

Agenda
City of Salem
Regular City Council Meeting September 19, 2016
6:00 PM Regular Session

- I. **Call to Order & Roll Call**
 - 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 – September 6, 2016
 - 2. Approval of Bills Payable
 - 3. Review of Proposals to Purchase Surplused City Real Estate
 - 4. First Reading of RLF Application from Mike Greer for Alzheimer's Project
 - 5. Approval of Bid for Sewer Project
 - 6. Approval of Bid for Parking Lot and Sidewalk Projects at Jefferson and Main
 - 7. Approval of US Sonet Franchise Agreement
 - 8. Discussion on City's Cannabis Ordinance and Illinois PA99-697
 - 9. Approval of Plan for POW Memorial at City Cemetery
 - 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)(5) – Purchase of Real Estate
 - 2. 5 ILCS 120/2 (c)(6) – Sale of Real Estate
 - 3. 5 ILCS 120/2 (c)(8) – Security
 - 4. 5 ILCS 120/2 (c)(21) – Discussion of Minutes
 - XI. **City Council Action**
 - 10. Approval of Executive Session Minutes from Meetings Held on July 5, August 1, and Sept 6, 2016
 - XII. **Adjournment**
- Bill Gruen City
Manager

MINUTES
REGULAR CITY COUNCIL MEETING
SEPTEMBER 19, 2016 – 6:00 PM

I. CALL TO ORDER

The regular September 19, 2016 meeting of the City Council was convened at 6:00 p.m. and called to order by Mayor Rex Barbee.

Council members present:

Councilman Nic Farley
Councilwoman Sue Morgan
Councilman Craig Morton
Councilman Tim Hudspeth
Mayor Rex Barbee

Council members absent:

None

Others Present:

City Manager Bill Gruen	City Clerk Bev Quinn
Finance Director Ben Stratemeyer	Chief of Police Sean Reynolds
Public Works Director John Pruden	Code Enforcement Officer Brian Hunt
Deputy Chief Susan Miller	Animal Control Officer Paul Wimberly
Asst. Public Works Dir. Annette Brushwitz	Library Director Kim Keller
City Attorney Mike Jones	Members of the Media and Public

II. PRAYER AND PLEDGE OF ALLEGIANCE

Opening prayer was given by Sue Morgan, followed by the Pledge of Allegiance to the Flag.

III. PRESENTATION OF PETITIONS/PUBLIC COMMENTS – None.

IV. MAYOR'S REPORT AND PRESENTATIONS - None.

V. CITY COUNCIL ACTION

1. Consent Agenda

- a. Approval of Minutes – September 6, 2016

Motion was made by Councilwoman Morgan and seconded by Councilman Hudspeth to approve the consent agenda as presented. Roll call vote: AYES: Councilman Morton, Councilwoman Morgan, Councilman Hudspeth, Mayor Barbee. NAYS: None. Councilman Farley abstained, as he was not at the September 6th meeting. Motion carried.

At the request of Mayor Barbee, Agenda Item #7 was moved up.

7. Approval of US Sonet Franchise Agreement

City Manager Gruen indicated the franchise agreement was presented at the last meeting as a first reading. Since that time, both City Attorney Mike Jones and Public Works Director John Pruden have reviewed the agreement and compared it to Charter's, and are satisfied with it. ***Motion was made by Councilman Farley and seconded by Councilwoman Morgan to accept the US Sonet Franchise Agreement as presented, and authorize execution of the agreement. Roll call vote: AYES: Councilman Morgan, Councilwoman Morgan, Councilman Hudspeth, Councilman Farley, Mayor Barbee. NAYS: None. Motion carried.***

2. Approval of Bills Payable

Following discussion, ***motion was made by Councilman Farley, seconded by Councilman Hudspeth, and approved by unanimous voice vote that the Bills Payable be approved as presented. Roll call vote: AYES: Councilwoman Morgan, Councilman Hudspeth, Councilman Farley, Councilman Morton, Mayor Barbee. NAYS: None. Motion carried.***

3. Review of Proposals to Purchase Surplused City Real Estate

City Manager Gruen indicated that on August 1, 2016 the City Council surplused several acres of City-owned real estate. Public notices were published, and the earliest proposals could be opened at a City Council meeting is Sept 19, 2016. One proposal was received from J. Michael Greer for acquisition of approximately 2.01 acres of land in the Industrial park for \$15,000.00 to be developed as Alzheimer's Cottages. Mayor Barbee thanked Mr. Greer for his proposal and indicated City Council would take it under advisement.

