

**AGENDA
CITY OF SALEM
6:00 PM REGULAR CITY COUNCIL MEETING
JUNE 17, 2019**

- 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. City Council Minutes - 06/03/19
 - 2. Approval of Walmart Request to Solicit Donations at Main & Broadway for Children's Miracle Network on June 21 and 28, 2019 between 11 am and 1 pm
 - 3. Further Discussion on Smoke-Free Parks and Recreational Facility Policy
 - 4. Approval of Resolution Proposing Amendment of Zoning Code to Create Permitted Use for Commercial/Large Scale Solar Projects in the Non-Urban Zone
 - 5. Approval of Resolution Proposing Amendment to Zoning Code Pertaining to Process by which Special Use and Temporary Use Permits are Considered
 - 6. Discussion on City Cannabis Ordinances and the Illinois Cannabis Regulation and Tax Act
 - 7. First Reading – Amendment to Sec 10-1 to Remove Historical Vehicle Exclusion for Inoperable or Derelict Vehicles
 - 8. Approval of Bill's Payable

- VI. City Manager Report**
- VII. City Attorney Report**
- VIII. Finance Director Report**
- IX. City Council Report**
- X. Executive Session**
 - 1. 5 ILCS 120/2 (c)(6) – Setting Price for Real Estate

- XI. City Council Action**
 - 9. Approval of Demolition of Yellow Freight Building
 - 10. Approval of Request for Proposals Involving Surplus 1885 West Main Street
 - 11. First Reading – Ordinance for No On-Street Parking on North Alley from N College to N Walnut

- XII. Adjournment**

Bill Gruen, City Manager

CITY OF SALEM - REGULAR CITY COUNCIL MEETING
JUNE 17, 2019

MANAGER'S COMMENTS

V. City Council Action

2. **Walmart – Children's Miracle Network:** If approved, I believe this would be the third year that Walmart seeks CMN donations at the Main & Broadway intersection.
3. **Further Discussion on Smoke-Free Parks:** I understood some City Council members expressed some interest in smoke-free parks insofar as the policy would relate to specific park structures or locations as opposed to prohibiting smoking anywhere in Salem parks. For purposes of getting further direction for a possible ordinance, might a smoke-free policy include the following provisions?

Prohibited Areas → within "X" feet of any and all playground or sporting structures and equipment, basketball and tennis courts, skate "park," baseball/softball fields

Penalty → specify a penalty totaling, perhaps, \$10. The City Code is setup with a generic penalty section which provides unspecified penalties up to \$500 unless the Code otherwise specifies a penalty. Perhaps also we'd be better with no policy if we were to specify that a violation carries no penalty. The Code provides for a \$10 penalty for violating Downtown parking limits.

4. **Approval of Resolution...Permitted Use for Solar in Non-Urban Zone:** The resolution in your packet would get the ball rolling on consideration of adding large scale solar to the list of uses permitted in the Non Urban zone. The proposal will have to go to the Planning Commission for a recommendation with a final action coming back to the City Council after their public hearing. The earliest the Council is likely to be able to act will be the second meeting in August. The resolution in your packet for this meeting is largely the same as the last resolution, other than to clarify what the actual change to Sec 23-139 would be and to confirm that an actual change would be made by ordinance at a later date if the City Council chose to do so at the appropriate meeting.
5. **Approval of Resolution...Process by which Special Use and Temporary Use Permits are Considered:** The second resolution in your packet would reform the process by which future special and temporary use applications are considered, by adding a final review by the City Council before either final approval or disapproval. Currently, all applications end with the Planning Commission. If an application is denied, the only recourse an applicant has is to file a claim with the circuit court. Giving applicants a route for consideration by a separate body before having to go to court seems like something worthy of consideration. Although we only chatted about special uses, the amendment I've written up would apply the same procedure to temporary use applications.

If the Council supports this change, it too would go to the Planning Commission for a public hearing and a recommendation, followed up by a final action with the City Council.

The resolutions subject of action items No 3 and 4 are mutually exclusive, so both (or one or neither) could be approved.

6. **Discussion on City Cannabis Ordinances...:** HB 1438, which creates the Cannabis Regulation and Tax Act, has passed both houses of the Illinois legislature and awaits action by Gov Pritzker. The Illinois Municipal League reports the Governor intends to sign HB 1438, which would take effect January 1, 2020. IML has produced a short fact sheet on the legislation highlighting issues of interest to municipalities. There may be multiple actions the Salem City Council may want to take assuming the bill becomes Illinois pertaining to matters of permissibility of marijuana-related businesses, taxation on sales, and other matters.

In 2016, the Salem City Council took action to create an ordinance (Sec 13-8) prohibiting cannabis use when those amounts were below a felony threshold. As such, any pot violation that is a misdemeanor pursuant to Illinois law (and which might not have been prosecuted locally) is a Salem, civil violation.

I've perused HB 1438, which is quite expansive. We do know that if it becomes law, Salem may have to modify our City ordinance if it is inconsistent with what the Illinois law may become. City Council members may wish to offer some discussion or ask some questions about our Sec 13-8 vis-à-vis HB 1438.

7. **Historical Vehicle Exclusion:** Chapter 10 of Salem's Code allows the City to ticket owners of inoperable and derelict vehicles as nuisances. However, the Code excludes vehicles that are 25 years or older. Chief Reynolds and Officer Lusch ask the City Council to consider removal of these exclusions.
11. **No Parking on North Alley:** We've received a resident request to prohibit parking on North Alley from Pearl to Maple. North Alley is very narrow from College to Walnut, so I suggest consideration of prohibiting parking on both sides of North Alley from College to Walnut.