

Note: Due to a posting error on our website and COVID-19 restrictions limiting the number of attendees at a public meeting, the Salem City Council meeting originally scheduled for Monday, October 19, 2020 at 6:00 pm is being rescheduled to Wednesday, October 21, 2020 at 6:00 pm via ZOOM. Remote participation is being implemented using Zoom meeting software. Necessary login information is provided below the agenda. To participate via video, it is necessary to download the ZOOM app. It is not necessary to have the app to call in and participate without video.

**CITY OF SALEM
REGULAR CITY COUNCIL MEETING
OCTOBER 21, 2020 – 6:00 PM VIA ZOOM**

- 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 – request approval for 10-5-2020 minutes
 - 2. Review of Planning Commission items for action
 - a. Special Use Permit for Home Day Care for Ryan and Alyssa Meador at 150 Woodland Dr.
 - b. Special Use Permit for placement of a double-wide mobile home on a fixed foundation on South College Street.
 - c. Re-zoning request for property at 515 E. McMackin Street to convert to Multi-family use.
 - 3. Second Reading – Property Tax Levy Proposal
 - a. Request to adopt the 2021 property tax levy in the amount of 2.50%
 - b. Request to abate bond levy from 2015 for Waste Water Treatment plant
 - c. Request to abate bond levy from 2017 for General Obligation Bond
 - 4. Review of Sign Ordinance
 - 5. Request for deer population control measures
 - 6. Request to extend the time frame for local restaurants to provide outdoor seating through December 31, 2020
 - 7. Review of accounts payable

- VI. City Manager Report with Department Head Updates**
- VII. City Attorney Report**
- VIII. City Council Members Report**
- IX. Motion to Adjourn**

Rex A. Barbee
City Manager
RAB

Quote of the day –
Leaders are made, they are not born. They are made by hard effort, which is the price which all of us must pay to achieve any goal that is worthwhile. - Vince Lombardi.

Join Zoom Meeting
<https://us02web.zoom.us/j/89871989915?pwd=dXJS1hIRzg0eFdBby9yOUINTk5OZz09>

Meeting ID: 898 7198 9915
Passcode: 208300
One tap mobile
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+19292056099,89871989915#,,,,,0#,208300# US (New York)

**MINUTES
REGULAR CITY COUNCIL MEETING
(Rescheduled from October 19, 2020)
Wednesday, October 21, 2020 via Zoom**

- I. CALL TO ORDER**
- The regular October 21, 2020 meeting of the City Council was convened at 6:00 pm via Zoom meeting software and called to order by Mayor Sue Morgan.
- Council members present:**
Councilman Jim Koehler
Councilman Nic Farley
Councilman Craig Morton
Councilman Jacob Hockett
Mayor Sue Morgan

Council members absent: None.

Others present:

City Manager Rex Barbee
Chief of Police Sean Reynolds
Finance Director Keli Barrow
City Attorney Mike Jones
Brock Waggoner
Don Dallas
Richard Sinclair

City Clerk Bev Quinn
Economic Dev. Director Tabitha Meador
Public Works Director John Pruden
Deputy Chief Susan Miller
Alicia Ambuehl
Whitney Purcell
Members of the Media and Public

II. PRAYER AND PLEDGE OF ALLEGIANCE

Opening prayer was offered by Councilman Koehler, followed by the Pledge of Allegiance.

III. PRESENTATION OF PETITIONS/PUBLIC COMMENTS - None.

IV. MAYOR'S REPORT AND PRESENTATIONS - None.

V. COUNCIL ACTION

1. Consent Agenda

a. City Council Minutes – request approval of 10-05-2020 minutes

Motion was made by Councilman Farley and seconded by Councilman Koehler to approve the minutes of October 5, 2020, as presented. Roll call vote: Councilman Farley, Councilman Morton, Councilman Hockett, Councilman Koehler, Mayor Morgan. NAYS: None. Motion carried.

2. Review of Planning Commission Items for Action

a. Special Use Permit for Home Day Care for Ryan and Alyssa Meador at 150 Woodland Dr.

