

FOREST GROVE CITY COUNCIL REGULAR MEETING
FEBRUARY 10, 2014 – 7:00 P.M.
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<i>Minutes are unofficial until approved by Council. Council approved minutes as presented February 24, 2014.</i>
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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 Johnston, Council President; Richard Kidd; Victoria Lowe; Camille Miller; Ronald Thompson; and Mayor Peter Truax. **COUNCIL ABSENT:** Elena Uhing, excused. **STAFF PRESENT:** Michael Sykes, City Manager; Michael Greene, City Attorney; Paul Downey, Administrative Services Director; Jon Holan, Community Development Director; Dan Riordan, Senior Planner; George Cress, Light and Power Director (in the audience); Michael Kinkade, Fire Chief (in the audience); Janie Schutz, Police Chief (in the audience); Rob Foster, Public Works Director (in the audience); and Anna Ruggles, City Recorder.

2. CITIZEN COMMUNICATIONS: None.

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 January 13, 2014.
- B. Approve City Council Work Session (B&C Interviews) Meeting Minutes of January 21, 2014.
- C. Approve City Council Work Session (B&C Interviews) Meeting Minutes of January 27, 2014.
- D. Accept Historic Landmarks Board Meeting Minutes of October 29 and November 26, 2013.
- E. Accept Planning Commission Meeting Minutes of December 16, 2013.
- F. Accept Public Safety Advisory Commission Meeting Minutes of December 17, 2013.
- G. Community Development Department Monthly Building Activity

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Informational Report for January 2014.

- H. RESOLUTION NO. 2014-21 MAKING APPOINTMENT TO COMMITTEE FOR CITIZEN INVOLVEMENT (Appointing Stephanie Keys and Kathryn Karppinen, Terms Expiring December 31, 2015).
- I. RESOLUTION NO. 2014-22 MAKING APPOINTMENT TO ECONOMIC DEVELOPMENT COMMISSION (Appointing James Draznin, At-Large, Term Expiring December 31, 2015; Zach Barrer, Primary, McMenamins, Term Expiring December 31, 2015; and Mark Nakajima, Small Manufacturer/Business, Term Expiring December 31, 2016).
- J. RESOLUTION NO. 2014-23 MAKING APPOINTMENT TO HISTORIC LANDMARKS BOARD (Appointing Jennifer Brent, Term Expiring December 31, 2017).
- K. RESOLUTION NO. 2014-24 MAKING APPOINTMENT TO LIBRARY COMMISSION (Appointing Nickie Augustine, Term Expiring December 31, 2014).
- L. RESOLUTION NO. 2014-25 MAKING APPOINTMENT TO PLANNING COMMISSION (Appointing Sebastian Bannister Lawler, Term Expiring December 31, 2017).
- M. RESOLUTION NO. 2014-26 MAKING APPOINTMENT TO PUBLIC SAFETY ADVISORY COMMISSION (Appointing Glenn VanBlarcom, At-Large, Term Expiring December 31, 2016).
- N. RESOLUTION NO. 2014-27 MAKING APPOINTMENT TO SUSTAINABILITY COMMISSION (Appointing Brian Schimmel, At-Large, Term Expiring December 31, 2014; Dale Feik, At-Large, Term Expiring December 31, 2014; Robin Lindsley, At-Large, Term Expiring December 31, 2015; Hope Kramer, Economic, Term Expiring December 31, 2015; Elaine Cole, Educator, Term Expiring December 31, 2016; Karin Pfeiffer-Hoyt, Ethnic/Cultural, Term Expiring December 31, 2016; John Hayes, Forest Grove School District, Term Expiring December 31, 2017; Mitch Taylor, Non-Profit/Public Service, Term Expiring December 31, 2017; Deke Gunderson, Pacific University, Term Expiring December 31, 2017; and Leslie Applegate-Lanzar, Sustainable Business, Term Expiring December 31, 2017).

MOTION: Councilor Kidd moved, seconded by Councilor Miller, to approve the Consent Agenda as presented. **ABSENT:** Councilor

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Uhing. MOTION CARRIED 6-0 by voice vote.

4. ADDITIONS/DELETIONS:

Due to snowstorm weather-related conditions and need to adjourn as early as possible, Sykes postponed Item 5. A. Annual Financial Audit Report for Year Ending June 30, 2013, to the Council meeting of February 24, 2014.

5. PRESENTATIONS:

5. A. Annual Financial Report for Year Ending June 30, 2013

The above-noted agenda item was rescheduled to the Council meeting of February 24, 2014.

