

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

Tuesday, November 28, 2017 at 6:00 p.m.

Presiding: Scott Hill, Mayor

Recording Secretary: Melissa Grace

Councilors:	<u>Present</u>	<u>Excused Absence</u>
	Adam Garvin	Remy Drabkin
	Kellie Menke, Council President	
	Kevin Jeffries	
	Alan Ruden	
	Wendy Stassens	

Also present were City Manager Jeff Towery, City Attorney David Koch, Planning Director Heather Richards, Finance Director Marcia Baragary, Police Chief Matt Scales, Parks and Recreation Director Susan Muir, Deputy City Attorney Natalee Levine and members of the News Media – Dave Adams, KLYC Radio, and Tom Henderson, *News Register*.

DINNER

CALL TO ORDER: Mayor Hill called the Dinner Meeting to order at 6:18 p.m. and welcomed all in attendance.

DISCUSSION:

Mayor Hill asked for a volunteer to lead the Pledge of Allegiance and Council President Menke volunteered.

The agenda for the regular meeting was reviewed.

Finance Director Baragary noted that the changes being proposed in Resolution No. 2017-70 will provide more flexibility to the City and McMinnville Water and Light in making decisions that do not effect one another. She also stated that PERS requires resolutions from both McMinnville Water and Light and the City of McMinnville.

Discussion ensued regarding the process for reviewing the sign amortization program and the Downtown Safety Task Force survey.

ADJOURNMENT: The Dinner Meeting adjourned at 6:46 p.m.

s/s Melissa Grace
Melissa Grace, City Recorder

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

Tuesday, November 28, 2017 at 7:00 p.m.

Presiding: Scott Hill, Mayor

Recording Secretary: Melissa Grace

Councilors:	<u>Present</u>	<u>Excused Absence</u>
	Remy Drabkin (via Phone)	
	Adam Garvin	
	Kellie Menke, Council President	
	Kevin Jeffries	
	Alan Ruden	
	Wendy Stassens	

Also present were City Manager Jeff Towery, City Attorney David Koch, Planning Director Heather Richards, Associate Planner Ron Pomeroy, Associate Planner Chuck Darnell, Finance Director Marcia Baragary, Parks and Recreation Director Susan Muir, Information Systems Director Scott Burke, Police Chief Matt Scales, Deputy City Attorney Natalee Levine and members of the News Media – Dave Adams, KLYC Radio, and Tom Henderson, *News Register*.

AGENDA ITEM

1. CALL TO ORDER: Mayor Hill called the meeting to order at 7:00 p.m. and welcomed all in attendance.
2. PLEDGE OF ALLEGIANCE: Council President Menke led the Pledge of Allegiance.
3. INVITATION TO CITIZENS FOR PUBLIC COMMENT: Mayor Hill invited the public to comment.

No comments were made.

PRESENTATION: Recology

Walter Budzik and Dave Larmouth of Recology presented the proposal to reroute waste to an alternate disposal site. Mr. Budzik stated that they selected Cowlitz County landfill near Kelso, Washington as the alternate site and that the cost of the proposal is a ten percent increase in rates. Mr. Budzik added that if the Council accepts the increase, they will not submit

a rate review until July, 2019. He answered the following questions from the previous City Council Meeting:

1. How was the ten percent rate increase determined?
 - Recology aggregated all of the costs for transportation and disposal of the waste. The fee is offset by the elimination of disposal at Riverbend and the change to the franchise fee and other administrative costs. The revenue requirement is also figured out to maintain operating ratio.
2. What is the capacity of Cowlitz County Landfill?
 - 100 years is the capacity.
 - McMinnville's tonnage will not significantly impact this number.
3. How was Cowlitz County selected?
 - Recology asked for bids for rates.
 - Transportation and disposal costs were considered and Cowlitz County provides the lowest cost.

Councilor Stassens asked about how the landfill is run. Mr. Budzik responded that there is an existing relationship with the Cowlitz landfill and they know that it is well run. He noted that according to the franchise agreement, they may only go to a licensed landfill.

Council President Menke ask about the large administrative costs (Management and Administrative Fee – Related Party Transactions) listed in Recology's financial statements. Mr. Budzik explained that these are the people costs including local costs, regional costs, and corporate costs related to the employee overhead.

Council President Menke also asked about Recology's return on investment. Mr. Larmouth stated that the current projected operating ratio is at 91.25. He noted that the agreement calls for Recology to maintain a range between 85-91. Mr. Larmouth stated that they had projected that they would be outside the range and that the proposed changes would bring them back into range.

