

MINUTES OF COUNCIL MEETING
FOR THE CITY OF MAYWOOD PARK
08 October 2018

CITY COUNCIL MEETING

The City Council Meeting was called to order at approximately 7:00 pm.

Present at the meeting were Mayor Mark Hardie, Councilman Art Winslow, Councilman Matthew Castor, Councilman Jim Akers, and Councilman Brian Davey.

Also present: Wendy Irwin, City Treasurer; Bonnie Davey, City Recorder.

Residents present: Michelle Montross, Dan Chavez, Daniel Veason, Lisa Higgins, Chris Williams, Mike Taylor, Joyce Lind.

Approval of the September 24, 2018 City Council minutes. Approved as presented.

OLD BUSINESS

Hardie: First up, and I don't think we need to have a discussion, but the status of PBOT 102nd project, we have a look-see session set up with Clay Veka and her staff on October 26th so they can witness a Friday night traffic jam on 102nd. Then we'll have a short discussion and they'll come have a talk with Maywood Park so they can see what's going on. We'll have a public meeting. In the meantime, because of comments made at the last meeting I took the time to call Annette Stanhope from the Parkrose Neighborhood Association and I said "Look, I've gotten mixed reviews about what your position is on the 102nd Ave project" and he said "To be honest we've had PBOT come to some of the neighborhood association meetings and people that live on 102nd and 105th and the busy areas are 100% against the project as proposed by PBOT." Now I want to say that carefully because I'm 100%, and I think the City Council is 100%, against the project as proposed. But we all have the same common goal, that is public safety and keeping our residents safe. So that is the status of that right now. Questions?

Montross: So after you have another PBOT meeting is it possible to have a town hall meeting and have the Parkrose Neighborhood Association come to the meeting and share their view with Maywood Park?

Hardie: I invited them and Annette Stanhope, and she is coming to the look-see, she is interested in the situation. I think it is appropriate to invite them and I will. But being a city we are in a different situation from the neighborhood association, they are beholden to the city. As our own city we can say whatever we want. But I think it's good if they hear the ideas being shared.

Montross: I was thinking that if some Maywood residents hear from the residents across 102nd and not just hearing from PBOT. The residents are going to hear what PBOT wants them to hear, so I think both neighborhoods need to get together and say, this is our standpoint, what do you guys think? So they aren't just hearing what PBOT wants them to hear.

Hardie: Yes, I agree, we can invite Annette and Doug, her right hand person, he'll be at the look-see, and I imagine he will come to the public meeting when we have them. I don't want to overcrowd the room with Parkrose residents when we have a city council meeting, that would be unfair to our residents.

Veason: Part of the problem is that people on 102nd are staunch in their beliefs, which I can appreciate, and the people on the side streets are staunch in their beliefs, it's not going to be a meeting of the minds.

Hardie: Yes, but there has to be some sort of equitable resolution, so all we can do is get all the parties together.

Resident: Will the observation be limited to 102nd? Or...

Haride: Our only concern is 102nd to Fremont. On Friday nights you can see all the way up to Sandy Blvd and Fremont and see what is going on. On some nights, traffic is backed up all the way to Halsey. They have this idea that reducing lanes will make traffic slower, and it might. But they haven't addresses our concern, which is how do our people get out of the community if traffic is backed up? That is a problem even during the day. They haven't witnessed it firsthand and they admitted that.

Resident: It's random what you see on Prescott, if one of the bridges has a slow down or wreck on it sometimes it's backed up east, sometimes west.

Hardie: Maywood paid an independent group to do an origination/destination study, to have a record of cars that enter Maywood at 102nd and Fremont and cameras at 102nd and Prescott, 99th and Prescott, 96th and Prescott, so any car that comes in and is zooming, we'll have a record of their speed so we'll have information to send back to PBOT. We'll see what happens. Any other comments? (No.)

CABLE FRANCHISE AGREEMENT

Hardie: Moving on to Cable Franchise Agreement. Matt isn't here, so nothing to report.

Veason: I have a question about that. What is that about?

Hardie: It's about our contract with the cable company about how many years they'll be there and what they will pay us. It doesn't control the charges they charge residents, just what they pay us. We only deal with Comcast since they are the only available company for TV.

(Conversation about Comcast pricing and internet v/s cable TV with Century Link)

Hardie: We were trying to up the franchise fees from 5% to 7% but we are limited by law to 5.49% by law, so that's where we were at now.

TREE TRIMMING ORDINANCE

Hardie: Tree trimming ordinance?

