

**CITY OF SILVERTON
CITY COUNCIL SPECIAL WORK SESSION AND MEETING MINUTES**



Council Chambers 421 S. Water St. and Zoom Web Conference Platform

April 15, 2024

I. OPENING CEREMONIES – Call to Order, Pledge of Allegiance & Roll Call

Mayor Freilinger called the City Council Work Session to order at 6:30 p.m. The City Council and staff were present both in person and through the virtual meeting platform Zoom. Mayor Freilinger explained the meeting was being held in a hybrid format, pursuant to City of Silverton Resolution 22-06, adopted March 7, 2022.

Present	Absent	
X	_____	Mayor Jason Freilinger
X	_____	Council President Elvi Cuellar Sutton
X	_____	Jess Miller
X	_____	April Newton
X	_____	Eric Hammond
X	_____	Marie Traeger
X.	_____	Matt Gaitan

STAFF PRESENT:

City Manager Cory Misley, Deputy City Manager Kathleen Zaragoza, Community Development Director Jason Gottgetreu, Chief of Police Jim Anglemier, Captain Todd Engstrom, Assistant Finance Director Sheena Lucht, Human Resource Manager Tammy Shaver

Mayor Freilinger advised Council this meeting’s format is a trial format, where the discussion items for educational purposes are at the beginning of the meeting, public comment in the middle and action items at the end.

2. DISCUSSION

2.1 Overview of City of Silverton Peer Court Program – City Manager Cory Misley

City Manager Misley began with some history, letting Council know the Silverton Peer Court has been in place for about twenty-five (25) years and it is not unique to Silverton, but is found in a variety of communities, and has evolved over the years. Misley informed Council the impetus for this meeting is the retirement of the longtime Coordinator, Cindy Schaeffer, at the end of June. Council was not being asked to look at this critically but to be aware and, to some extent, discuss the good work which has been done and to understand what the trajectory could be moving forward.

Misley introduced Don Kelley, Kelley & Kelley Attorneys, who is one of the volunteer judges for the Silverton Peer Court. Kelley discussed some personal history which included that he grew up on the west side of Chicago and this type of program was not available, however, he wished it were because he spent considerable time in the alternative to it. Kelley emphasized this program is good for our community and students.

Kelley went on to provide an overview of how the program works. He started with the jury members. The jury is made up of six (6) to eight (8) high school and/or junior high school students from this community for each case. Kelley stated court is held on Wednesdays and he may have three (3) to four (4) cases. Kelley said the numbers decreased during COVID, but he feels they are increasing again.

Kelley said the first step for the jurors is taking an oath of confidentiality. He went on to explain the youth who committed an offense is referred to as “the offender.” The offender is given the opportunity to dismiss anyone from the jury they wish, and they are not required to provide a reason for the dismissal. Kelley said in the twenty-five (25) years he’s been involved; no offender has requested the dismissal of a jury member. Conversely, the jurors are permitted to decline hearing a case, in his experience it is rare for a juror to step down.

Next, one of the jurors reads the police report so everyone is informed of the details of the encounter with the police. Following that, the offender is asked to come forward and is sworn in to tell the truth. After they have been sworn in, the offender gets an opportunity to tell their “side” of the story and provide any mitigating information. The jury is permitted to ask questions. Kelley said their juries are well trained and he advises the jurors to keep asking questions until they understand what happened and why. Kelley does not allow the jury to get out of balance or out of bounds with their questioning and in the twenty-five (25) years he’s been doing this, he has not had to step in. When the jury has concluded questioning the offender, the parent or guardian must come forward and make a statement. Following their statement, the jury asks them questions. When all the questions are concluded, and the offender and parent are dismissed, and the jury deliberates. Kelley said it is typical for the jury to deliberate by themselves. If they have questions, they can reach out to either he or Schaeffer. Kelley went on to say, the jury deliberates until they reach a unanimous decision. They do not allow “voting” but instruct the jury to keep talking until everyone agrees. This eliminates the opportunity for any member of the jury to tell schoolmates they didn’t vote against someone, or they tried to stop the sanction. The jury has a lot of leeway in forming sanctions as they are encouraged to assign a sanction that fits the offender.

The Silverton Peer Court jury is free, except in cases of drugs and alcohol, to return with a no sanction “verdict.” This means the jury has determined the offender has learned their lesson and has reintegrated into the community and the trust between the offender and community is intact. Kelley stated he does not remember a no sanction in the twenty-five (25) years he’s been involved.

