

**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

**MINUTES
CITY OF SALEM
JUNE 17, 2019**

I. CALL TO ORDER

The regular June 17, 2019 meeting of the City Council was convened at 6:00 pm, and called to order by Mayor Rex Barbee.

Council members present:

Councilman Jim Koehler
Councilman Nic Farley
Councilman Craig Morton
Councilwoman Sue Morgan
Mayor Rex Barbee

Council members absent:

None.

Others present:

City Manager Bill Gruen	City Clerk Bev Quinn
City Attorney Mike Jones	Chief of Police Sean Reynolds
Public Works Director John Pruden	Finance Director Keli Barrow
Deputy Chief of Police Susan Miller	Assistant Public Works Director Annette Brushwitz
Economic Dev. Dir. Jeanne Gustafson	Code Enforcement Officer Dave Lusch
Members of the Media and Public	

II. PRAYER AND PLEDGE OF ALLEGIANCE

Opening prayer was offered by Councilwoman Morgan, followed by the Pledge of Allegiance.

III. PRESENTATION OF PETITIONS/PUBLIC COMMENTS

Brenda Loew addressed Council regarding her disappointment that City Council is considering making solar farms a permitted use in the non-urban districts. Loew requested clarification on the city's mile-and-a-half zoning jurisdiction outside the city limits. City Manager Gruen indicated that State Statutes give the City of Salem authority to zone for a mile-and-a-half outside the city limits to provide for orderly growth of the community. Without the City having this jurisdiction, there would be no restrictions at all on what can be developed in that area, as Marion County does not have a zoning code. Ms. Loew asked if the Council changes the zoning code and makes solar farms a permitted use in the NU district, will the applicant still have to meet the requirements they agreed to at the Planning Commission. City Manager Gruen indicated they would not, but the conditions they agreed to were voluntary and not required by the Planning Commission, so he expects they will remain the same.

Ms. Loew asked who is going to insure that they mow, provide fencing, etc. Mayor Barbee indicated that the Non-Urban zoning is outside the City limits, and code violations are not within our jurisdiction. Barbee added that there are no guarantees outside the City limits, but if an issue occurs, he feels the City could approach the developers and ask that they correct the situation.

Councilman Koehler added that the Planning Commission did not know the specifics on the tax benefits of the project at their hearing, and feels the outcome may have been different if they had. Ms. Loew asked when the schools would receive the tax money. Marion County Supervisor of Assessments Mark Miller indicated the schools would receive funds the first year of operation. Ms. Loew asked about the requested abatement. Mr. Miller responded that the developer was asking that both of the schools abate \$5,000 the first year to help in the build. Miller added that it is not unusual for a developer to make such a request. Mr. Miller further added that it is in the best interest of the solar farm developers to keep the weeds mowed, so they don't obstruct the collection of sunlight and to keep the fence in good condition to protect their infrastructure investment. Councilman Koehler added that he just wants to see Council do what is best for the entire community. Ms. Loew closed by saying they do not want a commercial operation in their neighborhood.

IV. MAYOR'S REPORT AND PRESENTATIONS

Mayor Barbee offered a "hats off" to the Raptors for beating the Warriors, and congratulated local players and coaches for their wins.

VI. CITY COUNCIL ACTION

1. Consent Agenda

a. City Council Minutes – 06/03/2019

Motion was made by Councilman Koehler and seconded by Councilman Farley to approve the minutes of June 3, 2019 as presented. Roll call vote: AYES: Councilman Farley, Councilman Morton, Councilwoman Morgan, Councilman Koehler, Mayor Barbee. NAYS: None. Motion carried.

Mayor Barbee, with the Council's consensus, directed that Agenda Item 11. be moved up in the agenda.

11. First Reading – Ordinance for No On-Street Parking on North Alley from N. College to N. Walnut

City Manager Gruen indicated he has received a resident request to prohibit parking on North Alley from Pearl to Maple. North Alley is very narrow from College to Walnut, and he is suggesting consideration of prohibiting parking on both sides of North Alley from College to Walnut.

