

*555 Liberty St SE
Salem, OR 97301*



Final Action Agenda - Minutes - Draft

Monday, September 27, 2021

6:00 PM

Virtual Meeting

City Council

****Due to the COVID-19 Pandemic, this meeting is being conducted virtually, with remote attendance by the governing body. No in-person attendance is possible. Interested persons may view the meeting online at CC:Media YouTube Channel or watch on Comcast Cable CC:Media Channel 21. Please submit comments on agenda items by 5:00 p.m., or earlier, on the day of the meeting at cityrecorder@cityofsaalem.net. Public comment and testimony may also be provided during the meeting via Zoom. Please pre-register between 8:00 a.m. and 2:00 p.m. on the day of the meeting at the following link: <https://www.cityofsaalem.net/Pages/Public-Comment-at-Salem-City-Council-Meeting.aspx>.**

EXECUTIVE SESSION

None.

WORK SESSION

5:15 p.m. - 6:00 p.m.

City Council

2021 Community Satisfaction Survey and Resident Perspective on Infrastructure Need

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

Call to Order

6:11 p.m.

Roll Call

Councilor Nordyke joined the meeting at 6:12 p.m., and Councilor Leung joined the meeting at 6:14 p.m.

Present: 9 - Councilor Andersen, Councilor Lewis, Councilor Hoy, Mayor Bennett, Councilor Leung, Councilor Nordyke, Councilor Phillips, Councilor Stapleton, and Councilor Gonzalez

1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA

A motion was made by Councilor Hoy, seconded by Councilor Stapleton to approve the deletion of item 5.a, Motion from Councilor Stapleton regarding requiring multifamily developments to provide emergency power supply for tenants, from the agenda.

Comments by Councilor Hoy.

The motion CARRIED by the following vote:

Aye: 8 - Andersen, Lewis, Hoy, Bennett, Nordyke, Phillips, Stapleton, and Gonzalez

Nay: 0

Absent: 1 - Leung

Abstain: 0

1.2 COUNCIL AND CITY MANAGER COMMENT

Comments by: Councilors Hoy and Lewis, Mayor Bennett, Councilors Nordyke, Stapleton, Leung, Andersen, Gonzalez, Phillips and City Manager Powers.

1.3 PROCLAMATIONS

None.

1.4 PRESENTATIONS

None.

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

The following individuals provided testimony via remote video:

Dylan McDowell, Chair, Salem Parks and Recreation Advisory Board, Ward 8, Item 6.e., File 21-420

Thomas Bennett, 2906 Christina Street NW, Item 3.3f, File 21-421

William Cady, Ward 8, Item 3.3f, File 21-421

Kimberly Eve, 2035 Banyan Court NW, Item 3.3f, File 21-421

DJ Vincent, Chief Executive Officer, Church of the Park, Ward 3, Item 3.3f, File 21-421

Questions or Comments by: Mayor Bennett, Councilor Nordyke, DJ Vincent, Councilor Lewis, Homelessness Liaison Gretchen Bennett and Councilor Hoy.

Maddy Alvarado, Ward 8, Item 3.3f, File 21-421

Steve Anderson, Land Use Chair, West Salem Neighborhood Association, 3240 Gehlar Road NW, 6.b, File 21-413 and 3.3f, File 21-421

Item 8, Public Comment, was also heard at this time:

Jason Greenwood, Owner, Divine Distillers, Issues with City's Planning Department

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

A motion was made by Councilor Hoy, seconded by Councilor Phillips to approve the consent calendar with the pulls of items 3.2b and 3.3b by Councilor Andersen, 3.3d by Councilor Hoy and 3.3f by Councilor Lewis.

Comments by Councilor Hoy.

The motion CARRIED by the following vote:

Aye: 9 - Andersen, Lewis, Hoy, Bennett, Leung, Nordyke, Phillips, Stapleton, and Gonzalez

Nay: 0

Abstain: 0

3.1 MINUTES

3.1a. [21-392](#) September 13, 2021 Draft City Council Minutes

Action: Approved.

3.1b. [21-432](#) September 20, 2021 Draft City Council Work Session Minutes

Action: Approved.

3.2 RESOLUTIONS

3.2a. [21-340](#) Authorizing a transfer of appropriation authority in the Airport Fund for a security system.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Service Area(s): Safe Community; Welcome and Livable

Neighborhood; Strong and Diverse Economy; Safe and Reliable

Infrastructure; Good Governance; Natural Environment Stewardship

Adopted Resolution No. 2021-37, transferring \$50,000 in the Airport Fund from contingency to materials and services to pay for a security system at the Salem Municipal Airport during fiscal year 2022.

