



Staff Report

File #: 16-435

Version: 1

Date: 12/12/2016

Item #: 7.2c

TO: Mayor and City Council

FROM: Steve Powers, City Manager

SUBJECT:

Ordinance Bill No. 26-16 - Amending SRC Chapter 2, and declaring an emergency

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

ISSUE:

Shall City Council enact Ordinance Bill No. 26-16 to amend Salem Revised Code (SRC) Chapter 2 to allow the City Manager, acting as the City's Emergency Program Manager, to permit the use of City property as a temporary warming station, and pass Ordinance Bill No. 26-16 by unanimous consent at the December 12, 2016 meeting?

RECOMMENDATION:

Enact Ordinance Bill No. 26-16 to amend SRC Chapter 2 to allow the City Manager, acting as the City's Emergency Program Manager, to permit the use of City property as a temporary warming station, and pass Ordinance Bill No. 26-16 by unanimous consent at tonight's meeting.

SUMMARY AND BACKGROUND:

The Community Action Network recently lost the ability to use its former location as a temporary warming station, and has requested use of the O'Brien site, currently leased by the City. Temperatures are expected to fall below 30 degrees this week, with snow forecast for Wednesday and Thursday (December 14 and 15).

In addition, the Union Gospel Mission ("UGM") has a maximum occupancy limit of 180 people, and they are expected to have to turn away people seeking shelter from the cold weather.

A temporary warming station at the O'Brien site would require a conditional use permit under the SRC, a process that typically takes several months from the initial application to final written approval. In order to respond to the imminent threat to public safety, it is necessary to amend SRC Chapter 2, to allow, upon declaration of a local emergency, temporary uses and activities

notwithstanding other provisions of the Salem Revised Code.

In order to allow the use of the O'Brien site for a temporary warming station, the following steps need to occur:

- 1) Amend SRC Chapter 2 to provide authority to permit a warming station, notwithstanding land use or other restrictions, upon declaration of an emergency by the City Manager;
- 2) Enactment of the ordinance through unanimous consent by Council at tonight's meeting;
- 3) Declaration of a Local Emergency by the City Manager, and a grant of permission for the Community Action Network and UGM to establish a temporary warming station at the O'Brien site; and
- 4) Execution of an addendum with the property owner of the O'Brien site to permit this activity under the Lease.

FACTS AND FINDINGS:

Ordinance Bill No. 26-16 amends SRC Chapter 2 as follows:

- 1) Adds "Weather Event Emergency" to the Chapter's definition.
- 2) Allows City to permit a Warming Station, notwithstanding zoning restrictions and requirements, upon declaration of a Weather Event Emergency."
- 3) Allows use of City resources, in terms of staffing, money, and property, to address the emergency, and
- 4) Execution of contracts to further the City's response to the emergency.

If Council adopts Ordinance Bill No. 26-16 tonight, the City Manager will issue the Declaration of Local Emergency (Attachment 2) on Tuesday to begin the process. In order for the ordinance to be effective immediately it is necessary for the ordinance to include an emergency clause, and for Council to pass the ordinance at tonight's meeting. The Salem City Charter, and Council Rules allow passage of an ordinance at a single meeting, upon unanimous consent by the members of council present.

Staff has been in contact with the property owner's representative, who has indicated they will allow the temporary use on the property, subject to certain conditions to protect the property from damage, and exclude the property owner from liability resulting from the temporary use.

The City's lease for the property currently extends through February, and it is anticipated that the use of the property as a temporary warming station will be limited to specific cold weather events, that the warming station will only be open during evening hours, and will terminate no later than the end of February.

Steve Powers
City Manager

Attachments:

1. Ordinance Bill No. 26-16.
2. Draft Declaration of Local Emergency

12/12/2016