

*555 Liberty St SE  
Salem, OR 97301*



## **Final Action Agenda - Minutes - Final**

**Monday, November 28, 2016**

**6:30 PM**

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

**City Council**

**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**

**6:47 p.m.**

**Roll Call**

**Present:** 8 - Councilor Bennett, Councilor Andersen, Councilor Nanke, Councilor McCoid, Councilor Dickey, Councilor Bednarz, Councilor Lewis, and Mayor Peterson

**Absent:** 1 - Councilor Benjamin

**Pledge of Allegiance**

**Led by: 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 the additions and deletions to the agenda with the addition of 1.) 1.1b, receiving Councilor Benjamin's letter of resignation, and declaring the position for Ward 6 vacant; 2.) Reordering the agenda to move approval of additions and deletions to after opening exercises; 3.) moving public comment (item 2) to item 1.1c ; and 4.) revising item 3.3c to add the names of Brandon Smith and Drew Wright to the list of candidates that the City Council will interview for open positions on the Planning Commission.

**The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Benjamin

**Abstain:** 0

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

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**A motion was made by Councilor McCoid, seconded by Councilors Bednarz, Dickey, Lewis, Andersen, Bennett, and Mayor Peterson to publicly censure Councilor Daniel Benjamin for conduct inappropriate to the dignity of the office of a Salem city councilor.**

**Questions or Comments by: Councilors McCoid, Bednarz, Andersen, Dickey, Bennett, Lewis, Nanke, and Mayor Peterson.**

**The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Benjamin

**Abstain:** 0

**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

**A motion was made by Councilor McCoid, seconded by Councilors Lewis, Bednarz, Dickey, Bennett, Andersen, Nanke, and Mayor Peterson to accept the resignation of Councilor Benjamin and declare the position for Ward 6 vacant.**

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

**The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Benjamin

**Abstain:** 0

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

Reginald Hendrix, NAACP Salem Keizer Unit, Ward 4, Agenda Item 1.a, File 16-397

Levi Herrera Lopez, Executive Director of Mano a Mano, No address provided, Agenda Item 1.a, File 16-397

Annalivia Palazzo-Angulo, Executive Director of Salem-Keizer Coalition for Equality, 3644 31st Avenue NE, Agenda Item 1.a, File 16-397

Mishial Almontakk, Vice President Salem Islamic Center, no address provided, Agenda Item 1.a, File 16-397

Andrea Williams, Executive Director of CAUSA, 700 Marion Street NE, Agenda Item 1.a, File 16-397

