

CITY OF ALBANY
CITY COUNCIL (WORK SESSION)
Municipal Court Room
Monday, February 25, 2008
4:00 p.m.

MINUTES

CALL TO ORDER

Mayor Dan Bedore called the meeting to order at 4:03 p.m.

ROLL CALL

Councilors present: Councilors Ralph Reid Jr., Floyd Collins, Jeff Christman, Bessie Johnson, Dick Olsen, and Sharon Konopa.

BUSINESS FROM THE PUBLIC

There was no business from the public.

2007 CRIME REPORT

Police Chief Ed Boyd distributed the Uniform Crime Reporting (UCR) definitions (see agenda file).

Boyd reviewed the staff report. By 2013, seven more officers would be necessary to maintain current levels of service identified on page 3 of the staff report. Boyd said the additional officers would prevent Albany from falling below the Pacific Region averages for officer levels per 1,000 in population. He cited statistics on calls for service per officer from other cities similar in size to Albany: Keizer, 342; Lake Oswego, 110; Tigard, 440; Corvallis, 403; and Bend, 626. Officers in Albany handle an average of 1,165 calls per year, per officer.

Boyd said page 5 shows that Albany is low on violent crime and high on property crime in comparison to other cities in the state, region, and nation.

Boyd will present the Council with an annual report shortly after the first of the year from now on.

City Manager Wes Hare said that a Police Chief once told him that the key to keeping property crime down is through traffic enforcement. Boyd agreed, explaining that traffic stops can produce drugs, guns, and stolen property. By taking one prolific offender off the street, statistics will drop. A prolific burglar, for example, can do ten burglaries in one month. Getting them off the streets does make a difference.

Councilor Jeff Christman noted that on page 2, the gap between calls for service and population has grown. He asked why there is a gap. Boyd said he noticed the same thing and they are not sure yet. They are delving into the data to find out why. Hare pointed out that the gap does not necessarily represent crime, but "calls for service." It makes sense that as the population increases, calls for service would too.

Councilor Ralph Reid asked, could the increase be because of increased Code Squad activity? Boyd said initial calls may be reflected here, but then the case is referred to the Code Squad. He pointed out that calls went up, but the number of cases actually went down. The Police are able to handle more calls without going into full incident investigation. The more Police partners with other departments and work towards resolutions, the less repeats there are.

Councilor Sharon Konopa said, the public safety levy attempted to get funding to meet the level of service based on population. She asked Boyd to address staff levels annually during the budget cycle so they can be increased. She doesn't want to get down to the levels that existed prior to the levy.

Councilor Floyd Collins agreed. He said there is a 91.6 reduction even at the levy level. Chart 3 is eight below the state average, yet our Strategic Plan calls for service levels at the national average. So, either the Strategic Plan is overstated or we need to recognize that we will continue to fall short as the population increases. It is critical to be aware of competing needs in the General Fund. To fall back to where we were after we made gains through the public safety levy, would not be providing service to the community.

Councilor Dick Olsen asked, is the increased call for service levels because folks know they will get a courteous, concerned response? He thinks it reflects well on the Police Department.

TRANSPORTATION SYSTEM PLAN DISCUSSION

Civil Engineer III Jeni Richardson asked if the Council had any concerns after reading through the Memorandums distributed on February 11, 2008. She said the other agencies that received the documents on February 11 did not have any comments at this time. Staff thinks it is time for public input and would recommend the same open house format as before. Open houses are scheduled for March 4, at 7:00 p.m., at Oak Elementary School (in Ward II) and March 11, at City Hall.

Richardson said staff selected eight key intersections and corridors on the project list. The recommended improvements will be sketched onto aerial photos of the intersection or corridor. She passed out an example of one of the intersections (see agenda file). Sketches will be ready for the public format for folks to study. Richardson will get copies of the sketches to the Council prior to the open house. The public can also use the project website to review staff memos to Council, agendas, attachments, public input, handouts, etc.

Richardson asked for Council comments, and confirmation that staff should proceed with the open houses.

