DANVILLE CITY COUNCIL
NOVEMBER 1, 2016

#1....THE REGULAR MEETING of the City Council of the City of Danville was called to order at 6:04 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, Dan Duncheon, Steve Foster, Steve Nichols, Michael O'Kane, Sherry Pickering, Michael Puhr, Lloyd Randle, Tom Stone, and Rick Strebing. Absent were Aldermen R.J. Davis and Sharon McMahon. A quorum was present.

Staff Members Present: Assistant Corporation Counsel Bethany Nystrom, City Clerk Lisa Monson, City Comptroller Gayle Lewis, Corporation Counsel Dave Wesner, Human Relations Administrator Sandra Finch, Information Technology Administrator Agnel DSilva, Public Safety Director Larry Thomason, Public Transportation Director Lisa Beith, and Public Works Director Doug Ahrens.

There were also 15 audience members and 3 news media in attendance.

#2....INVOCATION was given by Reverend Franklin Bourn, Pastor of Battle Focus Ministries, followed by
#3....THE PLEDGE OF ALLEGIANCE led by Alderman Nichols.

#4....THE MINUTES of the regular meeting held, October 18, 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 Eisenhauer announced the removal of Item 8-A Ordinance: Amending Zoning Ordinance and Map to Approve Rezoning Petition #254 for Estate of John T. Gulick at 912-914 N. Vermilion Street and Item 12-A-1 City Clerk's Report. Item 8-A was removed at the request of the Petitioner. There being no further changes, Alderman Randle moved for approval as amended, seconded by Alderman Cooper. On the voice vote, all ayes, no nays; the motion so ordered.

#6....MAYOR'S REPORT
#6-A..Proclamations
#6-A-1..Mayor Eisenhauer presented a Proclamation proclaiming Monday, November 7, 2016 as "COLOR THE WORLD ORANGE DAY". Alderman Randle moved to concur, seconded by Alderman Cooper. On the voice vote, all ayes, no nays; the motion so ordered. Rae Ann Klink, a member of the Complex Regional Pain Syndrome (CRPS) community, was asked to come forward for the reading of the proclamation. Ms. Klink thanked the Council for the proclamation and explained CRPS, also known as Reflex Sympathetic Dystrophy (RSD), is a progressive nerve disorder that causes chronic pain. She hopes to spread the awareness of the pain disorder and tries her best to inspire her students with disabilities that she works with.

#6-B..Board/Committee Appointments - None
#6-C..Reports of Boards, Agencies, Commissions - None

#6-D..Items of Information-None

#7....PETITIONS, COMMUNICATIONS, AUDIENCE COMMENTS
Mayor Eisenhauer announced Ed Butler of Danville and President of the Danville NAACP will be on television station WCIA First Sweeps Program tomorrow along with Pastor McCullough and BoBo Smalls which will feature the great work they are doing in the community as our Kings of Peace and for the work that is being done at Garfield Park which was a piece that was previously run on WCIA. President Butler thanked Mayor Eisenhauer and stated we are still trying to do what we can to bring peace and harmony in Danville and our job is not finished yet. He thanked everyone involved with the City who helped with the curb appeal at Greater Shiloh Baptist Church.

#8....ZONING PETITIONS
#8-A...previously removed.

#9....PAYROLL
Mayor Eisenhauer presented Payrolls for October 21, 2016, of $73,326.49 and for October 28, 2016 of $520,727.15. 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 Duncheon, Stone, Williams, Strebing, Pickering, O'Kane, Randle, Cooper, Puhr, Nichols, Foster, Brown
Nays: None
Absent: Aldermen Davis, McMahon
Motion carried 12 to 0 with 2 absent.

