

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

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**November 5, 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 Steve Owen  
Councilor James Raze  
Councilor Jim Trees

ABSENT: Councilor Len Edwards

STAFF PRESENT: Mary Jo Briggs, City Administrator  
Gilbert Jackson, Chief of Police  
John Andersen, Community Development  
Director  
Melissa Slotemaker, Associate Planner  
Caren Huson, City Recorder

Mayor Weatherby excused Councilor Edwards due to illness.

**II. CITIZEN  
COMMUNICATIONS**

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

Peggy Trees, 1505 NE Village Street, Fairview, stated that last night there was a Planning Commission meeting for proposed apartments in Fairview Village. Ms. Trees reported that she had attended the September 15<sup>th</sup> Council meeting and had asked, at that time, why staff was allowed to recommend approval of a project as Council Resolution 11-2003 requires that parking studies be performed and to not automatically allow minimum parking requirements. But again last night, staff had recommended approval with minimum parking required. Ms. Trees stated that her understanding was that the Council consisted of elected officials which adopt rules and regulations that staff is to follow, yet last night they went against Council orders. Ms. Trees asked Council why that was allowed to occur. Mary Jo Briggs, City Administrator, commented that if staff had made a recommendation for the project, it would be because we found the project to be in compliance with the City Code and all resolutions and that the Planning Commission also found that to be true.

Councilor Lillard stated that if the Planning Commission finds that a project has complied with all City resolutions and ordinance, what would Ms. Trees have the Council do? Mayor Weatherby stated that he was not aware of any violation on the Planning Commission's part. Councilor Owen mentioned that he did not have Resolution 11-2003 before him, but he believed the term used was to increase parking required for commercial Village development and to include traffic studies. Ms. Trees read Resolution 11-2003 aloud. Councilor Owen stated that he felt Ms. Trees was saying that the Planning Commission did not interpret the resolution correctly; he knows for a fact that the Planning Commission received a copy of the resolution and that they approve projects based on all criteria they receive. Councilor Owen commented that he felt their decision was made to the best of their ability and that they make a decision based on the information they receive.

Councilor Cornelius mentioned that he did not attend the Planning Commission meeting or view the hearing, nor did he see the staff report, but he understood the apartment project to be a mixed use commercial and residential development, and that he would take a look at what was presented. The Council had been very firm that they wanted adequate off-street parking.

John Andersen, Community Development Director, reported that staff and the Planning Commission felt that the project had met all of the criteria, and that someone could appeal the decision to Council.

Ms. Trees asked if any of the Council members would be attending the Planning Commission hearing the following evening. Mayor Weatherby responded that that decision was up to each Council member, but reminded the Council that they do have the potential of serving as an Appeals Board for any Planning Commission decision and that they must remain non-biased. Ms. Trees asked all Council members to attend the Planning Commission meeting as she does not believe that the Commission is following Council policy.

Councilor Lillard commented that the Council must look at parking requirements for the City as a whole; the Village area was never designed to include a lot of parking and she would argue that because there is not ample parking does not mean that people will not come to the Village. The Village needs to be a destination similar to the Uptown Shopping area on Northwest 23<sup>rd</sup> and the Hawthorne District. Councilor Lillard added that eight years ago, the Council was sold on the Village idea which was to be a pedestrian-oriented development. Ms. Trees stated that the Council needs to read the staff report for tomorrow night's Planning Commission hearing on parking. Councilor Owen requested that all Council receive a copy of the staff report.

Councilor Raze stressed that the Planning Commission has a job to do, and if the Council attends their meeting they can not participate as a Planning Commission decision could be appealed to the Council. Councilor Raze suggested that Ms. Trees testify before the

Planning Commission and have her views heard, but in order to be impartial, the Council needs to hear all information at one time from all parties involved.

Councilor Trees mentioned that at one of the Council's previous Work Sessions, that Council had discussed the possibility of holding a meeting with residents and business owners of the Village regarding parking. Administrator Briggs stated that all of those entities are welcome to testify tomorrow evening at the Planning Commission, and will also be invited to testify at a Council public hearing. Mayor Weatherby asked that a copy of the minutes in which Council discussed such a meeting be given to Councilor Trees.

Mayor Weatherby asked for the representatives from Target to step forward. Teresa Daly, Target Store Manager, and Larry Petta, Target Protected Specialist, stated that they were present this evening to present a check in the amount of \$1,000 to the Fairview Police Department for the purchase of digital cameras. Gilbert Jackson, Chief of Police, thanked Target very much for the donation. Mayor Weatherby stated that Target has been a wonderful neighbor and partner and has done much for the Fairview community.

Chris Gorsek, Department Head for the Criminal Justice Program at Mt. Hood Community College, reported that for the last three years they have had a series of awards which they have presented to police personnel. This year, Mayor Weatherby had nominated Chief Jackson for the Lawn Enforcement Supervisor of the Year Award which Mr. Gorsek was pleased to present. Chief Jackson thanked Mr. Gorsek for the honor.

