

**MINUTES
FAIRVIEW CITY COUNCIL SPECIAL SESSION
FAIRVIEW CITY HALL
1300 NE VILLAGE STREET
FAIRVIEW, OREGON 97024**

August 4, 2004 -- 6:00pm

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

Mayor Weatherby called the meeting to order at 6:00pm.

PRESENT: Mayor Mike Weatherby
Councilor Darrell Cornelius
Councilor Steve Owen
Councilor Larry Cooper
Councilor Jim Trees

ABSENT: Councilor Sherry Lillard
Councilor Jim Raze

STAFF PRESENT: Bob Cochran, Interim City Administrator
John Andersen, Community Development
Director
Caren Huson, City Recorder

**II. INTRODUCTION OF FACT
FINDER AND ARCHITECT
TO VILLAGE STREET
BUSINESS OWNERS**

Mayor Weatherby stated that the purpose of the Special Session was to introduce the Fact Finder, Allan Clair, and the architect, Phil McCurdy, to the business owners on Village Street. Both individuals will be working on the current code issues facing the businesses. The Architect's report will be presented to Council at their August 18th meeting for approval. Once approved, copies would be made available to all business owners along Village Street. The Fact Finder's report is due September 1, 2004 and will be on the Council's agenda that evening for approval. Mayor Weatherby reported that the Fact Finder will meet with each affected business owner personally; the Architect will provide information as a whole and will not need to meet with the business owners.

Mr. Clair reported that the City had contacted him to look into the occupancy issue which is facing the Village Street businesses. Mr. Clair mentioned that he has been in the third-party inspection business for ten years, and his background is in doing large turnkey projects. He has 25 years experience working in and around building codes and understands what the intent of the codes are and how they are to be used. His scope is to perform the fact finding which will include a review of the permitting history, meeting with the code officials who were involved, determining what happened and

recommend how to move forward. Mr. Clair added that he was pretty hopeful in what he has seen so far; he will perform a walk-through of each affected business within the next week.

Phil McCurdy stated that he grew up and lived in the area most of his life, and that he has been a registered architect in the State of Oregon for 30 years, with his firm being in practice for 18 years. Mr. McCurdy commented that he has much experience in occupancy changes. His job is to review the existing dwellings and determine what it will take to upgrade those units from residential to office or office to commercial use; he will work through code issues for those upgrades and look at the dollar cost for the upgrades. Mr. McCurdy added that floor loading may be an issue, and that he will also look for ADA issues. Mr. McCurdy explained that he would be looking at the big picture; there were basically four buildings with 7 different floorplans, so he will review the basic three floorplans and indicate what will be required to upgrade.

Charles James, 1425 NE Village Street, stated that he had purchased his unit on Village Street under the designation of Village Mixed-Use and intends to use it for a retail Native Arts Gallery. He is very mad at this point as he paid a premium to locate in the Village; he obtained a business license and performed his due diligence in researching what type of business he could place in his building. He asked the City's Planning Department if any other permits were necessary to open a Gallery and was told that nothing else was required; he could go ahead and hang his shingle and begin conducting business. Mr. James did not understand how, at this point, there can be talk of bringing the buildings up to code after all permitting and licensing has been performed. He was concerned about ADA regulations and where the money will come from to perform the upgrades. It was his hope that we could move forward and find a logical way to make the buildings whole. Mr. James added that the building he purchased was his retirement investment. Mr. James stated that he would actually like to have the architect visit his building.

Joan Power, 1425 NE Village Street, asked how the merchants could be certain that the fact finder will be fair as he was hired by the City to aid the City. Mr. Clair responded that the work he has performed in the past can prove his fairness. He has been involved in some very political issues, but he tells it the way it is once he has performed his research. Mr. Clair commented that the merchants should not be worried about him being paid by the City and being biased; he wants to find out what happened. In his discussions thus far with the City, he has already determined that there is an earnest desire to resolve the issue. Ms. Power questioned if Mr. Clair had ever dealt with a situation like this before where there is a direct monetary impact on

the business owners. Mr. Clair responded that he has been in situations where change of occupancy has been a major issue. Ms. Power stated that she did not understand why Mr. Clair was referring to this issue as a change of occupancy when every business owner on Village Street purchased a live/work property. There is no change, except from somewhere outside of the merchants. Ms. Power asked if Mr. Clair thought there was a way that this issue could be resolved by holding the business owners harmless. Mayor Weatherby responded that no assumptions can be made until the two reports are received.

Brenda Ziegler, 1490 NE Village Street, stated that it was nice that the City was offering the fact finder and the architect, but the business owners are still under a 90-day notice from the Fire Marshal; what can be done in the meantime. Bob Cochran, Interim City Administrator, responded that it is hoped the Fire Marshall will grant an extension once he sees the efforts that are being made to remedy the situation. Ms. Ziegler asked if Mr. Clair had received the same list of permissible uses from the Planning Department that the City gave the merchants. Mr. Clair responded that he had not received that list yet, but will obtain a copy of it. Ms. Ziegler stated that the only other permits she had been told to obtain was a Home Occupancy permit if she was going to live in the unit, and a sign permit. Mr. Clair asked if Ms. Ziegler had to perform any remodeling of the unit for her business. Ms. Ziegler responded no, she purchased the building and moved in.

George Donnerberg, 1480 NE Village Street, asked if the Fire Marshal even has any jurisdiction to give the merchants a 90-day notice to comply. Administrator Cochran responded that the City Attorney was currently investigating that and did not have an answer at this time.

Councilor Trees stated that he purchased his building as 100% commercial; his plans had always been to operate at 100% commercial, and he plans to sell it as 100% commercial. His building was an investment for him. Mr. McCurdy commented that he was concerned about occupancy separations; if a building has a coffee shop downstairs, that would be an "A" occupancy and a fire separation would be needed between that and the residential upstairs. The code reads that you must have a separate airspace from the main commercial floor and the residential floor. Councilor Trees stated that the only useful information for the merchants from the architect would be a list of what is required to make a building 100% commercial.

Councilor Owen questioned the architect as to whether or not he would provide a list of what would need to be done to make a building

100% commercial. Mr. McCurdy responded that he would take three basic floorplans and indicate what would be needed to upgrade them. Councilor Owen asked if he would provide a range of cost per square foot. Mr. McCurdy responded that there were certain things that would be practical and certain things that would not; he did not think an "A" occupancy would be practical as the cost analysis for that would be inappropriate. Taking a unit to a "Office" occupancy level would be practical. He would list what the limits and criteria would be for an "A" occupancy and whether or not it would be practical. His scope is not to give a dollar figure on what it would take to bring a unit up to an "A" occupancy level. Mr. Clair mentioned that one strategy that could be used is the Uniform Building Code for Building Conservation as it takes a matrix approach to a building and uses 5 different criteria.

III. ADJOURNMENT

Councilor Owen moved and Councilor Cooper seconded the motion to adjourn. Mayor Weatherby adjourned the meeting at 6:55pm.

AYES: 5
NOES: 0
ABSTAINED: 0

Mayor Mike Weatherby

Dated:

Caren C. Huson Quiniones
City Recorder