

CITY OF PILOT ROCK

Council Meeting

August 11, 2015, 2015

7:00 PM

A. Called to Order

Having a quorum the Regular Council meeting was called to order by Mayor Carnes at 7:00 PM. Council members present were Raymond Doherty, Bob Deno, Deacon Perkins, Jim Hinkle, Kacie Moss, and Ray Corwin. Also present were Teri Porter, and Steve Draper. Citizens present were Travis Saviere, Daniel Badal, Holly Beers, Fred Wyatt, Gary Thompson, Val BearChum, Melinda Wachter, Christina Smith, Stuart Roberts and Mary Lue Slabick.

B. INVOCATION

Councilor Deno gave the invocation.

C. PLEDGE OF ALLEGIANCE

D. PRESENTATIONS

None

E. APPEARANCE OF INTERESTED CITIZENS

None

F. ACTION ITEMS

On a motion by Councilor Hinkle and seconded by Councilor Deno, Council agreed to add F-4 Ballot Drop Box. All present voted yes.

On a motion by Councilor Corwin and seconded by Councilor Doherty, Council agreed to move action item F-3 to first on the agenda. In discussion Councilor Perkins asked why and was told that we have an Officer that has a prior commitment and would have to leave early. **All present voted yes.**

F-3 City Response to Social Media

Teri Porter stated that she added this action item because of concerns regarding police coverage and mis-information that was showing up on Facebook and asked for Councils support to respond factually if there is mis-information out there that is causing concern among the citizens. Teri further explained that a Facebook page, "Pilot Rock Community Watch", was created by a citizen to alert the members of the page of any suspicious activity in the community. There were comments made on that page regarding a concern that a police officer is not scheduled on Friday and Saturday night. Seeing that several members had voiced their concern, Teri responded on the page, letting folks know that an officer has been and will continue to be scheduled on Friday and Saturday nights, but unfortunately that evening our one officer had to leave on a family emergency and that dispatch was made aware so that the County could respond to emergency calls. Teri also invited everyone to the Council meeting to voice their concerns to Council. Councilor Moss stated that she too, responded on the page acknowledging their concerns and inviting them to the Council meeting as well. There was discussion regarding the reputation of Facebook, that it is a rumor mill and spreads gossip, and whether it was a creditable source that we need to respond to. Councilor Moss stated whether you like Facebook or not social media is here to stay and is going to grow. As Council will need to decide

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what our stance is and how we are going to handle ourselves as these issues arise, since we do not have a policy in place that addresses it. Councilor Deno stated that we have a newsletter and Council meetings are open to the public, so what is on Facebook we should ignore. Teri stated that she feels our citizens are speaking up and this is how they comfortable doing so. Councilor Moss stated as Council we should listen. Steve Draper feels that the citizens should bring their concerns to Council and allow them to address their concerns. Mayor Carnes stated that some issues can't wait two weeks until the next Council meeting. Chief Stuart Roberts addressed the subject stating that we are talking about concerns regarding when and how the community is being protected. Chief stated that while our resources are limited we do have partner agencies that will cover emergencies, whether it be the Sheriff's Department, Oregon State Police or as a last resort the Pendleton Police Dept. Neighborhood watch if conducted and managed the right way can be a viable resource. The important thing is that you stay out in front of any emerging issues like this and not allow the rumor mill to take over. Keeping the community informed of viable, real updated information is important to give the community a sense of contentment and a feeling of safety. They need to know in a time of need that someone is going to respond to the need and that needs to be communicated on a daily basis until they feel like that is the case. Without that sort of communication it will cause citizens to get caught up in speculation, rumor and innuendo that is not positive. It is a difficult thing to do, but it does not take a lot of time if you have someone who can be attentive to that type of communication pushing out real-time information. Mayor Carnes asked Chief Roberts how they handle Facebook in Pendleton. Chief Roberts responded, if there is information out there that he believes there to be a fear factor with some event or if mis-information exists, he has more direct access to East Oregonian or Kapps broadcasting to get the information pushed out. They also have an automated system to do mass communication that can make thousands of calls in minutes and they would use it in non-emergency conditions if the circumstance dictates the need. He went on to say that the biggest concern is that if it goes unaddressed or you are unresponsive to it then you get a vigilante movement of people exercising their right to bear arms and open carry, which concerns him because they are not trained for a conditional response, they are not accustomed to a life and death scenario. He is not against it, he is just concerned that some folks don't think it through that the mere presence of a firearm is going to be a deterrent for people to run away. That is not always the case, some people will run to the fight and now you have a confrontation that is compounded by the fact that the firearm is present. Communication is the only way you are going to get around these issues. If there are people who are upset and are leading the charge, it is important to go to them and have a conversation to determine what truly are their concerns and what are they willing to do to help solve the situation we are in, putting parameters on what is acceptable and what isn't from a community perspective. Councilor Perkins referring to an article written in the EO, stated it brings out a number of constitutional issues, such as privacy rights, search and seizure, the right to bear arms, public comment laws that have to be addressed. Councilor Perkins asked Chief Roberts how does the Council or any agency manage that? Chief Roberts stated that when it comes to someone creating a Facebook page and having the ability to post whatever they want right wrong or indifferent, you can't manage that. But there should be a responsible response stating the facts as we know them vs what someone believes are the facts. Sometimes the tit for tat will get you nowhere, it is much better to identify those persons with concerns and bring them into a conversation that is constructive. Travis Savier stated that when it comes to Facebook, people are going to say what they want regardless of the information, it is important to get people to a City Council meeting because that is

