

CITY COUNCIL MINUTES
Monday, October 19, 2015

On Monday, October 19, 2015, the City Council of the City of Decatur, Illinois, met in Regular Meeting at 5:30 p.m., in the Decatur Civic Center Theater, One Gary K. Anderson Plaza, Decatur, Illinois.

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

City Manager Tim Gleason, attended the meeting as well.

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

The minutes of October 5, 2015 City Council meeting were presented. Councilman Jerry Dawson moved the minutes be approved as written; seconded by Councilman Pat McDaniel, and on call of the roll, Councilmen Jerry Dawson, Bill Faber, Lisa Gregory, Pat McDaniel, Dana Ray and Mayor Moore Wolfe voted aye. Chris Funk abstained. Six ayes and one abstention. Mayor Moore Wolfe declared the motion carried.

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

This being the time set aside for Proclamations and Recognitions Mayor Moore Wolfe welcomed 12 German students and their teacher from Seevetal Germany with the Sister Cities program.

Mayor Moore Wolfe acknowledged that the Decatur Leadership Institute students were in the audience.

2015-55 Ordinance Approving Lease and Buy-Back Agreement 1221 East Condit Street

Councilman Jerry Dawson moved the Ordinance do pass; seconded by Councilman Dana Ray. Councilman McDaniel said he was going to vote for the item but he had some concerns since we were not involved in these other buildings. On call of the roll, Councilmen Jerry Dawson, Bill Faber, Chris Funk, Lisa Gregory, Pat McDaniel, Dana Ray and Mayor Moore Wolfe voted aye. Mayor Moore Wolfe declared the motion carried.

2015-56 Ordinance Rezoning Property R-1 Single Family Residence District to M-2 Heavy Industrial District 4491 East Reas Bridge Road.

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

2015-57 Ordinance Vacating Public Alley Right-of-Way 2100 Blocks North Water and Main Streets.

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

Mayor called for the Public Hearing on the City of Decatur/Evergreen Hospitality LLC Redevelopment Agreement.

City Manager Tim Gleason gave an overview of the development.

No comments from the Council or Public the Mayor Closed the Public Hearing.

R2015-116 Resolution Authorizing Redevelopment Agreement Evergreen Hospitality, LLC.

Councilman Jerry Dawson moved the Resolution do pass; seconded by Councilman Dana Ray. Councilman Chris Funk explained his employer does business with Mr. Horve and while they are not involved with this project he was going to abstain to avoid the appearance of any conflict. Councilman Pat McDaniel stated he could not go along with giving the incentives. City Manager Tim Gleason spoke about the hotel opportunity at this location. Assistant City Manager Billy Tyus said the agreement would be approximately three percent of the cost of the project. Mr. Faber stated resentment at being threatened by entities to move projects somewhere else. City Manager Tim Gleason said Mr. Horve never approached the City to move the project elsewhere. On call of the roll, Councilmen Jerry Dawson, Lisa Gregory, Dana Ray and Mayor Moore Wolfe voted aye. Councilmen Bill Faber and Pat McDaniel voted Nay. Councilman Chris Funk abstained. Four ayes, two nays, and one abstention. Mayor Moore Wolfe declared the motion carried.

2015-58 Ordinance Rezoning Property R-3 Single Family Residence District and B-1 Neighborhood Shopping District to M-1 Intense Commercial/Light Industrial District 1223, 1260, 1270, 1280 and 1290 West Grand Avenue 1390 North Fairview Avenue.

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

2015-59 Ordinance Prohibiting the Use of Groundwater as a Potable Water Supply by the Installation or Use of Potable Water Supply Wells or by Any Other Method Within a Certain Area in the City of Decatur.

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

Ordinance Rezoning Property R-1 Single Family Residence District, R-2 Single Family Residence District, R-3 Single Family Residence District, R-5 Two-Family Residence District to PD Planned Development District 125 West Ash Avenue, 112, 130, and 156 West Oak Lane, 4173 and 4183 North Water Street.

City Manager Tim Gleason made opening remarks regarding the development.