4. First Reading of RLF Application from Mike Greer for Alzheimer's Project

City Manager Gruen indicated Mike Greer has submitted an application for a Revolving Loan Fund loan for a project to be called "The Cottages at Salem". Depending on how the equity injection for this project is used, this may be an \$825,000 or a \$750,000 project, with the City being asked to lend as much as \$150,000.

Economic Development Director Jeanne Gustafson introduced Mr. Greer, who is from Fairview Heights, but has a presence in Salem through his assisted living development known as "The Manor at Salem Woods". Ms. Gustafson indicated Mr. Greer has several facilities like "The Manor", and the proposed project would create 10-12 full-time equivalent jobs. Total cost is \$750,000, and Mr. Greer is working with Marion County Savings Bank on funding \$600,000, leaving an amount he would like to borrow from the RLF of \$150,000.

Mr. Greer indicated he feels there is a real need for Alzheimer's care facilities in Salem, and his development will be unique to the area. Mr. Greer indicated he does not like to see people with Alzheimer's just put in a building and locked in. "The Cottages" will offer music and art therapy, and will be fenced in to allow its residents to enjoy being outside. Mr. Greer indicated "The Manor" was developed as an Assisted Living facility and he will be applying through the State of Illinois to make "The Cottages" a SLF, or Supported Living Facility. Additionally, residents will be encouraged to participate in performing the tasks they remember, such as helping with laundry, cooking, or taking pets out. It is his hope that these tasks will help give them purpose. Mr. Greer added that at some point, he would like to develop 30 rooms.

City Manager Gruen indicated Mr. Greer's application contains an item in the amount of \$75,000 that the City doesn't usually see in RLF applications, indicating it is a cost-overrun and contingency amount. Gruen added that the RLF program requires that there be a 10% cash injection by the owner. Mr. Greer indicated there will be a 10% cash injection.

Councilman Farley asked if the two-acre parcel Mr. Greer has made an offer on will be large enough for 30 rooms. Mr. Greer indicated it would. Mayor Barbee asked if his offer is contingent upon the City providing easements for utilities and access. Mr. Greer concurred, and indicated he will need an approximately 50 ft. easement to access the property from Hotze Rd. Councilman Morton asked if Mr. Greer intends to build one cottage right away. Mr. Greer indicated he would like to start construction in November, but it could be spring before they get started.

City Manager Gruen indicated it has been past practice for City Council to consider RLF applications over two readings. Gruen added that the RLF committee for this project was Tracy Timmerman, Rick McCullum and Ben Stratemeyer.

Mr. Greer added that he is working on development of 16 different facilities in 16 communities. Councilman Farley asked what made Mr. Greer choose Salem. Mr. Greer indicated they do market studies which identified Salem as a good fit, and that Salem has been good to him. Mr. Gruen asked if Mr. Greer is looking for financing for the other facilities through banks. Mr. Greer indicated he is.

City Manager Gruen asked if things don't work out with the SLF application, will he still develop the area as an additional assisted living development. Mr. Greer responded that he would not want to see that happen, but he probably would. Mr. Greer added that he knows the Alzheimer's facility is badly needed, as he has had to transfer 6 or 7 residents from The Manor to other facilities that have Alzheimer's units. If The Cottages had been in place, he could have transferred them from one facility to the other, as it became necessary. Mr. Greer added that he will not build the second Cottage until he has a waiting list.

