



## MINUTES

Wednesday, August 10, 2022  
Meeting  
Council Chambers, City Hall  
Hybrid format

Approved: October 12, 2022

### Call to Order and Pledge of Allegiance

Mayor Alex Johnson II called the meeting to order at 6:00 p.m. The mayor led the pledge of allegiance.

### Roll Call

Councilors present: Mayor Alex Johnson II and Councilors Dick Olsen, Matilda Novak, Stacey Bartholomew, Ray Kopczynski, Bessie Johnson, and Marilyn Smith

Councilors absent: None

### Public hearing

Helping Hands Street Vacation (VC-01-22)

OPEN: Johnson II opened the public hearing at 6:02 p.m.

All of the councilors said they had had conversations with Helping Hands neighbor Tina Vanderburg about the homeless shelter.

Planning Supervisor David Martineau read the rules of testimony.

Martineau presented the staff report. He described the application and public noticing. Planning received one emailed comment after the Planning Commission hearing on July 18, 2022. That email was forwarded to the council. Staff and the Planning Commission recommend approval of the application with two conditions: a public utility easement and an access easement granted to the City.

Councilor Bessie Johnson asked if the off-street parking requirement was triggered by the proposed expansion. Martineau said yes. Vacating the street would provide room for the required parking spaces. The vacated property will be split down the middle and revert to the property owners on either side.

The council discussed and asked questions about parking for the shelter and neighbors. City Attorney Sean Kidd said property owners do not need a parking permit to park on the vacated property. Vanderburg declined a parking permit that would allow her to park on the public streets.

The council discussed street improvements and ingress and egress from Vanderburg's property and the shelter property.

Vanderburg said Helping Hands sometimes fails to keep their residents from bothering her. She gave pictures of trespass and property damage to the clerk, who passed them to the councilors. Councilor

Stacey Bartholomew said she thinks Vanderburg will have more control over her property with the vacation and more security than she does now.

Emma Deane, executive director of Helping Hands, said Helping Hands is a high-barrier shelter. They want to expand to create a safe space for people who can't meet the qualifications. The vacation is intended to create parking for residents who provide driver's license, registration, and proof of insurance.

The council discussed the proposed parking spots and their use, and the use of the permit parking in the vicinity.

No one else wished to speak.

CLOSE: Johnson II closed the public hearing at 7:03 p.m.

Councilor Matilda Novak said she respects those who started Helping Hands, but if Salem is going to continue to allow lawlessness, she cannot vote for the expansion.

Councilor Ray Kopczynski said Helping Hands is a high-barrier shelter trying to expand with low-barrier capacity and he thinks that is absolutely needed in Albany. Councilor Dick Olsen said he sees some advantages to the vacation, but he also wants to see the proposed use. Councilor Marilyn Smith said this hearing is about the street vacation. The council can't determine who parks in a private parking lot.

Bartholomew said she sees benefits to both parties with the vacation. Both parties will have more control over their property.

Kidd read the ordinance for the first time in title only: AN ORDINANCE VACATING THE SOUTH 150 FEET OF JEFFERSON STREET NORTH OF NINTH AVENUE, IN ALBANY, OREGON.

MOTION: Smith moved to have the ordinance read a second time in title only. Bartholomew seconded the motion, which failed 4-2, with Olsen and Johnson voting against. A second reading in title only in the same meeting requires a unanimous vote of the council. The ordinance will come back to the August 24, 2022, council meeting for an automatic second reading.

Business from the Public

**7:16 p.m.**

Lise Grato, executive director of the Albany Downtown Association, gave an update on downtown activities and events.

Steven Draper said he appeared before the council earlier this year and asked for copies of home inspections he believes are fraudulent. He handed out supporting documentation.\* He wants the people who were involved in the inspections called out in public.

Second Reading of Ordinances

**7:25 p.m.**

a. Portable Toilets

- 1) Add section AMC 7.84.095, Portable Toilets

Chris Bohanan said he works for a local company with over 70 customers who have portable toilets. Most employers who have toilets on site do so to help their employees. Requiring permits will hurt employers and their employees.

Brad Wilson said he owns Better Portable Toilets. He asked what alternatives there are for industries with large sites.

Public Works Director Chris Bailey said there are good times and places to use portable toilets. Currently, the Albany Municipal Code (AMC) requires placement of portable toilets during construction, and they are permitted by the building permit; but there are no legal ways to place a portable toilet long term. The council asked public works to expand the code to allow more uses, and that's what this ordinance tries to do.

Novak asked if the speakers' businesses would be hindered by the proposed ordinance. Bailey said there shouldn't be any change to their businesses. Compliance with the code is the responsibility of the person who wants to place a portable toilet, not the business they rent the toilet from.

Code Compliance Officer Kris Schendel said he doesn't know how many customers the speakers have, but the way the current code is written probably half of them are in violation. Code Compliance hasn't checked on them because they are trying to change the code to allow the toilets in more situations. Bailey said the City responds to nuisances on a complaint basis because we don't have the staff and time to inspect for violations.

RECESS: the council recessed for a break at 7:44 p.m.

RECONVENE: the council reconvened at 7:50 p.m.

Olsen asked if staff asked for input from suppliers of portable toilets before bringing the ordinance to the council. Bailey said no.

Johnson II asked what the proposed 90-day permit would cost. Bailey said it would be up to the council to decide that once the code allows permits.

Bailey asked for direction from the council. The toilet at First Christian Church is intended to address a public need. Our original aim was to put public toilets where the public needs them. Kopczynski said he thinks this ordinance is a sledgehammer to swat a fly. Johnson agreed. She suggested not voting on it tonight.

Schendel said staff needs direction on what the council wants to see. Johnson suggested a work session on the topic.

