

**MINUTES
FAIRVIEW CITY COUNCIL REGULAR MEETING
FAIRVIEW CITY HALL
1300 NE VILLAGE STREET
FAIRVIEW, OREGON 97024**

January 2, 2002 -- 7:30pm

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

Mayor Vonderharr called the meeting to order at 7:30pm.

PRESENT: Mayor Roger Vonderharr
Councilor Ken Quinby
Councilor Sherry Lillard
Councilor Steve Owen
Councilor Len Edwards
Councilor James Raze
Councilor Barbara Jones

STAFF PRESENT: Mary Jo Briggs, City Administrator
John Andersen, Community Development
Director
Bob Cochran, Public Works Director
Caren Huson, City Recorder

II. CONSENT AGENDA

Councilor Raze moved and Councilor Owen seconded the motion to remove Item C, Planning Commission Reappointments, off of the Consent Agenda for further discussion.

AYES: 7
NOES: 0
ABSTAINED: 0

Councilor Raze moved and Councilor Owens seconded the motion to approve the revised Consent Agenda, consisting of: Ordinance 1-2002, AN ORDINANCE ACCEPTING REVENUE SHARING PROGRAM OF THE STATE OF OREGON; Resolution 1-2002, A RESOLUTION ACCEPTING A QUITCLAIM DEED FROM NORMAN PETTIJOHN TO LOCATE PUBLIC UTILITY INFRASTRUCTURE; and, the Minutes of January 2, 2002.

AYES: 7
NOES: 0
ABSTAINED: 0

Councilor Quinby stated that he has been listening to recent Planning Commission meetings, and due to the type of questions being asked by Commissioners Shearer and Mayes, that he questions their continuing on the Planning Commission. Councilor Quinby added that he has also been listening to the concerns of several Fairview

citizens who are saying that it is time for a "wake-up call" regarding the Planning Commission. Councilor Quinby commented that the Council has to start paying attention to Planning Commission decisions. Councilor Quinby mentioned that he was willing to listen to fellow City Councilors who have positive reactions to the two mentioned Commissioners, but he himself could not endorse their reappointment.

Councilor Raze stated that Commissioners Mayes and Shearer have been on the Planning Commission for quite some time and were actually at opposite ends of the spectrum and provide diversity on the Planning Commission; one is a contractor and one works for TriMet. Councilor Raze added that not all decisions made by the Commission are relished by everyone, but he would not condemn the two Commissioners for that. There are currently residents on the Planning Commission from many different areas of the City, it is a diverse group, and he would hope that it remains such. Councilor Raze stated that he disagreed with Councilor Quinby as he feels the two Commissioners have done a good job.

Darrell Cornelius, 22043 NE Park Lane, Fairview, requested that the subject reappointments be announced to Fairview residents as being vacant so that anyone else interested may apply.

Mayor Vonderharr requested that written citizen input be received by January 16, 2002 on this issue, and suggested that the reappointments be tabled until such time as the Council can hold a Work Session and discuss the direction they would like to take with reappointments. Mayor Vonderharr requested that the Commissioners Shearer and Mayes remain on the Planning Commission until Council drafts a formal policy on committee reappointments.

Councilor Raze moved and Councilor Edwards seconded the motion that the Planning Commission reappointments be advertised as vacant and that Commissioners Shearer and Mayes remain on the Planning Commission until such time as the process is reviewed and the reappointments are heard again by Council.

AYES: 7
NOES: 0
ABSTAINED: 0

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

Mayor Vonderharr called for persons wishing to speak on non-agenda items.

Bob Arndorfer, 21252 NE Hancock Street, Fairview, stated that he had sent an Email to the City asking why the wooden City of Fairview sign was removed and replaced with a Target sign. Mr. Arndorfer commented that he had received a response from Community Development Director John Andersen which stated that the sign was owned by Target, Target paid for the construction and electricity of

the sign, and the City had convinced Target to place the sign in that location instead of in the wetland area of their property. Mr. Arndorfer added that if the City did not have the authority to approve a sign in a wetlands area, that they should obtain that authority. The Target sign is an atrocity and should be removed immediately and replaced with the original wooden City sign. The Target sign should be placed on their own private property, not on public property.

