

DANVILLE CITY COUNCIL
APRIL 19, 2016

#1....THE REGULAR MEETING of the City Council of the City of Danville was called to order at 6:03 p.m. by Mayor Scott Eisenhower at the Robert E. Jones Municipal Building, 17 W. Main Street, Danville, Illinois.

THE ROLL CALL was answered by Mayor Scott Eisenhower, Aldermen Brenda Brown, Jon Cooper, R.J. Davis, Steve Foster, Sharon McMahon, Steve Nichols, Michael O'Kane, Sherry Pickering, Michael Puhr, Lloyd Randle, Tom Stone and Rick Strebing with one vacancy in Ward 2. Absent was Vice Mayor Rickey Williams Jr. A quorum was present.

Staff Members Present: Assistant Corporation Counsel Bethany Nystrom, City Clerk Lisa Monson, City Comptroller Gayle Lewis, Corporation Counsel Dave Wesner, DATS Director Jaclyn Vinson, Engineering & Urban Services Director David Schnelle, Human Relations Administrator Sandra Finch, Human Resources Administrator Bill Westphal, Information Technology Administrator Agnel DSilva, Planning & Urban Services Manager Christopher Milliken, Public Safety Director Larry Thomason, Public Transportation Director Lisa Beith, and Public Works Director Doug Ahrens.

There were also 17 audience members and 3 news media in attendance.

#2....INVOCATION was given by Reverend U.D. Williams, Pastor, New Union Baptist Church followed by

#3....THE PLEDGE OF ALLEGIANCE led by Alderman McMahon.

#4....THE MINUTES of the regular meeting held, April 5, 2016, having been published and distributed, was presented. Alderman Cooper moved for approval as presented, seconded by Alderman Randle. On the voice vote, the motion so ordered.

#5....THE AGENDA for the evening was presented. Mayor Eisenhower announced correction to language on agenda Item #11-D being Resolution: Authorizing Budget Amendment in Police Pension Retirement Fund and Item #11-E being Resolution: Authorizing Budget Amendment in Fire Pension Retirement Fund. There being no further changes, Alderman Cooper moved for approval as amended, seconded by Alderman Stone. On the voice vote, all ayes, no nays; the motion so ordered.

#6....MAYOR'S REPORT

#6-A..Proclamations - None

#6-B..Board/Committee Appointments

#6-B-1) Mayor Eisenhower presented the appointment of Adam Brown to the Planning & Zoning Commission, to replace Lauren Wonderlin, with term to expire June, 2018 and asked for concurrence. Alderman Puhr moved to concur, seconded by Alderman Stone. There being no questions, on the voice vote, all ayes, no nays; the motion so ordered.

#6-C..Reports of Boards, Agencies, Commissions

Human Relations Administrator Sandra Finch announced the Human Relations Commission is conducting a Police Division survey regarding the quality of service to the Danville citizens. The survey is anonymous and can be accessed on the City website at www.cityofdanville.org with

hardcopies being sent to local churches and organizations. The submission deadline is May 27 and surveys can be submitted online or hardcopies can be submitted to the office of Administrator Finch.

#6-D..Items of Information - None

#7...PETITIONS, COMMUNICATIONS, AUDIENCE COMMENTS

- Randy Downing of Danville voiced appreciation to the Danville Police Division for their service when his home was broken into last December. He also spoke on behalf of The Rock Church, Petitioner for Zoning Petition #249, 1101 E. Winter Avenue, stating Ortiz Counseling is ready to purchase the property which requires rezoning from AG to P1 Professional Office.
- Barbara Ortiz of Danville spoke on behalf of Ortiz Counseling and explained the various services she provides to the community.
- Terry Moreman of Danville spoke concern of delays in receiving code enforcement notices.
- Cyril Ostiguy of Danville voiced concern of several various payments to Ameren.
- Jerry Hawker of Danville spoke in regards to the ordinance amending Chapter 166 and would like to see the word "shall" be changed to the word "may" in Chapter 166.03(C) (1).
- Carolyn Wands of Danville and Danville landlord voiced support of Chapter 166 the way it was originally written and spoke frustration to be grouped with "slumlords" as she owns rental property.
- Ben Cahill of Danville spoke concern of changes to Chapter 166 as the new language would allow issuance of fines without a prior warning, has a problem with getting fined for something that is the fault of the tenant, and would like to see grace period extended.
- Nate Byram of Danville spoke concern of changes to Chapter 166 and requested separate warnings for each type of violation and warnings to reset at the end of the year. He also spoke concern of violations that are not the landlord's fault.
- Aaron Troglia of Danville spoke concern of changes to Chapter 166 and requested warnings to start over every calendar and to change the word "shall" to "may" in Chapter 166.03(C) (1).
- Vince Koers of Danville spoke concern of the possibility of a pond in a residential area as the city consultant's solution to the stormwater problem in his neighborhood.
- Lynn McClinden of Danville spoke concern of the one- time only grace period and feels there should be a more generous grace period to Chapter 166 changes.

