

DANVILLE CITY COUNCIL  
MARCH 17, 2020

#1....THE REGULAR MEETING of the City Council of the City of Danville was called to order at 6:00 p.m. by Mayor Rickey Williams, Jr. at the Robert E. Jones Municipal Building, 17 W. Main Street, Danville, Illinois.

THE ROLL CALL was answered by Mayor Rickey Williams, Jr., Vice Mayor Bob Iverson, Aldermen Brenda Brown, Steve Foster, Sharon McMahon, Michael O'Kane, Sherry Pickering, James Poshard, Michael Puhr, Tom Stone, Rick Strebing, and Aaron Troglia. Aldermen R.J. Davis, Dan Duncheon and Robert Williams were absent. A quorum was present. Alderman Davis arrived at 6:09 p.m.

Staff Members Present: City Treasurer Stephanie Wilson, City Comptroller Ashlyn Massey, City Clerk Lisa Monson, City Engineer Sam Cole, Corporation Counsel Charles Mockbee IV, Grants & Planning Manager Logan Cronk, Human Relations Administrator Sandra Finch, Information Technology Administrator Agnel DSilva, Fire Chief Don McMasters, Police Chief Chris Yates, Public Transportation Director Lisa Beith, and Public Works Director Carl Carpenter.

There were 18 audience members and two news media in attendance.

#2....INVOCATION was given by Reverend Daniel Offett, Director, Danville Rescue Mission, followed by

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

#4....THE MINUTES of the regular meeting held, March 3, 2020, having been published and distributed, were presented. Alderman Strebing moved for approval as presented, seconded by Alderman Stone. On the voice vote, all ayes, no nays; the motion so ordered.

#5....THE AGENDA for the evening was presented. Mayor Williams announced the removal of Item 11-A) Resolution: Approving an Intergovernmental Agreement with Danville Sanitary District. Alderman Strebing moved for approval as amended, seconded by Alderman Pickering. 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

Mayor Williams thanked everyone for all of the good work they have done to help folks in this time of need with COVID-19 and reminded everyone to check on your neighbors and to take care of yourself and one another.

*[Alderman R.J. Davis arrived at 6:09 p.m. during the next item and took his seat at the dais.]*

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

The following audience comments referenced Item #8-D...Ordinance: Amending the Zoning Ordinance and Map to Approve Special Use Permit #242 for Aqua Illinois/Sol-Systems at 1300 W.

Fairchild Street for a proposed solar facility located on property owned by and adjacent to the Aqua Illinois water treatment plant.

- John Crutcher of Danville voiced opposition to the proposed solar farm and is concerned of the impact on the neighborhood property values. He feels the changes do not make a difference in regards to neighborhood concerns.
- Bill Garrison of Danville spoke in opposition to the proposed solar array and feels the current petition mirrors the previous petition, which was rejected by the City Council on June 19, 2019. He also feels the changes do not address the concerns expressed by the immediately affected properties. *[Mr. Garrison also presented a written objection to Mayor and Council for Allowance of Petition for Special Use Permit #242. The written objection was filed in the City Clerk's office 03/17/20.]*
- Brenda Dwiggins of Danville spoke in opposition to the proposed solar farm as her property is the first house north of the hospital. Her home sits at the back of the property bordering the Aqua Illinois property and stated it is impossible to hide the solar panels from her house. She would like the characteristics of the neighborhood to be preserved as the solar farm is a good project, but in the wrong location.
- Lloyd S. Randle of Danville voiced support of the solar panel system and stated the future is now. The neighborhood issues have been taken in the highest regard and Aqua Illinois' leadership is first class. He also spoke of the economic impact for the community and asked the Council to look at the big picture.
- David Striker of Chicago and attorney for Aqua Illinois believes the solar project is fully compliant with the solar and zoning ordinances and feels solar makes a great neighbor. He stated the changes made have addressed concerns.
- Andrew Price of Danville and Area Manager for Aqua Illinois spoke of the environmental benefits of the solar panels and feels the \$4 million dollars in savings over 25 years will be used to offset future rate increases and benefit the community. Power will be generated from the solar panels and asked everyone to look at the project on a larger scale.
- Carol McLinden of Danville spoke in opposition to the solar panel project and stated there is a large number of neighbors against the project as many signed the petition in opposition to it when the project previously went to City Council for a vote. She also stated she and her husband will be leaving Danville if the project is approved.
- Lynn McLinden of Danville voiced opposition to the solar panel project and feels the changes are not substantially different to the previously proposed project. He feels the questions on the Planning & Zoning Commission's Finding of Fact and Final Determination were subjective in nature.
- Vince Koers of Danville spoke in opposition to the solar panel project and handed out a copy of Chapter 150.020 District Use Regulations, Chapter 150.048 Solar Energy Systems and Table IV-1 from the City Ordinance. He feels consideration of the issue should not even be on the agenda as previous action by the Council denied a previous request and a rehearing of the established zoning regulations requires a substantial change should be made and what is a substantial change and who determines that. Danville ordinances require that it be determined in conjunction with the City Attorney and Zoning Administrator according to the ordinance and there should be a written record of such determination. He feels the decision should have been made in favor of the citizens who objected to the process because there is not a substantially different proposal. He also feels the item should go back to the Planning & Zoning Commission to see if it really is a significant change. He also voiced concern of the glare from the solar energy system.
- Jerry Hawker of Danville voiced support of the solar energy project and feels renewable energy is very important. He also feels Aqua Illinois has addressed concerns from the



neighbors. The solar project will save money and in the long run save every person in Danville money.