Mr. Gruen indicated Mr. Greer had looked at another site further to the west in the Industrial Park, and asked Mr. Greer why it was not selected. Mr. Greer added that access would be an issue. There are large ravines that would have to be dealt with, and that location would require a much longer street, with costs at approximately \$8,000/ft. for a street with curbs and gutters.

Councilman Farley asked if the employees will be Certified Nurses Aids. Mr. Greer responded that the managers will be either LPNs or RNs, but they will also employ CNAs and other professionals to assist with physical, art, and music therapies.

5. Approval of Bid for Sewer Project

City Manager Gruen indicated the FY17 budget includes dollars (about \$320,000p) for a sewer project at Lakedale, Monroe and Madison. Bids were solicited, and the low bid received was \$258,446 from JK Trotter and Sons. Curry and Associates Engineers have reviewed the bids, and recommend award of the bid to JK Trotter. Curry has added that this area has a very narrow easement area and the City is fortunate that Trotter is the low bid. *(The easement currently contains gas, water, sewer, and US Sonet.)*

6. Approval of Bid for Parking Lot and Sidewalk Projects at Jefferson and Main

City Manager Gruen indicated the City Council approved going out for bids for sidewalk repair and parking lot paving at Main and Jefferson. Bids have been received, and the low bid on the project is \$63,750 from KRB Excavation of Trenton. The low bid looks to be in order, and he is recommending approval. Mr. Gruen indicated he proposes using \$45,000 from TIF funds and \$18,000 on the sidewalk from Fund 18. ***Motion was made by Councilman Farley and seconded by Councilwoman Morgan to award the bid for sidewalk repair and paving of Jefferson St. parking lot to KRB in the amount of \$63,750.00. Roll call vote: AYES: Councilman Hudspeth, Councilman Farley, Councilman Morton, Councilwoman Morgan, Mayor Barbee. NAYS: None. Motion carried.***

7. Approval of US Sonet Franchise Agreement (See discussion and action after Consent agenda.)

8. Discussion on City's Cannabis Ordinance and Illinois PA 99-697

City Manager Gruen had sent out an email to Council and staff prior to the meeting, which follows:

From: Bill Gruen <ctymgr@salemil.us>
Sent: Friday, August 26, 2016 6:15 PM
Cc: Bev Quinn; 'Rosemary Bauerle'; 'Sean Reynolds'; salemcro@salemilpolice.org
Subject: Salem Cannabis Ordinance
Attachments: PA 99-697 Cannabis.pdf; _Certification_.htm

There's been some movement lately on cannabis enforcement in Illinois in the form of legislation signed by Gov Rauner (SB 2228, now PA 99-967). SB 2228 passed the Illinois Senate 40-14-0 and the House 64-50-0.

SB 2228 seemed to do a lot of things, but for our purposes, reduced penalties for possession of cannabis by increasing the grams of cannabis one may have in order to make one guilty of various types of offenses (Class B and A misdemeanor, etc). The lowest offense is now called a "civil offense."

SB 2228 does **not** require Salem to change our current cannabis ordinance (see below).

Prior Salem Action

In the Fall of 2012, the City created offenses in our municipal code for the possession of cannabis. The reason for this was to give the City a way to enforce cannabis laws because violations were not always prosecuted in local court. Creating a municipal violation allowed the City to enforce its own tickets. Care was taken to explain that this was not an effort to decriminalize or to "go easy" on marijuana violations, but to give the City an avenue for its own enforcement.

By a vote of 5-0-0 the City Council approved fines ranging from \$250 to \$500 for possession of less than 30 grams of cannabis. This weight threshold was established because anything below 30 grams was a Misdemeanor, and Misdemeanor pot offenses weren't being prosecuted locally.

State Law after SB 2228

Please see the chart below, which depicts what I understand SB 2228 to provide as it relates to Salem's current ordinance, as it relates to penalties for pot violations.