#8....ZONING PETITIONS

#8-A..Mayor Eisenhauer presented Zoning Petition #249, ORDINANCE NO. 9044 amending Zoning Ordinance and Map for 1101 E. Winter Avenue by changing the classification of the subject tract from AG to P1 Professional Office, to allow for professional offices-counseling for Petitioner The Rock Church. Alderman Foster moved to accept the recommendation from the Planning & Zoning Commission and asked for approval, seconded by Alderman Brown. After hearing testimony during a hearing on April 7, 2016, the Planning & Zoning Commission voted 5-0-3 to recommend the request. There being no questions, the roll call vote being:

Ayes: Aldermen Pickering, O'Kane, Randle, Cooper, Puhr, Nichols, Foster, Brown, Davis, Stone, Williams, Strebing

Nays: None

Absent: Alderman Williams

Motion carried 12 to 0 with 1 absent and 1 vacancy in Ward 2.

[Alderman Davis left the meeting at 6:42 p.m. during presentation of the next item.]

#8-B..ORDINANCE NO 9045 - Planned Unit Development Petition #15-01 was presented by Mayor Eisenhauer. Petitioner Colonial Manor Danville is requesting a Planned Unit Development designation for the property, commonly known as 620 Warrington Avenue, for the purpose of lot consolidation, construction of an addition and expansion of onsite parking. After hearing testimony during a Public Hearing on April 7, 2016, the Planning & Zoning Commission voted to recommend approval. Alderman Strebing moved to concur, seconded by Alderman Randle. There being no questions, the roll call vote being:

Ayes: Aldermen O'Kane, Randle, Cooper, Puhr, Nichols, Foster, Brown, McMahon, Stone, Strebing, Pickering

Nays: None

Absent: Aldermen Williams, Davis

Motion carried 11 to 0 with 2 absent and 1 vacancy in Ward 2.

#9....PAYROLL

Mayor Eisenhauer presented Payrolls for April 8, 2016, of \$71,322.68, and for April 15, 2016, of \$510,487.24. Alderman Brown moved to dispense with the readings and asked for approval as presented, seconded by Alderman Stone. There being no questions, the roll call vote being:

Ayes: Aldermen Randle, Cooper, Puhr, Nichols, Foster, Brown, McMahon, Stone, Strebing, Pickering, O'Kane

Nays: None

Absent: Aldermen Williams, Davis

Motion carried 11 to 0 with 2 absent and 1 vacancy in Ward 2.

[Alderman Davis returned to the meeting at 6:48 during presentation of the next item.]

#10...SCHEDULE OF VOUCHERS PAYABLE

Mayor Eisenhauer presented the Schedule of Vouchers Payable, having been published, posted, and distributed, for April 12, 2016, of \$196,872.40 and April 19, 2016, of \$557,672.03. Alderman Cooper moved to dispense with the reading and asked for approval as presented, seconded by Alderman Stone. Comptroller Lewis explained there are various charged rates on the Ameren bill such as street lights, traffic lights, sirens, lights in the parks, building lights, lift stations, and charges for natural gas. Director Ahrens stated some of the charges are based on metered and non-metered accounts. There being no further questions, the roll call vote being:

Ayes: Aldermen Cooper, Puhr, Nichols, Foster, Brown, Davis, McMahon, Stone, Strebing, Pickering, O'Kane, Randle

Nays: None

Absent: Alderman Williams

Motion carried 12 to 0 with 1 absent and 1 vacancy in Ward 2.

