



MINUTES

Wednesday, August 26, 2020
Regular Session
REMOTE

Approved: October 14, 2020

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Sharon Konopa called the meeting to order at 7:15 p.m. The mayor led the pledge of allegiance.

ROLL CALL

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

Councilors absent: None.

Public hearings

- a. Comprehensive plan and development code amendments, demolition review and title of landmarks commission (CP-01-20/DC-01-20)

OPEN: Konopa opened the public hearing at 7:18 p.m. She read the rules for testimony.

Planning staff consultant Laura LaRoque said the proposed amendments are housekeeping, responding to changes in Oregon law. The amendments will ensure that demolitions of historic resources will receive public hearings.

No one else wished to speak.

CLOSE: Konopa closed the public hearing at 7:24 p.m.

City Attorney Sean Kidd read the ordinance for the first time in title only: AN ORDINANCE AMENDING ORDINANCE NO. 4836, WHICH ADOPTED THE CITY OF ALBANY COMPREHENSIVE PLAN AND AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY DEVELOPMENT CODE, BY AMENDING THE ALBANY COMPREHENSIVE PLAN AND THE ALBANY DEVELOPMENT CODE TEXT AND ADOPTING FINDINGS.

MOTION: Councilor Bessie Johnson moved to have the ordinance read a second time in title only. Councilor Alex Johnson II seconded the motion, which passed 6-0.

Kidd read the ordinance a second time in title only.

MOTION: Johnson moved to adopt the ordinance with no changes. Councilor Mike Sykes seconded the motion. The motion passed 6-0 and was designated Ord. No. 5945.

Konopa read the rules for appeal.

- b. Comprehensive plan amendments, facility plans (CP-03-20).

OPEN: Konopa opened the public hearing at 7:27 p.m. She read the rules for testimony.

Planning Manager David Martineau said City facility plans are part of the comprehensive plan but are also stand-alone documents. The proposed amendments will ensure complete listing and cross-referencing of facility plans in the comprehensive plan.

No one else wished to speak.

CLOSE: Konopa closed the public hearing at 7:31 p.m.

Kidd read the ordinance for the first time in title only: AN ORDINANCE AMENDING ORDINANCE NO. 4836, WHICH ADOPTED THE CITY OF ALBANY COMPREHENSIVE PLAN, BY AMENDING THE ALBANY COMPREHENSIVE PLAN TEXT AND ADOPTING FINDINGS.

MOTION: Johnson moved to have the ordinance read a second time in title only. Councilor Mike Sykes seconded the motion, which passed 6-0.

Kidd read the ordinance a second time in title only.

MOTION: Councilor Rich Kellum moved to adopt the ordinance with no changes. Sykes seconded the motion. The motion passed 6-0 and was designated Ord. No. 5946.

Konopa read the rules for appeal.

Business from the Public

7:35 p.m.

John Morrey, 210 Churchill Downs Street SE, said he is the president of the Albany Pickleball Club. The club plays at Hackleman Park. There are always people loitering. His wife and other women won't play pickleball except at official times because they feel threatened. Parents and grandparents won't let children play in the park anymore.

Wanda Scheler, 125 Expo Parkway NE, owns a rental next door to 610 Sherman Street. Her property line is right next to owner David Furry's house. She had a fence built, and said Furry threatened her builders. When she arrived, there were people fighting in the back yard and police on the scene. She put up security cameras and all were stolen. People from 610 defecate on her property. They build fires at night. Her renters call her about the fires but they're afraid to call the police or fire department. Their daughter's car was vandalized. She hopes something can be done to remove the people from the property.

Keith Murphy, from Lebanon, owns the property on the other side of 610. He described trouble with a dog from 610 defecating on his property. His fence has been torn down beyond fixing. He said the people at 610 have bonfires almost every night but the fire department doesn't come out anymore.

Jess Durfee, 1135 Seventh Avenue SE, said 610 Sherman Street is directly behind them. They've put up with the situation for 18 years. He said there are always drugs there, and traffic and fighting. Regina Durfee of the same address said they constantly call the police. People are screaming and fighting all night, and the place stinks horribly.

Kidd said City Manager Peter Troedsson declared the property a threat to safety and health and the house was demolished in January 2020. Litigation over the property is continuing in circuit court.

Police Chief Marcia Harnden said there have been more than 50 police calls to the property since the house was demolished. Her directions to the police are to take action whenever they have actionable information.

Fire Chief Shane Wooton addressed the misconception that the department doesn't respond to the property. They have only received five calls to the property in a year. He added that recreational burns are exempt from many open burning laws.

Johnson II asked if there is anything the council can do to get the people and garbage off the property.

Kidd said Code Compliance Officer Kris Schendel has confirmed what the neighbors have been saying. The property is again a public safety and health issue. The council can authorize the city manager to direct staff and police to clear the property.

MOTION: Sykes moved to have the property declared a health hazard and remove the people from the property. Johnson II seconded the motion.

Konopa asked if the City can fence the property to keep Furry out. Kidd said not as long as he owns the property. If the court case is successful, he will lose ownership.