<u>Gram Limit</u>	<u>Current Salem Ord</u>	<u>Current State Law</u>
< 10 grams	\$250-\$500 ord violation	\$100 - \$200 Civil Penalty
10 < 30 grams		< \$1,500 Class B Misdemeanor
30 < 100 grams	Not an ordinance violation	< \$2,500 Class A Misdemeanor

30 grams or more of cannabis was previously a Class 4 Felony, but that weight limit has now been increased to 100 grams. Now, it's a Class A Misdemeanor.

So What?

I understand there is some local, community support to make Salem ordinance mirror the new State law on cannabis possession. Mike Jones also may take the position as City Attorney that he supports a change, as Marion County judges have previously expressed displeasure with those Salem-issued ticket amounts that are higher than State levels.

Since the City's actions in 2012, I haven't heard of any changes to local prosecution policies as it relates to enforcing Misdemeanor pot violations. If the City policy to write ordinance tickets (and not State violations) for Misdemeanor cannabis violations is still valid, we may need to consider increasing our gram limit to 100 grams.

Miscellaneous

- How much is a gram? How much is 30 grams, etc? → 1 gram = 0.035274 oz; 30 grams = 1.05822 oz; 100 grams = 3.5274 oz
- What does a gram, or 30 grams of pot look like? → I found a visual reference on the internet that you may want to look at if you're curious. https://s3.amazonaws.com/leafly/content/what-does-on-gram-of-cannabis-look-like-a-visual-guide-to-cannabi/EU62VjFTWapZnZuj1HOI_A%20Visual%20Guide%20to%20Cannabis%20Quantities.png
- The Legislative Research Unit (LRU) has a pretty handy chart detailing criminal violation types and associated penalties and jail time. That chart can be found here: <http://www.ilga.gov/commission/lru/2014PFC.pdf>
- What do other communities do (other communities may or may not be in the process of making their own changes since SB 2228)?
 - Centralia (Sec 12-9) → Fine ranging between \$250 and \$750, but does not specify any weight limit which is an ordinance violation
 - Flora (Sec 6-8-2) → Fine ranging between \$250 and \$750, but does not specify any weight limit which is an ordinance violation, and \$100 administrative fee to cover cost of testing the drug material
 - Effingham → Couldn't find any local violation, may issue State tickets
 - Mt Vernon → Couldn't find any location violation, may issue State tickets
 - Marion [6-5B-2 (b)] → Fine less than \$750 and a \$100 administrative fee for to cover the cost of testing the drug material

Bill Gruen
 Salem City Manager

City Manager Gruen indicated that in 2012, then Chief Campo proposed that possession of less than 30 grams of cannabis become an ordinance violation, since it appeared the State's Attorney was not prosecuting possession of less than 30 grams. An ordinance was adopted and fines were set at

between \$250 and \$500, plus court fees. Chief Reynolds expressed concern that city ordinance violations would not be treated as a first offense by the State, which would keep a second offense from being treated as a misdemeanor. City Attorney Mike Jones indicated he and Chief Reynolds have discussed this, and they are proposing less than 10 grams have a fine of \$150; 10 grams to less than 20 grams have a fine of \$175; and more than 20 grams but less than 30 grams have a fine of \$200. Councilman Hudspeth asked if this puts us in line with the State fines. Mr. Jones responded that the State's fines are higher from 20 to less than 30 grams.

Councilman Farley indicated he would like to propose that under 10 grams be fined \$100; 10 grams to under 20 grams be fined \$150; and more than 20 grams to less than 30 grams be fined \$200. City Attorney Jones added that there will also be an automatic addition of \$150.00 for court fees.

City Attorney Jones indicated he will bring back an ordinance to the next meeting. Councilman Hudspeth asked what percentage of arrests for cannabis are high schools kids. Mr. Jones responded he would guess 75-80%, but they are all young. Recently, there was a 50 year old charged, but that is the exception. Councilman Farley indicated he feels the City is fighting a losing battle, since he feels cannabis will soon become decriminalized.