#11...PUBLIC WORKS COMMITTEE REPORT

Chairman Puhr presented Items A through E for a single vote, moved to dispense with the readings and asked for approval without recommendation of Committee. There being no objections, Alderman Stone seconded. Those items being:

#11-A.. RESOLUTION NO. 2016-39 authorizing a Budget Amendment in Central Vehicle Maintenance (012) Budget to increase Maintenance of Vehicles by \$150,000.00, to come from the General Fund Reserve and issue a purchase order in the amount of \$150,000.00 to Pierce Manufacturing for frame component repairs, and/or replacement, along with associated work to Engine #4 of the Fire Division;

#11-B..RESOLUTION NO. 2016-40 authorizing a Budget Amendment in General City Government (015) Budget to increase Transfer to Fire Pension by \$240,000.00, and Transfer to Police Pension by \$160,000.00, to come from the Public Safety Pension Fee in the amount of \$304,715.00 and the balance of \$95,285.00 to come from the General Fund Reserve;

#11-C..RESOLUTION NO. 2016-41 authorizing a Budget Amendment in Fire Division (022) Budget to increase Expenditure-Salaries by \$50,000.00 and increase Overtime by \$25,000.00, to correct Resolution 2016-14, to come from the General Fund Reserve;

#11-D..RESOLUTION NO. 2016-42 authorizing a Budget Amendment in the Police Pension Retirement Fund (098) Budget to increase Expenditure-From General Fund by \$160,000.00 and increase Pension Contributions Budget by \$160,000.00, with funds to come from the transfer from General City Government;

#11-E..RESOLUTION NO. 2016-43 authorizing a Budget Amendment in the Fire Pension Retirement Fund (099) Budget to increase Expenditure-From General Fund by \$240,000.00 and increase Pension Contributions Budget by \$240,000.00, with funds to come from the transfer from General City Government;

There being no questions or discussion, the roll call vote being:

Ayes: Aldermen Puhr, Nichols, Foster, Brown, Davis, McMahon, Stone, Strebing, Pickering, O'Kane, Randle, Cooper

Nays: None

Absent: Alderman Williams

Motion carried 12 to 0 with 1 absent and 1 vacancy in Ward 2.

#11-F..Chairman Puhr presented RESOLUTION NO. 2016-44 approving a Real Estate Contract by and among Vermilion County Community Development Corporation (CDC) with Danville School District 118, for the purchase of 933 Chicago in the amount of \$15,000.00, to assist in the redevelopment of the area surrounding the Danville High School campus, moved to dispense with the reading and asked for approval without recommendation of Committee, seconded by Alderman Cooper. There being no further questions or discussion, the roll call vote being:

Ayes: Aldermen Puhr, Nichols, Foster, Brown, Davis, McMahon, Stone, Strebing, Pickering, O'Kane, Randle, Cooper

Nays: None

Absent: Alderman Williams

Motion carried 12 to 0 with 1 absent and 1 vacancy in Ward 2.

#11-G..Chairman Puhr presented RESOLUTION NO. 2016-45 awarding Bid 553 to the lowest responsible bidder Midwest Asphalt Company, in the amount of \$157,565.55 for 1101 E. Main Street Mini-Park, to be paid from Community Development Block Grant-Community Projects and Danville Mass Transit-Other Capital Budget, moved to dispense with the reading and asked for approval without recommendation of Committee, seconded by Alderman Strebing. After all questions were addressed, the roll call vote being:

Ayes: Aldermen Nichols, Foster, Brown, Davis, McMahon, Stone, Strebing, Pickering, O'Kane, Cooper, Puhr

Nays: Alderman Randle

Absent: Alderman Williams

Motion carried 11 to 1 with 1 absent and 1 vacancy in Ward 2.

#11-H..Chairman Puhr presented RESOLUTION NO. 2016-46 appropriating additional MFT Funds for the 2015 Overlay Program, Section 14-00350-00-RS, moved to dispense with the reading and asked for approval as recommended by Committee, seconded by Alderman Cooper. There being no questions or discussion, the roll call vote being:

Ayes: Aldermen Foster, Brown, Davis, McMahan, Stone, Strebing, Pickering, O’Kane, Randle, Cooper, Puhr, Nichols

Nays: None

Absent: Alderman Williams

Motion carried 12 to 0 with 1 absent and 1 vacancy in Ward 2.