Administrator Briggs asked Council to consider a change to the agenda as a Work Session was held earlier in the evening to discuss the Old Town Housing Plan but time did not allow. Administrator Briggs requested that the item be added to the agenda after tonight's public hearing.

Councilor Lillard moved and Councilor Raze seconded the motion to add the Old Town Housing Plan to the Council Agenda immediately following the public hearing.

AYES: 6  
NOES: 0  
ABSTAINED: 0

**III. CONSENT AGENDA**

Councilor Owen moved and Councilor Lillard seconded the motion to approve the Consent Agenda, consisting of the Minutes of October 1, 2003.

AYES: 6  
NOES: 0  
ABSTAINED: 0

**IV. COUNCIL BUSINESS**

**A. Budget Committee Appointments**

Caren Huson, City Recorder, reported that at the Council Work Session of October 15<sup>th</sup>, Council agreed to vote, by written ballot, for six citizens to sit on the Fairview Budget Committee. Having seven applicants for six positions, the Council agreed to rank their choices with 1 being their first choice down to 7; the individuals with the six lowest total scores would then be appointed to the Budget Committee. In addition, since term limits were agreed to be staggered by Council, the six appointed names would be placed in a hat with the first name drawn to serve one year, the next two names drawn would serve two years, and the remaining three individuals to serve a three year term. Recorder Huson announced that Council had provided their signed, written ballots to her earlier in the evening and that she had tallied the votes and then drawn the names. The results were as follows: Carl Malone to serve a one year term; Todd Johnsen and Cara Phillips to serve a two-year term; and, Larry Cooper, Robb Pierson, and Mike Howell to serve a three year term.

Councilor Owen moved and Councilor Raze seconded the motion to accept the ballot results as stated.

AYES: 6  
NOES: 0  
ABSTAINED: 0

**V. PUBLIC HEARING**

**A. Appeal of Site Design Review Approval Market Street Mixed Use Building**

Mayor Weatherby opened the public hearing and read an Opening Statement for Appeal of Quasi-Judicial Use Hearings into the record and which is hereto attached and incorporated into these minutes. Mayor Weatherby asked Council to express any Ex Parte, Biased or Conflict of Interest for the record.

Councilor Trees stated that he would be recusing himself from this item, but that he did not agree with the letter that was submitted by the attorney; Councilor Trees stepped down from the dais.

Councilor Cornelius stated that he had a meeting with Councilor Trees and his wife, Peggy Trees, and also a meeting with Councilors Owen and Trees in which there was a discussion regarding this particular project, but not the issues which were on appeal. In addition, he had spoken with Chuck James who had wanted information on the history of parking in the Village, and he did view the site. Councilor Cornelius added that he had seen part of the Planning Commission hearing on the subject, however none of these items have influenced his judgment and that he could be fair and impartial in the decision-making process.

Councilor Lillard stated that she had spoken with someone who was interested in purchasing a unit on Village Street and who asked her about parking, but she told him she could not discuss it. This

individual had no influence on her as to whether she could judge the situation and she is unbiased in her opinions.

Councilor Owen stated that he had had numerous conversations with staff and he and Councilors Trees and Cornelius had held a meeting and walked the area, looking at parking in general. In addition, he had attended a business meeting where the topic of parking was briefly touched upon, but none of that would influence his decision.

Mayor Weatherby stated that he had had many discussions with Councilor Trees on parking, but that nothing would bias his decision.

Councilor Raze stated that nothing has biased him and that he would be impartial.

Director Andersen reported that he had received a letter earlier in the day from the attorney representing Holt & Everhart, requesting that the hearing be continued to the Council meeting of November 19, 2003. The request was being made so that the attorneys involved could pursue a discussion to reach agreement and withdraw the appeal. Director Andersen added that a memo from the City Attorney had also been received and confirmed the conversations; the City Attorney indicated that they would also like to have the hearing continued to November 19th. Director Andersen stated that staff was asking that Council continue the hearing to November 19, 2003 at 7:00pm to allow the attorneys to go forward with their agreement.

Councilor Raze moved and Councilor Owen seconded the motion to continue the hearing on the Appeal of Site Design Review Approval for the Market Street Mixed Use Building to November 19, 2003 at 7:00pm.

Councilor Cornelius stated that he was very disappointed that the request for continuance came at such a late time as several individuals were in the audience who came particularly for this hearing and were prepared to testify. Councilor Cornelius stated that he received the letter of request when he arrived for the meeting, that he had studied the materials in the Council packet for hours over the weekend, and that he was opposed to the continuance. Councilor Cornelius suggested that Council adopt criteria and a deadline when requests could come in once the agenda is set so that proper notification could be sent out to citizens who plan on testifying. Councilor Cornelius indicated that all of the attorneys involved were very discourteous and asked Administrator Briggs to relay such to them. Councilor Raze commented that he was very much in favor of having the attorneys resolve the issue. Councilor Owen indicated that it was disappointing to him that citizens were ready to testify and give of their time, and now the hearing was being postponed.