6. CONTINUE PUBLIC HEARING FROM JANUARY 27, 2014: SECOND READING OF ORDINANCE NO. 2014-03 ADOPTING THE CITY OF FOREST GROVE TRANSPORTATION SYSTEM PLAN UPDATE AND REPEALING ORDINANCE NO. 2010-09

The first reading of Ordinance No. 2014-03 by title and motion to adopt occurred at the meeting of January 27, 2014.

Staff Report:

Holan and Riordan had nothing further to add to the staff report presented at the meeting of January 27, 2014.

Sykes read Ordinance No. 2014-03 by title for second reading.

Public Hearing Continued:

Mayor Truax continued the Public Hearing from the Council meeting of January 27, 2014, and explained hearing procedures.

Proponents:

Lee Leighton, Westlake Consultants, 15115 SW Sequoia Pkwy, Suite 150, Tigard, OR 97224, representing Gales Creek Terrace, testified in support of the recommendations at the Council meeting of January 27, 2014, stating he had no new testimony to add to the record this evening.

No one else testified and no written comments were received.

Opponents:

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No one testified and no written comments were received.

Others:

No one testified and no written comments were received.

Public Hearing Closed:

Mayor Truax closed the Public Hearing.

Council Discussion:

Council President Johnston commented on long-range planning for 23rd/24th Avenues as identified in the TSP, noting he would like more discussion about these roadways when the time comes.

Mayor Truax added the TSP update identifies certain roadway projects and improvements as well as connectivity and identifies potential funding sources.

Hearing no further discussion from the Council, Mayor Truax asked for a roll call vote on the motion made at the Council meeting of January 27, 2014.

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

7. **ORDER NO. 2014-02 ADOPTING FINAL FINDINGS OF FACT
RELATED TO THE UPDATE OF THE CITY OF FOREST GROVE
COMPREHENSIVE PLAN REQUIRED UNDER OREGON
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
PERIODIC REVIEW ORDER 001786 PURSUANT TO THE ADOPTION
OF ORDINANCE NO. 2014-01**

Staff Report:

Holan and Riordan presented the above-proposed order adopting final findings of fact supporting the Periodic Review Work Products related to the update of the City's Comprehensive Plan as required under Oregon Department of Land Conservation and Development Periodic Review Order 001786, noting Exhibit A is adopting specific findings and facts supporting the Periodic Review Work Products (adoption of Ordinance No. 2014-02) and Exhibit B is adopting Metro Regional Framework Plan

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and Urban Growth Management Function Plan findings and facts supporting the Comprehensive Plan amendments (adoption of Ordinance No. 2014-01). In conclusion of the above-noted staff report, Holan and Riordan referenced the adoption of the Comprehensive Plan Map (Ordinance No. 2014-01); adoption of the Periodic Review Work Products (Ordinance No. 2014-02); and adoption of Transportation System Plan (Ordinance No. 2014-03) as outlined in the staff report and as proposed in the order.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Order No. 2014-02.

Sykes read Order No. 2014-02 by title.

MOTION: Council President Johnston moved, seconded by Councilor Thompson, to approve Order No. 2014-02 Adopting Final Findings of Fact related to the update of the City of Forest Grove Comprehensive Plan required under Oregon Department of Land Conservation and Development Periodic Review Order 001786 pursuant to the adoption of Ordinance No. 2014-01.

Council Discussion:

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

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

8. **ORDER NO. 2014-03 ADOPTING FINAL FINDINGS SUPPORTING POST-ACKNOWLEDGMENT PLAN AMENDMENTS TO THE CITY OF FOREST GROVE COMPREHENSIVE PLAN PURSUANT TO THE ADOPTION OF ORDINANCE NO. 2014-02; FILE NO. CPA-13-01369**

Staff Report:

Holan and Riordan presented the above-proposed order adopting final findings of fact supporting the Post-Acknowledgement Plan Amendments as required to complete the process as required under Oregon Department of Land Conservation and Development Periodic Review Order 001786, noting Exhibit A is adopting specific findings and facts

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supporting the Post-Acknowledgement Plan Amendments (adoption of Ordinance No. 2014-02) and Exhibit B is adopting Metro Regional Framework Plan and Urban Growth Management Function Plan findings and facts supporting the Comprehensive Plan amendments (adoption of Ordinance No. 2014-01). In conclusion of the above-noted staff report, Holan and Riordan referenced the adoption of the Comprehensive Plan Map (Ordinance No. 2014-01); adoption of the Periodic Review Work Products (Ordinance No. 2014-02); and adoption of Transportation System Plan (Ordinance No. 2014-03, noting the above-noted order also addresses public comments presented during the hearing process as outlined in Exhibit B.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Order No. 2014-03.

