

CITY OF ALBANY
CITY COUNCIL
Council Chambers
Wednesday, December 3, 2014
7:15 p.m.

MINUTES

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE TO THE FLAG

Konopa led the pledge of allegiance to the flag.

ROLL CALL

Councilors present: Councilors Rich Kellum, Bill Coburn, Bessie Johnson, Ray Kopczynski, and Dick Olsen.

Councilors absent: Councilor Floyd Collins was excused.

PROCLAMATION

World AIDS Awareness Month.

Konopa read the proclamation in the agenda packet. She said it was brought to the City Council by C.H.A.N.C.E., a local organization.

SCHEDULED BUSINESS

Communications

Recommendation from Human Relations Commission for Council resolution regarding the rights of all Albany residents.

A flyer titled "Diversity is a code word for white genocide" (see agenda file) was on the dais. These flyers were left on vehicles by an unknown person(s) during the Veterans Day Parade on November 11, 2014.

Javier Cervantes, representing the Human Relations Commission, said he is deeply troubled by the flyers. He opposes this bigoted speech. Many veterans were subjected to this type of language as well as people who have stood in harm's way for the freedom of speech. He said, it is important to realize that and to keep it in mind. The fact that there are people in our community that would use that as a weapon is deeply troubling. Just because a person has the right to espouse such vitriol does not mean that we as a community or a municipality have to condone it. No one should have to feel targeted. As a person of color living in Albany, he feels targeted by this ugliness. He wonders how a person can attack his identity, and this country's identity, knowing full well that it is diversity that creates the tapestry of our nation, and it is that diversity that this fringe group opposes. Cervantes said, many are adamant that racism is a thing of the past and that those who raise the issue are the problem. This flyer is evidence that, sadly, racism still exists, and is alive and well. We have seen it all over the country. Calling out racism is not just his problem; it is a collective problem. Passing the resolution is a step in the right direction and sends a clear message that Albany is a city for everyone. As a representative of the community who asked that the HRC to support this resolution and put it before the Council, he urged the Council to pass it.

Franz Schneider, 4780 Becker Circle SE, Albany, lives at the Mennonite Village. He supports Cervantes' request to have the HRC submit the resolution to the City Council to condemn the actions of the racists. In the process of talking to people, he kept hearing the notion that this is just a little thing that can be ignored. He said, history began to kick in: he has lived a long time and knows that if you ignore it, you have to repeat it. He read a story about his life (see agenda file). As a child, Schneider recalled family friends who were Jewish making the move to America. His own father was aware the Nazi regime was becoming stronger and should be taken seriously as the violence against Jews increased. As a young adult, Schneider was among the first group of exchange students to come to America. During a layover on his trip, he reconnected with his family friends, and experienced a poignant reunion with an elderly survivor of the Nazi regime.

Sue Goodman, 2660 NW 18th Avenue, represents Community Action for Racial Equity (CARE). Goodman said she realizes it is uncomfortable to think about race relations and that no one wants to venture far from their comfort zone. People in the mid-Willamette Valley are comfortable with the way things have always been and change can be challenging. The world itself is becoming more polarized. She said, we are all looking for the same thing in Albany: peace, compassion, opportunity, and the ability to have a purposeful life in our chosen community. CARE wants to take it one step further, and create a community that understands the value of opening the doors to more inclusivity, in which people of color

are actively welcomed for the contributions they bring. She said, the group here tonight is not asking for anything outside the realm of possibility. They are asking for the City Council to endorse, as the HRC has done already, a resolution in which the City of Albany will pledge to be diligent in the defense of the rights of all our citizens; to be proactive as we move forward in our attempts to be a welcoming community for all people looking for a better life; and to be steadfast and vigorous in condemning all forms of hate and bigotry. She said, by addressing Oregon's history on race relations, we open ourselves up to the very real potential for truly being welcoming and inclusive communities, ones which honor the contributions that everyone, regardless of their racial identity can bring.

Denise Hughes-Tafen, 2922 NW SW Squire Street, is here as a member of CARE, a member of the community, and as a mother; particularly as a mother of two boys of African descent. She chose to move here four years ago because they felt that Albany could be a place to call home. After hearing about the flyer passed out on Veterans Day, she was scared. While she realizes that it is the process of free speech, it took her back because it wasn't that long ago in this country that such words also were connected to racial violence. That is not something just in the past. She was scared for her family because she knows the product of such hate, but more so she was terrified for her two boys who are only 3 and 7 years old. The 7 year old was especially excited that day because they always attend the Veterans Day Parade and made sure to be at this one. She can't imagine how he would have felt if they had found a flyer on their car. She and her husband's hopes for their children are the same as any other parents; to live in a community where they feel safe, welcome, and embraced. Such hateful words as these create division and exclusion. She appealed to the City Council, as a voice for Albany, to take action because silence gives consent. She said, when we allow these things to happen, we create room for more things to happen. Now is the time to stamp it out at its root instead of allowing it to propagate.