9. Approval of Plan for POW Memorial at City Cemetery

City Manager Gruen indicated that while Council had approved installation of the Vietnam Veterans' Memorial in East Lawn cemetery, they had not agreed upon placement or color details. Mr. Gruen displayed a photo on the overhead that showed the location. Tourism Board Chairman Bob Haney has suggested the memorial be placed (*to the east of the existing memorial*), as well as sample colors for the granite. Mayor Barbee added that he is in favor of making the memorial attractive in order to provide respect and honor to the veterans. ***Motion was made by Councilman Morton and seconded by Councilwoman Morgan to approve the proposed placement and to authorize the City Manager to proceed with obtaining a pre-drilled granite slab from Wilson and Wilson Monument Company. Roll call vote: AYES: Councilman Hudspeth, Councilman Farley, Councilman Morton, Councilwoman Morgan, Mayor Barbee. NAYS: None. Motion carried.***

VI. CITY MANAGER REPORT

City Manager Gruen reported the following::

- A contractor (*who did not have a permit to be working in the area*) hit a waterline at College and Park Streets;
- A semi-truck hit an Ameren pole near Burger King over the weekend, which broke a gas line and disrupted electrical service. A dispatcher asked the right questions, and the police were able to catch the driver. Councilwoman Morgan asked who will be responsible for the costs incurred. Mr. Pruden responded that he had already been contacted by the driver's insurance company.
- Howell Paving will be in town to put the oil and chip surface on the walking trail this week.

VII. CITY ATTORNEY REPORT – No report.

VIII. FINANCE DIRECTOR REPORT – No report.

IX. CITY COUNCIL REPORT

Councilman Farley commended the Police Department, Dispatchers, DOEM and Public Works crews for their quick action with the power pole incident.

Councilman Morton asked for an update on the Brown Shoe building. City Manager Gruen indicated he has a party who is interested in obtaining the property. City Attorney Mike Jones has prepared documents for the owners to sign relinquishing interest in the property, and has obtained one of two required signatures. There are some costs involved, including back taxes and attorney fees. City Attorney Jones indicated he has worked with the interested party's attorney, Chris Daniels, and they have prepared the deeds and affidavits. City Manager Gruen indicated he appreciates everyone's patience.

Councilman Hudspeth asked what is going to be done with the bricks at the former Broadway Christian Church and the pile of bricks behind the former Bryan Bennett Library building on South Broadway. Mr. Gruen responded that the Church has indicated they have someone interested in purchasing the bricks, and they realize they have a limited amount of time to let the bricks sit.

X. EXECUTIVE SESSION

1. 5 ILCS 120/2 (c)(5) – Purchase of Real Estate
2. 5 ILCS 120/2 (c)(6) – Sale of Real Estate
3. 5 ILCS 120/2 (c)(8) – Security
4. 5 ILCS 120/2 (c)(21) – Discussion of Minutes

Motion was made by Councilman Farley and seconded by Councilman Hudspeth at 7:10 pm to enter into Executive Session for the purpose of discussing Purchase of Real Estate, Sale of Real Estate, Security, and Minutes. Roll call vote: AYES: Councilman Farley, Councilman Morton, Councilwoman Morgan, Councilman Hudspeth, Mayor Barbee. NAYS: None. Motion carried.

Entered back into Open Session at 8:05 pm.

XI. CITY COUNCIL ACTION

10. Approval of Executive Session Minutes from Meetings Held on July 5, August 1, and September 6, 2016.

Motion was made by Councilman Hudspeth and seconded by Councilwoman Morgan to approve the executive session minutes of 7/5/16, 8/1/16 and 9/6/16 as presented and for the minutes to remain closed. Roll call vote: AYES: Councilman Morton, Councilwoman Morgan, Councilman Hudspeth, Mayor Barbee. NAYS: None. Councilman Farley abstained. Motion carried.

XII. ADJOURNMENT

As there was no further business to discuss motion was made by Councilman Hudspeth and seconded by Councilman Farley to adjourn the meeting at 8:06 pm. Roll call vote: AYES: Councilman Morton, Councilwoman Morgan, Councilman Hudspeth, Councilman Farley, Mayor Barbee. Motion carried.

Bev Quinn, CMC
City Clerk

Minutes approved: _____