

CITY COUNCIL MINUTES

Monday, April 4, 2016

On Monday, April 4, 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:

John Phillips stated as of April 1, 2016, the City implemented the Motor Fuel Tax and as of today only one gas station in Decatur had raised their prices by one cent.

Patrick Stout, owner of Decatur Ideal Cakes, requested Council adopt the Home Kitchen Act Cupcake Law.

Sue Clark, owner of Cake Lady Supply, supports the Home Kitchen Operation Ordinance. Many of the home bakers have quit baking due to the Macon County Health Department enforcing strict guidelines from which the home bakers thought they were exempt from; no one understood an Ordinance was needed. Passing the Home Kitchen Operation Ordinance would allow the cake decorators to bake in their existing kitchens and allow her to support them through her business of 13 years.

Janet Stout, owner of Ideal Cakes, received a letter from the Health Food Department stating they could no longer bake cakes if they did not have a commercial kitchen. She hoped the Ordinance would be passed.

Luke Stout, CFO of Mr. Johns School of Cosmetology, explained Mr. Johns does a lot of networking with various vendors including cake decorators. Mr. Johns can no longer work with home decorators because they are now out of business. Most home decorators cannot afford the costs of commercial kitchens leaving them out of business. The solution is the Home Kitchen Ordinance. Mr. Stout asked Council to pass the Ordinance.

Mr. Stout read a letter on behalf of Chad Mitchell Photography. The letter stated Chad Mitchell Photography supported the Home Kitchen Act.

Connie Levey urged Council to support the Home Kitchen Act and encourage small businesses in keeping Decatur dollars in Decatur.

Holly Mowry, owner of Mowry Bakery and Candy Company, supports the Home Kitchen Act because the City should do something for children and young mothers to help them support themselves.

Rhonda Scammahorn, owner of Cakeolicious by Rhonda, wants to eventually move her business out of her home but she explained she can't because she cannot

bake at home and she has not made any money this year. She asked Council to support home bakers and pass the Ordinance.

Trisha Green has been a customer of Cakeolicious by Rhonda and she has had special cakes by Rhonda. She asked Council to pass the Ordinance. Ms. Green wants to be able to order cakes from Rhonda again.

The minutes of March 21, 2016 City Council meeting were presented. Councilman Jerry Dawson moved the minutes be approved as written; seconded by Councilwoman Dana Ray, 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 and there being none, Mayor Julie Moore Wolfe called for New Business.

Proclamations:

Mary Gendry a member of the Decatur Human Relations Commission read a Proclamation declaring Fair Housing Month April 2016 in Decatur, Illinois.

Charlie Gillaspie, Dove's Retired Senior Program Director and Desiree Thomas read a proclamation declaring National Service Recognition Day, April 5, 2016, in Decatur, Illinois.

Stephanie Pyles, representing Business and Community Organizations that are serving on the Macon County Smart Money Week Committee, read a proclamation declaring Money Smart Week, April 23 – 30, 2016, in Decatur, Illinois.

Recognitions:

MacArthur High School Teacher Gayle Bowman introduced student Tatiana Crowe. Ms. Crowe won first place in the National Public Speaking contest for Jobs for America's Graduates. Ms. Crowe gave a speech about her experiences with Jobs for America's Graduates.

City Manager Tim Gleason announced the City of Decatur will have its very first Health Fair, on Wednesday, April 6, 2016, from 7 A.M. to 4 P.M. at the Decatur Civic Center. City Manager Tim Gleason introduced Finance Director Gregg Zientara and Risk Manager Scott Clark who introduced the City staff members of the Wellness Team.

R2016-35 Resolution Authorizing Real Estate Transfer for Property Located at 130 North Franklin Street, Decatur, Illinois, was presented.

