

*555 Liberty St SE
Salem, OR 97301*



Final Action Agenda - Minutes - Draft

Monday, November 25, 2019

6:00 PM

Council Chambers

City Council

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

6:15 p.m.

Roll Call

Present: 9 - Councilor Kaser, Councilor Andersen, Councilor Nanke, Councilor Ausec, Councilor Lewis, Councilor Hoy, Mayor Bennett, Councilor Leung, and Councilor Nordyke

1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA

None.

1.2 COUNCIL AND CITY MANAGER COMMENT

Comments by: Councilors Lewis, Hoy, Leung, Mayor Bennett, and City Manager Powers.

1.3 PROCLAMATIONS

1.3a. [19-543](#) Proclamation recognizing Small Business Saturday

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

Information Only.

Mayor Bennett read and presented the proclamation to T.J. Sullivan, President, Salem Area Chamber of Commerce.

Comments by T.J. Sullivan.

1.4 PRESENTATIONS

None.

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

All public comments pertained to agenda item 7.1a, File 19-348.

Appearances by the following:

Bob Francis, 965 Whitetail Deer Street

Stanley Thornhill

Keith Bernard

Lorrie Walker, Vice-Chair, SCAN Neighborhood Association

Fay Demeyer

Becky Beaman, 3280 Elderberry Drive S.

Jeffrey Miller

Corrine Cole, 1506 Wallace Road NW

Devon McHenry, 303 23rd Street NE

Scott Russell, 5115 River Road N.

Connie Griffiths, Ms. Connies Children's Foundation

Frankie Wright, 325 14th Street SE

Hollie Oakes-Miller, 4916 Evie Jeen Street NE

Lynelle Wilcox, Homeless Coalition, 1785 Norway NE

Kathy Randall, 1551 NE Center Street

Hazel Patton, Salem Main Street Association, 1363 Court Street NE

Dana Vugteveen, Salem Center Mall, 401 Center Street NE

Zach Tresch, City Vibe Director, 3575 Brush College Road NW

Teren deAvalon, Board Member, Recovery Outreach Community Center, 1099 23rd Street SE

Franck Pack, Land Use Chair, Northgate Neighborhood Association

Pamela Lyons-Nelson, 1145 21st Street

Marlayne Madison, Northgate Neighborhood Association, 3065 Felina Avenue NE

Carol Decoursey, 740 Shipping NE

Delana Beaton, North East Neighborhood Association, 1025 21st Street NE

Lora Meisner, 1347 Spyglass Court

Glenn Baly

Angel Villamore, 1920 Broadway Street

Steven Long, 610 Commercial Street

Julie Cooper, Ward 1

Mark Hanke, Pastor, Salem First Baptist Church, 395 Marion Street NE

Tom Hoffert, CEO, Salem Area Chamber of Commerce, 1110 Commercial Street NE

Sarah Parkison, 888 Highland

Larry Massey, 525 Oregon Avenue

Mike Herron, Vips Industries, 4197 Skyway Court S.

Angelina Lockhart, 2499 Hyde Street SE

Geronimo Tagatac, 1040 Leffelle Street SE

Becky Gilliam, Safe Routes Partnership

Kathleen Thorpe

Dr. Trevor Phillips, Ward 3

Harvey Gerlitz, Ward 4

T.J. Sullivan, Ward 4

Tammi Cline, 140 Elma Avenue SE

Anna Karren, 694 Church Street NE

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

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 Andersen to approve the consent calendar.

Comments by: Councilors Hoy and Andersen.

The motion carried by the following vote:

Aye: 9 - Kaser, Andersen, Nanke, Ausec, Lewis, Hoy, Bennett, Leung, and Nordyke

Nay: 0

Abstain: 0

3.1 MINUTES

3.1a. [19-556](#) November 12, 2019 Draft City Council Minutes

Action: Approved.

3.1b. [19-565](#) November 18, 2019 Draft City Council Work Session Minutes - Regulating Use of Sidewalks

Action: Approved.

3.1c. [19-566](#) November 18, 2019 Draft City Council Work Session Minutes - Council Policy Agenda Priorities

Action: Approved.

3.2 RESOLUTIONS

3.2a. [19-527](#) Resolution No. 2019-83 Dedicating certain real property located along Madrona Avenue SE, 25th Street SE, 22nd Street SE, and Aviation Loop SE as Public Right-of-Way
Recommended Action: Adopt Resolution 2019-83
Ward 2 - Councilor Andersen - SESNA and SEMCA

Adopted Resolution No. 2019-83 Dedicating certain real property located along Madrona Avenue SE, 25th Street SE, 22nd Street SE, and Aviation Loop SE as Public Right of Way

3.2b. [19-536](#)

Property tax exemptions for eight qualifying non-profit low-income housing properties

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance; Welcoming and Livable Community

Adopted Resolution No. 2019-85 approving property tax exemptions for eight low-income housing properties owned by nonprofit entities.

