

**ORDINANCE NO. 592
CITY OF DAYTON**

Title AN ORDINANCE ESTABLISHING THE HISTORIC PRESERVATION COMMITTEE BY ADDING NEW SECTION TO CITY CODE, AMENDING REFERENCES TO HISTORIC PRESERVATION COMMITTEE, AND RENUMBERING SECTIONS OF CHAPTER 1 OF THE DAYTON MUNICIPAL CODE

WHEREAS, Section 1.08 of the Dayton Municipal Code (Code) authorizes the City Council to create appointive committees; and

WHEREAS, the City desires Certified Local Government status which requires the creation of a historic preservation committee; and

WHEREAS, the Code contains references to an already existing City historical committee which was never officially created, or recognized by the City Council; and

WHEREAS, the City wishes to create a Historic Preservation Committee that will work with the Planning Commission and the Council to make recommendations that will ensure the City continues to preserve, protect and identify properties with historic value; and

WHEREAS, the City Council finds it is in the best interest of the City and its citizens to formally create the Historic Preservation Committee;

THE CITY OF DAYTON ORDAINS AS FOLLOWS:

Section 1: Sections 1.11.00 Local Contract Review Board through 1.16.00 Real Property Liens shall be renumbered as summarized in the attached Exhibit A.

Section 1: New section 1.11 is added to Chapter 1 of the Dayton Municipal Code to read as follows:

Sections:

- 1.11.00 Historic preservation committee**
- 1.11.01 Purpose**
- 1.11.02 Terms and vacancies**
- 1.11.03 Officers and procedures**
- 1.11.04 Meetings**

1.11.00 Historic preservation committee

The Historic Preservation Committee (HPC) has five members, at least three of which must be city residents, whose appointments will be made considering the following:

- A. Demonstration of a positive interest, competence or knowledge of historic preservation;

- B. Professional qualifications or experience in the fields of history, architecture, architectural history, archaeology, arts, culture, city planning, landscape architecture, business, real estate, law, government, engineering or construction; and
- C. If not city residents, appointees must reside within a five-mile radius of city boundaries.

1.11.01 Purpose

The HPC advises the Planning Commission (PC) and Council on matters relating to historic preservation by:

- A. Completing projects and activities related to obtaining and maintaining city certified local government (CLG) status. The HPC will assist the City in the pursuit and administration of CLG grants and other preservation activities at the request of the city;
- B. Maintaining the city cultural resources inventory (inventory) by:
 - 1. Making recommendations to the PC and Council regarding designating properties as historic or cultural landmarks that meet the criteria for designation under the code;
 - 2. Making recommendations to the PC and Council regarding removal of landmarks from the inventory under the code;
 - 3. Periodically reviewing and making recommendations for updating the inventory;
 - 4. Maintaining criteria for the inventory and evaluation to implement this code chapter; and
 - 5. Conducting public outreach and education relating to proposed alterations of cultural resources.
- C. Regulating and protecting landmarks through review and recommendations to the PC and Council relating to approval or denial of proposed activities in accordance with the criteria for alteration, relocation or demolition of landmarks under the code;
- D. Reviewing proposed activities by the city and other government agencies that may seriously affect designated landmarks and advise the PC and council regarding such activities; and
- E. Performing other activities relating to historic and cultural landmarks preservation including:
 - 1. Providing public education on the history, scenic and cultural landmarks of the city;
 - 2. Providing advice to the Council and other city bodies on preservation of historic and cultural landmarks including applicable Code revisions;
 - 3. Providing technical, economic information on the preservation of historic and cultural landmarks;
 - 4. Providing recommendations to the Council and PC on historic and cultural landmark preservation programs, such as tax incentives to preserve designated landmarks;
 - 5. Hearing public comments regarding the cultural, historic and scenic values of community landmarks; and
 - 6. Securing alternative funding and develop local grant or loan programs to encourage the preservation of historic resources in the city.

1.11.02 Terms and vacancies

Each HPC member serves a four-year term or until their successor is appointed and takes office. Appointments and reappointments are staggered with a least one member appointed or reappointed at the beginning of each calendar year. HPC members may be reappointed without term limits. The term of a member appointed to fill a vacancy expires at the end of term of the vacating member.

1.11.03 Officers and procedures

The HPC elects a chair and vice-chair to serve a one-year term of office, or until a successor is elected and takes office. The HPC will adopt rules and procedures for its functioning.

