

CITY COUNCIL MINUTES

Monday, June 20, 2016

On Monday, June 20, 2016, 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 Jerry Dawson, Bill Faber, Chris Funk, Lisa Gregory, Pat McDaniel, and Dana Ray. Seven members 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.

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

Chris Johns shared his views on video gaming businesses. Mr. Johns believed the current Ordinance should remain as written with no restrictions on the number of businesses.

John O'Brien said the Mayor and City Council should consider video gaming as a drag on the economy of Decatur. Mr. O'Brien thought the City should look at reducing the outflow of gaming profits by recovering the City's costs by collecting the money from the gaming machine owners.

Russell Shulke gave an ode to the American flag in remembrance of the tragedies that occurred in Florida over the past week.

Jim Gillen asked Council for their support to change the zoning at 2800 N. Water, which is the U-Haul property. Mr. Gillen has been the maintenance person and managed the property for 40 years.

Dave Grimes has a neighbor who has voiced his intent to bring his horses from Wyoming and keep them in his backyard. Mr. Grimes said he found out there is no City Ordinance in place to prevent this. Mr. Grimes requested Council review the Ordinance and come up with guidelines dealing with this issue.

City Clerk Debra Bright read the following list of Anticipated Action Items for the next regularly scheduled Council meeting:

1. Resolution to Approve a Professional Engineering Services Agreement with Farnsworth Group to Perform a Storm Drainage Review of the 32nd and Fulton Area, City Project 2016-04

2. Resolution Approving Expenditure of City Funds for Pictometry Aerial Photos for City GIS
3. Ordinance Amending City Code Chapter 47-Control of Animals, Fowl and Dogs

The minutes of June 6, 2016 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, Chris Funk, Lisa Gregory, Pat McDaniel, Dana Ray and Mayor Julie Moore Wolfe voted aye. Mayor Julie Moore Wolfe declared the motion carried.

This being the time set aside for unfinished business Mayor Julie Moore Wolfe announced there would be a Study Session on Video Gaming on July 18, 2016. Mayor Julie Moore Wolfe is looking for comments from the public on if the Council should cap the number of machines allowed in Decatur, what kind of fees should licensees pay, moral objections to additional operations, and whether the Council should let the free market prevail. Mayor Julie Moore Wolfe said, on another note, staff is exploring whether some type of local business preference can be established or not and staff will need additional time to investigate the matter.

Proclamations and Recognitions: Jacqueline Osborne with Sister Cities said that they are getting ready to send a delegation of students this summer to Tokorozawa, Japan. This year is the 50th Anniversary of Sister Cities. Mayor Julie Moore Wolfe and Jacqueline Osborne gave Certificates and Stephen Decatur medallions to the following students who will be traveling to Japan: Ifeolo Adeoye, Mallory Christensen, Israel Cooper, James Dunwell-Freeman, Aloni Jordan, and Seven Sassano.

Donna Munson co-owner of Decatur Area One Realtors and President of Decatur Association of Realtors gave a presentation regarding Illinois Realtors. Ms. Munson shared business is up this year. She spoke about various community events realtors are involved in and how real-estate is a changing business.

2016-32 Ordinance Rezoning Property PD Planned Development District to O-1 Office District 500 Blocks East King Street and East Central Avenue and 700-800 Blocks North Martin Luther King Jr. Drive, was presented.

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

Assistant City Manager Billy Tyus shared the property is the Wabash Crossing area. The change of zoning will help facilitate a social services campus.

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

2016-33 Ordinance Amending B-3 Planned Shopping Center District 105 West 1st Drive, was presented.

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

Assistant City Manager Billy Tyus explained the amendment was specific to the Wharf restaurant. The restaurant is being demolished and rebuilt with a 300' expansion.

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

2016-34 Ordinance Rezoning Property B-1 Neighborhood Shopping District to B-2 Commercial District 2721 North 22nd Street, was presented.

