

**AGENDA
CITY OF SALEM
REGULAR CITY COUNCIL MEETING
NOVEMBER 7, 2011
6:00 P.M.**

- I. Call to Order – Roll Call**
- II. Prayer and Pledge of Allegiance**
- III. Presentation of Petitions/Public Comments**
- IV. Mayor’s Report and Presentation**
- V. City Council Action**
 - 1. Consent Agenda:
 - a. Approval of Minutes of Council Meeting of October 17, 2011
 - b. Resolution in Support of Route 50 4-Lane Coalition
 - 2. Permitted or Special Use Change in B-3 Highway Business Districts
 - 3. Ordinance First and Second Reading – Flood Plain
 - 4. Discussion - Animal Control
 - 5. Consideration of Approving Settlement Agreement and Release of Claims Between the City of Salem and City Manager Thomas Christie
 - 6. Consideration of Initiating the Recruitment Process for the City Manager Position

After Reports

- 7. Executive Session: 5 ILCS 120/2 (c) (3) Sale of City Owned Property
- 8. Authorize City Manager to Sign *Letter of Intent to Purchase Property* Relevant to Possible Sale of City Owned Property to a Nation Chain Full-Service Restaurant
- 9. Approval of Closed Session Minutes of 10/17/11

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

Thomas F. Christie
City Manager

**MINUTES
CITY OF SALEM
REGULAR CITY COUNCIL MEETING
NOVEMBER 7, 2011
6:00 P.M.**

I. CALL TO ORDER

The Salem City Council met in regular session on Monday, November 7, 2011, at the hour of 6:00 p.m. in the Council Chambers of Salem City Hall. Mayor John Raymer called the Meeting to order.

Council Members present upon roll call:

Councilman Royce Bringwald	Councilman Kip Meador
Councilman Steve Huddlestun	Councilman David E. Black
Mayor John Raymer	

Others Present:

City Manager Thomas F. Christie	Chief of Police Ron Campo
City Attorney Michael R. Jones	Sergeant Susan Miller
City Clerk Jane Marshall	Economic Dev Director Tracey McDaneld
Finance Director Jane Brown	Public Works Director John Pruden
Assistant to the City Manager Bev West	Recreation Director Sherry Daniels

Media: Salem Times Commoner, WJBD Radio, Centralia Sentential, US Sonet and Marion County Observer. Members of the Public

Absent: Code Enforcement Officer Brad Crow, Library Director Kim Keller, DOEM Director Terry Mulvany

II. PRAYER AND PLEDGE OF ALLEGIANCE

Opening prayer led by Councilman Black, followed by the Pledge of Allegiance to the Flag.

III. PRESENTATION OF PETITIONS/PUBLIC COMMENTS

None.

IV. MAYOR’S REPORT AND PRESENTATIONS

Mayor Raymer reported:

- November 11th - Reminder to remember Veterans Day and reflect upon what our Veterans have done for us.
- December 9th - “Christmas Downtown” activities planned by Recreation Department
- November 12th - Invited everybody to support the Salem Community Activities Center Annual Fundraiser Dinner/Dance

Appointment of Historical Commission Member

- Recommended Appointment of Jerry Nix to the Historical Commission to fill an unexpired term to April 30, 2012. **Councilman Black moved and Councilman Meador seconded the motion to approve the appointment of Jerry Nix to the Historical Commission. Roll call vote. AYES: Councilmen Bringwald, Meador, Huddlestun, Black, and Mayor Raymer. NAY: None. Motion carried.**
- Recommended reviewing the City’s 2002 Comprehensive Plan at next meeting
- Suggested the need for a Mission and Vision Statement as well as Goals Setting

V. CITY COUNCIL ACTION

1. Consent Agenda:

a. Approval of Minutes of Council Meeting of October 17, 2011

b. Resolution 2011-11 - Resolution in Support of Route 50 4-Lane Coalition

Councilman Black moved and Councilman Meador seconded the motion to approve the Consent Agenda as presented. Roll call vote: Councilmen Meador, Huddlestun, Black, Bringwald and Mayor Raymer. NAYS: None. Motion carried.

