

**AGENDA
CITY OF SALEM
REGULAR CITY COUNCIL MEETING
JUNE 5, 2017**

- I. Call to Order**
- II. Prayer and Pledge of Allegiance**
- III. Presentation of Petitions/Public Comments**
- IV. Mayor’s Report and Presentations**

- V. City Council Action**
 - 1. Consent Agenda
 - a. Approval of Minutes – May 15, 2017 and May 31, J2017 Retreat
 - 2. First Reading – Request for Downtown TIF Assistance for M & M Café
 - 3. Acceptance of Decker Train located at American Legion
 - 4. Acceptance of Water & Sewer at Coventry Crossing
 - 5. Approval of New Location for Concrete Planter in front of Theater
 - 6. Approval of Allocation of Video Gaming Dollars for Sidewalk in Bryan Park
 - 7. Discussion on Alarm Ordinance Sec 17-64
 - 8. Discussion on Surplusng Former Armory Property
 - 9. Approval of 2017-18 Prevailing Wage Ordinance
 - 10. Creation of Dog Park Committee

- VI. City Manager Report**
- VII. City Attorney Report**
- VIII. Finance Director Report**
- IX. City Council Report**

- X. Adjournment**

**Bill Gruen
City Manager**

**MINUTES
CITY OF SALEM
REGULAR CITY COUNCIL MEETING
June 5, 2017**

I. CALL TO ORDER

The regular City Council meeting of June 5, 2017 was called to order by Mayor Rex Barbee at 6:00 pm.

Council members present:

Councilman Tim Hudspeth
Councilman Nic Farley
Councilman Craig Morton
Mayor Rex Barbee

Council members absent:

Councilwoman Sue Morgan

Others present:

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| City Manager Bill Gruen | City Attorney Mike Jones |
| City Clerk Bev Quinn | Economic Development Dir. Jeanne Gustafson |
| Finance Director Keli Barrow | Chief of Police Sean Reynolds |
| Public Works Director John Pruden | Asst. Public Works Director Annette Brushwitz |
| Members of the Media and Public | |

II PRAYER AND PLEDGE OF ALLEGIANCE

Opening prayer was given by Mayor Barbee, followed by the Pledge of Allegiance.

III. PRESENTATION OF PETITIONS/PUBLIC COMMENTS

Mayor Barbee acknowledged that there were several people present who wanted to speak, and he wanted to establish protocol. Speakers should come to the podium, state heir names, and remain well-mannered in speech and manner while addressing City Council.

Robert Turnage spoke in opposition to the City selling 55 acres in the Industrial Plant to Howell Paving for development of an asphalt plant. Mr. Turnage indicated he did not feel the City had properly investigated the impact an asphalt plant would have on the community and had not solicited input from citizens. Turnage indicated the decision was one of the “worst, short-sited and ill-considered, lazy and irresponsible decisions ever made by Council”, siting odors, dust, and health concerns. Mr. Turnage added that the 55 acres could be put to better use than providing 4-5 seasonal jobs. Turnage said you can’t depend on EPA to monitor the site, and it is impossible to eliminate all emissions and carcinogens.

Sheila Denton indicated she is a nurse, and the major concern she has is the chemical Benzene. Ms. Denton indicated her 22 year-old son has gone through cancer and chemo, and she does not want others to go through that. Denton indicated she works with people who have COPD, asthma, and other lung issues and an asphalt plant will increase those issues. Ms. Denton indicated she is for anything that improves the community, but she hopes that City Council will reconsider the asphalt plant, as the problems outweigh the benefits. Denton indicated she has chosen to live in Salem, but if the asphalt plant goes through, she will be selling her home in Salem.

Gary Denton indicated he spoke with both Mayor Barbee and City Manager Gruen prior to the meeting, and they allayed some of his fears, but he still has questions. Has Howell indicated what type of asphalt plant this will be? Has the City researched how far emissions travel? Or what effect this will have on neighboring property values? What happens if EPA is dissolved, since EPA is the compliance factor at this time? Has Howell done an actuarial study? Why is this a good thing for the City? If citizens develop health symptoms as a result of the plant, is the City looking at being named in a class-action suit? Do Howell executives live near their plants?

Sue Andrews indicated she owns one of the first houses on Hotze Road. Ms. Andrews indicated the plant will increase traffic and cause further damage to the already heavily traveled road. Andrews indicated they pay \$4,000 - \$5,000 per year in taxes, and they feel their property value will decrease. Ms. Andrews indicated she has asthma, and if the asphalt plant is allowed to be developed at the proposed site, she will not be able to live in her home. Ms. Andrews indicated she hopes the City will reconsider.