When the jury decides there should be a penalty, the sanction must include at least two (2) elements. Community Service, a required minimum number of community service hours, and to return and serve as a juror no less than twice.

At the conclusion of the Peer Court Session, the offender and their parent(s) or guardian(s) are given the decision the jury has made regarding the sanction. The offender can then accept or reject the jury’s decision. Kelley elaborated saying he feels one of the things which sets Peer Court apart from other programs and what is typical within the system, is the follow through. The sanction includes a timeline or deadline in which the penalty is to be completed. Schaeffer follows through monitoring and holding them accountable.

Kelley then thanked Council and asked if they had any questions.

Councilor Sutton asked how the volunteer jurors were chosen and what criteria were used. Kelley responded he was not certain of that process, but he was certain Schaeffer screened prospective jurors and accepts those she thinks would be good. Kelley said he was not aware of what the screening process is. Sutton’s next question

was about what kind of training was being provided to jurors. Kelley's response was Schaeffer does the training. Kelley did say, the training was in how the process works and what role they have in that process. Sutton clarified the training was done in-house. Kelley confirmed it was.

Sutton followed up by asking when the offender is allowed to have someone removed from the jury if the question was asked in private or in public. Kelley replied it was asked in public. Sutton asked if they were ever asked that question in private. Kelley said he did not know if that happened.

Sutton's final question was about post-Peer Court support for the family. Kelley responded he was unaware of any family support provided post-Peer Court. Sutton clarified her question, which was about ensuring the offender followed through with their sanction. Kelley responded Schaffer checks in with them and verifies they completed all the sanctions, as to Sutton's question about family follow through, Kelley is unaware of any.

Councilor Hammond asked a question about the requirement to admit guilt to participate in the program. Kelley let Hammond know the Peer Court does not decide guilt or innocence. The student jury is tasked with determining how to restore harmony between the offender and the community. The offender must admit they did what they were accused of to qualify. They do not have to come to Peer Court, it is completely voluntary. They are given the option if they plead guilty to be referred to Peer Court. They are not forced to plead guilty.

Councilor Traeger asked about mental health requirements or counseling recommendations. She wanted to know if there is something that identifies the youth needs further aid. Kelley responded in the case of drug or alcohol offenses, they offender is required to go through a program, which, Kelley believes includes counseling. For all drug and alcohol offenses, attendance in a program is mandatory and a part of the sentence. This program is not in-house, it is through Marion County Juvenile.

Traeger then asked for the Chief of Police's input. Chief Jim Anglemier responded; Peer Court is a good alternative for many of our youth offenders because they handle the Minor in Possession (MIP) and if the youth does not follow through with their sanctions they are sent to Marion County Juvenile. Anglemier went on to say, it is a good program. Alluding to the mental health questions, he has not heard Schaffer talk a lot about that aspect. In the nine (9) years he has been Chief it has dealt with thefts, curfew, trespass, mental health never came into the picture, however, Anglemier assured Council he was certain if that ever came up, Schaeffer likely had someone she could refer them to through Marion County For the mental health piece, we would likely need to talk with Marion County Mental Health, Oregon Health Authority (OHA), or Department of Human Services (DHS). Anglemier concluded stating he would like to see the school district take a more active role.

Councilor Miller said looking at the age ranges involved, there could be some parenting challenges involved behind some of those problematic behaviors and he wanted to know if Peer Court recommended parenting classes or guidance to the parents? If not, could it be incorporated in the future. Kelley clarified the Peer Court's jurisdiction does not extend to the parents. Peer Court has no authority over the parents. They only have jurisdiction over the youth. Kelley emphasized; Peer Court cannot enforce something on the parents.

Mayor Freiling thanked Kelley for sharing information and insights into Silverton's Peer Court. He also thanked Kelley and the other volunteer judges for their time and dedication.

2.2 Downtown Parking Pilot Project Presentation and Discussion – Community Development Director Jason Gottgetreu and City Manager Cory Misley

City Manager Misley began by saying this topic was to spark dialogue to see if there is an interest in some “experimentation” through a pilot project in the downtown metered parking. Misley brought up the revenue from parking lots, meters, and fines and which basically offsets the time and energy that goes into enforcing, citing, collection. He went on to say it really is not about the revenue it is more about the policies and how those are meeting our desired outcome for visitors and residents using downtown.

