



CITY OF SALEM

Meeting Agenda

City Council

555 Liberty St SE
Salem, OR 97301

Tuesday, November 12, 2019 6:00 PM Council Chambers

EXECUTIVE SESSION

None.

WORK SESSION

None.

1. OPENING EXERCISES: (Includes call to order, roll call, pledge of allegiance, announcements, proclamations, ceremonial presentations, and Council comment)

Call to Order

Roll Call

1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA

1.2 COUNCIL AND CITY MANAGER COMMENT

1.3 PROCLAMATIONS

1.4 PRESENTATIONS

1.4a. [19-469](#) Presentation by US Department of Justice to the Salem Police Department

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods

Recommendation: Information Only.

The United States Department of Justice would like to recognize the Salem Police Department for their efforts in combatting violent crime in Salem.

2. PUBLIC COMMENT: (Comment on agenda items other than public hearings and deliberations)

3. CONSENT CALENDAR: (Includes approval of minutes, adoption of routine resolutions, and items of business requiring Council action)

3.1 MINUTES

3.1a. [19-487](#) October 28, 2019 Draft City Council Minutes

Attachments: [10-28-19 Draft Council Minutes](#)

3.2 RESOLUTIONS

3.3 ACTION ITEMS

4. PUBLIC HEARINGS

4.a. [19-515](#) Establishing New Solid Waste Management Service Rates

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance; Natural Environment

Stewardship; Safe Community; Safe, Reliable and Efficient

Infrastructure; Strong and Diverse Economy; Welcoming and

Livable Community.

Recommendation: Adopt Resolution No. 2019-82 establishing new solid waste management service rates effective January 1, 2020 and January 1, 2021, and rescinding Resolution No. 2018-81.

Attachments: [Resolution No. 2019-82](#)
[Resolution Exhibit A - Schedule of Monthly Solid Waste Management Service Rates Eff](#)
[Resolution Exhibit B - Schedule of Monthly Solid Waste Management Service Rates Eff](#)
[Letter from Bell & Associates, Inc., Solid Waste Cost of Service Analysis](#)
[Comparison of Current and Proposed Solid Waste Colletion Rates Effective January 1,](#)
[Mid-Valley Comparative Rate Summary - Monthly Rates for Solid Waste Service](#)
[Additional Information and Frequently Asked Questions](#)
[Public Comment received by 11-6-19](#)
[Public Comments received by 3:30 p.m. 11-12-19](#)
[Additional comment received after 3:30 p.m. 11-12-19](#)

Add - Written Testimony.

4.b. [19-499](#)

City Council review of the Planning Administrator's decision approving a Tentative Subdivision Review application for Permit Case No. SUB19-06 for property located at the 5800 Block of Battle Creek Road SE.

Ward(s): Ward 4

Councilor(s): Leung

Neighborhood(s): South Gateway Neighborhood Association

Result Area(s): Welcoming and Livable Community

Recommendation: Staff recommends that the City Council AFFIRM the September 20, 2019 Planning Administrator's Decision.

Attachments: [Vicinity Map](#)
[Tentative Subdivision Plan](#)
[Planning Administrator Decision](#)
[Comments Submitted School District](#)

5. SPECIAL ORDERS OF BUSINESS: (Items deferred from the Consent Calendar; Mayor and Councilor Items; Items which require a selection among options; or of special importance to Council; management reports; presentations by City boards, commissions, committees, or outside agencies)

6. INFORMATION REPORTS: (Items that require no Council action)

6.a. [19-511](#)

The applicant has withdrawn their appeal (Attachment 3).

This application has been appealed by Site Enhancement Services (Applicant) and will be reviewed by the Planning Commission unless review is initiated by City Council.

Hearings Officer Decision - A sign variance to allow construction of an extra drive-through sign. - Denied.

Sign Variance Case No. VAR-SI19-02 - Site Enhancement Services on behalf of McDonalds Corporation - 3995 Rickey St SE.

Ward(s): 3

Councilor(s): Nanke

Neighborhood(s): SEMCA

Recommendation: Information Only.

