



MINUTES

Wednesday, January 9, 2019

Regular Meeting

Council Chambers, City Hall

Approved: **February 13, 2019**

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Konopa led the pledge of allegiance.

OATH OF OFFICE FOR NEW AND REELECTED COUNCIL MEMBERS

City Clerk Mary Dibble administered the oath of office to re-elected Councilors Bessie Johnson (Ward 3-A) and Dick Olsen (Ward 1-A), newly-elected Ward 2-A Councilor Alex Johnson, and re-elected Mayor Sharon Konopa.

2019 MAYOR'S MESSAGE

7:21 p.m.

Konopa read the 2019 Mayor's Message (see agenda file). She spoke about her 22 years tenure on the City Council, ten of those as Mayor. She has witnessed the impact of growth on housing, jobs, the cost of living, and homelessness. Growth also brings about challenges with street maintenance, water, sewer, stormwater, and more. Albany's economy is strong and the City participates in many community endeavors. Albany's growth has affected the availability and affordability of housing, and homelessness. The increased population has also brought about more crime, and so Konopa is grateful for the proactive programs of the Albany Police Department (APD) and Albany Fire Department (AFD). She spoke about the new public safety facilities, the Carousel, and projects driven by citizens such as the preservation of historic Cumberland Church. There are diverse opinions on the City Council, but the Councilors together in order to make the Albany community a livable and vibrant place.

ROLL CALL

Councilors present: Mayor Sharon Konopa and Councilors Rich Kellum, Bill Coburn, Bessie Johnson, Alex Johnson, Dick Olsen, and Mike Sykes

Councilors absent: None

ELECTION OF COUNCIL PRESIDENT

7:30 p.m.

MOTION: Councilor Mike Sykes moved to nominate Councilor Bill Coburn as Council President. Councilor Bessie Johnson seconded the motion and it passed 6-0.

RECESS

The Council recessed for a break at 7:31 p.m.

RECONVENE

The Council reconvened at 7:37 p.m.

Bill Root, 2634 Valley View Drive NW, spoke of the history of the Toy Run, which is now 35 years old. The American Legion Post 10 became involved this year, and together they gathered and distributed over 1,000 toys to over 1,000 children. Since that distribution, American Legion contacted and made donations to other groups in Albany. Additionally, two members of the Albany Toy Run Committee wanted to do something for the Paradise, CA wildfire fire victims, so they are taking tools to them so they can rebuild homes and business, along with 100 toys. Root has been involved with the Albany Toy Run since 2000, serving as Chair for ten years.

Root asked Captain Jeff Hinrichs to come forward. APD and AFD always assisted with the toy run event. Root said he has witnessed City leadership giving awards to citizens; so today, he wanted to turn the tables and recognize City leadership. Root presented a framed certificate to APD and AFD to thank them for their support. Root said the artist is a tattoo artist who is part of the Toy Run.

SCHEDULED BUSINESS

7:43 p.m.

Communication

Accepting Scott Pierson's resignation from the Budget Committee.

MOTION: B. Johnson moved to accept the resignation of Scott Pierson from the Budget Committee. Councilor Rich Kellum seconded the motion and it passed 6-0.

Public Hearing

DC-06-18, Albany Development Code text amendments related to redevelopment within the Neighborhood Commercial and Office Professional zones, Hillside Development, and Cluster Development.

Konopa read the Mayor's Guide.

Open: Konopa opened the public hearing at 7:45 p.m.

A signup sheet was available for the public (see agenda file). There was no one signed up.

Planner III Anne Catlin gave a PowerPoint presentation (see agenda file). Catlin will be reviewing three different amendments that came from the public, Planning Commission, and staff. The changes help to clarify the code and to avoid some nonconforming situations. The two amendment review criteria are that the proposed amendments better achieve the goals and policies of the Comprehensive Plan than the existing language; and that the proposed amendments are consistent with Development Code policies and with the purpose statement for the base zone, special purpose district, or development regulation where the amendment is proposed. The proposed amendments were properly noticed and no public comment was received.

Catlin said the first amendment is for the size of retail in Neighborhood Commercial (NC) and Office Professional (OP) zones. It proposes to remove the maximum retail business footprint of 5,000 square feet built before 2003 in the two zones when there was no business footprint limit for retail. There are eight properties this would affect, and it is in response to community needs and avoid to avoid non-conforming situations. Mega Foods is an example.

The second amendment is for how development is evaluated on hillsides. This changes the procedure so that hillside developments can be processed at the same procedural level as the primary land use application rather than at an automatic public hearing. Neighbors would still be notified of proposed developments.