Mary Sheets, 22080 NE Chinook Way, Fairview, stated that she loves the Fairview area, but that she has heard too many negative comments during the past week regarding the Target sign. Ms. Sheets mentioned that she thought the Target sign represents both sides - Target and the City. Ms. Sheets mentioned that Target is located in a neighborhood that had always had commercial planned for it; it's fortunate that Target agreed to place a 16-foot tall sign as opposed to one that would be 30 feet high. Ms. Sheets stated that it was sad to see a neighborhood so negative for something that is good and positive. Dave Clapp, 1811 NE 213th Avenue, Fairview, stated that it was a , great injustice to the community by not letting the taxpayers know what was going on; the City has put up a big Target sign and has torn down Fairview's little country sign. Mr. Clapp commented that he has lived in Fairview for 16 years and feels that the Target sign is a disgrace to the community and that underhanded politics make him sick. Mr. Clapp stated that Fairview residents do care what happens in their community, but decisions are being made before they know what is going on.

Mike Graham, 22269 NE Park Lane, Fairview, stated that he has lived in Fairview Village for about six years and that he paid more for their house in the Village than if the same house had been built elsewhere in East County. The Target sign was just one more compromise that they have to make to the "Village Vision". Mr. Graham added that the residents of the Village did not approve the Target store, and certainly did not approve a bull's-eye sign with tiny letters.

Jim Trees, 1505 NE Village Street, Fairview, stated that he was a business owner in Fairview Village and that he was not given the opportunity for a sign in the same location as Target's. Mr. Trees commented that he could not advertise his business anywhere away from its location, and asked why he doesn't receive the same treatment as Target and the same opportunities; he would like to place a sign on Halsey Street to advertise his business in the Village.

Darrell Cornelius, 22243 NE Park Lane, Fairview, stated that Fairview Village was his home, along with the entire City. The Target sign is placed in a location that is a gateway to the City of Fairview, and the City has now decorated that gateway with an atrocity. Mr. Cornelius commented that no Council members were at the Planning Commission public hearings for the Target store where one of the issues discussed was a proposal by Target to remove trees in the wetland area so that their store could be more visible, along with a

proposal to erect a sign. A number of citizens spoke against removal of any trees in the wetland area, and were told that the issue would be deferred as it was not part of the materials submitted by Target at that time. A public hearing was never held on the placement of the sign. On October 15, 2001, a sign permit was applied for placing the Target sign; on that same day, Director Andersen approved the permit as a Community Service sign, but it is not a community service sign, it is a commercial sign. The sign is on Multnomah County right-of-way and also on City property; the County granted approval for the sign erection. Mr. Cornelius commented that the City's Sign Code Policy is to protect the public health and safety, assist in preserving natural resources, and to maintain a balance between the need to identify sites and activities and the negative impact on a community image created by visual clutter. Mr. Cornelius added that the Target sign was in violation of City Code 19.170.040 which was in effect in October 2001 and stated that it must be removed and that the wooden Fairview sign should be reinstalled.

Curtis Smith, 1386 NE Multnomah Drive, Fairview, stated that he had attended the Planning Commission public hearing regarding the Target store and that signage was mentioned but always put off to be discussed later. Mr. Smith believes that the City partnered with Target to obtain the current signage. He had spoken with City Administrator Mary Jo Briggs and Director Andersen and was told that the sign was an administrative decision, but it is on public land and that should have moved the proposal into a more stringent process. The sign on public property advertises a retail business. The City should have sought public input prior to approving the Target sign. Mr. Smith asked who staff reports to, as the Planning Commission did not know the sign was going up. Mr. Smith asked the Council to review the criteria for administrative approvals and revise the process so that the public's voice could be heard.

