



# CITY OF SALEM

555 Liberty St SE  
Salem, OR 97301

## Meeting Agenda

### City Council

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**Monday, November 28, 2016**

**6:30 PM**

**Council Chambers**

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**Meeting Location: Loucks Auditorium - Salem Public Library, 585 Liberty Street SE**

### EXECUTIVE SESSION

**City Council:**

**5:30 p.m. - City Manager Conference Room**

**Discipline of a public officer ORS 192.660(2)(b)**

### 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**

**Pledge of Allegiance**

**1.a. [16-397](#)** Censure of Councilor Daniel Benjamin

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**1.b. 16-403** Receiving Councilor Benjamin's letter of resignation, and declaring the council position for Ward 6 vacant.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Recommendation:** See discussion below.

**Attachments:** Benjamin Letter of Resignation

*Add - Report Added*

## **1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA**

## **1.2 COUNCIL AND CITY MANAGER COMMENT**

## **1.3 PROCLAMATIONS**

### **1.3a. [16-369](#)** Giving Tuesday Proclamation

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Recommendation:** Information Only.

**Attachments:** [Proclamation -- Giving Tuesday](#)

## **1.4 PRESENTATIONS**

## **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. [16-368](#)** November 14, 2016 Council Minutes

**Attachments:** [11-14-16 Draft Council Minutes](#)

## **3.2 RESOLUTIONS**

### **3.2a. [16-358](#)** Proposed Minor Amendment to the West Salem Urban Renewal Plan

Ward(s): Wards 1, 8

Councilor(s): Councilors Bennett, Lewis

Neighborhood(s): WSNA

**Recommendation:** Adopt Resolution 2016-50 approving a minor amendment to the URA Plan Sections 703, 705, and 706 to include a new crossing of Wallace Road at 2nd Street, as recommended by the Action Plan.

**Attachments:** [Site Photos](#)[Site Map and Crossing Location](#)[Resolution No. 2016-50 West Salem Urban Renewal Plan Minor Amendment](#)**3.3 ACTION ITEMS****3.3a. [16-149](#)**

Agreement between the City of Salem and the Salem Public Library Foundation relating to artwork placed at the Salem Public Library and West Salem Branch of the Library

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Recommendation:**

Authorize the City Manager to execute the attached Agreement between the City of Salem and the Salem Public Library Foundation relating to artwork placed at the Salem Public Library and the West Salem Branch of the Library

**Attachments:** [Attachment 1: Library Foundation and City of Salem Agreement](#)**3.3b. [16-385](#)**

Policy Statements and Procedures for 2017 Oregon Legislative Session

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Recommendation:**

Approve the attached legislative policy statements as policy direction for the 2017 Oregon Legislative Session and direct staff to assign priority to legislative bills using the system adopted in the Facts and Findings section of this report.

**Attachments:** [2017 Salem Legislative Policy Statements](#)[Restore Recreational Immunity Flyer](#)[Proposed Legislation to Allow City Planning Commissions To Review Issues Concerning](#)**3.3c. [16-376](#)**

Interviews for positions on the Salem Planning Commission.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Recommendation:**

Approve interviewing two additional applicants for full-term positions on the Salem Planning Commission.

**Attachments:** [Steve Elzinga Application](#)[Leah McMillan Application](#)[Brandon Smith Application](#)[Drew Wright Application](#)

*Revise - Revised staff report and added additional attachments*

**4. PUBLIC HEARINGS****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.**     [16-380](#)                      Travel Salem 2015-16 Annual Report

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

**Recommendation:**     Information only.

**Attachments:**     [Attachment 1: Travel Salem 2015-16 Annual Report](#)

- 5.b.**     [16-400](#)                      Waiver of Proposed Menorah Display Special Use Fee

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

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

- 6.a.**     [16-360](#)                      Fiscal Year 2015-2016 Public Art Commission Annual Report

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

**Recommendation:**     Information only.

**Attachments:**     [Attachment 1: Leroy Setziol Sculpture Donation by Oregon Artist Series Foundation](#)

- 6.b.**     [16-361](#)                      Hearings Officer Decision - Class 3 Wireless Communications Facility Siting Permit, Wireless Communications Facilities Adjustment, and Class 3 Site Plan Review Case No. WS3-WA-SPR16-01 - Approved - Sharon Gretch and Michael Connors, Verizon Wireless - 1150 Hilfiker Lane SE - A proposal to construct a new 75-foot-tall cell tower designed as an 85-foot tall artificial tree near an existing church and install auxiliary support equipment in a fenced area under the tower.

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

**Recommendation:** Information Only.

NOTE: On November 23, 2016 an appeal of the Hearings Officer's decision was filed with the City. The appeal will be heard by the Planning Commission, unless Council elects to take jurisdiction of the appeal as allowed by SRC Chapter 300.

**Attachments:** [WS3-WA-SPR16-01 Decision.pdf](#)

## 7. ORDINANCES

### 7.1 FIRST READING:

- 7.1a.** [16-231](#) First reading of Ordinance Bill No. 22-16 regarding revisions to Salem Revised Code Chapter 85, Directional Signs, to allow directional signs for businesses with alley-only access.

