

**AGENDA
CITY OF SALEM
REGULAR CITY COUNCIL MEETING
NOVEMBER 17, 2014
6:00 PM**

- 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. Approval of Minutes – November 3, 2014
 - b. Resolution of Appreciation for Agriculture
 - 2. Bills Payable
 - 3. Policy on Authorization to Open Vacant Graves in Salem Cemetery
 - 4. Ordinance Making Zoning Code Amendments
 - 5. Second Reading – Creation of Main/157 Business District
 - a. Ordinance Establishing and Designating the Business District and its Plan
 - b. Ordinance Establishing and Imposing Certain Taxes in the District
 - 6. First Reading – Amendments to Salem Hotel Motel Tax
 - 7. Second Reading – Planning Commission Action to Recommend Rezoning 1313 East Main to RS-5
 - 8. Approval of Property Tax Levy for 2015 Collections
 - 9. Resolutions Abating Certain Property Taxes
 - 10. Approval of Demolition Bids
 - 11. Discussion – Franklin Street Widening

- 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)(1) Personnel
 - 2. 5 ILCS 120/2 (C)(5) Purchase of Real Estate
 - 3. 5 ILCS 120/2 (C)(6) Sale of Real Estate
- XI. Adjournment**

Bill Gruen
City Manager

**MINUTES
CITY OF SALEM
REGULAR CITY COUNCIL MEETING
NOVEMBER 17, 2014**

I. Call to Order

A regular meeting of the Salem City Council was held on Monday, November 17, 2014 at 6:00 p.m. The meeting was called to order by Mayor John Raymer.

Council members present:

Councilman Jim Baity
Councilman David Black
Councilman Royce Bringwald
Councilwoman Sue Morgan
Mayor John Raymer

Others present:

City Manager Bill Gruen	Finance Director Ben Stratemeyer
City Clerk Bev Quinn	Economic Development Director Jeanne Gustafson
Interim Chief of Police Susan Miller	Animal Control Officer Paul Wimberly
Public Works Director John Pruden	Code Enforcement Officer Brian Hunt
Library Director Kim Keller	Recreation Director Sherry Daniels
City Attorney Mike Jones	D.O.E.M. Director Terry Mulvany

Members of the media and public.

II. Prayer and Pledge of Allegiance

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

III. Presentation of Petitions/Public Comments

Jay and Beth Henke of the Little Egypt Festival Committee thanked the City for their support, and indicated the Festival went very well this year. As a result, the Committee was making a donation of \$1,000.00 to the Bryan Park Walking Trail Project. Mayor Raymer commended them for the excellent event, and accepted the check on behalf of the City.

Mayor Raymer recognized Danny Stover, Linda Stover and Chris Marler of the Drug Court Support Group. Mr. Stover addressed the Council regarding the groups desire to build a small duplex on N. Walnut to be used as temporary residences for those participating in drug court. Mr. Stover indicated the drug court program is for those who are not necessarily repeat offenders, and who want to do well. The program generally takes about three years, and the duplex is not intended to be a permanent, or even program-long, residential option. The residents will probably use the homes for approximately one year. There is a similar use in Centralia, and it has proven to be successful. To graduate, a participant must have a job, home, and have set some roots. One of the groups requirements is the property must be tax-exempt. Once sealed plans are received, the group will approach the City for a building permit. Mr. Stover indicated people in the surrounding neighborhood may have concerns, but they shouldn't be concerned, because those living in the temporary homes are drug tested frequently, and the program is very tough. Mr. Stover indicated the Drug Support Group makes sure the buildings are well maintained, and the utilities are paid. There is going to be a fund raiser at Mama Antonio's on Sunday, December 14th in Centralia and Salem, and a portion of the sales will go to the Drug Court Support Group.

IV. Mayor's Report and Presentations

- Mayor Raymer thanked those organizations who held events or dinners recognizing Veterans on Veteran's Day, including the First Baptist Church and the American Legion.
- Mayor Raymer indicated he had attended the Daffy Dill Garden Club dinner, and recognized them for all they have done for the community.
- Mayor Raymer indicated he had received two letters, one requesting that Franklin Street be widened and improved and one asking that the City implement a "cat program" within its animal control program. Mr. Gruen indicated the City will be picking up cats, as it can.
- Mayor Raymer commended Rita Winkler and her Murray Center team for their efforts to keep Murray Center open. It appears that Governor Elect Rhoner will keep the facility open.
- Mayor Raymer indicated a group had just taken a tour of the new Jarco facility on Carpenter Drive, and it appears the building will be done by the end of December. The project is going smoothly.
- Mayor Raymer indicated Sherry Daniels and the Recreation Department will be holding "Christmas in My Home Town" on December 5th.
- The City's Animal Control Program is now in business.