#11-I..Chairman Puhr presented RESOLUTION NO. 2016-47 approving Additional Engineering Services with V3 Companies of Illinois, Ltd., in the amount of \$14,848.00 for the Koehn Creek Flood Mitigation Plan, for a total amended amount of \$137,478.00, with funds to come from Infrastructure Development-Economic Development or from the City’s stormwater funding source should it be established, moved to dispense with the reading and asked for approval as recommended by Committee, seconded by Alderman Cooper. After all questions were addressed, the roll call vote being:

Ayes: Aldermen Brown, Davis, McMahan, Stone, Strebing, Pickering, O’Kane, Randle, Cooper, Puhr, Nichols, Foster

Nays: None

Absent: Alderman Williams

Motion carried 12 to 0 with 1 absent and 1 vacancy in Ward 2.

#11-J..Chairman Puhr presented RESOLUTION NO. 2016-48 authorizing Payment to Sunbelt Rentals in the amount of \$32,995.75 for Emergency Sanitary Sewer Bypass Repairs to Stoney Creek Crossing at South Griffin Street, with funds to come from Sanitary Sewer Fund—Maintenance of Sanitary Sewers Budget, moved to dispense with the reading and asked for approval as recommended by Committee, seconded by Alderman Cooper. There being no questions or discussion, the roll call vote being:

Ayes: Aldermen Davis, McMahan, Stone, Strebing, Pickering, O’Kane, Randle, Cooper, Puhr, Nichols, Foster, Brown

Nays: None

Absent: Alderman Williams

Motion carried 12 to 0 with 1 absent and 1 vacancy in Ward 2.

#11-K..Chairman Puhr presented RESOLUTION NO. 2016-49 authorizing Professional Services to GHR Engineers & Associates, Inc. in the amount of \$78,662.00 to Upgrade Mechanical Systems at the Municipal Building, with funds to come from Capital Improvements-Buildings Budget, moved to dispense with the reading and asked for approval as recommended by Committee, seconded by Alderman Cooper. After all questions were addressed, the roll call vote being:

Ayes: Aldermen McMahan, Stone, Strebing, Pickering, O’Kane, Randle, Cooper, Puhr, Nichols, Foster, Brown, Davis

Nays: None

Absent: Alderman Williams

Motion carried 12 to 0 with 1 absent and 1 vacancy in Ward 2.

#11-L..Chairman Puhr presented ORDINANCE NO. 9046 authorizing Vacation of East-West Alleyway near 406 N. Kimball Street for Judith L. Criss, moved to dispense with the reading and asked for

approval as recommended by Committee, seconded by Alderman Cooper. After all questions were addressed, the roll call vote being:

Ayes: Aldermen Stone, Strebing, Pickering, O’Kane, Randle, Cooper, Puhr, Nichols, Foster, Brown, Davis, McMahan

Nays: None

Absent: Alderman Williams

Motion carried 12 to 0 with 1 absent and 1 vacancy in Ward 2.

#11-M..Chairman Puhr presented ORDINANCE NO. 9047 authorizing Disposal of Municipally Owned Surplus Real Property commonly known as 314 Sidell, 404 Sidell, 914 N. Jackson, 1 Wolfe, 918 Jackson, 924 Jackson, 922 Jackson, and 920 Jackson and waiving the requirements pertaining to sales of municipal real estate as set forth in Section 39.07 of the Code of Ordinances, moved to dispense with the reading and asked for approval without recommendation of Committee, seconded by Alderman Cooper. There being no questions or discussion, the roll call vote being:

Ayes: Aldermen Strebing, Pickering, O’Kane, Randle, Cooper, Puhr, Nichols, Foster, Brown, Davis, McMahan, Stone

Nays: None

Absent: Alderman Williams

Motion carried 12 to 0 with 1 absent and 1 vacancy in Ward 2.

