

**MINUTES
FAIRVIEW CITY COUNCIL REGULAR MEETING
FAIRVIEW CITY HALL
300 HARRISON
FAIRVIEW, OREGON 97024**

NOVEMBER 4, 1998 -- 7:30pm

**I. CALL TO ORDER/
ROLL CALL**

Council President Edwards called the meeting to order at 7:31pm.

PRESENT: Mayor Roger Vonderharr (arrived 7:55pm)
Councilor Ken Quinby
Councilor Sherry Lillard
Councilor Dave McCutcheon
Councilor Len Edwards
Councilor James Raze
Councilor Steve Owen

STAFF PRESENT: Marilyn Holstrom, City Administrator
Roy Wall, Finance Director
Caren Huson, City Recorder

II. CONSENT AGENDA

Councilor McCutcheon moved and Councilor Quinby seconded the motion to approve the Consent Agenda, consisting of Liquor License Renewals and the Minutes of October 7 and 21, 1998.

AYES: 6
NOES: 0
ABSTAINED: 0

**III. CITIZENS WISHING TO
SPEAK ON NON-AGENDA
ITEMS
IV. COUNCIL BUSINESS**

Council President Edwards called for persons wishing to speak on non-agenda items. As there was no response, the session continued.

**A.ORDINANCE - Nuisance
Chapter
First & Second Readings**

Marilyn Holstrom, City Administrator, stated that Council had previously discussed the issue of signs being placed on public property which advertised jobs at home, flea markets, daycare, etc. Administrator Holstrom stated that the City's Nuisance Ordinance did not provide for the removal of signs on public property. Staff researched the Nuisance and Zoning Codes of several cities, reviewing their language, and were now proposing an amendment to Fairview's Nuisance Code. Administrator Holstrom commented that the proposed language was before the Council, and that staff was recommending first and second readings of Ordinance 17-1998.

Council President Edwards questioned the proposed text where it stated that it was not "an amendment to or a repeal of any City Development Code regulation ..."
Administrator Holstrom explained that it simply meant that the City's development code could not be overridden by this ordinance.

Councilor Quinby asked who was ultimately responsible for the placement of signs, as someone could be hired to hang signs. Administrator Holstrom responded that the owner of the business was ultimately responsible for any illegal signs.

Councilor Raze stated that, as a real estate broker, he hoped the proposed

ordinance did not pertain to "open house" signs. Administrator Holstrom responded that staff did not write the ordinance with strict guidelines; the City of Troutdale has the same language in their Nuisance Code, and real estate signs are handled per the guidelines of the Real Estate Board. Councilor Raze commented that before he vote in favor of the ordinance, that he would like some assurance that real estate signs would not be pulled on Saturday or Sunday afternoons. Councilor Raze questioned how the new ordinance would be publicized. Administrator Holstrom responded that staff could place an article in the newspaper, contact real estate agents by mail, and also place an article in the City's Newsletter.

Councilor Owen stated that he concurred with Councilor Raze as far as "open house" signs, but that it was probably a good idea to have the Nuisance Enforcement Officer keep track of real estate signs. Councilor Owen stated that he was in favor of the ordinance, but that staff be reasonable in enforcement with realtors.

Councilor Lillard questioned if the ordinance would pertain to yard sale signage. Recorder Huson responded that the Nuisance Enforcement Officer would not remove those signs which were dated and had an address on them. Councilor Lillard commented that she did not like the ordinance as written as it seemed too vague.

Council President Edwards stated that the City needs to have confidence in the Nuisance Enforcement Officer, and that the ordinance was needed to enforce those businesses which get out of hand with signage. Council President Edwards commented that neither Council nor staff would allow the removal of all signage.

Councilor Quinby moved and Councilor Owen seconded the motion to read Ordinance 17-1998 a first time by title only.

AYES: 6
NOES: 0
ABSTAINED: 0

Administrator Holstrom read Ordinance 17-1998 a first time by title only.

Councilor Quinby moved and Councilor Owen seconded the motion to adopt Ordinance 17-1998, AN ORDINANCE AMENDING CHAPTER 8.10, NUISANCES, OF THE FAIRVIEW MUNICIPAL CODE.

AYES: 6
NOES: 0
ABSTAINED: 0

At 7:55pm, Mayor Roger Vonderharr entered the meeting.