Phillip Huff, 937 NE Pacific Drive, Fairview, stated that when his friend saw the sign they said, "the City is now supported by Target." Mr. Huff mentioned that he hoped something could be done about the sign.

Frank Maguire, 760 NE Pacific Drive, Fairview, stated that it was wonderful to see citizens at the Council meeting and trying to help the Council make decisions. Negativity is not a good thing and should be overcome. Mr. Maguire commented that he loves Fairview and agreed with Mr. Smith that just because there is a current City process, it doesn't mean that it is the right process; rubber-stamping and passing things on is generally a bad thing. Mr. Maguire read from his submitted written testimony which is incorporated into these minutes and attached hereto.

Gail Swanson, 22106 NE Park Lane, Fairview, stated that she was a member of the Planning Commission and that she wanted to bring some comments she has received to the Council's attention. Residents had asked her if she had been aware that the Target sign

was going up, and at the time she said no. She went back through her meeting notes to see whether the issue had come up at the Planning Commission hearing, but could not find any reference to signage in the Planning Commission minutes which were given to her. Ms. Swanson asked if Council was aware that the sign was being placed and asked why the new sign states "Fairview Town Center" when the previous sign had stated "Fairview Municipal Center".

Helen Maguire, 760 NE Pacific Drive, Fairview, said her comments may be similar to others who have testified, but she believed there was enough of a difference to warrant Council's attention. Ms. Maguire read from her written testimony which is incorporated into these minutes and attached hereto.

Mayor Vonderharr asked Director Andersen to respond to some of the comments received.

Director Andersen stated that at the Target Design Review, questions were raised regarding signage and it was stated that it would be discussed at a later date. Sign permits are reviewed and approved by staff and no public hearing is required; however, a public hearing is required for a Riparian Buffer Review before a sign permit would be issued if it were proposed to be placed in a wetland area. Review was held on the idea of attaching a Target sign to the City's proposed Town Center sign; if they could be combined, it would eliminate the impact of a sign placed in a wetland area. Discussions were held by Holt & Haugh, developers of Fairview Village, and City staff, and it was determined that the Target sign did fall within a staff approval. Many discussions were held with Target regarding the sign as the sign would have to be much smaller since it was on public property, as opposed to a much larger sign that could have been placed on Target's private property in the wetland area. Target agreed to the smaller sign, and agreed to pay for the sign and the electricity used to illuminate it, thus eliminating taxpayer cost for the City to construct and maintain an electrified sign.

Councilor Raze stated that he liked the wooden Fairview sign, but always thought that it was in the wrong location as 207th and Halsey is not the gateway to the City; the gateway to Fairview actually begins at 201st Avenue and he originally thought the wooden sign was placed where it was due to the Fairview Village development.

Councilor Raze asked if the Target sign was on City-owned property.

Director Andersen responded no, that it was located in County right-of-way. Ms. Sheets commented that everything Director Andersen had stated was true, as when they purchased their home in the Village, Holt & Haugh had told them exactly the same thing and ensured them that no tall commercial signs would be placed which would shine into their living room window. Councilor Raze mentioned that he could see the Target sign from his home, and that, personally, he would rather see the trees that were once Fairview Village, but he would rather have goods and services within the City of Fairview

instead of having to travel outside the City.

Administrator Briggs mentioned that she also had a dilemma when the sign issue first arose, so she reviewed the Planning Commission minutes regarding the Target store. Administrator Briggs read from the Planning Commission minutes where it stated that the public process regarding signage was tied to the riparian area, but when the sign moved out of the riparian area and onto public property, the sign permit process fell to staff. Staff did follow the letter of the law, but she could see how an issue like this may want to move outside the letter of the law and that the topic be placed on the table for citizens to discuss. Councilor Raze stated that Director Andersen had done what was allowed within his scope of work to do and that Director Andersen did his job.