Richard Jones indicated he is in support of Bob Turnage, who is a long-time, well-respected member of the community. Jones indicated the City Council solicited no input from the community, and asked if we want another Seed America or Klassic Kollektions because something was not discovered. Jones added that some hot-patch asphalt facilities don't even get an annual visit from EPA. Asphalt is both good and bad – we need it, but it must be handled properly. Jones suggested that these 55 acres be used for more worthwhile jobs. Mr. Jones added that the odors at an asphalt plant are wretched for seven months of the year. Jones indicated he is not anti-asphalt – just anti-putting it where it can do the most harm. Jones added that he knows some brilliant people in the community who could help with these discussions.

Brant Blackburn indicated he learned about the pending sale to Howell just a few days ago. Mr. Blackburn added that he respects the City Council and he knows they must make difficult decisions that affect many people. Mr. Blackburn added that he has lived in Salem for sixteen years, loves Salem, built a home here five years ago, and intends to retire here someday. Mr. Blackburn stated that his daughter has asthma and lung issues, and they live 1 ½ miles from the proposed asphalt site. Blackburn indicated he has serious concerns about his family's health and safety. Mr. Blackburn said this project will affect many people who feel passionately about not wanting the asphalt plant here. Traffic has increased dramatically over the past five years, and he runs and bicycles and the traffic and condition of Hotze Road is terrible. Mr. Blackburn indicated he is not knocking Howell, as they are just trying to increase business, but he hopes City Council will take to heart what has been said at this meeting and reconsider.

Ken Brewer indicated he has stayed in Salem since his retirement due to the quality of life. Mr. Brewer indicated he did call EPA, and they assured him that they would be monitoring the plant. However, there is a recent news item in a neighboring stat where water was supposed to be safe and it was not monitored. Mr. Brewer indicated he appreciates what the City Council does, but asked that they reconsider.

Sue Andrews asked if a petition would help. City Manager Gruen responded that it was not necessary.

Mayor Barbee indicated Council has received enough input from those in opposition in order to discuss this further, and hopefully make the right decision. Councilman Hudspeth indicated he drove to the asphalt plant in Sandoval, behind a tarped asphalt truck, and he smelled nothing. Hudspeth added that he pulled into the plant and asked an employee to show him around. There was dust, but no more than any other rock parking lot. There was a slight odor at the time of burn off. Councilman Hudspeth indicated he did go to a plant and did check it out. This decision was not taken lightly.

IV. MAYOR'S REPORT AND PRESENTATIONS

- Mayor Barbee expressed appreciation to the American Legion for the program they provided on Memorial Day.
- Mayor Barbee encouraged the community to see "Joseph and the Multi-Colored Dream Coat" being put on by the Salem Theatre Board.

V. COUNCIL ACTION

1. Consent Agenda

a. Approval of Minutes – May 15, 2017 and May 31, 2017 Retreat

Motion was made by Councilman Farley and seconded by Councilwoman Hudspeth to approve the consent agenda as presented. Roll call vote: AYES: Councilman Farley, Councilman Morton, Councilman Hudspeth, Mayor Barbee. NAYS: None. Motion carried.

2. First Reading – Request for Downtown TIF assistance for M&M Café

City Manager Gruen indicated Mike Freeman of M&M Café has submitted an application for TIF assistance in conjunction with the purchase of the building in which he has operated by lease arrangement for the four years it has been in operation. Mr. Freeman indicated he is interested in expanding, being open for dinner, and hiring additional people. Economic Development Director Jeanne Gustafson indicated Mr. Freeman is requesting \$15,000 in TIF funding, and he has the additional security of renters upstairs. Mr. Freeman indicated he would like to put in a full commercial kitchen and use the front of the building for additional seating, and he does not want to remodel someone else's building. Mr. Freeman's lease expires the end of June, then he will be renting month-to-month. Mr. Freeman added that if the current owner sells the building, he would have no place to operate his business. Mr. Freeman added that he has been doing more and more catering jobs, and café business has been growing.

Councilman Hudspeth asked when he will do the remodeling and additional hires. Mr. Freeman indicated he would like to have the expansion done and additional hires in place within two years.

Councilman Farley commented that M&M Café is one of the great hidden treasures in Salem. City Manager Gruen added that he likes Mike's coffee better than Starbucks. Councilman Farley asked the Mayor and other Councilmen if they would be comfortable acting on this request with one reading. Mayor Barbee responded that he would prefer it be done in two readings. Councilman Hudspeth concurred. City Manager Gruen indicated Mr. Freeman has a bank closing scheduled for June 15th and asked Mr. Freeman if acting on the 19th would be an issue. Mr. Freeman indicated he would see if the closing could be moved out. City Manager asked Council if they would be willing to meet in the meantime if there was a problem. Consensus of the Council was they would be willing to meet in special session, if necessary.

