

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

May 7, 2003 -- 7:00pm

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

Mayor Weatherby called the meeting to order at 7:00pm.

PRESENT: Mayor Mike Weatherby
Councilor Darrell Cornelius
Councilor Sherry Lillard
Councilor Len Edwards
Councilor James Raze
Councilor Jim Trees

ABSENT: Councilor Steve Owen

STAFF PRESENT: Mary Jo Briggs, City Administrator
Roy Wall, Finance Director
John Andersen, Community Development
Director
Caren Huson, City Recorder

Councilor Steve Owen was excused due to a conflict with work.

**II. CITIZEN
COMMUNICATIONS**

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

III. CONSENT AGENDA

Councilor Lillard moved and Councilor Raze seconded the motion to approve the Consent Agenda, consisting of: Resolution 10-2003; A RESOLUTION EXTENDING CITY OF FAIRVIEW'S WORKERS' COMPENSATION COVERAGE TO VOLUNTEERS OF THE CITY OF FAIRVIEW; Appointments to the Economic Development Committee; and, the Minutes of April 2, 2003 .

AYES: 6
NOES: 0
ABSTAINED: 0

IV. CITIZEN APPOINTMENTS

**A. CITIZEN/COUNCIL
ALLIANCE COMMITTEE**

Mayor Weatherby stated that one of the Council Goals this year was citizen involvement, which resulted in the creation of the Citizen/Council Alliance Committee. Councilor Cornelius provided a

background on the Committee and how it was designed to operate. The City was divided into six distinct regions, and two citizen representatives were sought for each region. A total of 14 applications were received, and Councilor Cornelius thanked all who applied. Two of the regions received more than two applications, so two names would be drawn from a hat to represent each of those regions. Sergeant Doug Aden was asked to draw the two names for Region 2: Johannan Frith and Lisa Barton Mullins. Sergeant Aden drew two names to represent Region 5: Jacquie Rozales and John Moats. In addition, the following citizens were appointed to the Committee: Region 1 - Bob Wendling and Norman Payne; Region 3 - Mike Howell and Francis Doo; Region 4 - Violet Fietz; and, Region 6 - Diane Fawcett-Ohlson and Linda Vega. Councilor Cornelius stated that those who applied and names were not drawn should consider themselves as alternates to their Region.

V. PUBLIC HEARINGS

A. POLICE CHIEF RECRUITMENT

Mary Jo Briggs, City Administrator, announced that Chief Gilbert Jackson had announced his plans to retire at the end of 2003 and she thanked him for all his years of dedicated service to the City. Administrator Briggs commented that she was working on the selection process for the next Chief of Police and wished to have a very inclusive process. Administrator Briggs asked the citizens and Council to provide input on those characteristics wanted in a new Chief

Mayor Weatherby opened the public hearing.

Councilor Trees stated that he hoped local candidates would be considered equally among all applicants; he would like to see Fairview's Police Officers move up in rank.

Councilor Edwards commented that he thought it was important that a new Chief be on board by the first of December 2003, so that the two Chiefs would overlap and create a good transition.

Councilor Lillard suggested that the candidates have a good local reputation, be above reproach, have a good management style, and value our police staff the same way Council does. Councilor Lillard added that the new Chief should be welcoming and kind to citizens when they see them, yet still do their job.

Mayor Weatherby stated that the new Chief should have experience with regional police forces and knowledge of the criminal element in the region; in addition, they should have a sense of our community (community policing) and bring out the qualities and the best in our officers.

Shawn Stanfill, Fairview, stated that he would like to see Fairview Officers promoted within the ranks, and if that does occur, staff needs to give the new Chief the budget and technical abilities to provide the community with top level officers.

Helen Maguire, Fairview, concurred with Mr. Stanfill, adding that Fairview has prided itself in having a unique police force and she felt that the City should look within its own ranks for the Chief position as, hopefully, someone has already been being groomed to take over the position. Neighboring cities may pay more and may seem more prestigious, and they have offered our officers positions with their departments; we do not want to demoralize our Police Officers as they have given a great deal to Fairview.

Bob Paine, Multnomah County, commented that with the uniqueness

of Fairview and the small police department that, hopefully, staff has groomed someone in that department to step up and take over as usually they will have more of a commitment to the department. Also, any recommendations from your current Chief should carry a lot of weight.

As there was no further testimony, Mayor Weatherby closed the public hearing.