John Scott, 1399 Greenwood Drive, NE, Agenda Item 1.a, File 16-397

Paul Krissel, 1675 High Street SE, Agenda Item 1.a, File 16-397

Bob Rossi, Ward 1, Agenda Item 1.a, File 16-397

Kai Blevins, Ward 8, Agenda Item 1.a, File 16-397

Leslie McMillan, 220 Superior Street S, Agenda Item 1.a, File 16-397

Laura Tea-Pelley, 4550 Thrush Drive NE, Agenda Item 1.a, File 16-397

Katharine Moore, 2696 Eastlake Drive SE, Agenda Item 1.a, File 16-397

Cameron Crushial, 585 Winter Street NE, Agenda Item 1.b, File 16-403

B. Lee Coyne, 3289 Oakcrest Drive, Agenda Item 1.a, File 16-397

Colleen Goldberg, 2359 Ptarmigan Street NW, Agenda Item 1.a, File 16-397

Rachel Milvin, Ward 2, Agenda Item 1.a, File 16-397

Karen Messer, No address provided, Agenda Item 5.b, File 16-400

Ronnie Daniels, No address provided, Agenda Item 1.a, File 16-397

Teresa Raiford, No address provided, Agenda Item 1.a, File 16-397

Francisco Lopez, Ward 4, Agenda Item 1.a, File 16-397

Amy Urban, 703 Scenic Heights Drive SE, Agenda Item 1.a, File 16-397

Maria Garcia, No address provided, Agenda Item 1.a, File 16-397

Julie Eaton, Ward 3, Agenda Item 1.a, File 16-397

Laurie Dougherty, Ward 2, Agenda Item 1.a, File 16-397

William Collins, 1150 Alpine Ave NW, Racial profiling

Dale Hendrick, Ward 3, Agenda Item 1.a, File 16-397

Deborah Patterson, Ward 7, Agenda Item 1.b, File 16-400

Brian Hines, 10371 Lake Drive SE, Agenda Item 1.a, File 16-397

Susanne Kaltwasser, Ward 8, Agenda Item 1.a, File 16-397

Xue Lor, Ward 6, Agenda Item 1.a, File 16-397

Lyric Joy, Ward 7, Agenda Item 1.a, File 16-397

Aaron Reyna, 470 Boone Road SE, Agenda Item 1.a, File 16-397

Richard Koenig, No address provided

Robert Wehst, 632 Nekkerson, Police investigations

Dr. John Choppala, Ward 1, Ethnic diversity in Salem

Michele Oshay, Ward 2, Racism

Sam Skillen, Ward 1, Diversity in Salem

Ben, No last name or address provided

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

Approval of Additions and Deletions to the Agenda was heard immediately after the Pledge of Allegiance.

## 1.2 COUNCIL AND CITY MANAGER COMMENT

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

## 1.3 PROCLAMATIONS

Presented by: Mayor Peterson.

### 1.3a. [16-369](#)

Giving Tuesday Proclamation

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Information Only.

## 1.4 PRESENTATIONS

None.

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

Item 2, Public Comment, heard at item 1.c.

## 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 consent calendar with the pull of item 3.2a by Councilor Andersen.

Questions or Comments by: Councilor McCoid.

The motion carried by the following vote:

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

**Nay:** 0

**Absent:** 1 - Benjamin

**Abstain:** 0

### 3.1 MINUTES

- 3.1a. [16-368](#) November 14, 2016 Council Minutes

**Action: Approved.**

### 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

**Pulled by Councilor Andersen - See Agenda Item 5.**

### 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

**Authorized 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**

- 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

**Approved 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.**

**3.3c.**     [16-376](#)

Interviews for positions on the Salem Planning Commission.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Approved interviewing two applicants for full-term positions on the Salem Planning Commission.**

**4. PUBLIC HEARINGS**

None.

**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)**

**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

**A motion was made by Councilor Andersen, seconded by Councilor McCoid to postpone Resolution No. 2016-50 until the December 5, 2016 City Council Meeting.**

**Questions or Comments by: Councilors Andersen and Bennett.**

**A substitute motion was made by Councilor Bennett, seconded by Councilor Bednarz to 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.**

**Questions or Comments by: Councilors Bennett, Andersen, and Lewis.**

**The substitute motion carried by the following vote:**

**Aye:**     7 - Bennett, Nanke, McCoid, Dickey, Bednarz, Lewis, and Peterson

**Nay:**     1 - Andersen

**Absent:**   1 - Benjamin

**Abstain:**   0

**A motion was made by Councilor McCoid, seconded by Councilor Andersen to extend the meeting to 10:15 p.m.**

**The motion carried by the following vote:**

**Aye:** 7 - Bennett, Andersen, Nanke, McCoid, Bednarz, Lewis, and Peterson

**Nay:** 1 - Dickey

**Absent:** 1 - Benjamin

**Abstain:** 0

**5.a.**     [16-380](#)     Travel Salem 2015-16 Annual Report

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Information only.**

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

Ward(s): 1

Councilor(s): Andersen

Neighborhood(s): CANDO

**A motion was made by Councilor Andersen, seconded by Councilor Bennett to waive the special use fee for the menorah display on the Civic Center open space located on the southeast corner of Commercial Street SE and Trade Street SE.**

**Questions or Comments by: Councilor Andersen.**

**The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Benjamin

**Abstain:** 0

## **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

**This Informational Report was received and filed.**

- 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

**This Informational Report was received and filed.**

## 7. ORDINANCES

### 7.1 FIRST READING:

- 7.1a. [16-231](#) Second 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

**A motion was made by Councilor McCoid, seconded by Councilor Bednarz to advance Ordinance Bill No. 16-22 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.**

**The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Benjamin

**Abstain:** 0

**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

**A motion was made by Councilor Andersen, seconded by Councilor Nanke to 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.**

**The motion carried by the following vote:**

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

**Nay:**     0

**Absent:**   1 - Benjamin

**Abstain:**   0

**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

**Conducted 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.**

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

**Nay:**     0

**Absent:**   1 - Benjamin

**Abstain:**   0

**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

**Conducted 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.**

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

**Nay:** 0

**Absent:** 1 - Benjamin

**Abstain:** 0

**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

**Conducted 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.**

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

**Nay:** 0

**Absent:** 1 - Benjamin

**Abstain:** 0

**8. PUBLIC COMMENT: (Other than agenda items)**

**This item heard at item 1.1c.**

**9. ADJOURNMENT**

10:09 p.m.