

CITY OF ALBANY
CITY COUNCIL
Council Chambers
Wednesday, March 12, 2008
7:15 p.m.

Minutes

CALL TO ORDER

Mayor Bedore called the meeting to order at 7:15 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Bedore led the pledge of allegiance to the flag.

ROLL CALL

Councilors present: Sharon Konopa, Floyd Collins, Dick Olsen, Bessie Johnson, and Jeff Christman

Councilors absent: Ralph Reid, Jr.

PROCLAMATION

Bedore read the proclamation "We the People" (in agenda file), which encourages good citizenship in Albany.

SCHEDULED BUSINESS

Legislative Public Hearings

DC-01-08, adopting text amendments to the Albany Development Code regarding fence regulations and declaring an emergency.

Bedore explained that this legislative public hearing is about proposed text amendments to the Albany Development Code regarding fence regulations. The applicant is the City of Albany and is designated as Case File DC-01-08.

Bedore opened the public hearing.

Staff Report

Planner II Anne Catlin explained that for the past few years staff has heard concerns from residents and City Councilors about the 3-foot setback required for 6-foot-tall fences along rights-of-way for corner properties. They have also heard concerns from a few historic district residents who want to construct a historically appropriate picket fence in their front yards, but are restricted to two feet in the vision clearance areas at street intersections.

Catlin said the proposed amendments are not more restrictive than the existing regulations and offer a little more flexibility with regard to fence location. Consequently, there was no need to provide mailed notices to all property owners. Changes were published in the paper and mailed to persons believed to have a particular interest in the proposed amendment. There was no testimony at the Planning Commission public hearing on February 11.

Catlin said the standards would do the following: For corner properties, which have two front yards, it would eliminate the 3-foot setback from the property line for fences up to 6-feet tall in the front yard adjacent to the street that does not contain the dwelling's main door entrance, if the adjoining street is improved with sidewalks and a planter strip (Articles 3 and 5). It removes the 2-foot height restriction in clear vision areas in Articles 3 and 5, add language that fences shall meet the clear vision area standards, and define "impede visibility" in ADC 12.180. It allows front yard fences that exceed 4 feet for properties listed on the National Register of Historic Places, which includes all properties in the historic districts, if the fence is appropriate to the building style and scale, and is approved by the Landmarks Advisory Commission (Articles 3 and 5).

Catlin reported the review criteria from the Albany Development Code (ADC) and the Comprehensive Plan policies relevant to the proposed changes. She said the proposed amendments are consistent with the purposes of the Development Code because they will promote the public welfare and safety of Albany's residents and Albany's historic districts, and promote the interest of affected property owners in making land use decisions.

Testimony

Bedore explained that if anyone wishes to enter an exhibit into the record as part of their testimony, they should briefly describe the letter, photo, or map and then present it to the Council.

Dave Sullivan, 208 6th Avenue SW, approves the changes and feels they are workable.

No one else wished to speak.

Bedore declared the public hearing closed at 7:37 p.m.

Deliberation

Councilor Christman asked, what happens to fences that don't meet the standards? Catlin said that would be open for discussion. Christman said the overhead picture of a fence that is not in compliance (in agenda file) is actually very attractive for that area. He would not want the owners to have to remove it. So, it seems that the City ends up helping in one area and hurting in another area. Planning Manager Don Donovan said that the City closed that fence compliance issue months ago.

Councilor Johnson would like to see fences such as those in the picture grandfathered in. Donovan said any enforcement would be based on complaints.

Councilor Collins said, if that fence is over a utility easement, it would need to be changed. Donovan said there are two issues there, rules about fences and rules about building over a City easement. Each could apply and would be enforced by their respective departments.

Deputy City Attorney Mathew Jarvis read for the first time in title only "AN ORDINANCE AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY DEVELOPMENT CODE AND ZONING MAP BY AMENDING THE DEVELOPMENT CODE TEXT RELATING TO FENCES IN FRONT YARDS, ADOPTING FINDINGS, AND DECLARING AN EMERGENCY.

MOTION: Johnson moved to have the ordinance read a second time in title only. Christman seconded the motion and it passed 5-0.

Jarvis read the ordinance a second time in title only.

MOTION: Johnson moved to adopt the ordinance. Christman seconded the motion and it passed 5-0, and was designated Ordinance No. 5689.

Bedore explained that a decision of the City Council may be appealed to the Land Use Board of Appeals by filing a Notice of Intent to Appeal not later than 21 days after the decision becomes final.

CP-01-08, adopting text amendments to Economic Development Background Summary of the Albany Comprehensive Plan's Chapter 3 and adopting the 2007 Economic Opportunities Analysis Update (EOA) as a background report to the Comprehensive Plan and declaring an emergency.