Councilor Raze stated that he would like the City to advertise at least throughout Oregon as looking only in-house is a mistake. It was a good idea to get a grasp on who is available. Councilor Raze would like staff to look at all possibilities and choose the best candidate.

Councilor Lillard commented that she would like to see the new Chief continue patrolling Fairview streets as Chief Jackson does, and also someone who has a good character and would represent Fairview well with the media.

**B. ORDINANCE 3-2003
Old Town Rezoning from
R to R/OTOZ**

Mayor Weatherby read the instructions for a land use hearing into the record and opened the public hearing.

John Andersen, Community Development Director, provided the staff report, stating that during the preparation of the Fairview Community Vision for 2022, a preference was expressed for preserving the original density of Old Town. To accomplish this goal requires the zoning to be changed from R (single-family residential - 6,000 square foot minimum) to R/OTOZ (7,500 square foot minimum lot size).

Director Andersen commented that the Fairview Planning Commission heard testimony regarding the rezoning and chose to recommend an additional area be added to the proposed OTOZ area. Because there was concern that this new addition might be of concern to some, planning staff again notified property owners in the area to be rezoned by mail and with newspaper notice so that they could be aware of the proposal.

Councilor Raze asked if any testimony had been received at the Planning Commission hearing. Director Andersen responded that testimony was received in favor of the rezoning, but that no testimony was received in opposition.

Councilor Lillard questioned if Bridge Street had been added to the overlay zone. Director Andersen responded yes, along with to the west to include the Raintree area.

Bryan Modrall, Fairview, stated that he had participated in both Planning Commission hearings and he strongly advocates the

rezoning as there were some historic homes on Bridge Street and the proposed ordinance would help preserve those larger lots.

Shawn Stanfill, Fairview, asked if there could be an adverse effect to some property owners. Director Andersen responded that there would be an adverse effect only for those property owners who would have the opportunity to place two lots at the current 6,000 square foot zoning.

Receiving no further testimony, Mayor Weatherby closed the public hearing.

Councilor Cornelius moved and Councilor Lillard seconded the motion to read Ordinance 3-2003 by title only.

AYES: 6
NOES: 0
ABSTAINED: 0

Caren Huson, City Recorder, read Ordinance 3-2002 by title only.

Councilor Lillard moved and Councilor Raze seconded the motion to adopt Ordinance 3-2003, AN ORDINANCE AMENDING THE LAND USE ZONING MAP AND DEVELOPMENT CODE OF THE CITY OF FAIRVIEW.

AYES: 6
NOES: 0
ABSTAINED: 0

VI. COUNCIL BUSINESS

A. RESOLUTION 7-2003 Increasing Land Use Fees

Director Andersen reported that with the adoption of a new Development Code, the City has studied the cost of administering the processes and permits contained in that Code. In addition to identifying the time and materials associated with various land use processes, the staff also reviewed fees charged in other nearby and similarly-sized communities. The City Council participated in a workshop on land use fees on April 2, 2003. Director Andersen stated that staff had reviewed the comments of the Council and made several modifications that were included within the latest draft. Those changes include elimination of the Code Interpretation and Sidewalk Use fees, creation of an opportunity for Appeal fees to be refunded if the original decision is overturned, and a waiver or reduction of fees for projects meeting City Economic Development Criteria.

Councilor Cornelius commented that he thought at the workshop that

Council's consensus was to reduce the \$250 Planning Commission Appeal fee to \$100. Director Andersen responded that he recalled the conversation, but that he did not think a consensus was reached on the dollar amount.

Councilor Raze mentioned that he had a problem with the fee increases as people have less money today, but it seems the government is asking for more; yet he understands the City needs to cover their costs.

Councilor Edwards moved and Councilor Lillard seconded the motion to approve Resolution 7-2003 as written. Councilor Cornelius stated that he believed citizens had a right to be heard by their City Council and that the \$250 Planning Commission Appeal fee was too high. Councilor Cornelius moved and Councilor Trees seconded the motion to amend Resolution 7-2003 by reducing the \$250 Appeal fee to \$100.

Mayor Weatherby called for the vote on the first motion on the floor, to approve Resolution 7-2003, A RESOLUTION ADOPTING NEW FEES FOR COMMUNITY DEVELOPMENT SERVICES AND LAND USE PERMITS.

AYES: 6
NOES: 0
ABSTAINED: 0

Mayor Weatherby called for the vote on the second motion to reduce the \$250 Planning Commission Appeal fee to \$100.

AYES: 2 (Cornelius, Trees)
NOES: 4
ABSTAINED: 0

Mayor Weatherby announced that the second motion failed.