The third amendment impacts cluster development. It was originally established in 2003 as an optional incentive to protect natural resources as part of the North Albany Refinement Plan. It was modified in 2011 when Albany's significant natural resource overlay districts were created and amended to balance protection of natural resources with reasonable economic use of property. The changes clarify the purpose statement and provide consistency between the review criteria and the standards which promote efficient use of land while protecting and enhancing natural features. This is also in response to community needs.

City Councilor Dick Olsen asked, for cluster development, do we still consider right of way (ROW) under high power lines as good places for cluster development? Catlin said they are not listed as priorities, although if it was a wetland it may be. Discussion followed about Pheasant Run and wetlands under power lines. Olsen disagreed with the placement in that scenario. Planning Manager David Martineau said the purpose was to enhance the corridor of the wetland. Facilities could be allowed under power lines, but not necessarily on wetlands.

B. Johnson asked about the NC zone. If someone wanted to use Mega Foods for a business, would this zoning allow them to do that without dividing the building up into small businesses? Catlin said yes, they could in that case, because the building was established prior to 2003. It would improve the functionality of the building. It is not rezoning property, it is just removing the size limit.

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

City Attorney Sean Kidd read the ordinance for the first time in title only: AN ORDINANCE AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY DEVELOPMENT CODE, BY AMENDING THE ALBANY DEVELOPMENT CODE TEXT AND ADOPTING FINDINGS.

MOTION: City Councilor Bill Coburn moved to have the City Attorney read the ordinance for the second time in title only and B. Johnson seconded it. The motion passed 6-0.

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

MOTION: Coburn moved to adopt the ordinance and Kellum seconded it. The motion passed 6-0 and was designated Ordinance No. 5923.

Business from the Public

8:02 p.m.

Camron Settlemier, 230 the Avenue SW, spoke about Additional Dwelling Unites (ADUs). He said that while he is not against ADUs, the more he has thought about it, he thinks there are issues with the proposed sizes and the question of owner occupation. Putting ADUs in established neighborhoods could change the character of the neighborhood, whether historic or not. There could be other issues such as stormwater runoff, traffic flow, and access for emergency vehicles and fire suppression. Investors looking to make a profit will not be concerned about how ADUs change Albany. He gave three scenarios to illustrate his point. He supports requiring owner occupation.

Adoption of Consent Calendar

8:07 p.m.

- 1) Approval of Minutes
 - a) November 7, 2018, City Council Meeting.
 - b) November 29, 2018, Joint City Council Meeting with Millersburg.
- 2) Adoption of Resolutions
 - a) Accepting a 15-foot wide easement for a public water line as part of WL-18-02, Pine Meadows Water Line Replacement Project. RES. NO. 6757
 - b) Accepting a Warranty Deed for a variable width tract of land, Tract A of Tuscany Estates subdivision, for the purpose of converting the tract of land into a street right of way; Linn County Map and Tax Lot No. 10S04W25CA 05400. RES. NO. 6758
 - c) Converting a small tract of land adjacent to Arroyo Ridge Drive into a public right of way; Linn County Map and Tax Lot No. 10S04W25CA 05400. RES. NO. 6759

MOTION: Councilor Mike Sykes moved to adopt the Consent Calendar as presented. Kellum seconded the motion and it passed 6-0.

Approval of Funding Request

8:08 p.m.

Authorizing an application for Special Transportation Improvement Funds (STIF) from the Oregon Department of Transportation.

Public Works Operations Director Chris Bailey said that House Bill 2017 called for funds to be collected since July 2018, but not dispersed until about November of 2019. The funding will be available to Albany from Linn County and Benton County in the form of grants that come without a match requirement, which is unusual for transit funds. The funding can be used as a match for other state grants. It is a huge advantage to have this type of funding available.

Bailey said the legislative intent of the funds is to expand transit service and increase service to low income adults and youth. The staff memo outlines how Albany plans to use the funds, which will allow us to make improvements several years ahead of schedule.

MOTION: Coburn moved to authorize staff to apply for STIF funds from ODOT. B. Johnson seconded the motion and it passed 6-0.

Appointments

8:11 p.m.

- 1) Citizen advisory groups.

Kellum does not want the Council to take action on this item until they have had an opportunity to review the process used for appointing citizens to boards, commissions, and committees.

Councilor Dick Olsen thinks these appointments were made appropriately under the current operating rules. He said the process can be changed in the future. Discussion followed about the position of the mayor making several appointments. Kellum thinks the current process is not

reasonable; Olsen disagrees. Kellum thinks the current process is imbalanced and jeopardizes impartiality on the boards, commissions, and committees.

Konopa said she thought the council was in agreement at the work session on January 7, 2019; she does not want to hold up the current appointments. It would take a while for staff to change the current rules because the enabling legislation would need to be reviewed and changed.

City Manager Peter Troedsson said staff spent 2.5 months trying to recruit for these volunteer positions, so it is not a simple or quick process. It would take time and care to overhaul the process, as the appointments have different requirements. Standardizing the nomination process can be the goal, but it would take a while to do that.

