

AGENDA
SPECIAL MEETING
OF SALEM CITY COUNCIL
TUESDAY, APRIL 1, 2014
5:15 P.M.

- I. Call to Order
 - II. Workshop session for the purpose of reviewing Chapter 6 - Sign Code and Chapter 23 - Zoning Code of the City Salem Code of Ordinances.
 - III. Adjournment
Bill Gruen
City Manager
-

Minutes of the Special Meeting
April 1, 2014
5:15 P.m.

I. Call to Order

As Mayor Raymer was on his way back from a meeting in Springfield, the meeting was called to order at 5:15 p.m. by Mayor Pro-Tem David Black.

Council Members Present:

Councilman Jim Baity	Councilman David Black
Councilman Royce Bringwald	Councilwoman Sue Morgan
Mayor John Raymer (<i>arrived at 5:20 p.m.</i>)	

Others Present:

City Manager Bill Gruen	Public Works Director John Pruden
Sgt. Susan Miller	Code Enforcement Officer Brian Hunt
City Clerk Bev Quinn	Planning Commission Chairman Jim Milano
Dr. Michael Douglas, DVM	Planning Commission Member Neil Chance

Also members of the media:

Dennis Rosenberger, Salem Times-Commoner
Reece Rutland, Centralia Sentinel
Bruce Kropp (*arrived mid-meeting*)

II. Workshop Session for the purpose of reviewing Chapter 6 – Sign Code and Chapter 23 – Zoning Code of the City of Salem Code of Ordinances.

City Manager Gruen indicated he met with Bev Quinn, John Pruden, Ron Campo, Brian Hunt, Annette Brushwitz, Neal Chance and Jim Milano for the purpose of discussing what had been done in the past, and as a refresher, in preparation for the workshop. City Manager Gruen invited Council members to bring forward items in the codes they wanted to discuss.

Chapter 6 – Sign Code

Councilman Black read the “Purpose” of the Sign Code into the record, as follows:

“The purpose of this article is to preserve and protect the public health, safety and welfare by regulating outdoor advertising and signs of all types. It is intended to enhance the physical appearance of the community while at the same time preserving the integrity of residential neighborhoods encouraging economic and commercial growth throughout the business areas of the city. Also, it is intended to reduce the sign or advertising distractions which may cause traffic accidents, eliminate hazards caused by signs overhanging public rights-of-way, the gradual elimination of nonconforming signs, and in general, to secure safety to life and property as they relate to signs.”

Councilman Black added that the part he wants to emphasize is “encouraging economic and commercial growth”. Councilman Bringwald indicated he, too, had highlighted this section, and feels it is a good place to start.

(Mayor Raymer arrived at 5:20 p.m.)

Councilwoman Morgan drew Council’s attention to **Section 6-83 – Prohibited Signs**, which lists the following as prohibited: (1) Pennants, propellers, paddle wheels, streamers, spinners, or other attraction devices designed to be set in motion by the wind; (2) Festoon lighting; (3) Moving signs; (4) Flashing signs; (5) Portable signs; and (6) Off-premises signs, with the

exception of signs referenced in section 6-126. Councilwoman Morgan asked if the “pennants, propellers, streamers, etc. are the same things that are currently hanging at several local businesses. Councilwoman Morgan indicated she sees no problem with them, but they are currently prohibited, and they are all over town. Sgt. Miller and Code Enforcement Officer Hunt indicated they had been directed not to enforce that particular prohibition. **Following discussion, consensus was that the prohibition of pennants, propellers, paddle wheels, streamers, spinners or other attraction devices be stricken from the code.**

Councilman Black mentioned the prohibition of off-premises signs, and indicated those businesses without highway frontage should be able to erect a sign advertising their business on the main streets. Discussion ensued regarding the possibility of issuing variances to allow off premises signs, and Ms. Quinn indicated a local businessman (*Jeff Dunahee*) had approached the Zoning Board and received a variance to erect an advertising panel on the multi-sign board at Rent One advertising his business on Delmar. Additional variances have been issued to Rural King, State Farm Insurance, and Tom Reigle regarding the size of their signs. Councilman Bringwald concurred, and indicated the code was created to protect the masses, but there is an opportunity to receive variances from the code, if a petitioner goes through the proper steps.

