

*555 Liberty St SE
Salem, OR 97301*



Final Action Agenda - Minutes - Draft

Monday, May 23, 2016

6:30 PM

Council Chambers

City Council

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

Call to Order

6:44 p.m.

Roll Call

Present: 9 - Councilor Bennett, Councilor Andersen, Councilor Nanke, Councilor McCoid, Councilor Dickey, Councilor Benjamin, Councilor Bednarz, Councilor Lewis, and Mayor Peterson

1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA

A motion was made by Councilor McCoid, seconded by Councilor Bednarz, that the Additions and Deletions to the Agenda be approved. The motion carried by the following vote:

Aye: 9 - Bennett, Andersen, Nanke, McCoid, Dickey, Benjamin, Bednarz, Lewis, and Peterson

Nay: 0

Abstain: 0

1.2 COUNCIL AND CITY MANAGER COMMENT

Questions or Comments by: Councilors Andersen, Dickey, Bednarz, Mayor Peterson, and City Manager Steve Powers.

1.3 PROCLAMATIONS

a.

Civil Air Patrol Week

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Attachments: [Attachment 1. Civil Air Patrol Week Proclamation](#)

This Proclamation was read into the record.

b.

Public Safety Week and Public Works Day Proclamation

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Attachments: [Attachment 1. Public Safety Week and Public Works Day Proclamation](#)

This Proclamation was read into the record.

c.

Mid-Valley Sports Awards Proclamation

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Attachments: [Mid-Valley Sports Awards Proclamation](#)

This Proclamation was read into the record.

1.4 PRESENTATIONS

None.

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

Johnathan Castro-Monroy, 4780 Warrenton Street SE - Agenda item 6(b), File 16-022

Ted Stonecliffe, 555 Court Street - Agenda item 3.3(c), File 16-021

Margo Lucas, West Salem Canibus - Agenda item 6(e) File 16-031 and 7.1(a) File 16-001

Dr. John Chepala, Ward 8 - Agenda item 6(b), File 16-022

Chris Oss, 1860 State Street - Agenda item 7.1(a), File 16-001

Ron Oss, 3795 Croisan Creek Road S - Agenda item 7.1(a), File 16-001

Kelly Oss, 400 Clover Street - Agenda item 7.1(a), File 16-001

Mike Flynn, 3625 Portland Road NE - Agenda item 6(e), File 16-031

Joan Webber, 3045 Crestview Drive S - Agenda item 9.2(a), File 16-036

Scott Snyder, 201 Liberty Street SE - Agenda item 9.2(a), File 16-036

Evan White, 4553 Brock Loop S - Agenda item 7.2(a), File 16-014

Questions or Comments by: Councilors McCoid, Bennett, Lewis, Andersen, Benjamin, Nanke, Bednarz, Mayor Peterson and City Manager Steve Powers.

All agenda items marked by * require action by Council at this meeting

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

A motion was made by Councilor McCoid that the Cosent Calendar be approved with the pull of item 3.3 (c) by Councilor Andersen. The motion carried by the following vote:

Aye: 9 - Bennett, Andersen, Nanke, McCoid, Dickey, Benjamin, Bednarz, Lewis, and Peterson

Nay: 0

Abstain: 0

3.1 MINUTES

a.

Attachments: [5-9-16 Council Minutes](#)

Action: Approved.

3.2 RESOLUTIONS

a.

City Initiation of Septic Failure Annexation for 3641 Boone Road SE

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

Attachments: [Resolution 2016-16](#)
[VicinityMap](#)

Adopted Resolution No. 2016-16 to initiate a voter-exempt septic failure annexation of a territory located at 3641 Boone Road SE.

3.3 ACTION ITEMS

a.

Bulletproof Vest Partnership Grant

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

Authorized the City Manager to apply for; accept, if awarded; and execute all documents associated with a U.S. Department of Justice, BVP grant in an amount up to \$17,300.

b.

Salem Municipal Airport Terminal Lease with HUT Airport Shuttle,

Inc.

Ward(s): 2
 Councilor(s): Andersen
 Neighborhood(s): SEMCA

Attachments: [Proposed Lease](#)

Authorized the City Manager to execute the attached lease for terminal space at the Salem Municipal Airport with HUT Airport Shuttle, Inc.

c.

