

**AGENDA  
CITY OF SALEM  
REGULAR CITY COUNCIL MEETING  
MONDAY, FEBRUARY 6, 2012  
6:00 P.M.**

- I. Call to Order**
- II. Prayer and Pledge of Allegiance**
- III. Presentation of Petitions/Public Comments**
- IV. Mayor's Report and Presentations**
  - 1. Report from South Central Transit
  - 2. Hosting Informational Meeting - " Growing Farmers Markets" on February 24<sup>th</sup>, 11:00 a.m. at Salem City Hall
  - 3. Presentation to Fred Walker upon His Retirement from SCIRPD
- V. City Council Action**
  - 1. Consent Agenda:
    - a. Approval of Minutes, January 16, 2012, Special Meeting of January 12 and 19, 2012
    - b. Consultation Agreement for Professional Accounting Services
    - c. Inter-creditor Agreement with City of Salem, Marion County Savings Bank and US Sonet
    - d. Family Aquatic Center Revision for Pool Fees – Age 65 and older, \$1.00 every day, anytime; pool rental fees \$195 for 0-300 people, additional \$1.00 each person over 300 people
    - e. Ordinance – Second Reading - Ordinance Amending Chapter 12 of the City Code – No Parking on Alley Street from North Washington Street to North Jefferson
    - f. Planning Commission Recommendation Regarding Request to Revise the B-3 Highway Business District Regulations to Allow Residential Uses
  - 2. CDAP/RF (Revolving Fund) – Approve Recommendation from the Loan Advisory Committee
  - 3. Request from Salem Township Hospital For City to Accept Maintenance of their proposed 10 inch Sanitary Sewer Extension for New Wing of Hospital
  - 4. Ordinance - First Reading - Ordinance Amending Chapter 20 of the City Code – Change in Wording Regarding Installation Requirements for Natural Gas Utility
  - 5. Discussion – Community Survey
- After Reports:**
  - 6. Executive Session - 5 ILCS 120/2 ( c) (2) (5), and (21)
    - (2) Collective Negotiating Matters and Personnel;
    - (21) Semi-Annual Review of Closed Session Minutes
  - 7. Approval of Closed Session Minutes of December 19, 2011 and January 9, 2012
  - 8. Resolution 2012-01 – Regarding Review of Closed Session Minutes
- VI. City Manager Report**
- VII. City Attorney Report**
- VIII. City Council Report**
- IX. Adjournment**

*Deborah McKinney Huff*

**Deborah McKinney Huff**  
Interim City Manager

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**MINUTES  
CITY OF SALEM  
REGULAR CITY COUNCIL MEETING  
FEBRUARY 6, 2012  
6:00 P.M.**

**I. CALL TO ORDER**

The Salem City Council met in regular session on Monday, February 6, 2012, 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 Huddleston	Councilman David E. Black
Mayor John Raymer	

**Others Present:**

Interim City Manager Deborah McKinney Huff	City Attorney Michael R. Jones
City Clerk Jane Marshall	Chief of Police Ron Campo
Public Works Director John Pruden	Recreation Director Sherry Daniels
Economic Dev Director Tracey McDaneld	Library Director Kim Keller

Assistant to the City Manager Bev West  
Code Enforcement Officer Brian Hunt

**Absent:** DOEM Director Terry Mulvany

Media: Salem Times Commoner, WJBD Radio, Centralia Sentential, Marion County Observer; and US Sonet; along with members of the Public

## 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

Mr. Thomas Christie, 326 Country Club Estates, Salem, IL addressed Council with concerns concerning over-time pay for Public Works Department and Police Department Employees during the past 26 weeks, calling attention to the fact that both are working without a union contracts and that now before the contract negotiations are settled would be the time to make changes in the overtime rates.