#10...SCHEDULE OF VOUCHERS PAYABLE
Mayor Eisenhauer presented the Schedule of Vouchers Payable, having been published, posted, and distributed, for October 25, 2016, of $347,447.68, and for November 1, 2016 of $644,778.70. Alderman Cooper moved to dispense with the readings and asked for approval as presented, seconded by Alderman Stone. Alderman Pickering questioned a payment to Morrow Brothers Ford, Inc. for a F350 truck. Director Ahrens responded the truck is a replacement vehicle for Joel Alvarez, Sewer Division Lead Worker as his current truck is being shifted to the demolition coordinator. The new truck will be able to plow and previous half ton pick-up will remain in the fleet. There being no further questions, the roll call vote being:
Ayes: Aldermen Stone, Williams, Strebing, Pickering, O'Kane, Randle, Cooper, Puhr, Nichols, Foster, Brown, Duncheon
Nays: None
Absent: Aldermen Davis, McMahon
Motion carried 12 to 0 with 2 absent.

#11...PUBLIC WORKS COMMITTEE REPORT
#11-A..Items of Information
Alderman Puhr announced the next Public Works Committee meeting is scheduled for Tuesday, November 8, 2016 at 6:00 p.m.

#12...PUBLIC SERVICES COMMITTEE REPORT
#12-A..previously removed.

#12-B..Chairman Nichols presented ORDINANCE NO. 9070 enacting and adopting Supplement S-50 and S-51 to the City Code, moved to dispense with the reading and asked for approval as recommended by Committee, seconded by Alderman Stone. There being no questions or discussion, the roll call vote being:

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

Nays: None

Absent: Alderman Davis, McMahon

Motion carried 12 to 0 with 2 absent.

#12-C..Chairman Nichols presented ORDINANCE NO. 9071 amending Chapter 136 of City Code of Ordinances Pertaining to Gambling Offenses, moved to dispense with the reading and asked for approval as discussed by Committee, seconded by Alderman Foster. Alderman Cooper questioned the purpose of amending the ordinance and Corporation Counsel Wesner explained a comment was made by the hearing officer with respect to the process which caused him to further look into beefing it up some. As you know when we do a seizure and impoundment of a motor vehicle there is a process that's basically a two step process. Once a vehicle is impounded the owner has the ability to come in and short order and request a probable cause hearing meaning a quick hearing where the City presents what happened to substantiate the reason for the impoundment so it is basically if it is determined we impounded the car improperly the person gets their car back within a couple of days rather than wait the thirty days for a full blown hearing and so in terms of the process because you are taking property from someone we felt that was important to provide that step in the overall hearing process. In looking at the ordinances we have when we seize money the process is just like you would receive as an ordinance violation ticket. We give you a ticket, your hearing is probably 30 days away and at the earliest we can still come in and argue against the idea of what occurred, but it is 30 days away and so what I felt was in order to beef up that process and give the person an opportunity to come in a relatively quick time period and argue against the seizure is to provide this kind of process. These two ordinances are basically the same thing to make these consistent with our impoundment of motor vehicle ordinances and provide that additional step in the process of allowing the person to come in and contest the idea of the seizure. Alderman Puhr asked the so called gray machines would those be considered illegal if someone had them in their homes if they were just using them for amusement only. Corporation Counsel Wesner responded I would have to go back and look at the statute on those kinds of issues and those types of items I would look at the State enforcement on that because you are talking about an actual machine. I don't know if there is an exemption on that for personal use of a machine that resembles that. I would have some concerns about that only because is my excuse is it is only for personal use but every weekend I have 15 buddies that come over and we play it and I pay them out to make sure they keep coming back so technically machines themselves are illegal and that would be a debate from that person. Alderman Puhr also questioned illegal betting on games and Corporation Counsel Wesner stated "no, not really", the vast majority of cases we see come in are related to drugs, not gambling. It happens, but it is less likely there and honestly I don't remember the last time we received one of these in terms of gambling because it would literally be guys on the sidewalk throwing dice and that is where we would seize it so you are not talking about a house that someone is going into raiding or a business in the back room where they have some machines or a poker game. The question is could that fall under this category and the answer is certainly because it is a violation of an ordinance and State Statute. That may be determination based on circumstances on whether the Police decide whether it is more favorable if we do it here as a City case versus going to the State. Alderman Randle asked for an example of an improper vehicle seizure and Counsel Wesner stated the way it works is that particular