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the proper way to do it and ensure that they have access to the Mayor's office and City Hall where they can get public information. Councilor Hinkle stated that the City does have a neighborhood watch that has not been super active but can be. Holly Beers stated her concerns that if an officer of the city responds to the stuff on Facebook in writing and you make a mistake, it could cause liability for the City. She feels if a person is serious about their complaints they should come to Council or City Hall to address their issues but we don't get that kind of turn out. Councilor Corwin feels that City employees and Council have the same freedom of speech as any other person in town, if they are talking about something that we can talk about in front of everybody in the community they really can't be held anymore responsible for that than they are as a City Council as we are doing tonight. Councilor Corwin went on to say that as Councilors and staff are often approached by people of the city with questions, you have to give them some sort of response, you can't just say come to the next Council meeting you have to give them some kind of direction. Another citizen who did not identify herself, stated that she appreciated Councilor Moss's response on the Facebook page, she felt it was very informative and thought it was good that our Council people are watching this and trying to address the issue and make it right. Councilor Moss stated that she took ownership for what she said she responded by saying she is a City Council member but she is also a citizen and she cares about these issues. She stated that she was confident in what she put out there, she did not just willy nilly throw it out there, she put some thought into what she said because she feels that is her responsibility. Councilor Perkins, referring again to the article in the EO, which brought up public records laws, stated that because we are City Council we are bound by what we say or write, our correspondence can be used in the press. He feels there should be a safeguard there. Councilor Perkins is comfortable with the police reviewing Facebook for significant issues. He has concerns with legal issues without consulting an attorney and finding out what our role is in responding to a Facebook page. People on Facebook do not have to be accountable for what they say. As public officials we are accountable. We need to protect ourselves and our community. We have run through some hard time with staffing the police department but we are fixing that, we are doing everything we can to solve the problem and protect the community in the way we have been given the charge to do. Teri stated that she feels a factual response is in order if there is wrong information out there that is stirring up folks, but not to become emotional in your response. She does not feel it is necessary to run everything by an attorney as long as you are being factual and truthful. Councilor Perkins feels that articles in the newsletter is acceptable, even though it was pointed out that it is the same information, just a different vehicle used to get it out. Councilor Moss, stated that she is very comfortable with social media, it is here to stay. She understands that she represents the City but as a citizen and an individual she feels it is her right to use Facebook and be part of it. She is interested to hear from a legal standpoint if there is any liability to the City. Councilor Deno asked if Teri has time in her work schedule to be checking out Facebook? Teri explained it is one page and takes a second or two to open it and see if there is anything going on. Officer Thompson stated that as the first line of defense, if there is no incident generated by a call to dispatch, we do not have a record. All the banter is going on on Facebook, but we are not getting a report because it is not called into dispatch. If you have a serious concern, you must call it in to dispatch so that we have a record and we can follow up. He stated his frustration is that folks are talking about it on Facebook but not calling it into dispatch, he can't do his job and help the community if they are not calling it in. A concerned citizen stated that Facebook is here and now, but agrees that we need to stay off Facebook and report it to dispatch. When asked if Pendleton PD allows their employees to respond to issues on Facebook,