3. **Acceptance of Decker Train Located at American Legion**

Mark Decker indicated his uncle, Maurice Decker, is one of twelve kids who were raised in Salem. Mr. Decker was a local artisan, and some of his work can be seen in the area. There is a large metal dinosaur located at the Bryan Bennett Library and the donor wall at the Lutheran Church were both done by Mr. Decker. The replica of "The General" that is currently in front of the American Legion was done as a special commission for the owners of "The Depot" restaurant. Mr. Decker indicated his uncle was all about "repurposing" items, which were incorporated into his art. When the restaurant sold, the Decker family wanted to save the train, and approached the American Legion about buying it. The American Legion does not oppose the train staying where it is, but at some point they may want to put something more appropriate to their history in its place. Mr. Decker indicated his family wants to donate the train to the City to honor artisan Maurice Decker and to bring attention to the City's railroad history. Mr. Decker indicated the Historical Commission agrees that it would be appropriate to place the train replica in front of a museum, but they do not yet have a museum. The Deckers indicated they would also be happy to see it used as part of a "welcome" sign at the interstate exits. Mr. Decker indicated he is currently repainting the train, as it has been 23 years since it was originally painted. Mr. Decker added that his family is prepared to cover the cost of moving the train, which will be in the \$1,500 - \$2,000 range.

Councilman Farley asked what the Historical Commission recommends. Mr. Decker responded that they have recommended the following locations:

- 1) Museum
- 2) Interstate (Pizza Hut)
- 3) Field by Salem Tire

Councilman Hudspeth indicated he would like to wait until a location is identified to accept ownership of the train.

4. **Acceptance of Water & Sewer at Coventry Crossing**

Public Works Director John Pruden indicated he has received the record drawings for Coventry Crossing water and sewer lines (Vermillion Village) from Tracy and Becky Timmerman. Acceptance of the lines starts the one-year warranty period, during which the Timmermans are responsible for any repairs. After that time, the City will both own and be responsible for repairs of the lines. ***Motion was made by Councilman Farley and seconded by Councilman Hudspeth to approve acceptance of the water and sewer lines in Coventry Crossing Subdivision. Roll call vote: AYES: Councilman Farley, Councilman Morton, Councilman Hudspeth, Mayor Barbee. NAYS: None. Motion carried.***

5. **Approval of New Location for Concrete Planter in front of Theater**

Councilman Farley indicated the Theatre Board has requested that the large planter in front of the theater be moved, as it makes access into the theater more difficult, particularly for those with handicaps. Discussion ensued, with suggestions being made that the planter be moved to the north side of the 100 block of W. Main or behind the theater. Asst. Public Works Director Annette Brushwitz asked if the property owners in the 100 block of W. Main have been approached. In the past, they did not want a planter in that area. Councilman Hudspeth indicated he would talk to the business owners. Consensus of the Council was to let the City Manager work out the details of relocating the planter.

6. Approval of Allocation of Video Gaming Dollars for Sidewalk in Bryan Park

City Manager Bill Gruen indicated both the Elks and Lions clubs have expressed interest in raising dollars and making application for grant dollars in support of handicapped accessible playground features in Bryan Park. An obstacle to making such features usable is the lack of an accessible sidewalk in order to reach those features. Mr. Pruden has received an estimate from Rhutasel indicating a potential cost of \$21,000 for a sidewalk. Mr. Pruden added that this will involve a couple of parking spaces on the south side of the parking lot nearest to Shelter #7 for handicapped parking, then a sidewalk to Shelter #7 and to the playground equipment. Mr. Pruden indicated the Parks Department received \$2,000 from the Elks last week towards this project. Mayor Barbee added that the Lions Club has been waiting for a commitment to the project from the City. City Manager Gruen indicated he is recommending dollars from Fund 20 (Gaming Proceeds) be used for this project. Councilman Farley indicated this is a very worthwhile project. Lions Club members Nancy Shelly and Jeannell Charman met with him regarding this project because the Lions wanted to be involved in the conversation.

Motion was made by Councilman Hudspeth and seconded by Councilman Morton to approve the allocation of up to \$21,000 of Fund 20 (Video Gaming) money to develop a handicapped accessible shelter and sidewalk in the location of Shelter #7. Roll call vote: AYES: Councilman Morton, Councilman Hudspeth, Councilman Farley, Mayor Barbee. NAYS: None. Motion carried.

