

CITY OF PILOT ROCK

COUNCIL MEETING

August 21, 2012

7:00 PM

A. Call to Order

The regular meeting was called to order by Mayor Virginia Carnes at 7:00 pm. Council members present were Kacie Moss, Misty Rowe and Shawna Kirk. Also present were City Recorder Teri Porter and Chief Darren Richman. Citizens present were John Taylor, Mary Lue Slabik.

B. INVOCATION

Shawna Kirk gave the invocation.

C. PLEDGE OF ALLEGIANCE

Mayor Carnes asked Council to add F-5 to consider a low income application. **On a motion by Councilor Kirk and seconded by Councilor Moss, Council agreed to add F-5**

There was discussion regarding whether or not there was a quorum. Mayor Carnes and Teri Porter explained that according to the City Charter the Council consists of the Mayor and 6 Councilors and a quorum is a majority of the Council.

D. APPEARANCE OF INTERESTED CITIZENS

None.

E. PRESENTATIONS

None

ACTION ITEMS

F-1 Appointment of City Councilor

Teri Porter explained that at the time the staff report was written, she only had an application from Jim Hinkle. She now has been given one from Raymond Doherty. Since neither of the applicants were present, **on a motion from Councilor Kirk and seconded by Councilor Rowe, Council agreed to table this item until both applicants could be present. All present voted yes.**

F-2 Mr. Taylors Questions

Teri Porter reported that she had spoken to the City Attorney, as directed by Council, regarding Mr. Taylors question and he confirmed that the decision to sell the property to A&V Investments was an Administrative action. Mayor Carnes asked Mr. Taylor if that

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answered his question and he replied, no, but that was fine. No further discussion was had.

F-3 Request for Public Record or Information fee

Teri Porter stated that additional fees for requests that take a lot of time or require a call to the City Attorney, have been discussed but she could not find where an actual motion had been made. Teri stated that there have been several requests for which the purpose or intent is not clear and although Council and Staff conducts business in good faith, there is concern that the requester will use the answer in some sort of legal action which puts staff and Council in a defensive position; therefore it is necessary to contact the City Attorney, to ensure the questions are answered as accurately as possible. Teri asked Council to make a motion to allow this fee for these types of requests. Councilor Kirk asked when will the requester know that they will be charged these fees. Teri explained that there would be no problem with the standard requests, but those that are questionable, she would let the person know if there was going to be an additional fee before she filled the request. Councilor Kirk asked to have the fees put in the newsletter to let the public know. Mary Lue Slabik asked for an idea of the number of requests that are received. Teri stated that at the last meeting she had brought the files containing all the requests so that Council can look through them. Teri stated that some weeks she gets 2 or 3 requests and some weeks none at all. Mary Lue stated that most of those requests are just a way of doing business. Teri replied stating she has no problem with those requests, but the ones that are unclear what the request will be used for, or if there is privacy issues, etc. It states on the request form that the purpose must be filled out. Mary Lue asked Council to make the rates reasonable for the public. Council Kirk stated that these rates are not intended for the City to make money, rather to cover the City's costs. **On a motion by Councilor Kirk and seconded by Councilor Moss, Council agreed to adopt the fees as presented. All present voted yes.**

F-4 Semi Trucks Misdirected to SW Cedar

At the last Council meeting Councilor Corwin raised a concern that there are a number of trucks that are turning down SW Cedar. Chief Richman explained that there is a DEAD END sign on SW 9th. Teri Porter stated that it is her understanding the truck drivers are following their GPS. Teri stated that when you enter NW Cedar into GPS it directs you to SW Cedar as a default because the system does not recognize that there is a NW Cedar. Teri informed Council that she has contacted the two companies that report to GPS to report the error. The companies will look into it and make the necessary changes but it could take a couple of months. There was discussion if additional signs were necessary. Chief Richman feels that whoever is dispatching these trucks should be telling them how to get there and not follow the GPS. Councilor Kirk thanked staff for doing the research.

F-5 Low Income Application for Reduced Utility Fees

On a motion by Councilor Kirk and seconded by Councilor Moss, Council agreed to approve the Low Income application. All present voted yes.

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G-1 Department Head Reports

Chief Richman informed Council that Dillon Britain who handles the dog pound will be leaving the first part of September. He will probably be employing Tess Hamby part time (on call basis) to take his place

The Chief also stated that in his budget he had accounted for a \$4000 grant from the JCP fund. But he has since found out that he can apply for \$6000. The Chief asked Councils permission to apply for the grant at \$6000. **On a motion by Councilor Kirk and seconded by Councilor Moss, Council agreed to allow the Chief to apply for the full \$6000. All present voted yes.**

Teri Porter added to her report informing Council that there was a mix up regarding A&V's August payment. The sales contract closed on July 27, 2012, and the first installment payment was due on August 5, 2012. Teri had contacted the title company to see if the first payment was received and was informed that it had not. Teri has sent a letter of demand to A&V stating that they would be in default if payment was not received by August 31, 2012. Anthony, of A&V investments states that they received a coupon book from Pioneer Escrow with September 5, 2012, as the first payment date. Teri spoke with both Anthony and Victor and they agree to send the August payment by August 31, 2012, with the September payment to follow by September 5, 2012. Anthony and Victor are very regretful that this happened and they are getting started off on the wrong foot. Teri also informed Council that she has a reminder set in her computer for the 5th of each month to check on the payment.