Ron Green, 955 5th Avenue SW, grew up in the south, in a small town that was 40% African American yet completely separated from him as a white boy. They had two separate water fountains, restrooms, etc. He recalled that in 1957, he was walking downtown in east Texas, and an elderly black gentlemen stepped off the sidewalk into the gutter to let Green pass. That particular incident struck him and has stayed with him. It was an example of white privilege. It is something that all white people have experienced whether or not they have processed it or understood it. It still does exist. He suggested to the Council that they should act on this resolution with the strongest possible language and terms, to commit our City to go through what each white person ought to do in their own life, which is to process what it means to experience membership in a ruling class. He said, we can't possibly know what a member of a minority experiences in his or her life; we can, however, develop and examine ourselves to try to overcome our own sense of prejudice or bias and understand our own sense of white privilege. The work we need to do as individuals and as a municipality is not comfortable or easy work.

Councilor Rich Kellum read a quote from Evelyn Beatrice Hall: *I disapprove of what you say but I will defend to the death your right to say it.* Kellum asked, are those just words, or do we mean them? He said, society is replete with examples of people doing bad things to each other. He gave an example of how every story has two sides, but eventually the truth comes out. Kellum talked about names he was called when running for office. He said, it is not a one dimensional problem; it is a problem they all face. Even though it is not perfect they should give themselves credit for how far they have come. It is not always one side or one color; he gave examples. Kellum asked the Council to revise the resolution so that it includes the entire problem.

Councilor Ray Kopczynski said, he thinks Schneider nailed it when he said if we don't do something about it then we are bound to repeat it. He said, several folks have mentioned the right to free speech, though it is not absolute and it has been validly denied. In this particular case, and as a veteran, it is unconscionable that the perpetrators put the flyers on vehicles during the parade. Just like they have the right to spew hate, he has just as much right to speak against it.

MOTION: Councilor Bill Coburn moved to adopt the resolution as presented and Kopczynski seconded it. The motion passed 4-1, with Kellum voting no, and was designated Resolution No. 6369.

Kellum said he will be voting no, only because it does not go far enough.

Konopa said she got a couple of phone messages that stated that Albany is not a welcoming community. She said that is not true; she is proud of what Albany has accomplished as a caring and welcoming community. She said, we can't control the actions of a few citizens but if we all stand together, we can get the message out that we are a caring community.

Accepting Cortney Hall's resignation from the Community Development Commission.

MOTION: Councilor Bessie Johnson moved to accept the resignation of Cortney Hall and send a thank you letter. Kopczynski seconded the motion and it passed 5-0.

Quasi-Judicial Public Hearing

ZC-01-14, ATI-Pacific Cast Technologies, amending Ordinance No. 4441, which adopted the City of Albany zoning map; adopting findings; and declaring an emergency for property located at 2435 and 2445 Ferry Street SW.

Konopa said, the next agenda item is a consolidated quasi-judicial public hearing regarding planning file ZC-01-14. This is a quasi-judicial public hearing regarding the rezoning of two parcels from Industrial Park (IP) to Light Industrial (LI). The reason for the zone change request is to accommodate the expansion of a casting metals foundry. The location of the property is 2435 and 2445 Ferry Street SW. The application is Chris Turner, with ATI Pacific Cast Products, represented by Jeff Schott, with Pillar Consulting.

Open: Konopa opened the consolidated quasi-judicial public hearing at 7:52 p.m.

Konopa asked if any Councilors wished to declare a conflict of interest. No one did.

Konopa asked if any Councilors wished to report any ex parte contact. No one did.

Konopa asked if any Councilors wished to report a site visit. Kellum said he went and looked at the property.

Konopa asked if any Councilors wished to abstain from participating in the proceedings. No one did.

Konopa asked if anyone wishes to challenge the City Council's right to determine this matter or the participation of any Councilor in this hearing and decision. No one did.

Konopa said for those wishing to testify, there is a signup sheet at the table.

Konopa said, for those wishing to testify, please be aware that you must raise an issue with enough detail to afford the Council and parties an opportunity to respond to the issue if you later want to raise that issue on appeal to the Land Use Board of Appeals (LUBA). Testimony and evidence must be directed towards the approval standards staff will describe or other criteria in the Comprehensive Plan or Development Code which you believe to apply to the decision. If additional documents or evidence are provided by any party, the City Council may allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond. Any continuance or extension of the record requested by the applicant shall result in a corresponding extension to the 120-day limit. Failure of the applicant to raise constitutional or other issues relating to the proposed conditions of approval with enough detail to allow the local government or its designee to respond to the issue precludes an action for damages in Circuit Court.