Councilman Jerry Dawson moved the Ordinance do pass; seconded by Councilman Pat McDaniel.

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

Ordinance Rezoning Property M-1 Intense Commercial/Light Industrial District and M-2 Heavy Industrial District to B-2 Commercial District 1205, 1215 and 1235 East Pershing Road, was presented

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

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

2016-36 Ordinance Amending Zoning Ordinance – Section II. Definitions – Section XII. B-2 Commercial District – Section XIV. B-4 Central Business District Section XVI. M-1 Intense Commercial/Light Industrial District, was presented.

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

Assistant City Manager Billy Tyus explained the amendments to the Zoning Ordinance. In reviewing the Zoning Ordinance and what is happening at Northgate Mall there was a discovery that truck and trailer rentals were only allowed in the downtown area as part of our zoning ordinance so this amendment defines where those uses can be and specifically defines where passenger auto can be located as well.

Councilman Chris Funk asked if this action were not to be proposed today would the next agenda item be relevant. Could truck and trailer rental operations occur if this clarification wasn't made? Assistant City Manager Billy Tyus said "no." Councilman Chris Funk asked why staff is doing the clarification. Assistant City Manager Billy Tyus explained the Zoning Ordinance currently only allows truck and trailer rental in the Central Business district with a special use permit. Councilman Chris Funk asked if any M-1 could be truck and trailer rental in the future. Assistant City Manager Billy Tyus said as a primary use. Councilman Jerry Dawson asked if intermodal trailers could be stacked on the property if it is rezoned to M-1. Assistant City Manager Billy Tyus said that would not be allowed. Councilman Bill Faber asked if the Plan Commission is proposing this change unanimously. Assistant City Manager Billy Tyus said, yes, the changes to the Zoning Ordinance.

Aaron Freeman with U-Haul Company of Illinois asked if it were possible to allow a conditional use permit as opposed to rezoning for truck and trailer rentals. Assistant City Manager Billy Tyus said if Mr. Freeman is asking if a conditional use permit would allow for U-Haul to operate at that facility the answer is, no, in that the only place a truck and trailer facility is allowed to operate as a primary use is in the B-4 Central Business District. Mr. Freeman asked if a conditional use permit could be put into place as opposed to rezoning. Assistant City Manager Billy Tyus said a conditional use permit could be put in place, but it isn't something staff would recommend.

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

Ordinance Rezoning Property B-2 Commercial District to M-1 Intense Commercial/Light Industrial District – 2800 North Water Street, was presented.

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

Assistant City Manager Billy Tyus said the petitioner requested the rezoning and staff is recommending the denial of the petition. This property is best suited for commercial development as the City goes forward. Mr. Tyus explained that there were and are long term leases in place and the holder of the property did not make it available for sale. Councilman Funk and Councilman Faber thought there were probably other better locations for the U-Haul facility. Mayor Julie Moore Wolfe asked if the rezoning takes away any opportunity for sales tax revenue. Mr. Tyus said this type of

use does not generate the level of retail sales that other traditional retail opportunities do.

Russell Shulke had concerns about previous retail businesses that have failed in that area and with this development the amount of increased traffic in that area. He asked Council not to pass the rezoning.

Attorney Ed Flynn said he has a long history of being a proponent of development in this community and he stated it was for that reason he was opposed to rezoning in this area. Mr. Flynn was not opposed to this development, he was opposed to this project on this site. This project is going to have very limited sales tax and to put a development of this type on the busiest intersection in Decatur is a mistake. The City has an opportunity to develop a big box site with significant retail income and sales tax revenue which would help the financial issues of this community. Mr. Flynn understood U-Haul had purchased the property and he hoped U-Haul would work with the City to find another location. Mr. Flynn encouraged Council to be patient and let another developer come in there.