Following much discussion, involving various types of off-premises signs, including architectural (building) signs, murals, and multi-panel signs, **there was a consensus of the Council that if permitted, an off-premise sign would require a variance or a Special Use Permit, would need to be located with the permission of the property owner (on private property) outside of the 30' corner area to protect site lines, only one additional off-site free-standing sign per frontage would be allowed, that there be a size restriction (possibly 6' x 6') and multi-panel signs or signs on buildings would be preferred.**

Mayor Raymer asked about the painted windows, outdoor displays, across the road banners, directional signs, etc. Mayor Raymer indicated he had recommended a list of directional signs at a previous Council meeting (schools, hospital, baseball fields, government buildings, statues, parks, etc.) and asked that Mr. Gruen check on what has been done to pursue this. Councilman Black indicated it is a State restriction that banners not be hung across state highways, but that other communities do it. City Manager Gruen indicated he would prefer the City not allow banners across streets, from a risk management standpoint, and that he would check on the list of directional signs.

Councilwoman Morgan asked about sign maintenance, and indicated there are two free-standing signs in the community that are missing one side panel. Councilwoman Morgan indicated she would like to see the owners required to maintain their signs in good condition. Code Enforcement Officer Brian Hunt indicated he had searched the code for sign maintenance requirements, but did not find anything. **Councilwoman Morgan suggested the code be revised to require that signs be maintained in good condition.**

Councilman Black indicated he has heard that businesses changing or replacing their signs have to reapply for sign permits. He does not want them to have to re-apply. Code Enforcement Officer Hunt responded that it is for informational purposes only, and if they don't increase the square footage of the sign, there is no fee charged.

Chapter 23 – Zoning Code

Mayor Raymer read the purpose of the Zoning Code into the minutes, as follows:

“In accordance with Illinois Revised Statutes, chapter 24, paragraph 11-13-1 et seq., this chapter regulates structures and land uses in order to preserve, protect, and promote the public health, safety, and welfare through implementation of this municipality's comprehensive plan. More specifically, this chapter is intended to assist in achieving the following objectives:

- (1) To encourage the development of buildings and uses on appropriate sites in order to maximize community-wide social and economic benefits while accommodating the particular needs of all residents, and to discourage development on inappropriate sites.*
- (2) To protect and enhance the character and stability of sound existing residential, commercial, and industrial areas, and to gradually eliminate nonconforming uses and structures.*
- (3) To conserve and increase the value of taxable property throughout this municipality.*
- (4) To ensure the provision of adequate light, air, and privacy for the occupants of all buildings.*
- (5) To protect property from damage caused by fire, flooding, poorly controlled stormwater runoff, and adverse soil and topographical conditions.*

- (6) *To provide adequate and well-designed parking and loading space for all buildings and uses, and to reduce vehicular congestion on the public streets and highways.*
- (7) *To guide the provision of water mains, sanitary sewers, stormwater sewers, and other utilities and services, and to reduce the initial costs and future maintenance expenses thereof.*
- (8) *To provide for the efficient administration and fair enforcement of all the regulations set forth in this chapter.*
- (9) *To clearly and concisely explain the procedures for obtaining variances, special use permits, amendments, and the like.”*

Mayor Raymer indicated he would like to see the code eliminate the ability for a property owner to board up a residential building, and let it rot. Councilman Black pointed out how a local businesswoman has boarded up her windows. Mayor Raymer responded that he felt they were more “enclosed” than boarded up. Councilwoman Morgan added that a residential building on S. College Street is deplorable, and has boarded and partially boarded windows. Further discussion determined that the building in question was structurally sound upon last inspection, and it would not be appropriate to pursue court-ordered demolition. Further discussion ensued regarding aesthetics, and what government should be allowed to require from property owners. Councilman Black added that some property owners are simply not able to afford to maintain their homes like they should, but he would like to see building maintenance addressed in the zoning code. Public Works Director/Building Inspector John Pruden indicated these items are addressed in the Building Code, rather than the zoning code. Sgt. Miller added that some of those buildings can be considered “abandoned”, and that, too, is addressed in the Building Code.