Sykes read Order No. 2014-03 by title.

MOTION: Councilor Kidd moved, seconded by Councilor Miller, to approve Order No. 2014-03 Adopting Final Findings Supporting Post-Acknowledgment Plan Amendments to the City of Forest Grove Comprehensive Plan pursuant to the adoption of Ordinance No. 2014-02; File No. CPA-13-01369.

Council Discussion:

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

ROLL CALL VOTE: AYES: Councilors Johnston, Kidd, Miller, Thompson, and Mayor Truax. NOES: Councilor Lowe. ABSENT: Councilor Uhing. MOTION CARRIED 5-1.

9. PUBLIC HEARING AND ORDER NO. 2014-04 REZONING CERTAIN TRACTS OF LAND CONSISTENT WITH THE UPDATE TO THE COMPREHENSIVE PLAN MAP (FILE NO. CPA-13-01369); FILE NO. ZNC-14-00008

Staff Report:

Holan and Riordan presented the above-proposed order rezoning certain tracts of land pursuant to the adoption of the Comprehensive Plan (adoption of Ordinance No. 2014-01), noting the recommended

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amendments to the Official Zoning Map (as shown in the PowerPoint presentation and staff report) include:

- Area south of Pacific Avenue/West of Forest Grove Town Center: The recommendation is to change the current zoning designation from Multifamily High-Density Residential (20.28 dwelling units per net acre) to Multifamily High-Density Residential (20.28 dwelling units per net acre), Multifamily Low-Density (12 dwelling units per acre), and Single-Family Residential R-7 (6.22 dwelling units per net acre) as shown in Attachment A of the staff report.
- Forest Grove Post Office (1822 21st Avenue): The recommendation is to change the current zoning designation from Institutional to Town Center Support as shown in Attachment A of the staff report.
- Forestmeade Subdivision (east of Quince Street and generally south of Pacific Avenue): The recommendation is to change the current zoning designation from Multifamily Low-Density (12 dwelling units per net acre) to Single-Family Residential R-5 (5.71 dwellings units per net acre) as shown in Attachment A of the staff report.
- A. T. Smith House/Friends of Historic Forest Grove (240 Elm Street): The recommendation is to change the current zoning designation from General Industrial to Institutional as shown in Attachment A of the staff report.

Holan and Riordan referenced Attachment A, Map of Proposed Zone Changes, and Attachment B, Residential Housing Capacity Estimates, and review criteria as outlined in the staff report. Holan and Riordan referenced Exhibit A, City Initiated Zone Change, as attached to the proposed order. In addition, Holan and Riordan reported the Planning Commission Chair submitted an e-mail to staff recently stating the Planning Commission's intentions to revisit the specific zoning area south of Pacific Avenue, noting the Commission has concerns with the land use layout within this area. Holan advised the Planning Commission plans to revisit the issue when it meets at its next meeting and because the outcome of the Commission's meeting is unknown at this time, the City Attorney is recommending the Council adopt the above-noted proposed zoning changes consistent with the adoption of the Comprehensive Plan Map Update (Ordinance No. 2014-01). In conclusion of the above-noted staff report, Sykes advised he also

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concur the proposed zoning changes need to be adopted consistent with the adoption of the Comprehensive Plan Update. Sykes added the Commission can take up the issue at its next meeting, hear from affected property owners in a public hearing setting, and submit recommendations, if any, to the Council for consideration at a later date.

Before proceeding with the Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Order No. 2014-04.

Sykes read Order No. 2014-04 by title.

MOTION: Councilor Miller moved, seconded by Councilor Thompson, to adopt Order No. 2014-04 Rezoning Certain Tracts of Land consistent with the update to the Comprehensive Plan Map (File No. CPA-13-01369); File No. ZNC-14-00008.

Public Hearing Opened:

Mayor Truax opened the Public Hearing and explained hearing procedures.