Konopa asked, does the blue square (see legend of large map) represent installation of a roundabout or a signal? Richardson said the actual recommendation is in Tables 1, 2, and 3 of the staff memo. Transportation Systems Analyst Ron Irish said there are only three intersections where roundabouts are being considered: Main Street and Salem Avenue, Knox Butte Road and the new road by the future school, and Three Lakes Road and Spicer Drive.

Collins said that on page 5, the intersection mitigation process, staff defined the policy directive for the level of service (LOS) for signalized and unsignalized intersections. It appears that for unsignalized City intersections, we are planning for a LOS "F" as our target, which in the long-term means things will not get a whole lot better. Irish said LOS "F" was used as a cutoff to look at the whole operation of the intersection and not just the worst case movement. Collins said that his observation is that even if we identify all the deficiencies and come up with a reasonable solution this will not be a perfect document or set of solutions that will achieve everything that we might wish.

Olsen said, on 34th Avenue and Hill Street, the plan (see Table 1) shows mitigation by installation of north bound left turn lanes and south bound left turn lanes; but we would still end up with the intersection being classified as F. Irish said that all left turns from stop controlled minor street approaches along the corridor are at LOS "F", but it doesn't mean we want to put a signal at every intersection. Richardson said the long-term solution for this intersection is to install a signal. Irish said in 2030 there will be signals on Marion Street and Hill Street.

Collins said those items in Tables 1, 2, and 3 will become critical for discussion at the open houses. The City will be evaluated on how we meet expectations.

Bedore thinks the Memorandums were well done and recognizes the quantity and quality of work achieved by Richardson. He thinks staff is ready to proceed with the open houses.

Christman also thinks they are ready to go to the public. We are at a point where specific projects are pending, so it is important for us to get comments before we approve anything.

Richardson would like to come back once more to review the public's feedback before completing Memorandum #7, the project list.

Council agreed the documents are ready for public review at the open houses and that staff will return to a work session to advise the Council of the public comments received.

SIGN CODE REVIEW

Assistant Building Official Melanie Adams said that at the last meeting, Council heard from a business owner complaining about the Sign Code and consequently, the Council expressed interest in the possibility of making changes to the Code. The specific issue that came up was focused on signs in the public right-of-way (ROW). That area of the Code is not where staff planned to make revisions, however now that the ROW issue is at the forefront, staff is asking Council for direction as to whether the current ROW regulations should be changed.

Planning Manager Don Donovan said the Albany Development Code (ADC) prohibits signs in the public street ROW basically for safety and aesthetics. The cities of Eugene, Salem, and Corvallis prohibit them as well. Donovan said, coincidentally, the City got a letter from ODOT about Pacific Boulevard, Santiam Highway, and parts of 9th Avenue, advising that ODOT also prohibits signs in the ROW according to an opinion issued by the Attorney General.

Adams explained Community Development's current enforcement process, which is by complaint only due to limited resources. Staff uses a customer friendly approach and tries to help business owners obtain a permit and find an approved permanent or temporary location for their sign but that signs are not approved in the public ROW.

Adams asked, does the Council want to change the code, or staff's enforcement of the current code?

Collins asked what the setback is. Donovan said portable signs have to be 10 feet back from the ROW.

Bedore said he and Hare met with ODOT and they reiterated that no signs are allowed in the ROW, but also said they don't want to be enforcing it.

Hare said, the difficulty is that with signs in hundreds of locations, do we really want staff to go out and measure to make sure they meet the 10 foot setback? It can be a chronic problem, and a difficult rule to enforce. There have already been 100 cases since January 1. It is not easy to regulate.

Christman asked, are there things in the permanent sign code that could be changed to alleviate the need for signs in the ROW? Donovan said yes; staff tries to help business owners find ways to put up their signs legally. Adams explained, for example, lots of people don't know their permanent signs can be made larger. But if all businesses can have bigger and better permanent signs, it would drive competition for signs in areas such as parking lots. Adams is not sure it would necessarily help in this particular case, with the gas station business owner on Pacific Boulevard who made the original complaint to the Council. The City can certainly try to make the Sign Code better, but the businesses will always push for the competitive edge.

Christman said, this is a ROW issue. The compromise is to find ways to allow them to promote their business but keep signs out of the ROW. Donovan said there are things that can be changed pertaining to permanent signs, but the Council needs to consider if the changes would be safe and aesthetically pleasing.