Akers: Ongoing.

ZONING ORDINANCE

Hardie: Zoning ordinance development?

Winslow: In progress. We need to set up a meeting or work session to go over some of the ordinances that have been brought to our attention recently by Bonnie, I know there are some concerns with two ordinances involving commercial and the old childcare center on 102nd. I know Ben wants specific ideas on what we want on these because it could affect our ability to get an ordinance set up that met all the demands of the City and the requirements. What we need to do is set up a date to meet to discuss these.

Hardie: Did Ben have ideas? Or does he want ideas from us?

Bonnie: He said he'd be available before or after a council meeting and we can add on an hour to meet with him. Like 6-7 on a Monday night?

Hardie: Yes. I would say an hour at minimum. A work session is open to the public, but comments from the public can be limited.

Bonnie: Do you want that to happen at the next council meeting?

Hardie: Yes.

Bonnie: Ben asked me to recirculate the drafts before a work session so everyone can refresh.

Hardie. Okay. When you send those out send a draft to Michelle Montross and a draft to Chris Williams. Any other comments? (No.)

COMMONS LIGHTING PROJECT

Davey: I got ahold of Lear electric, meeting them at 2pm for a 2nd bid. As soon as I get an idea of costs do I need to request funding from the council?

Wendy: If it's under \$2500 then no, when have the budget. Have them bill the City.

Davey: One thing, I was looking the at the pole and the trees there are in an inconvenient location for the lights to shine, which is why I want a quote for a second pole, for good coverage.

Hardie: Bonnie?

Bonnie: The September reconciliation is done. Social media policy is in progress, Chris and I have made revisions and we have circulated it for more feedback.

Hardie: Great. Comments? (No.)

TREASURER'S REPORT

Wendy: Internal Controls for accounting is in progress. Treasurer's Report for September, cash balance statement, details in and out of each fund and budget versus actual July-September. One point, as far as our cash balances, this is the lowest point before we get the money in from property taxes in the next month or so.

Hardie: Looks like we need to budget for more toner?

Wendy: We make a lot of copies in that office!

Hardie: Is the check I signed for FCS in this?

Wendy: No, that is for October. I haven't transferred money over for wastewater yet, that will happen after the property taxes come in.

Davey: Why didn't Lisa, Wendy or Nancy have get paid in September?

Wendy: All the money for direct deposit got lumped together, you can compare in budget versus actual.

Davey: Okay.

Wendy: The big money went to the street fund, which was for water. Which is typical for summer watering, but looks high.

Hardie: At the last meeting, Matt questioned the amount of money we were paying for our phones.

Wendy: For Comcast, yes, it's like \$160 a month.

Hardie: Were you going to look into that? Is there a better option? Comcast had to trench all the way to the building so we could have a phone line.

Bonnie: We did that because Comcast would be cheaper than Integra. I thought that was because we are a municipality, and it's just more expensive?

Hardie: Yes, I think so.

Bonnie: I'll confirm.

Wendy: Other questions? The new CD's have been opened, the renewal date will be October 1st, 2019. We're almost done with changing the signatures on the OnPoint account, Matt has been busy.

We got the engagement letter from the auditor, their fee is \$8500 to do that audit and prepare the financial statement. We don't have a choice, we are required to have an audit, and it's a typical price. I'll get more quotes for next year's audit but I'll stay with them for this year.

Hardie: I recall that issue came up when Julie was accountant and we asked if we could do better. She looked around and other companies were comparable.

Wendy: Yes, they're a good company. I've asked around and it seems like an average price, but it won't hurt to look around. They did increase 10% over last year. I do need a motion to approve the fee.

Motion to approve the financial audit fee of \$8500 was approved unanimously.

September Treasurer's Report was approved as presented with a cash balance of \$375,652.46.

Bonnie: Mark, the minutes from the last meeting say that you will look into the issue of getting Century Link instead of Comcast. What would you like to do with that?

Hardie: My feeling from NextDoor and Facebook is that people don't like Century Link. So I'm fine staying where we are.

Bonnie: I'm fine with Comcast.

Chris Williams: Have we considered just having an internet connection using a VOIP service on top of that? Using the internet connection we have, getting rid of phone, we can do Voice over IP, telephone over internet connection. I think there are free services, or much cheaper. I think Comcast does that. It's all kind of invisible to you, but it could be cheaper.

Hardie: Wendy, do you have a breakdown of cost for our phone and internet?

Wendy: I can look.