Attachments: [Land Use Decision VAR-SI19-02](#)
[Appeal Application VAR-SI19-02](#)
[Withdrawal of Appeal Letter \(McDonald's Corporation\) 4821-2658-0652 3 \(002\)](#)

Revised - Report Revised (Version 2).

- 6.b.** [19-517](#) Planning Administrator Decision - A proposal to replace an existing light pole with a light pole with a top-mounted antenna and internally mounted equipment for wireless communications. - Approved.

Class 2 Wireless Siting Permit Case No. WS219-04 - Melissa Juel and Nohely Moreno, Mastec Wireless Solutions, on behalf of New Cingular Wireless PCS (doing business as AT&T) - 1108 Lancaster Dr SE Right-of-Way.

Ward(s): 3
Councilor(s): Nanke
Neighborhood(s): SEMCA

Recommendation: Information Only.

Attachments: [Land Use Decision WS219-04](#)

- 6.c.** [19-518](#) The applicant has withdrawn their appeal (Attachment 3).

This application has been appealed by Site Enhancement Services (Applicant) and will be reviewed by the Planning Commission unless review is initiated by City Council.

Hearings Officer Decision - A sign variance to allow construction of an extra drive-thru sign. - Denied.

Sign Variance Case No. VAR-SI19-04 - Site Enhancement Services on behalf of McDonald's Corporation - 1112 Center St NE.

Ward(s): 1
Councilor(s): Kaser
Neighborhood(s): CANDO

Recommendation: Information Only.

Attachments: [Land Use Decision VAR-SI19-04](#)
[Appeal Application VAR-SI19-04](#)
[Withdrawal of Appeal Letter \(McDonald's Corporation\) 4821-2658-0652 3 \(002\)](#)

Revised - Report Revised (Version 2).

- 6.d.** [19-519](#) The applicant has withdrawn their appeal (Attachment 3).

This application has been appealed by Site Enhancement Services

(Applicant) and will be reviewed by the Planning Commission unless review is initiated by City Council.

Hearings Officer Decision - A sign variance to allow construction of an extra drive-thru sign.- Denied.

Sign Variance Case No. VAR-SI19-03 - Site Enhancement Services on behalf of McDonald’s USA, LLC (Corporation Service Company, Jerome Krulewitch, Marcy Miller, Denise Horne, Kevin Ozan, Catherine Martin, Robert Switzer) - 1598 Hawthorne Ave NE.

Ward(s): 6
Councilor(s): Hoy
Neighborhood(s): NESCA

Recommendation: Information Only.

Attachments: [Land Use Decision VAR-SI19-03](#)
[VAR-SI19-03 APPEAL](#)
[Withdrawal of Appeal Letter](#)

Revised - Report Revised (Version 2).

6.e. [19-524](#) Hearings Officer Decision - A Quasi-Judicial Zone Change from CO (Commercial Office) to CR (Retail Commercial). - Approved.

Quasi-Judicial Zone Change Case No. ZC19-03 - Abe Kohnamooian, Boatwright Engineering, on behalf of Gary Standish - 3245 River Rd N.

Ward(s): 5
Councilor(s): Ausec
Neighborhood(s): Highland

Recommendation: Information Only.

Attachments: [Land Use Decision ZC19-03](#)

7. ORDINANCES

7.1 FIRST READING:

7.1a. [19-442](#) Consideration of Ordinance Bill 16-19 creating Salem Revised Code (SRC) Chapter 38 establishing a Tourism Promotion Area and amending Salem Revised Code (SRC) Chapter 37

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods
Result Area(s): Strong and Diverse Economy; Welcoming and

Livable Community.

Recommendation:

Conduct a first reading of Ordinance Bill 16-19, amending Salem Revised Code (SRC) Chapter 37, creating Salem Revised Code (SRC) Chapter 38 establishing a Tourism Promotional Area and advance to second reading for enactment.

Attachments: [Ordinance Bill No. 16-19](#)

[Exhibit A to Ordinance No. 16-19](#)

7.2 SECOND READING:

7.2a. [19-513](#)

Second reading of Ordinance Bill No. 19-19 vacating a portion of Dogwood Drive S.

Ward(s): 7

Councilor(s): Vacant

Neighborhood(s): SWAN

Result Area(s): Safe, Reliable, and Efficient Infrastructure.