Reid said the issue is unfair regulation. The public is frustrated that one sign gets removed, but others are not. Enforcement needs to be uniform. Adams said, if the Council wants staff to conduct sign sweeps, they can, but that is not typically how staff has been approaching the problem. Hare added that so far, staff has tried to be customer friendly. He explained that often neighboring businesses are in different stages of the process: for example, one may have just been notified about their sign, whereas another is months into the enforcement process and their sign has just been removed. It looks unfair to the public. Some owners will not obey the rule following the first notification, so it sometimes requires a long enforcement process.

Donovan said the Sign Code dates back to 1984. Hare said the temporary sign controversy has been a reoccurring theme for many years.

James Brooks, from Newman's 76 gas station, said that a readerboard is a good idea, but very few businesses are operated by the owner. People may not have that option if they are leasing. He can't attach a sign, because he is locked into a lease. Many small businesses do not own the property or have the option to bolt something else to a sign pole. He noticed that there are different rules for downtown Albany; he would like to see what they are. There are signs all over Pacific Boulevard, some which are permanent and in the ROW. He asked about two such signs five weeks ago, but one is still there and the other one, he has been told, falls under the exceptions made for downtown. Some signs only go out on certain days. Some second-hand stores use yard sale signs, which do not look nice but may fall under yard sale signs. The ROW has changed over the years. He understands that safety is a concern, but he does not see that signs are a huge impact to safety.

Greg Hope, 1550 9th Avenue, represents Valley Cruise and Travel, which has been in Albany since 1970. Hope passed out an editorial by Hasso Hering of the *Democrat-Herald* titled "Those signs bother no one" (see agenda file) and pictures of various sign code violations around the City (see agenda file). He said Hering's editorial hit on some important issues, especially what the City is trying to accomplish. Hope said when he drives into the City, he sees a North Pointe sign with balloons attached. He named off several other sign locations. He noticed that a furniture store has people on the corner waving signs, but they are protected under freedom of speech. He said, they can have a sign, but as a business owner, he can't. He also didn't know there was a central business district that allows signs in the downtown area. The pizza place has three reader boards out. So if it is in downtown, a sign on the sidewalk is okay; but otherwise, it is not? Finally, the 60 day permit doesn't help; he wants to advertise year round. He thinks there are too many sign rules. He said, if you want me to increase my business, then the Council should modify the codes so he can stay in business. He would rather not have one sign up and have all other signs down. They should all be up, or all be down.

Konopa said she heard of a community that monitored the free-speech boards.

City Attorney Jim Delapoer said there must be uniformity. The City can't target just one type of sign, for example allowing movement of the commercial signs but not allowing movement of anything else. Albany does not want to lead the charge on sign regulation, because that will attract litigation. The issues the City already has will be tenfold if we start measuring how much signs have moved.

Collins asked, since signs are a portion of the Albany Development Code (ADC), does the City have to follow a process to include the Planning Commission? Delapoer said yes, amendments would have to go through the land regulation process. But, the Council can give direction to staff about what the Council wants staff to consider. He cautioned that enforcing the code more uniformly will come with a cost.

Collins said, the sign code hasn't been addressed for 24 years, and part of the City's Strategic Plan is to help existing businesses retain their customers. Has the code been working well, or should it be amended in some way? He thinks 24 years is too long to not evaluate the code.

Councilor Johnson thinks it is too time consuming to expect staff to do a sign sweep of the whole City in a few days. The Council needs to find some way to be uniform, but also allow for effective advertisement. The City needs to do something for the business community, as they are growing our economy. We should be able to come up with a compromise.

Reid said, striving for uniformity could be difficult because of variations in the street makeup. Albany has City streets, county roads, and ODOT.

Hare thinks that going through the Planning Commission makes sense, although it is doubtful a solution exists that could possibly make everyone happy. He said that other cities struggle with signs too, and it comes up regularly on the City Manager listserv. If we move to an aggressive sign sweep, there would be public outcry.

