

DANVILLE CITY COUNCIL  
AUGUST 16, 2016

#1....THE REGULAR MEETING of the City Council of the City of Danville was called to order at 6:01 p.m. by Mayor Scott Eisenhauer at the Robert E. Jones Municipal Building, 17 W. Main Street, Danville, Illinois.

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

Staff Members Present: Assistant Corporation Counsel Bethany Nystrom, City Clerk Lisa Monson, City Comptroller Gayle Lewis, Corporation Counsel Dave Wesner, Engineering & Urban Services Director David Schnelle, Public Safety Director Larry Thomason, Public Transportation Director Lisa Beith, and Public Works Director Doug Ahrens.

There were also 26 audience members and 2 news media in attendance.

#2....INVOCATION was given by Reverend Ken McCray, Pastor of Higher Dimension Faith Church, followed by

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

#4....THE MINUTES of the regular meeting held, August 2, 2016 having been published and distributed, was presented. Alderman Davis moved for approval as presented, seconded by Alderman Cooper. On the voice vote, the motion so ordered.

#5....THE AGENDA for the evening was presented. There being no changes, Alderman Brown moved for approval as presented, seconded by Alderman Cooper. 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 - None

#6-C..Reports of Boards, Agencies, Commissions - None

#6-D..Items of Information

1) Presentation by Bill Wright on Combat Wounded Warrior Parking

Mayor Eisenhauer introduced Bill Wright who presented the City with three "Reserved Combat Wounded Warrior" parking signs to acknowledge and honor Purple Heart recipients and combat wounded military service members. The Wounded Warriors Family Support Organization provided the signs and purple paint along with a donation.

2) Recognition of American Legion Post 210 Senior Speakers State Championship

Mayor Eisenhauer recognized the American Legion Post 210 Senior Speakers Baseball team recently won the Illinois State Baseball Championship for the first time in Post 210 history. Team Manager Allan Shepherd praised the team of 17 players who ended the season with a record of 36-6-1 and stated the team represented the Community very well. Team members in attendance then stated their name, age, and where they were from. The coaches were also recognized. Mayor Eisenhauer asked Alderman Strebing to present a



sign which will become part of the Riverfront development that will include a designated area to recognize the Community's State and National champions that have been achieved in the last ten years.

#### Other Items of Information

- Mayor Eisenhauer introduced Public Transportation Director Lisa Beith who recognized the great efforts of Danville Mass Transit (DMT) employee Andre Brown. She introduced Mike Randle, senior DMT Driver who has been with DMT for 37 years and Operations Supervisor Robert McNeil. Mr. Brown was driving a bus from Champaign to Danville on August 11th when it caught on fire. He evacuated the bus quickly and took the DMT issued cell phone to contact dispatch. Director Beith showed pictures of the bus while it was on fire as well as after the fire was extinguished, which is a total loss. Director Beith presented Mr. Brown with a certificate of excellence for his commitment to DMT and providing safe transportation to the citizens of Danville.
- Mayor Eisenhauer wished a "Happy Birthday" to Alderman Mike Puhr.

#### #7...PETITIONS, COMMUNICATIONS, AUDIENCE COMMENTS

- Jerry Hawker of Danville spoke concern of interior inspections regarding a property owned by John Cunningham. The City arrived with police and a search warrant after a simple letter was sent that did not provide enough information about the problem that was given to the City through an anonymous complaint. He also voiced concern that Mr. Cunningham's building is not the worst building in the City.
- Ed Butler of Danville and President of the N.A.A.C.P. Danville Branch thanked Director Thomason for his assistance with the recent marches and announced the dates for the upcoming marches. He thanked Alderman Pickering and her husband for participating in the marches. He also announced a program that will bring the police and citizens together and will provide training for future "mature" adults called "The Village of a Thousand Elders". The CEO of the program will be in Danville on August 26<sup>th</sup> to hold training with police at the Greater Shiloh Baptist Church and on August 27<sup>th</sup> the program will be open to the public at 10:00 a.m.
- Cyril Ostiguy of Danville questioned the electrical savings of 13 LED Street Lights that were recently installed.

#### #8...ZONING PETITIONS - None

#### #9...PAYROLL

Mayor Eisenhauer presented Payrolls for August 5, 2016, of \$561,615.59, and for August 12, 2016 of \$77,957.02. Alderman Cooper moved to dispense with the readings and asked for approval as presented, seconded by Alderman Puhr. There being no questions, the roll call vote being:

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

Nays: None

Absent: Aldermen Duncheon, Randle, Stone

Motion carried 11 to 0 with 3 absent.

