

**AGENDA
CITY OF SALEM
6:00 PM REGULAR CITY COUNCIL MEETING
JUNE 3, 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 - 05/20/19
 - 2. Presentation by Marion County Health Dept of Smoke-Free Parks and Recreational Facility Policy
 - 3. Approval of Resolution Directing Consideration of Amendment to Zoning Code to Allow Commercial/Large Scale Solar Projects in the Non-Urban Zone
 - 4. Approval of Bid and Purchases for FY20 Gas System Improvement Program
 - 5. Approval of Purchase and Installation of Water Plant Chlorine Room Improvements
 - 6. Approval of Amendments to Solicitor Ordinance (Fees & No-Soliciting Registry)
 - 7. Approval of Fireworks Purchase

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

Bill Gruen, City Manager

CITY OF SALEM - REGULAR CITY COUNCIL MEETING
JUNE 3, 2019

MANAGER'S COMMENTS

V. City Council Action

2. **Smoke-Free Parks:** A representative of Marion County Health Dept will present information pertaining to a smoke-free parks and rec facility policy. Information to be presented includes a model resolution and policy, talk points in support of a policy, and results of a survey the Health Department reports it did asking questions about support for smoke-free policies. The Salem Pool is already smoke-free.

A smoke-free parks policy was presented to the Salem City Council some years ago, but during my tenure with Salem. The City Council who heard the proposal then declined to adopt it, as I recall, citing reasons including parks are outdoors and difficulty enforcing a policy.

3. **Approval of Resolution...Solar:** The City of Salem is familiar with the company, Enerparc, who is proposing two large scale solar projects to be located in and outside of Salem. The project that would be located outside of the City would be placed roughly at the southwest corner of the intersection of South College and Cross Road on two tracts of land that total 120 acres. This project has been reviewed twice by the City's Planning Commission, having been declined the second time it was heard. Some City Council members have expressed to me interest in modifying the City's Zoning Code to more expressly allow solar projects to be sited in and around Salem. On this point, I'd to offer some background and information that provides background on the matter:

- The Zoning Code amendment contemplated would make large scale solar a permitted use in the Non Urban Zone. The Non Urban Zone is located just about everywhere outside of Salem's corporate limits. Salem's Zoning authority stretches out 1.5 miles beyond our corporate limits as provided by Illinois law found in 65 ILCS 5/11-13-1, cited in appropriate part below. In summary, Marion County has not adopted its own zoning code, and as such, Salem's Code governs out to 1.5 miles. A major reason for this makes sense, in that municipalities are capable of growing and expanding outward. Unincorporated developments within this 1.5 mile range would be able to seamlessly fold into a municipality as it grows outward. It is not at all unusual for Salem to enforce its Zoning Code beyond the corporate limits, as it happens relatively often.
- Although the Planning Commission has reviewed the solar project located at College and Cross, it has done so pursuant to a Code that has been adopted by the City Council. The City Council is given the power to "pass all ordinances needed for the welfare of the city" (Sec 2-35). Furthermore, the City Council is the only body that can make amendments to the Zoning Code, through a process explained in further detail immediately below (Sec 23-7).
- The process to potentially amend the Zoning Code, at least in this case, would begin with the City Council adopting a resolution seeking to amend the Code in the manner prescribed. If this is approved, the proposed change would eventually be granted a public hearing with the Planning Commission, after which time, it would submit an advisory report back to the City Council allowing it to take action on the proposed amendment. Notice of the Planning Commission's hearing would have to be published in newspaper, and many, many property owners within the prescribed distance of Non Urban zones will all have to be notified by mail of the proposed change.
- **The Salem Zoning Code already allows for solar panels of various sizes and generation potentials to be located on real estate within the City's zoning authority, and in every zone, under certain conditions.** Some examples:

Accessory vs Principal Uses → A key concept to understand is municipal zoning codes (at least in Illinois) as a general rule of thumb create zones and provide for lists of uses of permitted, *principal* uses in those zones. For example, a single family home is a permitted, principal use in Salem’s residential zones. Although detached garages are also permitted in residential zones, they are not a permitted, *principal* use. This means a detached garage cannot be a stand-alone use of real estate in a residential zone. A detached garage is permitted as an *accessory* use, and be located in any zone so long as it is subordinate in size or purpose to a *principal*, permitted use and is useful for that permitted use (Sec 23-4 and 23-118). Other caveats are provided for accessory uses in 23-118:

Residential → Provided building and electrical codes would so allow, solar panels would be permitted as an accessory use to be installed freestanding on the ground, but their height would be limited to 15 feet and they couldn’t cover more than 30% of rear yards not reserved for setbacks (23-118 [c]).

Non Urban & Commercial → Other than maximum heights for all structures in such zones, there is no limit on height applicable to accessory uses. In a Non Urban Zone, an accessory use could be located as close as five feet to a side property line or eight feet to a rear property line. Unlike residential zones, an accessory could cover any portion of any yard not reserved for a setback (23-118 [c]).

Industrial → Large solar projects are a permitted use in the Industrial Zone pursuant to an amendment the City Council made earlier this year. This means a stand alone solar project could be located on a property without any other use.

- County Assessor Mark Miller reports the solar project proposed for the SE corner of Cross and College will generate almost \$65,000 annual in property tax revenue for all impacting taxing districts. The City would not receive any of this revenue due to the project being located outside of the City. Taxing districts that would benefit include Marion County, Selmaville School, Salem Fire, SCHS, Kaskaskia, Salem Airport, and Salem Township.

4. **Gas System Improvement Program:** The FY20 budget includes \$348,000 for this year’s gas system improvement program to design, inspect, and complete improvements in areas of West Bryan, Mills Cart, Westgate, Shingle Oak, and Cross Road. Low bids for construction and materials and sources are noted below:

<u>Item & Low Bidder</u>	<u>Amount</u>
Construction materials – USSI	\$36,614.85
Construction – USDI	<u>\$265,930.00</u>
TOTAL	\$302,544.85

USSI and USDI are the same company in Olney. USDI designs the City’s annual gas system improvement program and also has an arm which constructs the program they design. USDI has not been the low bidder on Salem projects for at least the last two years, with low bids coming from Kiefer Brothers.

5. **Chlorine Room Improvements:** The FY20 budget includes improvement of the “chlorine room” at the Water Plant, which would automatically shut down our chlorine tanks in the event of a leak. We have a separate room which houses the Plant’s chlorine tanks and the related mechanics which feeds chlorine into treated water. Exposure to chlorine gas would be very harmful to anyone having to enter the room to shut down the tanks. This project will be designed to not require anyone to enter the chlorine room in the event of a leak.

\$18,810.00 is budgeted for this project, and the quote from Sidener Environmental for the project comes in at \$18,809.84. I ask the City Council authorize expenditure for the project and to waive formal bidding for it. We believe Sidener is highly qualified to do this project and familiar with our Water Plant, and are aware of no one else who is able to complete it.

6. **Soliciting Amendments:** I hope the ordinance enclosed in your packet accomplishes what the Council seeks with amendments. If so, it is in a format ready for your approval.
7. **Approval of Fireworks Purchase:** The City has used J&M for July 4 fireworks for several years. I’m not aware of any major problems we’ve had with them. Although the contract they’ve submitted would be for three years, I understand they will accept a one year contract. We have purchased \$10,000 worth of fireworks every year I’ve been with Salem. If the City Council wishes to enter into a three-year contract with J&M or increase the amount purchased, you would have to approve it.