555 Liberty St SE
Salem, OR 97301

Final Action Agenda - Minutes - Final

Monday, September 10, 2018

6:00 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

6:10 p.m.

Roll Call

Present: 9 - Councilor Kaser, Councilor Andersen, Councilor Nanke, Councilor McCoid, Councilor Ausec, Councilor Cook, Councilor Lewis, Councilor Hoy, and Mayor Bennett

1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA

This item was heard after item 1.2, Council and City Manager Comment.

A motion was made by Councilor McCoid, seconded by Councilor Kaser to approve the revision to the agenda that relocates agenda item 5.a to Information Reports, item 6.f.

Comments by: Councilor McCoid.

The motion carried by the following vote:

Aye: 9 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, Hoy, and Bennett

Nay: 0

Abstain: 0

1.2 COUNCIL AND CITY MANAGER COMMENT

Comments by: Councilors Cook, Nanke, McCoid, Hoy, Andersen, Lewis and Mayor Bennett.

At the request of Councilor Nanke, the City Council and meeting attendees held a moment of silence to recognize the loss of life that resulted from the terrorist attacks that occurred on September 11, 2001.

1.3 PROCLAMATIONS

1.3a. 18-405 Proclamation recognizing Fill the Boot Days

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

Mayor Bennett read and presented the proclamation to Salem Fire Department's Chief Niblock and Willie Giddings, Apparatus Operator/Engineer.

Questions or Comments by: Councilor Lewis.

1.4 PRESENTATIONS

1.4 a. Donation of 4 KIDS Bags - Brandon Smith, Presenter

Brandon Smith of the Local Chapter of the Willamette Valley Victory Riders presented the donation of "Go Bags" to Salem Police Department's Deputy Chief Bellshaw and Lieutenant VanMeter and Salem Fire Department's Chief Niblock and Willie Giddings.

Comments by: Mayor Bennett.

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

Appearances by:
Michael Slater, Ward 7, Item 3.3a, File 18-417

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 Hoy to approve the consent calendar.

Questions or Comments by: Councilors McCoid, Andersen and Cook

Councilor Nanke registered a "no" vote on item 3.3a.

Aye: 9 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, Hoy, and Bennett

Nay: 0

Abstain: 0

3.1 MINUTES

3.1a. 18-420 August 27, 2018 Draft Council Minutes

Action: approved

3.2 RESOLUTIONS

3.2a. 18-379 Proposed amendments to Council Rule 6 - Communications, changing the time communications must be submitted on the date of a meeting in order for copies to be provided to Council at the meeting.

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

Adopted Resolution No. 2018-75 to amend Council Rules 6(a) to change the time communications must be submitted to the City Recorder from 5:00 p.m. to 3:30 p.m. on the day of the meeting in order for copies to be provided to Council at the meeting.

3.2b. 18-414 FY 2019 Supplemental Budget 1 for additional appropriation authority in the Community Renewal Fund.

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

Adopted Resolution No. 2018-77, adopting FY 2019 Supplemental Budget 1 for the Community Renewal Fund, increasing expenditure appropriation authority and revenues by $436,390.

3.3 ACTION ITEMS

3.3a. 18-417 Approval to become a founding member of Cities4Forests.

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

Approved the City becoming a founding member of Cities4Forests.

Councilor Nanke registered a "no" vote."

4. PUBLIC HEARINGS

4.a. 18-401 Community Development Block Grant and HOME investment partnership programs Consolidated Annual Performance and Evaluation Report (CAPER)

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

Staff presentation by: Shelly Ehenger, Federal Programs Manager, Urban Development Administrative Services.

Questions or Comments by: Councilors Lewis and Andersen.

Persons Testifying: None.

Organizations Testifying: None.

A motion was made by Councilor McCoid, seconded by Councilor Andersen to approve submittal of the 2017-2018 Program Year Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant and HOME Investment Partnership Programs to the US Department of Housing and Urban Development (HUD) no later than September 30, 2018.