Attorney Ed Flynn, representing Aldi's, said Aldi's would like to go forward with the petition. This development would have a huge financial impact in this community. Aldi's currently generates \$84,000 per year in sales tax and the new development would generate approximately \$120,000 per year in sales tax. The areas the Council would

have to consider are the storm water drainage, utilities, compatibility of neighborhood, and traffic. Attorney Flynn spoke about the difficult economic times the City of Decatur and the State of Illinois are in. He explained that the Equalized Assessed Value went down by \$94,040,707 from 2011 to 2014. The City of Decatur decreased their work force by 66 people. Councilman Bill Faber inquired about the presence of an Aldi's at Rt. 51 and Ash and if that would decrease property values in that area. Attorney Flynn didn't think there would be an immediate effect on those property values. Aldi's would be a good community neighbor. Councilman Faber asked if there was an alternate location for this development. Attorney Flynn explained that Aldi's goal is to be on Rt. 51. This is the only location that Aldi's is considering. Councilman Pat McDaniel inquired about how much projected sales was going to come from Walmart. Councilman McDaniel said only four citizens had approached him over the past three months in favor of the development; most citizens opposed the project. Attorney Flynn explained Walmart carries products that other companies don't.

Mike Roush, Director of Real Estate with Aldi's, read a statement regarding the proposed Aldi's project. Councilman Bill Faber asked Mr. Roush about his comment at the Plan Commission meeting regarding moving the store to Forsyth if this plan was not approved and it sounds like Aldi's is taking a step back and may be trying to find a middle ground. Mr. Roush said that Aldi's did not find it appropriate to make a threat to a municipality.

Ryan Vliek, Professional Engineer, explained the storm water drainage design was approved by both the City staff and the Illinois Department of Transportation (IDOT). The Aldi's design would reduce the storm water runoff into the IDOT system.

Luay Aboona, Traffic Engineer with KOLA, who prepared the traffic report study at Water and Ash, believed that the traffic impact from Aldi's would be absorbed. Councilman Jerry Dawson inquired about the design to elevate the traffic backed up on Ash. Mr. Aboona said the left turn lane was designed to allow those vehicles to turn into Aldi's once the light turns green. Councilman Dawson is concerned about the 90 degree turn going out of Aldi's and the traffic on Ash. Mr. Aboona explained the design was going to maintain the flow of traffic. Councilman Pat McDaniel inquired about delivery trucks turning around in Walmart's parking lot. Attorney Ed Flynn explained Oak Street is going to be widened. Delivery trucks coming from the south are going to use the road in front of Walmart and Panera's.

Mayor called for citizens to come to the podium and speak.

Russell Shulkey asked Council to not allow another business to slip away.

Edward Dawson asked Council to keep Decatur pride of the prairie and don't take away the upscale neighborhood. Mr. Dawson asked Council to take a stand and say they wanted to keep Decatur businesses but not at the expense of the tax payers.

Jacquelin Goetter asked the Council to reject the proposed plan for Aldi's. Ms. Goetter suggested Aldi's look at other high traffic volume areas in Decatur. The property values would decline if this project goes through. Decatur has lost 9% of its population since 2000. Decatur should grow like surrounding communities. We should preserve the neighborhoods we have. Ms. Goetter hoped Council would vote no to save the neighborhood.

Jeff Forbes spoke on behalf of his parents Jim and Barb Forbes. Mr. Forbes opposed the project because of several safety issues and quality of life issues that would negatively impact the neighborhood and community. The Police Department recorded 60 accidents from 2012 to September 2015. Ash Avenue is not designed for commercial traffic. Mr. Forbes requested Council to not rezone the property.

Julie Bresnan provided photographs of the traffic backed up sometimes 25 to 28 cars deep and pictures of the homes that would be destroyed. The new Aldi's entrance and exit would be directly across from her driveway and she was concerned how she would back in and out of her own driveway. Parking along the street would be eliminated and that would put the outside driving lane right next to the sidewalk. The homes would go down in value and the residents fear for their safety when they walk. Ms. Bresnan did not want the corner rezoned and said this was a fight to save her neighborhood.

Macky Spurlock lives at the corner of MacArthur and Ash and had consistently addressed traffic issues. Her grandchildren are not allowed to play in the front yard because it is not safe because the traffic is so heavy. Cars do line up at the light. This would be a problem that will not go away. Ash Avenue already is an overburdened street and she is not sure it can handle any more. Everyone comes down Ash to get to Rt. 51. Mrs. Spurlock was not opposed to progress but she didn't believe this was the right place for this expansion. Mrs. Spurlock urged Council to vote no to the rezoning; let their neighborhood continue to be a neighborhood.