Councilor Raze moved and Councilor Owen seconded the motion that no continuance will be granted after November 19, 2003.

AYES: 3 (Raze, Owen, Weatherby)  
NOES: 2 (Cornelius, Lillard)  
ABSTAINED: 0

Mayor Weatherby called for a vote on the original motion on the floor to continue the hearing to November 19, 2003.

AYES: 3 (Raze, Owen, Weatherby)  
NOES: 2 (Cornelius, Lillard)  
ABSTAINED: 0

Helen Maguire, 760 NE Pacific Drive, Fairview, asked the Council how the decision they had just made would impact future agenda items regarding parking in the Village. Administrator Briggs responded that in the memo received from the City Attorney, the Planning Commission hearing on parking the following evening could occur. Ms. Maguire stated that she believed the City Attorney was very firm that no Council member could attend the Planning Commission hearing, so does it make sense that the Planning Commission postpone their hearing tomorrow night. Councilor Owen responded that the City received written correspondence from the City Attorney which indicates that the meetings can move forward. Councilor Trees mentioned that the Council had also put off a meeting with Shawn Stanfill until after the appeal hearing and asked whether Council should move forward with Mr. Stanfill's concern. Administrator Briggs responded that Mr. Stanfill's issue would be included in the Planning Commission's hearing the following evening.

## **VI. COUNCIL BUSINESS**

### **A. Old Town Housing Plan**

Melissa Slotemaker, Associate Planner, reported that numerous discussions have been held regarding the Old Town area, and one Council goal this year was to continue to focus on the Old Town neighborhood and build the character. Planner Slotemaker stated that the City was fortunate to have a student group from Portland State University volunteer to perform a study of Old Town through their graduate program on Urban Planning. The student's study contained several portions and they found that the condition of the Old Town housing is good. Through community assessment, they received feedback directly from residents on what could be done to improve Old Town. Some suggestions included establishment of a neighborhood association, establishing a community development program to target bilingual Hispanic/Latino, and educating residents about tax deductible donations of cars, appliances, etc.

Councilor Raze commented that he views Old Town as a collection of unique individuals, and a neighborhood association to come to consensus would be very difficult. It would be a huge task and you might end up with just a few residents who want to be involved, but when they have to dictate what their neighbors can or can not do, it might be quite difficult. Councilor Lillard thought that some great things could come out of an Old Town Neighborhood Association.

**VII. CITY ADMINISTRATOR REPORT**

Councilor Cornelius stated that the residents of Old Town should decide for themselves what they want in terms of a neighborhood association; he would recommend a meeting or two of those residents to present these ideas to them. Councilor Raze suggested that perhaps the two representatives of Old Town on the Citizen/Council Alliance could perform some polling and speak with the citizens in their area.

Planner Slotemaker described some Implementation Strategies from the Old Town Study which included safety and security, rental housing education, housing price stability, and housing conditions.

Councilor Owen stated that information from the Study needs to be taken back to the citizens of Old Town as he did not feel comfortable deciding things for them. Councilor Owen suggested that a couple meetings be held for the residents of Old Town, and once that occurs, to bring their suggestions back to Council.

Administrator Briggs reported that the top two candidates for the Police Chief position had been selected and that on-sites would be performed in the near future. Oregon State Police will be performing the background checks on the two candidates. Administrator Briggs commented that she hoped to make a job offer in mid-November. Administrator Briggs announced that Laura Zentner had been hired as the City's new Finance Director, and that Maintenance Worker Duane Wilson had been called up for a term of duty in Iraq. Administrator Briggs stated that Director Andersen had just spoken to the City Attorney who indicated that the Council may attend the Planning Commission meeting the following evening if they desired. The only limitation is that Council express no opinions at the hearing as it could make them subject to claims of bias

**VIII. MAYOR/COMMITTEE REPORTS AND COUNCIL CONCERNS**

Councilor Owen mentioned that he had received \$1.00 in the mail from the Subdivision Consultants Advocacy Group and that he would be turning it over to the City Recorder.

Councilor Trees stated that trash cans were needed on Village Street. Also, two meetings had been held for the Children's Theatre and they now have a Director and have decided on a play; volunteers are always welcome.

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

Mayor Weatherby reported that one of the major focuses of the TriCity area is the Alcoa property; the Port of Portland is heavily involved and interested. Staff is working on setting up a tour of the site for Council members. Mayor

Councilor Owen moved and Councilor Lillard seconded the motion to adjourn. Mayor Weatherby adjourned the meeting at 8:40pm.

AYES: 6  
NOES: 0  
ABSTAINED: 0

Weatherby stated that the Council needs to look out for Fairview and look at what will enhance Fairview's property; there were many issues to be discussed. It is a very complex issue with some pretty big players involved.**IX. ADJOURNMENT**

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Mayor Mike Weatherby

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Dated:

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Caren C. Huson Quiniones  
City Recorder