

CITY COUNCIL MINUTES
Monday, November 16, 2015

On Monday, November 16, 2015, the City Council of the City of Decatur, Illinois, met in Regular Meeting at 5:30 p.m., in the Council Chambers, One Gary K. Anderson Plaza, Decatur, Illinois.

Mayor Julie Moore Wolfe presided; together with her being Councilmen Chris Funk, Lisa Gregory, Pat McDaniel, Dana Ray, Jerry Dawson and Bill Faber. Seven members were present. Mayor Julie Moore Wolfe declared a quorum present.

City Manager Tim Gleason attended the meeting as well.

Mayor Julie Moore Wolfe led the Pledge of Allegiance to the Flag.

The minutes of November 2, 2015 City Council meeting were presented. Councilman Jerry Dawson moved the minutes be approved as written; seconded by Councilman Dana Ray, and on call of the roll, Councilmen Chris Funk, Lisa Gregory, Pat McDaniel, Dana Ray, Jerry Dawson, Bill Faber and Mayor Julie Moore Wolfe voted aye. Mayor Julie Moore Wolfe declared the motion carried.

This being the time set aside for unfinished business and there being none, Mayor Julie Moore Wolfe called for New Business.

This being the time set aside for Proclamations and Recognitions the City Clerk called Richelle Irons to the podium. Richelle Irons recognized Jeanne Mears of Decatur, Illinois, who was selected as the Stella Stewart Doing Good in the Neighborhood Award winner at the Regional Neighborhood Network Conference. Mayor Julie Moore Wolfe presented Jeanne Mears with a plaque.

Mayor Julie Moore Wolfe called Sue Lawson with the Coalition of Neighborhood Organization up to give a presentation. Sue Lawson gave a brief presentation about the Beautify Decatur project that was held in October. Forty-four kids participated by cleaning one block in their own neighborhood the whole month of October and CONO gave three prizes away. The CONO Christmas party will be held at the First Presbyterian Church and everyone is invited on Tuesday, December 8, 2015, at 6:00 p.m. The next CONO meeting will be held at the Library in the Staley Room on Tuesday, November 24, 2015, at 5:30 p.m. Sue Lawson informed the Council about the Inside Out Project they are currently doing. They are currently remodeling one room in a home. Ms. Lawson thanked the Council for allowing 17 people to go to the Neighborhood Network Conference. Citizens Verlyn Rosenberger, Francie Johnson, Paul Rosenberger, Verle Janes, and Councilman Pat McDaniel gave brief presentations about the sessions they attended at the Neighborhood Network Conference. Sue Lawson announced that next year's conference will be held in Champaign-Urbana, Illinois.

Ordinance Amending City Code – Chapter 51.4 – Local Motor Fuel Tax.

Councilman Jerry Dawson moved the Ordinance do pass; seconded by Councilman Lisa Gregory. City Manager Tim Gleason said this opportunity was to address Urban Redevelopment and the overall desirability of the community. Staff was proposing a tax of \$0.05 per gallon on non-diesel motor fuel and \$0.01 per gallon on diesel motor fuel that is purchased at retail or bulk.

Comments from the audience:

John Phillips operates a gas station/convenience store in the City. Mr. Phillips said he was an advocate for the additional fuel tax to improve our roads. Mr. Phillips gave the Council a fact sheet he had prepared to review regarding the price and taxation of fuel. Mr. Phillips suggested making the tax increase broader because Decatur already had a 3% differential than the outlying areas. Mr. Phillips also suggested making the tax increase be the same across the board for gasoline and diesel.

Sherry Procarione expressed that the proposed tax increases are job killers for businesses. Ms. Procarione requested that the City do away with the neighborhood organizations because they are not needed. Ms. Procarione stated the City has a spending problem. Ms. Procarione suggested that the City practice a lower tax model and attract businesses here. She requested Council vote no on all new taxes, fees and the minimum wage.

Chris Johns asked the Council to consider the ramification on the entire situation before increasing taxes and fees. Mr. Johns questioned the curb to curb street repairs. The City needs to get off the tax and spend cycle and into the cut cycle.

Councilman Bill Faber was not prepared to make a decision on Motor Fuel Tax. He would like to see a Study Session to evaluate revenue tools, including a City Sticker Tax and a City Service Fee. Councilman Faber recommended postponing the vote on Motor Fuel Tax and having a Study Session.