1.11.04 Meetings

The HPC will hold regular meetings at least once quarterly at the Dayton City Hall, or as otherwise designated, at a time and place scheduled by the City Manager. The HPC may hold additional meetings as the HPC determines appropriate. A majority of the HPC is necessary for a quorum. The HPC will adopt procedures consistent with state law for conducting fair and orderly public hearings.

Section 2. Section 7.2.112.05.B is amended to read:

“Review Process. Upon receipt of a completed application, the City Manager shall include the demolition request on the agenda for consideration at the next available Commission meeting. The Commission shall hold a public hearing pursuant to Section 7.3.2 of this Code within 45 days after an application has been deemed complete by the City. The Commission shall request comments from the City Historic Preservation Committee.”

Section 3. Section 7.2.112.05.C.10 is amended to read:

“Comments of the City Historic Preservation Committee.”

Section 4. This ordinance shall go into affect 30 days after adoption.

Passed and adopted by the Council on this 2nd day of November 2009.

Mode of Enactment:

Date of first reading: October 5, 2009 In full _____ or by title only X

Date of second reading: November 2, 2009 In full __ or by title only X

_____ No Council member present at the meeting requested that the ordinance be read in full.

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 X A copy of the ordinance was provided to each Council member; three copies were provided for public inspection in the office of the City Recorder not later than one week before the first reading of the Ordinance.


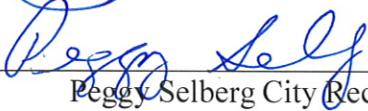
Final Vote:

In Favor: **Blackburn, Dickson, Evers, Hensley, White, Wytoski**

Opposed: **None**

Absent: **Henry**

Abstained: **None**

| | |
|---|--------------------------|
|  _____ | <u>11/19/09</u> _____ |
| Jolie White Mayor | Date of Signing |
|  _____ | <u>11/2/09</u> _____ |
| Peggy Selberg City Recorder | Date of Enactment |

~~1.11.00~~ 1.12.00 **LOCAL CONTRACT REVIEW BOARD**

~~1.11.01~~ 1.12.01 **Membership**

The Council serves as the local contract review board for the City and may take action authorized by state law for local contract review boards.

~~1.11.02~~ 1.12.02 **Regulations**

The local contract review board will follow the Oregon Attorney General's Model Public Contract Rules Manual unless the board adopts exceptions or other rules or procedures to guide its deliberations and decisions. The Council will adopt such rules by resolution.

~~1.12.00~~ 1.13.00 **MANAGER**

~~1.12.01~~ 1.13.01 **Chief Administrative Officer**

The manager is the chief administrative officer of the City, and must perform the duties set forth in Charter section 34 (d). The manager is responsible to the mayor and Council, but consults directly with the mayor between Council meetings. The manager may propose to the Council revisions to the City personnel rules and regulations for City employees. The manager is responsible for administration and enforcement of those rules.

~~1.12.02~~ 1.13.02 **Professional Services Contracts**

The manager may propose professional services contracts for council approval, and the manager is responsible for the administration of such contracts. Such contracts include:

- (A) City Attorney,
- (B) City Engineer,
- (C) City Planner,
- (D) City Building Inspector,
- (E) Municipal Court Judge, and
- (F) Law Enforcement Officer

~~1.12.03~~ 1.13.03 **Code Enforcement Officer**

The manager is charged with the enforcement of all City codes. The manager may issue citations for violations of this code, and initiate violation proceedings to enforce the Charter, ordinances or provisions of this code. No violation proceeding for

enforcing the Charter, ordinances or code provisions of the city may be commenced by a private party. All enforcement proceedings for violations of the Charter, ordinances or provisions of the code may be initiated by filing a citation with the Yamhill County Circuit Court.

| **1.13.00 1.14.00 CITY ATTORNEY**

| **1.13.04 1.14.01 Office of City Attorney**

- (A) The city has an office of the city attorney. The attorney is appointed and may be removed from office by a majority vote of the entire Council.
- (B) The Council will periodically review the performance of the attorney.

| **1.13.02 1.14.02 Duties**

The attorney is the chief legal officer of the City and has the following duties:

- (A) Give legal advice and opinions orally and in writing to the Council, mayor, manager, or any other person authorized by the Council or manager to obtain advice and opinions.
- (B) When requested by the manager, review and approve as to form written contracts, bonds, real property instruments, and other legal documents to which the City is a party.
- (C) When requested by the manager, prepare ordinances, resolutions, orders, and other documents of Council decisions.
- (D) When the City is not covered by insurance, represent and defend the City and its commissions, committees, officers, and employees
- (E) Institute legal actions for the City in a court or tribunal as directed by the Council. The attorney may institute appeals on behalf of the City in a case in which another party has first appealed. The attorney may institute other appeals as directed by the Council.

| **1.13.03 1.14.03 Attorney-Client Relationship**

The City and attorney have an attorney-client relationship and the city is entitled to all the benefits of such relationship.

| ~~1.14.00~~ 1.15.00 **RECORDS**

| ~~1.14.01~~ 1.15.01 **Record Retention and Destruction**

(A) City employees are required to keep City records for the periods established by state law.

