

City of Durham
CITY COUNCIL MINUTES
November 26, 2019

A. OPEN MEETING. Mayor Schirado opened the meeting at 7:35 PM at Durham City Hall.

B. ROLL CALL OF COUNCIL MEMBERS. *Councilors present:* Gery Schirado, Chris Hadfield, Leslie Gifford.

Councilors absent: Keith Jehnke and Chuck Van Meter.

Staff present: City Administrator Linda Tate and Administrative Assistant Emily Baker.

Public: Thaddeus Girard from MACC and Jessica Epley from Frontier.

C. COUNCIL MINUTES. Councilor Gifford moved to approve the Council minutes from October 22, 2019. Councilor Hadfield requested that the last name of Joshua Drake be added to Section J of the October minutes then seconded the motion. The vote was unanimous (3-0).

MO 112619-1

D. Mayor Schirado read the **CALENDAR OF MEETINGS.**

Tuesday, December 3, 2019, Regular Meeting of the Planning Commission at 7:30 p.m. at Durham City Hall.

Tuesday, December 17, 2019, Regular Meeting of the City Council at 7:30 p.m. at Durham City Hall.

City Hall will be closed on **Wednesday, December 25**, for Christmas.

E. PUBLIC FORUM. None.

F. PLANNING COMMISSION UPDATE. There were no questions or comments.

G. RESOLUTION 626-19, A RESOLUTION CONSENTING TO THE TRANSFER OF CONTROL OF THE FRANCHISEE AND OF THE CABLE FRANCHISE GRANTED TO FRONTIER COMMUNICATIONS CORPORATION TO NW FIBER, LLC, WITH CONDITIONS.

Thaddeus Girard from MACC gave an overview of MACC's evaluation of NW Fibers desire to purchase the northwest market and recommended the transfer be approved. Mayor Schirado asked Girard to give them a brief walk through of this resolution. Girard said that all jurisdictions that are affected by this transfer have to vote to approve it otherwise the whole deal would be off. Girard added, this is just a transfer of the cable franchise to new ownership and there is no change in the franchise language. Jennifer Epley from Frontier Communications added that NW Fiber will remain as a holding company and the operating companies will be operating under a different name. She said any issues with Right of Way are under the telecommunications franchise not the cable franchise.

Councilor Hadfield moved to pass Resolution 626-19. Councilor Gifford seconded the motion. The vote was unanimous (3-0).

MO 112619-2

Councilor Gifford asked when the transfer would take place and Epley said it is scheduled for June 2020, but could be as early as shortly after the New Year.

H. APPLICANT FOR VACANCY ON PLANNING COMMISSION.

Mayor Schirado said Joshua Drake is a good applicant and that he feels that he would make a good addition on the Planning Commission. Councilor Gifford moved to appoint Joshua Drake to the Planning Commission. Councilor Hadfield seconded the motion. The vote was unanimous (3-0).

MO 112619-3

The mayor asked city staff to send a letter to Joshua Drake.

I. ORDINANCE 262-19, AN ORDINANCE OF THE CITY OF DURHAM PROVIDING FOR A LICENSE AND FEES FOR USE AND OCCUPANCY OF PUBLIC RIGHTS OF WAY BY PROVIDERS OF TELECOMMUNICATIONS, AND REPEALING ORDINANCE 256-13. Second Reading. Mayor Schirado opened the discussion on Ordinance 262-19. Councilor Gifford moved to adopt Ordinance 262-19, an ordinance of the City of Durham providing for a license and fees for use and occupancy of public rights of way by providers of telecommunications, and repealing Ordinance 256-13. Councilor Hadfield seconded the motion. The vote was unanimous (3-0).

MO 112619-4

J. RESOLUTION 625-19, A RESOLUTION SETTING THE FEE FOR USE AND OCCUPANCY OF CITY PUBLIC RIGHTS OF WAY BY CERTAIN TELECOMMUNICATIONS PROVIDERS.

Tate explained they previously had resolution 559-13, but after five renewals the Council could change the compensation and in July the Council stated they wanted to change the annual fee to \$3,000. Mayor Schirado asked if the fee change was the primary change in this resolution. Tate said it was. The mayor asked if the 5% gross city revenue different than before. Tate said it was not. Councilor Hadfield asked if this would change the way telecommunications providers report to the city. Tate said it would not and currently all of the providers are paying the minimum fee.