Hardie: We might be hard pressed because we're in the college, and we have to use whatever they have.

Williams: I also looked at other ISPs that use microwave dishes, but they need a line of sight, which we don't have because of Rocky Butte. Same with AT&T here. That could have been another option.

Hardie: Maybe you should look into that.

Williams: Well, I've already called them and they don't offer it here.

Bonnie: It seems like something Chris has experience with and can maybe look into? Let's send him the bill so he can see the cost.

Williams: Hopefully they itemize it. Often they just bundle it.

Akers: We use Century Link at my masonic lodge and our contract is \$74 a month that includes internet and business services.

Hardie: Everything has to go through Mt Hood Community College. I have to work as a middle man for that, and work with them to get Comcast. I imagine it would be the same thing to try to deal with Century Link. We can find that out.

Bonnie: You want me to ask the college what internet provider they use?

Hardie: Yes.

Williams: They probably have a high speed connection with a lot of bandwidth, it's probably very expensive.

Hardie: If it only saves \$10 a month, it might not be worth the trouble. Ok. Wastewater update, again Matt isn't here, I was told FCS would have numbers available to us soon so we could have numbers to present to the residents in early spring. Art, anything on Franchises?

Winslow: No.

MAYWOOD COMMONS

Hardie: Maywood Commons? Brian has been handling right now with lighting project going on and nothing seems out of whack there. Sierra has been doing a good job and the clover is coming in nicely, it doesn't seem to grow as quickly and seems like a good groundcover for a park-like area.

Akers: What is the set up for the chili cook-off? I'm not aware of any street closures or anything.

Montross: Katie and I haven't talked about street closures. I imagine it will be the same as last year. Right now we only have 4 contestants. Last year people kept going back to keep sampling so we may have to change how we do sampling, I'm not sure right now. Let's assume it will be same as last year. If anything changes, I'll get in touch with you. With only 4 contestants we need to decide if we want to do it or take the year off.

Hardie: I'm sending out an email to see if we can get more people to enter.

Montross: So yes Jim, let's do the same closures as last year.

STREETS BIKE PATH AND BERM

Hardie: Streets, bike path and berm, there was an update from ODOT, progress was good but the rain has slowed things down, but the weather is supposed to get better. Public Safety, Jim?

Akers: Do we have deputies for Halloween?

Hardie: I've asked.

Akers: There have a been a few people who have left garage doors open during the day. Dog walkers have noticed them.

Hardie: Linda Hardin said someone had found 5 or 6 home safes? The Sheriff had been called. I don't know what's going on there. I contacted Steve today but haven't gotten a response.

Winlow: Did you all receive the email from Multnomah County about a meeting Oct 29th about emergency operations for winter? I'll attend, they make decisions on how they'll handle snow removal and ice, during storms, they discuss what streets they will remove ice from during storms. I think it would be worth our time to make a case for a plan for some removal in Maywood Park.

Hardie: Yes, I remember last year they plowed Prescott and 102nd and they created a berm of ice at those intersections. Maybe we can ask them about clearing that.

Winslow: They do that everywhere, that's the main reason to go to the meeting.

Mike Taylor: Yes, this has to do with short term rentals. It didn't seem like there was informatantion sent out and suddenly we can't have rentals less than thirty days without huge fines in Maywood park and I am curious how this came about and where the discussion came from.

Hardie: It went on for quite a while at council meetings, and it started at a park watch meeting with people talking about AirBnB users. It was an issue of every weekend or 4 times a month having a new car showing up. It was a well-attended meeting, neighbors in Maywood Park are

pretty vigilant and very protective of each other, and by allowing people to rent their places out, so with strangers coming and going at all sorts of hours, it makes it hard to monitor what's going on in the city. We looked into it, and AirBnB doesn't have a contract with us, and number two, Air BNB has to pay a fee to municipalities that they operate in, and we don't have the staff to set up a person that's going to be monitoring Air BNB rentals and collecting the fee and making sure if renters are there or not. So the city decided based on input from the park watch and city council meetings that we didn't want AirBnB in Maywood. We ran it up the flagpole with the attorney's office and they checked with some other cities and municipalities that didn't want AirBnB and that's how we drafted the ordinance. The consensus from everyone at the meetings was that they bought their house in a residential neighborhood and they didn't want to live next to an apartment and have people coming and going at all hours. That is what Maywood has been, as long as I've been here, and we, the City Council, wanted to continue with that. And you have to understand, if people can come to the meeting, and the majority of people don't like that ordinance, those ordinances can be changed.

