

CITY OF JEFFERSON
Regular Council Meeting
Public Hearings (3)
October 28, 2021
6:30pm

COUNCILORS PRESENT: Dave Beyerl, David Watkins, Mayor Michael Myers, Walt Perry, David Kellogg, Bob Rossiter

COUNCILORS ABSENT: Patrick McKenzie

STAFF PRESENT: Sarah Cook, CM/R; Jeff Buskirk, PWD; Kiel Jenkins, COG Contract Planner (zoom)

I. **CALL TO ORDER/FLAG SALUTE** – Mayor Myers called the meeting to order at 6:30pm and led in the flag salute.

II. **PUBLIC HEARINGS (3)**

A. **APPEAL – SITE PLAN REVIEW (SPR) 2021-01**

Mayor Myers opened the hearing at 6:31pm, read all required language for land use hearings, and confirmed there were no conflicts, bias, or ex-parte contacts amongst the City Council, but for Councilor Watkins' attendance at the PC Meeting as the City's liaison, and no challenges from the audience.

Attending virtually, contract Planner, Kiel Jenkins presented the staff report, first, providing background on the proposed 56-unit mixed-use development, which went before, and was approved by the Planning Commission. He spoke of the concerns raised in the appeal, which included safety of children that frequently played on and around 3rd Street, lack of discussion at the PC level regarding improvements to 3rd Street, and increased traffic the development would create. Kiel noted subsequent conversations with the developer and City staff had occurred since the PC meeting, and additional conditions had been agreed upon, which would result in considerable improvements to 3rd Street, including widening the street, and adding curbs and gutters, which would better accommodate circulation to/from the area. He added that such development was identified in the City's TSP as a natural area for future growth. An additional concern that was raised involved safe crosswalks. Kiel spoke of ODOT's very late comment that had just arrived earlier in the day, which identified the need for an adequate receiving area on the other side of a crosswalk. Whether it be dirt, a sidewalk, or something else, it just couldn't be a crosswalk to nowhere. He indicated he would update the staff report to include that condition of approval as well. Last, the appellant raised concerns about the construction traffic, to which Kiel indicated arrangements had been made that would require them to use Bates Street to access the project site. He felt staff was able to address all of the appellants concerns through the additional conditions placed on the development.

Applicant, Lisa Carter, 702 S. Main St. – Lisa expressed her gratitude for all of the work that had gone into the project from the City, and agreed with all comments and conditions of the staff report. She added she was local, part of a family that had lived in Jefferson for 5 generations, and was not some big developer trying to come in and take advantage of anything. She loved Jefferson and hoped to work together with the City.

Mayor Myers indicated he would call for any public testimony and read the rules surrounding that process.

Testimony in favor of the application: none

Neutral testimony:

Evelyn Bonney - 820 Jefferson-Marion Rd, commented on the number of speeding cars coming from Marion, and wondered about installing speed bumps. She was also curious if the development would put Bates Street through to Jefferson – Marion Rd. Kiel Jenkins explained that Jefferson Marion Rd belonged to the County and

was not under the City's jurisdiction, so there was no authority to install speed bumps or anything else. The proposal did not include pushing Bates St. through because there was not frontage on the applicant's property, so they could not require it. Further, Kiel explained the much bigger undertaking it would require, including a lot of communication and justification with and to Marion County.

Danette Benjamin – 792 N 3rd St, was appreciative of the added conditions; however, she believed sidewalks needed to continue the full length of the street, and asked the City to require it of the developer, since there would be increased children utilizing the area to walk to/from school, parks, etc. Councilor Beyerl spoke about undue burden, to which Kiel Jenkins further explained the proposal did not include sidewalks anywhere outside the scope of the project frontage, because it was not something that could be required of a developer. Widening the street, and adding curbs and gutters would get done, but sidewalks were the responsibility of property owners.