## MAYOR'S REPORT AND PRESENTATIONS

- **Senator Mark Kirk** - Mayor Raymer expressed concern for Senator Mark Kirk who is recovering from a disabling stroke that happened on January 21<sup>st</sup> and asked that Senator Kirk be kept in our thoughts. He also expressed appreciation that Senator Kirk had taken his time to come to Salem to attend a US Route 50 Coalition meeting and discuss his ideas for public and private participation as possible funding sources for something as important as the new Route 50 and on ways the government is going to have to work in meeting the needs through difficult economic times.
- **Report from South Central Transit** - Sheila Niederhofer, Managing Director at South Central Transit and Vicki presented information and gave an update and report on the stipend they receive from the City of Salem for services provided to shut-ins of Salem area through the BCMW Project Bread program. She explained presently 28 – 30 meals are delivered Monday – Thursday. SCT subsidizes meal delivery from its local match as a meal delivery is not an eligible expense under its funding source. She explained that the drivers not only deliver the meals, they go out of their way to check on the shut-ins to see if they are ok, if they can't be reached when they go to deliver the meals, they call Shirley at Project Bread to let them know that someone should check on them. According to her figures, the annual expense for this service, including labor, vehicle insurance, fuel and Maintenance was \$9,187.00; after the City of Salem stipend of \$4,800.00 they have a loss in the amount of (\$4,387.) for that project.
- **Report on Marion County Drug Court** – Mayor Raymer welcomed Judge Mike McHaney to report on the Drug Court that was established with a mandate from the State indicating this is the First anniversary of the Marion County Drug Court. Judge McHaney reported that there are currently 15 participants in the program, 4 of the original number were revoked. He indicated it is a very hard program and that the people in this program are there to change their life and they appreciate community service projects, they work hard together and do good work. Judge McHaney commented that the Court meets every Friday at 11:00 a.m. and is open to the public. Mayor Raymer expressed appreciation to Judge McHaney, commenting he is a great leader, he can be seen working along with the participants on public service projects. Mayor Raymer commented on the Marion County Drug Court Foundation that has been formed and information regarding it can be picked up at the City Hall.
- **Farmers Market** – Mayor Raymer reported that Pat Stieren, Coordinator for the Illinois Farmers Market has spoken with us and there seems to have been quite a bit of interest in farmers markets expressed last summer. He further reported there will be a meeting regarding Farmers Markets at 11:00 a.m. on February 24, 2012 at City Hall for people who are interested in participating in Farmers Market. A sponsored luncheon will be held after the meeting to see what we can do to expand our Farmers Market and use it as an Economic boost to those people who have produce. He indicated the meeting is about State regulations and what is involved with Farmers Markets.
- **Presentation to Fred Walker upon retirement as Director of South Central Illinois Regional Planning and Development** – Mayor Raymer presented a “Key to the City” to Fred Walker expressing appreciation for the many years of support and assistance in championing the potential of Salem. He commented that Fred began his work with SCIRP&D in 1972, a group who put together funding for many of the projects for that the City and the County have used. Mr. Walker extended his appreciation and thanked the City for letting him serve.

- **Grant Opportunity for Walking Trail in Bryan Park** – Mayor Raymer reported there is a group that is formed (The Bryan Park Trail Committee) that is interested in putting a Walking Trail around the perimeter in Bryan Park and connect with the Nature Trail. They will be asking for permission to submit a grant application. He further indicated that the grant will require a match and this group is interested in raising that match amount through local donations. A public meeting for public comments will be held soon in connection with the grant application.
- **Theatre annual fund raiser “Broadway on Broadway** - Mayor Raymer recognized the Theater Board for their very successful annual fund raiser production “Broadway on Broadway” that was very well attended.
- **Marion County Board Meeting** – Mayor Raymer reported he will be attending the Marion County Board Community Meeting tomorrow evening to discuss the possibility of County animal control.

#### IV. CITY COUNCIL ACTION

##### 1. Consent Agenda:

- Approval of Minutes, January 16, 2012, Special Meeting of January 12 and 19, 2012
- Consultation Agreement for Professional Accounting Services
- Inter-creditor Agreement with City of Salem, Marion County Savings Bank and US Sonet
- Family Aquatic Center Revision for Pool Fees – Age 65 and older, \$1.00 every day, anytime; pool rental fees \$195 for 0-300 people, additional \$1.00 each person over 300 people
- Ordinance 2012-02** – Second Reading - Ordinance Amending Chapter 12 of the City Code – No Parking on Alley Street from North Washington Street to North Jefferson
- Planning Commission Recommendation Regarding Request to Revise the B-3 Highway Business District Regulations to Allow Residential Uses

Mayor Raymer called for a motion to move Consent Agenda items: “c”. Inter-creditor Agreement with City of Salem, Marion County Savings Bank and US Sonet, and item “f”. Planning Commission Recommendation Regarding Request to Revise the B-3 Highway Business District Regulations to Allow Residential Uses.

**Councilman Black moved and Councilman Meador seconded the motion to move Items “c” and “f” from the consent agenda for further discussion. Roll call vote: AYES: Councilmen Bringwald, Meador, Huddlestun, Black and Mayor Raymer. NAYS: none. Motion carried.**

Councilman Huddlestun questioned Consent Agenda Item “c” and City Attorney Jones indicated that by Council accepting it the Agreement it would ratify the contract and it can be terminated at any time with proper notice from either party.