Councilman Pat McDaniel shared he wanted to make sure that whatever the Council did it was comprehensive and the money would be in a separate line in the budget. He would not support a tax unless it was put in the Ordinance that it was to be used for all community streets and specified the budget line item. Councilman McDaniel said Council needs to look at a Sunset Law. He wants to see details.

Councilman Jerry Dawson said that Council had been talking about Motor Fuel Tax for approximately four years and the Council had one Study Session. Mr. Dawson would like the money earmarked strictly for repairing the City's worse streets.

Mayor Julie Moore Wolfe asked City Manager Tim Gleason what kind of assurances would the Council have that the revenue would be strictly for roads and the projects would be determined by Council. City Manager Gleason said it was very important to him that he let the Council and the community know that this money is going to be used for neighborhood projects. There is already a line item created in the budget.

Councilman Dana Ray was in favor of sidewalk to sidewalk repairs. She wants to make the sidewalks safer for people to use. Councilman Ray suggested reviewing the Motor Fuel Tax in a Study Session for the benefit of the three new Council members.

Councilman Pat McDaniel motioned that the item be tabled; seconded by Councilman Bill Faber.

On call of the roll, Councilmen Chris Funk, Pat McDaniel, Dana Ray, Jerry Dawson and Bill Faber voted aye. Councilman Lisa Gregory and Mayor Julie Moore Wolfe voted nay. Five ayes and two nays; Mayor declared the motion carried.

Ordinance Amending City Code – Chapter 52 Alcoholic Liquor.

Councilman Dana Ray moved the Ordinance do pass; seconded by Councilman Pat McDaniel. City Manager Tim Gleason said the liquor license fees have not been increased since 2002. This increase to the General Fund would be used exclusively for the Urban Redevelopment.

Comments from the citizens:

Rodney Powell owner of a bar on Merchant Street spoke in opposition of the proposed amendments to City Code Chapter 52 and 54.1. Locally owned businesses cannot afford these increases. The food and beverage tax increases, insurance increases, no smoking bans and economic down turns have businesses operating at low profit margins. Mr. Powell gave Council 63 signatures urging the Council to vote no.

John Betscher has been in the liquor business for 35 years and he said he had never seen anything like the proposed increases. Video gaming is keeping these small mom and pop places in business. He questioned increasing liquor licenses to improve the neighborhoods.

Kevin Watkins, owner of two liquor establishments in Decatur, spoke about when the Food and Beverage tax was implemented. The Food and Beverage tax was supposed to be lowered or rescinded when the City was back in the black. The Food and Beverage tax brings in \$3 million dollars a year now and where does that money go. Mr. Watkins said the money the Gaming Parlors are making is not staying in Decatur. Chicago is the only City that pays more for liquor licenses. It will be impossible for businesses to stay open with the proposed fee increases.

Russell Shulke expressed raising fees is not the answer to Decatur's desperate need for tax dollars.

Sherry Procarione wanted to know where the proposed cuts are from the City's budget. Ms. Procarione suggested lowering the liquor license fees to bring in more revenue and lifting the no smoking bans.

Judy Lawrence stated the liquor license fees are already higher than most other places. Raising the liquor license fees will cause hardships for everyone. Ms. Lawrence challenged the Council to live within their means. Ms. Lawrence asked what happened to the \$1 million surplus the City had a few years ago. The citizens of Decatur do not deserve these increases and the resulting effects.

Mike Monseur owns several restaurants in different Cities and as an investor looking at this City did the Council think he would look at Decatur with these types of proposals. Mr. Monseur requested Council lower everything to get people to invest in Decatur.

Richard Cairns, Post Commander, Post 99, expressed what the Council is proposing to do would put the Post out of business. The Post is trying to move and expand but these proposals would put the Post out of business. These machines were supposed to help the Post get by, but these proposals will stop business.

Bekim Ballazhi operates Benny's Grill. He is concerned with these proposed fees that his business will fail.

Matt Neflevisky, Millikin University student, stated if the City kept increasing taxes it would make it impossible to live in Decatur.

Brandon Curran represents seven different businesses that are directly impacted by the proposed increases. He would have to shut down three businesses and cut jobs if these proposed increases go through.

Jeff Miller understands we need to have these projects done but he doesn't understand why we have to raise taxes to do it.

Deedee Luttrell owns a liquor establishment in Decatur and she would not be able to afford the increases. She would have to lay off employees or close her doors.

