

CITY OF ALBANY
CITY COUNCIL WORK SESSION
Municipal Court Room
Monday, July 11, 2016
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: Mayor Sharon Konopa and Councilors Rich Kellum, Ray Kopczynski, Dick Olsen, Floyd Collins, Bessie Johnson, and Bill Coburn.

Councilors absent: None.

BUSINESS FROM THE PUBLIC

None.

REQUEST FOR LICENSE TO OCCUPY PUBLIC RIGHT-OF-WAY

Engineering Manager Staci Belcastro outlined The Still restaurant's request for outdoor seating in front of their building located at 220 Second Avenue SW. Seating will be seasonal when weather permits. Staff has reviewed their request and does not see any issues with their proposal. Discussion followed related to Americans with Disabilities Act (ADA) compliance. Councilor Rich Kellum said he would recuse himself since The Still is one of his customers. Konopa shared safety concerns involving the step up from the sidewalk to the front entry of the business with waitstaff coming and going to serve outdoor diners. She asked that the owner do something to draw attention to the step.

MOTION: Councilor Ray Kopczynski moved to approve the request as outlined in the staff report. Councilor Bill Coburn seconded the motion and it passed 5-0, with Kellum abstaining.

BRANDIS PROPERTY UPDATE

Economic Development & Urban Renewal Director Kate Porsche provided an update on the Brandis property as outlined in the staff report. Porsche has had several inquiries recently and would like direction from Council as to the disposition of the property.

Greater Albany Public Schools (GAPS) is interested in the southern portion of section (A) on the Wetland Index Map on page 11 of the agenda packet. They would have to remediate wetlands, but their long-term plan would be for another school site. They see a fair amount of growth in East Albany and this is an opportunity to create a central campus for multiple schools as the area grows.

Discussion followed related to zoning of the two parcels.

Konopa feels there is an opportunity with this property to ensure that it is developed in such a way as to create a neighborhood with homes varying in size, style, density, and purchase price, which diversifies the neighborhood and creates a healthier school and a healthier community. Konopa suggested that the City establish site criteria and go out for a Request for Proposals (RFP) from developers.

Councilor Floyd Collins is in favor of working with GAPS first, as they're not going to be able to find additional property neighboring or in close proximity to existing schools anywhere else in the community. He would like to prioritize GAPS and negotiate with them before pursuing any other uses for the property. Collins does not have a problem with the RFP approach, but feels the more restrictions Council places on the property, the less interest there will be. Discussion followed.

Kopczynski, Kellum, and Councilor Bessie Johnson all expressed concerns over placing specific requirements on a developer; they don't want to deny someone the opportunity to purchase the property if they meet zoning and development requirements.

Coburn echoed Collins's desire to work with GAPS before designing an RFP full of restrictions. Collins suggested a two-pronged RFP to include both the option to sell the property as is and a second option containing whatever additional requirements they determine to be appropriate; Council retains control to choose either option.

Porsche reminded Council that the City is currently negotiating with Myles Breadner related to his development and paying for improvements in the area of section (Ca) and the northern half of section (A) on the map, and it would be helpful in dealing with GAPS to remove those sections from the discussion.

Porsche also informed the Council that a developer interested in sections (I), (H), and (M) ran the numbers and fell quite a bit short, just looking at the hard costs into that portion of the land, not including accrued interest. Porsche is

concerned that if Council is considering a set price point, there may not be any response, and that the reality of the market may fall short of Council's expectations. An appraisal has not been done, but based on the wetlands and the market right now, the City may not get the full amount owed. Discussion followed.

Kellum, Coburn, and Johnson agreed that the property should to be sold as soon as possible.

Council directed staff to first work with GAPS regarding their interest in purchasing the property, then to prepare an RFP to include the two options that Collins mentioned.

LOCAL GAS TAX DISCUSSION

Konopa explained that discussions regarding a local gas tax took place at the Budget Committee level three years ago, and she began a conversation about a year and half ago with other cities in the area to consider a regional gas tax. This item has been delayed several times, and Konopa recently spoke with City of Corvallis Mayor Bill Traber to determine whether Corvallis was ready to bring the item to the November election. Traber was under the impression that Albany wasn't prepared to move forward, which is why Konopa has asked staff to bring an update to Council.

Public Works Operations Director Chris Bailey highlighted items from the staff report.

The tables on page 13 of the agenda packet show the current condition of streets; the assessment was redone just a few weeks ago, so it is up to date. The table shows that local streets are in far worse condition than the arterial and collector streets. To keep those streets in very good condition requires ongoing preventative maintenance. Once they slip down to poor or very poor condition, the cost to repair or rebuild those streets is exponentially more expensive than the routine maintenance that would be required to prolong the life of the street.

Bailey stressed that the figure of \$250,000 per penny of tax is approximate. It is extremely difficult to determine how much gas is sold in Albany. The table on page 14 gives examples of the work that could be accomplished with those funds. Staff could accomplish any one of those items in the table, but not all of them.

Johnson feels a gas tax is a good option, but it is too late to include with the ballot for this November. Discussion followed. Kopczynski agreed with Johnson and would like more information before moving forward with a ballot measure.

Coburn said he would have to rely on staff's opinion as to whether it is feasible to put it on the ballot this fall. He feels the key to generating support from voters is to identify some very specific projects, and he would support a three to four cent tax with a sunset clause of four to five years.