The motion carried by the following vote:

Aye: 9 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, Hoy, and Bennett

Nay: 0

Abstain: 0

4.b. 18-404 Community Development Block Grant and HOME investment partnership programs Consolidated Plan Amendment #1

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

Staff presentation by: Shelly Ehenger, Federal Programs Manager, Urban Development Administrative Services.

Persons Testifying: None.

Organizations Testifying: None.

Questions or Comments by: Councilors Cook, McCoid and Kaser.

A motion was made by Councilor McCoid, seconded by Councilor Hoy to approve the amendment to reprioritize the Consolidated Plan funding priorities to align with the City's Strategic Plan goal for Affordable Housing, Homelessness, and Social Services.

The motion carried by the following vote:

Aye: 9 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, Hoy, and Bennett

Nay: 0

Abstain: 0

4.c. 18-403 Amendments to the 2018-2019 and 2017-2018 Housing and Community Development Annual Action Plans

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

Staff presentation by: Shelly Ehenger, Federal Programs Manager, Urban Development Administrative Services.

Questions or Comments by: Councilors Cook, Hoy, Andersen, Lewis and Mayor Bennett.

Councilor Hoy disclosed that he is on the advisory committee for the Center for Hope and Safety.

Persons Testifying: None.

Organizations Testifying: None.

A motion was made by Councilor McCoid, seconded by Councilor Hoy to approve amendments to the 2018-2019 and 2017-2018 Housing and Community Development Annual Action Plans (AAP) and direct staff to submit the amendments and required forms to the U.S. Department of Housing and Urban Development.

The motion carried by the following vote:

Aye: 9 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, Hoy, and Bennett

Nay: 0

Abstain: 0

4.d. 18-415 Public hearing on Ordinance Bill No. 20-18, restricting use of single-use plastic bags

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

Staff presentation by: Kali Leinenbach, Management Analyst, Budget Office.

Persons Testifying:
Debbie Miller, 3855 Aberdeen Street
Sara Deumling, 2667 Orchard Heights Road
Evan White, 4553 Brock Loop South
Beverly and John Cochran, 4751 Rawhide Court NE
Cindy Kimball, 1260 21st Street NE
Kristene Mayer, 1355 Elser Drive SE
Joyce Judy, 375 Fairview Avenue SE #207
Peter Bergel, 1850 Saginaw Street South
Greg Peden, no address provided, Speaking on behalf of American Progressive Bag Association

Organizations Testifying:
Paul Cosgrove, Speaking on behalf of American Forest and Paper Association and Northwest Pulp and Paper Association
Meg Hummon, 850 Fairview Ave SE #3, Speaking on behalf of 350 Salem Oregon
Shawn Miller, Speaking on behalf of the Northwest Grocery Association
Michael Roth, 4895 Indian School Road NE, Speaking on behalf of Roth's Grocery Stores
Tim Rocak, CEO, Garten Services, 500 Hawthorne Street SE
Charlie Plybon, Speaking on behalf of Surfrider Foundation
Patrick Spencer, Director, Cork Forest Conservation Alliance, 565 Oxford Street

Questions or Comments by: Councilors Cook, Kaser, Lewis, Nanke, McCoid, Hoy, Andersen and Mayor Bennett.

A motion was made by Councilor Andersen, seconded by Councilor Ausec to hold a public hearing, and advance to second reading for enactment Ordinance Bill No. 2018-18, restricting use of single-use plastic bags.

Comments by: Councilors Andersen,Cook, Nanke, McCoid, Lewis, Kaser and Mayor Bennett.

Councilor Kaser made a substitute motion, seconded by Councilor Cook to continue deliberations until October 22, 2018 and refer the ordinance back to staff for further public outreach and review by councilors with staff.

Comments by: Councilors Cook, Kaser, Lewis and Mayor Bennett.

The substitute motion carried by the following vote:

Aye: 5 - Kaser, Ausec, Cook, Hoy, and Bennett

Nay: 4 - Andersen, Nanke, McCoid, and Lewis

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)

5.a. 18-408 Announcing Mayoral appointments to the Our Salem Stakeholder Advisory Committee

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

Item relocated - See agenda item 6.f.

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

6.a. 18-371 Downtown Advisory Board Annual Communication

Ward: Ward 1
Councilor: Kaser
Neighborhoods: CANDO, Grant

This Informational Report was received and filed.