Upon call of the roll, Councilmen Jerry Dawson, Bill Faber, Chris Funk, Lisa Gregory, Patrick McDaniel, Dana Ray and Mayor Julie Moore Wolfe voted nay. Mayor Julie Moore Wolfe declared the motion failed.

R2016-74 Resolution Authorizing Submission of Justice Administration Grant Application and Memorandum of Understanding – Bureau of Justice Assistance, was presented.

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

Councilman Bill Faber suggested using the funds towards a secured zone between Millikin University and the downtown area.

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

R2016-75 Resolution Authorizing a Representative to Sign Loan Documents for South Water Treatment Plant Clarified Conversion Project City Project W1603, was presented.

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

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

R2016-76 Resolution Authorizing City Manager to Execute Agreement with Dewberry Architects, Inc. for Construction Project Management Services, was presented.

Councilman Jerry Dawson moved the Resolution do pass; seconded by Councilwoman Lisa Gregory.

Councilman Chris Funk asked if staff had sought multiple proposals or bids. City Manager Tim Gleason stated staff did not. City Manager Tim Gleason explained the relationship the City had with Dewberry related to the Police Station is why staff used them for the Fire Facility Study and the reason staff recommended Dewberry serve as the Project Manager for the Fire Facilities. Councilman Bill Faber asked why the City waited until this is a crisis situation. Councilwoman Lisa Gregory said almost half of this Council is new and half of these issues that Council has had to deal with have been incredibly difficult and this is something this Council is trying to rectify. City Manager Tim Gleason said after being a month on the job the Fire facilities had become a priority.

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

R2016-77 Resolution Authorizing City Manager to Enter into a Debt Instrument to Finance Repair and Maintenance of Fire Station Facilities, was presented.

Councilman Jerry Dawson moved the Resolution do pass; seconded by Councilwoman Lisa Gregory.

Councilman Chris Funk stated as a representative of one of the local banks he would abstained from the vote.

Councilman Bill Faber asked what the projected carrying charges would be on the interest. Finance Director Gregg Zientara explained he wouldn't have an answer until the banks submitted proposals.

Upon call of the roll, Councilmen Jerry Dawson, Bill Faber, Lisa Gregory, Pat McDaniel, Dana Ray and Mayor Julie Moore Wolfe voted aye. Councilman Chris Funk abstained. Six ayes; one abstention. Mayor Julie Moore Wolfe declared the motion carried.

R2016-78 Resolution Authorizing City Manager to Enter into a Debt Instrument to Finance Local Street Resurfacing and Reconstruction, was presented.

Councilman Jerry Dawson moved the Resolution do pass; seconded by Councilman Pat McDaniel.

Councilman Chris Funk stated as a representative of one of the local banks he would abstained from the vote.

Councilwoman Lisa Gregory asked as crews began to dig up the streets in the residential areas are they also looking to see where the City might need larger water mains. City Manager Tim Gleason said staff does looks at what other opportunities the City has while the ground is dug up.

Upon call of the roll, Councilmen Jerry Dawson, Bill Faber, Lisa Gregory, Pat McDaniel, Dana Ray and Mayor Julie Moore Wolfe voted aye. Councilman Chris Funk abstained. Six ayes; one abstention. Mayor Julie Moore Wolfe declared the motion carried.

R2016-79 Resolution Accepting the Bid and Authorizing the Execution of a Contract with Kinney Contractors, Inc. for 2016 Storm Drainage Improvement Project, City Project 2016-30, was presented.

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

Upon call of the roll, Councilmen Jerry Dawson, Bill Faber, Chris Funk, Lisa Gregory, Pat McDaniel, Dana Ray 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 S and asked if any Council member wished to have an item removed from Consent Calendar. Councilman Pat McDaniel asked to remove Item D. Councilman Chris Funk asked to remove Items F. and G. Councilman Bill Faber asked to remove Item B.

The Clerk read Items A, C, E, and H - S.

