

*555 Liberty St SE
Salem, OR 97301*



Final Action Agenda - Minutes - Draft

Monday, November 14, 2016

6:30 PM

Council Chambers

City Council

EXECUTIVE SESSION

WORK SESSION

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

Call to Order

7:02 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 to approve the additions and deletions to the agenda.

Questions or Comments by: Councilor McCoid.

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 Bednarz, Dickey, Mayor Peterson, 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)

Appearances by:

Delana Beeton, 1025 21st Street NE, Home Base Shelter Salem

Lorrie Walker, 1840 Capitol Street NE, Home Base Shelter Salem

Verena Wessel, 570 Sunset Avenue N, Home Base Shelter Salem

Richard Koenig, no address provided, Public records request

Ron Sterba, 3424 25th Street SE, Thank you to Council and City staff

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, seconded by Councilor Bednarz to approve the the consent calendar.

Questions or Comments by: Councilors McCoid and 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

3.1a. [16-337](#) 10-24-16 City Council Minutes

Action: approved.

3.2 RESOLUTIONS

3.2a. [16-339](#) Initiating a Class 2 vacation of an easterly portion of right-of-way for Liberty Road S south of the intersection with Rainier Drive SE

Ward(s): 4

Councilor(s): McCoid

Neighborhood(s): South Gateway NA

Adopted Resolution No. 2016-49 that initiates vacation of an easterly portion of the right-of-way for Liberty Road S south of the intersection with Rainier Drive SE.

3.3 ACTION ITEMS

3.3a. [16-230](#)

Intergovernmental agreement with the Tri-City Service District to Accept Wastewater Treatment Sludge

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

Authorized the City Manager to execute the attached Intergovernmental Agreement with Tri-City Service District to accept wastewater treatment sludge.

3.3b. [16-333](#)

Fiscal Year 2017-18 City of Salem Budget Calendar.

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

Approved the City of Salem FY 2017-18 Budget Calendar.

3.3c. [16-344](#)

Cable Television Franchise Extension.

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

Authorized the City Manager to execute the cable television franchise extension agreement with Comcast of Oregon I, Inc. (Attachment A) and direct staff to continue working jointly with Marion County to negotiate a franchise renewal during the extension period.

3.3d. [16-350](#)

Appointments and reappointments to the Citizens Advisory Traffic Commission, Community Police Review Board, Downtown Advisory Board, Salem Cultural and Tourism Promotion Advisory Board, Salem Parks and Recreation Advisory Board, Salem Planning Commission, Salem Public Art Commission, and Salem Public Library Advisory Board.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Appointed and reappointed the applicants listed in the Facts and Findings section to the Citizens Advisory Traffic Commission, Community Police Review Board, Downtown Advisory Board, Salem Cultural and Tourism Promotion Advisory Board, Salem Parks and Recreation Advisory Board, Salem Public Art Commission, and Salem Public Library Advisory Board. Also, reappointed Sheronne Blasi to the Salem Planning Commission, and interview two candidates for two full-term positions on the Salem Planning Commission.

4. PUBLIC HEARINGS**4.a. [16-341](#)**

Order for Council Review - Appeal of Planning Commission's decision approving Design Review/Site Plan Review Case No. 16-03

Ward(s): Ward 7

Councilor(s): Bednarz

Neighborhood(s): Faye Wright

A motion was made by Councilor McCoid, seconded by Councilor Nanke to adopt the order to affirm the decision of the Planning Commission for Design Review/Site Plan Review Case No. DR/SPR16-03.

Questions or Comments by: Councilor Bednarz.

The motion carried by the following vote.

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

Nay: 0

Abstain: 1 - Bednarz

Note: The public hearing was held and closed on October 24, 2016. No further testimony will be taken.

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.** [16-353](#) Announcing mayoral appointments and reappointments to the Airport Advisory Commission, Center 50+ Advisory Commission, Historic Landmarks Commission, and Human Rights and Relations Advisory Commission.

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

This Mayor's Item was received and filed.

- 5.b.** [16-347](#) Official Sanction Request for Fact-Finding Mission to Boise, Idaho

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

A motion was made by Councilor Bennett, seconded by Councilor Bednarz to approve the official sanction request for fact-finding mission to Boise, Idaho.

Questions or Comments by: Councilors Bennett, Andersen, Bednarz, and Mayor Peterson.

The motion carried by the following vote:

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

Nay: 0

Abstain: 0

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

- 6.a.** [16-293](#) Purchases approved administratively - September 1, 2016, through September 30, 2016.

This Informational Report was received and filed.

- 6.b.** [16-309](#) Planning Commission Decision - Zone Change / Class 3 Site Plan Review / Class 2 Adjustment / Class 2 Driveway Approach Permit No. CPC-ZC-SPR-ADJ-DAP16-06 - Approved - Coastline Foot and Ankle Center - 800-868 Liberty Street SE and 440 Mission Street SE - A consolidated application to develop an outpatient foot and ankle clinic on a vacant property at the southeast corner of Liberty Street SE and Mission Street SE.

Ward(s): 2

Councilor(s): Andersen

Neighborhood(s): SCAN

This Informational Report was received and filed.

Questions or Comments by: Councilor Andersen.

- 6.c.** [16-328](#) Planning Commission Decision - Zone Change No. CPC-NPC-ZC16-08 - Approved - Deacon Development Group - 560 Glen Creek Road NW and 585-635 9th Street NW - A proposed Comprehensive Plan Map Change from "Industrial" to "Commercial," a Neighborhood Plan Change from "Employment without Residential" (Industrial) to "Commercial," and a Zone Change from IP (Industrial Park) to CG (General Commercial).