Bedore said that the ODOT letter is both instructive and timely. The pictures provided by Brooks shows just how unsightly the signs can be in the ROW. He thinks it is appropriate for the City to prohibit signs in ROW, like ODOT does. He thinks that the Building Department should continue to enforce it in the customer-friendly manner they have been. It should also be made known that if there are violations, it is not because the City is not trying, but because they could be in different stages of notification.

MOTION: Collins moved to have the Planning Commission review the sign code, hold appropriate hearings, review the validity of the code, and to make suggestions for modifications. Christman seconded the motion.

Donovan asked, do you want us to revisit all of the sign code, or just that which pertains to temporary signs? Collins wants all of it to be reviewed. The City needs to establish a sequence in priorities. It may take 2-3 years but should be a systematic approach.

Donovan said it is a huge task and staff needs to know where to begin.

Konopa said that there must be businesses that do comply, if we have had the same code for 24 years. Clearly it is not hindering businesses from thriving, because they are. She is hesitant about reviewing all of it.

Donovan clarified that throughout the 24 years, staff periodically evaluates how Albany compares to other cities and passes on any feedback they get to the Council. On the whole, staff has not heard complaints about the code as it pertains to permanent signs. Adams said, there are lots of businesses that comply with the permanent signs; it is the signboards in the ROW that are the current hot topic. And of those 100 cases, less than a handful needed enforcement. Most comply when we explain to them what the sign regulations are.

Olsen asked, what became of the signs in the pictures provided by Brooks? Adams said, they are all on the list, and one staff person is handling it. They will get to them. Olsen disagrees with that approach, because selectively enforcing it on one person is not fair. Pacific Boulevard and 9th Avenue are withering because we are strangling them with our regulations. He thinks we should relax our requirements.

AMENDED MOTION: Collins moved to amend the motion to limit the review to the temporary sign code. Christman agreed to the amendment.

VOTE: A vote was taken on the amended motion and it passed 6-0.

VOTE: A vote was taken on the main motion and it passed 6-0.

CONTINUED DISCUSSION OF LIBRARY DISTRICT

Library Director Ed Gallagher said the goal for this work session is for the Council to discuss passing a resolution for a library district, which will be voted on at the Wednesday, February 28, Council meeting. If it goes to the voters and is passed, we will have eight months to hammer out the details. The focus today is to follow up on Councilor questions.

Gallagher said there is no large impact to compression. He thinks this is a good idea and provides a sustained long-term strategy for improving the library for Albany. In respects to the impact of his job as Library Director, he is not ambivalent to the library district. It is a great concept and worthy of being on the ballot. Gallagher said the long-term capital improvements can be debated in the eight-month period following the district's approval by the voters.

Gallagher said, this would do more than solve library operating issues; it would help public safety as well. He thinks it is ineffective to run a major governmental department on a serial levy. If in eight months we could swap the Library's budget with the equivalent dollars from public safety, we would gain some solid permanent funding for public safety, either at the outset or when the district comes into effect. The City could under-levy taxes for three years, then when the district comes up for renewal, give public safety \$2.5 mill and then renew the levy at the lower level.

Christman said, there is a change on the three-year budget on the current memo. Income tax went down significantly, by \$100,000. Finance Director Stewart Taylor said the only numbers he changed on the spreadsheet were the property tax estimates, to show a 4.5 percent growth in property tax revenue for the two years prior to the Library District being implemented. Also in year one there are no previously levied taxes, but in year two and three there are, calculated at three percent.

Christman said he wants to fully understand the whole idea of under-levying. For three years, we would take \$2.1 million from the City and give it to the Linn Library League (LLL) in the form of a tax. At the end of three years, we would continue the levy and then tax the citizens at a higher rate; or, we don't renew the levy and we do without the \$2.1 million. In order to not tax more, we would have to reduce the public safety levy, which will put us even further behind. He asked, how do we keep from falling behind? Hare explained that future Councils could choose not to

under-levy. The question for this Council is the change from the current circumstance. Regarding the police budget, we could gain more certainty for revenue in that we would do away with the need for .68/1,000 of the serial levy, because we would be under-levying your permanent authority. Discussion followed. Hare said the amount of money the City would be losing in revenues would be compensated by the amount the City would not be spending on the Library. There are choices the Council can make to impact the money that can be brought in. Under-levying will actually bring more money in; upon the expiration of the serial levy, the Council will have to decide what to do. Levying a smaller amount is an option because the City would then have permanent authority for that amount.