6.b. 18-372 Purchases approved administratively - July 1, 2018 through July 31, 2018.

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

This Informational Report was received and filed.

6.c. 18-407 Planning Commission Decision - Class 3 Design Review / Class 3 Site Plan Review / Class 2 Driveway Approach Permit Case No. DR-SPR-DAP18-04 - Approved - Scott Martin Construction Inc. - 1200 Block River Bend Road NW - Proposed development of a new 48 dwelling unit multi-family apartment complex and two new retail commercial buildings.

Ward(s): 8
Councilor(s): Lewis
Neighborhood(s): West Salem

This Informational Report was received and filed.

6.d. 18-418 Application was appealed and will be heard by the Planning Commission on October 2, 2018, unless called-up by City Council.

Planning Administrator Decision - Subdivision / Urban Growth Preliminary Declaration Case No. SUB-UGA18-01 - 1395 Boone Road SE - Boylan Construction Inc. - DENIED the tentative Subdivision and APPROVED the Urban Growth Preliminary Declaration - A tentative subdivision plan and Urban Growth Preliminary Declaration to divide approximately 4.82 acres into 20 lots ranging in size from 5,711 square feet to 11,466 square feet.

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

A motion was made by Councilor Nanke, seconded by Councilor Hoy that Council hold a public hearing regarding the appeal of the Planning Administrator's Decision in the Subdivision/Urban Growth Preliminary Declaration Case No. SUB-UGA18-01 - 1395 Boone Road SE.

Comments by: Councilor Nanke.

The motion carried by the following vote:

Aye: 9 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, Hoy, and Bennett

Nay: 0

Abstain: 0

6.e. 18-419 Hearings Officer Decision - Conditional Use / Class 2 Adjustment Case No. CU-ADJ18-07 - Approved - Stuart Kirchick and Pensco Trust Company, LLC (Gregg Monette) - 725 High Street SE - A request to allow an existing single-family dwelling to be used as a short-term rental.

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

A motion was made by Councilor Andersen, seconded by Councilor Nanke for Council review of the Hearing's Officer Decision for Conditional Use/Class 2 Adjustment Case No. CU-ADJ18-07 - 725 High Street SE.

Comments by: Councilor Andersen.

The motion carried by the following vote:

Aye: 8 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Hoy, and Bennett

Nay: 1 - Lewis

Abstain: 0

18-408 Announcing Mayoral appointments to the Our Salem Stakeholder Advisory Committee

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

This Information Report was received and filed.
(This item was relocated from agenda item 5.a.)

7. ORDINANCES

7.1 FIRST READING:

None.

7.2 SECOND READING:

7.2a. 18-411 City-Initiated Septic Failure Annexation of Territory Located at 3641 Boone Road SE - 97317 (Annexation Case No. C-720)

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

Conducted second reading of Ordinance Bill No. 19-18 annexing, applying City of Salem IG (General Industrial) zoning from Marion County IG (General Industrial), and withdrawing from the Salem Suburban Rural Fire Protection District, for a 1.88-acre property located at 3641 Boone Road SE.

Ordiance Bill No. 19-18 was adopted by the following vote:

Aye: 9 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, Hoy, and Bennett

Nay: 0

Abstain: 0

7.2b. 18-412 Petitioner-Initiated Annexation of Territory Located at 2487 Robins Lane SE - 97306 (Annexation Case No. C-722)

Ward(s): 4
Councilor(s): McCoid
Neighborhood(s): South Gateway

Conducted second reading of Ordinance Bill No. 18-18 annexing, applying City of Salem RA (Residential Agriculture) zoning from Marion County UT-5 (Urban Transition 5 Acres), and withdrawing from the Salem Suburban Rural Fire Protection District, for a 0.53-acre property located at 2487 Robins Lane SE.

Ordinance Bill No. 18-18 was adopted by the following vote:

Aye: 9 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, Hoy, and Bennett

Nay: 0

Abstain: 0

8. PUBLIC COMMENT: (Other than agenda items)

None.

9. ADJOURNMENT

9:19 p.m.