Recology noted that they are awaiting final inspection for the transfer station.

Councilor Jeffries asked if Coffin Butte responded to the request for proposals. Mr. Larmouth stated that he had not heard from them recently but they would have been a more expensive option.

Discussion ensued regarding commercial rates. The average industrial user haul fee would be increased by \$15.97 for each haul.

Council President Menke asked why the rates are more expensive than the other cities in the area. Mr. Budzik explained that it is very difficult to do a comparison between cities because of the make-up of commercial versus residential is different. Mr. Larmouth noted the variables in services that effect rates.

Discussion ensued regarding determination of the blanket ten percent rate increase and with no rate increase through 2019. It was noted that Recology did not want customers to be concerned that they would be receiving another rate increase in a short amount of time.

Councilor Garvin asked about the total tonnage that McMinnville hauls to Riverbend. Mr. Larmouth responded that it is about 50 percent.

Councilor Jeffries asked if there was a benefit to the City for being proactive in moving to Cowlitz. Mr. Larmouth responded that it would be beneficial to make the move if there were a closure of a landfill.

Councilor Garvin noted that the City's tonnage generates \$1.60 per ton in revenue for the County. He inquired about the tonnage that goes to the landfill. Mr. Budzik stated that it is somewhere between 19,500-20,000 tons.

Councilor Drabkin asked about the negotiations for the rates. Mr. Larmouth stated that a typical agreement is for ten years with adjustments tied to a regional CPI index. He stated that out of agreement adjustments have been rare historically.

Councilor Stassens asked about the \$4,000,000 for related party transactions. Mr. Budzick stated \$1,000,000 is related to management and administration fees. The other expenses relate to health care, workers compensation insurance, vehicle insurance, and purchasing in bulk to get discounts – results in savings and a related party transaction.

4.

PUBLIC HEARING

Relating to a proposal to:

- i. Redirect solid waste collected by Recology, Inc., the City's exclusive franchisee for the collection of solid waste, away from the Riverbend landfill in Yamhill County to alternative landfill sites effective January 1, 2018;
- ii. Approve an out-of-calendar rate adjustment of 10% on cart, container and debris box service rates effective January 1, 2018, with a freeze on further rate adjustments through June 30, 2019; and,
- iii. Adjust the effective date for the pending Franchise Administrative Fee rate increase (4% to 5%), from July 1, 2018 to January 1, 2018.

Mark Davis, 652 SE Washington Street stated that he believes the City made a de facto decision years ago to part ways with the landfill when the City began to move into Urban Renewal and investing money in Visit McMinnville. He noted that millions of dollars in public and private investment have been made and that the focus on tourism is not helped by having a large pile of garbage sitting on the edge of town. He stated that it is hypocritical to be dumping the City's garbage at Riverbend while taking the position that it shouldn't be there. Mr. Davis does not support the rate proposal as he feels it is incomplete. He stated that Recology is a monopoly and that the City needs to hold them accountable. He stated that there should be written financial information that Citizens can review. He noted he is not trying to attack Recology and he supports what they are trying to do and he thinks they are doing a good job for the community. He stated that he attends other meetings in the community related to utility issues (sewer, water, electricity). He noted that in all of these meetings there is complete financial information and typically a consultant is hired. He suggested that the City hires an expert to review Recology's financials in the future. He asked that Council listen to the public and asked that they postpone making a decision until a future meeting until they receive more information.

Ramsey McPhillips, 13000 SW McPhillips Road, stated that he does not plan to sue the Council, he simply wants to reiterate why there is a pending lawsuit against any further waste going into the landfill because it harms him. He stated that the lawsuit at the Supreme Court and the ensuing lawsuit in the County is related to farmland. He noted that it is his farmland. Mr. McPhillips shared that the County had to do extensive research on what would happen if the landfill didn't go away when they decided to expand it. He stated that they hired a \$42,000 firm to do a projection. He explained that the projections can be matched to Recology's estimates. Mr. McPhillips reviewed some of the projections. He stated that when the Council makes the decision it is not based on the reports that were scaring the community but they are based on what Recology is actually offering. He stated that the landfill is not necessary and is obsolete. He stated that they no longer have the tipping fees because Portland went away, the costs are only ten percent, and he has them in court and there is a horrible projected earthquake that would effect the landfill, He stated that he does not see a reason to send the garbage to Riverbend.