Ward(s): 1

Councilor(s): Bennett

Neighborhood(s): West Salem

A motion was made by Councilor Lewis, seconded by Councilor Bennett to call up for review agenda item 6.c, and to suspend consideration of Ordinance Bill No. 21-16, agenda item 7.1c, until Council review of the matter has been completed.

Questions or Comments by: Councilor Lewis.

The motion carried by the following vote:

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

Nay: 0

Abstain: 0

6.d. [16-329](#)

Planning Commission Decision - Class 3 Design Review / Class 3 Site Plan Review / South Waterfront Mixed Use zone Development Phasing Plan No. DR-SPR-SWMUDPP16-05 - Approved - Park Front LLC (James Sturdivant, T.J. Sullivan, Dawn Bostwick, Lance Barnwell, James Field) - 235 Front Street SE - A consolidated application for a proposed approximate 23,500-square-foot, 4-story office building on property approximately 1.06 acres in size and located at 235 Front Street SE.

Ward(s): 1

Councilor(s): Bennett

Neighborhood(s): CANDO

This Informational Report was received and filed.

Questions or Comments by: Councilor Andersen.

6.e. [16-330](#)

Historic Landmarks Commission Decision - Historic Design Review Case No. HIS16-25 - Approved - Gene Bolante, Studio 3 Architecture for Dr. Tyson Scott - 800-868 Liberty St SE and 440 Mission St SE - A proposal to construct a new podiatrist office within the Gaiety Hill/Bush's Pasture Park National Register Historic District.

Ward(s): 2

Councilor(s): Andersen

Neighborhood(s): SCAN

This Informational Report was received and filed.

Questions or Comments by: Councilor Andersen.

6.f. [16-335](#)

Planning Administrator Decision - Conditional Use Permit Modification/Class 3 Site Plan Review/Class 2 Adjustment Case No. CU-SPR-ADJ16-10MOD1 - Approved - Mike Roberson, Roberson Land Development LLC - 3100 Ryan Drive SE - A request for a building alteration to enclose an outdoor covered display area and enlarge the existing showroom for a motor vehicle sales use, with an adjustment to reduce the landscaping requirement for the property. The existing development does not conform to the minimum landscape area requirement; however, the landscape area for the property will be increased by 65 square feet.

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

This Informational Report was received and filed.

6.g. [16-338](#)

Planning Administrator Decision - Conditional Use / Class 3 Site Plan Review Modification Case No. CU-SPR14-05-MOD1 - Approved - City of Salem, Public Works Department - 3121 Airway Drive SE - An application to add a 128-square foot modular office to the previously approved City of Salem construction waste processing and transfer center.

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

This Informational Report was received and filed.

6.h. [16-349](#)

Planning Administrator's Decision - Partition No. PAR16-06 - Approved - Don & Kristin Ward - 2603 Sunnyview Road NE - A proposed partition to divide a 0.39-acre property into two parcels approximately 7,205 square feet, exclusive of the flag lot accessway, and 6,685 square feet in size.

Ward(s): 5
Councilor(s): Dickey
Neighborhood(s): Lansing

This Informational Report was received and filed.

7. ORDINANCES**7.1 FIRST READING:****7.1a. 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

A motion was made by Councilor McCoid, seconded by Councilor Bednarz to advance Ordinance Bill No. 19-16 to 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.

Questions or Comments by: Councilor Bednarz and City Manager Powers.

The motion carried by the following vote:

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

Nay: 0

Abstain: 0

7.1b. [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

A motion was made by Councilor McCoid, seconded by Councilor Andersen to conduct first 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 and proceed to second reading.

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

7.1c. [16-331](#)

Proposed Comprehensive Plan Map Change - "Industrial" to "Commercial" and Neighborhood Plan Change - "Employment without Residential" to "Commercial" for 560 Glen Creek Road NW and 585-635 9th Street NW

Ward(s): Ward 1

Councilor(s): Bennett

Neighborhood(s): West Salem

See agenda item 6.c - First Reading of Ordinance Bill No. 21-16 is suspended until Council review of Zone Change CPC-NPC-ZC16-08 is completed.

7.1d. [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

A motion was made by Councilor McCoid, seconded by Councilor Bednarz to proceed to 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.

Questions or Comments by: Councilor McCoid.

The motion carried by the following vote:

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

Nay: 0

Abstain: 0

7.2 SECOND READING:

7.2a. [16-307](#)

Proposed Comprehensive Plan Map Change - "Developing Residential" to "Multifamily Residential" for a 10-acre portion of 5991 Liberty Road S.

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

Conducted second reading of Ordinance Bill No. 16-16 changing the Comprehensive Plan Map designation from "Developing Residential" to "Multifamily Residential" for a 10-acre portion of 5991 Liberty Road S.

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

Nay: 0

Abstain: 0

7.2b. [16-308](#)

Proposed amendments to SRC Chapter 613 to change the boundaries of the Broadway/High Street Retail Overlay Zone to include three (3) additional parcels at 552-560 and 590 Willow Street NE.

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

Conducted second reading of Ordinance Bill No. 17-16 amending SRC Chapter 613 to change the boundaries of the Broadway/High Street Retail Overlay Zone to include three (3) additional parcels at 552-560 and 590 Willow Street NE.

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

Nay: 0

Abstain: 0

8. PUBLIC COMMENT: (Other than agenda items)

This item was heard under agenda item 2. Public Comment.

9. ADJOURNMENT

8:24 p.m.

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.

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: Imanderson@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.