V. City Council Action

1. Consent Agenda:

- a. Approval of Minutes – November 3, 2014
- b. Resolution of Appreciation for Agriculture

Motion was made by Councilman Bringwald and seconded by Councilman Black to approve the Consent Agenda as presented. Roll call vote: AYES: Councilman Baity, Councilman Black, Councilman Bringwald, Councilwoman Morgan, Mayor Raymer. NAYS: None. Motion carried.

2. Bills Payable

Bills Payable were presented by City Manager Gruen. ***Motion was made by Councilwoman Morgan and seconded by Councilman Baity to approve the Bills Payable as presented. AYES: Councilman Black, Councilman Bringwald, Councilwoman Morgan, Councilman Baity, Mayor Raymer. NAYS: None. Motion carried.***

3. Policy on Authorization to Open Vacant Graves in Salem Cemetery

City Manager Gruen indicated the form being presented is being looked as a possible way to help indemnify the City when a family member whose name is not on the deed or City cemetery records wants to bury someone on a lot bought generations ago. City Clerk Quinn indicated the City's records are good, and it's not that the City doesn't know who purchased the lots, the problem is that the spaces may have been purchased 40 years ago, the original purchasers are deceased, and there is nothing to indicate that the person wanting to use the spaces is the clear heir. When there is time, the Clerk requires the family member to bring in a page from a will indicating who was intended to inherit the spaces. If there were multiple heirs (brothers, sisters, etc.) the Clerk has required letters from those family members involved indicating they are making no claim on the spaces, and the person wanting to use the spaces has their permission to do so. This is time consuming, and there are times when someone passes away on a Friday, has visitation on Sunday night, and is buried on Monday. The form being discussed was brought to us by Larry Rogers of Rogers-Atkins Funeral home, as a possible way to avoid delaying a burial.

City Manager Gruen indicated this form would only be used in extreme cases, and the clerk and cemetery sexton would continue to go through the normal process, whenever possible. Mr. Gruen added that City Attorney Mike Jones is not totally supportive of the form. Attorney Jones concurred, but said he would support whatever the City adopted. **Motion was made by Councilman Black, seconded by Councilwoman Morgan, and approved by unanimous voice vote until City Attorney Jones has an opportunity to look the form over and propose possible modifications. Roll call vote: AYES: Councilman Bringwald, Councilwoman Morgan, Councilman Baity, Councilman Black, Mayor Raymer. NAYS: None. Motion carried.**

4. Ordinance Making Zoning Code Amendments

City Manager Gruen indicated several months ago, City Council reached a consensus on revisions to the Zoning Code. Those proposed revisions have been presented by the Planning Commission, and have come back for City Council action. The proposed changes are:

- **Sec. 23-279 Permitted Uses. (in the B-3 Highway Business District)**
Add – Dwelling units above the first floor. To qualify, the building must:
 - (1) have a ground floor minimum of one thousand (1,000) square feet of ground floor business space devoted to a business purpose;
 - (2) provide ingress and egress to the residential space from the rear of the building; and
 - (3) provide designated off-street parking for each tenant on a twenty-four hour basis.
- **Sec. 23-422. Spaces.**
 - (a) Each required parking space shall be at least ~~ten (10)~~ **nine (9)** feet wide and twenty (20) feet long, and shall have at least seven (7) feet of vertical clearance.
- **Sec. 23-503 – Structures (3) Reconstruction.**
“The administrator ~~may~~ **shall** require that the reconstruction cost estimate be made by a bona fide construction contractor.

Mayor Raymer indicated he had received some comments expressing concern from business owners regarding the addition of dwelling units in the B-3 district. Councilman Black indicated he did not see much difference between the B-3 district and the downtown. Mayor Raymer indicated dwelling units will bring kids, dogs, etc. Councilman Black responded that if someone has a building that they want to utilize, that is a good thing, and they should be able to. Mayor Raymer responded that a large manufacturer and local veterinarian had both objected. Councilman Bringwald responded that this subject has been hashed to death.