Dee Goldman, 1235 NW Cedar Street, stated that she is a Recology customer. She is pleased to have the opportunity to send the garbage to a more environmentally stable site and to not add to the stench of the landfill, and to the impact on local farmers. She feels that a ten percent rate increase sounds very reasonable.

Jeff Fahey, 1576 NW Adisyn Lane, he stated that in estimation, Riverbend isn't dead and that the courts could rule in favor of continuing it. He stated that if Riverbend prevails and the City does not use it, Riverbend

will extend it's lifetime by the amount of garbage not sent to them or they will find a new customer. Mr. Fahey stated that in that sense, the decision to move away feels a little premature. He supports the Recology effort and proposal. He stated that it would put the City in the lead of getting Waste Management out of business. Mr. Fahey provided a cost estimate, he noted that this would force the County Commissioners to do something.

Terry A. Peasley, 1051 SE Shady Street, agreed with the opportunity to spend a little more on rates in order to not contribute to the local landfill that he feels is way overdue to be shut down.

Jason Lett, Eyrie Vineyards, 1015 NE Tenth Avenue. Mr. Lett stated that he can smell the landfill on 10th Street. He reiterated the praise that Mr. Davis gave to the City for the work that has been done on Alpine Avenue and the Urban Renewal efforts. He stated that anything that the City can do to move the garbage to a less environmentally sensitive area is great. As a resident he stated that he fully supports the rate increase to see that happen.

Sam Bear, 521 SW Filbert Street, noted that he worked for Waste Management for ten years and during that time he worked at a waste energy plant. He stated that the City is currently relocating garbage and that methane and carbon dioxide gasses are still going into the environment. He explained that even with methane captures, it is only 50 percent effective. He suggested that instead of putting the garbage into landfills it could go to a waste energy plant in Brooks, Oregon. He explained that they incinerate trash and produce electricity. He stated that they have room to add another boiler. He explained that McMinnville could enter into discussion with the facility or with other entities in the County and look into building a waste energy plant in the County. He stated that there is a cost in waste energy but feels that the people of Yamhill County and McMinnville would be willing to bear that cost in order to do the right thing now instead of kicking the problem down the road to future generations.

Gerry Hunter, 103 SE Baker Street, stated that he is a McMinnville Resident, Downtown Business Owner, and Zero Waste Board Member. On all three accounts he is strongly in favor of sending the waste away from Riverbend Landfill and that as a paying customer of Recology he is happy to pay the proposed rate increase in order to see that happen. He stated that the only possible benefit of continuing to send waste to Riverbend is a short-term, small rate savings for Recology's customers. Mr. Hunter stated that the cost of not doing so includes: blight on landscape, significant odors, contamination of the water shed, and the potentially cataclysmic event of the landfill breaching and moving into the river in the event of a seismic event. The costs of diverting the waste away from Riverbend are minimal and the benefits of doing so could be significant. Mr. Hunter feels that there are no benefits to sending waste to Riverbend. He noted that doing so, runs counterintuitive to the health,

well-being, and enjoyment of Citizens as well as counter to the many efforts made by the community to promote businesses in the area. He noted that McMinnville is promoting itself as a tourist destination and there have been tremendous local investments. Mr. Hunter questioned why the community would contribute to a stinking, pile of garbage adjacent to the farms and wineries and near the downtown and a waterway. He questioned the prudence, wisdom and fiduciary responsibility of the City of entering into a contract that would have the local waste taken to Riverbend. He feels that it does not seem like a good idea for the City to spend time and money negotiating and entering into a contractual agreement for services that includes an uncertain cost element. He noted the legal and financial uncertainties of Riverbend Landfill. Mr. Hunter stated that the franchise agreement is an opportunity to put in place many good things and fund them in the process. He commented on the possibility of a designated Waste Zero position at Recology, and recycling opportunities at the new transfer station.

Ilsa Perse, 5765 Mineral Springs Road, Carlton, commented that there is something wrong with the audio system in the building. She commended Council on the thoroughness of the questioning and the diligence of looking at what Recology wants to do. She wishes that the County had looked at Waste Management as carefully as the City is looking at Recology. She stated that McMinnville is being put on the map partially from the plastic bag ban. She noted that she recently had friends in town from Boston who were impressed that there were not any plastic bags in town. Ms. Perse stated that she is a downtown business owner and that a ten percent increase in the garbage rates will mean virtually nothing to her small business. She stated that she would gladly take the increase in order for McMinnville to not participate in the environmental disaster that is Riverbend Landfill. She stated that the last few days the landfill smells worse than ever. She would commend the Council for not participating in the destruction of the air quality in the County.