Johnson asked if the City can help the neighbors build higher fences. Kidd said the Albany Development Code regulates fence height. At least the property will look and smell a little better for a while.

Kidd said the motion should be clarified to state that the council authorizes the city manager to determine that the property is a hazard. The mover and seconder agreed to the clarification.

VOTE: the motion to authorize the city manager to declare the property at 610 Sherman Street SE a health and safety hazard passed 6-0.

Stephanie Newton, 839 Fifth Avenue SW, the chair of the human relations commission (HRC), spoke about hate in Albany. The HRC invites the council to join it in facilitating a community conversation.

Ron Brockmann, 2992 NE Malachi Way, said he is interested in buying a piece of City-owned property left over from the Lowe's project. Public Works Engineering and Community Development Director Jeff Blaine said he will meet with Brockmann to discuss details.

Approval of agreements

8:16 p.m.

- a. ODOT agreements for 24th Avenue rehabilitation (ST-21-01) and Queen Avenue street improvements (ST-21-03).

City Engineer Staci Belcastro said staff recommends authorizing both agreements. They provide state funding for project design and construction.

Kellum asked if the Queen Avenue plan retains both southbound lanes of Queen at the railroad crossing. Belcastro said she believes so.

Councilor Bill Coburn asked if the City would do the design and contracting. Belcastro said yes.

MOTION: Johnson II moved to approve the agreements. Sykes seconded the motion, which passed 6-0.

Adoption of consent calendar

8:21 p.m.

- a. Approval of minutes
 - 1) June 24, 2020, meeting.
 - 2) July 6, 2020, work session.
- b. Recommendations to OLCC
 - 3) Approve limited on-premises liquor license application for Northwest Mobile Cuisine LLC, DBA N'Reener's/McCarthy's Tap Shack, 520 Pacific Boulevard SW.
- c. Adoption of resolutions
 - 1) Accepting grant funds from Business Oregon. RES NO. 6921
 - 2) Accepting CARES Act funding for airport. RES NO. 6922
- d. Accepting charitable contribution from Country Financial.

MOTION: Coburn moved to adopt the consent calendar with items b1) and c1) pulled for discussion.

Item b1): City Manager Peter Troedsson said City permits should be in place before the council approves the OLCC license. The OLCC allows selling alcohol from a food truck, but it must be in a permanent space, so the applicant should have a lease and a 120-day permit. The council discussed code and permit requirements for food carts.

Johnson II asked if the applicant is selling alcohol now. He is concerned about liability if someone were over-served. Troedsson said they are not selling alcohol. Schendel is working with them to make sure they understand the City and OLCC permit requirements.

ACTION: the council agreed that they would not approve the liquor license until the applicant has the required City permits.

Item c1): Economic Development Manager Seth Sherry recapped the process of the Business Oregon grants. Johnson asked if the lending criteria were still the same. Sherry said yes.

MOTION: Johnson moved to accept the grant funds. Johnson II seconded the motion, which passed 6-0 and was designated Resolution No. 6921.

Staff Report

8:39 p.m.

Approval of the proposed council meeting schedule for November and December 2020.

MOTION: Sykes moved to approve the meeting schedule. Kellum seconded the motion, which passed 6-0.

Business from the Council

8:40 p.m.

Coburn asked for an update on the Cumberland Church property purchase agreement. Kidd said staff is reviewing the preliminary title report. The purchase should close within 30 days.

The council discussed timing of further property purchases.

Johnson II said he would like the council to take the HRC up on their invitation to conduct a joint forum.

Konopa asked about the resolution condemning hate she provided to the councilors (see agenda file). She said the council can't stop hateful behavior, but they can state that it's unacceptable.

Kellum said there are things that everyone agrees are hateful, and other things that people allege is hateful. If this isn't to be a feel-good gesture, it needs to have teeth, and if you want teeth you need specific definitions of hate and racism.

Johnson said if we described everything we considered hateful, the document would be huge. Federal and state laws define hateful actions.

MOTION: Councilor Dick Olsen moved to adopt the resolution. Johnson II seconded the motion.

Kellum said he can't go along, unless the resolution is specifically defines racism and hate.

Johnson II said the definitions are in federal law. What the community needs from the council is a unified statement that we won't tolerate hateful action. The police department are the city's teeth.

VOTE: the council voted 6-0 to adopt the resolution, which was designated RES. No. 6923.

Newton asked the council to commit to creating a community discussion with the HRC. The council discussed the idea. Konopa suggested that the HRC bring the council some specific ideas for a community dialog before the council commits.

The council agreed that they are not ready to commit without knowing more about what is being proposed.

The scheduled executive session was cancelled.

NEXT MEETING DATES

Wednesday, September 9, 2020; 7:15 p.m. regular meeting
Monday, September 21, 2020; 4 p.m. work session
Wednesday, September 23, 2020; 7:15 p.m. regular meeting

ADJOURNMENT

There being no other business, the meeting was adjourned at 9:16 p.m.

Respectfully submitted,

Reviewed by,

Allison Liesse
Deputy 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.