Councilor Hadfield moved to pass Resolution 625-19, a resolution setting the fee for use and occupancy of city public rights of way by certain telecommunications providers. Councilor Gifford seconded the motion. The vote was unanimous (3-0).

MO 112619-5

K. DISCUSSION ON TREE ORDINANCE.

Mayor Schirado explained that the Tree Ordinance discussion is open and ongoing. Councilor Gifford said the discussion should take place with more councilors present. Councilor Hadfield agreed with Councilor Gifford. He added that there needs to be a pathway or goal for the Tree Ordinance conversation, otherwise it will disappear. Mayor Schirado said he has collected information that he is still going through and he does not feel fully prepared for a conversation on the Tree Ordinance at the moment. He added that he wants to include the two new members of the Planning Commission in the discussion. Councilor Hadfield said that it was determined there were some parts of the ordinance that needed to be cleaned up and that those should be addressed before the spring time and more tree removal applications come in. Tate said she will keep putting this on the agenda each month and Mayor Schirado said he has made a note to have a more in depth conversation on the Tree Ordinance in an upcoming meeting.

L. ADMINISTRATORS REPORT.

Mayor Schirado pointed out the calendar of meetings for 2020 and Tate noted the changes that were requested are reflected in the calendar.

Tate said she added an email of appreciation from MYN for approving the HAM radio. Mayor Schirado asked about the operation of HAM radios. Councilor Hadfield said he believes the signals are bounced off the atmosphere and that is what gives it its advantage.

Tate added that she will be out of town until the 14th and will be putting the packets together on the 4th and currently there is nothing on the agenda. Mayor Schirado said if there is nothing on the agenda by December 4th then the December meeting will be cancelled.

M. FINANCIAL REPORTS.

Councilor Gifford moved to approve the financial reports for October 2019, payroll checks 575 to 576, vendor checks 16582 to 16585, and electric fund transfers totaling \$5,148.94. Councilor Hadfield seconded the motion. The vote was unanimous (3-0).

MO 112619-6

N. COUNCIL COMMENTS & MISCELLANEOUS INFORMATIONAL ITEMS.

Councilor Hadfield said the park is looking really good and that the idea for spreading the left over chips was a good idea. He added that he attended a public meeting on the Fanno Creek

Trail and at the meeting there were ideas of extending the trail in Durham. He asked if there was an application to develop the property along a proposed path for the trail. Tate said there were none at the moment, but there has been two pre application meetings and conversations and at one meeting she told the developers that they would request a trail at the back of the property. Councilor Hadfield said plans for developing the property should take into account the plans for the extension of the Fanno Creek Trail. He explained that there is going to be a trail on the Tigard side of the railroad tracks and connect to SW 85th Ave. Mayor Schirado said he is surprised about the location of the path and that there were some concerns about the proximity of the trail to Durham Elementary School. Councilor Hadfield added that there will not be any additional paths crossing the railroad besides what is already there.

Councilor Hadfield asked if the City Anniversary banners along Upper Boones Ferry should be changed since they have been up for almost four years. Tate gave more information on the banners. She said there are only six anniversary banners up, but she can replace them with the original banners if they want, but the anniversary banners show that Durham has been around for over 50 years. Councilor Gifford said she likes the banners because many people do not know about Durham; even people who work in the area. Mayor Schirado said he notices the signs all the time, but he has stopped reading them. He added that he would be for changing them periodically, but it would be at an expense. Councilor Hadfield asked about the original banners and Councilor Gifford explained it has pictures of the four seasons. Tate showed the Council the original banner. Councilor Hadfield asked about the cost of them. Mayor Schirado said they are a couple hundred bucks.

Mayor Schirado brought up the national and local conversation about Vaping. He said there is an epidemic of vaping catastrophes and Washington County is trying to decide whether they need to regulate the sale, display, and advertisement of vaping products. Mayor Schirado said that Durham could be affected by people vaping in publicly owned places, which would be difficult to police or monitor. There is no state-wide national regulation of vaping, so the county is asking cities to participate in policies to make vaping safer.

O. ADJOURN. Councilor Gifford moved to adjourn. Mayor Schirado adjourned the meeting at 8:27 PM.

Approved:

GERY SCHIRADO, MAYOR

Attest:

LINDA TATE, CITY ADMINISTRATOR/RECORDER