Jim Kreutzbender, 1317 NE 9th Avenue, stated that it is time for McMinnville to continue moving forward and that the plastic bag ban has been great. Mr. Kreutzbender stated that it is time for McMinnville to stop participating in an environmental disaster. He feels that the amount of money for the rate increase would not be unmanageable for most although that it may be difficult for some. He stated that perhaps Riverbend could do some education on downscaling services if customers need to reduce their costs. He feels that it is good for the City to pull out of Riverbend.

Sid Freeman, 14286 NW Old Moores Valley Road, Yamhill, he stated that it pains him that his garbage goes to Riverbend Landfill next to the River. He stated that it is not about what others do but it is about the choices that the City makes and what the City does. He stated that he would gladly pay ten percent more for his garbage to not go to Riverbend if he had the choice. He encouraged the Council to approve the waste diversion from Riverbend.

Annely Germain, 820 NW Wallace Road, stated that Styrofoam takes up huge amounts of landfills and that packing materials are probably 30% of landfills, and 10% of any given landfill could be Styrofoam. She stated that it takes up a lot of room. She stated that when the Styrofoam reaches the transfer station, there is an opportunity to intervene and reduce the amount that goes to the landfill by possibly ten percent. Ms. Germaine stated that the only thing holding up this from happening is that Recology would need to make a commitment to have a collection point at their facility. She stated that Mr. Peters mentioned that it would be considered among others. There is no start point or commitment from Recology. She noted that if there were ten percent less going into the landfill there would be a savings in trucking, hauling, emissions, wear and tear on the road, staff time, and perhaps there would not be a need for a rate increase because of the savings.

Annette Madrid, PO Box 683, Carlton, shared she is thrilled that the City may do this. She stated that about 30 years ago she was introduced to garbage related items. She stated that she would gladly pay ten percent or more to not contribute to the problem. She reiterated that to not contribute to the problem is thrilling.

The Mayor closed the public hearing at 8:00 p.m.

5. PRESENTATIONS

5.a. Landscape Review Committee Annual Report

Associate Planner Darnell stated that the Landscape Review Committee roles are to review and approve landscape plans for new construction and redevelopment projects. He stated that they approve landscape plans, street tree plans, street tree removal requests, they review specific species and plant placement, and consider the long-term aesthetics of site.

There are currently five members made up of a diverse knowledge base. He reviewed their 2017 accomplishments:

- Established a monthly meeting.
- Updated landscaping and tree zoning chapters.
- Reviewed 38 land use applications including 23 landscape plans, 3 street tree plans and 12 street tree removal requests.

Mr. Darnell stated that in 2018 the Landscape Review Committee will continue to review landscape plan applications, consider the street removal process, and provide input on streetscaping and management of downtown trees.

Councilor Garvin stated that the work that the committee does is very important and that it affects the City for years to come.

Planning Director Richards stated that the City does not have a certified arborist on staff. She stated that the Planning Department will be working with an expert in the field to review the City's code and propose best practices for amendments to the code.

Council praised Mr. Darnell and the Landscape Review Committee for their good work.

5.b. Downtown Safety Task Force Update

Police Chief Scales stated that the Task Force was created after Council received testimony at July City Council meetings. He stated that a couple of the charges of the Task Force are to collect data and interview those affected by negative behaviors in the downtown core area. The Task Force Members were recognized. Chief Scales stated that the meetings are public and posted online. He explained that in the first two meetings they reviewed the July Council meetings and categorized behaviors. They have:

- Reviewed existing laws and ordinances.
- Reviewed existing data (call logs).
- Developed and distributed online survey for merchants and residents.
- Started brainstorming potential solutions and tools.
- Developed a web page that includes committee information/ background/ general downtown safety information.

Chief Scales noted that they launched a survey today and that they have already received 90 responses.

He displayed the website and reviewed the information that can be found on the website.

The next steps for the Task Force include:

- Five more meetings through February 2018.
- A review of the survey data (December 19th).
- Continuing to develop short and long-term solutions and measures for success.
- Develop pros and cons list for solution.
- Finalize a recommendation to bring back to Council in March.

Chief Scales expressed his thanks to the Task Force members for their work.