Proponents:

Lee Leighton, Westlake Consultants, 15115 SW Sequoia Pkwy, Suite 150, Tigard, OR 97224, representing Gales Creek Terrace, testified in support of the above-noted proposed zoning changes and recommendations, stating Gales Creek Development has development interest in the area south of Pacific Avenue and generally west of E Street. Leighton provided background on its conceptual development plan and prospective of the property (south of Pacific Avenue, D Street to Ritchey Road), noting they have been researching the property and coming up with engineering plans of how to make the property feasible to develop. Leighton pointed out the sewer line has to be extended from the southeast of the property; therefore, plan phasing begins at the east and moves consistently farther to the west. Leighton stated there is plenty of time for the Planning Commission to refocus on the specific area and give it (zoning) more thought, noting it would not surprise him a bit if the Planning Commission's outcome is no change (to the proposed zoning). Leighton urged Council to adopt the zoning changes as present so the required consistency with the Comprehensive Plan adoption is maintained.

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No one else testified and no written comments were received.

Opponents:

Brent Kerr, 10910 N. E. Hwy 240, Yamhill, OR 97148, testified in opposition of the proposed zoning change affecting Taylor Industrial Park, stating Kerr owns 25 acres in the Taylor Industrial Park, 3-1/2 acres are within the Industrial Park; therefore, Kerr is requesting to exclude their property from the proposed zoning change (A. T. Smith House proposed zoning change). Kerr stated he has concerns if the Taylor Industrial Park goes from Industrial designation to Institutional designation, citing safety concerns and land value loss by changing the zoning designation from an industrial area to an institutional area. Kerr also voiced concern of how the CCR's (Covenants, Conditions and Restrictions) votes and mail notification to Kerr was handled by the attorney representing the A. T. Smith House.

No one else testified and no written comments were received.

Others:

Mark Kenzer, 1334 Pacific Avenue, Forest Grove, OR 97116, testified that he owns 28 acres east of Forest Grove and has two lots zoned high-density and he wants to ensure his lots remain as high-density, to which Sykes advised the proposed zoning changes do not affect Kenzer's property.

No one else testified and no written comments were received.

Public Hearing Closed:

Mayor Truax closed the Public Hearing.

Council Discussion:

Thompson indicated he supports adopting the zoning changes as proposed, noting if the Planning Commission's reconsideration of zoning is important, the Commission can submit an amendment to the adopted Comprehensive Plan for Council consideration at a later date.

In response to Council President Johnston's concerns pertaining to pending development plans, Holan indicated the Planning Commission would be revisiting only the area south of Pacific Avenue, noting to his knowledge, the only proposed development project that could potentially be affected is Gales Creek Development; however, Holan stressed that

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presently no formal application has been submitted. Holan added he believes there is factual basis that indicate new information arose after Council's adoption of the Periodic Review Work Products; therefore, new amendments could occur at a later date.

In response to Kidd's concern pertaining to remanding Council's legislative action and pending development plans, Holan indicated if the Council remanded its legislative action, the development application would still be processed as High-Density Residential.

Miller commended staff for all their hard work preparing the Periodic Review Work Products, etc.

Lowe indicated based on her in-depth discussions with staff pertaining to her decision-making at the last Council meeting of January 27, 2014, she would move to support the above-noted zoning changes as proposed and allow the Planning Commission to conduct its review.

Mayor Truax explained the Comprehensive Plan Update was adopted as part of Periodic Review, noting nothing prevents Council from adjusting the Plan at any time in the future.

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

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

10. RESOLUTION NO. 2014-28 AUTHORIZING THE CITY MANAGER TO ENDORSE THE ADDENDUM TO THE AGREEMENT BETWEEN THE CITY OF FOREST GROVE AND FOREST GROVE RURAL FIRE PROTECTION DISTRICT

Staff Report:

Downey presented the above-proposed resolution authorizing the City Manager to endorse an addendum to the existing agreement between the City and Forest Grove Rural Fire Protection District, noting the amendment is adding language to allow both insured parties to be named on each other's insurance program for liability purposes. Downey

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advised the City Attorney drafted the agreement and the District has agreed to the proposed addendum. In conclusion of the above-noted staff report, Downey advised the proposed resolution has no fiscal impact to the City as outlined in the staff report and as proposed in the resolution.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2014-28.

Sykes read Resolution No. 2014-28 by title.

MOTION: Councilor Kidd moved, seconded by Council President Johnston, to adopt Resolution No. 2014-28 Authorizing the City Manager to Endorse the Addendum to the Agreement between the City of Forest Grove and Forest Grove Rural Fire Protection District.

Council Discussion:

In response to Mayor Truax's inquiry pertaining to property owned by the District, Downey affirmed the District is responsible to insure property owned by the District.