(B) No financial records may be destroyed until an independent post-audit has been made covering the period to which the records pertain.

| ~~1.14.02~~ 1.15.02 **Fees for City Documents**

The manager may set fees for:

(A) Providing, comparing, and certifying copies of documents, reports, or other materials; and

(B) Providing special services or the use of City property beyond the scope of services or property use generally provided to the public.

| ~~1.15.00~~ 1.16.00 **REAL PROPERTY TRANSACTIONS**

| ~~1.15.01~~ 1.16.01 **Council Approval**

Council approval is required for all real property transactions except as described in DC 1.13.01.

| ~~1.15.02~~ 1.16.02 **Manager Approval**

The manager is authorized to negotiate and approve the following real property transactions:

(A) Easements and rights-of-way for streets and utilities (City may be the grantor or grantee) if donated or purchased for 120% or less of the real market value determined by the county assessor or the appraised value.

(B) Plat dedications required by the Community Development Code.

(C) Purchase and sale agreements that are subject to Council approval (City may be the grantor or grantee) before closing.

(D) Acquisition of donated property if part of an approved master plan.

(E) Licenses or permits to use real property (City may be the licensor or licensee).

(F) Acquisition of small parcels to consolidate ownership or improve access to City property if the value is less than \$15,000.

(G) Quitclaim deeds releasing utility easements that are not in use and do not benefit the public.

(H) Acquisition of property in lieu of payment of Park System Development Charges if value is documented by an appraisal.

(i) Such other real property transactions as Council may delegate to the manager.

4.15.03 1.16.03 Public Improvement Documents

The manager is authorized to approve the following documents relating to public improvements:

(A) Acceptance of public improvement projects constructed to City standards.

(B) Agreements for property owners to contribute to the construction of public improvements required by the Community Development Code but to be constructed later.

(C) Financing agreement related to System Development Charges, Local Improvement Districts, and public improvements.

4.15.04 1.16.03 Execution of Documents

Documents approved by the Council or manager will be executed by the manager and recorded with Yamhill County if required or permitted.

4.16.00 1.17.00 REAL PROPERTY LIENS

4.16.04 1.17.01 Real Property Liens for Municipal Services; Assessment Objections

(A) If the City provides services or benefits to property its owner or occupant, the City has the right to assess the property for all costs associated with those services and make the assessment a lien on the property, including the costs for performing staff work reasonably related to and associated with the determination, imposition and recordation of the lien.

(B) The assessment will be recorded in the City lien docket, and at the discretion of the manager also recorded in county records. From the date of entry of the assessment, the sum entered is a lien against that property. Such assessment liens have priority over all other liens and encumbrances except as otherwise provided by state law and the interest at the legal interest rate.

(C) Before any charge or cost may be made an assessment lien under this section, the manager will send written notice of the proposed assessment by First Class mail or personal delivery to the owner of the property as shown in the county tax records. Notice must be sent or given not less than 20 days before recordation in the City lien docket or county records. Failure of an owner to receive actual notice of the proposed assessment will not affect the validity of the underlying charge or the lien.

(D) If an owner wishes to challenge the validity or amount of the proposed assessment, the owner may do so by filing a written objection with the Council stating the basis for the objection. The objection must be received by the City not more than 15 days after the date of the written notice, unless the council waives this time limit for good cause shown. The Council will hold a hearing to allow the owner to show by a preponderance of evidence that the amount or validity of the assessment is in error. The Council may then adjust the assessment and direct the manager to record the corrected assessment in the City lien docket and county property records. While an objection is pending before Council, no assessment will become a lien.

(E) If the owner of property fails to timely or properly challenge the validity or amount of an assessment, the manager may record the lien in the City lien docket and county property records without further action by the Council after the periods for lien challenge expire.

1.16.02 1.17.02 Attorney's Fees

If the City brings a legal action in any court for the enforcement of any code provision, ordinance, resolutions, or right under its charter or state law, the City is entitled to the award of its reasonable attorneys fees if it is the prevailing party.

