

CITY COUNCIL MINUTES

Monday, May 18, 2015

On Monday, May 18, 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, and Decatur, Illinois.

Mayor Michael McElroy presided; together with him being Councilmen Jerry J. Dawson, Bill Faber, Lisa Gregory, Pat McDaniel, and Julie Moore-Wolfe; Dana M. Ray was absent from the meeting. Six members were present. Mayor Michael McElroy declared a quorum present.

City Manager, Tim Gleason, attended the meeting as well.

Mayor Michael McElroy led the Pledge of Allegiance to the Flag.

The minutes of the meeting of May 4, 2015, were presented. Councilman Jerry J. Dawson moved the minutes be approved as written; seconded by Councilman Pat McDaniel, and on call of the roll, Councilmen Bill Faber, Lisa Gregory, Pat McDaniel, Jerry J. Dawson, and Mayor Michael McElroy voted aye. Julie Moore-Wolfe abstained. 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.

This being the time for Proclamations City Clerk introduced Verzell Taylor who read the Proclamation declaring May 2015 - Lyme's Disease Awareness Month.

This being the time for Recognitions Mayor Michael McElroy introduced Linda Hasenmyer with Decatur Sister Cities. Linda Hasenmyer and Mayor Michael McElroy gave Certificates of Recognition and Stephen Decatur Medallions to Kaitlyn Barnes, Tatiana Crowe, Taylor Daniels, Ysabella Freeman, Magdalena Freeman, Haven King-Nobles, Hayleigh Lutz, Emily Outzen, Sydney Trimble, and Gillian Kimmons who was not able to attend the meeting. These students will be representing Decatur Sister Cities in Seevetal, Germany for three months this summer.

Sue Lawson, President of Coalition of Neighborhood Organizations, provided the following upcoming events: Cleaning OKO neighborhood tonight from 3:00 – 6:00 p.m., tomorrow night working in Fanfields Neighborhood from 3:00 – 6:00 p.m. and a pollination planting on Grand Street across from Torrence Park from 3:00 – 6:00 p.m., Wednesday we need people to help in Torrence Park Neighborhood from 3:00 – 6:00, p.m. and Thursday at Monroe Park (GM Square Neighborhood) from 3:00 – 6:00 p.m., Friday morning from 9:00 – 11:30 a.m., planting of pollination plants in a couple of areas; CONO meeting May 26, 5:30 p.m., at the Decatur Public Library. The meeting is open to the public. CONO picnic is Tuesday, June 23, 2015, at Monroe Park. The Regional Neighborhood Network Conference is October 1 – 3, 2015. The Decatur Area Arts Council is having Community Art Classes for kids and adults on June 24, June 29, July 15, and July 20. The classes are limited to 15 people. Please contact Sue Lawson or Francie Johnson if you would like to attend.

2015-21 Ordinance Designating Local Landmark for Dennis School Monarch Butterfly Monument was presented.

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

2015-22 Ordinance Amending City Code – Chapter 52 – Alcoholic Liquor was presented.

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

R2015-52 Resolution to Reject All Bids for 2015 Miscellaneous Sanitary & Storm Sewer Improvement Project, City Project 2015-09.

Councilman Jerry J. Dawson moved the Resolution do pass; seconded by Councilman Pat McDaniel. On call of the roll, Councilmen Bill Faber, Lisa Gregory, Pat McDaniel, Julie Moore-Wolfe, Jerry J. Dawson, and Mayor Michael McElroy voted aye. Mayor Michael McElroy declared the motion carried.

R2015-53 Resolution Rejecting the Bids for the 2015 Annual Water Main Replacement Project, Forest Crest Subdivision, City Project 2015-10.

Councilman Jerry J. Dawson moved the Resolution do pass; seconded by Councilman Julie Moore-Wolfe. On call of the roll, Councilmen Bill Faber, Lisa Gregory, Pat McDaniel, Julie Moore-Wolfe, Jerry J. Dawson, and Mayor Michael McElroy voted aye. Mayor Michael McElroy declared the motion carried.

R2015-54 Resolution Authorizing an Agreement with AECOM Technical Services, Inc. for Engineering Services to Prepare the Final Design Plans and Bid Documents for Brush College Road Bridge over Norfolk Southern Rail Yard South of Faries Parkway, City Project 2015-33.