Downtown Safety Task Force Member Rick Weidner stated that this has been a learning experience from him coming from an entrepreneurial background. He noted that Chief Scales and Parks and Recreation Director Muir have been great leaders.

Mr. Weidner said that he has been asking downtown merchants out of curiosity and on his own accord, how they would feel if there was no smoking in the Downtown area. He stated that it has been unanimous that business owners and shoppers would love it if there was no smoking. He noted that this was a behavioral issue.

Mr. Weidner also asked about how people would feel if there were surveillance cameras strategically positioned downtown. He felt that it would be a deterrent to potential perpetrators. He asked if the City would consider a request for proposals to see how much it would cost for cameras in the downtown area.

Jeff Sergeant, Executive Director, Yamhill Community Action Partnership and Downtown Safety Task Force member, stated that he wants the committee to continue to focus on safety. He stated that he represents low-income neighbors in McMinnville and in the County. He reiterated that the focus is on those jeopardizing safety. He noted that Rebecca Quandt had made the point that this is not about particular types of people or homelessness, it is about behavior. He stated that the people he represents are victims of this type of behavior as well. He asked that the City continue to provide compassionate support to those who need it.

6. CONSENT AGENDA

- a. Consider the Minutes of October 24, 2017, November 14, 2017, and November 15, 2017 Dinner and Regular City Council Meetings.

Councilor Stassens MOVED to adopt the consent agenda; SECONDED by Council President Menke. Motion PASSED unanimously.

7. RESOLUTIONS

- 7.a. **Resolution No. 2017-69:** A Resolution approving an out-of-calendar rate adjustment of 10% to most solid waste collection charges, and freezing future rate increases until July 1, 2019.

City Attorney Koch stated that Resolution No. 2017-69 addresses the first two items of the public hearing held earlier in the evening. He noted that the financials received were consistent with what has been received in the past and what is expected. Mr. Koch noted that if desired, the City may exercise the right to move forward with an audit.

Councilor Jeffries stated that he appreciated the well thought out testimony received during the public hearing. He shared that diverting waste from Riverbend has been on his “bucket list” for a long time and he is happy to see the City moving in this direction. He feels that it affects livability. He stated that this is the responsible thing, and in good conscience, the best thing to do. He stated that a ten percent increase is

order to make this happen is worth it to ensure the City is not contributing to the problem.

Councilor Stassens agreed with Councilor Jeffries. She stated that it is the responsible thing to do for McMinnville and its Citizens. She stated that it is a great way to support tourism and support quality of life. She felt that it is a reasonable request to ask for more financial information and would like to request for an audit.

Councilor Drabkin stated that it is not unclear to her of the direction that the City has been heading and the clear benefit to the citizens of McMinnville. She stated that the benefits outweigh the costs. She stated she supports moving forward with moving away from Riverbend. She stated that additional financial information that was requested at a previous meeting, should be provided. She noted that transparency is extremely important.

Council President Menke stated that she would like to see a deeper dive into the financials. She noted that Recology is a monopoly and the City needs to know what is going on.

Councilor Ruden stated that he is in support with not sending any waste to Riverbend. He also would like to exercise the City's right to request an audit. He noted that this is a good time to do it based on the transitions taking place. Councilor Ruden stated that there was a lot of good testimony and that the education received goes a long way.

Councilor Garvin stated that he was initially concerned about the revenue generated for the County until he realized that it is very minimal. He recognized that this may be a burden to some but hopefully it will encourage them to reduce. He stated that he would like to see an audited statement. Councilor Garvin expressed his support of moving away from Riverbend under the condition that there is an audit before there is another rate increase in July 1, 2019.

Mayor Hill stated that before there is another rate increase, the Council expects to see audited financials.

Councilor Stassens MOVED to adopt Resolution No. 2017-69; approving an out-of-calendar rate adjustment of 10% to most solid waste collection charges, and freezing future rate increases until July 1, 2019; SECONDED by Councilor Ruden. Motion PASSED unanimously.

7.b.

Resolution No. 2017-70: A Resolution by the City of McMinnville expressing the intent to be actuarially separate in its Public Employees Retirement System ("PERS") account from its Water And Light Commission.