Coburn spoke of his frustration that there doesn't seem to be consistency. He pointed out that in other branches of government, the position serving as Chair makes direct appointments.

Konopa pointed out that the mayor's position makes appointments to less than half the citizen advisory boards whereas the mayors of other city councils make appointments to all. She said that there are many people who she didn't know before they were appointed.

A. Johnson asked about the appointments that Ward 2 makes. He thinks the process needs to be reviewed and fixed so that there is more diversity and more people are encouraged to participate in local government. He thinks these appointments should be made now, and then the process can be fixed in the future.

B. Johnson supports changing the appointment process.

Olsen said because Konopa attends many events in the community, she would be a far better judge of people who might serve on the boards, committees, and commissions than he would be.

Konopa read through the current appointments in the staff report and described some of the unique requirements associated with some of them. She asked if the council considers any of the appointments to be controversial. Kellum expressed his objections. Discussion followed.

B. Johnson said her objections are not directed at the appointees, but at the process. She thinks that the councilors should make all the appointments.

There was no action taken. This item will come back to a future meeting.

City council and City representatives.

MOTION: B. Johnson moved to accept the city council representatives outlined in the staff report. Kellum seconded the motion and it passed 6-0.

Council Audit Committee.

MOTION: Coburn moved to appoint Alex Johnson and to reappoint Bessie Johnson to the Council Audit Committee. Kellum seconded the motion and it passed 6-0.

Hospital Facility Authority.

MOTION: B. Johnson moved to appoint A. Johnson to the Hospital Facility Authority. Kellum seconded the motion and it passed 6-0.

Report

8:50 p.m.

Accessory Dwelling Unit (ADU) discussion.

Konopa read a statement to convey her concerns about ADU regulations (see agenda file). Ordinance A defers to the state's minimum standards; and Ordinance B includes discretionary standards (removing the owner occupancy requirement, increasing the square footage from 750 to 900, and changing parking requirements by allowing one additional space either on site or on the street.) She suggested that a

compromise would be to retain one off-street parking space for a 750-square-foot ADU. Allowing ADUs into older neighborhoods with aging infrastructure puts an increase on system demands. We need to protect the homes and neighborhoods that owners have invested in. She asked for councilors to support her proposed compromise. She wants to move the discussion to the next city council meeting and have a public hearing.

Olsen agreed with Konopa.

Kellum noted that Speaker Tina Kotek has proposed to require ADUs in single-family zones in cities over 10,000. Staff does not know that status, but Konopa will be addressing the issue with Kotek and the League of Oregon Cities.

Kellum spoke about the mayor's proposed compromise. Discussion followed.

A. Johnson said he toured low-income housing and understands the need to provide it. He stated that people who can afford to build ADUs should be allowed to, and it could ease the need for low income housing. Konopa said that the state's intent is for the ADUs to be used for low income, but we have no guarantee of that, even with the existing rules of 750 square feet. Kellum thinks that if we allowed ADUs, the market conditions would naturally cause other low income to become available. Discussion followed.

Sykes said ADUs cannot just be put anywhere, because there are still setbacks and code requirements. Many properties won't allow ADUs for other reasons, so for those that do, he asked why it matters how many square feet they are. A structure cannot be more than 65% of the land. He supports Ordinance B. He doesn't want Albany to become a city where people who pay their taxes are told what they can and cannot do with their property.

MOTION: Olsen moved to have a public hearing on ADUs in two weeks to consider Ordinance A. The motion died for lack of a second.

Kidd said that we have already had a public hearing and closed it, so it would be best to re-advertise and reopen it. Kidd described why a hybrid ordinance of Ordinance A and B would not need to go back to the Planning Commission, but if it varied too much, it would.

MOTION: B. Johnson moved to reopen and continue the ADU public hearing in two weeks. Kellum seconded the motion and it passed 6-0.

BUSINESS FROM THE COUNCIL

9:17 p.m.

Olsen enjoyed the 150th celebration of the Albany Fire Department at Station 11.

Troedsson said that City Day at the Capitol is on January 24. He and Konopa will attend and visit the legislators.

Olsen shared about a resolution to send to Kotek regarding single-family zoning. Troedsson said Konopa mentioned preparing a letter. Staff will follow up.

NEXT MEETING DATES

- Wednesday, January 23, 2019; 7:15 p.m. Meeting
- Monday, January 28, 2019; 4:00 p.m. Work Session

ADJOURNMENT

There being no other business, the meeting was adjourned at 9:19 p.m.

Respectfully submitted,

Reviewed by,

Mary Dibble
City Clerk

Peter Troedsson
City Manager

Note: Staff handouts referred to in the minutes as (see agenda file) are available on the website in the "Staff Handouts" column.