**B.AGREEMENT -
Sewer Capacity Units**

Roy Wall, Finance Director, stated that before the Council was a proposed settlement between Holt & Haugh and the City of Fairview concerning Sewer System Development Charge (SDC) credits. Director Wall reported that the current Fairview Village development was on property purchased from Tektronix Corporation. Tektronix had purchased from the City of Gresham Sewer Capacity Units; these units were sold to Fairview Village Development at the time of the land purchase.

Director Wall stated that the value of those SDC units have been in dispute. The proposed settlement agreement was recommended by staff as a resolution of the issue and was fair and equitable; no cash would change hands. Director Wall indicated that Fairview Village LLC would be able to pay for sewer SDCs out of a credit pool of value at the current SDC in affect at the time of development.

Councilor Edwards moved and Councilor Quinby seconded the motion to approve Resolution 23-1998, A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A SETTLEMENT AGREEMENT WITH FAIRVIEW VILLAGE LLC CONCERNING CREDITS FOR SEWER LOCAL IMPROVEMENT DISTRICT CHARGES.

AYES: 7
NOES: 0
ABSTAINED: 0

**C.ORDINANCE -
Parking**

Administrator Holstrom stated that Council and staff had discussed the parking subject in May of 1998, and that she was once again asking for Council discussion tonight. Administrator Holstrom reported that the Renaissance Plan Citizen Advisory Committee discussed at great length ordinance amendments that could be made that would assist in cleaning up the core area of Fairview. Most of their discussions revolved around junk cars. Administrator Holstrom stated that in May, Council had concerns with the proposed ordinance at that time as parking in both front and side yards were addressed, and a comment was made that prohibiting parking in side yards was too stringent. Administrator Holstrom commented that the proposed ordinance before the Council tonight only refer to side yards when they are adjacent to a street. Staff was now asking for Council's input as to whether they would like staff to move forward with the ordinance, knowing it could affect quite a few citizens in the core area.

Councilor Quinby stated that he would not want to restrict those property owners who have kids and might own four or five cars. Administrator Holstrom responded that a person could park in their driveway, on a graveled pad, and yes, the ordinance could affect some citizens. Councilor Quinby asked if, within the guidelines stated in the proposed ordinance, someone could gravel their entire front yard and park cars all over the front of their house. Administrator Holstrom responded that, technically, it could happen. Councilor Quinby commented that this was a tough issue for him as some people in the core area may not have the money to afford gravel to make a parking pad.

Councilor Owen stated that the idea of requiring some type of parking pad was a good idea, but his concern was also that someone could dump a load of gravel in their front yard and asked what the City would do in that type of instance. Councilor Owen commented that he would like to know how people in the core area felt about the issue. Administrator Holstrom responded that the City would notify everyone in the core area and hold a public hearing.

Councilor Lillard stated that she was glad the issue of side yards had been removed from the ordinance, but that a public hearing needs to be held to hear any comments the citizens may have. Councilor Edwards mentioned that City staff was not going to pick on everyone in the core area who might be in violation of the ordinance; Council needs to trust staff in that they would only enforce blatant abusers. Councilor Raze agreed that the City needed a document with some teeth in order to enforce severe cases.

Mayor Vonderharr suggested that the Council could also receive citizen feedback at Street Faires on certain issues. Administrator Holstrom added that the City could also send a survey to receive citizen response to an issue. Mayor Vonderharr commented that he was in favor of moving forward with the ordinance, but that he did not think we had to move forward that quickly.

Councilor Quinby questioned if an ordinance could be drafted which would refer to those abusers who have 20 cars in their backyards and in which they would have to apply for a special license; he did not like to pass an ordinance that blankets

everybody when there were only a few individuals who abuse the system. Mayor Vonderharr stated that he felt, as a City, that we have an obligation to protect the property values of our citizens.

Councilor Owen asked if the item was placed as a public hearing, how the citizens would be notified. Administrator Holstrom responded that a notice would be sent out to everyone in the core area, plus those areas around Bridge Street and 205th Avenue. Mayor Vonderharr suggested that an article in the City's Newsletter could announce the proposal. Councilors Owen and Raze agreed with the Newsletter Article so that all citizens could be aware of the issue. Administrator Holstrom stated that she would plan to have the public hearing in the middle of February 1999.

V. CITY ADMINISTRATOR REPORT

Administrator Holstrom reported that the City had been advertising for a part-time Office Assistant for the Planning Department; 23 applications were received, with 15 of those meeting the qualifications. Staff will begin the screening and interviewing process.

Administrator Holstrom stated that at their first meeting in January 1999, the Council would have a Work Session with the Planning Director to discuss the needs and problems in the Planning Department as he now sees them; there may be some difficult legal issues to discuss.