Finance Director Baragary stated that on November 21st, there was a joint meeting of the City of McMinnville and McMinnville Water and Light's Audit Committees. The purpose of the meeting was to discuss whether the City and Water and Light should separate for actuarial purposes related to PERS. Ms. Baragary stated that there are several benefits to the separation including transparency, understanding the true cost of PERS expenses for each entity, it improves the pension benefit reporting required by Governmental Accounting Standards, and increases the flexibility for both entities. She noted that the impact on the City would be approximately \$44,000 annually. All Audit Committee members agreed to move forward with the separation. The Water and Light Commissioners approved a Resolution on November 21st related to the separation. Both Resolutions will be forwarded to PERS. The rates would be effective July 1, 2018.

Council President Menke noted that there are very positive reasons to make the change. She stated that the City has been establishing a more independent relationship with McMinnville Water and Light.

Mayor Hill stated that Ms. Baragary provided a presentation that showed a good comparison that made the decision clear.

Council President Menke MOVED to adopt Resolution No. 2017-70; expressing the intent to be actuarially separate in its Public Employees Retirement System ("PERS") account from its Water And Light Commission; SECONDED by Councilor Stassens. Motion PASSED unanimously.

8. ORDINANCES

- 8.a. First reading with possible second reading of Ordinance No. 5042: An Ordinance amending Ordinance No. 4904 and 5033 relating to the Solid Waste Collection Franchise.

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

City Attorney Koch read the title of Ordinance No. 5042.

City Attorney Koch stated that Ordinance No. 5042 relates to the third item from the public hearing. He stated that the Ordinance amends an Ordinance passed by the Council a few months ago which provided for an increase in the franchise fee. The increase was from three percent to five percent phased in through July 1, 2018. He explained that with the resolution being passed authorizing the increase in waste collection rates, it is good timing to increase the rate to accelerate the increase to five percent effective January 1, 2018.

Councilor Garvin asked if this was the only revenue received in the Franchise Agreement. City Attorney Koch clarified that it is.

Councilor Ruden MOVED to pass Ordinance No. 5042 to a second reading; SECONDED by Councilor Garvin. Motion PASSED unanimously.

City Attorney Koch read by title only for a second time Ordinance No. 5042.

Councilor Ruden MOVED to adopt Ordinance No. 5042 amending Ordinance No. 4904 and 5033 relating to the Solid Waste Collection Franchise; SECONDED by Councilor Garvin. Ordinance No. 5042 PASSED by a unanimous roll-call vote.

- 8.b. First reading with possible second reading of **Ordinance No. 5043**: An Ordinance repealing Ordinance No. 4732 and amending the McMinnville Zoning Ordinance specific to Chapter 17.06, Definitions, and 17.55 Wireless Communications Facilities.

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

City Attorney Koch read the title of Ordinance No. 5043.

Principal Planner Pomeroy reviewed the current situation regarding Wireless Communications Facilities:

- The City's first Wireless Communications Facilities chapter of the Zoning Ordinance was adopted in June, 2000.
- Over the last 17 years, the FCC has adopted multiple amendments governing the wireless industry.
- It is timely to consider updating the City's regulations to maintain FCC compliance and to consider zoning opportunities to achieve a better community aesthetic.

Mr. Pomeroy stated that the current regulations provided a good foundation for establishing McMinnville's first wireless facilities code. He noted that the regulations have allowed wireless towers in Industrial zones without height limits. The current regulations also allow up to 20 additional feet of height to be added by antennas mounted to existing structures in all zones. He noted that landscaping at the antenna base and equipment enclosure requires a six-foot tall fences and sight obscuring plantings. He also shared that placement of antennas mounted to existing structures located in the Historic Downtown area required Conditional Use approval.

Mr. Pomeroy displayed pictures of current tower installations. He stated that there are alternative support structures located at 3rd and Ford, the Gallery Theater and 3rd at the Railroad Tracks.

Mr. Pomeroy reviewed the recommendations as follows:

- Exemptions would include:
 - Cells on Wheels, federally licensed amateur radio stations, antennas used by viewers to receive TV or radio broadcasts, supervisory control and data acquisition systems, and federally exempted medications to towers or other facilities.
- Height of new towers would be limited to 100 feet.
- Mounting on historic structures requires Historic Landmarks Committee review.
- Within all right-of-way all vaults and equipment pedestals will be underground as much as possible. Outside of right-of-way all utility buildings limited to 12-feet in height and 200 square feet in size unless granted a Conditional Use approval.
- In residential zones or Downtown Historic District, all utility cabinets and similar equipment shall be undergrounded.
- No signs, symbols, flags or banners located on facilities except when federally required or as a flagpole for stealth concealment.
- Color – non-reflective and neutral except when specific color scheme is federally required; such as near the airport.
- Maximum height added to antenna structures in non-residential zones – 10 feet.
- Facade mounted – antenna, wiring, etc. shall be integrated into building architecture as much as possible or be made compatible with the surrounding site or other characteristics.
- Roof mounted – set back from roof edge as far as possible.
- Screening – Six foot tall fencing required around ground equipment area and a ten-foot wide evergreen planting area.
- No artificial lighting unless required by FAA or other federal, state or governmental agency.