Diana Schram indicated the issue is really the area near the CILA. Drivers trying to get around the parked cars are driving into her yard and leaving ruts. Ms. Schram indicated she feels the CILA owners need to make a parking lot on their property. Ms. Schram indicated she has talked to the Police Department about this issue, and officers have spoken with people at the CILA, but the issues keep occurring. The SCT buses were also driving into her yard, and she spoke with them, and they have been doing better. City Attorney Mike Jones indicated he will prepare an ordinance and bring it back for the next meeting.

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.

City Manager Gruen indicated, if approved, this will be the third year that Walmart seeks CMN donations at the Main and Broadway intersection. Councilman Koehler indicated he thinks this is a really good thing that Walmart does. Mayor Barbee added that the times and days selected are not heavy traffic times.

Motion was made by Councilman Farley and seconded by Councilwoman Morgan to approve Walmart's request to solicit donations at Main and Broadway for Children's Miracle Network on June 21st and 28th between 11:00 am and 1:00 pm. Roll call vote: AYES: Councilman Morton, Councilwoman Morgan, Councilman Koehler, Councilman Farley, Mayor Barbee. NAYS: None. Motion carried.

3. Further Discussion on Smoke Free Parks and Recreational Facility Policy

City Manager Gruen indicated some City Council members had expressed 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. City Manager Gruen suggested the following provisions for discussion:

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 a section 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.

Councilman Koehler indicated he does not have any objection to smoking at the pavilions or at the men’s softball field, but could support no smoking at the pool, playgrounds, tennis courts, basketball courts, skate park and dog park. Assistant Public Works Director Annette Brushwitz indicated the small shelter located between the tennis courts and softball field is the designated smoking area for people who are at the Aquatic Center. Brushwitz cautioned against prohibiting all smoking, particularly when we are bringing people in from out of town. Councilwoman Morgan indicated she would support no smoking near the playground areas, but feels other locations in the park would be okay. Mayor Barbee suggested the City Manager come up with a more specific recommendation for consideration at the next meeting.

4. Approval of Resolution Proposing Amendment to Zoning Code to Create Permitted Use for Commercial/Large Scale Solar Projects in the Non-Urban Zone

City Manager Gruen indicated this resolution would start the process of council consideration of adding large scale solar to the list of uses permitted in the Non Urban district. The proposal will need to go to the Planning Commission for a recommendation with final action being made by City Council after the public hearing. **Motion was made by Councilman Farley and seconded by Councilwoman Morgan to approve Resolution 2019-03 beginning the process of consideration of adding Commercial/Large Scale Solar projects to permitted uses in the Non-Urban zone. Roll call vote: AYES: Councilwoman Morgan, Councilman Koehler, Councilman Farley, Councilman Morton, Mayor Barbee. NAYS: None. Motion carried.**

5. Approval of Resolution Proposing Amendment to Zoning Code Pertaining to Process by which Special Use and Temporary Use Permits are Considered

City Manager Gruen indicated this resolution 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. Councilman Farley indicated a lot of communities follow this process. City Manager Gruen indicated the proposed language came from Carlyle. City Attorney Mike Jones added that if Council approves this, they don’t want it to become a “trial”, where each affected individual addresses Council. That is what the Planning Commission is for. Council should review the Findings of Fact and not create a second hearing. **Motion was made by Councilman Koehler and seconded by Councilman Morton to approve Resolution 2019-04 beginning the process of amending the Zoning Code pertaining to the issuance of Special Use and Temporary Use permits are handled. Roll call vote: AYES: Councilman Koehler, Councilman Koehler, Councilman Morton, Councilwoman Morgan, Mayor Barbee. NAYS: None. Motion carried.**

6. Discussion on City Cannabis Ordinances and the Illinois Cannabis Regulation and Tax Act

City Manager Gruen provided the following:

“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.”

Councilman Farley indicated he thinks the City should fall in line with the State laws. If it is not a violation at the state level, the City’s ordinances should concur.

City Attorney Mike Jones indicated most of the City's ordinance violation tickets for cannabis are issued to 15-16 year old kids. Our ordinances need to indicate they only apply to those under 21, or we need to repeal our ordinances all together. Chief Reynolds indicated there will be issues determining what is legal and what is black market. Councilman Farley indicated just doesn't want to see people who are complying with State law being ticketed. Councilman Koehler indicated he would be in favor of our ordinances applying only to those who are under 21. City Attorney Jones infivsyrf that we have until January 2020 to sort this out. Councilman Farley concurred, but feels we should have this in place before January 2020.