Bedore explained that this legislative public hearing is regarding proposed text amendments to the Economic Development Background Summary of the Albany Comprehensive Plan's Chapter 3, and adopting the 2007 Economic Opportunities Analysis Update as a background report to the Comprehensive Plan and declaring an emergency. The applicant is the City of Albany, and is designated as case file CP-01-08.

Bedore opened the public hearing at 7:41 p.m.

Staff Report

Planner III Heather Hansen explained that the last time an analysis was done was in 1999. Since then economic trends have changed. She reviewed the issues raised at the Planning Commission public hearing on March 3, as listed on page 20 of the agenda. She said that adoption of the proposed text amendments would result in a new "Economic Development Background Summary" section of Chapter 3-Economic Development of the Albany Comprehensive Plan (Comp Plan) that incorporates information from the EOA update. The updated information will be used to help determine the types of employment sites that are needed in the Albany Urban Growth Boundary (UGB). Adopting the proposed amendments does not include site-specific recommendations for potential zone changes or locations of potential UGB expansions. Those will be addressed and public comment sought later when each location will be evaluated for infrastructure capacity, market demand, and compatibility with surrounding land uses.

Testimony

Peter Kenagy, 1640 NE North Nebergall Loop, said he is a farmer and he would like to see farming included as a designation. He is unclear as to what is being proposed with this document. He sees that the agricultural base is being deteriorated and the industrial land designation is being expanded. He asked the Council to consider if that is what they want to do, at the expense of agriculture. Currently, there are lots of opportunities for industry to redevelop brown fields.

No one else wished to speak.

Bedore closed the hearing at 7:50 p.m.

Christman asked, is it correct that currently the City has only one site over 50 acres? Hansen said yes, it is 60 acres. She provided examples of other large acre properties.

Councilor Konopa asked about requiring structure parking. Hansen said that usually occurs when an area is densely packed.

Councilor Olsen asked if Hansen had maps of property before and after it is rezoned. Hansen said she didn't. The City doesn't have any actual locations for future commercial zones identified yet.

Collins asked, aren't these just supporting documents? Hansen said yes. Collins said there is no proposal to do anything, these are guiding documents.

Konopa said once it is in the Comprehensive Plan, it is difficult to argue out. Five years ago the Council did regional commercial zoning and those lands have not been built on. Commercial designation isn't always healthy. She would like to have requirements for commercial sites larger than 20 acres. The City needs to think about preserving agriculture. She said most of the property is used for parking and she wants to encourage parking structures. She wants the Council to consider farmland as an industry. She can't support the proposed amendments as written; she would like to have the 50 acre designation taken out.

Christman said this is just a guiding document. When a specific site comes before the Council, they can discuss it then. This allows flexibility.

Johnson said on page 59 of the agenda it says: "By incorporating the updated information, the City is staying current with state requirements, and will be able to make more informed decisions related to commercial and industrial land needs." She is in favor and believes it is planning for the future.

Collins supports farm land preservation and wants to encourage parking structures. He would like to see that come up later. He is going to support this language based on Goal 9 objectives.

Konopa feels that they are still setting this in a policy.

Deputy City Attorney Mathew Jarvis read for the first time in title only "AN ORDINANCE ADOPTING TEXT AMENDMENTS TO ECONOMIC DEVELOPMENT BACKGROUND SUMMARY OF THE ALBANY COMPREHENSIVE PLAN'S CHAPTER 3 AND ADOPTING THE 2007 ECONOMIC OPPORTUNITIES ANALYSIS UPDATE AS A BACKGROUND REPORT TO THE COMPREHENSIVE PLAN AND DECLARING AN EMERGENCY.

MOTION: Johnson moved to have the ordinance read a second time in title only. Christman seconded the motion and it failed 4-1, with Olsen voting no. It takes a unanimous vote of the Councilors present to have an ordinance read two times at the same meeting. This ordinance will be read for a second time at the next regularly scheduled meeting of the City Council.

Business from the Public

No one wished to speak.

Adoption of Resolutions

Supporting a Microenterprise Assistance Grant submitted by Willamette Neighborhood Housing Services for the Linn-Benton MicroBusiness Program.

Konopa moved to adopt the resolution declaring the support of the City of Albany for a Microenterprise Assistance Grant submitted by Willamette Neighborhood Housing Services for the Linn-Benton Micro Business Program. Christman seconded the motion and it passed 5-0, and was designated Resolution No. 5577.

Authorizing the relinquishment of title to surplus real property to Habitat for Humanity for low-income housing purposes.

Johnson moved to adopt the resolution authorizing the relinquishment of title to surplus real property to Habitat for Humanity for low income housing purposes. Collins seconded the motion and it passed 5-0, and was designated Resolution No. 5578.

Accepting a gift of approximately 11.97 acres of property from the Albany Boys and Girls Club for park purposes.