ordinance goes against the registered owner of that vehicle even if they are not the driver as we see about half and half. One of the biggest ones we see is a person driving a vehicle after a suspended or revoked driver's license and the driver is pulled over by the police for some reason and the driver is arrested for that violation and they tow the car because it was used in the commission of that offense so again it is not a laundry list of offenses that we use. I felt when I drafted ours was is one of the offenses to make some sense why we are taking someone's car away from for a period of time. This is just a seizure and a hold as the owner needs to take responsibility for the vehicle as who is in it and who is using it and why they are using it. In illegal dumping and drive-by shootings the car should be impounded and taken in those circumstances. The penalty is consistent with the nature of the violation and hopefully an amount that will keep them from doing it again. Alderman Randle asked if there is a fee to get the car back and Counsel Wesner stated "yes". Alderman Pickering questioned the statement "the formal rules of evidence will not apply and hearsay evidence shall be admissible" and Counsel Wesner responded there are certain points in time in our administrative process where the idea of using hearsay or the strict rules of evidence are not going to apply because what this is supposed to be about is a very quick hearing where realistically the officer may be present or he has his report about what happened and 99.9% of the people coming into the system are not represented by an attorney so again the idea is to not hamstring them in terms of a presentation to contest the idea of the seizure so they can choose to present whatever they think is relevant to that seizure and let the hearing officer make a decision at the stage of the particular case. Alderman Foster questioned exceptions to gambling such as the Fire Division Poker Tournament and Counsel Wesner stated in our gambling ordinance there are certain exceptions where a civic or school organization is going to hold a casino night are eligible to do that, but there are some things you have to do though, sometimes through the State. Alderman Stone asked if something similar to this has gone to an appeal and been upheld for due process and Counsel Wesner stated "no." There being no further questions or discussion, the roll call vote being:

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

Nays: None

Absent: Alderman Davis, McMahon

Motion carried 12 to 0 with 2 absent.

#12-D..Chairman Nichols presented ORDINANCE NO. 9072 amending Chapter 140 of City Code of Ordinances Pertaining to Possession of Cannabis and Controlled Substances, moved to dispense with the reading and asked for approval as discussed by Committee, seconded by Alderman Cooper. Alderman Randle asked who receives the appeal in the Legal office in the event no one is available and Corporation Counsel Wesner responded the secretaries are assigned as court clerks for the administrative system and one of the two of them is always there and what I have had before is I err on the side of caution of someone coming in on that appeal there is obviously a time frame that is built in here for them to be able to come in a ask for that and we account for circumstances that may arise where they actually cannot or do not meet our time deadline to request the appeal. Alderman Randle asked who the hearing officer's are and Counsel Wesner responded there are four hearing officers appointed by the Mayor with the consent of the Council. They sit individually and part of the ideas for these time periods are generally for the hearings that take place on Thursday afternoons, but for these types of hearings we call around to see who is available, like the next day or two, to conduct this hearing and schedule it with whomever is available. There being no further questions or discussion, the roll call vote being:

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

Nays: None
Absent: Alderman Davis, McMahon
Motion carried 12 to 0 with 2 absent.

#12-E..Items of Information
[The next Public Services Committee meeting will be held Tuesday, November 22, 2016 at 6:00 p.m.]

