

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, December 23, 2015
9:00 a.m.

Senator Hearing Room
555 Court Street NE
Salem, OR 97301

PRESENT: Commissioner Janet Carlson, Commissioner Kevin Cameron, Commissioner Sam Brentano, John Lattimer as chief administrative officer, Scott Norris as county counsel and Kristy Witherell as recorder.

Commissioner Carlson called the meeting to order at 9:00 a.m.

PUBLIC COMMENT

None.

CONSENT

(Video Time 00:01:06)

BOARD OF COMMISSIONERS

OLCC APPLICATIONS – Recommend Approval

US Market #108, LLC. – Salem, OR

Jaskiran Enterprises, Inc., 7-Eleven #177870. – Salem, OR

HEALTH

Approve the Contract for Services with Mid-Valley Behavioral Care Network for \$204,876 to provide regional acute psychiatric inpatient services retroactively from July 1, 2015 through December 31, 2015.

PUBLIC WORKS

Approve Amendment #9 with Metro to extend through December 31, 2018 for solid waste to the waste-to-energy-facility.

Approve Amendment #7 with Total Transportation Services to extend through December 31, 2018 for hauling waste from Metro to the waste-to-energy-facility.

TAX OFFICE

Approve an order authorizing the property tax refund in the amount of \$29,776.37 to Kaiser Foundation Health Plan.

Approve an order authorizing the property tax refund in the amount of \$22,092.44 to Lancaster Development Company, LLC.

Approve an order authorizing the property tax refund in the amount of \$35,257.44 to Pratum Co-op Warehouse.

Approve an order authorizing the property tax refund in the amount of \$28,151.87 to RB1 Investors, LLC.

MOTION: Commissioner Brentano moved approval of the consent agenda. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

ACTION

(Video Time 00:03:50)

CLERK'S OFFICE

1. Consider approval of Amendment #1 with HART Intercivic Inc. for \$187,014.24 for upgrades to the vote tabulation system. - Bill Burgess

Summary of Presentation:

- Instituted the vote tabulation system in 2011;
- Upgrade was in the original contract;
- System is federally certified;
- New hardware and software which will make it faster to tally ballots;
- Very secure and accurate system; and
- Election system is also designed to be used in precinct voting.

Board Discussion:

- Information Technology has worked with the Clerk's Office throughout this process:
 - HART upgraded their system;
 - Required upgraded hardware to run their system;
 - HART will provide the hardware and software; and
 - The money has not been budgeted and the Clerk's Office will have to use savings to cover the costs.

MOTION: Commissioner Cameron moved approval of Amendment #1 with HART Intercivic Inc. for \$187,014.24 for upgrades to the vote tabulation system. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

(Video Time 00:17:35)

COMMUNITY SERVICES

2. Consider approval of an order appointing Heidi DeCoster to the Marion County Fair Board for a term ending December 31, 2016. – Tamra Goettsch

Summary of Presentation:

- Community Services has responsibility of hosting and coordinating the Marion County Fair;
- Four day event that takes a year to plan for;
- Responsibility divided across seven board members, a couple of staff members and a multitude of volunteers in the community;
- State policy only allows for seven fair board members;
- Heidi DeCoster has been volunteering since the age of 14:
 - Really enjoys being part of the community;
 - Has a desire to give back to the community she lives in; and
 - Would like to see the Marion County Fair be successful.
- David Beem will act as a volunteer for the Marion County Fair Board:
 - Would like to help volunteer at the fair.

Board Discussion:

- Thanked both members for their service to Marion County;
- Ms. DeCoster will do a stellar job on Marion County Fair Board; and
- Appreciates David Beem's passion with helping people with disabilities.

MOTION: Commissioner Brentano moved approval of an order appointing Heidi DeCoster to the Marion County Fair Board for a term ending December 31, 2016 and to acknowledge David Beem as volunteer for the Marion County Fair Board. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

(Video Time 00:26:05)

3. Consider approval of an ordinance revising and updating Marion County Code, Chapter 8.40 relating to Smoke-Free and Tobacco-Free County Property, first reading. – Tamra Goettsch, Bruce Armstrong

Summary of Presentation:

- As of July 1, 2015, Marion County passed a policy to make all properties, as well as leased properties, smoke free;
- Marion County Fair Board set up designated smoking areas during the fair;
- Set policy for the fair to be considered to have designated smoking areas;
- Mirrors the State Fair policy;
- Important for local entertainers to have a designated area;
- Will have security on the fair grounds to point out designated smoking areas;
- The State Fair policy does not have mention of marijuana use on the property:
 - Board signed ordinance states that it prohibits marijuana on all county properties, including leased properties.

Board Discussion

- Feel like the policy is fair; and
- Vaping will only be allowed in designated smoking areas.

MOTION: Commissioner Cameron moved to read by title only of an ordinance revising and updating Marion County Code, Chapter 8.40 relating to the Smoke-Free and tobacco-Free County Property. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

The chair read the ordinance by title.