Motion was made by Councilman Black and seconded by Councilman Bringwald to approve the changes as presented. Councilwoman Morgan asked what would happen if there was a problem with children running around, and added that there was a problem previously with the children who lived in a building adjacent to the Country Club playing on the golf course. Ms. Morgan added that the owners of the Depot did not want people living above the building behind them, and suggested the dwelling units be allowed as a Special Use, as a special use can be revoked if it is causing a problem. Councilman Black indicated he has a problem saying you cannot use your building for the use you want to use it for. Black added that he feels government goes too far, and takes people’s rights away. Mayor Raymer indicated there are rights on both sides. **Roll call vote: AYES: Councilman Black. NAYS: Councilman Bringwald, Councilwoman Morgan, Councilman Baity, Mayor Raymer. Motion denied.**

Motion was made by Councilman Black and seconded by Councilman Baity that the changes proposed for Sec. 23-422 and Sec. 503 be approved. Roll call vote: AYES: Councilwoman Morgan, Councilman Baity, Councilman Black, Councilman Bringwald, Mayor Raymer. NAYS: None. Motion carried.

5. Second Reading – Creation of Main/I57 Business District

- a. Ordinance Establishing and Designating the Business District and its Plan
- b. Ordinance Establishing and Imposing Certain Taxes in the District.

City Manager Gruen indicated this is a second reading for an ordinance establishing the boundaries of the district and adopting the plan which would govern it and a second ordinance that will establish the sales tax, service occupation tax, and the hotel tax increments paid by businesses (if applicable) within the District. **Motion was made by Councilman Black and seconded by Councilwoman Morgan to adopt Ordinance 2014-16, An Ordinance Establishing**

and Designating the Business District and its Plan. Roll call vote: AYES: Councilman Baity, Councilman Black, Councilman Bringwald, Councilwoman Morgan, Mayor Raymer. NAYS: None. Motion carried.

Motion was made by Councilman Black and seconded by Councilman Baity to adopt Ordinance 2014-17, An Ordinance Establishing and Imposing Certain Taxes in the District. Roll call vote: AYES: Councilman Black, Councilman Bringwald, Councilman Baity, Councilwoman Morgan, Mayor Raymer. NAYS: None. Motion carried.

6. First Reading – Amendments to Salem Hotel Motel Tax

City Manager Gruen indicated a hotel/motel tax increase is proposed from 4% to 5% for new hotel rooms if constructed after January 1, 2015. In conjunction, hotel rooms constructed after January 1, 2015 but before December 31, 2015 shall be eligible for a credit or a rebate of a portion of the 5% tax if the hotel owner enters into a development agreement with the City for the project. Salem's established hotels would continue to pay the current 4% tax rate the ordinance currently provides. These changes are proposed in order to facilitate development of the new Holiday Inn Express at Kinney Boulevard, without which the developer will not be able to move forward on the project in Salem. Mr. Gruen added that most cities have TIF or Enterprise Zone incentives or offer, and Salem does not. This rebate gives Salem a way to compete.

7. Second Reading – Planning Commission Action to Rezone 1313 East Main to RS-5

City Manager Gruen indicated an inspection was completed of 1313 E. Main by John Pruden and Brian Hunt. There were some deficiencies found. Councilwoman Morgan asked if the deficiencies have been corrected. Mr. Pruden indicated the main problems were ground faults, no primary heat source, water heater, etc. The home has not been reinspected. **Motion was made by Councilwoman Morgan and seconded by Councilman Black that the zoning of the property be amended to RS-5 AFTER the building is brought into compliance and reinspected. AYES: Councilman Baity, Councilman Black, Councilman Bringwald, Councilwoman Morgan, Mayor Raymer. NAYS: None. Motion carried.**

8. Approval of Property Tax Levy for 2015 Collections

City Manager Gruen indicated the ordinance levies, in total, \$1,872,411 for 2015 collections. After abatement of levies for bond projects, the total amount levied for operational purposes is \$1,166,896. **Motion was made by Councilman Baity seconded by Councilwoman Morgan that Ordinance 2014-18, Levy Ordinance, be approved as presented. Roll call vote: AYES: Councilman Black, Councilman Bringwald, Councilwoman Morgan, Councilman Baity, Mayor Raymer. NAYS: None. Motion carried.**

9. Resolutions Abating Certain Property Taxes

City Manager Gruen indicated that sales taxes provide the revenues necessary to retire General Obligation bonds from 2009 and Wastewater Plant Improvements from 2006. Property taxes are not needed to retire this debt. **Motion was made by Councilman Black and seconded by Councilman Bringwald that Resolution #2014-10 Abating Wastewater Treatment Improvements Revenue Source Alternate Bonds in the amount of \$8,250,000.00 be approved. Roll call vote: AYES: Councilman Bringwald, Councilwoman Morgan, Councilman Baity, Councilman Black, Mayor Raymer. NAYS: None. Motion carried.**

Motion was made by Councilman Black and seconded by Councilman Bringwald that Resolution #2014-11 Abating General Obligation Refunding Bonds, Series 2009, Alternate Revenue Source, in the amount of \$3,100,000.00 be approved. Roll call vote: AYES: Councilman Baity, Councilman Black, Councilman Bringwald, Councilwoman Morgan, Mayor Raymer. NAYS: None. Motion carried.