A. Receiving and Filing of Minutes of Boards

C. R2016-80 Resolution Authorizing Application for Designation as a Section 5310 Public Body

E. R2016-82 Resolution Approving Expenditure of City Funds for Microsoft Office 365 Licensing Fulfillment.

- H. R2016-83 Resolution Authorizing a Support Services Agreement with B&W Control Systems Integration LLC for South Water Treatment Plant SCADA System
- I. R2016-84 Resolution Approving a Change Order to the Engineering Services Agreement with Bainbridge, Gee, Milanski & Associates, Inc. for Design Services for the Starr Crest Pump Station Improvements, City Project 2014-32
- J. 2016-40 Ordinance Establishing Handicapped Parking Space in Front of 238 South Crea Street
- K. 2016-41 Ordinance Authorizing the Installation of Stop Signs at the Intersection of North Calhoun Street and East North Street Facing East North Street
- L. 2016-42 Ordinance Removing No Parking Restriction on the South Side of the 600 Block of East Center Street
- M. 2016-43 Ordinance Authorizing the Installation of Stop Signs at the Intersections of North Illinois Street with East Elmhurst Avenue Facing East Elmhurst Avenue
- N. 2016-44 Ordinance Establishing Stop Intersection – North Illinois Street and East Harrison Avenue
- O. 2016-45 Ordinance Establishing Stop Intersection – North Illinois St and East Mueller Avenue
- P. 2016-46 Ordinance Establishing Stop Intersection – North Illinois Street and East Curtis Avenue
- Q. 2016-47 Ordinance Authorizing the Installation of Stop Signs at the Intersection of South Illinois Street and East Lincoln Avenue Facing East Lincoln Avenue
- R. 2016-48 Ordinance Authorizing the Installation of Stop Signs at the Intersection of South Seigel Street and West Forest Avenue Facing West Forest Avenue

S. R2016-85 Resolution Authorizing the Filing of Grant Application with Federal Transit Administration

Councilwoman Dana Ray moved the motion to approve the items as presented do pass; seconded by Councilman Jerry Dawson.

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

Item. B. 2016-37 Ordinance Amending City Code – Chapter 7 – Officers and Employees Generally, was presented.

Councilman Jerry Dawson moved the Ordinance do pass; seconded by Councilwoman Lisa Gregory.

Councilman Bill Faber announced under Other Business he is going to propose his own change to this section of the Municipal Code and he is going to vote no on this item.

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

Item. D. R2016-81 Resolution Authorizing Execution of an Amended Preliminary Engineering Services Agreement for Federal Participation with Massie Massie & Associates for Decatur Corridor Monument Installations project, Project No. TE-00D7(040), was presented.

Councilman Jerry Dawson moved the Resolution do pass; seconded by Councilman Pat McDaniel.

Councilman Pat McDaniel asked what the money would be used for. Assistant City Manager Billy Tyus explained the funds would be used for entry signage, directional signage and monuments along the signage throughout the community.

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

Item. F. 2016-38 Ordinance Amending City Code – Chapter 51.2 – Food and Beverage Tax, was presented.

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

Councilman Chris Funk asked to clarify the amendment would move up by ten days the collection date of the Food and Beverage Tax and the Hotel Use Tax and the City would increase the late charge from 2% to 10%, but if establishments file timely they would get a 1.75% reduction. Councilman Chris Funk asked what portion of people currently file late, what was the average Food and Beverage Tax bill and what kind of revenue would the City lose if the City doesn't currently give a discount. City Manager Tim Gleason explained the staff's goal is trying to be uniform with the Local Motor Fuel Tax that recently was passed. Finance Director Gregg Zientara said that is a specific reason with the passage of the Local Motor Fuel Tax. The City has a number of repeat offenders who don't pay their taxes on time. There are approximately 200 Food and Beverage enterprises and less than 50 hotels. There are approximately 10% of the tax payers that pay the City late.

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

Item. G. 2016-39 Ordinance Amending City Code – Chapter 51.5 – Hotel Use Tax, was presented.