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Chief Roberts says they do not. Holly understands that the City is adamant about not giving out the officers schedule, but when you make a call to dispatch they let you know that there is not an officer on duty and give a length of time before your call we be responded to. Mayor Carnes suggested that we get some guidelines from the League of Oregon Cities. **On a motion by Councilor Perkins and seconded by Councilor Deno, Council agreed to table this issue until we get more information before we make a decision how to formally respond. All present voted yes.**

F-1 Ordinance No. 567 Amending the M-2 Zoning Ordinance

On a motion by Councilor Hinkle and seconded by Councilor Moss, Council approved the second reading in title only of Ordinance No. 567 Amending the M-2 Zoning Ordinance. All present voted yes.

F-2 Ready to Read Grant

On a motion by Councilor Moss and seconded by Councilor Hinkle, Council agreed to grant permission to apply for the Ready to Read Grant. All present voted yes.

F-4 Elections Ballot Drop Box

Due to the closing of the USPS distribution center in Pendleton, the Umatilla County Elections office is anticipating delays in the mail service which will cause concerns come election time. They are asking to place a ballot box in front of City Hall. A motion was made by Councilor Deno and seconded by Councilor Doherty to allow the drop box. Steve Draper expressed concern that the 3x3 space needed for the mail box type box, is too wide to allow the sidewalk to be wheelchair accessible. The motion died as all council were opposed. **On a motion by Councilor Moss and Seconded by Councilor Corwin Council allowed staff to work with the elections office on finding a suitable site and size of box that meets the needs and maintains wheelchair accessibility. All present voted yes.**

G INFORMATION ITEMS, REPORTS AND PRESENTATIONS

G-1 Department Head Report

CITY HALL:

1. I have been awarded a scholarship (\$450) to attend the OAMR Annual Academy and Conference in September. Scholarships are awarded to members who serve on various committees. I am a mentor, serve on the website committee and the scholarship committee. I am also the editor for the IIMC (which is an international organization for municipal recorders) newsletter.
2. Have received several promising applications for the Chief of Police position. Set up 4 interviews only 2 followed through. Have referred those two candidates to turn in a background check packet. At the time of this report have not received them back yet. Once received, I will hand them over to Chief Roberts to conduct the background checks.
3. Steve and I attended the Water and Wastewater Infrastructure Finance Workshop in Newport on the July 30, 2015.
4. The Pilot Rock Marijuana Ban Ordinance has been drafted and ready for review at the next marijuana work session. On that same note I just received the Prohibition of Marijuana Businesses in Umatilla County Ordinance, just passed by the commissioners on August 5, 2015.
5. New sewer rates have been implemented. The community seems to understand the need for the increase, have had very little opposition.

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POLICE:

1. Officer Thompson continues to work a varied schedule. 40 hours a week and 56 hours on call. He was called away on a family emergency last Saturday night and sheriff's department was notified.
2. Officer Thompson now has access to cases on LEDS.
3. Officer Badal started work for the city on Monday, August 3rd. He has been reading the municipal code book, and getting his equipment updated such as RIMS, computer, and phone access. Uniforms have been ordered. He will not be on the street solo until he is certified or Chief Roberts gives the ok.
4. Have been working with DPSST to get him enrolled in a Basic Training Academy as soon as possible. I have just learned that they will be holding another class on November 9th (better than January). This will be a 19 wk course as they will be given a week off for Thanksgiving and a week off for Christmas. Officer Badal's application to the academy and medical info was sent to DPSST on July 22nd. While it is not yet official, I have spoken with Jennifer Howald of DPSST on August 5 (she just returned from a 2 wk vacation) and it is likely he will be enrolled in the November class but is still on the waiting lists for September and October, if a cancellation should occur.
5. Officer Badal has been riding along with Thompson on Wednesday and Friday, giving him the lay of the land.
6. Officer Badal has also been available to the public in the police office. Several citizens have stopped by to express concerns. Badal explains that he is not certified as of yet, but will pass the information on to the appropriate party and follow up. People are encouraged to call dispatch.
7. Officer Badal will also start code enforcement in the coming week as well as develop an agility recovery program.