Bedore said, the issue is to be clear about the fact that under-levying is not a commitment we can make for an ongoing amount of time.

Konopa said, if we under-levy the .68 cents, we are still not recouping other losses from Central Services. Capital improvements and reserves need to be factored in as well. We have to be up front and honest with the voters and say that we cannot guarantee that we will be under-levying, because we don't know what the other losses will be.

Collins said, the philosophical question is, are we to recommend over three years that we will double the services of the library at the detriment of the other departments? We don't know. He would rather not support this Resolution now, until we work out the details. We should not ask voters to approve .68 when we are not sure what the other half will be used for. We don't have all the information. He thinks Konopa is right in saying that we would be supporting a long-term tax increase for this service.

Hare used the white board to summarize the under-levy concept. He concluded that in some ways, it would provide more flexibility than we have now.

Collins said, there will be a proportional decrease in the other central services as a result of reduced Library central service charges. We could require the LLL to contract back with us for some of those services, but we need to tell the voters up front, not figure it out in the eight months that follow the levy passage.

Reid asked, why not just make service districts for every City department, if this is such a good idea?

Hare pointed out that creating special districts fragments the community's ability to set priorities. Would this fragment the community and mean they are competing in the future with others, such as the Fire Department? Already we make decisions about competing dollars, but now those decisions are internal instead of in conflict with special districts. On the other hand, this is a way of getting more people to pay for services that currently are being paid by a small number of people. For example, Millersburg has a lot of assessed value and are probably using our Library services but not paying for them. Hare does not see the proposal as harmful for the City, as it would assuredly improve library services. However, whether it is a good idea for the community is for the Council to decide.

Olsen said, as property value rises we will eventually be limited to a \$10 cap. Would the safety levy and the Library be under that cap? Hare said yes. Discussion followed.

Johnson said, we are short funding for the new Library and so pursued fundraising; how will folks feel about their donations when it will be used by LLL instead of for a City Library? She asked, how will the Library Board be selected? What is a nominal fee? If someone can buy a library card for \$60, why will they want to pay .68/1,000? She doesn't want to know these things after the district passes, she wants to know before it is presented to the voters.

Gallagher said, no one is being purposely vague or soft with the numbers; the law requires that there be a plan for services and structure. When the measure passes, Johnson's questions will be decided by the Board of Directors. Gallagher said he can answer some questions today, but it will be up to the Board to make many of these decisions in the future. It is a five member Board, evenly distributed via the population. For example, Albany would have two Board members based on our population.

Christman asked Delapoer, what if some of the details can't be worked out in the eight months, such as a nominal rental fee; what would happen? Delapoer said, we would still be in the library district; we could levy for our own library and then citizens would be part of both. Discussion followed. Hare pointed out that both parties will be highly motivated to work it out because both parties will want the service to continue. What the Council is considering today is if we should present the plan as proposed to the voters. Presenting the plan does not mean the Council needs to endorse it.

Collins wants to delay discussion of this until we discuss, in two weeks, the Strategic Plan and decide how this fits in. Gallagher said there is a time constraint, as the LLL will need to obtain 10,000 signatures in a short time-frame in order to get it on the ballot.

LLL representative May Garland said, the LLL has been trying to get this Council on board for five years and we are now under the wire. The Council could decide to support it and it could still fail. We just want the opportunity to present this to the people for them to decide. We have put together a plan that will be a great service for people in Albany and others in Linn County.

Christman said that six months ago he asked for someone from LLL to make a presentation to the Council. At that time he made the comment that it is very important that they get the Council's approval. Now tonight, we are told

that we have until the end of the week to decide. We needed this discussion and information a year ago. He said he doesn't think the Council is comfortable making this decision because of the lack of information. Also, if the LLL wants a Resolution that says it will be presented to the voters, than that is what it should say; but the Resolution that has been presented tonight says that the Council approves of it. There is other information that should be included in the Resolution, such as the possibility of under-levying.