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

Councilman Bill Faber said in his analysis the building does not have any strategic, historic or architectural value. He said the building is going to be very costly

for the City to maintain. This decision is going to force City layoffs in the future. Councilman Bill Faber asked Council to not pass the Resolution. Councilman Pat McDaniel supported the Resolution. He had concerns about the financial burden on the City and he would like to see quarterly financial reports on a regular basis. Councilwoman Dana Ray supported the Resolution. She said Council had worked on the agreement for a year and had done their due diligence. Councilwoman Lisa Gregory supported the Resolution. Councilwoman Lisa Gregory thanked City Manager Tim Gleason and Corporation Counsel Wendy Morthland for the work they had done on the agreement. It's time to think about the future of the Library. She encouraged the Library Board to work with Chairman of the Foundation Board Teena Zindel McWilliams to put together a plan for the Library's future. Councilman Jerry Dawson supported the Resolution. Councilman Chris Funk did not support the Resolution. He was concerned about what the future Library will look like and he was weighed by the terms of the lease and the City funding the Library for a very long time. Councilman Chris Funk said the lease obligated the City to a Library that one day may be too big and left the City without the ability to change it.

Library Board Member Aaron Largent said the Library Board unanimously approved the Agreement last week. He thanked the City Manager and Council for their work on the Agreement and looked forward to a successful relationship.

Citizen Howard Sargent asked what would happen as more and more books go online. The space the Library is going to need in the future will be a lot less and he hoped the Council had taken that into consideration.

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

R2016-36 Resolution Authorizing Lease Agreement – Board of Library Trustees, was presented.

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

Councilman Pat McDaniel hoped Council could open negotiations in the future to discuss the Library space needs. Councilman Bill Faber pointed out that the acquisition rate of the Library is down because of a lack of funds.

John Phillips explained the Library had worked hard over the last two years to save money and through good hiring the Library had been able to reallocate money to make significant increases in the amount of materials purchased last year and this year. The Library will also be able to expand their hours modestly. The Library Board will

begin to look at the future of Library and guaranteeing the Library's future. Mr. Phillips thanked the attorneys for their efforts.

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

2016-16 Ordinance Annexing Territory – 4855 Rea's Bridge Road

Councilwoman Dana Ray moved the Ordinance 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.

R2016-37 Resolution to Appropriate Motor Fuel Tax Funds for the Improvement of Lost Bridge Road by Municipality under the Illinois Highway Code, City Project 2015-27, was presented.

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

Councilman Chris Funk asked why the City is replacing the guard rail. Public Works Director Rick Marley said the guard rail is quite old, rusted, and is in very poor shape. The City is replacing the guardrail in four pieces so the City can spread the costs over several years and the funds are in the budget.

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.

R2016-38 Resolution Accepting the Bid and Authorizing the Execution of a Contract with Midwest Fence Corporation for Annual Guardrail Replacement Project, City Project 2015-27, 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.

R2016-39 Resolution Accepting Bid of Sky's the Limit Tree Service, Inc. for Tree and Bush Removal along East U.S. Route 36 Eastbound, Water Production, was presented.

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

Councilman Pat McDaniel asked if this was City Property or Park District Property. Water Management Director Keith Alexander said the property was City and Park District. Councilman Pat McDaniel asked if the Park District was sharing in the costs of this project. Mr. Alexander said no, the City has been doing these types of projects for several years and none of the other public entities have shared in the costs. Councilman Chris Funk asked if the City had asked the other public entities to participate. Mr. Alexander said that the City had asked them on the first couple of projects and those entities passed.

Councilman Pat McDaniel moved to table this item until the City discussed sharing some of the costs with the Park District; there was no second. Motion failed.

Councilman Chris Funk asked if this was esthetic purposes and Mr. Alexander said yes it was. City Manager Tim Gleason said he would ask the Park District to share the costs for this and future projects.

Upon call of the roll, Councilmen Jerry Dawson, Bill Faber, Chris Funk, Lisa Gregory, Dana Ray and Mayor Julie Moore Wolfe voted aye. Councilman Pat McDaniel voted nay. Six ayes; one nay. 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. Councilman Pat McDaniel removed Item A and Councilman Bill Faber removed Items C and D.

The Clerk read Item B:

B. R2016-41 Resolution Approving the Expenditure of City Funds to Renew Annual Date Network Maintenance Agreement.

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

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.

R2016-40 Resolution Approving Appointment to the Traffic & Parking Commission, was presented.

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

Councilman Pat McDaniel asked if the appointment was a City Staff member. Mayor Julie Moore Wolfe said no the person was employed by ADM.

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.