Councilman Dana Ray said she cannot support such a huge increase.

Councilman Jerry Dawson knows the mom and pop places are struggling. Councilman Dawson didn't feel it was proper to target specific businesses. He would not support this increase.

Councilman Pat McDaniel would not support the increase.

Councilman Bill Faber said these revenue raising tools are not the best planning and he was opposed to the idea.

Councilman Chris Funk said the discussion here is bigger than any single fee and made a motion to table the item; Councilman Lisa Gregory seconded the motion.

Councilman Lisa Gregory explained as Councilmen they are to come to the meeting and be prepared to make the votes. The Council had the ability to have a conversation with City Manager Tim Gleason weeks ago and Council had the responsibility to talk to individuals. Council has to decide what critical services to provide and at what level to provide services. Council can't provide services without either increasing taxes or cutting services and employees.

On call of the roll, Councilmen Chris Funk, Lisa Gregory, and Mayor Julie Moore Wolfe voted aye. Councilmen Pat McDaniel, Dana Ray, Jerry Dawson and Bill Faber voted nay. Three ayes and four nays; Mayor Julie Moore Wolfe declared the motion failed to carry.

Mayor asked roll be called for the Ordinance Amending City Code – Chapter 52 Alcoholic Liquor. On call of the roll, Councilmen Chris Funk, Lisa Gregory, Pat McDaniel, Dana Ray, Jerry Dawson, Bill Faber and Mayor Julie Moore Wolfe voted nay. No ayes and seven nays; Mayor Julie Moore Wolfe declared the motion failed to carry.

Ordinance Amending City Code – Chapter 54.1 Video Gaming License.

Councilman Dana Ray moved the Ordinance do pass; seconded by Councilman Lisa Gregory. City Manager Tim Gleason explained it was the third of three revenue streams that were proposed to address Urban Redevelopment. It is a license fee on the gaming terminal itself. The State reports show substantial revenues being generated by video gaming.

Comments from citizens:

Kevin Watkins said owners already are paying a fee on the machines. Council would hurt the local small bar owners.

Seth Black suggested instead of going after the small business owners, go after a tax on the kiosks that eliminate jobs.

Richard Cairns asked Council why the liquor establishment owners are going to be taxed to tear down houses.

Bekim Ballazhi said they are barely keeping their heads above water. Increasing fees would make Decatur's fees the most expensive in Illinois.

Mike Monseur said the video gaming was intended to let businesses get back on their feet and they are beginning to get back on their feet.

Kim Logan owns a small neighborhood bar. The video gaming parlors haven't been here long enough to be established to determine what the revenue is going to be. It would be devastating for the industry.

Brandon Curran did not support the gaming machine tax.

John Leskovisek owner of several Godfather restaurants, suggested looking at the fee and being reasonable in considering increasing the fee.

Councilman Dana Ray agreed the \$25 fee is low. The rate should be adjusted. Councilman Ray was not prepared to change the fee schedule; she was prepared for more discussion.

Councilman Pat McDaniel made a motion to table the item until December 7, 2015; Councilman Chris Funk seconded the motion.

Councilman Pat McDaniel amended his motion to postpone the item indefinitely; Councilman Chris Funk seconded the motion.

On call of the roll, Councilmen Chris Funk, Lisa Gregory, Pat McDaniel, Dana Ray, Jerry Dawson, Bill Faber and Mayor Julie Moore Wolfe voted aye. Mayor Julie Moore Wolfe declared the motion carried.

Ordinance Amending City Code – Chapter 54 – Amusement Devices.

Councilman Jerry Dawson moved the Ordinance do pass; seconded by Councilman Dana Ray. City Manager Tim Gleason explained that the item could be pulled since the previous Council item did not pass. Councilman Jerry Dawson withdrew his motion; seconded by Councilman Dana Ray.

R2015-124 Resolution Authorizing City Manager to Execute Professional Service Agreement with Dewberry Architects, Inc. for the Fire Department Facility Assessment Study.

Councilman Jerry Dawson moved the Resolution do pass; seconded by Councilman Dana Ray. City Manager Tim Gleason explained this is for Phase I of the Professional Agreement with Dewberry Architects. The fee is approximately \$52,000.00 to evaluate the Fire Department Facilities.

Sherry Procarione asked Council to consider how those funds were going to be spent and where are the cuts.