Taylor: Well, we weren't getting the messages. There are several of us in the neighborhood, two of them are gone tonight, but they were going to come and talk, and none of us were the messages. This is damaging to us too, we were going to go through an agency, they are very reputable and would have gotten you the fees, we could have gone and being retirees on a fixed income, we could have left for 6 months out of the year, which we would have done with AirBnB.

Hardie: Refresh my memory, according to our short term rental ordinance, doesn't it say anything less than 30 days? (yes) So if you're going to be gone 6 months, how would that affect you?

Taylor: We were going to do 15 days a month, that would have paid everything. They would have had people, like for the golf tournament down here, 5 or 6 of those nights would have paid for the, for our monthly, and we were going to do that. Some of the other people I have talked to thought that was a great idea. I have had great experiences with AirBnB, so I wanted to come here and find out how this came up. You said you ran it through the attorney. Don't we kinda go along with what Portland says?

Hardie: Absolutely not.

Taylor: Okay, okay. I'm just exploring. For us it's really damaging. We're getting to the point where we are considering selling. So we can go ahead and do what we want to do.

Hardie: I'm sorry for that, but again when we talked about consensus, I'm of the same age as you are, so that would be something I would consider doing as well. But when we talked to people at the meetings and the younger families, they are buying their houses and their idea and mindset is that houses are for people to live in, houses are to not be a business. That's how they would view your idea. We don't allow home businesses in Maywood Park, so not only do we have the short term rental issue, we have the home business issue.

Taylor: Yeah, it just seems like an intrusion into our lives. Okay, I just wanted to hear what you had to say and how we came to this consensus. We could do the 30 day rentals, but the company can't guarantee those rentals like they can the 15 nights a month. All of my friends who have places, they are rented almost every night, but that's their business. I think we weren't here for the discussion, we were in Europe during the discussion and we have to leave our house empty. The Sheriff comes by one night, but then they won't come by again.

Hardie: I think they limit you on the vacation checks, to X amount of days that they will come by.

Taylor: They were very good at the start, but by the second month in they weren't coming by, it was the neighbors that are watching. On that note, I called about a man parked on our street at 3:30 in the morning the other night and I called the Sheriff. He got out and walked around, they checked the car and he never found the guy. Later the guy came back and took off and I think the Sheriff got him. Did you ever hear anything about that?

Hardie: I don't get those kind of reports from the Sheriff, so no, I don't know. It's concerning. That goes back to your rental issue, if you think about your neighbors looking out their window at 3 in the morning, and they see a strange car pulling into your driveway, they're going to be on the phone to the Sheriff, they don't know you're renting your house.

Taylor: But nobody knows in Portland, are they calling every night on every AirBnB in Portland?

Hardie: That's the difference between Portland and Maywood Park. And that's why people like Maywood Park. Because if you lived in city of Portland, I guarantee you would not have gotten the same response from Portland Police as you got from the Sheriff. But, if there are people that want to come talk to the council and change the ordinance, then that can happen.

Taylor: Okay. So how strict is this? So if we have friends that want to come stay for 2 weeks and it's under the 30 days then we get this huge fine?

Hardie: I'll leave that up to you.

Taylor: It seems to me like it's somewhat a violation of our property rights, our ownership rights.

Veason: That's not uncommon when a person has a personal interest of making money.

Taylor: But it's for our retirement.

Hardie: As a person, I understand where you're coming from. But as a city council representative, and I have people saying they don't want businesses, we won't want short term rentals, that's where I have to put my allegiance.

Taylor: What about the business on the corner or 102nd?

Hardie: It's grandfathered in, it's been there since before Maywood Park existed.

Taylor: You've answered a lot of questions. What did I miss on the emails? I didn't hear about the discussion, so I feel like we missed the chance to be involved in that.

Bonnie: and that just started a few months ago, posting the agenda.

Taylor: Well then that happened in March, so we didn't see that, so the discussion then, in my mind, was not a fair discussion.

Hardie: Well then bring people. Social media is a new thing for us. But if you want to hear what's going on, come to council meetings. We are working on being better at reaching out via social media. Bonnie has been promoting, we are trying to get better and better about this. Hindsight is 20/20.

Taylor: Well, thank you.

Hardie: Any other new business to discuss?

Akers: Is there a date for tree lighting?

Hardie: It was in the bulletin. December 1st. Saturday night.

Meeting was adjourned at 8:06 pm.

Respectfully submitted by Lisa Higgins.

FINAL