7. First Reading – Amendment to Sec. 10-1 t Remove Historical Vehicle Exclusion for Inoperable or Derelict Vehicles

City Manager Gruen indicated that Chapter 10 of the City Code allows the City to ticket owners of inoperable and derelict vehicles as nuisances. However, the Code excludes vehicles that are 25 years old or older. Chief Reynolds and Officer Lusch ask the City Council to consider removal of these exclusions.

Code Enforcement Officer Lusch added that there are a lot of derelict/inoperable vehicles in town that are 25 years old or older. There is a big difference between a collector car (*which will probably be kept indoors*) and just an old car that is derelict. Lusch added that if a car is not licensed or operable, it should not be able to sit outside an enclosed building. Councilman Koehler agreed, and indicated there are a number of these cars along Rt. 37 South.

Councilman Morton asked what the process on inoperable vehicles is. Officer Lusch indicated he sends the owner a letter giving them a period of time to come into compliance, then after that date, if they haven't complied, he can issue tickets. Councilman Farley asked about vehicles someone is planning to make improvements to. Lusch responded that the vehicle then needs to be housed inside a building, or stored somewhere in the county. Councilman Farley asked if the Police Department is in favor of using car covers. Officer Lusch responded that he will enforce whatever City Council wants him to, but in his past position, people would think throwing a tarp over vehicles counted as a "car cover". Councilman Farley asked if people who rebuild cars will technically be in violation. Chief Reynolds indicated that if the person contacts Officer Lusch and indicates a timeline during which repairs will be made, Mr. Lusch can work with him. Failure to make progress would result in a ticket. City Attorney Jones indicated he would prepare and bring an ordinance to the next meeting.

8. Bills Payable

Motion was made by Councilwoman Morgan and seconded by Councilman Koehler to approve the bills payable dated 5/20/2019 to 6/14/2019, as presented. Roll call vote: AYES: Councilman Koehler, Councilman Farley, Councilman Morton, Councilwoman Morgan< Mayor Barbee. Motion carried.

- VI. **CITY MANAGER REPORT** - No report.
- VII. **CITY ATTORNEY REPORT** – No report.
- VIII. **FINANCE DIRECTOR REPORT** – No report.
- IX. **CITY COUNCIL REPORT** – No report.

X. EXECUTIVE SESSION

- 1. 5ILCS 120/2(c)(6) – Setting Price for Real Estate
Motion was made by Councilwoman Morgan and seconded by Councilman Koehler at 7:12 pm to enter into executive session for the purpose of setting a price for real estate. Roll call vote: AYES: Councilman Farley, Councilman Morton, Councilwoman Morgan, Councilman Koehler, Mayor Barbee. NAYS: None. Motion carried.

*Mayor Barbee indicated there would be a brief break.
Return to open session at 7:37 pm.*

XI. CITY COUNCIL ACTION

- 9. **Approval of Demolition of Yellow Freight Building**
Motion was made by Councilman Koehler and seconded by Councilman Farley to approve demolition of the former Yellow Freight building, and for the costs to be paid from the TIF fund. Roll call vote: AYES: Councilman Farley, Councilman Morton, Councilwoman Morgan, Councilman Koehler, Mayor Barbee. NAYS: None. Motion carried.
- 10. **Approval of Request for Proposals Involving Surplusing 1885 West Main Street**
Motion was made by Councilman Farley and seconded by Councilwoman Morgan to approve declaring the former Yellow Freight property at 1885 West Main Street as surplus, and requesting proposals for the property. Roll call vote: AYES: Councilman Morton, Councilwoman Morgan, Councilman Koehler, Councilman Farley, Mayor Barbee. NAYS: None. Motion carried.
- 11. **First Reading – Ordinance for No On-Street Parking on North Alley from N. College to N. Walnut (See discussion under Agenda Item V1.)**

XI. **ADJOURNMENT**

As there was no further business to discuss, motion was made by Councilman Farley and seconded by Councilwoman Morgan to adjourn the meeting at 7:40 pm. Roll call vote: AYES: Councilwoman Morgan, Councilman Koehler, Councilman Farley, Councilman Morton, Mayor Barbee. NAYS: None. Motion carried.

*Bev Quinn, CMC
City Clerk*

Approved: _____