#### #10...SCHEDULE OF VOUCHERS PAYABLE

Mayor Eisenhauer presented the Schedule of Vouchers Payable, having been published, posted, and distributed, for August 9, 2016, of \$151,796.17, and for August 16, 2016 of \$291,149.17. Alderman

Cooper moved to dispense with the readings and asked for approval as presented, seconded by Alderman Pickering. There being no questions, the roll call vote being:

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

Nays: None

Absent: Aldermen Duncheon, Randle, Stone

Motion carried 11 to 0 with 3 absent.

#### #11...PUBLIC WORKS COMMITTEE REPORT

#11-A..Chairman Puhr presented RESOLUTION NO. 2016-104 approving the Disposal of Surplus Personal Property for Sale and Scrap Value, to sell for scrap value (1) 1996 New Flyer D4OLF Transit Bus, VIN: 2FYD2LL17TU016860, to advertise for sale, by sealed bid, (1) 2008 Ford Eldorado 14-passenger bus, VIN: 1FD4E45PX8DB00980 and (1) 2008 Chevrolet 24-passenger bus, VIN: 1GBE5V1948F403560, 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 Nichols, Foster, Brown, Davis, McMahon, Williams, Strebing, Pickering, O'Kane, Cooper, Puhr

Nays: None

Absent: Aldermen Duncheon, Randle, Stone

Motion carried 11 to 0 with 3 absent.

#11-B..Chairman Puhr presented RESOLUTION NO. 2016-105 awarding Bid 563 to the sole bidder Varsity Striping Company for the 2016 Pavement Striping, in the amount of \$47,214.30 to be paid from the Infrastructure Development and Improvement Program-Pavement Maintenance Budget, moved to dispense with the reading and asked for approval as recommended by Committee, seconded by Alderman Strebing. There being no questions or discussion, the roll call vote being:

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

Nays: None

Absent: Aldermen Duncheon, Randle, Stone

Motion carried 11 to 0 with 3 absent.

#11-C..Chairman Puhr presented amended RESOLUTION NO. 2016-106 rejecting Bids for the Tuttle Street Sewer Project Bid #564 due to conflicting information in the bid documents which would result in excessive final project costs, moved to dispense with the reading and asked for approval as recommended by Committee, seconded by Vice Mayor Williams. There being no questions or discussion, the roll call vote being:

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

Nays: None

Absent: Aldermen Duncheon, Randle, Stone

Motion carried 11 to 0 with 3 absent.

#11-D..Chairman Puhr presented RESOLUTION NO. 2016-107 authorizing Additional Work to Bid #540 for the 2015 Overlay Program, in the amount of \$24,866.98 to amend and increase the purchase order to the total amount of \$864,838.82, 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, McMahon, Williams, Strebing, Pickering, O'Kane, Cooper, Puhr, Nichols, Foster, Brown

Nays: None

Absent: Aldermen Duncheon, Randle, Stone

Motion carried 11 to 0 with 3 absent.

#11-E..Chairman Puhr presented amended RESOLUTION NO. 2016-108 approving Special Sanitary Sewer Discharge Agreement with Mac's Convenience Stores LLC, moved to dispense with the reading and asked for approval as recommended by Committee, seconded by Alderman Cooper. Alderman McMahon questioned if the leakage was from storage tanks and Director Schnelle responded it is previous leakage from their storage tanks and they have to remedy the situation by cleaning up the soil and removing the contaminants. The process has been approved by the EPA and the discharge needs to go into the sanitary sewer system and because it is a special use, the City is requesting an additional rate for that. There is a process to remove the gasoline from the ground water. Alderman Pickering asked what would keep them from walking away and Director Schnelle responded it is entirely up to them and this is their issue with the EPA. There being no further questions or discussion, the roll call vote being:

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

Nays: Alderman Strebing

Absent: Aldermen Duncheon, Randle, Stone

Motion carried 10 to 1 with 3 absent.

#11-F..Chairman Puhr presented amended RESOLUTION NO. 2016-109 approving Work to Median on Brewer Road, in the amount of \$38,592.00, to Cross Construction, to be paid for from the Motor Fuel Tax Section 16-00351-00-RS, moved to dispense with the reading and asked for approval as recommended by Committee, seconded by Alderman Strebing. Vice Mayor Williams stated the completed work looks much better and stated the total seems high for a median. Director Schnelle responded the work included the removal of the median and placement of the new median which included an additional cost for traffic control. He also stated the price was similar to the median removal and replacement at Lynch and Main. There being no further questions or discussion, the roll call vote being:

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

Nays: None

Absent: Aldermen Duncheon, Randle, Stone

Motion carried 11 to 0 with 3 absent.

#11-G..Items of Information

*[The next Public Works Committee meeting is scheduled for Tuesday, September 13, 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 and placement on file, seconded by Alderman Brown. The report as follows:

LICENSES: None

FIREWORKS DISPLAY PERMIT:

Danville Police & Fire Divisions: Finest vs. Bravest Event on August 27, 2016 at Danville Stadium, 610 Highland Blvd.