7. Discussion on Alarm Ordinance Sec. 17-64

Chief of Police Sean Reynolds indicated there is one local restaurant that has experienced issues with setting off its alarm system. Their fines are currently at \$2,300. If they go 30 days without making a payment, the fine doubles. Chief Reynolds indicated the issue he has with the current ordinance is that some businesses may be circumventing the PD by asking the alarm company to call their key-holder, rather than the Police Department. This puts the key holders in harm's way when they go to check to see if anyone is in the building. If there has been a crime, the key holder then walks in and steps all over the crime scene. This delay can also result in the police having a 30 minute delay in trying to locate the suspect.

Chief Reynolds indicated he is asking that City Council consider a different fine schedule. Currently, the fines are on a 12-month rotating year, which means a business may constantly be over the limit. Reynolds would like to see the fine schedule changed to a set 12-month year, so that businesses can start with a clean slate once per year. It would also be easier to maintain the list, since the rotating year can be confusing. Mayor Barbee asked Chief Reynolds if he can bring a proposed schedule to the next meeting. Chief Reynolds indicated he can. Councilman Morton asked how many companies are currently circumventing the Police Department. Chief Reynolds indicated probably five, one of which is of real concern. Councilman Morton asked if we will offer amnesty prior to starting the new schedule. Chief Reynolds responded that will depend on what City Council wants to do.

Councilman Farley indicated that when the suggestion for a false alarm ordinance was originally brought to Council, it was because officers were having to respond to multiple false alarms. Farley asked how many false alarms the business in question has had this year. Chief Reynolds responded that they have had 13 false alarms during the past 12-month period. Councilman Farley Chief Reynolds if he wants this to start in 2017 or 2018. Chief Reynolds indicated he would like to give that more thought.

8. Discussion on Surplus Former Armory Property

City Manager Gruen indicated the City is in the process of finalizing some paperwork on acceptance of the Armory property. Mr. Gruen indicated he would like to see City Council surplus the property specifically for residential use or as a PUD. There are approximately 85,000 sq. ft. of property. Mr. Gruen asked Council's opinions as to whether it would be better to request proposals on the entire 85,000 sf of property, or to subdivide it and request proposals on individual lots.

Councilman Hudspeth indicated he would like to see the area developed with either duplexes or single-family homes. His initial thought is that the City would subdivide the lot and sell or give the lots away if they would be owner-occupied for five or more years. Mayor Barbee asked what the cost to subdivide the property would be. Mr. Gruen estimated \$5,000 or less. Councilman Farley indicated he would like to see the City surplus the land and specify that it must be developed for residential, and see what proposals come in. Mayor Barbee concurred.

City Manager Gruen indicated he and Ms. Gustafson were approached by someone from Flora who is interested in both the armory and Brown Shoe sites, primarily as single-family for the armory property and multi-family for the Brown Shoe site.

Consensus of the Council was to request proposals on the entire property, and if the City doesn't receive proposals it likes, to request proposals a second time and provide greater detail of what the City Council wants done with the property.

9. Approval of 2017-18 Prevailing Wage Ordinance

City Manager Gruen indicated the City is required to adopt the prevailing wage annually. ***Motion was made by Councilman Farley and seconded by Councilman Hudspeth to approve Ordinance 2017-05 “An Ordinance Adopting the Prevailing Wage for Marion County”. Roll call vote: AYES: Councilman Hudspeth, Councilman Farley, Councilman Morton, Mayor Barbee. NAYS: None. Motion carried.***

10. Creation of a Dog Park Committee

Councilman Farley indicated he would like to come up with a committee that will manage the buying of equipment, sell sponsorships for signs to be placed on the fence, raise money for another gate and a section of fence to separate the small dogs from the large dogs, etc. Mr. Gruen added that YMCA Director Jed Casburn is also talking about selling sign space on the men’s softball fence. Councilman Farley indicated that if they can create a board to go out and talk to businesses about sponsorships, they will be able to come up with more money than the City Council can allocate. Mayor Barbee asked if Councilman Barbee has a potential list of members. This will be brought back for further discussion.

VI. CITY MANAGER’S REPORT – None.

VII. CITY ATTORNEY REPORT – None.

VIII. FINANCE DIRECTOR REPORT – None.

IX. CITY COUNCIL REPORT – None.

X. ADJOURNMENT

As there was no further business to discuss, ***motion was made by Councilman Hudspeth and seconded by Councilman Morton to adjourn the meeting at 7:52 pm. Roll call vote: AYES: Councilman Hudspeth, Councilman Farley, Councilman Morton, Mayor Barbee. NAYS: None. Motion carried.***

Bev Quinn, CMC
City Clerk

Minutes approved: _____