



MINUTES

Wednesday, November 6, 2024
Meeting
Council Chambers, City Hall
Approved: December 11, 2024

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 Matilda Novak, Steph Newton-Azorr, Ray Kopczynski, Jackie Montague, Marilyn Smith, and Ramycia McGhee

Councilors absent: None

Public Hearing

CP-01-24 Comprehensive Plan and zone amendments

OPEN: Johnson II opened the public hearing at 6:01 p.m.

No councilors wished to declare a conflict of interest or ex parte contact.

Site visit: Councilor Marilyn Smith said she lives in the neighborhood and is familiar with the property.

No councilors wished to abstain.

No one challenged the council's right to hear the case, or the participation of any councilor.

Current Planning Manager David Martineau read the meeting procedures.

Staff report:

Planner III Jennifer Cepello showed slides.* She described the application, the property, and the hearings process. Planning staff finds that the proposal meets the applicable review criteria.

Smith asked, what is the applicant's proposed modification? Cepello said before the final plat is issued, all of the code violations will be mitigated. Councilor Steph Newton-Azorr asked what the financial consequences would be to the applicant if they are not mitigated. City Attorney Sean Kidd said fines would be imposed. He said the modification was proposed by the applicant, not by the Planning Commission.

Applicant testimony:

Applicant representative Kim Riccitelli of GREEN Cascades LLC, 717 Calapooia Street SW, said the property has ongoing issues with junk and vagrancy. The owner is working with the Albany police department to get the violations cleared. This will happen regardless of the outcome of the land use application. She described the reason for the partition and proposed zoning. The applicant believes the proposed parcels are suited for different types of development.

Public testimony:

Curtis Pitt, 3314 Mountain View Dr, said he is opposed to the application. He disagrees with the traffic report, which he said was "misleading" and "false." He said not everyone within 300 feet of the property line received notice of the public hearing.

Tracy Voeller, 3053 Brookside Avenue SE, said the staff report was inaccurate and incomplete, and the notice process was flawed. He said the Planning Commission acts as a "rubber stamp" for staff decisions. He asked that the application be denied or delayed until the Oregon Department of Transportation can assess Grand Prairie Road.

Kathleen Boatwright, 3130 Quail Avenue SE, said the impact on future students has not been addressed. There will be a negative impact on school facilities.

No one else wished to testify.

Rebuttal:

Riccitelli said the traffic impact analysis doesn't compare a medium-density development to a single-family home. It compares a medium-density development to a single-family subdivision.

Newton-Azorr asked if there's information to answer Boatwright's concern about schools. Martineau said Community Development notices GAPS when they notice a public hearing, as well as giving them a quarterly update of proposed developments.

Smith asked Martineau to explain how recent state law affects single-family zoning. Martineau said the City has had to adopt state standards that allow middle housing in all existing single-family zones.

Smith said rezoning a property doesn't change the use until a development proposal is approved. Martineau added that any use allowed in the new zone can be approved, but there are no uses proposed.

Johnson II asked about the trip generation memo. Aaron Hiemstra, engineering manager/assistant city engineer, said he went over the memo carefully and compared it to the City's manual. It is correct. The projected count is the same for 25 single-family homes as for 25 townhome units.

Procedural questions:

Voeller asked about the process to appeal. Kidd said appeals will be addressed at the end of the hearing.

CLOSE: Johnson II closed the public hearing at 6:46 p.m.

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

MOTION: Smith moved to have the ordinance read a second time in title only. Councilor Jackie Montague seconded the motion, and it passed 6-0.

Kidd read the ordinance a second time in title only.

Smith suggested that council approval of the comprehensive plan and zone change should be contingent on the cleanup being completed and not effective until it's done.

Ruettgers said the condition proposed by the applicant is that they would be in compliance with all prior land uses before a partition. The development code and municipal code are not usually linked this way, but the applicant proposed it. Kidd said the violation case currently in municipal court is separate from this condition on this property.

Councilor Matilda Novak said the people who will be affected by the rezoning haven't had due process. She can't support approval of the application because she doesn't support increased density.