(Video Time 00:37:30)

PUBLIC WORKS

4. Consider approval of the Contract for Services with Cappelli Miles for \$514,050 for media planning and advertising services through December 31, 2018. - Jessica Ramey

Summary of Presentation:

- Uses advertisements in Environmental Services to communicate with residents and businesses;
- Goal to keep businesses and residents informed of available waste reduction and water qualities that are provided;
- In 2013, a contract was awarded with advertising firm to better leverage advertising dollars; and
- Money comes out of Environmental Services, storm water fees and Environmental Services Water Quality.

Board Discussion:

- Would like to have further conversation with Public Works about the how effective the marketing is communicating available resources within the county;
- There is an early termination clause in the contract that would allow the county to terminate the contract and only be liable for services that have been done; and
- Would like to see a marketing plan and see time frames and the costs of services.

MOTION: Commissioner Brentano moved approval of the Contract for Services with Cappelli Miles for \$514,050 for media planning and advertising services through December 31, 2018. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

(Video Time 00:44:53)

5. Consider approval of the Contract for Services with Avisia Multicultural Marketing LLC for \$145,950 for Spanish media planning and advertising services through December 31, 2018. - Jessica Ramey

Summary of Presentation:

- No change with the budget;
- Going with other marketing company; and
- Extensive outreach with leaflets using storm water fee.

MOTION: Commissioner Cameron moved approval of the Contract for Services with Avisia Multicultural Marketing LLC for \$145,950 for Spanish media

planning and advertising services through December 31, 2018. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

PUBLIC HEARINGS

9:30 A.M.

Video Time 00:47:25)

A. Continuation of a public hearing on appeal of hearings officer's decision denying Conditional Use (CU) 15-022/Croft, Clerk's File #5702. – Joe Fennimore

Summary of Presentation:

- Conditional use to operate a winery as a commercial activity in conjunction with farm use;
- The hearing's officer denied the request and the applicant appealed it to the board;
- This is a continuation of the hearing from last week;
- Planning division proposed to change Condition #1 if the board decides to move forward;
- Two paths for approving winery operations in Exclusive Farm Use (EFU) Land:
 - Permitted use winery statutes ORS 215.452 which uses the term winery; and
 - ORS 215.453 which references a large winery.
- Applicants are not proposing a permitted use winery in their application;
- The applicants are proposing a conditional use, which is commercial activity in conjunction with farm use;
- The analysis is no different than commercial activity in farm use area;
- Blending and aging wines is sufficient for commercial activity in conjunction with farm use;
- In the future, the applicant has desire to produce dessert wines on site;
- Non-winery income would be sales of merchandise that is not wine;
- In order to overturn the hearings officer's decision, there needs to be a strong legal basis to make sure it is defensible if someone should appeal it; and
- Part of the difficulty with this situation is there is no single unified definition of a winery.

Michael Gelardi

- Lawyer representing Chancy and Toni Croft;
- Asking the board to approve the permit;
- Reached consensus on a set of conditions that will allow business to succeed;
- In terms of conditions, Mr. Fennimore presented the board with suggested edits;
- For the record, the conditions are as follows:
 - First condition has to do with the deadline with proceeding with Conditional Use:
 - Wants two years to develop tasting room and start some aspects of the wine process; and
 - If the Crofts are successful in doing that, the permit will be considered acted upon.
 - Fifth condition has to do with the wines that are going to be sold in the tasting room:

- Clarification to state wines produced in conjunction with the winery include, all the wines that are made with Croft grapes will be 75 percent of the business income; and
 - Food sales and merchandise will be 25 percent of the business income.
- Can pair food with wine but cannot operate a restaurant;
- The intent is to allow all the wines made with Croft grapes, regardless of the label, to be considered wine produce in conjunction with the winery and be included in the 75 percent sales requirement;
- Written materials that were submitted to the board do describe the evidence in the record that addresses waste water, geologic study, and greenway permit;
- Would like the findings to say that it is feasible to attain the greenway permit to the extent necessary:
 - Will not diminish the views from the river; and
 - Protect the riparian area.

Board Discussion:


- Make sure condition number five states that wine grapes from other wineries can be sold in the tasting room:
 - Mr. Fennimore will prepare an order and findings and conditions to broaden the wording of using other wine grapes; and
 - Will bring it before the board under consent or action.
- The evidence presented along with the conditions satisfies Mr. Fennimore; and
- Mr. Fennimore will work with the applicant to get the correct wording for condition five.

MOTION: Commissioner Brentano moved to close the public hearing and approve the Conditional Use #1 and modified conditions. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

Commissioner Carlson read the weekly calendar.
Commissioner Carlson adjourned the meeting at 10:28 a.m.



CHAIR



COMMISSIONER



COMMISSIONER

Board Sessions can be viewed on-line at <http://www.youtube.com/watch?v=VYF8Y6U7178>.