

CITY OF ALBANY
CITY COUNCIL WORK SESSION
Municipal Court Room
Monday, April 20, 2015
4:00 p.m.

MINUTES

CALL TO ORDER

Mayor Sharon Konopa called the meeting to order at 4:00 p.m.

ROLL CALL

Councilors Present: Councilors Bill Coburn, Floyd Collins, Bessie Johnson, Rich Kellum, Ray Kopczynski, Dick Olsen

Councilors Absent: None

BUSINESS FROM THE PUBLIC

Rhea Graham, 1440 Lawnridge Street SW, owner of Albany’s Canna Kitchen and Gramsterdam, located at 2300 Geary Street SW, submitted and read written testimony (see agenda file). She asked for clarification to Ordinance No. 5833, which prohibits cannabis businesses from locating within 300 feet of any property zoned Residential, Mixed Use, Office Professional, or Neighborhood Commercial. She is looking to purchase a home and business located on a site zoned Community Commercial, which is not addressed in the ordinance. She asked that Community Commercial be added to the exempted list that currently includes Industrial-zoned areas.

In response to questions from Councilor Ray Kopczynski, Graham said her business is a medical marijuana facility and she is not interested in selling recreational marijuana. She would like to have clarification as soon as possible as the property owners are ready to sell. Brief discussion followed regarding the wording and intent of the ordinance.

Councilor Bill Coburn requested that staff provide clarification on the ordinance’s wording at the next meeting.

SMOKING AND E-CIGARETTES IN PARK, TRAILS, AND NATURAL AREAS

Parks and Recreation Director Ed Hodney referred to the written staff report. He said Council is asked to provide direction on whether staff should work with the Parks and Recreation Commission to explore whether there is an appetite in Albany for an ordinance which bans smoking and vaping in public parks. He noted that the current practice during summer concerts is to establish a smoking area out of the main performance and crowd area; however, this doesn’t satisfy everybody and it isn’t easy to manage because it’s not illegal to smoke in a public park. A list of jurisdictions that have banned smoking in public parks is included in the staff report.

In response to an inquiry from Konopa, Hodney said vaping could be added as an activity that people are asked to do in the designated area and this could be done without an ordinance.

Councilor Rich Kellum said he has a problem with saying people can’t do something that is legal just because others are offended. He said that campfires produce more smoke than cigarettes and that people are offended by all kinds of things, including other odors.

In discussion, Hodney explained that staff has received complaints that people aren’t moving to the designated area to smoke or vape. He clarified that staff is not proposing a position, but is bringing forward an issue that others have asked be addressed. While it’s problematic to manage the current situation, staff will continue to manage it as best they can if that is the Council’s desire.

Kopczynski asked if there has been oppositions from residents in other communities that have implemented a smoking ban in parks. Hodney said he doesn’t have those answers at this time; however, if this goes forward, the process would include looking at how the ban has worked in other communities.

In response to an inquiry from Councilor Floyd Collins, staff said they received about 10-15 complaints about smoking at the Northwest Art & Air Festival and about four or five complaints at each River Rhythms concert. Collins said that unless there is a petition or request by a large number of people, he is fine with the current process of moving smoking activities to the exterior of the park.

Councilor Bessie Johnson said many places have banned smoking in parks and doing so would help staff do their job. She would like to see the process go forward.

Councilor Dick Olsen said smoking is a legal activity and he isn’t in favor of legislating it.

Kellum said in his experience helping with security at River Rhythms, people are generally willing to move to the smoking area when asked.

Konopa said she usually sits near the smoking area at the western border of the park during River Rhythms concerts, and she doesn't smell smoke. She asked if there are concerns about fire danger during dry periods. Hodney said the Albany Municipal Code grants the parks director the authority to ban activities if there are particular conditions that need to be managed.

Konopa said that for concerts and large events, she would like to continue with the designated area for all types of smoking, including vaping. There was general agreement.

Hodney said staff could do further work on what has happened in other communities that have adopted similar ordinances so that information is available should this issue come back to the Council via a citizen request in the future. There was general agreement.

AIRPORT COMMISSION ORDINANCE

Assistant Public Works Director/Operations Manager Chris Bailey referred to the written staff report. She reviewed discussions between staff and the Airport Advisory Commission (AAC) regarding the AAC's roles and responsibilities. The staff report includes a draft revised ordinance and proposed amendments to the Albany Municipal Code (AMC) language regarding the AAC.

City Attorney Jim Delapoer said the AAC is the City's newest commission, created by the City Council to address problems at the Airport and make it more viable and successful. He said there have been successes at the Airport, including the recent addition of a Fixed Base Operator (FBO). He reviewed the proposed language, which is intended to clarify that the AAC does not have a role in directing staff and to lay out staff participation in AAC meetings. The proposed changes have the unanimous approval of the AAC and are acceptable to staff. Brief discussion followed.

AAC Chair Heath Kasper said the AAC supports the revised ordinance, which addresses problems they were having related to getting information needed to make recommendations to the City Council and being able to give recommendations to staff directly.