3.3 ACTION ITEMS

3.3a. [19-537](#)

Priority and subordination agreement regarding the Housing Authority Redwood Crossing project.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

Authorized the execution of a priority and subordination agreement of a \$425,000 Community Development Block Grant program loan to Redwood Crossings, LLC (whose sole member is the Housing Authority of the City of Salem).

3.3b. [19-538](#)

Purchase and Sale Agreement with JDV Investments LLC for acquisition of real property located at 298 Taybin Road NW

Ward(s): 1

Councilor(s): Kaser

Neighborhood(s): West Salem Neighborhood Association

Result Area(s): Natural Environment Stewardship; Safe, Reliable and Efficient Infrastructure

Authorized the City Manager to execute the attached Purchase and Sale Agreement with JDV Investments LLC for the acquisition of real property located at 298 Taybin Road NW.

3.3c. [19-540](#)

Amendment to Tourism Marketing and Visitor Services Contract with Travel Salem to add management of Tourism Promotion Area funds.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Strong and Diverse Economy.

Authorized the execution of a fifth amendment to the Tourism Marketing and Visitor Services contract with Travel Salem, to expand the contract to allow Travel Salem to manage Tourism Promotion Area funds.

3.3d. [19-547](#)

Order for 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

Result Area(s): Welcoming and Livable Community

Adopted the order affirming the Planning Administrator's Decision for Subdivision Case No. SUB19-06.

3.3e. [19-562](#)

Order for the appeal of the Planning Commission's September 5 decision approving a consolidated application to change the Comprehensive Plan Map designation and/or zoning for several tax lots to accommodate future commercial and mixed-use development of property located at 2465, 2499, 2501, and 2519 Wallace Road NW and 1221 River Bend Road NW

Comprehensive Plan Change / Zone Change / Zone Change Case No. CPC-ZC-ZC19-10 - 3030 Riverbend LLC (Scott Martin)

Ward(s): 8

Councilor(s): Lewis

Neighborhood(s): West Salem

Result Area(s): Welcoming and Livable Community

Adopted Order No. 2019-17 CPC-ZC-ZC19-10 to modify the decision of the Planning Commission for Comprehensive Plan Change / Zone Change / Zone Change Case No. CPC-ZC-ZC19-10.

4. PUBLIC HEARINGS

4.a. [19-521](#)

Petitioner-Initiated Annexation of Territory Located at 1096 Hoffman Road NE - 97301 (Annexation Case No. C-734)

Ward(s): 6

Councilor(s): Hoy

Neighborhood(s): ELNA

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

Staff presentation by Pamela Cole, Planner, Community Development Planning Services.

Persons Testifying: None.

Organizations Testifying: None.

A motion was made by Councilor Hoy, seconded by Councilor Lewis to:

- 1. Find that the Petitioners have signed a valid triple majority petition for annexation of the Territory, in conformance with Oregon Revised Statutes (ORS) Chapter 222;**
- 2. Determine that the Petition satisfies the criteria of Salem Revised Code (SRC) 260.060(c) and adopt Order No. 2019-14 ANX (Attachment 2);**
- 3. Apply the City of Salem RA (Residential Agriculture) zone to the Territory from Marion County UD (Urban Development) and UT-5 (Urban Transition 5 Acres); and**
- 4. Withdraw the Territory from Marion County Fire District #1.**

The motion carried by the following vote:

Aye: 9 - Kaser, Andersen, Nanke, Ausec, Lewis, Hoy, Bennett, Leung, and Nordyke

Nay: 0

Abstain: 0

4.b. [19-541](#)

Oregon State Hospital National Register Historic District Boundary Revision

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance; Welcoming and Livable Community

Staff presentation by Kimberli Fitzgerald, Planner, Community Development Planning Services.

Persons Testifying: None.

Organizations Testifying: None.

A motion was made by Councilor Hoy, seconded by Councilor Andersen to advance Ordinance Bill No. 15-19, amending Salem Revised Code (SRC) Chapter 230 to reflect approved changes to the boundary of the Oregon State Hospital National Register Historic District and removing the historic district from that portion of property located at 2575 Center Street NE consistent with the approved boundary revision, to second reading for enactment.

The motion carried by the following vote:

Aye: 9 - Kaser, Andersen, Nanke, Ausec, Lewis, Hoy, Bennett, Leung, and Nordyke

Nay: 0

Abstain: 0

4.c. [19-553](#)

Public Hearing on 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.

Staff presentation by Anthony Turley, Finance Reporting Manager.

Persons Testifying: None.

Organizations Testifying:

Scott Snyder, Chair, Salem Area Lodging Association, 201 Liberty Street.

Questions or Comments by: Councilors Andersen and Anthony Turley.