#11-N..Chairman Puhr presented ORDINANCE NO. 9048 amending Chapter 166 Pertaining to Enforcement and Penalties for Certain Code Violations, moved to dispense with the reading and asked for approval as recommended by Committee, seconded by Alderman Cooper. Discussion took place regarding changing the word “shall” to the word “may” in Section 166.03(C)(1), concerns regarding the first offense period, and grace period allowance for any property which has not received a court citation within the previous twelve month period. Alderman Nichols moved to amend language to Section 166.04(B)(3) Grace Period “to allow for a 12 month rolling calendar period for which a violation of each category, one regarding the structure and one regarding the grounds of the property that would allow a seven day grace period”, seconded by Alderman McMahan. There being no further discussion on the motion to amend, the roll call vote being:

Ayes: Aldermen Pickering, O’Kane, Randle, Cooper, Puhr, Nichols, Foster, Brown, Davis, McMahan, Stone

Nays: Alderman Strebing

Absent: Alderman Williams

Motion carried 11 to 1 with 1 absent and 1 vacancy in Ward 2.

Alderman Nichols moved to amend language in Section 166.04 (B)(3) Grace Period “to allow a 14-day period from the date of issuance of the citation”, seconded by Alderman Randle. Director Schnelle voiced concern that large set outs on properties as well as tall grass will potentially be seen without abatement and stated this gives us a minimum of seven days to work from and if it is extended to 14 days it may be a disservice to the neighborhoods. Director Ahrens stated tenants move out without notice leaving unwanted items and often times Public Works receives phone calls asking that the items be removed immediately. Mayor Eisenhauer stated expedited enforcement has been mentioned numerous times with the neighborhood associations and the Administration strongly opposes the amendment before you. After further discussion on the motion to amend, the roll call vote being:

Ayes: Aldermen Randle, Nichols

Nays: Aldermen O’Kane, Cooper, Puhr, Foster, Brown, Davis, McMahan, Stone, Strebing, Pickering

Absent: Alderman Williams

Motion failed 2 to 10 with 1 absent and 1 vacancy in Ward 2.

There being no further questions or discussion, the roll call vote on the ordinance as amended being:

Ayes: Aldermen Randle, Cooper, Puhr, Nichols, Foster, Brown, Davis, McMahon, Stone, Strebing, Pickering, O'Kane

Nays: None

Absent: Alderman Williams

Motion carried 12 to 0 with 1 absent and 1 vacancy in Ward 2.

#11-O..Items of Information

Director Schnelle informed Council of a grant opportunity available through the National Recreation and Park Association. Staff would like to apply for the grant which would be used for the riverfront project. A resolution was not done in time to apply for the grant as the deadline will be before the next Council meeting. Mayor Eisenhower stated there will be no financial match from the City. The consensus from the Council was to go ahead and apply for the grant. Director Schnelle stated he has a few hardcopies of the Stormwater Master Plan if anyone would like a copy and it can also be found on the city website.

[The next Public Works Committee meeting will be held on Tuesday, May 10, 2016 at 6:00 p.m.]

#12...PUBLIC SERVICES COMMITTEE REPORT

#12-A..Chairman Nichols presented the City Clerk's License Report, moved to dispense with the reading and asked for approval, seconded by Alderman Foster. The report as follows:

LICENSES:

TOBACCO DEALERS:

County Market #510 – 2917 N. Vermilion
County Market #511 – 2 E. Main
Danville Citgo – 1207 N. Bowman
Discount Tobacco Warehouse – 501 N. Vermilion
Family Dollar #1244 – 2 E. Main
Family Dollar #7405 – 1228 E. Main
Lynch Travel Mart – 379 Lynch
Meijer Gas Station #269 – 3635 N. Vermilion
Meijer Store #269 – 3649 N. Vermilion
Turtle Run Golf Club – 332 E. Liberty
Village Pantry #1213 – 616 S. Bowman
West Side Liquors – 801 N. Vermilion

TOBACCO DISTRIBUTORS:

Casey's Marketing Company – Terre Haute, IN
McLane Midwest – 3400 E. Main
Meijer Distribution – Lansing, MI
Peyton's Northern – Bluffton, IN

There being no questions, on the voice vote, all ayes, no nays; the motion so ordered.

#12-B...Items of Information

Chairman Nichols announced the next Public Services Committee meeting will be held on Wednesday, April 27, 2016 at 6:30 p.m. following the City/County Public Safety Building Committee meeting.