Request from Salem-Keizer Transit District to be a co-applicant for Transportation and Growth Management Program funds to identify sidewalk network gaps that inhibit access to fixed-route bus service

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

Attachments: [Attachment 1: Salem-Keizer Transit District TGM Pre-Application](#)
[Attachment 2: Draft letter of support for TGM application](#)

Pulled by Councilor Andersen - See agenda item 5(a).

d.

Intergovernmental Agreement with the Oregon Military Department, Office of Emergency Management

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

Attachments: [IGA WVCC and OEM for GIS and MSAG reimbursement.docx](#)

Authorized the City Manager to execute the attached Intergovernmental Agreement (IGA) with OEM for GIS and MSAG services.

4. PUBLIC HEARINGS

5. SPECIAL ORDERS OF BUSINESS: (Includes consideration of items deferred from the Consent Calendar and any action item which requires a selection among options, consideration of matters of special importance to the Council, and management reports; formal presentations by city boards, city commissions, city committees and by outside agencies providing services or engaged in other activities with the City)

Request from Salem-Keizer Transit District to be a co-applicant for

Transportation and Growth Management Program funds to identify sidewalk network gaps that inhibit access to fixed-route bus service

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

Attachments: [Attachment 1: Salem-Keizer Transit District TGM Pre-Application](#)
[Attachment 2: Draft letter of support for TGM application](#)

A motion was made by Councilor Andersen, seconded by Councilor Bednarz, that this Action Item be approved. The motion carried by the following vote:

Aye: 8 - Bennett, Andersen, Nanke, McCoid, Benjamin, Bednarz, Lewis, and Peterson

Nay: 0

Abstain: 0

Recused: 1 - Dickey

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

- a. Hearings Officer Decision - Variance Case No. VAR16-01 - Approved - Deborah Tolke, Tube Art Displays, Inc - 2300-2400 Lancaster Drive NE- A request for a Sign Variance and Sign Permit to allow a larger freestanding directional sign near the driveway entrance to an existing medical office building.

Ward(s): 6
Councilor(s): Benjamin
Neighborhood(s): North Lancaster

Attachments: [VAR16-01 Decision.pdf](#)

Information Only.

- b. 2016 Human Rights and Relations Advisory Commission Work Plan and Update

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

Attachments: [2016 Workplan](#)
[Human Rights complaints 2015](#)

Information only.

c. Mayor’s International Council Report

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

Attachments: [1: Mayor's International Council Report](#)
[2. Presentation, Salem: An International City](#)
[Mayor's International Council Roster](#)

Information only.

Questions or Comments by: Councilor Dickey.

d. Appeal of Planning Administrator’s Decision for a Class 3 Site Plan Review and Class 2 Adjustment to construct a 1,117 square foot addition to an existing office building with a request for an adjustment to reduce the required 15 percent site landscaping to the existing 4.3 percent site landscaping for property approximately 2.93 acres in size, zoned CR (Retail Commercial), and located at 1177 Center St NE - 97301 (Marion County Assessor's Map and Tax Lot number: 073W23CC / 1600).

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

Attachments: [Attachment 1: NEN Appeal Letter](#)
[Attachment 2: SPR-ADJ16-06 Decision](#)

Information Only.

A motion was made by Councilor Lewis, seconded by Councilor Bednarz, to call up the appeal of the Planning Administrator's decision, agenda item 6(d).

The motion carried by the following vote:

Aye: 9 - Bennett, Andersen, Nanke, McCoid, Dickey, Benjamin, Bednarz, Lewis, and Peterson
Nay: 0
Abstain: 0

e. Options to Allow the Commercial Growing of Recreational Marijuana in the IC and IP Zones

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

Neighborhood(s): All Neighborhoods

A motion was made by Councilor Dickey, seconded by Councilor McCoid, for staff to bring back an amendment to Salem Revised Code to make the commercial growing of recreational Marijuana a conditional use in the IC and IP zones and require each grow site to aquire Hearings Officer approval.

Questions or Comments by: Councilors Dickey, Andersen, McCoid, Bednarz, and Nanke.

The motion carried by the following vote:

Aye: 8 - Bennett, Andersen, McCoid, Dickey, Benjamin, Bednarz, Lewis, and Peterson

Nay: 1 - Nanke

Abstain: 0

7. ORDINANCES

7.1 FIRST READING:

- a. Proposed regulation of recreational marijuana facilities and amendments to the City’s medical marijuana regulations.