Testimony in Opposition:

James Jones – 806 N 3rd, thanked the staff for the added accommodations made since the PC hearing, and proceeded to read from his prepared statement about his concerns, including extra traffic, kids playing in the street, the Millersburg inter-modal project that would bring in more traffic to the area, and the suggestion that extending Bates St all the way through would help alleviate congestion during peak hours. He felt leaving 3rd Street closed until Bates went through would be best. He also expressed concerns with the drainage, noting the runoff from the proposed development would go through his property. Asked to address the drainage concern, Jeff Buskirk, commented that any new development could not let water come off a property at a greater rate than it had before the development, adding that underground infiltration was included in new developments. Kiel Jenkins noted the particular concern was not part of the original appeal. Councilor Kellogg commented about the potential congestion on North Ave., noting it may be addressed through the TSP project, which was currently underway, and a need for a signal had been identified as a long-term plan. Councilor Rossiter also suggested a stop sign or speed bump at 3rd and Conser St., to which Jeff indicated a stop sign would be acceptable.

Lacey Detzil – 824 N 3rd, commented that they purchased their home in June because it was a dead end street with little traffic, but she had seen a large increase in people speeding in the area. She worried the development would increase traffic even more and thought sidewalks all the way down should be mandatory.

Azirra Baaz – 824 N 3rd, commented that she loved the dead-end street, which was the reason her family moved there. She suffered from anxiety and was concerned about more people in the area.

City Staff Summary: In response to the testimony received, Kiel Jenkins thanked everybody for their comments, and offered the following clarifications for the City Council to consider: The City's TSP clearly stated the plan for the street was to be put through at the time of development to increase the City's street network. He also noted the whole area was a commercial mixed-use district, where homes were non-conforming uses to the particular zone. He did understand the concerns expressed about the lack of sidewalks, and it would ultimately be up to the City Council; however, he felt the street improvements were a sufficient requirement of the developer, and that requiring more could be considered an undue burden. Kiel indicated the code had been met and the application complied.

Applicant Rebuttal: Lisa Carter shared that it was a dream to be able to open Bates all the way; something they hoped to do in the future, but it simply was not in their ability to do it with this project. They didn't own property all the way down, not to mention the extensive engineering that would be involved, the need for a culvert, and more. She too understood the concern expressed about pedestrian safety, and clarified for everybody that there would be room beyond the curb for pedestrians. Whether it would be gravel, grass, or a sidewalk, would be up to the homeowner, but to impose that additional expense on a developer, for

somebody else's property, would certainly set a precedence and she worried developers would turn away. She knew if a City didn't grow, it would die, and good, planned development was essential to the health of a City and what it meant to live in a City.

With no further discussion, the hearing and record closed at 7:50pm and the Council moved into deliberation. Councilor Perry confirmed with Jeff Buskirk that drainage had already been addressed on the property. Councilor Rossiter felt by widening the street and adding the curbs and gutters would create a safer barrier for pedestrians, and expressed concerns about requiring the developer to do more at the risk of a lawsuit. Councilor Kellogg agreed, noting he didn't see any way the City could require this developer to pay for sidewalks when the developer of the most recent development, Hazel Hill, wasn't required to put sidewalks beyond what their own property touched. Councilor Beyerl felt the project met all the City's codes and criteria, the applicant had agreed to the additional conditions placed upon them, and he didn't see any reason it should be denied.

Councilor Beyerl moved to adopt the finds from the staff report and approve SPR 2021-01 with the conditions included in the staff report, including ODOT's addition. Councilor Perry seconded. By roll call vote, all were in favor. Ayes – 5, Opposed – 0. **APPROVED.**

Break: 8:05pm; Reconvene: 8:14pm

B. LEGISLATIVE AMENDMENT (LA) 2021-01 – Ordinance# 721, Amending Sections 12.92 and 12.72.060. E and Adding Section 12.92.080 of the JMC Regulating Nonconforming Lots, Structures, and Uses

Mayor Myers opened the public hearing at 8:15pm and read all the required language for the Type B hearing. There were no declarations of the Council and no objections from the audience. Kiel Jenkins presented the staff report, and summarized the development code changes related to non-confirming lots, as well as the proposal, with the intent of allowing property owners to perform minor changes, alterations, and modifications to their properties through a Type B hearing of the Planning Commission and not be called out for code enforcement violations. The proposal simply created a process for a review to take place and set the criteria for such a review. Kiel found all criteria had been met and he recommended approval.

