor Truax asked for a roll call vote on the above-noted Motion 2.

**ROLL CALL VOTE MOTION NO. 2: AYES: Councilors Lowe, Miller, and Thompson. NOES: Councilors BeLusko, Jr., Johnston, Uhing, Mayor Truax. MOTION FAILED 3-4.**

Mayor Truax announced the above-noted motion failed, and as a result, the Council approved Section 1. B. of Ordinance No. 2010-09, to accept the Planning Commission's recommendation of the traffic signal at the intersection of Yew Street and Adair Street.

**Council Discussion:**

Hearing no further discussion from the Council, the following motion was made.

**MOTION NO. 3: Councilor Uhing moved, seconded by Councilor Lowe, to amend Section 1. C. of Ordinance No. 2010-09, to not adopt**

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**the proposed amendments to the TSP, submitted by the ODOT, as provided in Attachment 2 to Exhibit B.**

**Council Discussion:**

Mayor Truax advised that he would be voting to support ODOT's proposed disclaimer language as provided in Attachment 2 to Exhibit B, noting the City has an obligation to include this proposed language in the TSP.

Hearing no further discussion from the Council, Mayor Truax asked for a roll call vote on the above-noted Motion 3.

**ROLL CALL VOTE MOTION NO. 3: AYES: Councilors Lowe and Uhing. NOES: Councilors BeLusko, Jr., Johnston, Miller, Thompson, and Mayor Truax. MOTION FAILED 2-5.**

Mayor Truax announced the above-noted motion failed, and as a result, the Council approved Section 1. C. of Ordinance No. 2010-09, to adopt the proposed amendments to the TSP, submitted by ODOT, as provided in Attachment 2 to Exhibit B.

**Council Discussion:**

Hearing no further discussion from the Council, Mayor Truax asked for a roll call vote on the motion made at the meeting of September 27, 2010, as amended pursuant to the above-noted motions.

Elsner read Ordinance No. 2010-09 by title for second reading as amended pursuant to the above-noted motions.

**ROLL CALL VOTE: AYES: Councilors BeLusko, Jr., Johnston, Lowe, Miller, Thompson, Uhing, and Mayor Truax. NOES: None. MOTION CARRIED 7-0.**

**8. STAFF REPORT REQUESTING COUNCIL APPROVAL TO INITIATE A STREET VACATION VACATING A SEGMENT OF OSBURN STREET AND 27<sup>th</sup> PLACE**

**Staff Report:**

Holan, Reitz, and Sykes presented the above-noted staff report requesting Council approval to initiate a street vacation, vacating a segment of

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Osburn Street and a segment of 27<sup>th</sup> Place. Reitz reported the segments were deeded in 2008 as a public right-of-way as part of Karen's Glenn Planned Residential Development (PRD); however, the project is now defunct and the property site has been sold to a new developer who is proposing to use the site for an apartment project, noting staff believes the right-of-way should be redesigned to provide better traffic flow in the neighborhood. As a result, staff is requesting Council approval to allow staff to initiate the vacation instead of the applicant filing a petition with the City. Reitz explained if the City does not initiate the vacation, the existing right-of-way would remain as deeded and the applicant would be required to design the apartment project accordingly. In addition, Reitz referenced a letter, dated February 3, 2011, submitted by Bienstar, new property owner, which was attached to the staff report. In conclusion, Reitz explained if the City initiates the vacation, a Public Hearing on the vacation would be required and notice of the proposal would be posted on and near the site as well as public legal notice published at least twice and a notice mailed to property owners within 300' of the proposal, noting neighbors would then have the opportunity to express concerns on the merits of the proposed right-of-way vacation.

**Council Discussion:**

Mayor Truax opened the floor and roundtable discussion ensued as Councilmembers discussed whether the City should initiate the vacation as proposed by staff. Staff addressed various points of clarification, noting a vacation is a legislative action and does not require a land use decision by the Planning Commission. City Attorney Elsner added that by the City initiating the vacation it would allow Council the opportunity to hear testimony before considering whether to vacate the segments.

Hearing no further discussion from the Council, Mayor Truax asked for a motion to direct staff to proceed with initiating the street vacation as requested.

**MOTION: Councilor BeLusko, Jr., moved, seconded by Councilor Miller, to direct staff to initiate a street vacation, vacating a segment of Osburn Street and a segment of 27<sup>th</sup> Place.**

**Council Discussion:**

In response to Uhing's concerns pertaining to the urgency of initiating the vacation, Sykes advised that in order to help resolve some of the traffic

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issues on 26<sup>th</sup> Avenue, staff felt it would be best if the City initiated the vacation to help move the project forward and to reconfigure the street grid to address traffic flow issues.

Mayor Truax advised that staff's request to initiate vacating the public right-of-way is an important enough issue to merit a Public Hearing in front of Council.

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

**ROLL CALL VOTE: AYES: Councilors BeLusko, Jr., Johnston, Lowe, Miller, Thompson, and Mayor Truax. NOES: Councilor Uhing. MOTION CARRIED 6-1.**

**9. RESOLUTION NO. 2011-19 APPROVING TO CANCEL MARCH 14, 2011, REGULAR CITY COUNCIL MEETING**

**Staff Report:**

Mayor Truax presented the above-proposed resolution requesting that Council consider cancelling the March 14, 2011, regular City Council meeting due to Councilmembers and management staff who are unable to attend.

Before proceeding with the Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2011-19.

Elsner read Resolution No. 2011-19 by title.

**MOTION: Councilor BeLusko, Jr., moved, seconded by Councilor Miller, to adopt Resolution No. 2011-19 approving to cancel March 14, 2011, Regular City Council Meeting.**

**Council Discussion:**

Hearing no discussion from the Council, Mayor Truax asked for a voice vote on the above motion.

**VOICE VOTE: AYES: Councilors BeLusko, Jr., Johnston, Lowe, Miller, Thompson, Uhing, and Mayor Truax. NOES: None. MOTION**

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**CARRIED 7-0.**

**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. In addition, Sykes distributed various handouts pertaining to Citizen Survey and other information of interest. In conclusion, Sykes reported he would provide a more detailed report at the upcoming Council retreat due to the hour being so late.

**11. COUNCIL COMMUNICATIONS:**

BeLusko advised that he would hold his report until the Council retreat.

Johnston advised that he would hold his report until the Council retreat.

Lowe reported on the Fernhill Wetlands meeting, reported on various water-related issues, and referenced a study conducted by the Regional Water Providers Consortium, noting she would provide a copy of the study to each Councilmember. In addition, Lowe reported the Regional Water Providers Consortium is giving away free water-saving kits.

Miller advised that she would hold her report until the Council retreat.

Thompson advised that he would hold his report until the Council retreat.

Uhing advised that she would hold her report until the Council retreat.

Mayor Truax advised that he would hold his report until the Council retreat as well.

**12. ADJOURNMENT:**

Mayor Truax adjourned the meeting at 10:16 p.m.

Respectfully submitted,



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Anna D. Ruggles, CMC, City Recorder