Councilor Owen mentioned that when he first drove by the Target sign that he could not believe it; however, when he drove by it a few days later, he thought it did not look that bad and that it was on a smaller scale than what could have been placed. The issue tonight is that there was a perception among the residents that there was going to be a public process to address the sign. Councilor Owen stated that he did not fault Director Andersen as he was simply doing his job and he felt that Director Andersen had taken some personal attacks on him from the public. Councilor Owen mentioned that the Council appreciates citizen input, but that the citizens should attack the Council and not staff. Councilor Owen questioned if discussions were ever held regarding placing signs for other businesses in the Village at the same location as the Target sign. Director Andersen responded that it had been discussed, and that staff had originally wanted enough space to place other business names on the Town Center sign as well, but the City did not succeed in that when negotiating with Target. Councilor Owen stated that he thought the Council does have to be pro-active and work for the business owners in Fairview and support them. Councilor Owen asked how far the current Target sign is from the riparian area. Director Andersen responded that the sign was about 5-feet from the riparian area. Councilor Owen mentioned that had the sign been proposed to be placed in the wetland area that a hearing would have been held. At this point, Councilor Owen thought that the sign did not have to be brought back to Council as an agenda item, but he would like to see a work session held regarding the sign approval process. Councilor Owen added that the Target sign could have been 100 square feet in size, as opposed to the current 64 square feet, and that it also had the potential of being 25 feet tall in the riparian area.

Councilor Lillard commented that since 1993, there was a vision of Fairview Village and the concept of businesses and people living together; the developer has had a terrible time trying to bring in commercial uses. Councilor Lillard mentioned that she was happy to see Target be the anchor store for the Village Commercial, and that when she first drove by the sign, she didn't even notice the Target

portion of it, she was just thrilled by the "Fairview Town Center" portion of the sign. The sign says Town Center because this is the Town Center for Fairview and Wood Village and is designated so by Metro. Councilor Lillard stated that she did not know in advance that the sign was being placed; she would have liked to have known, as she was sure the other 8,000 residents of Fairview would also liked to have had a chance to provide input on the sign. Councilor Lillard felt it was a good idea to review the sign approval process, but she did not think staff had done anything wrong.

Councilor Jones stated that she personally liked the Target sign and that it was appropriate. The sign informs the public that Fairview has a Target store, and the store will bring money into the City because the City can't afford to do what it needs to do since we do not have commercial tax dollars coming in like other cities. Councilor Jones commented that the Target sign was legal and that it could have been larger and more obtrusive; at this point, we have to work with our City Code and ordinances. The approval of the sign was done in the manner it should have been done; if Council needs to review the process and revise it, so be it, but she expects Director Andersen to do his job, and since the sign did not cost the City any money, she feels it was a win-win situation.

Councilor Edwards stated that he does believe Mr. Trees has a legitimate argument concerning other Village businesses not being allowed a sign; however, the approval of the Target sign was allowed per City guidelines. Councilor Edwards added that, like it or not, Fairview does have a Target store and 207th Avenue should be used for more than a thoroughfare for people to drive through Fairview to shop in Gresham. The Target sign is needed to get people to stop and spend their money in Fairview. Councilor Edwards commented that he did not see anything wrong with the Target sign as it was simply a circle, a dot, and six letters.

Councilor Quinby stated that it has been a Council goal to receive more citizen involvement and that he thought it was wonderful to have so many Fairview residents present. Councilor Quinby mentioned that one of the questions Administrator Briggs asked Council members when she first took the position was what the most important element of their relationship was, and he had responded that communication was the most important. Neither the Planning Commission nor the City Council were aware of the Target sign being placed, and that this was a wake-up call for better communication.