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

Attachments: [Ordinance Bill 8-16 Relating to Marijuana Regulation](#)

A motion was made by Councilor McCoid, seconded by Councilor Bednarz, to conduct first reading of Ordinance Bill No. 8-16, which provides for regulations and a licensing program for recreational marijuana facilities, and amends the City’s existing regulations for medical marijuana facilities; and schedule a public hearing to consider the ordinance bill.

Questions or Comments by: Councilors Andersen, Bennett, and City Attorney Dan Atchison.

The motion carried by the following vote:

Aye: 8 - Bennett, Andersen, McCoid, Dickey, Benjamin, Bednarz, Lewis, and Peterson

Nay: 1 - Nanke

Abstain: 0

- b. Ordinance Bill No. 9-16, Defining Art in the City’s Public Art Collection

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

Attachments: [Attachment 1: Ordinance Bill No. 9-16](#)

A motion was made by Councilor McCoid, seconded by Councilor Bednarz, to conduct first reading of Ordinance Bill No. 9-16, which would clarify the definition of art in the City of Salem’s Public Art Collection, and proceed to second reading for enactment.

Questions or Comments by: Councilor Andersen.

The motion carried by the following vote:

Aye: 9 - Bennett, Andersen, Nanke, McCoid, Dickey, Benjamin, Bednarz, Lewis, and Peterson

Nay: 0

Abstain: 0

- c. Proposed Engrossed Ordinance Bill No. 5-16, referring a tax on the sale of marijuana items to Salem voters for the November 2016 General Election

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

Attachments: [Ordinance 5-16 Engrossed](#)

A motion was made by Councilor McCoid, seconded by Councilor Bednarz, to engross Ordinance Bill No. 5-16 by requiring that all proceeds from the tax on the sale of marijuana items be allocated to the Police Department, and proceed to second reading for enactment.

Questions or Comments by: Councilors Andersen, and Bennett and City Attorney Dan Atchison.

The motion carried by the following vote:

Aye: 6 - Bennett, Nanke, Dickey, Benjamin, Lewis, and Peterson

Nay: 3 - Andersen, McCoid, and Bednarz

Abstain: 0

7.2 SECOND READING:

- a. Second Reading *Engrossed* Ordinance Bill No. 6-16, Creating Salem

Revised Code Chapter 82, Clearing and Grading

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

Attachments: [Attachment 1: Ch 82 Ord Bill 6-16 ENGROSSED](#)
[Attachment 2: Planning Commission Rec Chapter 82](#)
[Attachment 3. Memorandum from the City Attorney's Office](#)

Conducted second reading for enactment of Engrossed Ordinance Bill No. 6-16, which adds a new chapter to the Salem Revised Code concerning clearing and grading of land.

Questions or Comments by: Councilor Andersen.

The motion carried by the following vote:

Aye: 9 - Bennett, Andersen, Nanke, McCoid, Dickey, Benjamin, Bednarz, Lewis, and Peterson

Nay: 0

Abstain: 0

8. PUBLIC COMMENT: (Other than agenda items)

9. NEW BUSINESS

None.

9.1 MAYOR'S ITEMS:

a.

Authorization of Travel to Japan as Part of the Business Oregon Trade Delegation

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

Questions or Comments by: Mayor Peterson

A motion was made by Mayor Peterson, seconded by Councilor Bennett, that the Mayor's Item be approved. The motion carried by the following vote:

Aye: 9 - Bennett, Andersen, Nanke, McCoid, Dickey, Benjamin, Bednarz, Lewis, and Peterson

Nay: 0

Abstain: 0

9.2 COUNCILOR'S ITEMS:

a.

How best to allow short term rentals, such as Airbnb, VRBO, Flipkey, etc., to operate in Salem.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

A motion was made by Councilor Bennett, seconded by Councilor Bednarz, that the Councilor Item be approved.

Questions or Comments by: Councilors Bennett, McCoid, Andersen, Bednarz, Dickey, and Nanke.

The motion carried by the following vote:

Aye: 9 - Bennett, Andersen, Nanke, McCoid, Dickey, Benjamin, Bednarz, Lewis, and Peterson

Nay: 0

Abstain: 0

10. ADJOURNMENT

8:58 p.m.