#13...DISCUSSION OF 2016 TAX LEVY AND FISCAL YEAR 2017-2018 PROPOSED BUDGET
Mayor Eisenhauer handed out a booklet that contained Scenario #13 of the Proposed 2016 Tax Levy which included a Public Safety Fee freeze at $4.00 per month, abate $400,000.00 from the General Fund, and implement a Utility Tax (Gas and Electric), for a projected tax rate of $2.0684; an estimated breakdown of the Police Pension and the Fire Pension and how all of that plays into the total property tax levy, outline of Fire Pension Retirement Fund budget and the Police Pension Retirement Fund budget which will help with assessing the property tax levy, a spreadsheet showing the summary of outstanding bond and debt, Bond and Interest Fund budget, 2007 Debt Service Fund budget, 2009 Debt Service Fund budget, Community Reinvestment Fund budget, Sanitary Sewer Fund budget, Solid Waste Management Fund budget, a spreadsheet showing the department/division revenue breakdown on the 2016 Tax Levy with amount required by the General Fund, an estimated revenue source spreadsheet for the 2016 Tax Levy and 2017-2018 Budget totaling $21,929,970.00, a 2017-2018 Budget Summary with amount required from the General Fund at $21,926,840.00 (Expenses of $24,709,104.00 and Revenue of $2,782,263.00) leaving a General Fund surplus of $3,130.00, a spreadsheet comparison of the General Fund expenditures in fiscal year 2016-2017 to proposed fiscal year 2017-2018 showing a percentage of change at -4.47%, a spreadsheet of General Fund Receipts which are slightly down this year, and the Proposed Budget breakdown for each division in the General Fund. Mayor Eisenhauer stated the budget does not include the funding of three positions: Planning Technician position, one of the three Assistant Chiefs due to the reorganizational structure presented last week, and Auditor position due to rewriting of the job description in conjunction with the new job description for the Comptroller in order to focus on trying to find an excellent Comptroller to succeed the current Comptroller upon retirement. The booklet also contained Line Item Differences from fiscal year 2016-2017 to fiscal year 2017-2018 which is a quick reference to any changes made from last year to this year. Mayor Eisenhauer pointed out the personnel expenditures includes salary, overtime, and benefit package minus the health insurance contributions from the employees. He thanked the Comptroller and Department Heads for their diligent work on the proposed budget and also stated there are certain things department heads would have liked to accomplish this year unfortunately it might not have made the budget and that is because we have to continue to look at the available revenue resources we have and how we are going to expend those dollars. He noted some of the transfer from the General Fund was taken out of the property tax abatement, health insurance increase was at 1.5 percent, but was anticipated to be much higher, which we considered to be significant. We are currently in the process of evaluating the City's General Liability Insurance and Worker's Compensation carrier as it was put out for bid this year. The good news is the numbers are all lower than what we saw last year. Departmental Line Item Comparisons from fiscal year 2012-2013 to proposed fiscal year 2017-2018 was also included in the booklet. Mayor Eisenhauer stated the proposed budget is going to require new revenue in order to get to the balanced budget, more particularly to get to a property tax levy that allowed us to decrease the property tax rate so what he proposed was the implementation of a utility tax at 50 percent of the maximum rate allowable by State Statute for electricity and come in at 2 percent of the total in natural gas. An example of the first 2,000 KWH would be multiplied by a maximum percentage rate of 0.00305 (50 percent of maximum rate per State Statute 0.00610) which range for a total