**B. RESOLUTION 11-2003
Fairview Town Center
Parking**

Director Andersen reported that during the Council's review of issues related to parking in the Town Center, concern was expressed that unless special care was taken to assure all new commercial development in the Town Center is carefully evaluated for off-street parking adequacy, that problems may develop. Staff has prepared a resolution clarifying the importance of this issue and which asks the Planning Commission and staff to give the extra time and attention to this issue that it deserves. Director Andersen commented that there was no intention in the resolution to expand the area of the Code; it simply provided guidance to staff.

Councilor Trees stated that he was concerned about the fact that the Resolution did not address any development that has occurred in the

Town Center up to this point. Director Andersen responded that the Resolution would not allow any retroactive authority.

Councilor Cornelius commented that his understanding was that the City does have zoning regulations for Fairview Village and Old Town, and in the past, the Planning Commission had approved applications which did not provide for adequate parking which was required by the Code; they have relied on representations provided by the applicants. Director Andersen responded that the Resolution before Council tonight only directs staff to ensure that they are more aware of parking issues in Fairview Village.

Councilor Trees mentioned that his concern was not about parking today, but parking in the future. There is no public off-street parking in Fairview Village at this point, except the City Hall parking lot, and Holt & Everhart expect 75 businesses in the Town Center when it is at build out.

Councilor Edwards commented that the Council could not correct anything that happened in the past and he views the proposed Resolution as protecting the future. Councilor Lillard mentioned that she did not see any problem with parking in the Town Center and asked Randy Jones of Holt & Everhart to provide input on the document they had submitted to Council.

Randy Jones of Holt & Everhart stated that their concern was with the words "sufficient parking" as how does one define what sufficient parking is?

Councilor Trees asked, of all the lots depicted in Fairview Village, other than City Hall, if they were privately owned. Mr. Jones responded that that was correct.

Councilor Lillard questioned if Mr. Jones felt that Holt & Everhart were still working in good faith on the parking issue such that it is good for the City and for Holt & Everhart. Mr. Jones responded yes.

Councilor Cornelius stated that he had reviewed the Fairview Village parking study and he did not personally think it was well done and rejected it. Councilor Cornelius stated that he would not agree to table the proposed Resolution as requested by Holt & Everhart and asked that, in the future, they provide any documents earlier than at a Council meeting. Councilor Cornelius commented that the reason the Resolution was before Council tonight was because some Council members have not been satisfied that Holt & Everhart has lived up to agreements they have made and that they have not lived up to the parking requirements. Councilor Cornelius added that he felt "sufficient parking" were important words to have in the Resolution. Mr. Jones

responded that he would like two things: for the City to tell him where they have not complied with the Code in regards to parking, and that anyone who objects to the current parking in the Village to show how and why there was a current parking problem.

Councilor Raze commented that the Council was the place to discuss the issue, and that they were not saying there is a problem now, but we are concerned about the future. Councilor Edwards stated that Mr. Jones had disappointed him, as "sufficient" is the best word that could be in the Resolution.

Helen Maguire, Fairview, applauded Council for taking the direction they were with the proposed Resolution. The development of commercial businesses in the Town Center has been slower than what many of the residents anticipated it would be. Any business interested in moving into Fairview Village will probably ask about parking, and anyone who thinks there is not a parking problem in the Village needs to take another look. Ms. Maguire reminded Council that a parking study was completed a year ago which stated that 1470 parking spaces were indicated in Fairview Village; when she asked Mr. Jones if that included the two spaces in her garage, he responded yes.

Pamela Kim, Fairview, stated that when she purchased her property in Fairview Village, she was assured that there would be adequate parking; now, she finds out that all of the parking lots are privately owned and that in the future she may have to pay to be allowed to park in one of them. Ms. Kim indicated that if she wanted to sell her property, perspective owners would be concerned about the parking issue.

Shawn Stanfill, Fairview, commented that he thought Holt & Everhart had lost their initial vision for Fairview Village, and that in the future, the City needed to be mindful of the fact that if you do not manage the parking issue very closely, the result will be that businesses will fail.

Michelle Klass, Fairview, stated that there was no business in the Village that could count on foot traffic. When she purchased her property in the Village, she was led to believe that there was adequate public parking; if she had understood that all parking was private, she probably would not have moved into the Village.