**Councilman Black moved and Councilman Meador seconded the motion to approve the Consent Agenda with the omission of Items c and f. Roll call vote. AYES: Councilmen Meador, Huddlestun, Black, Bringwald, and Mayor Raymer. NAYS: none. Motion carried.**

##### Consent Agenda Item “c” - Inter-creditor Agreement with City of Salem, Marion County Savings Bank and US Sonet

City Manager Huff asked Economic Development Director McDanel to address this Item. Ms. McDanel noted the City currently has a CDAP and a TIF #3 loan that was originally secured with an inter-creditor agreement with Marion County Savings Bank and JMW CDC – Jefferson Marion Washington County CDC. She further explained that US Sonet has gone through a refinance of their loan portfolio to lump them all together which requires a new inter-creditor agreement be executed in order to keep our position at the prorate first on Exhibit A of the security that is attached.

**Councilman Black moved and Councilman Huddlestun seconded the motion to approve execution of the inter-creditor agreement with US Sonet and Marion County Savings Bank. Roll call vote. AYES: Councilmen Huddlestun, Black, Bringwald, Meador, and Mayor Raymer. NAYS: None. Motion carried.**

**Consent Agenda Item “F” - Planning Commission Recommendation Regarding Request to Revise the B-3 Highway Business District Regulations to Allow Residential Uses**

The Planning Commission forwarded the following recommendation in letter dated 1/11/12, the same recommendation sent in letter dated 10/12/11: *“After much discussion and consideration, and on a 6-0 vote, the Planning Commission directed that a recommendation be forwarded to City Council recommending that the B-3 Zoning District specifications remain as written, and not be revised to allow residential uses. Consensus of the Planning Commission is that the B-3 zoning regulations are appropriate, well written, and serve the city well.”* Mayor Raymer noted that a change to allow apartments in the highway business district would not only affect the property at hand, but would affect every property and business within the B-3 District. So the recommendation at this time is to not allow apartments for businesses in all of the B-3 districts.

Councilman Black expressed he has a problem with this indicating he sees no difference between this area and the downtown district and does not understand why an apartment upstairs cannot be allowed. He suggested an ordinance that allows a special use to make it reasonable in this situation. Councilman Meador agreed with the suggestion of permitting a special use on a case-by-case basis.

City Attorney Jones commented that the Council would have to pass an ordinance amending the zoning code to provide in the B-3 district, that the special use is a special use for residential – that means that Mr. Densford or other people in the future could come in and fill out an application, go back before the Planning Commission, have a hearing and the Planning Commission could look at the facts of that particular piece of property and approve the special use if in their discretion that was appropriate. What might be appropriate in one area, might be entirely inappropriate in another area. Attorney Jones suggested if you are going to do something, don’t do a permitted use, because that means it will be wide open throughout the city – a special use puts the planning commission to give advice, have a hearing to hear proponents, to hear opponents and to make a decision.

Councilman Huddlestun commented this is not to see if someone can have an apartment or not, this is whether or not to change the ordinance to allow a special use on a case-by-case basis, even if the ordinance is changed, the request would still have to go back to the Planning Commission, and just because residential use is put in the list of possible uses for special uses, it does not mean that that person will get it – the Planning Commission still has to approve that request.

Bev West, Zoning Administrator, commented that the Planning Commission has the final say on Special Use permits, if there is a challenge on a Planning Commission decision on a special use permit, then it becomes a civil matter rather than come to the city council.

Jones explained a way to accommodate Mr. Densford’s request would be to instruct him to draft an ordinance adding residential as a special use in a B-3 District, and if we pass this ordinance, anyone in the citywide that wants to do it can come in on a case-by-case basis, file an application with the Planning Commission, have a hearing and let the Planning Commission make a determination.

Councilman Bringwald commented that we have gone through the process; he based his decision to vote against any changes to the current code upon the current Zoning Code – that is the “greater good of the people”.

**Councilman Black moved and Councilman Meador seconded the motion to direct the City Attorney to draft an ordinance to add residential to the list as a Special Use in a B-3 District on a case-by-case basis. Roll call vote. AYES: Councilmen Black, Meador, and Mayor Raymer** (Mayor Raymer commented he is opposed to changing all the B-3 with one broad brush stroke; he voted “yes” because he thinks we should have an ordinance and ask the Zoning Commission to consider it, and if we like it, we will approve it and if we don’t we don’t; adding, it seems that there is ability to uphold the integrity of the Planning Commission and still see if there is a way to improve our business situation in town) **NAYS: Councilmen Huddlestun and Bringwald. Motion carried.**