2016-17 Ordinance Amending City Code Chapter 29 – Administrative Adjudication of Offenses, was presented.

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

Councilman Bill Faber wanted to have a public discussion about the background for this proposal. City Manager Tim Gleason said this was an opportunity to have an alternative in Administrative Court to offer community service to work off the violation. Councilman Bill Faber wanted to know what kind of problems it was going to have administratively keeping track of the services performed. City Manager Tim Gleason said the contracted lawn care will be administering the community services. Corporation Counsel Wendy Morthland said, in addition, the Civic Center has offered to provide community services along with other contracted services and the legal staff will keep track of the services.

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.

2016-18 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 said he thought the public should have an understanding of what the proposal was. City Manager Tim Gleason explained the proposal was an opportunity to address efficiency in the supervision of the Public Works Department. Mayor Julie Moore Wolfe reminded the Public that the Council Agenda and background is available on the City's website before the Council meetings.

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, Councilwoman Dana Ray and Councilman Chris Funk requested to look at the cupcake law further and what the issues are. Councilman Pat McDaniel was in favor of an Ordinance for home bakers. Councilmen Chris Funk and Bill Faber asked for an Ordinance on the Council Agenda. Councilman Pat McDaniel requested dates for Study Sessions on video gambling and Council goals.

Mayor Julie Moore Wolfe called to Recess to a Study Session for the City Employee Residency Requirement.

Councilman Jerry Dawson moved to recess to Study Session; 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 Julie Moore Wolfe voted aye. Mayor Julie Moore Wolfe declared the motion carried.

City Manager Tim Gleason introduced Assistant City Manager Jerry Bauer who reviewed with Council what the current residency requirements are for the City of Decatur employees. Mr. Bauer explained the City has four groups of employee. The four groups are AFSCME, Firefighters, Police and Non-represented employees. Mr. Bauer gave an overview of the boundaries of their residency requirements and compliance period for each group. Councilman Bill Faber wanted to move quickly to make the residency requirement happen. Mayor Moore Wolfe asked how many full time employees are hired by the City per year. Mr. Bauer said it was approximately 25 to 50 a year.

Citizen Lloyd Holman requested Council address the problems of City employees living outside the City limits.

Citizen Jim Taylor urged Council to make future City employees live within the City limits.

Councilman Jerry Dawson said there are plenty of opportunities for employees to live in Decatur and attend schools in the rural school district if that is a problem. Unions have an obligation to pay their own portions of pensions.

Mayor Moore Wolfe asked if there were ramifications that are not being represented. City Manager Tim Gleason said there were a number of considerations. Mr. Gleason sees an opportunity for City employees to be ambassadors for the community in which they work. City Manager Tim Gleason said it could impact union negotiations and future applicants. Councilman Bill Faber wanted to have an action plan; he wanted to bring an Ordinance forward. Councilman Bill Faber wanted all new hires to live in the City of Decatur. Corporation Counsel Wendy Morthland explained that would be doing something against what Council has already authorized by the bargaining units agreements in place. Corporation Counsel Wendy Morthland explained City Staff could approach the bargaining units prior to their contracts expiring. City manager Tim Gleason summarized three items that came out of the Study Session, 1. Reach out in a labor management meeting; 2. Prepare an ordinance for new hires for

non-represented employees; and, 3. Reach out to the City of Springfield and see what their efforts currently are.

Citizen Jim Taylor said the residency requirement should be the policy of the City of Decatur for new hires; he didn't understand why the City was bringing the union in to it. Councilman Pat McDaniel said there is a difference between businesses and governments doing business with unions. Council had to do the residency requirement right and it was going to take some time. Corporation Counsel Wendy Morthland said the City of Decatur Ordinances cannot trump the Illinois State Labor Relations Act. There are different public labor relations laws which are different than the private labor unions laws that are very specific and do have control over what the City as an employer can and cannot do. Councilman Jerry Dawson asked that as the union contract talks come up, the residency requirement should be a priority. Councilman Bill Faber asked to continue the residency requirement for another Study Session in 30 days.

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 Chris Funk, 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 8:15 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 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 Council meeting adjourned at 8:36 p.m.

Approved April 18, 2016
Debra G. Bright
City Clerk