Mayor Raymer added that he would like to see the City do whatever it can to force the owner of the former Selmaville North school building to bring it into compliance. Mayor Raymer added that he has noticed tall grass, unkempt trees, open windows, animals, asbestos, brush, etc., and he would like to see the property owner issued a fine every day, if that’s what it takes. Code Enforcement Officer Hunt responded that he does fine the property owner, and the owner pays the fines. Councilman Black suggested that if the property owner won’t bring the building into compliance, the city do so, and place a lien on the property.

Mayor Raymer indicated he has also received a number of calls regarding a residence in McNeil Acres that has trash, fence coming down, with an open/inoperable garage door that he would like to see cleaned up. Code Enforcement Officer Bryan Hunt responded that, through code enforcement efforts, the property has been brought mainly into compliance.

Councilman Black referenced section **23-115, Intrusions into yards**, and suggested building owners be able to vary their building frontages. City Manager Gruen directed attention to Section 23-114, which allows the building inspector to use an average setback in certain built up areas.

Discussion ensued regarding section **23-180**, regarding the Planning Commission’s authority to determine the “architectural appropriateness” of new structures going into the RS-4 district. Ms. Quinn indicated she does not know that the Planning Commission has ever had to make such a determination. **Councilman Black suggested this provision be removed.**

Councilman Black indicated he would like to see **Sec. 23-279 – Permitted Uses changed to allow dwelling units above the first story.**

Mayor Raymer asked if the City should involve an architect in revisions to the Odd Fellows building. Public Works Director/Building Inspector John Pruden responded that an Illinois registered architect would need to be involved, if there was a “Change of Use”. If the building will continue to be used as it has been, a “Change of Use” will not be required. Mayor Raymer asked if Birch Graphics should have been required to do a “Change of Use” when it took over the former American Legion building. Mr. Pruden responded, “possibly”, but added that the current retail use is less restrictive than the “Public Assembly” use the American Legion had, so it is not as crucial.

Councilwoman Morgan cited **Sec. 23-372 Junkyards**, and mentioned that there are several inoperable vehicles in town, and she would like to see these cleaned up. Code Enforcement Officer Brian Hunt responded that as long as a vehicle is operable and registered, there is little he can do. Hunt added that he will check on the vehicles Councilwoman Morgan is concerned about.

Councilman Black and Councilman Bringwald discussed **Sec. 23-427 Bordering**, and noted that there are several businesses in town that do not have borders between their commercial properties and adjacent residential properties. Councilman Black asked if this section should be eliminated. Public

Works/Building Inspector John Pruden asked that it be left in the code, as he does require a landscape plan on all **new** developments.

Discussion ensued regarding **Sec. 23-425 – Surfacing**, and Mr. Pruden indicated it is a good requirement, and requested that it be left in the code.

Councilman Black requested that **Sec. 23-503 – Structures ; (3) Reconstruction - be revised by replacing the word “may” with “shall”, as follows: “The administrator ~~may~~ shall require that the reconstruction cost estimate be made by a bona fide construction contractor...”**

Public Works Director/Building Inspector John Pruden noted that **Sec. 23-422** requires parking spaces to be 10' wide. The City has granted a multitude of variances to allow 9' wide spaces, and he recommends this requirement be changed to 9'. Council consensus was to change the width requirement.

City Manager Gruen was directed to bring proposed revisions back to City Council for further action.

III. **ADJOURNMENT**

Motion was made by Councilman Black and seconded by Councilwoman Morgan that the meeting be adjourned at 7:50 p.m. Roll call vote: AYES: Councilman Baity, Councilman Black, Councilman Bringwald, Councilwoman Morgan, Mayor Raymer. NAYS: None. Motion carried.

Bev Quinn, CMC
City Clerk

Approved: 4/21/14