**2. CDAP/RF (Revolving Fund) Loan Request – Recommendation from the Loan Advisory Committee**

Economic Development Director McDaniel introduced Aimee Laird and Dana Lusch with The Hair Business and explained that Ms. Laird has made application to utilize the the CDAP/RF Fund for job creation and retention to purchase the existing building, real estate and business (including all inventory, equipment, etc) the Hair Business located at 2325 S. Washington Street for a RLF loan amount of \$81,000, at 3% fixed rate, for a term of 12 years for the real estate and for a term of 3 years for the equipment, inventory, building improvements, and intangibles. The inducement proposal would be provisional

**Councilman Black moved and Councilman Huddleston seconded the motion to approve the CDAP/Revolving Loan Fund request from Aimee Laird to purchase the existing business, The Hair Business contingent upon the provisions set forth in the agreement. Roll call Vote: Councilman Briangwald, Meador, Huddleston, Black, and Mayor Raymer. NAYS: None. Motion carried.**

**3. Request from Salem Township Hospital for City to Accept Maintenance of their proposed 10 inch Sanitary Sewer Extension for New Wing of Hospital**

Public Works Director Pruden explained the request indicating on a map the location of the proposed 10 inch sanitary sewer line as part of their new construction on the east side that will tie on to the city sewer main down by Fraila ball field and with a larger line from the ball field up to the east side of the hospital. They requested that once the line is completed that the City accept ownership and maintenance of it. Pruden expressed concern that at one point the line crosses over on to private property, the hospital property, a point made in Mervin Jenkins letter that this line would be eligible to be carried on north and in conversations with Mr. Jenkins, he requested that he continue further north and the line dead end on city right of way so that at anytime in the future we wish to extend it further north it would be ready for us. The hospital would grant us easement for the line that is on their property. Pruden asked that this be first reading and he will have a revised map ready at next meeting showing the manhole and easement which will run from city property to city property. Pruden asked that Council go by and look at the route noting that it will impact those large cedar or spruce trees on north side of Frayla Park. The trees would be replaced 2 to 1 as in the past. No action was taken.

**4. Ordinance - First Reading - Ordinance Amending Chapter 20 of the City Code – Change in Wording Regarding Installation Requirements for Natural Gas Utility**

Public Works Director Pruden explained that this revision was requested to update the existing code to reflect current regulations for natural gas lines addressing the type lines acceptable for installation in buildings. First reading, no action taken.

**5. Discussion – Community Survey**

Mayor Raymer asked that this be held over, Survey still incomplete.

**After Reports:**

**6. Executive Session - 5 ILCS 120/2 ( c ) (2), and (21)**

(2) Collective Negotiating Matters and Personnel;

(21) Semi-Annual Review of Closed Session Minutes

At 7:44 P.M., **Councilman Black moved and Councilman Huddleston seconded the motion to enter into Closed Session for the purpose to discuss Collective Negotiating and Semi-annual review of Closed Session Minutes. Roll call Vote: Councilman Meador, Huddleston, Black, Bringwald, and Mayor Raymer. NAYS: None. Motion carried.**

**7. Approval of Closed Session Minutes of December 19, 2011 and January 9, 2012**

Upon returning to open session, motion was made by **Councilman Black, seconded by Councilman Bringwald to approve closed session minutes of December 19, 2011 and January 9, 2012. Roll call Vote: Councilman Briangwald, Meador, Huddleston, Black, and Mayor Raymer**

**8. Resolution 2012-01 – Regarding Review of Closed Session Minutes**

Councilman Black moved and Councilman Meador seconded the motion to approve Resolution 2012-01, a Resolution regarding review of Closed Session Minutes. Roll call vote. AYES: Councilmen Black, Bringwald, Meador, Huddleston, and Mayor Raymer. NAYS: None. Motion carried.

**V. CITY MANAGER REPORT**

Interim City Manager Huff reported continuing to negotiate with the FOP and will table search for Finance Director for next full time City Manager to hire.

**VI. CITY ATTORNEY REPORT – No Report**

**VII. CITY COUNCIL REPORT**

Councilman Black commented that he had requested some time ago that two city vehicles have city of Salem decals put on them so that they are easily identified as City vehicles. He again requested that this be done.

Councilman Meador commended the community on their support of the McNeil Benefit for the family who suffered a tragedy from a house fire recently. He also commented that the successful Theater production “Broadway on Broadway” fundraising event.

Others: Edward Smalley was present regarding his request for “no parking” regulations on North Alley Street.

**VIII. ADJORNMENT**

There being no further business to discuss at 9:03 p.m., motion was made by Councilman Black, seconded by Councilman Meador to adjourn. Roll call vote: Councilman Briangwald, Meador, Huddlestun, Black, and Mayor Raymer. NAYS: None. Motion carried.

Jane Marshall, CMC  
City Clerk

Minutes approved by City Council as written on February 21, 2012.

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