#13...ITEMS OF INFORMATION

- Alderman Strebing announced there will be a chicken-noodle fundraiser dinner for the Children's Dyslexia Center on Monday, April 25 at the Masonic Temple. He also announced the F.A.V.O.R. golf event will be held Saturday, April 23.
- Alderman Randle spoke about an IDOT study that he passed out to Aldermen and stated he met with Mayor Eisenhauer, Director Thomason, and Administrator Finch to discuss his concerns with the study and why he would like to see it reviewed. He feels there are going to be some changes in the State's Attorney's office and also in the way in which we police our community and as we move forward it is important to look at this as an opportunity that we are treating everyone fairly. The City of Urbana is a very progressive community and they found out they were not doing the right thing with individuals being stopped that did not need to be stopped and individuals receiving higher fines based on the ethnic makeup of the community.

#14...CLOSED SESSION

Alderman Nichols moved to go into Closed Session under Section 2(c)(1) of the Open Meetings Act to discuss Specific Employees, Section 2(c)(2) of the Open Meetings Act to discuss Collective Bargaining Matters and Salary Schedules, and Section 2(c)(11) of the Opens Meetings Act to Discuss Pending Litigation, seconded by Alderman Cooper. The roll call vote being:

Ayes: Aldermen Puhr, Nichols, Foster, Brown, Davis, McMahon, Stone, Pickering, O'Kane, Randle

Nays: Aldermen Cooper, Stebing

Absent: Alderman Williams

Motion carried 10 to 2 with 1 absent and 1 vacancy in Ward 2.

TIME: 7:41 p.m.

Alderman Brown moved to return to Open Session, seconded by Alderman Stone. On the voice vote, all ayes, no nays; the motion so ordered. Mayor Eisenhauer called the meeting back to order at 8:31 p.m.

#14-A..Mayor Eisenhauer presented ORDINANCE NO. 9049 amending Chapter 39.07 Compensation and Classification of Municipal Employees (Wage Administration Chart) to Section B - Non-Union Full-Time Employees – Annual Rates, shall be amended as follows:

- Repeal all numerical information under the categorical columns entitled "Hiring Levels" including columns "A Base", "B Base +5%", and "C Base +10%"; replace with new heading entitled "Hiring Levels" including columns "A Minimum", "B Mid-Point", and "C Maximum" and all numerical information which follows within each categorical column, and thereby changing all of the salary ranges for each classification positions.
- Shall be amended to reflect an increase in salary for personnel, effective May 1st, 2016.
- Create position classification 195.0 entitled "Property Compliance Manager" with a salary range of \$46,707.00 to \$70,060.00 effective immediately.
- Change classification position numbers to the following: "Engineering Technician" to 209.0; Engineer III to 210.0; Engineer II to 211.0; Engineer I to 212.0; Code Enforcement Inspector to 255.0; and Full Time Mass Transit Dispatcher to 415.0.

The ordinance will be effective immediately upon its passage and publication. Alderman Randle moved for approval as discussed in Closed Session, seconded by Alderman McMahon. There being no questions or discussion, the roll call vote being:

Ayes: Aldermen Puhr, Foster, Davis, McMahon, Stone, O'Kane, Cooper

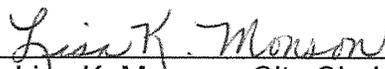
Nays: Aldermen Nichols, Brown, Pickering, Randle

Absent: Aldermen Williams, Strebing

The vote being 7 to 4 with 2 absent and 1 vacancy, Mayor Eisenhower cast a vote in the affirmative; motion carried 8 to 4 with 2 absent and 1 vacancy in Ward 2.

#15..ADJOURNMENT

There being no further business to discuss, the meeting was adjourned by acclamation at 8:33 p.m. following a motion by Alderman Nichols and a second by Alderman Randle.



Lisa K. Monson, City Clerk

I, Lisa K. Monson, City Clerk of the City of Danville, Illinois, do hereby certify that the foregoing Minutes are a true and correct copy of the regular meeting held April 19, 2016, as the same appears on the records of the City now in my custody and keeping.

Lisa K. Monson, City Clerk

Approved: 05/03/16
Posted Publicly: 05/04/16