10. Approval of Demolition Bids

City Manager Gruen indicated bids were received for demolition of five properties, with low bids being received from Jondro Brothers, Chuck's Excavation and Landscaping, and Wheat Excavating. Mr. Gruen indicated he would like for Public Works Director Pruden to look into the costs for dumpsters and moving the backhoe for the City to do these demolitions. **Motion was made by Councilman Black and seconded by Councilman Bringwald to table this item until Director Pruden brings back additional information. Roll call vote: AYES: Councilman Baity, Councilman Black, Councilman Bringwald, Councilwoman Morgan, Mayor Raymer. NAYS: None. Motion carried.**

11. Discussion – Franklin Street Widening

City Manager Gruen indicated a couple of property owners who live on North Franklin between Boone and Hawthorn have expressed their desire that Franklin Street be widened with curbs and sidewalks constructed. This item has been placed on the agenda for discussion.

Mayor Raymer asked where the City is on engineering proposals for streets around the hospital. City Manager Gruen indicated he has received a proposal from HMG for widening and improving N. College Street for \$2.4 million, and a proposal to do the engineering to move Broughton Rd. slightly to the north. Mayor Raymer indicated he would like to see the proposals. Mr. Gruen indicated the proposal for College St. would probably be close to what it would cost to widen and improve N. Franklin St. Councilman Black indicated widening N. Franklin might even cost more, strictly because of the terrain. Mr. Gruen indicated the City budgets approximately \$200,000-\$250,000 per year for street improvements, and this project would spend the funds for eight years of street work.

Teresa Dalton of N. Franklin Street indicated N. Franklin St. floods a lot, and the overflow of water washes the road away. Ms. Dalton indicated that when she heard this was on the agenda, she was hopeful that the poor drainage would be addressed. Public Works Director indicated this would not be a quick fix, as the water starts at the school and runs past the Shinn's. When there is a lot of rain, the water bypasses the culverts. Mr. Pruden indicated it would need to be looked at by an engineer. Councilman Black concurred. City Manager Gruen indicated that as Franklin Street is a purely residential street, grant programs will be harder to find. There may be some grant funding available for College Street, as it leads to the hospital. Council consensus was that Mr. Gruen approach an engineer regarding the drainage.

VI. City Manager Report

- City Manager Gruen thanked Paul Wimberly for all of his work on the Animal Control Facility, as well as the contractors and volunteers who worked on the building. City Manager Gruen also thanked Neal Zelasco of the Department of Agriculture and Interim Chief Susan Miller of the Police Department. Interim Chief Miller indicated the number to call is the police department non-emergency number, 548-2232. The dispatchers will then notify Paul. Strays will be taken to the Animal Control Facility and abuse or neglect cases will be inspected by the Police Department. Miller added that the Animal Control Facebook page has been created, and it will be linked to the City's website. Mayor Raymer thanked Interim Chief Miller for her efforts, and indicated he is glad it worked out as a municipal function. City Manager Gruen indicated the City will accept cats as much as it can. Mayor Raymer mentioned a program he had heard of that collected cats, spayed or neutered them, then released them back to the neighborhood they were found in.

VII. City Attorney Report – None.

VIII. Finance Director Report – None.

IX. City Council Report - None.

X. Executive Session

At 7:15 p.m., motion was made by Councilman Black and seconded by Councilman Baity to enter into executive session for the purpose of discussing the following items:

- 1. 5 ILCS 120/2 (c)(1) Personnel*
- 2. 5 ILCS 120/2(c)(5) Purchase of Real Estate*
- 3. 5 ILCS 120/2(c)(6) Sale of Real Estate*

Roll call vote: AYES: Councilman Black, Councilman Bringwald, Councilwoman Morgan, Councilman Baity, Mayor Raymer. NAYS: None. Motion carried.

(10 minute break)

Return to Open Session at 8:27 p.m.

XI. Adjournment

As there was no further business to discuss, upon motion by Councilwoman Morgan and second by Councilman Bringwald, the meeting was adjourned at 8:27 p.m. Roll call vote: AYES: Councilman Bringwald, Councilwoman Morgan, Councilman Baity, Mayor Raymer. NAYS: None. Motion carried.

Bev Quinn, CMC
City Clerk

Approved by City Council 12/01/14