Recommendation:

Conduct second reading of Ordinance Bill No. 19-19, which vacates a portion of Dogwood Drive S subject to the following condition:

* Final approval of the Dogwood Heights Phase 2 Subdivision Plat, or

* Provision of easements for the construction, maintenance, repair, and replacement of existing municipal utilities proposed to remain within the current right-of-way in a form and location acceptable to the City.

Attachments: [Ordinance Bill No. 19-19](#)

[Exhibits A & B to Ordinance Bill No. 19-19](#)

7.2b. [19-528](#)

Second reading of Ordinance Bill No. 11-19, creating an employee-paid tax on wages earned within the city of Salem, and referring the proposal to voters.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance; Natural Environment

Stewardship; Safe Community; Safe, Reliable and Efficient

Infrastructure; Strong and Diverse Economy; Welcoming and

Livable Community.

Recommendation:

Conduct a second reading of Ordinance Bill 11-19, creating an employee-paid payroll tax, and referring the proposal to voters.

Attachments: [ORDINANCE BILL NO 11-19](#)

[Exhibit A to Ordinance Bill No 11-19](#)

[Public Comments received by 3:30 p.m.,10-23-19](#)

[Public Comment received from Northeast Neighbors \(NEN\)](#)

7.2c. [19-526](#)

Second reading of Ordinance Bill 12-19, creating a City Operations

Fee to fund City services

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance; Natural Environment

Stewardship; Safe Community; Safe, Reliable and Efficient

Infrastructure; Strong and Diverse Economy; Welcoming and

Livable Community.

Recommendation: Conduct second reading of Ordinance Bill No. 12-19, creating a City Operations Fee to fund City services.

Attachments: [Ordinance Bill No. 12-19](#)

[Exhibit A to Ordinance Bill No. 12-19](#)

[Utility Rate Relief Program Status Report](#)

[Public Comments received by 3:30 p.m.,10-23-19](#)

[Public Comments recieved by 3:30 p.m., 10-28-19](#)

[Public Comments received by 11-6-19](#)

[Public Comments received by 3:30 p.m. 11-12-19](#)

Add- Written Testimony.

8. SPECIAL CONSIDERATION

- 8.a. [19-530](#) Referral of Ordinance Bill No. 11-19, creating an employee-paid payroll tax, to Salem Voters.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): All.

Recommendation: Adopt Resolution No. 2019-84 to refer Ordinance Bill No. 11-19 (creating an employee-based payroll tax) to Salem voters at the May 19, 2020 election, adopt the explanatory statement, and direct the City Attorney to draft the ballot title.

Attachments: [Resolution No. 2019-84](#)

[Measure](#)

[Explanatory statement](#)

9. PUBLIC COMMENT: (Other than agenda items)

10. ADJOURNMENT

Individuals needing special accommodations such as sign language, foreign language interpreters or equipment for the hearing impaired must request such services at least 48 hours prior to the meeting. To request accommodations or services, please call 503-588-6255 or 503-588-6003 (TTD/TTY 503-588-6439), or by e-mail at: cityrecorder@cityofsalem.net at least two business days in advance.

Si necesita ayuda para comprender esta información, por favor llame 503-588-6003.

UPCOMING PUBLIC HEARINGS, AND WORK SESSIONS

a. [19-531](#)

CITY COUNCIL PUBLIC HEARINGS

Held in the Council Chambers unless otherwise noted

Petitioner-Initiated Annexation of Territory Located at 1096 Hoffman Road NE (Annexation Case No. C-734)
Monday, November 25, 2019 at 6:00 p.m.

Tourism Promotion Area
Monday, November 25, 2019 at 6:00 p.m.

Oregon State Hospital National Register Historic District Boundary Revision
Monday, November 25, 2019 at 6:00 p.m.

SALEM HOUSING AUTHORITY PUBLIC HEARINGS

URBAN RENEWAL AGENCY PUBLIC HEARINGS

WORK SESSIONS Held in the Council Chambers, unless otherwise noted

City Council
Council Policy Agenda Priorities
Monday, November 18, 2019 at 6:00 p.m.

City Council
Council Policy Agenda
Tuesday, January 21, 2020 at 6:00 p.m.

