

MINUTES
FAIRVIEW CITY COUNCIL WORK SESSION
October 15, 2003
FAIRVIEW CITY HALL
1300 NE VILLAGE STREET
FAIRVIEW, OREGON 97024

I. CALL TO ORDER/
ROLL CALL

Mayor Weatherby called the meeting to order at 5:30pm

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

STAFF PRESENT: Mary Jo Briggs, City Administrator
Gilbert Jackson, Chief of Police
John Andersen, Community Development
Director
Pam Beery, City Attorney
Tammy Shannon, Administrative Assistant

II. DISCUSSION- Parking

Mayor Weatherby announced that the discussion regarding the Old Town Housing Plan was going to be postponed until a later date and that a discussion with City Attorney Pam Beery regarding future Work Sessions on parking issues would take place instead.

City Attorney Pam Beery explained that a question regarding the proposed scheduling of a Council Work Session dealing with parking issues in Fairview Village had been raised. As an appeal by Holt & Everhart was due to come before Council on November 5, 2003 that dealt with the same issue, it was Ms. Beery's opinion that it would not be fair to the applicant or to any other parties in the proceeding if Council conducted a Work Session on the same subject prior to hearing the appeal on November 5.

Beery stated that the appeal centered on a decision made by the Planning Commission concerning an application presented for new buildings in Fairview Village. Beery reported that the Planning Commission had placed a condition on the application that stipulated any changes in use would require processing as a Type III application.

Attorney Beery said that because the appeal was directly related to how the Code was interpreted, it would be impossible for Council to remain unbiased and objective if, in Council's legislative capacity, they heard issues that related to the same appeal. Beery also explained that all parties to proceedings have the right to a fair and impartial tribunal and that Council members must be free from bias. Beery made it clear that there would be no way for her to defend a decision if Council conducted a Work Session dealing with parking issues before hearing the appeal by Holt & Everhart. Beery felt strongly that Council should

not hear any testimony or evidence about the parking issues in the Village before listening to Holt & Everhart's appeal.

Councilor Trees asked why Council members couldn't just disclose their ex parte contacts. Attorney Beery responded that ex parte disclosures were intended for a limited number of unavoidable contacts and were used as way to correct any potential error by fully disclosing those contacts. Beery stated that after a certain point the impression that a person has a prejudgment or bias could occur if the ex parte contacts were of a certain nature or number. Beery emphasized that a Council member would not be able to participate in a decision if they were not impartial.

Councilor Raze felt that the issue should be approached in the correct manner and that Council should wait until after the scheduled appeal by Holt & Everhart before conducting a Work Session on parking issues in the Village.

Attorney Beery asked that two questions be answered by the Council:

1. Should Council deal with the issue directly or accept a recommendation from the Planning Commission; and,
2. Should the process, if started through the Planning Commission, begin before November 5, 2003.

Councilor Cornelius felt that the issue needed to be resolved quickly and that Council should first hear Holt & Everhart's appeal on November 5 and then conduct a Council Work Session dealing with the subject. Cornelius thought that what the Planning Department had been telling property owners on Village Street about what they could or couldn't do with their properties should also be discussed.

Mayor Weatherby, along with Councilors Edwards, Raze, Owen and Lillard were of the opinion that the Planning Commission should start the process by holding one or two meetings and then presenting their recommendations about the issue to Council.

Additionally, Councilor Edwards asked City Attorney Beery if Council could prevent Councilor Trees from participating in the appeal decision on November 5. Attorney Beery responded yes.

City Administrator Mary Jo Briggs summarized the direction given by Council in stating that she would work to schedule the Planning Commission meetings for November 6 and November 13, 2003 and direct the Planning Commission members to present their recommendations to Council.

III. ADJOURNMENT

Councilor Owen moved and Councilor Raze seconded the motion to adjourn. Mayor Weatherby adjourned the meeting at 6:45pm.

IV. CALL TO ORDER/ROLL CALL

Mayor Weatherby reopened the Work Session meeting at 7:50pm.

PRESENT: Mayor Mike Weatherby
Councilor Darrell Cornelius
Councilor Sherry Lillard

Councilor Steve Owen
Councilor Len Edwards
Councilor James Raze
Councilor Jim Trees

STAFF PRESENT: Mary Jo Briggs, City Administrator
Gilbert Jackson, Chief of Police
Tammy Shannon, Administrative Assistant

DISCUSSION
Budget Committee Members

City Administrator Mary Jo Briggs asked Council for direction regarding the process of selecting Budget Committee members to fill the six vacancies on the committee. Administrator Briggs asked if Council just wanted to vote, would like to have discussion or interviews, or if Council already had sufficient information to make a decision.

