

CITY COUNCIL MINUTES

Monday, November 3, 2014

On Monday, November 3, 2014, 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 Michael T. McElroy presided; together with him being Councilmen Jerry J. Dawson, Larry W. Foster, Patrick S. Laegeler, Pat McDaniel and Julie Moore-Wolfe. Six members were present. Councilman Dana M. Ray was absent for the roll call. Mayor McElroy declared a quorum present.

City Manager, Ryan P. McCrady, attended the meeting as well.

Mayor McElroy led the Pledge of Allegiance to the Flag. Councilman Dana M. Ray arrived at 5:33 p.m.

The minutes of the meeting of October 20, 2014, were presented. Councilman Pat McDaniel moved the minutes be approved as written; seconded by Councilman Larry W. Foster, and on call of the roll, Councilmen Jerry J. Dawson, Larry W. Foster, Patrick S. Laegeler, Pat McDaniel, Julie Moore-Wolfe, Dana M. Ray and Mayor McElroy voted aye. The Mayor declared the motion carried.

This being the time set aside for unfinished business and there being no unfinished business, the Mayor proceeded to New Business. Mark Rabin read the American Diabetes Proclamation. Billy Tyus provided an update on the Brownfield Grants and their impact on development within the community.

R2014-130 Resolution Authorizing Change Order #1 to the Agreement with Hanson Professional Services, Inc. for Construction Engineering Services for the Lake Decatur Dam Repairs – Phase II Project, City Project 2012-25, was presented.

Councilman Larry W. Foster moved the Resolution do pass; seconded by Councilman Patrick S. Laegeler.

On call of the roll, Councilmen Jerry J. Dawson, Larry W. Foster, Patrick S. Laegeler, Pat McDaniel, Julie Moore-Wolfe, Dana M. Ray, and Mayor Michael T. McElroy voted aye. Mayor Michael T. McElroy declared the motion carried.

Mayor Michael T. McElroy called for Consent Calendar Items A through B and asked if any Council member wished to have an item removed from Consent Calendar. Items A through B were approved by Omnibus Vote.

Councilman Patrick S. Laegeler moved that Consent Calendar Items A through B be approved by Omnibus Vote; seconded by Councilman Jerry J. Dawson, and on call of the roll Councilmen Jerry J. Dawson, Larry W. Foster, Patrick S. Laegeler, Pat McDaniel, Julie Moore-Wolfe, Dana M. Ray, and Mayor Michael T. McElroy voted aye. Mayor Michael T. McElroy declared the motion carried.

Receiving and Filing of Minutes of Boards and Commissions, and

R2014-131 Resolution Accepting Bid of Don Roderick, Inc. for Demolition of Property Located at 285 East Olive Street

This being the time for Appearance of Citizens, Melissa Stacey, a resident of the Boiling Springs area, advised Council that residents of the area are aware the City plans to start annexing property in their area. They are opposed to said annexations even

though the City may have the legal right to do so. She stated various reasons as to why citizens are opposed to said annexations.

There being no Other Business, Councilman Pat McDaniel moved to recess to study session for a discussion on amendments to the City's Noise Ordinance; seconded by Councilman Julie Moore-Wolfe, and on call of the roll, Councilmen Jerry J. Dawson, Larry W. Foster, Patrick S. Laegeler, Pat McDaniel, Julie Moore-Wolfe, Dana M. Ray and Mayor McElroy voted aye. The Mayor declared the motion carried.

City Manager McCrady provided a brief summary of the City's noise ordinance, including suggestions provided by citizens and council members at the last Study Session. He stated he understood Council preferred less of a consequence for a first time offender. His recommendation would be: For the first offense – a written warning would be provided to the violator; for the second offense – the penalty would remain as is currently in the ordinance. He did advise Council that due to the low number of repeat offenders and the high cost of tracking technology to be implemented in police vehicles, his recommendation is for dispatchers to have access to a tracking database and officers could call into the dispatch center and be provided with the information. A discussion took place with regard to the collection of fines, the difficulty and expense incurred by the City. DeAnegelo Wheeler, resident of Decatur, presented Council with materials as to how other communities handle noise. He recommended amending the current ordinance to mirror how other neighboring communities handle their noise issue. Joshua Rohrscheib, Attorney, stated he agreed with DeAngelo Wheeler, that the penalty is disproportionate to the violation. John Cay, resident of Decatur, encouraged Council not to amend the noise ordinance, to keep it as it is and to include loud engine noise. City Manager McCrady provided Council with the details he confirmed from neighboring communities which contradicted the information provided by Mr. Wheeler and Mr. Rohrscheib, in that other communities do tow vehicles, though not usually on the first offense. The range of penalties varied with regard to neighboring communities. After lengthy discussion, Councilmen Larry W. Foster, Pat McDaniel, Julie Moore-Wolfe and Dana M. Ray stated they agreed and supported a written warning be given to the driver on the 1st offense. Councilman Larry W. Foster stated he would support leaving the remainder of the ordinance as it currently is. Councilman Pat McDaniel stated he does not support confiscating the car unless it is a 4th offense. Councilman Julie Moore-Wolfe stated she supports one (1) warning only. Councilman Dana M. Ray stated she supports the City Manager's recommendation because the repeat offender's rate is low. Councilman Jerry J. Dawson stated he preferred stiff penalties only on the driver of the vehicle; he did not think the owner should be penalized. The subject matter of whether the owner of the vehicle should be responsible was debated by council members. City Manager McCrady did clarify and Council did support, that a Police officer, using his own discretion, could write a State citation to the driver while also giving the driver a written City warning. If an individual receives a State citation and fails to pay the fine and court costs, the Secretary of State is able revoke the individual's license. There was a consensus among Council members in support of the Police Department issuing a State citation because the individual's license can be revoked if fines and court costs are not paid. City Manager McCrady advised Council it is possible for a proposed amendment to be ready for the next Council meeting.

Councilman Julie Moore-Wolfe moved to recess to closed executive session for the purpose of a discussion regarding the appointment, employment, compensation, discipline, performance or dismissal of specific employees of the public body; seconded by Councilman Pat McDaniel and on call of the roll Councilmen Jerry J. Dawson, Larry W. Foster, Patrick S. Laegeler, Pat McDaniel, Julie Moore-Wolfe, Dana M. Ray, and Mayor McElroy voted aye. The Mayor declared the motion carried. Council went into closed executive session at 6:35 p.m.

There being no further business, Councilman Pat McDaniel moved the regular Council meeting be adjourned; seconded by Councilman Dana M. Ray, and on call of the roll Councilmen Jerry J. Dawson, Larry W. Foster, Patrick S. Laegeler, Pat McDaniel, Julie Moore-Wolfe, Dana M. Ray, and Mayor McElroy voted aye. The Mayor declared the Council meeting adjourned at 7:26 p.m.

Approved November 17, 2014
Linda M. Swartz
City Clerk