- 3.2b. [21-404](#) Resolution to Extend Emergency Assistance

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance; Natural Environment Stewardship;
Safe, Reliable and Efficient Infrastructure; Strong and Diverse
Economy; Welcoming and Livable Community.

Pulled by Councilor Andersen - See item 5.b.

3.3 ACTION ITEMS

- 3.3a. [21-363](#) Lease amendment with Allelu Beauty LLC for lease space in the Liberty Parkade.

Ward(s): 1,

Councilor(s): Stapleton

Neighborhood(s): CANDO

Result Area(s): Good Governance

Authorized the City Manager to execute the attached lease amendment with Lessee to include non-compete language for other retail space in the Liberty Parkade.

- 3.3b. [21-403](#) Authorization to partner with Mid-Willamette Valley Community Action Agency to provide financial relief to City of Salem utility customers through the Low-income Household Water Assistance (LIHWA) Program.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

Pulled by Councilor Andersen - See item 5.c.

- 3.3c.** [21-409](#) Approve the addition of .5 FTE in the Urban Development Department to hire a Program Manager 1 to support federal program delivery efforts

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

Approved the addition of .5 FTE in the Urban Development Department to hire a Program Manager 1 to support federal program delivery efforts.

- 3.3d.** [21-410](#) Creation of a fee to use on-street parking spaces in the Downtown Parking District for outdoor dining platforms

Ward(s): Ward 1
Councilor(s): Stapleton
Neighborhood(s): CANDO
Result Area(s): Strong and Diverse Economy; Welcoming and Livable Community.

Pulled by Councilor Hoy - See item 5.d.

- 3.3e.** [21-411](#) Amendment to Lease with Swift Mountain, LLC for City-occupied lease space at 960 Liberty Street SE housing the City of Salem Employee Health Hub.

Ward(s): 2
Councilor(s): Andersen
Neighborhood(s): SCAN
Result Area(s): Good Governance

Authorized the City Manager to execute the attached lease amendment to reduce the square footage of the lease space for the City of Salem Employee Health Hub.

- 3.3f.** [21-421](#) Managed Temporary Camping.

Ward(s): 8
Councilor(s): Lewis
Neighborhood(s): West Salem
Result Area(s): Safe Community; Welcoming and Livable Community.

Pulled by Councilor Lewis - See item 5.e.

4. PUBLIC HEARINGS

4.a. [21-385](#) Community Development Block Grant and HOME investment partnership programs Consolidated Annual Performance and Evaluation Report (CAPER)

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

Staff presentation by Shelly Ehenger, Federal Programs Manager, Urban Development.

No persons or organization testified and no written testimony was submitted.

A motion was made by Councilor Hoy, seconded by Councilor Stapleton to approve submittal of the 2020-2021 Program Year Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant and HOME Investment Partnership Programs to the US Department of Housing and Urban Development (HUD).

Comments by Councilor Nordyke and Mayor Bennett.

The motion CARRIED by the following vote:

Aye: 9 - Andersen, Lewis, Hoy, Bennett, Leung, Nordyke, Phillips, Stapleton, and Gonzalez

Nay: 0

Abstain: 0

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)

5.a. 21-426

Motion from Councilor Virginia Stapleton regarding requiring multifamily developments to provide emergency power supply for tenants.

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

This Councilor Item was withdrawn - See item 1.1.

5.c [21-403](#)
(3.3b)

Authorization to partner with Mid-Willamette Valley Community Action Agency to provide financial relief to City of Salem utility customers through the Low-income Household Water Assistance (LIHWA) Program.

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods
Result Area(s): Good Governance; Safe, Reliable, and Efficient Infrastructure.

****Item 5.c (3.3b) was heard before item 5.b (3.2b).**

A motion was made by Councilor Andersen, seconded by Councilor Phillips to authorize the City Manager to execute a (LIHWA) Program agreement with Mid-Willamette Valley Community Action Agency (MWVCAA) to provide financial relief to qualified City of Salem water, wastewater, and stormwater customers.

Questions or Comments by: Councilors Andersen, Hoy, Mayor Bennett and Public Works Administration Division Manager Alicia Blalock.