Bobby Hobaugh stated the semi-trucks were going to be up in everyone's yards. Mr. Hobaugh read a letter he received from the City's Legal Department regarding a written protest filed with the City. Mr. Hobaugh called the Legal Department and he was unclear as to what he had to do to be in compliance. Please vote no on the rezoning.

Dan Wise spoke about all the empty buildings in Decatur and asked why some of those buildings couldn't be used so families wouldn't have to be uprooted.

John Dunn said Decatur is a genuine family. Mr. Dunn said he knows what it is like for Decatur to suffer a serious wound because he was the last surviving member of the City Council that voted on the Hickory Point Mall. The Aldi's project is a wound to the family. Mr. Dunn asked Council to vote no.

Allen Illisis shared there was no reason for this rezoning. Mr. Illisis shared his concern about the traffic issues in the neighborhood and what will happen to the neighborhood if the rezoning passed.

Prescott Paulin shared that he believes a grocery store provides a connection to community. Mr. Paulin asked Council to consider the facts not just the emotions and consider what we as a community can benefit from.

Sherry Procarione read excerpts from the Zoning Ordinance. Ms. Procarione gave some suggestions of other locations Aldi's could consider. Ms. Procarione covered several key points she had regarding the rezoning. She requested Council to consider not rezoning.

Jason Farmer, Store Manager of the Walmart Store, said Walmart does care and we are all in it together. Mr. Farmer couldn't say Rt. 51 is right for everyone; it is right for Walmart, but it is the Council's decision.

Susan Klukis said her backyard borders Burger King and she is used to the traffic going back and forth. When she heard Aldi's was interested in locating there she put up a fence for her protection and safety. She sometimes has had a 12 to 15 foot river in her back yard coming from Walmart recess and the highway that goes down to Stevens Creek. She has seen holiday traffic backed up and down the road.

Attorney Ed Flynn asked Council to consider not only the emotional aspects but also the financial impact on the community and hoped Council would support the rezoning.

Councilman Dana Ray asked the Traffic Engineer Luay Aboona if his opinion had changed after hearing the citizens today. Mr. Aboona explained that Ash Avenue is carrying more traffic than it's supposed to from a functional standpoint, but KOLA had already factored that into their analysis. There would be an increase of traffic but they believe it would be manageable and it could be absorbed. Councilman Ray specified the time between 4:00 p.m. to 7:00 p.m., which traffic would be significant for that neighborhood. Mr. Aboona explained traffic would be spread out over one peak hour.

Councilman Dana Ray asked Rick Marley, Public Works Director, what the redesign would do to future businesses locating there. Mr. Marley explained that Ash Avenue was originally designed as a residential street. If the intersection was going to be improved, it would be the State's decision.

Councilman Chris Funk had a number of inquiries from the public and he empathized with their position and respected it and he tried to make an objective decision. Ash Avenue has been very busy for a long time and it will get busier over time. Councilman Funk explained he has to make a decision for the City as a whole. He felt it was important to keep an open mind and let the process work. Councilman Funk was going to support the rezoning.

Councilman Bill Faber spoke about democracy in local government. He mentioned there is no council member in the north neighborhood. Councilman Faber requested the Planning Commission move the time of their meetings and spoke about the formation of the Plan Commission. Councilman Faber thanked the neighbors for the information they shared with him over the weeks. He believes in neighborhoods and would protect this exceptional Decatur neighborhood.

Councilman Dana Ray explained she has struggled with her decision. She didn't see traffic issues getting any better with the new development and the possibilities of other businesses going there. Councilman Ray was concerned about the loss of property taxes. She said she had to look at the common good of the entire community and she would support the rezoning as long as there would be other opportunities for her to address the traffic concerns.

Councilman Lisa Gregory shared her framework for a vision to a greater Decatur. She explained that she took a three pronged approach to her decision. She considered the environment of the area and as a business locates on that corner, over time, more businesses will want to locate there and the economics and social impact in making her decision. She thanked Mr. Flynn for sharing his work in the area of economics. Councilman Gregory believes the City's greatest asset is its citizens. Councilman Gregory explained that the economics did not outweigh the environment nor the social aspects and for those reasons she would not support the rezoning.

Councilman Pat McDaniel said we are responsible for economic development but we are also responsible for the quality of life of our citizens. He looked at the effects of this rezoning, the extremely busy intersection, and the potential for more accidents. There is balance at this intersection now with residential on one side and business on the other side. He did not want to see another Pershing or Eldorado. Councilman McDaniel said the City has an attractive corridor there now and why ruin it; he would vote no.