Peggy Trees, Fairview, strongly urged Council to support the Resolution. Ms. Trees commented that the original Fairview Village plan included a transit center, but that is not going to happen. In order for Village businesses to survive, they need to have customers who arrive in cars. When DKS performed the parking study for the Village, they did not ask business owners or residents in the community if there were parking problems. Ms. Trees added that there was the

potential of 34 businesses in the Village, and if each business had 1.5 employees and 1.5 customers, they would need a total of 131 parking spaces at the very minimum which simply do not exist.

Craig Jorgensen, Fairview, commented that the current Village development does not fit the original vision and parking issues do need to be addressed.

Councilor Lillard stated that the Village area is designated as a Town Center, and that she thought at some point it would have a transit center. Councilor Lillard asked Mr. Jones what the prospects were of obtaining more service businesses. Mr. Jones responded that they intend to build around the corner on Park Lane, look at the mixed-use property southeast of the Post Office, and then move back across to the corner on Market Drive. Mr. Jones stated that he could not predict when certain business would be added to the Village.

Ms. Trees commented that the revised Code indicates that Holt & Everhart and TriMet could not reach agreement on a Transit Center, and that one would not be added to the Village.

Councilor Edwards moved and Councilor Cornelius seconded the motion to approve Resolution 11-2003, A RESOLUTION PROVIDING DIRECTION TO THE FAIRVIEW PLANNING COMMISSION AND CITY STAFF REGARDING PARKING IN THE FAIRVIEW TOWN CENTER.

AYES: 6
NOES: 0
ABSTAINED: 0

At 9:05pm, the Council took a ten minute recess.

**C. LETTER OF AGREEMENT
Regional Fire and
Emergency Services
Feasibility Study
Project**

Mayor Weatherby reported that the Gresham Fire & Emergency Services Department provides regional fire protection services to the cities of Fairview, Gresham, Troutdale, Wood Village, and Fire District 10 under contract. All of the regional jurisdictions have agreed to jointly undertake a study of the future of regional fire and emergency services; a Letter of Agreement is proposed and one elected official from each city is requested to be appointed to the Core Team. The cost to the City for the study is estimated to be \$2,471.

Councilor Trees asked if there was a current problem that the study would be correcting. Mayor Weatherby responded that Fire District 10 encompasses a very small area and that they were having some financial problems; also being questioned is the amount of cost to the City of Gresham for fire coverage, and some issues in the past also

need to be examined. Mayor Weatherby commented that we need to determine if we have the best possible coverage for emergency services. Councilor Trees mentioned that he thought it should be an easy study to be performed as Gresham has all the data in terms of calls and services provided, but he was concerned about the wording in the agreement as it states that the cost to perform the study could exceed the projected cost and the City may be required to provide above the \$2,471.

Councilor Lillard questioned if the study would also provide an analysis for future needs. Mayor Weatherby responded yes. Councilor Lillard asked how long the study would take. Mayor Weatherby responded that he did not know, but that he felt there was some urgency in having the study performed.

Councilor Raze commented that in almost every study that has been performed, it has benefitted Fairview and he thought it was a good idea to move forward.

Councilor Lillard asked who spearheaded the study. Mayor Weatherby responded that Gresham spearheaded the study as they are the provider of services.

Councilor Lillard moved and Councilor Raze seconded the motion to approve the Letter of Agreement to conduct a regional fire and emergency services feasibility study and authorize the Mayor to sign the letter. In addition, Councilor Steve Owen will serve as the primary Core Team member, with Mayor Weatherby serving as alternate.

AYES: 5
NOES: 1 (Trees)
ABSTAINED: 0

VII. CITY ADMINISTRATOR REPORT

Administrator Briggs indicated that she had no report for the Council.

VIII. MAYOR/COMMITTEE REPORTS AND COUNCIL CONCERNS

Councilor Trees reported that the Fairview Business Association had met and were working on reconstructing the format of the group; they hope to move ahead with new plans.

Councilor Raze reported that he and Councilor Edwards had attended a Metro public hearing regarding the 223rd undercrossing.

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

Mayor Weatherby reported that staff and Council had been pushing

for the 223rd undercrossing improvements and had spoken with Karen and John Minnis at the state level, along with Metro Councilors who were in favor of the project.

IX. ADJOURNMENT

Councilor Raze moved and Councilor Lillard seconded the motion to adjourn. Mayor Weatherby adjourned the meeting at 9:30pm.

AYES: 6
NOES: 0
ABSTAINED: 0

—

Mayor Mike Weatherby

—

Dated:

Caren C. Huson Quiniones
City Recorder