The motion CARRIED by the following vote:

Aye: 9 - Andersen, Lewis, Hoy, Bennett, Leung, Nordyke, Phillips, Stapleton, and Gonzalez

Nay: 0

Abstain: 0

5.b. [21-404](#)
(3.2b)

Resolution to Extend Emergency Assistance

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance; Natural Environment Stewardship;
Safe, Reliable and Efficient Infrastructure; Strong and Diverse
Economy; Welcoming and Livable Community.

A motion was made by Councilor Andersen, seconded by Councilor Hoy to adopt Resolution No. 2021-36, restating the terms of the Emergency Utility Assistance Program, extending the effective date, and expanding qualification criteria.

Questions or Comments by: Councilors Andersen and Hoy, Public Works Administration Division Manager Alicia Blalock, Mayor Bennett, Public Works Director Peter Fernandez, and Councilors Nordyke and Leung.

The motion CARRIED by the following vote:

Aye: 9 - Andersen, Lewis, Hoy, Bennett, Leung, Nordyke, Phillips, Stapleton, and Gonzalez

Nay: 0

Abstain: 0

5.d [21-410](#)
(3.3d)

Creation of a fee to use on-street parking spaces in the Downtown Parking District for outdoor dining platforms

Ward(s): Ward 1

Councilor(s): Stapleton

Neighborhood(s): CANDO

Result Area(s): Strong and Diverse Economy; Welcoming and Livable Community.

A motion was made by Councilor Hoy, seconded by Councilor Stapleton to approve the proposed fee for the Sidewalk Café/On-Street Platform Program.

Questions or Comments by: Councilor Hoy, Urban Development Director Kristin Retherford, Councilors Nordyke and Stapleton and Mayor Bennett.

The motion CARRIED by the following vote:

Aye: 9 - Andersen, Lewis, Hoy, Bennett, Leung, Nordyke, Phillips, Stapleton, and Gonzalez

Nay: 0

Abstain: 0

5.e [21-421](#)
(3.3f)

Managed Temporary Camping.

Ward(s): 8

Councilor(s): Lewis

Neighborhood(s): West Salem

Result Area(s): Safe Community; Welcoming and Livable Community.

Questions or Comments by: Councilor Lewis, Mayor Bennett and Homelessness Liaison Gretchen Bennett.

A motion was made by Councilor Lewis, seconded by Councilor Gonzalez that this issue be sent back to staff to complete a more thorough report and that outreach be communicated to residents within a quarter mile of the site and brought back to Council as soon as possible.

Questions or Comments by: Councilor Lewis, Mayor Bennett, Gretchen Bennett and Councilors Stapleton and Hoy.

A substitute motion was made by Councilor Hoy, seconded by Councilor Phillips to authorize the City Manager to establish a managed temporary camp at the 2700 Wallace Road NW parcel, within the city-owned commercial retail zoned portion.

Additional Questions or Comments by: Councilors Nordyke, Lewis, Mayor Bennett and Councilors Phillips and Gonzalez.

The motion, to authorize the City Manager to establish a managed temporary camp at the 2700 Wallace Road NW parcel, within the city-owned commercial retail zoned portion, CARRIED by the following vote:

Aye: 9 - Andersen, Lewis, Hoy, Bennett, Leung, Nordyke, Phillips, Stapleton, and Gonzalez

Nay: 0

Abstain: 0

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

6.a. [21-408](#)

Purchases approved administratively from August 1, 2021 through August 31, 2021.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance

This Informational Report was received and filed.

6.b. [21-413](#) Planning Administrator Decision - To divide approximate 11.85 acres into 30 lots - Approved.

Subdivision / Class 2 Adjustment Case No. SUB-ADJ21-08 - George Jennings, Patricia Stineff, Connie Jennings, Judy Vivier - 1684 Doaks Ferry Rd NW.

Ward(s): 8
Councilor(s): Lewis
Neighborhood(s): WSNA

This Informational Report was received and filed.

6.c. [21-414](#) Planning Administrator Decision - Third modification to Salem Business Campus increasing the size of conservation lots and alteration to Gaia Street SE - Approved.

Modification of Subdivision Case No. SUB09-02MOD3 - City of Salem - 5730 Culver Dr SE.

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

This Informational Report was received and filed.

6.d. [21-417](#) Planning Commission Decision - To change a 1.87 acre property from Single Family Residential to Multiple Family Residential - Approved.

Minor Comprehensive Map Amendment / Zone Change Case No. CPC-ZC21-03 - Charles Weathers - 1055 Schurman Dr S.