Mayor Vonderharr stated that the Town Center is the business center of Fairview. The Municipal Center signs were placed a year or so ago to show where City Hall, the Post Office, and Library were located. Mayor Vonderharr commented that he knew a while ago that the wooden Fairview sign would have to be removed for a larger sign. When issues such as the sign comes up when he speaks to residents in his neighborhood, the concerns he receives are about providing jobs in the community. Mayor Vonderharr stated that he

will be proposing a goal to develop a business owner association; all of the small stores in Fairview Village need a customer base, and it is the larger anchor stores that support the smaller retailers. The City Council is concerned about the Town Center and all the future businesses that will locate in Fairview. Mayor Vonderharr mentioned that the main thing that will result from tonight's discussion was that a review of the sign approval process will occur and staff will make a greater effort in informing City officials of what is going on in Fairview.

Councilor Owen suggested that a Council Work Session be held regarding administrative decision processes to make sure that staff is doing what it is Council wants them to do and that staff feels comfortable in doing their job; in addition, he would also like an idea of what the Target sign could have been if it had been placed in the riparian area. Administrator Briggs commented that the Council and staff would look at both process and design criteria.

At 9:20pm, the Mayor called for a ten-minute break.

IV. COUNCIL BUSINESS

A. Drainage and Waterline Improvements

Bob Cochran, City Engineer, reported that in August 2001, the City entered into a contract with David Roberts Contracting for the construction of storm drainage improvements and waterline upgrades and improvements. On December 26, 2001, the City issued the final payment for the work. The original contract price was for \$217,904. The final, completed price was \$255,675.52. Of this overage, \$22,333 was for necessary change orders and \$15,438 was for additional bid line items (valves, tees, fittings, required to build upon the bid design). A portion of this project (Creskide Storm Drainage Improvements) was partially funded through a Community Development Block Grant (\$48,460).

Councilor Lillard asked if repaving of Shaw and Crestwood Streets would be done in the Spring. Director Cochran responded that staff has asked a paving contractor for a budgetary price, but the project would still have to go to bid and it would also have to go through the budget process.

Councilor Owen questioned what experience the City had had in the past with David Roberts Construction. Director Cochran responded that this was their first job with the City of Fairview, and that staff had received basically overall good reviews of the company. Councilor Owen asked with a job this size, were 17 change orders normal. Director Cochran responded that 17 change orders were not normal for a job this size, but for the complexity of the job, he did not feel it was out of line.

Councilor Owen requested an explanation of the change order process. Director Cochran responded that he receives a call from the City Inspector saying that there was a change that the City hadn't anticipated; if it is a small change, a decision is made over the phone.

If it requires a major change, then all parties will sit down and discuss it, and then go through a formal change order where prices are agreed upon and the City and contractor both sign off on it.

V. CITY ADMINISTRATOR REPORT

Administrator Briggs reported that in December 2001, she had promoted two staff members to new positions.

Administrator Briggs indicated that she would schedule the Work Session on the sign approval process.

VI. MAYOR/COMMITTEE REPORTS AND COUNCIL CONCERNS

Councilor Raze stated that there needs to be a sign on Halsey Street to advertise the Fairview Village businesses. Councilor Edwards concurred.

Councilor Lillard reported that she would be attending an East Multnomah County Transportation Committee meeting the following week.

Councilor Owen congratulated Director Cochran on his promotion.

Councilors Jones, Edwards, and Quinby had no reports or concerns.

Mayor Vonderharr reported that he would be attending a meeting the following morning with the Mayors of Gresham, Troutdale, and Wood Village, and that he would be meeting with a State Economic Development representative. Mayor Vonderharr reminded the Council of the East Metro Cities Regional Issues Forum which would be held on January 24, 2002, 6:00pm, at Wood Village City Hall.

VII. ADJOURNMENT

Councilor Edwards moved and Councilor Lillard seconded the motion to adjourn. Mayor Vonderharr adjourned the meeting at 9:50pm.

AYES: 7
NOES: 0
ABSTAINED: 0

Mayor Roger Vonderharr

Dated:

Caren C. Huson Quiniones
City Recorder