MOTION: Johnson moved to adopt the resolution accepting a gift of approximately 11.97 acres of property from the Albany Boys and Girls Club for park purposes. Christman seconded the motion.

Collins disclosed that he sits on the governing board of the Boys & Girls Club, but has no direct personal interest in the outcome of the vote.

Christman said that Oak Street (bordering this property) is listed as a phase one of the Capital Improvement Program with a \$2 million budget. But, the street upgrade will cost around \$10 million. Where are the other phases? Parks & Recreation Director Ed Hodney said he would come back with an answer.

VOTE: A vote was taken on the motion and it passed 5-0, and was designated Resolution No. 5579.

Adoption of Consent Calendar

- 1) Approval of Minutes
 - a) December 12, 2007, City Council Meeting
 - b) January 23, 2008, City Council Meeting
 - c) February 11, 2008, Special City Council Meeting
- 2) Approving declaration of two Fire Department vehicles as surplus property and authorizing the Fire Department to dispose of the assets in accordance with Albany Municipal Code 266.080.

Konopa moved to adopt the Consent Calendar. Johnson seconded the motion and it passed 5-0.

Personnel Requests

Approving the reclassification of two Deputy Fire Marshal I positions.

Fire Chief Kevin Kreitman said currently the Fire Department has two Deputy Fire Marshal (DFM) I positions that will require reclassification to the new combined DFM I/II position because of the new state adopted standards and training requirements.

Christman asked, is the budget impact at the end of the memo only for the rest of the year? Kreitman said yes.

Collins said this is a response by local government regarding requirements by the federal government that will continue to drive our costs up.

MOTION: Konopa moved to approve the reclassification of two Deputy Fire Marshal I positions. Johnson seconded the motion and it passed 5-0.

Approving the reclassification of one vacant Park Maintenance II position.

MOTION: Johnson moved to approve the reclassification of one vacant Park Maintenance II position. Konopa seconded the motion and it passed 5-0.

Report

Setting Public Hearing to consider an ordinance regarding abandoned shopping carts.

Management Assistant/Public Information Officer Marilyn Smith reported that the new state law gives local governments the authority to deal with abandoned shopping cars. It calls for all carts to be marked with the store name and a toll free number to call when a cart is found abandoned. Signs are to be posted at each store, advising the public that removing a cart is against the law. Cities can pick up the carts after 72 hours and charge the cart's owner a fee to get them back. Albany would like to add the requirement of an email address to provide a second quick method of reporting carts. The ordinance also proposes to send a monthly bill to owners of carts who do not retrieve them within 30 days, with fines doubling every 30 days following. Smith said the City already uses this method for responding to multiple false alarms. She plans on contacting other cities to see how their laws are working.

Johnson said she would like a public hearing on this issue.

Konopa asked, what is the difference between a \$20 charge and a \$50 charge? Smith said the \$50 charges are for ones that are left on private property. She said the cart would be picked up by the City only, if after contacting the business to pick it up, they do not pick it up.

Council consensus was to schedule a public hearing for April 9.

BUSINESS FROM THE COUNCIL

Collins mentioned that he wanted to raise the bond issue during the last Capital Improvement Program (CIP) deliberation only for community discussion. He would also like to see the Library League back to a Council Work Session for more discussion.

Christman commented that after reviewing the December 12, 2007, minutes he was reminded of the City Attorney's comment on Land Use Board of Appeals (LUBA) materials. He feels he is often put in an awkward position when an immediate decision is necessary after receiving extensive written material on the same night. He knows that a Council discussion regarding a Hearings Officer is on the schedule and is looking forward to it.

Olsen distributed a Poppa Inc newsletter (in agenda file) to the Council.

Bedore said that he attended both open houses regarding the Transportation Plan and wanted to thank PE Civil Engineer III Jeni Richardson and Transportation Systems Analyst Ron Irish for their professionalism and expertise.

Hodney reported to the Council that staff will be replacing carpeting, including carpeting in the Council Chambers, throughout City Hall. Olsen asked if staff had considered alternatives to carpeting in the public areas. Hodney said they had, but there were some major issues including noise levels.

Konopa would like the carpet concerns to come back to the Council for discussion. She thinks the Council Chambers is fine. She would like to know what the most dire need in City Hall is. It was agreed that this item would be scheduled for the next available work session.

NEXT MEETING DATE

The next City Council Work Session is scheduled for Monday, March 24, 2008, at 4:00 p.m. The next Regular Session is scheduled for Wednesday, March 26, 2008, at 7:15 p.m.

ADJOURNMENT

There being no other business, the meeting was adjourned at 8:44 p.m.

Respectfully submitted by,

Reviewed by,

Betty Langwell, CMC
City Clerk

Stewart Taylor
Finance Director