H. Consent Calendar

Mr. Taylor respectfully requested Council not to approve the minutes of August 8, 2012 and asked that the City Recorder review the CD's of the meeting and make the necessary corrections. Specifically his comment regarding #1: A&V spending money on utilities and improvements, it had nothing to do with rent. #2: The \$90,000 was not paid into escrow 3 payments of \$18,000 equaling \$54,000 was paid into escrow. #3: The third reference to \$90,000 is unclear; because we talked about 2 \$90,000's just before that so that is not clear. The comment was made by me regarding Packy Doherty, John stated that his question to Council is was Packy Doherty ever contacted after he indicated he was interested. *I listened to the recording and did not hear this question.* Mayor Carnes replied that he was not contacted because it was up to Packy to come back to Council with a proposal and he never did. Mr. Taylor argued that he should have been contacted. Mr. Taylor made further comments regarding public involvement in public decisions and questioned Council going into executive session 47 times and feels that the outcome would have been different. Mr. Taylor also stated that up until this time he has liked the way Teri has presented the minutes but this time they left out a lot of what he said. Councilor Kirk, not knowing a lot about contract law, asked Mr. Taylor if we were under an ethical agreement while in negotiations with A&V not to contact other interested parties. Mr. Taylor stated that we were under no obligation to go back to Packy, but he

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also feels that we were under no obligation to continue to encourage A&V to be part of this deal but feels that a local business man deserves a call from the City to invite him to follow up. Councilor Moss stated that Packy told us he would come up with some numbers what he wanted to pay but we never heard another word, we tossed him the ball and he held on to it. Chief Richman stated that we stated talking about the minutes and now we are off topic talking about the sale. Teri clarified that because we do get a lot of things that Mr. Taylor would like to have added to the minutes, she has sought legal advice as to whether we are required to include these items in the minutes. She was told that all that is necessary is that she references them in the minutes including their subject matter. **On a motion by Councilor Kirk and seconded by Councilor Moss, Council agreed to accept the consent calendar taking into consideration Mr. Taylors comments to go back and review it. All present voted yes.**

Mary Lue Slabik addressed Council with the minutes stating that she felt the way they were written implies that she was the only one with a hearing problem. She stated that there were other citizens who had requested a PA system, and that even Mayor Carnes has said she has had a hard time hearing. Mrs. Slabik went on to clarify that she cannot guarantee that more people would attend if we had a sound system but has stated that we had more council people before and they have said that they did not come back because they could not hear. Councilor Rowe asked Mrs. Slabik what her point was. Mrs. Slabik said she cannot guarantee that if you get a sound system more people would come. Councilor Kirk and Rowe stated they did not feel the minute's state that if we get a sound system Mrs. Slabik would guarantee more attendance.

I. City Council Comments

Councilor Kirk asked if there were any criteria about how many meetings Councilors are supposed to attend. Councilor Kirk has had a stroke and she still attends, she understands everyone has lives but there are some Councilors with attendance issues. She would like to see more consistent attendance by Council members. Teri Porter read from the Charter, Section 31.2: *(a Councilor may be recalled if) Absent from the City for 30 days without Council consent or absent from all Council meetings in a 60day period.* So you would have to miss 4 meetings in a row. Councilor Moss stated that she has tried to shed some light on this as well, and the most she got out of it, was that the Councilor should call City Hall or Virginia to let us know they would not be making it to the meeting.

Mayor Carnes stated that Community Days was a huge success. Cannot do a lot about the weather. The reunion dinner was amazing, and served at about 250 people. Was great to see all the alumni especially from the older classes.

The businesses were all very pleased with the extra business they received due to the extra people in town for Community Days.

Teri Porter had some concerns she wanted to address with Council. Teri stated that

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she is a non exempt employee and the time she puts in on Community Days is volunteer time. During Community Days a citizens approached her and made accusations that Teri had her hands deep in the pockets of the City, this person also made the same comment about Mayor Carnes. Teri went on to say that the positions that we all hold requires a certain amount of integrity and that unfounded accusations are harmful. There is so much talk and now they are talking about the integrity of the person who handles the City's finances and it festers in the community. Councilor Rowe stated that it was uncalled for and whatever individual did this is obviously ignorant, rude and disrespectful and does not feel that our City employees should tolerate it and either should the Council. Mr. Taylor, referring to a discussion he had with Teri prior to the meeting, stated that she should write the individual a letter. Teri appreciated Mr. Taylor but felt that these individuals speak very publicly and feels it should be public the way she feels as well. Chief Richman suggested that if it happens again Teri could consider harassment, that it almost fits in the criteria he could be arrested for it. Mayor Carnes asked that this entire discussion be made part of the minutes. Mayor Carnes stated you get tired of being beat up when you are trying to do something good for the community. Teri does not mind being corrected when she makes mistakes but feels unfounded accusations such as this should not be tolerated. Councilor Kirk thanked Teri for her volunteer time and appreciated her for sharing this issue with Council.

J. EXECUTIVE SESSION

None.

K. ADJOURNMENT

On a motion by Councilor Moss and seconded by Councilor Kirk, Council agreed to adjourn at 7:40. All present voted yes.

APPROVED _____

ATTEST _____

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