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 Tuesday, August 23, 2016 at 6:00 p.m.

#13...ITEMS OF INFORMATION

- Mayor Eisenhauer addressed comments made from audience member Jerry Hawker and stated based on the ordinance the City has two opportunities to do an interior inspection on any property and those two are either through the tenant complaint system or identification of exterior level one violation. A complaint came to the City through a neighborhood group, there was a suggestion it initiated with a tenant that was a verbal complaint and the City still treated it as a complaint. Mr. Hawker and Mr. Cunningham both complained about that and we recognize through discussion that perhaps there should be more involved so we also asked our staff to do an exterior inspection of the property to see if any level one violations existed which they did. We made arrangements to do an inspection and sent both the owner of the property and the tenant's notification. After the notification we received the phone call from Mr. Hawker and Mr. Cunningham upset that the tenant's were notified. The date of the inspection was moved back due to the request of Mr. Cunningham as he wanted to have time to get legal advice. The City did not re-notify the tenants and by law we are not required to do that. All we are required to do by law is to ask the tenant if we can come into their unit and if they give the City permission to do that we have the legal authority to go into the unit. Again this was a level one exterior violation that could be problems with the building as a whole so not only did we want to see common areas we also felt as though there was the necessity to go into the units as well. Mr. Cunningham contacted him as he wanted to push the date back as Mr. Cunningham wanted to seek legal advice so the City granted that with no fine. Mr. Cunningham and Mr. Hawker came to him the following day and it was suggested the City would not be able to converse about it any further because Mr. Cunningham had obtained legal counsel. Mr. Cunningham had not obtained legal counsel, but thought he might in the future. The date for the inspection was identified for the following Thursday and on the following Thursday our inspector showed up to the property to do the inspection at the time requested and was denied entrance into the property and was told "if you want to get into this property you better get a warrant" so it was at that point Mayor Eisenhauer contacted Assistant Corporation Counsel Ms. Nystrom and asked her to begin to prepare the paperwork in order to get a warrant to enter into the building. The City was able to obtain the paperwork based upon the exterior violations that existed and the City initiated the warrant earlier today to do the inspection on the property. There were communications, there were discussions, and there were opportunities for the City to do this inspection without a warrant. Mayor Eisenhauer stated Mr. Hawker pointed out they have provided their tenants with a flyer indicating what rights as tenants they have to not allow the City to enter into their unit and that certainly is their legal right unless we have a warrant. What their flyer did not indicate is to let them know at any time they have the right to ask the City to come in and inspect their unit if they find it be unhealthy and unsafe. Ms. Nystrom got the warrant for the entire building including the units so the City had the ability to go into the units. Also, there is nothing in the ordinance that states it is based upon race. Corporation Counsel Wesner stated Mr. Hawker was alluding to a

particular agenda and advised to be careful of the idea of that agenda. His feeling is the people most affected by what are the City agenda which is adequate, safe living conditions. Some of these people in the community are held hostage because they're scared of what can happen or what the landlord may or may not do to them. Also, the landlord wants to know who complained about them, but they are not entitled to get that information. The tenants are afraid of retaliation and that is why the inspectors act as the complainants when they go and look and verify a problem. The person complaining does not. Alderman Nichols asked how many interior inspections have the City completed since we started this program and Mayor Eisenhower responded he will have to get that information.

- Alderman McMahon performed in three shows with the Lincoln Park Theatre Group at Lincoln Park and thanked the Parks Division for making sure the park was clean and in good condition for the show.
- Alderman Puhr announced a new logo was recently unveiled for the Vermilion County Conservation Foundation.
- Alderman Davis stated Garfield Park municipal pool closed on August 12<sup>th</sup> and asked the Aldermen to visit the pool and commended Cindy Parson for doing a great job with the pool. He also asked the Aldermen to read the information that was passed out by President Butler.
- Alderman Strebing thanked Mayor Eisenhower for allowing him to present the sign to his grandson who was a member of the American Legion Post 210 Senior Speakers team.
- Mayor Eisenhower stated 11 staff members attended the Global Leadership Summit at the Second Church of Christ that was held on August 11<sup>th</sup> and August 12<sup>th</sup> and thanked Alderman Pickering for attending.

#14...CLOSED SESSION was not needed.

#15...ADJOURNMENT

There being no further business to discuss, the meeting was adjourned by acclamation at 7:22 p.m. following a motion by Alderman Brown and a second by Alderman Strebing.



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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 August 16, 2016, as the same appears on the records of the City now in my custody and keeping.

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Lisa K. Monson, City Clerk

Approved: 09/06/16  
Posted Publicly: 09/07/16