2. Permitted or Special Use Change in B-3 Highway Business Districts

Mayor Raymer explained that a request has been made to the Planning Commission for an exemption to a B-3 Highway Business District, by property owners who wanted to utilize part of their commercial building as a residential unit. The Planning Commission has recommended that the B-3 Zoning District specifications remain as written and not be revised to allow residential uses because the B-3 Highway Business District does not currently allow residential uses.

Councilman Black questioned the difference between the downtown business district and highway business district. Director West explained that residential uses are not currently permitted as a special use in B-3 Highway Business Districts. For that to happen, City Council would need to adopt an ordinance that would permit that as a special use. She further explained, to change the zoning code, it would need to go back to the Planning Commission and all of the B-3 Highway business residents would need to be notified because all those businesses can be effected by this change and they would need to be permitted to have an input in the discussion.

Councilman Black and Meador indicated they do not have a problem with allowing residential use in the upper levels of this building in this particular location. It was suggested that each case could be considered case-by-case.

City Manager Christie commented, with special use provisions, the petitioners could apply for a special use to allow residential use in an area that doesn’t usually allow them. The Planning Commission could then review that request on its own merit. He indicated the owner of the building we are talking about would have a fairly good argument, because that building is somewhat remote and somewhat isolated from the adjacent businesses and that it would not be intrusive for that whole district. Allowing a special use in a B-3 Highway District for residential, means it could be petitioned in any of the B-3 Districts. He further explained that even though a special use is permitted, it may not be granted. He explained the process - the Planning Commission would have to call a meeting, Director West would have to notify all the property owners within 250 feet in all the B-3 Highway Business Districts. During the Planning Commission’s meeting they would have to have a public hearing in which they would receive input both pro and con. Once this is over, the Planning Commission would forward a recommendation to the City Council and it may be the same thing as before. At that point the City Council would have to determine whether they wanted to accept the Planning Commission’s recommendation or reject it; at which point the City Council, as the final authority could allow special use by changing the zoning code to allow it. (Ordinance amendment) Then the property owner would have to apply for a special use permit.

The property owner, Mr. Densford, addressed Council asking for consideration to allow residential use in his building, explaining he has plans to set up class rooms and conference rooms downstairs and to have a living space upstairs. He has an issue with getting insurance for the building unless he can show it has 60% occupancy.

After lengthy discussion, **Councilman Black moved and Councilman Meador seconded the motion to send the request back to the Planning Commission and ask them to consider making recommendation to Council to adopt an ordinance changing the code to permit special use in Highway B-3 Districts to allow residential use. AYES: Councilmen Huddlestun, Black, Meador, and Mayor Raymer. NAYS: Councilman Bringwald. Motion carried.**

3. Ordinance 2011-14 – Ordinance First and Second Reading – Flood Plain

An ordinance was presented for first and second reading, adopting the current Floodplain Management Ordinance in compliance with the National Flood Insurance Program. The New Marion County Floodplain map becomes effective on November 16, 2011. Action was requested on this Ordinance because of the time schedule for filing with the Illinois Office of Water Resources. **Councilman Black moved and Councilman Meador seconded the motion to approve Ordinance 2011-14, an ordinance amending Chapter 9 of the City Code to add Article IV entitled “Floodplain Management”. Roll call vote: AYES: Councilmen Black, Bringwald, Meador, Huddlestun, and Mayor Raymer. NAYS: None. Motion carried.**

4. Discussion - Animal Control

Mayor Raymer reported that the Committee has recommended that the building formally used for animal control be used again for animal control and requested that they be empowered to get started as soon as possible. A drawing of the plans has been prepared and he requested a budget of \$10,000 be set for the project to renovate the building. Laura Boroviak, chairman of the Animal Control Committee, responded that the committee is not prepared to go forward with managing the renovation project, as they are volunteers with other commitments and not qualified to supervise a construction project.