Upon recommendation from the Planning Commission, *motion was made by Councilman Koehler and seconded by Councilman Hockett to approve a Special Use Permit to Ryan and Alyssa Meador to have a Home Day Care at 150 Woodland Dr. Roll call vote: AYES: Councilman Morton, Councilman Hockett, Councilman Koehler, Councilman Farley, Mayor Morgan. NAYS: None. Motion carried.*

b. Special Use Permit for Placement of a Double-Wide Mobile Home on a Fixed Foundation on South College St. – Don Dallas

Upon recommendation from the Planning Commission, *motion was made by Councilman Farley and seconded by Councilman Koehler to approve a Special Use Permit to Don Dallas to erect a double-wide mobile home on a fixed foundation on S. College St. Roll call vote: AYES: Councilman Hockett, Councilman Koehler, Councilman Farley, Councilman Morton, Mayor Morgan. NAYS: None. Motion carried.*

c. Zoning Amendment Request for Property at 515 E. McMackin Street to convert to Multi-Family Use – Whitney Purcell. (Planning Commission recommendation attached to these minutes.)

Petitioner Whitney Purcell of Purcell Properties has petitioned to rezone the property from RS-2 Single Family Residential to RM-2 Multi-Family Residential to convert the existing church to a 5-6 apartment building. City Manager Barbee indicated the Planning Commission had a split vote of three for and three against recommending the rezoning. Barbee indicated the representative of those in opposition and the petitioner will both have five minutes to speak.

Mayor Morgan recognized Alicia Ambuehl. Ms. Ambuehl indicated she is speaking on behalf of the neighborhood, which includes the 21 residents who signed a petition opposing the rezoning. Ms. Ambuehl indicated the neighboring property owners understand that the City Council does not have any say in who purchases the property, but they have three major concerns regarding the proposed rezoning. They are: traffic; a decrease in their property values; and parking. Ms. Ambuehl indicated one of the residents has had two cars hit, and the streets are very narrow. Ms. Ambuehl indicated they understand that there will be financial gain to the City in property and sales taxes, but requests that the Council consider the neighborhood's concerns when making their decision. Mayor Morgan asked Ms. Ambuehl what the neighbors would like to see move into the building. Mr. Ambuehl responded that they would like to see it remain a church, and the property has not been marketed at all towards other churches.

City Manager Barbee indicated Council members had received a letter from one of the residents, Gary Purcell, which seemed to indicate he thought the City might be assisting with the project financially. Barbee added that that is not the case, and the petitioners have requested no assistance from the City beyond the rezoning.

Petitioner Whitney Purcell was having some difficulty getting her audio to work, and Richard Sinclair asked if he could speak while she worked on it. Mr. Sinclair indicated his office, State Farm Insurance, insures several of the buildings Purcell Properties owns, and the properties are kept in excellent repair, are well developed, and have improved the neighborhoods they are located in.

Ms. Purcell was able to connect to Zoom and addressed some of the concerns mentioned. Ms. Purcell indicated the property contains 30 parking spaces, which were developed by the church. Purcell added that the church had services on Sundays and Wednesdays, special events, youth services, etc. wherein they generated more traffic than 5-6 apartments would. Ms. Purcell added that they want to be courteous neighbors, and they will include in their leases that residents must utilize the parking lot and not park on the street. Purcell indicated they want to hold their residents to the highest standards, and they will be providing upscale villas which can serve current residents or draw new residents from outside of Salem. Purcell indicated not everyone moving to Salem immediately wants a mortgage. Additionally, they will be generating sales and property taxes for the community. Purcell added that they have a lot of experience in this type of renovation, and she understands that the neighbors want a church there, but the church is moving and selling the building.