Bailey pointed to stormwater as an example and the amount of public outreach that staff is currently doing, and she feels that a gas tax may warrant similar efforts. Discussion followed. Konopa and Coburn believe the item to be straightforward and should not require significant outreach efforts. Collins believes public outreach is essential to gain support of the voters. Kopczynski, Kellum, and Johnson advocated for staff to identify specific projects that a gas tax would help to complete and make that information available to voters. Discussion followed.

Councilor Dick Olsen is in favor of deferring this item to a future election when there are fewer competing priorities on the ballot.

Konopa asked Council whether they would be willing to pursue a gas tax measure for the November election if staff can bring the specific project information back next month and if Corvallis is ready to move forward. Discussion followed. Konopa will contact Corvallis Mayor Traber to determine their readiness and report to Council at the next meeting. Kopczynski said he would support a measure for November if Corvallis were ready.

MARIJUANA TIME/PLACE/MANNER REGULATIONS

Planning Manager Bob Richardson gave a presentation as outlined in the PowerPoint (see agenda file).

Richardson explained that medical marijuana dispensaries and recreational retail sales are classified as the same Albany Development Code (ADC) use type, Retail Sales and Service. At this meeting, Council is being asked to consider whether they want to apply restrictions on medical dispensaries and recreational retail sales; then future meetings could address other commercial recreational categories, such as processing or wholesale, and Council can decide whether to impose any additional restrictions on those uses.

Kellum pointed out that on slide 4 of the PowerPoint, the first bullet should read "All commercial recreational uses are banned," as Council has no authority to ban personal recreational uses.

Coburn asked whether medical dispensaries would be grandfathered in to the current regulations if they switched to recreational retail sales. City Attorney Sean Kidd advised that they would only be grandfathered in if they remain medical dispensaries. If they switch to recreational sales, they would have to comply with whatever regulations are put into effect.

Richardson said the driving question is whether Council should apply time, place, and manner regulations if the ban on recreational marijuana fails. If place regulations alone do not sufficiently mitigate Council's concerns, they can look at additional time and manner regulations that serve the objective to protect public health, safety, and welfare. Kidd explained that the state has fairly strict recreational sales regulations already in place related to security, lighting, signage, etc. Discussion followed.

Following requests from Councilors, Kidd read a draft of the ballot title for the proposed ban on recreational marijuana. Discussion followed. Konopa asked that ballot measure be brought to the July 27, 2016, Council meeting.

Richardson advised Council that they have several months to decide on time, place, and manner restrictions. Kidd explained that for cities that currently have a ban in place, the state is not going to issue licenses for recreational uses in those cities until January 1, 2017. Potential retailers won't be able to apply for their license until after November 9, 2016, and only if the ban is overturned. Time, place, and manner regulations could be adopted in November or December of this year. Discussion followed.

Richardson asked for direction from Council with respect to the three proposed options for place regulations.

Kopczynski stated that map 3 is completely off the table for him, map 2 is certainly better, but he would be in favor of map 1. Olsen agreed, saying that maps 2 and 3 discriminate against a large number of commercial properties, and he is not in favor of either one. Public Works Engineering & Community Development Director Jeff Blaine summarized that map 2 includes the regulations that are currently in place; it is essentially the "do nothing" option. Map 1 is less restrictive than what is currently in place, and map 3 is more restrictive. Kopczynski believes it is an overreach to go onerously beyond state regulations. Discussion followed. Kellum and Johnson both support the option as outlined in map 3.

MOTION: Kellum moved to adopt map 3 as the desired regulations. Johnson seconded.

Coburn is concerned with the potential impacts to Canna Kitchen. Discussion followed. Kellum and Kopczynski both noted that Canna Kitchen's owner has voiced many times that she does not wish to sell recreational.

VOTE: Konopa called for a vote on the motion to adopt map 3 as the Council's desired regulations. The motion failed 3-2-1, with Coburn and Olsen voting no, and Kopczynski abstaining.

City Manager Wes Hare stated that there is no legal action required at this time. Staff was asked to bring this information back to Council for discussion and is looking for direction from Council moving forward. Richardson noted that the map is just a visual representation of the effect of applying various regulations.

Discussion followed. Council directed staff to look to apply the same place regulations that were discussed for retail sales and medical dispensaries to the other commercial uses, as permitted by the state for each category, and taking into account the various development code restrictions for each use type.

BUSINESS FROM THE COUNCIL

Coburn asked that staff send him an update regarding 1680 Tudor Way SE.

Olsen and Collins informed Council of a situation with one of their constituents wanting to park his motor home in front of his house so that he can prepare to leave on a trip the next morning, something the Albany Municipal Code (AMC) prohibits. Hare noted that this ordinance has not been aggressively enforced; the reason it was adopted was to deal with complaints from neighbors of people blocking the street with the large vehicles. Council would like staff to look at Chapter 13 of the AMC in its entirety and consider whether revisions would be appropriate.

CITY MANAGER REPORT

Porsche provided an update on the application for an Infrastructure Finance Authority (IFA) loan, a special public works loan for the downtown streets project. The application had previously been submitted by the Albany Revitalization Agency (ARA), but the City is required to make application directly, so Konopa will need to sign. ARA will do a pass-through of funds, so Porsche will bring an Intergovernmental Agreement to future meetings for both ARA and City Council to approve.

ADJOURNMENT

There being no other business, the meeting was adjourned at 6:15 p.m.

Respectfully submitted,

Holly Roten
Administrative Assistant I

Reviewed by,

Wes Hare
City Manager