City Council
Battle Creek Park Master Plan and Battle Creek Basin Plan
Tuesday, February 18, 2020 at 6:00 p.m.

BUDGET COMMITTEE MEETINGS

Held in the Council Chambers unless otherwise noted

SCHEDULE OF NEIGHBORHOOD ASSOCIATION ANNUAL MEETINGS

Neighborhood - Annual Meeting Date - Councilor

MEETING PROCEDURES

City Council meets on the second and fourth Mondays of each month at 6:00 p.m. All meetings are in the Council Chambers, Room 240, 555 Liberty St. SE.

The Mayor, who is the presiding officer, is elected at large for a term of two years. Councilors are elected for four year terms for each of the City's eight Wards. These nine officers comprise the Council who make the policy decisions for municipal activity and pass its ordinances and regulations.

Because the Mayor and Councilors' positions are part time, without pay, the Council appoints a City Manager who is responsible for the administration and execution of the City's policies and ordinances.

The City Council generally follows Robert's Rules of Order, but has adopted supplementary rules that may be found on the City's website at:
[http://www.cityofsalem.net/Pages/council rules.aspx](http://www.cityofsalem.net/Pages/council%20rules.aspx).

THE CONSENT CALENDAR

The Consent Calendar allows the Council to save time by acting on everything listed on that part of the agenda with one motion instead of considering each item separately. If a City Councilor believes a matter on the Consent Calendar deserves further discussion, the Councilor can request that item be removed from the Consent Calendar and considered separately under "Special Orders of Business."

PUBLIC COMMENT

There are two times at every regular City Council meeting when the public has an opportunity to address the City Council. The first time is immediately prior to the Consent Calendar. This time is reserved for questions or statements regarding items appearing on the agenda, except public hearings and the merits of land use issues. The second time is at the end of the agenda. At this time, you can address the City Council on any matter of public concern, other than an agenda item. The Mayor will announce the time for public comment, and invite persons to address the City Council. Each person has three minutes to address the City Council. The time light on the podium will flash yellow when you have one minute left, and will turn red when your time has expired.

HOW TO GET YOUR COMMENTS INCLUDED AS PART OF THE AGENDA

Any written comments that you wish to be given to the City Council that are about an item on an agenda must be submitted to the City Recorder by 3:30 p.m. on the day of the City Council meeting when the item will be considered. For complete information on submitting communications to Council, please refer to Council Rule 6: Communications:
[https://www.cityofsalem.net/Pages/council rules.aspx](https://www.cityofsalem.net/Pages/council%20rules.aspx).

If you have some matter that you wish to have the City Council consider in the future, you are encouraged to submit your suggestion in writing to the City Manager at 555 Liberty Street SE, Room 220, Salem, OR, or by e mail to: manager@cityofsalem.net.

PUBLIC HEARINGS

The City Council can hold public hearings to consider legislative, quasi judicial or administrative matters. To testify at a hearing, you may sign up on the Hearing Roster located near the east entrance to the Council Chambers before the Mayor convenes the meeting. At the time for the hearing on the agenda, the Mayor will announce when the public hearing is open. If you have signed up to speak, come forward to the podium when the Mayor calls your name. State your name and either your address or the ward you live in. If you wish to receive notice of any written decision reached at the hearing, you must provide the City Recorder your address. When you have finished speaking, the Mayor will ask the Council if there are any questions for you, so please remain at the podium for a moment.

The time limit is 3 minutes per person for legislative and administrative hearings. The time limits for quasi judicial hearings in non land use cases are as follows:

1. Staff Presentation – 15 minutes
2. Affected Party – 15 minutes
3. Neighborhood Associations – 5 minutes
4. Other Interested Persons – 3 minutes per person
5. Rebuttal by Affected Party – 7 minutes

Time limits for quasi judicial land use hearings are governed by Rule 19 of the Council Rules. Parties to land use cases are encouraged to review that rule as time limits vary depending on the nature of the hearing. Further information can be obtained by contacting the Planning Administrator at 503 588 6173 or email at: lmanderson@cityofsalem.net.

Timer lights are located on the podiums. A flashing yellow light means you have one minute left; a red light means your time has expired.