Staff Report.

Lead Current Planner David Martineau said ATI Pacific Cast Products, represented by Chris Turner, is applying to rezone two parcels totaling 12.84 acres from IP to Light Industrial LI. These parcels are located directly south of their existing plant. The applicant is seeking this change for both properties because there are several advantages in the LI district over the IP district, such as outdoor storage allowances, maximum building height, and maximum lot coverage. The existing ATI-owned property north of these two subject lots is zoned LI, so having all their lots zoned LI makes land use provisions more consistent.

Martineau said the Comprehensive Plan designation for both properties is LI; therefore this request does not require an amendment to the Comprehensive Plan. Manufacturing and production uses are allowed through Site Plan Review or Conditional Use in both zones.

The proposal was reviewed for conformance with criteria for zoning map amendments found in the Development Code. Staff and the Planning Commission found that:

- The proposed zoning is consistent with the Transportation System Plan;
- Existing public utilities adjacent to the subject property are capable of serving development that would be allowed in the proposed zone;
- On balance, the LI zone best satisfies the applicable goals and policies of the Albany Comprehensive Plan; and
- The proposed amendment will not affect implementation of the Statewide Planning Goals.

Therefore, Martineau said, staff and the Planning Commission recommend approval of the proposed zoning map amendment.

Konopa said, if anyone wishes to enter an exhibit into the record as part of your testimony, please briefly describe the exhibit and present it to the City Clerk.

Applicant

Konopa asked the applicant to come forward to state their name and address, and make any statements.

Jeff Schott, 52788 Ramsey Road, Condon, Oregon, represents ATI. He works for Pillar Consulting, an engineering group in Corvallis. This zone change is part of the first step in process ATI will take in anticipation of building another casting facility, or foundry, adjacent to the existing one. The timeframe is 1-5 years out and it will create 100-200 more jobs. The lot coverage, height, and storage are the main motivations for the zone change.

Kellum asked if there has there been a site plan for the building and transportation system on and off the site. Schott said no, but they are developing it now.

There was as signup sheet (see agenda file).

Konopa asked, does anyone wish to speak in support of the application? No one did.

Konopa asked, does anyone wish to speak in opposition to the application? No one did.

Konopa asked, does anyone wish to speak who is neither in favor nor in opposition to the application? No one did.

Councilor Dick Olsen asked if this property borders a residential zone. Martineau said yes, to the east and to the northwest. Notification was sent to those properties 300 feet around the perimeter of both lots. There were no written comments received; there were some comments at the Planning Commission hearing though they did not speak directly to the zoning map amendment. The comments ranged for support of the project to concerns that the future plant would cause impact to the adjacent residential areas. There is no maximum height in the LI zone but there is an advantage to the LI zone over the IP zone; the IP only provides for a 30 foot buffer or screening between the use and the property line, and the buffer in the LI zone is 40 feet.

Close: Konopa closed the public hearing at 8:00 p.m.

City Attorney Jim Delapoer read the ordinance for the first time in title only: AN ORDINANCE AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY ZONING MAP; ADOPTING FINDINGS; AND DECLARING AN EMERGENCY FOR PROPERTY LOCATED AT 2435 AND 2445 FERRY STREET SW.

MOTION: Kopczynski moved to have the ordinance read for a second time in title only and Johnson seconded it. The motion passed 6-0.

Delapoer read the ordinance for the second time in title only.

MOTION: Johnson moved to adopt the ordinance and Kopczynski seconded it. The motion passed 6-0 and was designated Ordinance No. 5846.

Konopa said, within five days of the decision the Community Development Director provides written notice of the decision to the applicant and any other parties entitled to notice. A decision of the City Council may be appealed to LUBA by filing a Notice of Intent to Appeal not later than 21 days after the decision becomes final.

Business from the Public

There was no business from the public.

Adoption of Consent Calendar

There was a revised Resolution for the Abstract of Votes on the dais (see agenda file).

- 1) Approval of Minutes
 - a) September 10, 2014, City Council Regular Session.
- 2) Accepting the abstract of votes regarding the ballots cast in the state of Oregon General Election held Tuesday, November 4, 2014, regarding candidates for City of Albany offices. RES. NO. 6370
- 3) Accepting Federal Byrne/JAG Wrongful Convictions Demonstration Project grant funds. RES. NO. 6371
- 4) Declaring the Fire Department's live-fire mobile training unit as surplus property and authorizing the disposal of the asset.
- 5) Applying for the U.S. Department of Homeland Security Fiscal Year 2014 Assistance to Firefighters Grant for regional fire incident command training and certification. RES. NO. 6372

Johnson asked for items 3) and 4) to be removed for discussion. Later she made note that she meant to remove items 4) and 5).