monthly dollar amount for a residential structure from $3.55 per month (based on 1,164 KWH) to $7.17 per month (based on 2,537 KWH) from sample residential electric bills obtained to be used for the spreadsheet. To figure out the impact on a bill, multiply 2 percent to a total natural gas bill then multiply the utility tax electricity rate to the monthly or yearly kilowatt hour usage number on a bill. Difference from last year to this year in what would be required in the pension obligation for Downstate Police and Fire Pension was $1,500,000.00. By doing 50% of the maximum rate on electricity and 2% on natural gas that gives us the $1.5 million dollars we need in order to meet that increase from last year to this year in the Downstate Police and Fire Pension which allows the Public Safety fee to remain the same as last year and allowed us to lower the property tax rate by $.02 and allowed us to balance the budget with a surplus of $3,130.00. Comptroller Lewis stated the spreadsheet for salaries by department was not included in the booklet so it will be e-mailed to the Council with hardcopies available at the Public Works Committee meeting. Alderman Duncheon questioned the utility tax maximum on natural gas and Mayor Eisenhauer stated the maximum is 5.15 percent. Alderman Nichols asked if there was money in the budget when the current Firefighter contract is settled and Mayor Eisenhauer stated yes, with us going to arbitration in December that is one of the items we have agreed upon as to what that wage would have been over the course of the three years which is included in the Fire Division salary line item. Alderman Nichols asked what impact of utility tax is on major industrial businesses and Mayor Eisenhauer stated there are nine industrial users as it relates to electricity for industrial users as it relates to natural gas. We pulled out some numbers but we are waiting on Vermilion Advantage to assist us on obtaining industrial users bills to see what the impact to them would be. We cannot offer a cap which is by State Statute, but if the number we feel is one that deserves consideration of a rebate we want to be able to present to you what those numbers might look like as part of the ordinance. Alderman Cooper questioned what would it take on this utility tax to eliminate the $4 Public Safety fee. Mayor Eisenhauer stated you would have to go up another $500,000.00 so that would be another 25% on electric or another 2% on natural gas. The reason we chose to not go that direction is we were trying to cover with the utility tax what the increase was from last year to this year in the pensions so you have some ability to move with that. The other thing I didn't want to eliminate that completely and then turn around next year and realize to cover the gap we are going to need that money after all. We tried to stay with the three choices to provide the broader range for reaching what we needed to in order to balance the tax levy and the budget. Alderman Foster feels the utility tax is equitably fair because citizens do have control and the public safety fee was not increased. He also stated the businesses will see a small reduction in their property taxes. Alderman Nichols voiced concern of three-fourths of the utility tax being paid by commercial customers and the rebated amount to them would not be significant compared to what the business is paying. Alderman Strebing thanked Mayor Eisenhauer for listening to the Aldermen with suggestions regarding the proposed tax levy and budget. Alderman Puhr asked when the utility tax would go into effect and Mayor Eisenhauer responded it would be set up in the spring with April 1st start date with funds received in May, but it would also give individuals and industries time to prepare and plan for the utility tax implementation. The tax would be included in the monthly electric bill. Alderman Duncheon voiced concern of businesses paying three-fourths of the utility tax. Alderman Randle voiced concern of sales taxes impacting car dealerships in Illinois versus Indiana car dealerships. Vice Mayor Williams voiced concern of taking another $1.5 million from the public in addition to the sales tax increase created for demolitions in the Community Reinvestment Fund. He also thanked Mayor Eisenhauer for listening to the Aldermen and for reducing expenditures, especially with the three positions. Mayor Eisenhauer stated there will be a chance for discussion at the Public Works Committee meeting next week on the proposed 2016 Tax Levy and proposed 2017-2018 Budget.

[Alderman Strebing left the meeting at 7:20 p.m. during presentation of the next item.]

#14...ITEMS OF INFORMATION

- Alderman Stone announced the last Center City Neighborhood Group meeting for the year will be held Thursday, November 3, 2016 at Central Christian Church at 7:00 p.m.
- Alderman Stone questioned the zoning on the property at the corner of Fairchild and Vermilion Streets as he discovered CVS Pharmacy has placed a restricted covenant on the lot. Mayor Eisenhauer stated the restricted covenant is on the small vacant strip that is in between the former Gulick's Pharmacy and the old quick lube business. Alderman Stone questioned how CVS could circumvent the City's zoning by placing a restricted covenant. Corporation Counsel Wesner stated they are not circumventing the zoning, but what they are circumventing is restrictions related to the nature of businesses that could or could not locate there. Alderman Stone is opposed to the restricted covenant.

#15...CLOSED SESSION was not needed.

#16...ADJOURNMENT

There being no further business to discuss, the meeting was adjourned by acclamation at 7:27 p.m. following a motion by Alderman Brown and a second by Alderman Stone.

Lisa K. Monson

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 November 1, 2016, as the same appears on the records of the City now in my custody and keeping.

Lisa K. Monson, City Clerk

Approved: 11/15/16
Posted Publicly: 11/16/16