Misley elaborated saying it is reasonable to say at some point in the future, the streetscapes downtown will change. There has been and will continue to be effort put into looking at Main Street in particular, which may include a future collaboration with the Oregon Department of Transportation (ODOT). In the short-term, however, Misley asked why not do a pilot program and see how it goes over and monitor the response and gain feedback which will help inform a more permanent shift if so desired in the future. Misley said the how we do it and when we do it is all to be determined (TBD) and the question tonight is to see if there’s any interest from Council. This direction will let staff know if they need to spend more time determining how to implement something like this in the future.

Misley then asked Council if they had questions.

Councilor Hammond said he liked the idea and would like to see the City try something new. Hammond stated he likes the idea of some experiments before the City commits financially to a different system.

Councilor Gaitan said he approved of this topic being talked about and would like the City to evaluate the option of parking permits for those who work downtown. He continued saying an annual or six (6) month permit which would provide them with some degree of parking. Gaitan’s concern is visitors to the City and knowing the number of visitors peak during the weekends, and if a more modernized metering system could be put in place where the rates could be increased on the weekends and then during the week reduced for residents. He expressed his support for modernization and potentially getting rid of the meters altogether. He cited Portland, as an example, which has a box where you park, put in your number and pay.

Councilor Newton asked if the pilot project was to cover the meters and not have paid parking during that time. Misley said, that is correct although removing the batteries may be sufficient without covering the meters. Put a sticker on the meters which says free two (2) or three (3) hour parking. Additional signage could be placed mid-block in some areas to clarify if there was confusion, saying there’s a free parking pilot program in progress. Newton and Misley also brought up the enforcement aspect and how that would work.

Councilor Sutton said she is in support of moving forward with the modernization of parking downtown and the parking pilot program. She wants to hear feedback from business owners, employees, etc., on this topic.

Councilor Traeger talked about her thoughts and other ideas.

Misley took a moment to remind Council everything is connected. He pointed out there is a Council goal of partnering with Chamber to better expand visitation to Silverton year-round, parking policies have a cost or a reaction, thus an action brings about a reaction. Having a dialogue with the business community to understand their thoughts and needs, and looking at other communities to see what the pros and cons are will help inform our decision-making process. Misley said in the larger cities, like Portland, the parking revenue helps fund street

maintenance. In Silverton, that is not the case. Misley went on to say, revenue is important, and it is being used but the revenue from parking is not what funds the City's street maintenance.

Councilor Gaitan clarified his position. He wants it to be frictionless and normal for visitors to pay for parking. He then asked what the purpose was or who the pilot parking program is directed at. He wanted to know if it is to get a general sense of who would be taking advantage or is there a specific target demographic. Misley responded he thought it was more interesting to monitor parking behavior and understand how the downtown functions.

Councilor Hammond mentioned there are only four (4) handicap spots downtown. Councilor Sutton added, the spots were not always conducive to the ingress and egress of vehicles where they are placed. Hammond said not everyone who is handicap is in a wheelchair and he went on to say, he would like to see an Americans with Disabilities (ADA) compliant parking on every block.

Misley reminded them to find or make the long-term, permanent fix, if it exists, is years in the making, but it is also a process of gathering information, studying, looking at alternatives, partnering and weighing the trade offs and then trying to make it happen. The pilot program is a step in the journey.

Mayor Freilinger added, he concurred with the low-cost option to test things would be optimal before spending money to test or acquire something new. Although Freilinger understands the targeted approach, he doesn't think we have enough information to make an informed decision to utilize that approach. His caveat is the City needs to have a "severe offender enforcement" option and he hopes the Silverton Police Department will provide that.

Misley responded it would be a team effort involving our Code Compliance Specialist, who would do some of the parking enforcement with, potentially, the Police Department assisting. Misley went on to say, the message would be although we are not there all the time, we are there randomly. We are watching and we are enforcing. Misley said this topic would return in May to get further direction from Council. Mayor Freilinger added how important it will be to make sure people know this is a test or pilot program. Not the final decision. He emphasized the need for good communication and publicity about this. Misley concurred that community engagement will be critical.

7:30 P.M. REGULAR MEETING

Mayor Freilinger transitioned into the City Council Regular Meeting inquiring if there were public comment.

3. PUBLIC COMMENT

None.