Mayor Morgan thanked both sides for their comments, and indicated she is sorry that one side will be unhappy, no matter what decision Council makes. ***Motion was made by Councilman Farley and seconded by Councilman Morton to amend the zoning of property identified as 515 E. McMackin from RS-2 Single-Family Residential to RM-2 Multi-Family Housing for development of 5-6 apartment units. Roll call vote: AYES: Councilman Koehler, Councilman Farley, Councilman Morton, Councilman Hockett, Mayor Morgan (regretfully). NAYS: None. Motion carried.***

3. Second Reading – Property Tax Levy Proposal

a. Request to adopt the 2021 Property Tax Levy in the amount of 2.50%

Motion was made by Councilman Koehler and seconded by Councilman Farley to approve Ordinance 2020-09 Levying Taxes at a 2.5% increase. (Totaling \$1,873,696.) Roll call vote: AYES: Councilman Farley, Councilman Morton, Councilman Hockett, Councilman Koehler, Mayor Morgan. NAYS: None. Motion carried.

b. Request to abate bond levy from 2015 for Waste Water Treatment Bonds

Motion was made by Councilman Hockett and seconded by Councilman Farley to approve Resolution 2020-06 abating the tax levy to be collected in 2021 related to the City of Salem Wastewater Treatment Improvements Revenue Source Alternate Bonds (2015) issued in the principal amount of \$3,170,000. Roll call vote: AYES: Councilman Morton, Councilman Hockett, Councilman Koehler, Councilman Farley, Mayor Morgan. NAYS: None. Motion carried.

c. Request to abate bond levy from 2017 for General Obligation Bonds

Motion was made by Councilman Koehler and seconded by Councilman Farley to approve Resolution 2020-07 to abate the tax levy to be collected in 2020 related to the City of Salem General Obligation Refunding Bonds, series 2017 (Alternate Revenue Source) which had an initial amount of \$2,465,000. Roll call vote: AYES: Councilman Farley, Councilman Morton, Councilman Hockett, Councilman Koehler, Mayor Morgan. NAYS: None. Motion carried.

4. Review of Sign Ordinance

City Manager Barbee indicated this item has been placed on the agenda at the request of a citizen and the Council has received and reviewed information provided.

Brock Waggoner asked to address Council, and indicated the materials he had provided regarding Reed vs Gilbert contained a Supreme Court decision finding restriction on political signs to be illegal. Waggoner added that “content neutral” requirements are permissible, but a city cannot specifically identify and adopt restrictions specific to “Political Signs”. Waggoner added that the City of Salem’s sign code is invalid “on its face”, and he indicated he is petitioning the City to come into compliance.

City Attorney Mike Jones indicated the City’s sign ordinance has been in place for a number of years, and has never been challenged in court, and he feels it is defensible. Mr. Waggoner objected to Attorney Jones’ statement, and Mr. Jones responded that his position is not to debate the public, but to give advice to the City Council.

Mayor Morgan asked if there was a motion. Councilman Farley responded that he is going to listen to the advice of City Attorney. No motion was made.

5. Request for Deer Population Control Measures

City Manager Barbee reported that he has received several complaints regarding the deer

population in Salem. The City currently has an ordinance in place that prohibits hunting of animals inside the city limits, except by the Animal Control Officer.

Councilman Koehler indicated Wildwood had a similar problem, and they solved it by allowing bow and arrow hunting for a limited time. Koehler added that it is not uncommon to see groups of 20-30 deer in Bryan Park at one time, and they are a problem. Councilman Morton asked if Council only has two choices – ignore them or shoot them. City Manager Barbee responded that the City can either create an ordinance that will allow a controlled hunt or leave them be.

Animal Control Officer Dave Lusch indicated he had spoken with a State of Illinois Wildlife Biologist, who had indicated the City has a couple of choices. We could hold a controlled shoot in December/January wherein hunters would have to establish their skills in a series of tests, then participate in a lottery to select who could hunt. The second choice is that the USDA has wildlife shooters that come to our community and sharp shoot the deer for a fee. The hunters generally use night-vision goggles and hunt at night. This would also enable the wildlife biologists to determine whether or not the deer are disease-free and donate the deer to a food pantry. Only does could be shot.

Mayor Morgan asked if there were a number of hunters in a small area, would it be safe. Officer Lusch indicated novice hunters would not be selected, and only the most skilled hunters would participate. Lusch added that he just received a call from a gentleman who had just seeded his back yard, and the deer have destroyed it.