Councilman Lisa Gregory reminded everyone that Council just discussed increasing revenues and no one was happy. Now Council had come to an issue about services and Council would have to pay for those services some way.

Councilman Bill Faber said citizens appear to be making demands for services of government but when it comes to paying for those services there is a reluctance. Paying taxes is not always a bad thing to make the City work.

On call of the roll, Councilmen Chris Funk, Lisa Gregory, Pat McDaniel, Dana Ray, Jerry Dawson, Bill Faber and Mayor Julie Moore Wolfe voted aye. Mayor Julie Moore Wolfe declared the motion carried.

R2015-125 Resolution Authorizing City Manager to Execute Professional Service Agreement with CliftonLarsonAllen Wealth Advisors, LLC to Conduct an Independent Fiduciary Performance Review of the Firefighter Pension Fund Investment Advisors.

Councilman Jerry Dawson moved the Resolution do pass; seconded by Councilman Dana Ray. City Manager Tim Gleason explained Items Number 8 and 9 are very similar, one is for the Firefighter Pension Fund and one is for the Police Pension Fund. Both items are under \$20,000.

Sherry Procarione said the pensions are adding a burden to the budget and she suggested making Fire and Police non-union.

On call of the roll, Councilmen Chris Funk, Lisa Gregory, Pat McDaniel, Dana Ray, Jerry Dawson, Bill Faber and Mayor Julie Moore Wolfe voted aye. Mayor Julie Moore Wolfe declared the motion carried.

R2015-126 Resolution Authorizing City Manager to Execute Professional Service Agreement with CliftonLarsonAllen Wealth Advisors, LLC to Conduct an Independent Fiduciary Performance Review of the Police Pension Fund Investment Advisors.

Councilman Jerry Dawson moved the Resolution do pass; seconded by Councilman Dana Ray. Gregg Zientara clarified State Statutes define what the pension are for Fire and Police. The pensions have nothing to do with the union situation.

On call of the roll, Councilmen Chris Funk, Lisa Gregory, Pat McDaniel, Dana Ray, Jerry Dawson, Bill Faber and Mayor Julie Moore Wolfe voted aye. Mayor Julie Moore Wolfe declared the motion carried.

R2015-127 Resolution Authorizing an Agreement with Blank, Wesselink, Cook & Associates to Design the Nelson Park Neighborhood Storm Sewer, City Project 2012-22.

Councilman Jerry Dawson moved the Resolution do pass; seconded by Councilman Dana Ray.

Russell Shulke asked if the project had to be done.

Public Works Director Rick Marley explained the project has been put off for a long time. The project was first identified in 1966. Mr. Marley shared how important this project is to fix the neighborhood sewer issues.

On call of the roll, Councilmen Chris Funk, Lisa Gregory, Pat McDaniel, Dana Ray, Jerry Dawson, Bill Faber and Mayor Julie Moore Wolfe voted aye. Mayor Julie Moore Wolfe declared the motion carried.

2015-61 Ordinance Rezoning Property B-2 Commercial District to R-6 Multiple Family Dwelling District 1096 West Decatur Street.

Councilman Jerry Dawson moved the Ordinance do pass; seconded by Councilman Dana Ray. On call of the roll, Councilmen Chris Funk, Lisa Gregory, Pat McDaniel, Dana Ray, Jerry Dawson, Bill Faber and Mayor Julie Moore Wolfe voted aye. Mayor Julie Moore Wolfe declared the motion carried.

2015-62 Ordinance Granting Conditional Use Permit Roof Top Cell Tower 1096 West Decatur Street.

Councilman Jerry Dawson moved the Ordinance do pass; seconded by Councilman Lisa Gregory. On call of the roll, Councilmen Chris Funk, Lisa Gregory, Pat McDaniel, Dana Ray, Jerry Dawson, Bill Faber and Mayor Julie Moore Wolfe voted aye. Mayor Julie Moore Wolfe declared the motion carried.

Mayor Julie Moore Wolfe called for Consent Calendar Items A through D and asked if any Council member wished to have an item removed from Consent Calendar. The Clerk read Items A - D:

- A. Receiving and Filing of Minutes of Boards.
- B. 2015-63 Ordinance Establishing Handicap Parking space in Front of 1087 West King Street.
- C. 2015-64 Ordinance Authorizing the Installation of Stop Signs at the Intersection of North Warren Street and East King Street Facing East King Street.
- D. R2015-128 Resolution to Amend Agreement with the Illinois Department of Transportation to Revise the Estimated Ending Date for Completion for Illinois Transportation Enhancement Program Project TE-00D7- (40) Job P-97-011-11.