Newton-Azorr asked where the junk is coming from. Kidd said he believes it's been generated by family members. Newton-Azorr said she doesn't like to accept the promise to clean up instead of having it cleaned before coming to the council.

MOTION: Montague moved to adopt the ordinance with one modification and approve as modified the partition and natural resource impact review applications. Smith seconded the motion, which passed 4-2, with Novak and Newton-Azorr voting no. The ordinance was designated Ordinance No. 6055.

Johnson II read the appeals procedure.

Business from the Public

6:59 p.m.

Whitney Skoien said she is not a currently a resident of Albany. She and her partner want to develop a women's shelter in Albany. They would like help and direction from the council.

Boatwright identified herself as Skoien's partner. She asked how to find out if the former Maple Lawn Preschool could be used. Both Johnson II and Smith asked Boatwright and Skoien to contact them.

First Reading of Ordinance

7:05 p.m.

AMC 6.16 Wildlife Control

Code Compliance Officer Kris Schendel reminded the council that at their September 25, 2024, meeting they heard from the public about nuisance turkeys. This code section is addressed to nuisance wildlife only and doesn't prohibit feeding songbirds. The Oregon Department of Fish and Wildlife has reviewed it.

Smith asked to clarify that the proposed section defines wildlife as any animal not normally domesticated. It doesn't apply to feral cats because they can be domesticated. Schendel agreed.

Newton-Azorr asked what would happen to the turkeys, if this ordinance is passed. Schendel said if people don't feed them, they will eventually disperse.

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

MOTION: Newton-Azorr moved to have the ordinance read a second time in title only. Councilor Ramycia McGhee seconded the motion, and it passed 6-0.

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

MOTION: Newton-Azorr moved to adopt the ordinance. Smith seconded the motion, which passed 6-0 and was designated Ordinance No. 6056.

Adoption of Resolutions

7:14 p.m.

Republic Services rate increase

Municipal Manager Julie Jackson of Republic Services answered questions about the proposed rates.

MOTION: Smith moved to adopt the resolution. Councilor Ray Kopczynski seconded the motion, which passed 6-0 and was designated Resolution No. 7362.

Accepting Grants

7:20 p.m.

a. ODOT grant for a DUII officer

MOTION: Kopczynski moved to adopt the resolution. Smith seconded the motion, and it passed 6-0. The resolution was designated Resolution No. 7363.

b. Emergency Telephone Association grant

Police Chief Marcia Harnden said police officers' belt-worn radios cost \$11,000 each and the department's current radios are at the end of their useful life. The department is looking for grants like this to replace a few at a time.

McGhee asked how long the radios last. Harnden said ten years.

MOTION: Montague moved to adopt the resolution. Smith seconded the motion, which passed 6-0, and was designated Resolution No. 7364.

Adoption of Consent Agenda

7:25 p.m.

a. Approval of minutes

- 1) September 30, 2024, work session
- 2) October 21, 2024, work session

c. Adoption of resolutions

- 1) Adopting revised policies
 - i) Investment policy
 - ii) Risk management policy

- 2) Appointing Municipal Court judges pro tem

RES NO. 7365

d. Approval of agreement

- 1) Municipal Court judge agreement

Novak asked about the number of staff covered by City insurance. Yeager said there are about 435 full-time-equivalent staff.

MOTION: Montague moved to adopt the consent agenda as presented. The motion was seconded and passed 6-0.

Business from the Council

7:27 p.m.

Montague said the Linn Benton Loop Board has approved reducing summer service, due to low ridership in the summer months.

City Manager Report

7:35 p.m.

City Manager Peter Troedsson offered congratulations to the councilors-elect.

Next Meeting Dates

Monday, November 18, 2024; 4:00 p.m. work session
Wednesday, November 20, 2024; 6:00 p.m. meeting

ADJOURNMENT

There being no other business, the meeting was adjourned at 7:35 p.m.

Respectfully submitted,

Reviewed by,

Allison 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@albanyoregon.org.*