Councilman Julie Moore-Wolfe moved the Resolution do pass; seconded by Councilman Jerry J. Dawson. On call of the roll, Councilmen Bill Faber, Lisa Gregory, Pat McDaniel, Julie Moore-Wolfe, Jerry J. Dawson, and Mayor Michael McElroy voted aye. Mayor Michael McElroy declared the motion carried.

R2015-55 Resolution Authorizing a Local Agency Agreement for State Participation with the State of Illinois for the Use of Illinois Jobs Now! Funds for Phase II of Professional Engineering Services for the Brush College Road Bridge over the Norfolk Southern Rail Yard South of Faries Parkway, City Project 2009-33.

Councilman Jerry J. Dawson moved the Resolution do pass; seconded by Councilman Pat McDaniel. On call of the roll, Councilmen Bill Faber, Lisa Gregory, Pat McDaniel, Julie Moore-Wolfe, Jerry J. Dawson, and Mayor Michael McElroy voted aye. Mayor Michael McElroy declared the motion carried.

R2015-56 Resolution Authorizing the City Manager to Enter into an Agreement with PNC Equipment Finance to Lease Purchase ten (10) 2015 Ford Police Interceptor Mid Size Utility Vehicles and Accessory Equipment Packages.

Councilman Julie Moore-Wolfe moved the Resolution do pass; seconded by Councilman Jerry J. Dawson. On call of the roll, Councilmen Bill Faber, Lisa Gregory, Pat McDaniel, Julie Moore-Wolfe, Jerry J. Dawson, and Mayor Michael McElroy voted aye. Mayor Michael McElroy declared the motion carried.

R2015-57 Resolution Accepting Bid of Evergreen F.S. Inc., for Lime Sludge Removal, Water Production.

Councilman Pat McDaniel moved the Resolution do pass; seconded by Councilman Julie Moore-Wolfe. On call of the roll, Councilmen Bill Faber, Lisa Gregory, Pat McDaniel, Julie Moore-Wolfe, Mayor Michael McElroy voted aye and Jerry J. Dawson voted Nay. Five ayes and one nay. Mayor Michael McElroy declared the motion carried.

2015-23 Ordinance Annexing Territory – 3447 East Orchard Drive.

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

2015-24 Ordinance Annexing Territory – 3411 Desert Inn Road.

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

Mayor Michael McElroy called for Consent Calendar Items A through D and asked if any Council members wished to have an item removed from Consent Calendar. Councilman Pat McDaniel requested items B and C be removed. The Clerk read Items A and D through J:

- A. R2015-58 Resolution Approving Appointments to Boards and Commissions
- D. R2015-61 Resolution Authorizing Weed Removal Contract – T.O.M. Lawncare
- E. R2015-62 Resolution Authorizing Weed Removal Contract – Pro Lawn Care
- F. R2015-63 Resolution Authorizing Weed Removal Contract – Pegaso Enterprises
- G. R2015-64 Resolution Authorizing Weed Removal Contract – Jim Kaufman Lawn Care
- H. R2015-65 Resolution Authorizing Weed Removal Contract – Jandi Services
- I. 2015-25 Ordinance Authorizing Consumption of Alcoholic Liquor in Central Park – Annual Summer Blues Concert
- J. 2015-26 Ordinance Authorizing Consumption of Alcoholic Liquor on Public Right of Way Wild Dog Saloon – Bike Night – Sponsored by Coziahr Harley Davidson and Miller Lite

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

R2015-59 Resolution Accepting the Agreement and Authorizing the Execution of an Agreement with Itron Inc. for the Advanced Water Metering Infrastructure Maintenance Agreement.

Councilman Jerry J. Dawson moved the Resolution do pass; seconded by Councilman Pat McDaniel. On call of the roll, Councilmen Bill Faber, Lisa Gregory, Pat

McDaniel, Julie Moore-Wolfe, Jerry J. Dawson, and Mayor Michael McElroy voted aye. Mayor Michael McElroy declared the motion carried.

R2015-60 Resolution Authorizing Weed Removal Contract – James Gahwiler.

Councilman Jerry J. Dawson moved the Resolution do pass; seconded by Councilman Julie Moore-Wolfe. On call of the roll, Councilmen Bill Faber, Lisa Gregory, Pat McDaniel, Julie Moore-Wolfe, Jerry J. Dawson, and Mayor Michael McElroy voted aye. Mayor Michael McElroy declared the motion carried.

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

Russell Shulke was driving down California Avenue on May 6, 2015, and noticed a small hole in the road and called the Water Department and the City put barricades over it and nothing more has been done about the hole yet.