A motion was made by Councilor Hoy, seconded by Councilor Leung to advance Ordinance Bill 16-19, amending Salem Revised Code (SRC) Chapter 37, creating SRC Chapter 38, to establish a Tourism Promotional Area, to second reading for enactment.

The motion carried by the following vote:

Aye: 9 - Kaser, Andersen, Nanke, Ausec, Lewis, Hoy, Bennett, Leung, and Nordyke

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)

None.

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

- 6.a. [19-522](#) Purchases approved administratively from October 1, 2019 through October 31, 2019.

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. [19-534](#) Planning Commission Decision - New three-story mixed-use development with 23 residential units and ground floor retail - Approved.

Class 3 Design Review / Class 3 Site Plan Review / Class 2 Zoning Adjustment Case No. DR-SPR-ADJ19-10 - Gretchen Stone, CB Two Architects, on behalf of ORREO, LLC (Charles Weathers) - 990 Broadway St NE, Salem OR 97301.

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

This Informational Report was received and filed.

- 6.c. [19-542](#) Economic Development Quarterly Report

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

This Informational Report was received and filed.

- 6.d. [19-546](#) Planning Administrator Decision - Tree removal for the placement of a single-family dwelling on an existing parcel - Approved

Tree Regulation Variance / Class 2 Driveway Approach Permit / Class 2 Adjustment Case No. TRV-DAP-ADJ19-01 - Jake Buckendorf - 7000 Block of Sunnyside Rd SE - 97306

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

This Informational Report was received and filed.

7. ORDINANCES

7.1 FIRST READING:

7.1a. [19-348](#)

Regulating the use of sidewalks and public spaces

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Areas: Good Governance; Safe Community; Strong and Diverse Economy; Welcoming and Livable Community

Comments by: City Manager Powers, Police Chief Jerry Moore, Mayor Bennett, Councilors Andersen, Lewis, Leung, and Deputy Police Chief Skip Miller.

A motion was made by Councilor Hoy, seconded by Councilor Nanke to approve staff recommendation with the addition of an emergency clause, so the ordinance will take effect immediately upon second reading.

Motion to amend by Councilor Hoy, seconded by Councilor Kaser to eliminate the proposed restrictions on sitting or lying on public sidewalks.

Comments by: Councilors Hoy, Andersen, Kaser, Nordyke, Nanke, Lewis, Ausec, Leung, and Mayor Bennett.

The motion to amend CARRIED by the following vote:

**Aye: 5 - Kaser, Andersen, Ausec, Leung, and Nordyke
Nay: 4 - Hoy, Nanke, Lewis, and Bennett
Absent: 0**

Motion to amend by Councilor Hoy, seconded by Councilor Ausec to eliminate the proposed restrictions as grounds for an exclusion order.

Comments by: Councilors Hoy, Andersen, Nanke, Nordyke, Kaser, Mayor Bennett, and Dan Atchison, City Attorney

The motion to amend CARRIED by the following vote:

**Aye: 6 - Hoy, Andersen, Ausec, Nordyke, Kaser, and Leung
Nay: 3 - Nanke, Lewis, and Bennett
Absent: 0**

Motion to amend by Councilor Hoy, seconded by Councilor Ausec to modify the ordinance to specify that the restrictions will expire September 30, 2020.

Comments by: Councilors Hoy, Kaser, Andersen.

The motion to amend FAILED by the following vote:

**Aye: 2 - Hoy and Leung
Nay: 7 - Kaser, Andersen, Ausec, Nanke, Lewis, Nordyke, and Bennett
Absent: 0**

Comments by: City Attorney Atchison, Councilor Hoy, and Mayor Bennett.

A substitute motion was made by Councilor Lewis, seconded by Councilor Nanke to approve the staff recommendation.

Comments by Councilors Lewis and Andersen, and Mayor Bennett.

The substitute motion FAILED by the following vote:

Aye: 3 - Lewis, Nanke, and Bennett,
Nay: 6 - Kaser, Andersen, Ausec, Hoy, Leung, and Nordyke
Absent: 0

Comments by: Mayor Bennett, Councilor Leung, Hoy, and City Attorney Atchison.

The main motion, as amended, to eliminate the proposed restrictions on sitting or lying on public sidewalks and to eliminate the proposed restrictions as grounds for an exclusion order, carried by the following vote:

Aye: 8 - Kaser, Andersen, Nanke, Ausec, Hoy, Bennett, Leung, and Nordyke

Nay: 1 - Lewis

Abstain: 0

7.2 SECOND READING:

7.2a. [19-558](#)

Second reading 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.

Conducted second 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.

Ordinance Bill No. 16-19 was approved by the following vote:

Aye: 9 - Kaser, Andersen, Nanke, Ausec, Lewis, Hoy, Bennett, Leung, and Nordyke

Nay: 0

Abstain: 0

8. PUBLIC COMMENT: (Other than agenda items)

None.

9. ADJOURNMENT

9:43 p.m.