Councilman Jerry Dawson moved that Consent Calendar Items A - D be approved by Omnibus Vote; seconded by Councilman Lisa Gregory, and on call of the roll, Councilmen Chris Funk, Lisa Gregory, Pat McDaniel, Dana Ray, Jerry Dawson, Bill Faber and Mayor Julie Moore Wolfe voted aye. Mayor Julie Moore Wolfe declared the motion carried.

This being the time for Appearance of Citizens, the following appeared:

Jacquelin Goetter stated two Planning Commission members had a conflict of interest because of the organizations they work for and they should have abstained from the vote at the Plan Commission meeting on the rezoning of Ash and N. Water. Bill Clevenger represents the Decatur Park District and Mike Sotiroff represents School District 61 which are both taxing bodies that stood to benefit from the vote taken at the Plan Commission meeting. Ms. Goetter requested Council make sure that the function of the commission members is for the greater good of all Decatur.

Mayor called for Other Business.

Councilman Pat McDaniel thanked City staff for putting in the newsletter the reminder to clean out storm sewer grates. Councilman McDaniel requested City staff prepare a complete comprehensive report on the proposed Urban Renewal Program and the effect it will have on the tax levy.

City Manager Tim Gleason announced the next Council meeting will be December 7, 2015 for a Public Hearing on the tax levy and a regular Council meeting.

Mayor called for Recess to Study Session.

Councilman Jerry Dawson moved to recess to Study Session for the Treasurer's Financial Report and Video Gaming Parlor Regulation Alternatives; seconded by Councilman Pat McDaniel. On call of the roll Councilmen Chris Funk, Lisa Gregory, Pat McDaniel, Dana Ray, Jerry Dawson, Bill Faber and Mayor Julie Moore Wolfe voted aye. Mayor Julie Moore Wolfe declared the motion carried.

Gregg Zientara, City Treasurer and Finance Director, explained the Local Motor Fuel Tax fund is defined in the budget and it is only for street repairs. The liquor license fees and video gaming fees are defined in the budget as Urban Revitalization to clean up neighborhoods in the City. Regarding the Financial Report, Finance Director Zientara stated the City is down 3% on expenses and down 3% on revenue. The City is one pay check away in the General Fund from having no money. The City has not

received \$1.1 million from the State. If the City doesn't receive distribution from the State it will not have any cash in the General Fund.

City Manager Tim Gleason explained Councilman Dana Ray requested a Study Session and had support amongst the Council to discuss the number of video gaming opportunities, the number of terminals, and as a Home Rule community what are the City's opportunities to limit the number of video gaming. Corporation Counsel Wendy Morthland clarified the Council can control the number of liquor licenses not video gaming. Councilman Dana Ray said after all the discussion the Council had this evening the Council needs to look at the more comprehensively. City Manager Tim Gleason requested Council give him specific directions so he knew what to prepare for in the next Study Session. Councilman Dana Ray requested Council review restricting the number of liquor licenses, limiting the number of video gaming parlors, reexamining the rate for video gaming and research what are other communities are doing. Councilman Jerry Dawson felt the market should dictate how many Class P licenses the City has. Councilman Bill Faber recommended asking other communities to see how they have dealt with similar situations. Councilman Pat McDaniel wanted to include a discussion about casinos along with the video gaming Study Session.

Mayor Julie Moore Wolfe called for Recess to Closed Executive Session for the Purpose of Discussing the Purchase or Lease of Real Property for the Use of the Public Body and Collective Bargaining Matters.

Councilman Jerry Dawson moved the Resolution do pass; seconded by Councilman Dana Ray, and on call of the roll, Councilmen Chris Funk, Lisa Gregory, Pat McDaniel, Dana Ray, Jerry Dawson, Bill Faber and Mayor Julie Moore Wolfe voted aye. Mayor Julie Moore Wolfe declared the motion carried.

Council went into Closed Executive Session at 8:37 p.m.

There being no further business, Councilman Dana Ray moved the regular Council meeting be adjourned; seconded by Councilman Lisa Gregory and all were in favor by voicing no objections. Mayor Julie Moore Wolfe declared the Council meeting adjourned at 9:35 p.m.

Approved December 7, 2015
Debra G. Bright
City Clerk