Ward(s): All  
Councilor(s): All  
Neighborhood(s): All

**Recommendation:** Advance Ordinance Bill No. 22-16 to second reading regarding revisions to Salem Revised Code Chapter 85, Directional Signs, to allow a third type of directional sign: Type Three directional signs for businesses with alley-only access.

**Attachments:** [Historic Review Case 16-28](#)  
[Ordinance Bill No. 22-16](#)

- 7.1b.** [16-359](#) Designation of the Ed and Marie Viesko House at 2060 High Street SE as a Local Historic Resource

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

**Recommendation:** Conduct first reading of Ordinance Bill No. 23-16 designating the Ed and Marie Viesko House located at 2060 High Street as a local Historic Resource and schedule the matter for a public hearing.

**Attachments:** [Ordinance Bill 23-16](#)  
[Ordinance 23-16 Exhibit 1](#)  
[Ordinance 23-16 Exhibit 2](#)  
[Vicinity Map](#)  
[Ed and Marie Viesko House Photo](#)  
[Ed and Marie Viesko House Nomination](#)  
[HLC Recommendation](#)

**7.2 SECOND READING:****7.2a. [16-265](#)**

Ordinance Bill No. 19-16 amending Salem Revised Code 35.220 to provide the ability to negotiate an annual fee agreement with public utilities occupying the public rights-of-way that earn no gross revenues within the City of Salem.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Recommendation:**

Conduct second reading for enactment Ordinance Bill No. 19-16, amending Salem Revised Code 35.220 to provide the ability to negotiate the annual fee agreement with public utilities occupying the public rights-of-way that earn no gross revenues within the City of Salem.

**Attachments:** [Ordinance Bill No. 19-16.docx](#)**7.2b. [16-351](#)**

Amendments to SRC Chapter 37.165 and to the City's Tourism Marketing and Visitor Services agreement with Travel Salem.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Recommendation:**

Conduct second reading of Ordinance Bill No. 18-16, which amends SRC 37.165 to mandate a 25% allocation of annual net receipts of Transient Occupancy Taxes (TOT) to the City's Destination Marketing contractor, currently Travel Salem, and authorize the City Manager to execute amendments to the City's agreement with Travel Salem to implement the ordinance change.

**Attachments:** [Ordinance Bill No. 18-16 Amending SRC Chapter 37.165](#)

[Amendment to Travel Salem Contract section 3](#)

**7.2c. [16-327](#)**

Proposed Comprehensive Plan Map Change - "Single Family" to "Commercial" for a 0.52-acre site at the southeast corner of Liberty Street SE and Mission Street SE.

Ward(s): Ward 2

Councilor(s): Andersen

Neighborhood(s): SCAN

**Recommendation:**

Conduct second reading of Ordinance Bill No. 20-16 changing the Comprehensive Plan Map designation from "Single Family" to "Commercial" for a 0.52-acre site at the southeast corner of Liberty Street SE and Mission Street SE.

**Attachments:** [Vicinity Map](#)

[Planning Commission Recommendation](#)

[Ordinance 20-16](#)

[Ordinance 20-16 Exhibit 1](#)

[Ordinance 20-16 Exhibit 2](#)

**8. PUBLIC COMMENT: (Other than agenda items)****9. 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](mailto: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. [16-363](#)****PUBLIC HEARINGS**

Monday, December 5

City Council review of Planning Commission's decision for Comprehensive Plan Change / Neighborhood Plan Change / Zone Change Case No. CPC/NPC/ZC 16-08 for property located at 560 Glen Creek Road NW and 585-635 9th Street NW

Monday, December 5 - Ordinance Bill No. 24-16 An Ordinance Vacating an Easterly Portion of Right-of-Way for Liberty Road S South of the Intersection within Rainier Drive SE; and Declaring an Emergency

Monday, December 12 - Ordinance Bill No. 23-16 an Ordinance Designating the Ed and Marie Viesko House, Located at 2060 High Street SE, Salem, Oregon, as a Local Historic Resource

January 9 - Appeal of Public Works Director System Development Charge decision related to placement of a manufactured dwelling at 2277 Orchard Heights Road NW

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WORK SESSIONS - Held in the Council Chambers unless otherwise noted

Monday, January 30 at 6:00 p.m.  
City Council Work Session - Salem Strategic Plan

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BUDGET COMMITTEE MEETINGS - Held in the Council Chambers unless otherwise noted

Wednesday, January 18 at 6:00 p.m.  
Budget Committee Meeting - Presentation of FY 2018-22 Five Year Forecast

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**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 6:30 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: [www.cityofsalem.net/Departments/Legal/Pages/CouncilRules.aspx](http://www.cityofsalem.net/Departments/Legal/Pages/CouncilRules.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 5:00 pm on the day of the City Council meeting when the item will be considered. 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 205, 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.