MOTION: Kopczynski moved to adopt the Consent Calendar, including the revised Resolution on the dais for item 2), and with items 3), 4), and 5) removed for discussion. Coburn seconded the motion and it passed 5-0.

Regarding Item 3), Kopczynski asked if the proceeds would be used towards the required match and if it would be enough to cover it. Fire Chief John Bradner said the required match is ten percent, and the City's portion is \$12,240. They would get \$10,000 from the sale so there would be an additional \$2,240 that would most likely be included in next year's budget process.

Regarding Item 3), Johnson noted that they got the vehicle in 2003 and it cost a lot of money. She asked what caused it to lose its value over eleven years. Bradner said when they got it they had very few options for doing live-fire training which is something the firefighters need on a regular basis. They used to acquire donated structures and do training by burning down the old, vacant houses. Over the years the restrictions have increased; so at the time they needed a way to do live-fire training. He explained the changes in fire training technology and how the training has evolved to become much better than it was in 2003. They stopped putting money into maintaining this training tool since they were no longer getting the value from it and wanted to move to container-based training. Most other agencies have also moved to container-based training also, which is why the live-fire training mobile unit has gone down in value.

Regarding Item 5), Johnson asked if that involves other agencies coming to Albany to train. Bradner said explained how the training would unfold and would result in the agencies talking the same language and running their incident command structures in the same way.

MOTION: Johnson moved to adopt items 3), 4), and 5) as presented. Kellum seconded the motion and it passed 5-0.

Appointment

Appointing Nathan Brown to the Community Development Commission.

MOTION: Kopczynski moved to approve the appointment of Nathan Brown to the Community Development Commission. Johnson seconded the motion and it passed 6-0.

BUSINESS FROM THE COUNCIL

The Council congratulated *Democrat-Herald* Reporter Steve Lundeberg on his new job. They said he will be missed.

Olsen spoke about moving to Albany from Corvallis as a student. It was refreshing. He spoke to the Resolution No. 6369 and invited people to talk to him about discrimination they have encountered in Albany.

Assistant City Manager/Public Works and Community Development Director Mark Shepard noted that several weeks ago the Council, by motion, approved a contract increase to work on the canal. At that time Shepard said he would come back with an update. He passed out a Summary Table and two pictures (see agenda file), which includes the final numbers. There were unanticipated issues such as soil anchors. Ultimately the change order cost was just over 20 percent. The work is almost complete; all the subsurface work is done and he does not anticipate other changes.

City Manager Wes Hare said that he and Public Information Officer/Management Assistant Marilyn Smith met with the Lebanon City Manager and other Lebanon staff to discuss the canal. They discussed their potential future use of the canal and made some progress towards an agreement as to what the terms and conditions would look like. One issue they need to resolve is what the City of Albany should charge. The historic agreement was 2/3 of the cost to be paid by Albany and 1/3 by Lebanon. There was a process in place for increasing the cost. An agreement was reached between two Public Works Directors in about 2007 to increase the amount of payment, so it went from \$55,000 to \$77,000; however, the City of Albany does not think that covers the costs. Hare said the discussion today was more cordial than discussions in the past and they acknowledged that they haven't yet come up with a methodology that both cities agree to for what to base the charge on, so they agreed to do study the methodology. They also agreed to move things along faster; the reason for delays is that there were some misunderstandings on what Lebanon was proposing to do.

Hare concluded that the good news is Albany has been supplying water to Lebanon for 30 years and we are likely to continue to do that for a long time without too much problem.

Kopczynski asked if they are hiring an outside consultant for the methodology study. Hare said yes.

Konopa noted that the Downtown Christmas Parade will be on Sunday at 5:00 p.m., followed by a tree lighting ceremony.

Albany City Council Regular Session
December 3, 2014

RECESS TO EXECUTIVE SESSION TO CONDUCT DELIBERATIONS WITH PERSONS DESIGNATED BY
THE GOVERNING BODY TO CARRY ON LABOR NEGOTIATIONS IN ACCORDANCE WITH ORS 192.660
(2)(d)

The Regular Session recessed to Executive Session at 8:21 p.m.
RECONVENE

The Regular Session reconvened at 8:42 p.m.

Kopczynski complimented City staff regarding their work on a tree that lost its bark and had become a safety concern.

NEXT MEETING DATE: Work Session December 8, 2014
 Regular Session December 10, 2014

ADJOURNMENT

There being no other business, the meeting was adjourned at 8:43 p.m.

Respectfully submitted,

Reviewed by,

Mary A. Dibble, MMC
City Clerk

Wes Hare
City Manager