Administrator Holstrom reported that in response to the Mayor's Newsletter Article, five citizens had responded with interest in forming a Graffiti Team. The Police Department would like to know if the Council would consider five people enough to start moving forward. Mayor Vonderharr stated that he would like the five people to get together and determine if they need a larger group to accomplish something, or at least to determine their needs and receive their input.

Administrator Holstrom commented that the League of Oregon Cities Conference would be held this weekend, and that the City had received a letter from ODOT indicating that they would be available to meet with City staff to discuss any issues they might have. Administrator Holstrom stated that Fairview officials will meet with the ODOT representative at 11:00am on Saturday, and that all those attending the conference were welcome to attend that meeting.

Administrator Holstrom suggested that Council's annual Goal Setting session be held on January 16 or 17, 1999. Council concurred that Sunday, January 17th, would be best.

Administrator Holstrom announced that the City had received a resignation letter from Bob Southern who was one of the City's representatives on the Solid Waste Citizens Advisory Committee. Administrator Holstrom stated that an announcement for that vacancy would be placed in the newsletter, but first staff was going to contact Dee Lickar who had applied for a Planning Commission vacancy to see if she would be interested.

Administrator Holstrom mentioned that before the Council was a memo regarding a list of transportation projects. The East Multnomah County Transportation Committee (EMCTC) has been working for a year on a priority list; Metro decided to run their own model and create their own priority list, which caused an uproar from EMCTC. Last Monday night, a representative of Metro attended the EMCTC meeting and stated that Metro's model would be the one used and that EMCTC had only until November 6th to submit a list that would meet Metro's criteria. Acting Planning Director John Andersen spent two hours with EMCTC and came up with the list which was before the Council. Administrator Holstrom commented that Director Andersen would like to know if the Council had any comments on the list. Mayor Vonderharr stated that he had spoken to Troutdale Councilor Jim Kight who

indicated that Metro may think their list was a done deal, but Metro was not running the show and that there would be a lot more discussion.

Administrator Holstrom reported that the City has a property owner in the core area who has been storing scrap metal for many years on his property. Staff has been working with the family for 3 or 4 years, and the prosecuting attorney has taken them to court. Administrator Holstrom stated that the backyard had been cleared, but the property owner still has an inoperable truck in his driveway full of scrap metal; the property owner is now saying the City has pushed him around enough. Administrator Holstrom explained that the gentleman has a severe medical problem, and the wife has been trying to resolve the issues, adding that the City will probably have the truck towed, which may cause problems and may involve going to court.

Administrator Holstrom stated that the City's Internet web site was up, but that all graphics were lost when a switch was made between Internet providers. Staff feels it would be cheaper to update the entire web site instead of trying to replace everything that was lost.

VI. MAYOR/COMMITTEE REPORTS AND COUNCIL CONCERNS

Councilor Quinby asked in regards to the EMCTC priority list, if bicycle paths could be incorporated into the bridge widenings. Mayor Vonderharr responded that the Bicycle Path Committee has their own funding so if they know about the proposed widening, they may be interested in participating. Councilor Quinby reported that he had attended the Gresham Wastewater Treatment Plant Open House earlier in the evening. Councilor Quinby commented that he was concerned about the new City Hall and the deletion of the \$26,000 bullet-proof glass. Director Wall stated that the entire cost of bullet-proofing was closer to \$100,000 with a specific type of window required, as well as bullet-proof glazing; however, maybe something could be placed inside for protection of the Police Chief's office.

Councilor Owen stated that Fairview Marine Supply was once again selling boats or offering "free" boats outside of their fenced property.

Councilor Raze mentioned that at the last Council meeting he had spoke of illegal U-turns being made on Halsey Street, and that two police officers had been writing quite a few citations lately.

Councilors Edwards, Lillard, and McCutcheon had no reports or concerns.

Mayor Vonderharr stated that he had testified at Wood Village earlier in the evening, requesting them to give Fairview an opportunity to be involved in the Design Review process of the Multnomah Greyhound Park proposed development. Mayor Vonderharr reported that he would be attending a meeting with Mayor McRobert of Gresham to be briefed on the affordable housing issue on the Metro level.

VII. ADJOURNMENT

Councilor Edwards moved and Councilor Lillard seconded the motion to adjourn. Mayor Vonderharr adjourned the meeting at 9:15pm.

AYES: 7
NOES: 0
ABSTAINED: 0

Mayor Roger Vonderharr

Dated:

Caren C. Huson Quiniones
City Recorder