Councilor Owen felt that there was enough information to select members for the committee based on the application materials provided. Owen suggested that Council members use a ballot listing the six applicants and that each Councilor select their preferences in numerical order. The votes would then be tallied by the City Recorder at the top six choices announced.

Councilor Cornelius reported that one person who had applied for a position on the Citizen/Council Alliance Committee had been told that since she was currently a Parks Committee member, it was preferred that someone else be given the chance to serve on the Citizen/Council Alliance Committee. Cornelius reported that the applicant had agreed to withdraw her application, and he felt that since two of the people applying for a position on the Budget Committee were currently serving on other committees, Council should be alerted as to the situation.

Councilor Lillard reported that she had encouraged members of the Citizen/Council Alliance Committee to apply for the vacancies on the Budget Committee because sometimes it had been difficult to get citizens to participate.

Councilor Edwards felt that each person who had applied for the Budget Committee should be included on the ballot and that he did not think membership on more than one committee would cause any problems.

Mayor Weatherby and Councilor Owen expressed support in allowing all applicants to remain on the ballot regardless of current committee membership. Each hoped that the final selection would be balanced as far as a geographical representation within the city.

Councilor Trees felt that the most qualified applicants regardless of geographical area should be chosen.

In summarizing the direction given from Council, City Administrator Mary Jo Briggs reported that the next Council packet would contain a ballot for the selection of the Budget Committee members. The ballot would contain an area next to each applicant's name that would be used to indicate the order of choice in selecting each applicant. The ballots

would then be tallied and the results announced by the City Recorder. The new Budget Committee members would then be appointed at the November 5, 2003 City Council meeting. Administrator Briggs stated that she would notify all potential candidates.

V. COUNCIL IDEAS
Record Keeping

Councilor Trees felt that there should be some directive regarding the length of time city records such as meeting minutes should be kept. City Administrator Mary Jo Briggs reported that State law clearly outlined the retention requirements for every type of record and that she would be happy to supply Council members with copies of State Record retention rules.

Councilor Cornelius felt that some records should be kept forever and inquired about the costs involved with microfilming city records. Administrator Briggs said that she would provide microfilming cost estimates to Council.

Health Benefits

Councilor Trees asked if Councilors and/or Commissioners were eligible to participate in the City's Health Plan. Administrator Briggs responded that Councilors could participate in the City's Health Plan but that 90% needed to participate. The city would then have to pay 50% of the premiums on the 90% participating. Council came to the consensus that the city should not pursue the idea of including Councilors or Commissioners in the City's Health Plan.

Mentor Program

Councilor Cornelius mentioned that when he was elected, he could have benefited from the guidance of more experienced Councilor. As a result, Cornelius suggested that on a voluntary basis any Councilor interested in the idea might consider mentoring newly elected officials. All Councilors thought that this was a good idea.

Budget Process

Councilor Cornelius suggested that future Budget Committee Meetings consist of two sessions. The first session would include Budget Committee members and would address issues such as presentation and format, while the second session could be devoted to Council's direction to staff. This way, Council could voice their opinions on items included in the budget before staff spent time preplanning the budget. City Administrator Briggs responded that the process was going to be changed and that the details were currently being worked out.

Councilor Lillard suggested that she would like to see special 15 mph speed limit signs posted in residential neighborhoods so drivers would realize that driving 25mph was too fast around children.

Councilors Raze and Trees thought Councilor Lillard's idea was good even though the 15mph speed limit would not be enforceable.

Councilor Cornelius thought that regular speed limit signs displaying a 15mph limit would be good, if legally possible, as most people did not realize that they weren't enforceable. Cornelius thought that people might obey the regular signs and he suggested the neighborhood homeowner's associations might help with the costs of the signs.

Councilors Lillard and Edwards volunteered to conduct research regarding the installation of reduced speed limit signs in Fairview neighborhoods. City Administrator Briggs asked the two Councilors to contact Police Chief Jackson for his help.

Councilor Owen suggested that Council consider the idea of televising Work Sessions.

Fairview citizen and former City Councilor Barbara Jones spoke briefly before Council and stated that she thought that televising Work Session meetings would be a good way to keep all citizens involved in City Government. Ms. Jones felt that more convenient access to Council Work Sessions would help participation.

Councilor Raze thought that televising City Council Work Sessions was a good idea but felt it might stifle conversation.

Councilor Trees said he liked the idea of televising the Work Sessions.

Councilor Lillard said she also liked the idea of televised Work Sessions.

Councilor Owen asked the other Councilors to give the idea additional thought.

Councilor Lillard moved and Councilor Edwards seconded the motion to adjourn. The Work Session adjourned at 8:30pm.

AYES: 7
NOES: 0
ABSTAINED: 0

Mayor Mike Weatherby

Dated:

Tammy Shannon
Administrative Assistant