Mr. Pomeroy reviewed the additional proposed amendments related to F-P and A-H zones as outlined in Ordinance No. 5043.

Mr. Pomeroy noted that there was one change from what originally went out in the Council Packet. He stated that a hard copy of the revised Ordinance has been provided. He also shared that Verizon Wireless contacted the Planning Department today, November 28th, and provided written communication regarding concerns with the recommended amendments. Their main concerns related primarily to Small Cell systems and the ability to continue to provide adequate residential coverage.

Mr. Pomeroy noted that the goal of the proposed amendments are to provide aesthetically positive federally compliant opportunities for wireless facilities to meet the needs of the community as it grows and that

the goal of the process is to be transparent and inclusive of all interested and affected parties.

Staff recommended that City Council hold a public hearing on the proposed amendments addressing Wireless Communications Facilities (G 4-17) on January 22, 2018, to allow for additional public testimony to be considered.

Discussion ensued regarding setback requirements, the amendments, coverage, stealth and aesthetics.

Council President Menke MOVED to pass 5043 to a second reading to be held on January 23, 2018 to be accompanied by a public hearing; SECONDED BY Councilor Drabkin. Motion PASSED unanimously.

Councilor Drabkin left the meeting at 9:12 p.m.

8.c. First reading with possible second reading of **Ordinance No. 5044**: An Ordinance amending the McMinnville Zoning Ordinance specific to Chapter 17.62 (signs) to update provisions related to the deadline of the amortization of certain types of existing nonconforming signs. No Councilor present requested that the Ordinance be read in full.

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

City Attorney Koch read the title of Ordinance No. 5044.

Planning Director Richards explained that the amendment will extend the deadline for bringing nonconforming signs that are subject to the amortization process into compliance with current signs standards from December 31, 2017 to December 31, 2018. She stated that in June, 2017 the Planning department sent out 140 notices of potential sign noncompliance. There were challenges from some business owners including three legal challenges to the process and code. Based on the challenges received it is being recommended that the deadline be extended to allow time for the City to evaluate the current sign standards and amortization process to ensure that the outcomes of the sign standards and amortization process meet the intent of the Signs chapter and the overall community's desires in regards to updating nonconforming signage. She discussed the intent of the code.

Council discussed the importance of strategic discussions with Staff and the Planning Commission regarding direction.

Councilor Stassens MOVED to pass Ordinance No. 5044 to a second reading; SECONDED by Councilor Menke. Motion PASSED unanimously.

City Attorney Koch read by title only for a second time Ordinance No. 5044.

Councilor Stassens MOVED to adopt Ordinance No. 5044 amending the McMinnville Zoning Ordinance specific to Chapter 17.62 (signs) to update provisions related to the deadline of the amortization of certain types of existing nonconforming signs; SECONDED by Council President Menke. Ordinance No. 5044 PASSED by a unanimous roll-call vote.

9. ADVICE/ INFORMATION ITEMS

9.a. Reports from Councilors on Committee and Board Assignments

Council President Menke stated that the Affordable Housing Task Force meeting is meeting tomorrow and they will be discussing System Development waivers and emergency shelter ordinances.

Councilor Stassens stated that the McMinnville Urban Renewal Advisory Committee met to look at streetscapes, parking requirements.

Mayor Hill stated that December 18th at 2:00 p.m. there will be a ribbon cutting/ completion celebration for the bypass. He noted that the bypass will not open on that date.

9.b. Department Head Reports

Information Systems Director Burke shared that some components are showing age in Civic Hall and are looking at being replaced.

City Manager Towery shared that Chamber President Gioia Goodrum would be facilitating a discussion around the Myers-Briggs results from the Executive Team.

10. ADJOURNMENT: Mayor Hill adjourned the Regular City Council Meeting at 9:24 p.m.

s/s Melissa Grace
Melissa Grace, City Recorder