Reggie Anderson expressed his concerns about Prairie Land Towing's towing and impoundment procedures.

James Taylor requested the Council to consider that all City of Decatur future hires have to live in Decatur within 12 months of their hire date.

This being the time for Other Business, City Manager Tim Gleason shared that the Public Library transaction appears to be coming very soon. Nearly 20 years ago the City issued \$5.2 million general obligation bonds towards the Public Library Facility. The Library Board is appointed by the Mayor and approved by the Council but the Library Board is a separate entity. The City has three principal payments of approximately \$250,000 over the next three years. Council will have to take a formal action in the very near future.

Councilman Jerry J. Dawson moved to recess to study session for the Treasurer's Financial Report and a Review of Administrative Court and Effective Code Enforcement; seconded by Councilman Pat McDaniel and all were in favor by voicing no objections. The Mayor declared the motion carried.

Finance Department Director Gregg Zientara presented an overview of the Treasurer's Report.

City Manager Tim Gleason gave opening remarks regarding Administrative Court. City Manager Tim Gleason recommended no changes regarding the City Code, a voluntary landlord registration, shared internal processes, community service as an option to settle fines, and the ability to use a database to enter information daily where citizens can go into the system to check their property. City Manager then invited citizens to come to the podium to speak. The following citizens appeared:

Patricia Gillum asked what the State Statutes are that the City Code mirrors. Legal Counselor Wendy Morthland said they are Illinois Municipal Code 65ILCS5, starting at 1.0 until it stops talking about Administrative Court. Ms. Gillum suggested that the language in the City Code be changed from the City may give notice to the City shall give notice. Notices should be given prior to a citation. Ms. Gillum had no objections to a landlord registration. Ms. Gillum suggested that notification should be sent by mail or email.

Jackie Boliard asked Council to consider the human cost of children under 18 years of age in Administrative Court. That is why Juvenile Court was created. In Administrative Court there is no confidentiality and no expungement of records. Ms.

Boliard asked Council to exclude children under the age of 18 from Administrative Court.

Dr. Jeanelle Norman, President, NAACP, read a letter that she had prepared for City Council. She asked the Council to take into consideration the impact Council decisions will have on African Americans hereafter. Dr. Norman also asked Council to stop having children in the same Administrative courtroom with adults.

Pamela Swinford, Swinford Investments, explained that she has 20 properties that she spent a fortune on to improve. She requested faster notification of some type other than mail. Ms. Swinford said that seven days would be a better time for notification.

Russell Shulkey read a statement that he had prepared. Mr. Shulkey expressed that he thought the Administrative Court needed to be tweaked a little bit. Mr. Shulkey thanked the City Manager for transparency in government.

Greg Mattingley, retired Attorney, present Chairman of the Macon County Juris District Committee. Mr. Mattingley had concerns about juveniles appearing in Administrative Court, records do not remain private in Administrative Court, and Administrative Court does not provide the type of avenues for juveniles that Circuit Court does. Administrative Court does not have enforcement power. Administrative does not issue warrants and put people in jail. Administrative Court has to use Circuit Court to deal with Administrative Court people. Mr. Mattingley suggested revisiting sending notification by certified mail.

Bill McNutt, Lawyer practicing in Decatur, shared that he thought Administrative Court had the appearance of improprieties because the City Manager appoints the Administrative Court Hearing Officer and the City Manager brings the charge of the person in Decatur. Mr. McNutt thought it should be a designee outside of the City Manager's office. The City should have an unbiased Administrative Officer. Mr. McNutt suggested that the enforcement should be directed against the person doing the ordinance violation. Mr. McNutt thought notices should be treated as a due process not a courtesy letter and Administrative Court should be about encouraging enforcement. Mr. McNutt suggested a minor modification be made to notifications and give four business days. Mr. McNutt strongly recommends that the Council consider reaching out to the Bar Association to review and make recommendation regarding the fairness of the Administrative Court Process.

Josh Rohrscheib, requested Council to consider the impact that Administrative Court has on the Sheriff's Office budget for housing inmates. Mr. Rohrscheib gave the Council two documents to review; one document was a survey given to the Decatur Bar Association regarding the fairness of Decatur's Administrative Court and the other handout was a paper written on how to make Administrative Court more fair to the people. Mr. Rohrscheib suggested that the Hearing Officer make an announcement before every Administrative Court hearing that people can avoid \$140 in court costs by paying the fine prior to court and have the case dismissed. Mr. Rohrscheib said that the City should update the "Rights and Rules" statement to tell citizens they may be able to pay their fine and avoid \$140 in court costs. Mr. Rohrscheib also asked the Council to consider amending the rule against continuances. The Council should consider that continuances should be allowed for specific items.