Ms. Boroviak commented that the City will always need to have a place to house animals even with a contract with the county. Discussion continued regarding the need to get a building ready as quickly as possible to address the animal control problem. A suggestion was made to contact the Building Trades Department at the high school regarding the project.

Public Works Director Pruden indicated that the public works crew is severely short-handed with three employees off work with workers compensation injuries. Councilman Bringwald commented he believes this is a County issue and the County should be approached.

Doctor Douglas, Douglas Veterinary Clinic, indicated that he may be able to work out something with the City on animal control. He agreed to meet with the Committee on Thursday to discuss a possible contract.

5. Consideration of Approving Settlement Agreement and Release of Claims Between the City of Salem and City Manager Thomas Christie

City Attorney Jones reviewed the highlights of the Settlement Agreement between City Manager Thomas F. Christie and the City of Salem to resign his position effective November 30, 2011 and to withdraw all pending claims with the EEOC in exchange the City agreed to pay him through May 31, 2012, in addition to accrued vacation and 50% of accrued sick leave time.

Councilman Meador moved and Councilman Bringwald seconded the motion to approve acceptance of the Settlement Agreement and Release of Claims Between the City of Salem and City Manager Thomas Christie. Roll call vote: AYES: Councilmen Bringwald, Meador, Huddlestun, Black, and Mayor Raymer. NAYS: None. Motion carried.

6. Consideration of Initiating the Recruitment Process for the City Manager Position

Mayor Raymer called for a delay in discussion of this item.

After Reports

7. Executive Session: 5 ILCS 120/2 (c) (3) Sale of City Owned Property

At 7:10 p.m., Councilman Meador moved and Councilman Black seconded the motion to enter into closed session to discuss sale of city owned property. Roll call vote: AYES: Councilmen Meador, Huddlestun, Black, Bringwald and Mayor Raymer. NAYS: None. Motion carried.

Return to Open Session

8. Authorize City Manager to Sign Letter of Intent to Purchase Property Relevant to Possible Sale of City Owned Property to a Nation Chain Full-Service Restaurant

Upon returning to open session at 7:17 P.M, Councilman Black moved and Councilman Meador seconded the motion to authorize the City Manager to sign the letter of intent to purchase property relevant to possible sale of city owned property to a nation chain full-service restaurant. Roll call vote: AYES: Councilmen Bringwald, Meador, Huddlestun, Black, and Mayor Raymer. NAYS: None. Motion carried.

9. Approval of Closed Session Minutes of 10/17/11

Councilman Meador moved and Councilman Black seconded the motion to approve the minutes of the closed session meeting of 10/17//2011 as written. Roll call vote. AYES: Councilmen Meador, Huddlestun, Black, Bringwald, and Mayor Raymer. NAYS: None. Motion carried.

X. CITY MANAGER REPORT- No report

XI. CITY ATTORNEY REPORT – No report

XII. CITY COUNCIL REPORT

Councilman Bringwald thanked to Tracey McDanel, Jill Combs, Steve & Kae Huddlestun for all the work they did at the World PKC Coon Hunt event during the time they were in Salem.

Councilman Huddlestun added, Mary and David Dial have spent hours and hours every day at the Fair Grounds working with the PK program.

Mayor Raymer also expressed appreciation for all the work Tracey McDanel did during the PKC Program.

XIII. ADJOURNMENT

There being no further business for discussion at 7:30 P.M., Councilman Black moved and Councilman Meador seconded the motion to adjourn. Roll call vote. AYES: Councilmen Huddlestun, Black, Bringwald, Meador and Mayor Raymer. NAYS: None. Motion carried.

**Jane Marshall, CMC
City Clerk**

Minutes approved by City Council on November 21, 2011.