Ward(s): 7
Councilor(s): Nordyke
Neighborhood(s): SWAN

This Informational Report was received and filed.

6.e. [21-420](#)

Recommendations from the Salem Parks and Recreation Advisory Board on park usage and permitting of events at City parks.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Welcoming and Livable Community

A motion was made by Councilor Hoy, seconded by Councilor Phillips to direct staff to provide City Council a report on implementation of the SPRAB recommendations, including any modifications to the proposed changes to parks administrative policies.

Questions or Comments by: Councilors Hoy and Nordyke and Mayor Bennett.

The motion CARRIED by the following vote:

Aye: 9 - Andersen, Lewis, Hoy, Bennett, Leung, Nordyke, Phillips, Stapleton, and Gonzalez

Nay: 0

Abstain: 0

6.f. [21-424](#)

Planning Administrator Decision - To replace an existing utility pole and install a small cell wireless communications facility on the replacement pole - Approved.

Class 2 Wireless Permit Case No. WS221-05 - Meredith Hewett on behalf of New Cingular Wireless PCS LLC (AT&T) - 4500-4699 Liberty Rd S.

Ward(s): 7

Councilor(s): Nordyke

Neighborhood(s): Sunnyslope

This Informational Report was received and filed.

6.g. [21-425](#) Planning Administrator Decision - To construct an accessory structure to serve the existing First Slavic Baptist Church - Approved.

Urban Growth Area Preliminary Declaration / Class 3 Site Plan Review Case No. UGA-SPR21-01 - Alex Polk - 1746 Davis Rd S.

Ward(s): 4
Councilor(s): Leung
Neighborhood(s): Sunnyslope

This Informational Report was received and filed.

7. ORDINANCES

7.1 FIRST READING:

7.1a. [21-151](#) Revision to the Salem Revised Code Sections 2.800, 2.830, and 2.835, related to the Multiple Unit Housing Tax Incentive Program

Ward(s): Wards 1 and 2
Councilor(s): Stapleton and Andersen
Neighborhood(s): CANDO, SESNA, NEN, SCAN, Highland
Result Area(s): Good Governance; Strong and Diverse Economy; Welcoming and Livable Community

A motion was made by Councilor Hoy seconded by Councilor Andersen to conduct first reading of Ordinance Bill No. 3-21 and direct staff to amend the ordinance prior to second reading to require applicants for multifamily projects with 100 units or more to provide at least 15% of the units at rents affordable to households at 80% of the average median income or less for the duration of the incentive, or meet at least two of the public benefit criteria.

Questions or Comments by: Councilor Hoy, Mayor Bennett, Urban Development Director Kristin Retherford and Councilors Andersen and Leung.

The motion CARRIED by the following vote:

Aye: 9 - Andersen, Lewis, Hoy, Bennett, Leung, Nordyke, Phillips, Stapleton, and Gonzalez

Nay: 0

Abstain: 0

7.1b. [21-422](#)

Petitioner-Initiated Annexation of Territory Located at 681 Rees Hill Road SE - 97306 (Annexation Case No. C-739).

Ward(s): 4

Councilor(s): Leung

Neighborhood(s): SGNA

Result Area(s): Good Governance; Safe Community; Safe, Reliable and Efficient Infrastructure.

A motion was made Councilor Leung, seconded by Councilor Hoy to conduct first reading of Ordinance Bill No.10-21 annexing, changing the Salem Area Comprehensive Plan map designation of the portion of the Territory east of the centerline of the proposed extension of Lone Oak Road SE from "Developing Residential" to "Parks, Open Space, and Outdoor Recreation," changing the zoning of the portion of the Territory east of the centerline of the proposed extension of Lone Oak Road SE from Marion County UT-10 (Urban Transition - 10 Acre) to City of Salem PA (Public Amusement), applying City of Salem RA (Residential Agriculture) zoning to the portion of the Territory west of the centerline of the proposed extension of Lone Oak Road SE, and withdrawing from the Salem Suburban Rural Fire Protection District, for an 18.05-acre property located at 681 Rees Hill Road SE - 97306.

The motion CARRIED by the following vote:

Aye: 9 - Andersen, Lewis, Hoy, Bennett, Leung, Nordyke, Phillips, Stapleton, and Gonzalez

Nay: 0

Abstain: 0

7.2 SECOND READING:

None.

8. PUBLIC COMMENT: (Other than agenda items)

This item was heard at item 2, Public Comment.

9. ADJOURNMENT

8:17 p.m.