Reuben Jess has 40 rental homes. Mr. Jess takes pride in the homes he has and he tries to rent to good, responsible people. Mr. Jess found it disheartening that the day he receives notice it is already too late; he is already going to get a fine. He has an email address and is willing to sign up for notification.

Sharon Cochran has a problem with snakes in her neighbor's yard. She has called and left messages requesting the weeds and grass be mowed to no avail. Ms. Cochran believes it is important to have neighborhood meetings and to keep tabs on your property.

Donna Cararra was glad that juvenile court was mentioned. Ms. Cararra would like to see a warning given before a person gets a fine.

Miranda Rothrock, President of Decatur Greater Chamber of Commerce, reported that we have heard a lot of great testimonies from people. Ms. Rothrock said that we have heard tonight that Administrative Court is especially needed. Ms. Rothrock said that there was not one word against Administrative Court. Ms. Rothrock said businesses demand and expect that our businesses are welcoming, safe and inviting and we should not expect any less from landlords, tenants, or homeowners. Businesses think about if this is the community that they want to expand and grow in. The City should be very conscious of new businesses.

Sherry Procaroine spoke in regards to private property being a cornerstone of freedom and she advised Council to be careful in amending City Code. Ms. Procaroine does not endorse licensing landlords and she does not want violations posted on the website. Ms. Procaroine requested Council to consider the medium most accessible to the whole public and the people a reasonable time to respond to violations.

Bruce Washburn, a Decatur Landlord shared that the City does not hold tenants responsible and the tenants know that the City is not tracking them so the behavior is getting worse because the City does not hold them responsible. Mr. Washburn requested that the City hold people responsible or the City will never correct the behavior.

Jack Wilkerson shared that he thinks a voluntary registration is going to help. Mr. Wilkerson asked why can't we work together. Mr. Wilkerson said that all he wanted was a little respect and consideration. Mr. Wilkerson invited Council to come see one of his rental properties on Heyworth between Wood and Main Streets after it is finished in June.

Curt Jackson commented that Administrative Court is generating revenue and it is never going to go away. Mr. Jackson requested that the City give 10 days to two weeks' notice and have it on the internet.

Larry Nave asked where the term courtesy letter came from and when did the courtesy letters start. Mr. Nave asked if the City wanted tenant or landlord compliance. Mr. Nave was concerned about the automatic fines.

Tim Gleason, City Manager, explained that the courtesy letters started going out last month and the term courtesy letter accurately described what the letters are.

Becky Nave inquired about whose behavior is the City trying to change the tenants or the landlords. The City fines the landlords not the tenants. Ms. Nave shared that implementing community service would get to the tenants not the landlords.

Corporation Council Wendy Morthland explained that the City does and has gone after the tenant if the City knows who the tenant is. If the landlord provides the tenants name, the City goes after the tenants, except for 72 hour cleanups, weeds, and housing demolitions. The City wants to address the person who causes the problem.

City Manager Tim Gleason expressed his appreciation for all the comments and said that he does think some of the improvements that are coming are going to be beneficial to the landlords in these cases. Mr. Gleason made notes during the meeting and the notes will be considered internally.

Councilman Pat McDaniel requested that the City leave space for a Study Session at the next Council meeting. Councilman Pat McDaniel would like to let the people know how the Council feels.

Councilman Lisa Gregory moved to recess to closed executive session for the purpose of a discussion regarding collective bargaining matters; seconded by Councilman Julie Moore-Wolfe and on call of the roll, Councilmen Bill Faber, Lisa Gregory, Pat McDaniel, Julie Moore-Wolfe, Jerry J. Dawson, and Mayor McElroy voted aye. The Mayor declared the motion carried. Council went into closed executive session at 10:18 p.m.

There being no further business, Councilman Bill Faber moved the regular Council meeting be adjourned; seconded by Councilman Pat McDaniel, and on call of the roll Councilmen Bill Faber, Lisa Gregory, Pat McDaniel, Julie Moore-Wolfe, Jerry J. Dawson, and Mayor McElroy voted aye. The Mayor declared the Council meeting adjourned at 10:47 p.m.

Approved June 1, 2015
Debra G. Bright
City Clerk