Public Testimony: none. With no questions of the Council, the hearing closed at 8:31pm and they moved into deliberations and a decision utilizing ordinance adoption procedures. Mayor Myers read Ordinance# 721 by title only for the 1st reading. Councilor Kellogg moved the ordinance be adopted and passed to the second reading by title only. Councilor Beyerl seconded. All in favor: Ayes – 5, Opposed – 0. **APPROVED.**

Mayor Myers read Ordinance# 721 by title only for the second reading. Councilor Kellogg moved that Ordinance# 721 pass and that the title of the Ordinance become the Ordinance. Councilor Perry seconded. By roll call vote, all were in favor. Ayes – 5, Opposed – 0. **APPROVED.**

C. ORDINANCE# 720, For the Levying and Collections of a Special Assessment From Properties Specifically Benefited by Sidewalks on 5th Street

Mayor Myers opened the hearing at 8:35pm and read the background and summary statements. Staff confirmed no written testimony had been submitted. There was no oral testimony made at the hearing. With no questions or discussion from the Council, the hearing was closed at 8:38pm, and Mayor Myers moved on to reading the ordinance adoption procedures, followed by reading Ordinance# 720 by title only for the first reading. Councilor Beyerl moved that the ordinance be adopted and moved to the second reading by title only. Councilor Perry seconded. All in favor: Ayes – 5, Opposed – 0. **APPROVED.**

Mayor Myers read Ordinance# 720 by title only for the second reading. Councilor Beyerl moved that the Ordinance pass and the title of the Ordinance become the Ordinance. Councilor Rossiter seconded. By roll call vote, all were in favor. Ayes – 5, Opposed – 0. **APPROVED.**

III. OLD BUSINESS

3.1 Lease Agreement with JHS&M to Occupy Conser House

Sarah Cook confirmed the lease agreement had been discussed and approved at all levels prior to bringing it before the Council. Mayor Myers indicated it had been a long time coming. Councilor Beyerl moved to approve the lease agreement, seconded by Councilor Perry. All in favor: Ayes – 5, Opposed – 0. **APPROVED.** Patti Ball thanked staff for all the help with the Conser House, noting that together, they had accomplished a lot!

IV. NEW BUSINESS – none

V. DISCUSSION/INFORMATION

5.1 Working Capital Carryover Figures – FYI, Council and staff pleased the estimated budgeted figures were in line with actuals.

VI. CONSENT AGENDA

Councilor Beyerl moved to approve the consent agenda, with the additional invoices sent out via email. Councilor Rossiter seconded. Discussion: there was brief discussion on the ground care at the cemetery. All in favor: Ayes – 5, Opposed – 0. **APPROVED.**

VII. VISITORS – none

VIII. COUNCIL & STAFF COMMENTS

Walt Perry recognized that it was 1st Responder’s Day and praised City staff for handling a very important situation at the cemetery on a weekend. Councilor Beyerl shared information about funds coming to the City from the AAMPO for street related projects. Mayor Myers announced the Tree Lighting was back on this year, with a date TBD. In addition, since the gathering restrictions had been lifted he wanted to hold the City’s annual holiday dinner again to recognize volunteers and staff. He suggested holding it at the Community Center so there would be more room to spread out. All agreed.

IX. ADJOURNMENT – Councilor Perry moved to adjourn, seconded by Councilor Kellogg. All were in favor and the meeting closed at 8:51pm.

MINUTES APPROVED this 9th day of December, 2021.



Michael D. Myers, Mayor

ATTEST:



Sarah Cook, City Manager/Recorder