Councilman Koehler indicated he likes the idea of the USDA shooters coming into the community and doing the shooting at night. Koehler added that he would like to know what the cost would be. Officer Lusch added that this is not a one-year fix – it may take several years to curtail the deer population.

Councilman Farley asked ACO Lusch if he had a recommendation. Mr. Lusch responded that he does not feel that is his decision, and his position is to carry out whatever the Council finds appropriate. Lusch added that the community is fed up with the damage the deer cause. Councilman Morton asked how many complaints he has received. Mr. Lusch indicated 2-3 “official” calls to the police station, but probably 20 unofficial complaints received on the street. Chief of Police Reynolds added that there are also a number of “car vs deer” accidents on North Broadway every year, and there is a risk of injury to drivers.

City Manager Barbee indicated he would bring back cost estimates to the next meeting.

6. Request to extend the time frame for local restaurants to provide outdoor seating through December 31, 2020

City Manager Barbee indicated City Council adopted a resolution at the beginning of the COVID-19 restrictions to allow bars and restaurants to serve alcohol outside. The original resolution was for 90 days, and has since expired. The resolution being presented will allow bars and restaurants to continue outside service until December 31, 2020. ***Motion was made by Councilman Farley and seconded by Councilman Koehler to approve Resolution 2020-08 to allow Bars and Restaurants to serve alcohol outside until December 31, 2020. Roll call vote: AYES: Councilman Hockett, Councilman Koehler, Councilman Farley, Councilman Morton, Mayor Morgan. NAYS: None. Motion carried.***

7. Review of Accounts Payable

Following review, ***motion was made by Councilman Farley and seconded by Councilman Hockett to approve the accounts payable of 9/21/20 to 10/16/20 as presented. Roll call vote: AYES: Councilman Koehler, Councilman Farley, Councilman Morton, Councilman Hockett, Mayor Morgan. NAYS: None. Motion carried.***

VI. CITY MANAGER REPORT WITH DEPARTMENT HEAD UPDATES

- City Manager Barbee reminded all present that there will be a ground breaking Thursday, October 22, 2020 at 5:15 pm at the site of the new soccer complex on W. Main St.
- City Manager Barbee indicated the Salem Community Theatre Board will be offering a radio play to be broadcast on WJBD Radio, on Saturday, October 31st and Sunday, November 1st. Barbee commended the Board for remaining active and finding a way to entertain the community during COVID-19.
- City Manager Barbee indicated he has been in contact with Mr. Barnfield at Wabash Communications, and they have the equipment necessary to provide WI-FI in Bryan Memorial Park.
- City Manager Barbee welcomed the PKC organization that is in town supporting our hotels/motels and stores, and commended the Tourism Board and City employee Cindy Eller for their work on bringing the PKC to Salem.
- City Manager Barbee indicated he has spoken with Melissa Mallow of the Marion County Health Department regarding the Governor’s most recent mitigation decree for Marion

County, and how the Health Department will be handling violations.

Their process will be:

- ◇ Upon receiving a complaint, they will visit the business and confirm there is a violation.
 - ◇ The business will receive a letter warning them to desist.
 - ◇ Upon receiving a second complaint for a business, the Health Department will contact the Illinois State Police, who will issue a ticket.
 - ◇ Upon receiving a second ticket, the Health Department can request that the business's liquor and/or gaming licenses be revoked.
- City Manager Barbee congratulated the Franklin Park Bobcat Baseball Team on becoming the State Champs.

VII. CITY ATTORNEY REPORT – No report.

VIII. CITY COUNCIL REPORT

Councilman Morton asked if now that Council has determined that it is not changing the sign code, will regulations be enforced. City Manager Barbee responded that as there are only two weeks until the election, the City will continue treating the signs as it has been.

IX. ADJOURNMENT

As there was no further business to discuss, ***motion was made by Councilman Farley and seconded by Councilman Hockett to adjourn the meeting at 6:47 pm. Roll call vote: AYES: Councilman Farley, Councilman Morton, Councilman Hockett, Councilman Koehler, Mayor Morgan. NAYS: None. Motion carried.***

Bev Quinn, CMC
City Clerk

Approved: _____