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

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

This being the time set aside for Other Business, Councilman Bill Faber brought forward a proposal to allow citizens to participate in the review of the operations of City government. Councilman Bill Faber believes the Fire Chief and Chief of Police serve all the people. Councilman Bill Faber proposed a binding referendum be placed on the November 8, 2016 general election ballot to make a change in the Municipal Code. That the Municipal Code be revised so the Police Chief or Fire Chief cannot be removed or fired without the consent of City Council. Mayor Julie Moore Wolfe asked Councilman Bill Faber to bring his proposal back to the next City Council meeting and if he gets the support of two Council members they will take it a Study Session. Councilwoman Dana Ray shared her views on Councilman Bill Faber's proposal. Councilwoman Dana Ray said for our community to move forward we can't continue to allow things to occur that undermine the City Manager's responsibility. To put the Fire Chief and Police Chief in a protected class is not fair because Council doesn't work with them on a daily basis, the manager is in this position and that is what Council hired him to do. Council needs to equip the manager to do his job and do it properly. Councilman Pat McDaniel asked if under Illinois Statutes the proposal could not go through because that responsibility lies

with the City Manager in our form of government. Corporate Counsel Wendy Morthland stated that was correct under Municipal Code.

No further Other Business, Mayor Julie Moore Wolfe called to Recess to a Study Session for:

1. 2015 Report on Minority Participation on Public Works Contracts
2. Treasurer's Financial Report
3. Council Goal Setting

Councilwoman Lisa Gregory moved to recess to Study Session; seconded by Councilman Jerry Dawson.

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

Public Works Director Rick Marley gave a report on 2015 Minority Participation on Public Works Contracts. Public Works Director Rick Marley reviewed the past year's minority hiring and outreach efforts. Certified payroll is entered into ePrismsoft software, and the software is available to every contractor in the City. He shared with Council in 2016 there will be improved MBE sub-contractor recruiting procedures. Assistant City Manager Billy Tyus said staff wants to increase diversity on City projects and within our organization, so it is important for staff to do that. Staff will increase outreach, such as formal advertising, marketing and a presence at long standing events to let people know where the work is.

Mayor Julie Moore Wolfe and City Manager Tim Gleason congratulated Patrick Hoban on his Economic Development certification.

Finance Director Gregg Zientara gave the Treasurer's financial report. The City has gained cash position of \$900,000 since January 1, 2016. The City has 16 days of cash reserves built up.

Assistant City Manager Billy Tyus presented Round Two of the Council's Goals setting. Four big goals the Council has accomplished are 1. Storm Sewer Maintenance, 2. Water System Improvements, 3. Police Department Relocation, and 4. Maintenance for Sanitary Sewers. Mr. Tyus reviewed the five areas of goals for 2016 and beyond are to 1. Prioritize and support Infrastructure improvements, 2. Continued creation – development community of choice, 3. Creation of first class tech community, 4. Neighborhood revitalization and 5. Organizational operations. In the first quarter of 2016 more than \$40 million in economic development has been invested in our community. Mr. Tyus asked Council to review the goals and share their comments with the City Manager. Councilman Pat McDaniel requested to formulate a new downtown parking plan and pave over the really bad brick streets and for those individuals who want to

keep the brick streets, the City should implement a fee. Councilman Chris Funk agreed they need to revisit the downtown parking situation and build an early budget plan within the next couple of months. Councilwoman Lisa Gregory stated staff needed to get out to the community what has been accomplished.

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

Council went into Closed Executive Session at 8:14 p.m.

There being no further business, Councilman Pat McDaniel moved the regular Council meeting be adjourned; seconded by Councilman Jerry Dawson, and all were in favor by voicing no objections. Mayor Julie Moore Wolfe declared the Council meeting adjourned at 8:27 p.m.

Approved July 5, 2016
Debra G. Bright
City Clerk