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

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

11. RESOLUTION NO. 2014-29 AUTHORIZING APPROVAL OF A SETTLEMENT AGREEMENT IN THE CITY OF FOREST GROVE VERSUS JORDAN RAMIS P.C. AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SETTLEMENT AGREEMENT ON BEHALF OF THE CITY OF FOREST GROVE

Staff Report:

Downey presented the above-proposed resolution authorizing the City Manager to execute the settlement agreement between the City and Jordan Ramis for \$100,000.00, noting the City filed a lawsuit against the firm on July 17, 2012, for negligence and breach of contract related to the condemnation of the Haworth property and the settlement agreement

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will end the lawsuit. In conclusion of the above-noted staff report, Downey advised the City will collect approximately \$60,000.00 after attorney fees and court costs, noting the funds will go into the Capital Projects Fund to partially reimburse funds used to pay damages incurred as a result of the Haworth condemnation.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2014-29.

Sykes read Resolution No. 2014-29 by title.

MOTION: Council President Johnston moved, seconded by Councilor Kidd, to adopt Resolution No. 2014-29 Authorizing Approval of a Settlement Agreement in the City of Forest Grove versus Jordan Ramis P.C. and Authorizing the City Manager to execute the Settlement Agreement on behalf of the City of Forest Grove.

Council Discussion:

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

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

12. CITY MANAGER'S REPORT:

Sykes reported on upcoming events as noted in the Council calendar and reported on other various upcoming local meetings and community-wide events as noted in the City Manager's Report. Sykes noted the Council Retreat is scheduled for Saturday, March 1, 2014. Sykes added that he has arranged to have David Landis, a Nebraska state senator, an award-winning teacher, and a skilled negotiator in the public arena, to provide training to upper management on April 25, 2014, noting Council is invited to attend the training. Sykes reported on the Boards, Committees and Commissions Annual Recognition Reception, held Thursday, January 30, 2014, noting he was very pleased with the attendance and annual report presentations heard. Sykes distributed a copy of a report titled "Portland Economic Indicators", noting the report indicates there is strong variability in residential construction plans in Forest Grove. Sykes called on Foster

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to present a PowerPoint slide presentation to Council illustrating how the City responded to the recent snow and ice storm-related activities, noting the snowstorm blanketed the entire city with significant amounts of snow. In addition, Sykes distributed a copy of his written report, which outlined various meetings he attended and provided updates on various City department-related activities, projects, and upcoming city-wide events.

13. COUNCIL COMMUNICATIONS:

Council President Johnston invited the public to attend the Fire Department's 120th Year Anniversary Celebration on Thursday, February 13, 2014, 4pm, Fire Department. Johnston commended police and fire personnel for providing excellent community support and emergency response during the recently snowstorm. In addition, Johnston reported on matters of interest and upcoming meetings he was planning to attend.

Kidd reported on Historic Landmarks Board (HLB)-related activities, noting HLB is excited to welcome its newest member appointee and is looking forward to fill two remaining vacancies. In addition, Kidd reported on other matters of interest and upcoming meetings he was planning to attend.

Lowe reported attending the Regional Water Providers Consortium meeting and Annual Town Meeting. Lowe invited the public to attend the Fernhill Wetlands Tree Planting on Saturday, February 22, 2014. Lowe commended the Sustainability Commission Ad-Hoc members, noting she is very excited about the formation of the new Sustainability Commission. In addition, Lowe reported on upcoming meetings she was planning to attend.

Miller reported on matters of interest and upcoming community-related events and meetings she was planning to attend.

Thompson reported on Meals on Wheels and other matters of interest and meetings he was planning to attend.

Uhing was absent.

Mayor Truax announced dates of various upcoming activities and meetings as noted in the Council Calendar. Mayor Truax reported on the Boards, Committees and Commissions (B&C) Annual Recognition Reception, held Thursday, January 30, 2014, noting he was very pleased

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with the event and hearing the significant accomplishments of each B&C. Mayor Truax announced his plans to present the City's State of Address, along with Mayor of Cornelius, at the Chamber Luncheon on Monday, February 24, 2014. Mayor Truax reported attending the Washington County Coordinating Committee meeting, noting consensus was to maintain the 20% discount (TDT) for projects for 12 months and reexamine it in February, 2015. In addition, Mayor Truax reported on other various local, regional, Metro, and Washington County meetings he attended and distributed a copy of the upcoming meetings and community-related events he was planning to attend.

14. ADJOURNMENT:

Mayor Truax adjourned the meeting at 8:45 p.m.

Respectfully submitted,



Anna D. Ruggles, CMC, City Recorder