Kellum and Kopczynski said they supported the changes.

Collins said the clarification is good. He said there is a difference between formal direction and informal recommendations about problems that need to be fixed, and he encouraged continued informal conversations about problems at the Airport.

Johnson said she appreciates all that the AAC does for the Airport.

Kasper said the AAC would like to schedule regular reports to the Council. Hare said most of the City's commissions work with staff to make a regular report to Council, either by memo or in a meeting.

AAC members in the audience said many Commissioners would prefer to hold their meetings at the Airport. Bailey said this issue has come up a couple of times and it has been staff's opinion that it is better for the AAC to meet at City Hall because the building is set up for meetings and because this gives the public commission the appropriate weight. Delapoer added that the Airport lobby is now leased to the FBO and that having a public commission meet regularly in someone else's leased space may not be appropriate.

Konopa said it's important to consider meeting logistics, including recording capabilities.

Collins said regular meetings can be held at City Hall and if something comes up, the AAC can take a tour and then come back to a meeting to make recommendations.

Coburn said he doesn't have strong feelings on the issue but he noted the public safety committee alternated meeting locations between the fire and police stations, which provided an opportunity to learn about the facilities. He asked if there is any City-owned practical meeting space at the Airport. Bailey said the south side of the FBO lobby area is the only space she can think of that isn't leased.

City Manager Hare said there are reasons for meetings to be held in a public building that is accessible and has recording capabilities; however, Council can direct staff to hold meetings somewhere else. Konopa suggested that Council leave it to staff to work with the AAC on their meeting location.

Konopa thanked AAC members for volunteering and for all of their work.

The revised ordinance will be brought to a future Council meeting for action.

LEGISLATIVE UPDATE

Konopa said that Council gave direction to oppose Senate Bill 629, Oregon Right to Rest Act. She said the hearing was packed with proponents of the bill and she was the only citizen or elected official opposing the bill. Since the

hearing, the bill has been whittled down, but still classifies someone who is homeless as a protected class and prevents law enforcement from touching their belongings. There is a new amendment that she has not yet seen and there is now more interest in opposing the bill.

Konopa said House Bill 3420 is related to a pilot program for Eugene and Albany for the Housing First model. She first heard about this from others in the community who had concerns that the bill includes demands to increase the supply of affordable housing and increase the availability of employment opportunities for families and individuals who are experiencing or may experience homelessness, and for which Community Services Consortium and Linn County Mental Health have roles in implementation. Konopa said the Housing First model is an excellent model, but it can be costly and she is concerned that the bill as written would require Albany to implement a program with no sustainable funding source. She reviewed amendments that she has submitted, which include lessening the demands and making them subject to sustainable funding. She said it is important to continue to monitor this bill. Brief discussion followed.

Konopa said she signed on with other Mayors on a letter supporting continued funding of the Amtrak Cascades route. It won't be known until the budget is passed if it will be funded.

Konopa said she testified on her own behalf for a bill related to State Historic Tax Credits. The bill made it out of committee but it is not yet known if funds will be allocated. She advised she was recently made aware of another bill which would allocate \$5 million in lottery funds for communities in the Main Street Program for commercial building rehabilitation.

Councilors thanked Konopa for all of her work.

DRAFT STRATEGIC PLAN REVIEW

Hare referred to the "Draft City of Albany Strategic Plan FY2015 through FY2019". The Council will be asked to adopt the Strategic Plan (SP) at its next regular meeting.

Information Technology Director Jorge Salinas said a City Data tab has been added to the City's website which connects to comparative data and scorecards for each of the stated objectives in the SP.

Olsen asked why the Great Neighborhoods objective related to maintaining the value of Albany's historic assets and seeking federal funds was deleted. Hare said the State Historic Preservation Grant is still applied for each year, but it was decided to not include that in the SP, which focuses on items that are measurable over time. Olsen suggested there may be other sources of funding for historic preservation. Konopa said the plan could make reference to seeking new state and federal funds. It was agreed that staff will add back language in this area.

COUNCILOR COMMENTS

Johnson commented that a number of new businesses have been coming in, which is good news for Albany. Brief discussion followed.

Kellum said he will be absent for the May 30, 2015, Council Regular Session.

Kellum reviewed his discussions with a billboard company and others relating to the possibility of having electronic billboards on the freeway, near the right-of-way, which could be used for economic development and which ODOT could take over when there is a traffic issue. These discussions are in the early stages and he will report back.

Kopczynski noted that the RCM Homes development is really coming along.

Collins noted that Public Works was finishing the temporary roundabout on Springhill Drive.

CITY MANAGER REPORT

Hare said staff received a response from the City of Lebanon related to the canal. An Executive Session will be scheduled to go over some of the issues.

ADJOURNMENT

There being no other business, the meeting was adjourned at 5:30 p.m.

Respectfully submitted,

Reviewed by,

Teresa Nix
Administrative Assistant

Wes Hare
City Manager