Gallagher said the Council received a full presentation in Lebanon and the plan has been around for quite awhile. Christman said, but in the materials we have the numbers keep changing, and things that are in the plan just continue to raise questions such as the ones being raised tonight. We understand that some questions can not be answered until the Board is established, but there is no comfort level.

May said that a statement about under-levying can not be in the Resolution. Discussion followed.

Hare said staff will present a revised Resolution at the February 28 Council meeting.

Christman said the revised Resolution should not say "approved," but rather "submit to the voters". It should also address that the under-levying issue cannot be guaranteed.

Delapoer said they can put whatever they want to in the recitals, but just not in the Resolution.

Collins said, we could develop a fact sheet to go out that would at least match the Resolution.

Johnson said that most folks tell her a library district is not good for Albany. She does not like the idea of under-levying.

Library Aide Mona Farmer said that she realizes the under-levying issue is about trust. Her property value went up \$47,000 in two years. She doesn't think the real market value (RMV) and the assessed value will catch up. She asked the Council, can you trust the future LLL Board as much as you ask your citizens to trust you? The LLL Board is not to glorify themselves but to serve all people, to provide a higher level of service that the City can't provide at the current funding. If the Council wants citizens to have better library service, they should do this. She said she moved to Albany because of the Library. To pass on this opportunity means that the Council is holding the community back.

PUBLIC WORKS ENGINEERING POSITION RECLASSIFICATIONS

Assistant Public Works Director/City Engineer Mark Shepard said that the position reclassification request was precipitated by two retirements: a Clerk and a Design & Construction Manager. Staff found an opportunity to reclassify three positions in order to fill the Design & Construction Manager. The Clerk is one of three administrative positions in Public Works. They want to upgrade it to a Clerk III to take on more duties, so the Administrative Assistants can have more time to support the engineering staff.

CITY COLLECTION OF CONSTRUCTION EXCISE TAX

Delapoer said that the last legislative session allowed excise tax for new construction in school districts. The law encourages a mechanism for collection of the new tax through intergovernmental agreements (IGA). This is not the City imposing a tax, rather we are collecting a tax on the district's behalf. By law, we keep one percent for administration costs. One percent does not fully compensate the City, but legally it is all we get. The school district will indemnify the City. The termination clause requires one year's notice. The school district is anxious to proceed.

COUNCILOR COMMENTS

Collins explained a community cleanup proposal. In years past as the City worked with spring clean up programs, Collins has seen the opportunity to partner with Allied Waste Services (AWS) and neighborhoods to clean up the community, perhaps one block at a time. As a companion project the City could provide dumpsters. This is an effective way for local government to help citizens help themselves. It could also be a reduction of work for the Code Squad. It would improve the City's appearance. Collins asked for staff to follow-up by developing a program and evaluating the cost. Discussion followed.

Olsen said he had hoped to get the Neuter Scooter to a local church because the Neuter Scooter will neuter male or female cats for \$40. He hopes the Council will offer scholarships for those with a large number of cats. Unfortunately they can only come the Saturday before Easter, and the church was not able to host the event that day. Olsen said he has talked to Linn County Commissioner Wooten about a donation and they are thinking seriously about it. Olsen forwarded an e-mail to Wooten from Jody Harmon about her program, but Wooten said Linn County cannot support her. Olsen wonders who the Council should support: Harmon or Linn County.

Reid would like to see a report on what Linn County has done so far. Olsen will bring a report to the next Council meeting.

Johnson said there is a League of Oregon Cities seminar on special districts in Oregon at the end of April.

Albany City Council Work Session
Monday, February 25, 2008

Bedore said that a constituent recommended a reward program for private property improvements, similar to what is done with Central Albany Revitalization Area (CARA). For example, the improvements made to the Cottage Courts by Don Ward deserve recognition. Adams noted that as part of Building Safety week in May, they planned to give Ward Council recognition for his property. Bedore would like to see property improvement recognition as an ongoing program.

CITY MANAGER COMMENTS

There were no City Manager comments.

ADJOURNMENT

There being no other business, the Work Session adjourned at 6:36 p.m.

Respectfully submitted,

Mary A. Dibble, CMC
Deputy City Clerk

Reviewed by,

Stewart Taylor
Finance Director