4. CONSENT AGENDA

4.1 Transfer Resolution 24-07 – A Transfer Resolution to Increase the Appropriation for the New City Hall Project and Authorize the City Manager to Increase Corp Inc. Contract by \$98,447.18 for Water Street Paving – Community Development Director Jason Gottgetreu.

Mayor Freilinger asked if any Council member wanted to pull an item from the Consent Agenda.

Councilor Miller pulled Item 4.1 from the Consent Agenda.

Community Development Director Jason Gottgetreu provided a staff report. Gottgetreu notified Council the Change Order before them was for paving the full width of Water Street which is part of the new City Hall project where the original scope of the paving along North Water Street was just the half street improvement on the western leg which a project typically does half roadway improvements. The City contacted the Oregon Department of Transportation (ODOT) asking them if they would share the cost and they declined. It is not clear when ODOT would be coming to the City to repave the street if the City did not undertake the full scope of the paving.

Gottgetreu continued saying the Change Order is to do a three (3) inch grind, put down road fabric, which is a waterproof membrane that helps to prevent water intrusion into the base, and three (3) inches of new asphalt over the existing North Water Street from the crosswalk near the Subway sign to Park Street.

The original revised cost did not include the road fabric which increases the cost to ninety-eight thousand four hundred and forty-eight dollars (\$98,448). It is proposed the funds for this come from the Street Capital Improvement Fund as this is more of a street project than part of the new City Hall project.

Councilor Miller asked a question about timing. Gottgetreu responded we have communicated we will be paving soon; it is forecast to begin on four eleven (04/11).

Councilor Gaitan asked if the old railroad tracks were causing the problem with the roadway. Gottgetreu's response was the railroad tracks at the south end of the new ADA spots do not extend the full length of Water Street. Other issues are causing the need for repaving. Gaitan said when the City discovered the railroad tracks, while involved in the new City Hall project, there may have been some community disappointment the railroad tracks were discarded. Gottgetreu and Misley agreed they were at the shops and were not discarded.

Councilor Traeger asked how it was determined where it was going to end. Gottgetreu said generally the project scope.

Mayor Freilinger added he took some ownership because he expressed a concern, when touring the new City Hall, that only a partial improvement of the street was going to take place. Freilinger went on to say, he felt the community had a reasonable expectation there would be a road improvement. He believes this was a good investment and correct timing.

Councilor Hammond expressed his frustration with the way the state handles repairing their highways.

Mayor Freilinger clarified the residents do not necessarily understand the difference between ODOT highways within the City and the City's streets. He and Councilor Hammond agreed it was the City's responsibility to help them understand.

Councilor Sutton does not agree this should be done right now. She feels the City should work with the state and pressure them as much as possible to take care of their highway. She does not feel this is a "dire need" and feels the money would be better spent elsewhere.

Councilor Miller wanted to verify while the highway is being restructured and resurfaced the City remain mindful of pedestrian and cycling safety.

Councilor Hammond asked about the timeline for this project. Gottgetreu said the timeline is currently for the first or second week of May and it would be in coordination with the paving of the north parking lot of the new City Hall.

Councilor Sutton asked how much this was tapping into the Street Fund. Deputy City Manager Kathleen Zaragoza was asked to respond. Zaragoza responded that this is not taking a large amount from the fund.

Sutton asked for clarification on what is in the Street Capital Fund now, Misley said it is at nine hundred eighty-two thousand dollars (\$982,000).

A motion was made by Councilor Miller to approve Item 4.1. Councilor Newton seconded. There was no discussion. Freiling, Hammond, Newton, Miller, Traeger, and Gaitan, ayes. Councilor Sutton, nay. Motion passed. (6-0-1)

5. ACTION ITEMS

5.1 Ordinance 24-05 amending Silverton Municipal Code Chapter 3.12 to Update Language Regarding the Transient Lodging Tax – City Manager Cory Misley

City Manager Misley explained this Ordinance was regarding Chapter 3.12 of the Silverton Municipal Code, Transient Lodging Tax (TLT), and the proposed surgical edits which were discussed two weeks ago on April 1, 2024. Misley explained there are two things this accomplishes. First Misley talked about adding the definition of hotel hosting platform and expanding the definition of operator to encompass what are commonly referred to as lodging intermediaries or connector companies, through technology, and looking at users, the Silverton properties utilizing those sites to rent, as short term rentals, either a room or residence or a portion of their property, and enabling the City to work with the hosting platform companies to get them to collect and remit the TLT owed to the City. The other main component of these changes adds the responsibility of operators to register with the City. The City does not currently have a list of these operators/operations. The City is not asking for a permit or telling them they have to follow certain codes, just that they need to submit their name/address and get a certificate they can display. This isn't designed to change the policy around how short-term rentals can operate within the City, instead it is shifting the code language to make our collection of the revenue they should be remitting easier. This will also provide information about how many are operating, where, and when. This additional information may potentially inform future conversations.