Kidd read the ordinance for the second time in title only: AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE CHAPTER 7.84, PUBLIC NUISANCES, BY ADDING A NEW SECTION TITLED 7.84.095, PORTABLE TOILETS

MOTION: Smith moved to not adopt the ordinance. Novak seconded the motion, and it passed 6-0.

2) Amend AMC 9.04.030, Maintenance of Property

Kidd read the ordinance for the second time in title only: AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE CHAPTER 9.04, MAINTENANCE OF PROPERTY

MOTION: Smith moved to not adopt the ordinance. Novak seconded the motion, and it passed 6-0.

Johnson II suggested bringing the issue back to the next council work session. He asked councilors to invite interested parties.

Ethel Ellingson spoke from the audience. She said she is honored to be a part of the church that caused the controversy. This portable toilet plays a unique part in the community, and helps to keep our city clean.

b. Psilocybin Ordinances

1) Declare a ban on psilocybin manufacture and service centers

This ordinance did not move forward from the August 8, 2022, work session.

2) Declare a two-year ban on psilocybin manufacture and service centers

**8:14 p.m.**

Patrick Winczewski spoke about addiction. He said psilocybin therapy is a solution to addiction.

Janice Brown spoke against a ban on psilocybin.

Peggy Joyce said it's disrespectful to second-guess the voters.

Kopczynski said he thinks adopting time, place, and manner regulations would be appropriate.

Johnson said the Oregon Health Authority (OHA) hasn't decided yet how they will handle licensing. She agrees with putting a moratorium on psilocybin until we know what the rules will be. Smith reminded the council that City Manager Peter Troedsson sent links to OHA material that had preliminary regulations. There are tentative rules in place.

Novak and Johnson II expressed concern about the level of education and training required for licensing therapists.

Kidd read the ordinance for the second time in title only: AN ORDINANCE DECLARING A TEMPORARY BAN ON PSILOCYBIN MANUFACTURING AND SERVICE CENTERS WITHIN THE CITY OF ALBANY

MOTION: Johnson moved to adopt the ordinance. The motion died for lack of a second.

No psilocybin measure will be referred to the voters in November 2022.

Adoption of Consent Agenda

**8:37 p.m.**

a. Appointments

1) Appointments to the Public Safety Commission and Landmarks Commission

b. Adoption of resolution

1) Accept sewer easement (SI-22-07)

- c. Extension of contract
  - 1) Low-Salt Sodium Hypochlorite Contract Extension and Increase

Novak requested to pull item c. for discussion. Kopczynski requested to pull item a. for discussion.

MOTION: Motion to adopt the consent agenda with items a. and c. pulled for discussion passed 6-0.

Smith requested to vote separately on the two appointments.

MOTION: Novak moved to approve the appointment of Tom Cordier to the Public Safety Commission. Olsen seconded the motion. Kopczynski recused himself on the grounds of inability to be impartial. On a roll-call vote, the motion received two votes in favor and three against (Johnson, Smith, and Bartholomew), with Kopczynski recused. It takes four votes in the affirmative to pass a motion.

MOTION: Kopczynski moved to vote again on the motion to approve the appointment. Smith seconded the motion to vote again, and it passed 5-1, with Bartholomew voting against.

MOTION: Kopczynski moved to approve the appointment of Tom Cordier to the Public Safety Commission. Novak seconded the motion, which passed 4-3, with Johnson, Smith, and Bartholomew voting against and Johnson II breaking the tie.

MOTION: Smith moved to approve the appointment of Dave Smith to the Landmarks Commission. Johnson seconded the motion, and it passed 6-0.

Regarding item c, the contract extension, Novak asked if staff could find any alternative to sodium hypochlorite. Utility Superintendent – Water Scott LaRoque said sodium hypochlorite is chlorine. The only alternative to chlorine would be to disinfect the water at every tap. Smith asked if it is dangerous to drink Albany’s drinking water. LaRoque said no. Bailey said we’re required to chlorinate our drinking water. Chlorine will volatilize out of water allowed to sit in the refrigerator.

MOTION: Smith moved to approve the contract extension and increase. Kopczynski seconded the motion, and it passed 6-0.

Staff Report

**8:55 p.m.**

- a. Reclassify Planner III to Comprehensive Planning Manager

Director of Community Development Matthew Ruetters gave the staff report per the memo in the agenda packet. He said the difference in cost will be about \$2,600 per year.

MOTION: Smith moved to approve the reclassification. Kopczynski seconded the motion, and it passed 6-0.

- b. Salary grade adjustment for Building Official Manager classification

**8:58 p.m.**

Ruetters presented a staff report per the memo in the agenda packet.

MOTION: Smith moved to approve the salary grade adjustment. Kopczynski seconded the motion, which passed 6-0.

MOTION: Johnson moved to continue the meeting past 9 p.m. Kopczynski seconded the motion, and it passed 6-0.

Business from the Council

**9:00 p.m.**

Smith, Bartholomew, and Johnson II reported visiting National Night Out participating neighborhoods.

City Manager Report

**9:04 p.m.**

Troedsson thanked Kopczynski for participating in the prospective councilor candidate orientation. He commended Bailey for her hard work on the proposed portable toilets ordinances.

Next Meeting Dates

Monday, August 22, 2022; 4 p.m. work session

Wednesday, August 24, 2022; 6 p.m. meeting

ADJOURNMENT

There being no other business, the meeting was adjourned at 9:05 p.m.

Respectfully submitted,

Reviewed by,

Allison R. Liesse  
City Clerk

Peter Troedsson  
City Manager

*\*Documents discussed at the meeting that are not in the agenda packet are archived in the record. Documents from staff are posted to the website after the meeting. Documents submitted by the public are available by emailing [cityclerk@cityofalbany.net](mailto:cityclerk@cityofalbany.net).*