PUBLIC WORKS:

1. Working on a damaged hydrant.
2. Property owner of property needed for one of the options to upgrade the wastewater system as agreed to sell the property for \$125,000, and will carry the note for 3 years (\$50,000, \$50,000 then \$25,000) at 5% interest.
3. Regarding purchasing the property at the bottom of the bluff needed to replace the stairs: Have spoken with John Fenton regarding purchasing the property back from the city after the house is cleared and stairs are complete. Further discussion to follow.

H. CONSENT CALENDAR

On a motion by Councilor Corwin and seconded by Councilor Hinkle, Council agreed to accept the consent calendar. All present voted yes.

Bills Total: 31,929.38

I COUNCIL COMMENTS

Councilor Hinkle stated that someone approached him about the sewer rate increase. This year we approved a \$10 increase and proposed another \$5 next year and then another \$5 the following year. But the newsletter had it as \$10 this year \$7 then \$5. There is a \$2 difference and looking for clarification. Steve Draper answered that it is \$10 at it looks like it could be somewhere between \$6 and \$7 then a \$5 to get to that threshold which makes us eligible for grants and reduces interest rates.

Councilor Moss state that since this meeting was shifted back a week and with Round Up coming up as well as taking into consideration that staff will need time to plan for the next meeting, she asked if Council would consider the following dates for the next few Council meetings. August 25th, September 8, September 22 then back on regular schedule (1st and 3rd Tuesdays of the month) on October 1st. There was a consensus as all of Council agreed. Teri stated that she will post the meeting for those dates.

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Councilor Perkins asked for the status of our Police Chief candidates. Teri explained that it has been a couple of weeks since they were each given a background check packet and she has yet to receive them back. She has asked that they have them back to her by the end of this week.

Councilor Perkins stated that he read in the paper that the agreement between the City of Pendleton and Pilot Rock for Police oversight had been approved. Teri stated that we still need to get all the signatures in place and there are logistics to work out so she does not have much she can report right now and didn't think Chief Roberts did either or he would have stayed to address it.

Mayor Carnes filled in Council on the activities for Community Days held on the 22nd and the Sunday church in the park. The reunion dinner will be held downtown on Alder on Saturday night.

J. EXECUTIVE SESSION:

On a motion by Councilor Moss and seconded by Councilor Corwin, Council went into executive session under ORS 192.660 (2)(h) Legal Council to discuss possible litigation.

Council went into executive session at 7:50, present were Mayor Carnes, Councilors Perkins, Corwin, Moss, Doherty, Deno and Hinkle. Teri Porter and Steve Draper. Phil Wright of the EO.

Council came back into regular session at 8:25.

On a motion by Councilor Moss and seconded by Councilor Hinkle, Council directed legal Council to respond as directed. All present voted yes.

Council Comments Continued:

Councilor Corwin informed Council that he will be taking a coaching position that may cause him to be late to some meetings. We are going to have a lot on our plates this fall and he does not want to put more stress on Council. He asked if Council thinks it will conflict too much and if they would like him to step down please let him know. Councilor Doherty feels that there is too much going on right now that he is familiar with, bring a new person up to speed would be difficult. Councilor Hinkle stated that no one here is going to tell him to step down. He stated that Councilor Corwin is a wise man so if he sees that his coaching is interfering with Council he asked that he would take it upon his self to step down. Councilor Moss informed Council that there are some big changes coming that may cause her to leave Council.

Citizen Sheila Buckley came in at the last minute and wanted Council to be aware that there is a registered child molester in town and wanted to give his description. Council directed her to call dispatch.

Mayor Carnes also wanted to add that Fred Wyatt was present tonight but did not get to address his concerns regarding the new marijuana laws.

K. ADJOURNMENT

Council agreed to adjourn at 8:35 PM.

APPROVED _____

ATTEST _____

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