Councilman Jerry Dawson previously lived in that neighborhood and loves the neighborhood. The underlying issue is safety. Nobody lets their kids play on Ash. Councilman Dawson could not support the development.

Mayor Julie Moore Wolfe expressed her big concern was for the future and she didn't think it would be responsible for her to vote no because of her fiduciary responsibilities. Mayor Moore Wolfe cautioned that this corner is a most desirable economic development corner and in the future that is where development is going to come up again.

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

Mayor Moore Wolfe called for Consent Calendar Items A through C and asked if any Council member wished to have an item removed from Consent Calendar. Councilman Chris Funk requested Item C. be removed. The Clerk read Items A - B:

A. Receiving and Filing of Minutes of Boards

B. R2015-117 Resolution Authorizing Signatory Authority Illinois Municipal Retirement Fund Appointment of Authorized Agent

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

Clerk read Item C:

C. Resolution Authorizing Mayor and City Manager to Execute a Professional Service Agreement with CliftonLarsonAllen, LLP for Auditing Services and Non-Audit Advisory Services

Councilman Chris Funk moved the Resolution do pass; seconded by Councilman Jerry Dawson. Councilman Chris Funk asked if and when the City periodically reviews the audit services and if the City ever put this out for bid. City Manager Tim Gleason said yes the City will and that was why the agreement was only for one year tonight. He explained the City had a relationship with CliftonLarsonAllen for the past two years. City Manager Gleason's vision is the City visits some of the professional service agreements every three to five years. Councilman Bill Faber got the materials on Thursday and he had some questions about the firm. Councilman Faber asked to possibly postpone this item so he could make his inquiries.

Councilman Faber made a motion to table the item; seconded by Councilman Dana Ray. On call of the roll, Councilman Bill Faber and Dana Ray voted aye. Councilman Jerry Dawson, Chris Funk, Lisa Gregory, Pat McDaniel and Mayor Moore

Wolfe voted nay. Two ayes and five nays. Mayor Moore Wolfe declared the motion failed.

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

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

Jacob Jenkins, representing the Decatur Black Chamber of Commerce and concerned citizens of Decatur, said he was saddened by the action of the Council for their refusal to join the 21st Century and promote cultural diversity.

Allen Illisis thanked the Council for their vote regarding the redevelopment tonight. Mr. Illisis asked if there was any way to protect their neighborhood and make it stand up with the zoning because it is an established neighborhood.

Sherry Procarione had concerns about Enterprise Zones and incentive packages. She objected to using tax payers' dollars to get businesses to come.

This being the time for other business Councilman Bill Faber made a motion for a Study Session to raise Decatur's minimum wage to \$10 an hour; seconded by Councilman Pat McDaniel; no third. The Mayor declared the motion failed.

Councilman Dana Ray made a motion for a Study Session to look at the number of video gaming parlors in Decatur; seconded by Councilman Jerry Dawson; third by Councilman Pat McDaniel. Mayor declared the motion carried.

Mayor called for Recess to Study Session.

Councilman Jerry Dawson moved to recess to Study Session for the Treasurer's Financial Report; seconded by Councilman Pat Dawson. On call of the roll Councilmen Jerry Dawson, Bill Faber, Chris Funk, Lisa Gregory, Pat McDaniel, Dana Ray and Mayor Moore Wolfe voted aye. Gregg Zientara, Finance Director, gave a brief report of the Treasurer's Financial Report.

Councilman Jerry Dawson moved to recess to Closed Executive Session for the purpose of a discussion regarding the purchase or lease of real property for the use of the public body; seconded by Councilman Dana Ray. On call of the roll, Councilmen Jerry Dawson, Bill Faber, Chris Funk, Lisa Gregory, Pat McDaniel, Dana Ray and Mayor Moore Wolfe voted aye. Mayor Moore Wolfe declared the motion carried. Council went into Closed Executive Session at 8:53 p.m.

There being no further business, Councilman Dana Ray moved the regular Council meeting be adjourned; seconded by Councilman Jerry Dawson, and hearing no objections Mayor Moore Wolfe declared the Council meeting adjourned at 9:45 p.m.

Approved November 2, 2015
Debra G. Bright
City Clerk