Gottgetreu said this being surgical, implies there may be a larger more wholistic policy and this process is a step to inform us when we do move forward.

Councilor Traeger confirmed this would affect only those within the City Limits.

Councilor Hammond inquired about registration versus permitting. Misley responded, there is some antiquated code language which pre-dates the evolution and expansion of short-term rentals, the City has a home occupation permit, and a conditional use process, either way our Code only allows people to rent one room in their residence, not their whole residence unless, through the conditional use process or the property is in a commercial zone. Right now, if someone wanted to rent their house, they could rent one room but technically you can't rent the entire thing. Some people are doing it because it is not being enforced. Some communities have taken steps saying there can only be a specific number of short-term rentals.

Councilor Hammond clarified the City does not currently have a short-term rental permit program. Misley responded that the Code amendments just require registration.

Misley said the main thrust of this is looking at the hosting platforms to try to get them to collect and remit, accurately, the tax owed to the City.

Councilor Miller asked if Council passes this tonight, can notices be submitted to the intermediary agencies and can the City potentially begin collecting as soon as the next budget cycle. Misley said, in theory yes, we should

be able to communicate that. Misley further stated he wants to be mindful of how the City executes this and administers it. If Council adopts this tonight, there are thirty (30) days before it is effective, and we would work to have an implementation plan.

A motion was made by Councilor Miller to read Ordinance 24-05 by title only. Councilor Newton seconded the motion. No discussion. Motion passed.

City Manager Cory Misley read Ordinance 24-05 by title only.

Councilor Sutton moved to approve Ordinance 24-05 on its first reading. Councilor Gaitan seconded. No discussion. Motion passed.

Councilor Miller moved to have a second reading of Ordinance 24-05 by title only. Councilor Newton seconded. No discussion. Motion passed.

City Manager Misley read Ordinance 24-05 by title only.

Councilor Sutton moved to pass Ordinance 24-05 on its second and final reading. Councilor Newton seconded. No discussion. Motion passed.

6. CITY MANAGER UPDATE

City Manager Misley let Council know this was a time when he would answer any questions. He reminded them May would be busy with Council Meetings and Budget Committee Meetings. Misley brought up an email Deputy City Manager Kathleen Zaragoza sent with additional information and opportunities for budget process information, and he wanted to encourage everyone, if there are extra questions about the process or this year's budget (not to discuss next year's proposed budget), or to understand the budget process overall better, to avail themselves of the resource information Zaragoza sent.

Councilor Traeger brought up the financial part of the new City Hall. She wanted to know where the City is financially. Misley said there are still funds to which can be expended. He proposed putting a memo together, which would highlight where we are now.

7. COUNCIL COMMUNICATIONS

Councilor Miller appreciated the walk through of new City Hall and commented that the Police Department saw the largest addition of workspace and he felt to see that was reassuring.

Councilor Gaitan said he liked the new agenda format and appreciated the update. He mentioned revisiting the potential ordinance change allowing someone to park a recreational vehicle (RV) at a location for an extended period. City Manager Misley said there has been nothing further on that from our partners (SACA and Sheltering Silverton) since the initial discussion.

Gaitan then expressed his concern for the school and their financial issues. A discussion with Council and City Manager Misley ensued in which they talked about how the City could show support for the school. Several concerns and thoughts were discussed. Misley brought up the need to manage budgets well and Councilor Sutton said the City was fortunate to have Deputy City Manager, also Finance Director, Kathleen Zaragoza.

A course of action was discussed to send a letter of support from Council to our representatives and legislators in support of the school district.

8. ADJOURNMENT

A motion was made by Councilor Sutton to adjourn. Meeting adjourned at 8:41 p.m.

Respectfully submitted by:

/s/Tammy Shaver – Human Resource Manager