- Heather Crutcher of Danville voiced opposition to the solar project and feels solar panels are ugly and they should not be placed next to a residential neighborhood as they affect home values.

#### #8.....ZONING PETITIONS

#8-A...Mayor Williams presented Special Use Permit#239, ORDINANCE NO. 9256, Amending Zoning Ordinance and Map and Approve Rezoning Petition #239 for Green Growth Group, Inc. (G3) to allow property commonly known as 202-204 Eastgate-Zoned I2 General Industrial for use as Medicinal/Adult Use Cannabis Cultivation Center. Alderman Strebing moved to approve the recommendation from the Planning & Zoning Commission and asked for approval, seconded by Alderman Stone. After hearing testimony during a hearing on March 5th, the Planning & Zoning Commission voted 6-0-1 to approve the request. After all questions were addressed, the roll call vote being:

Ayes: Aldermen O’Kane, Iverson, Strebing, Puhr, Foster, McMahon, Brown, Poshard, Stone, Troglia, Pickering

Nays: Alderman Davis

Absent: Aldermen Duncheon, Williams

Motion carried 11 to 1 with 2 absent.

SU PERMIT #239 APPROVED

#8-B...Mayor Williams presented Special Use Permit#240, ORDINANCE NO. 9257, Amending Zoning Ordinance and Map and Approve Rezoning Petition #240 for Garrett and Heather Pierce to allow property commonly known as 127 N. Walnut Street-Zoned B4 Central Business for use as a Bar/Tavern. Alderman Strebing moved to approve the recommendation from the Planning & Zoning Commission and asked for approval, seconded by Alderman Troglia. After hearing testimony during a hearing on March 5th, the Planning & Zoning Commission voted 6-0-1 to approve the request. There being no questions or discussion, the roll call vote being:

Ayes: Aldermen Iverson, Strebing, Puhr, Foster, McMahon, Brown, Davis, Poshard, Stone, Troglia, Pickering, O’Kane

Nays: None

Absent: Aldermen Duncheon, Williams

Motion carried 12 to 0 with 2 absent.

SU PERMIT #240 APPROVED

#8-C...Mayor Williams presented Special Use Permit#241, ORDINANCE NO. 9258, Amending Zoning Ordinance and Map and Approve Rezoning Petition #241 for Gregory Hoover to allow property commonly known as 3803 N. Vermilion Street-Zoned B2-Highway Business to operate as a Retail Gun Shop/Specialty Goods Store. Alderman Troglia moved to approve the recommendation from the Planning & Zoning Commission and asked for approval, seconded by Alderman Puhr. After hearing testimony during a hearing on March 5th, the Planning & Zoning Commission voted 6-0-1 to approve the request. Aldermen Brown and Stone voiced objection for allowance of a gun store due to gun violence and will not support the permit. Alderman Troglia asked Mr. Hoover if there were other retailers in the City and Mr. Hoover there are at least four other gun retailers in the City. Alderman Foster stated one more legal person selling guns is not the issue with gun violence. After all questions were addressed, the roll call vote being:

Ayes: Aldermen Strebing, Puhr, Foster, McMahon, Poshard, Troglia, Pickering, O’Kane, Iverson

Nays: Aldermen Brown, Stone

Absent: Aldermen Duncheon, Williams

Voting Present: Alderman Davis

Motion carried 9 to 2 with 2 absent and 1 voting present.

SU PERMIT #241 APPROVED

#8-D...Mayor Williams presented Special Use Permit#242, ORDINANCE NO. 9259, Amending Zoning Ordinance and Map and Approve Rezoning Petition #242 for Aqua Illinois/Sol Customer Solutions, LLC to allow property commonly known as 1300 W. Fairchild Street-Zoned AG-Agriculture for the construction of a large ground solar energy system (2 MW photo voltaic solar facility). Alderman Strebing moved to approve the recommendation from the Planning & Zoning Commission and asked for approval, seconded by Alderman Pickering. After hearing testimony during a hearing on March 5th, the Planning & Zoning Commission voted 5-1-1 to approve the request. Alderman Stone questioned the zoning appeal process if someone wanted to appeal the Zoning Administrator's ruling on the substantial change and Manager Cronk responded it is not written in the zoning code that a person can appeal that decision. Alderman Stone asked Corporation Counsel Mockbee if that is a violation of due process and Counsel Mockbee stated he does not believe so and the Council is able to vote on it this evening so the decision from the Zoning Administrator is not the final say as the Council as the final say in the end. Alderman Stone ask since it is a jurisdictional issue they could bring it up at any time during the process of whether the Zoning Administrator made a proper ruling on the issues that surround this issue. Counsel Mockbee stated it is his position as well as the Zoning Administrator that this is an internal position that the Zoning Administrator made and it is the purpose of the Council to vote for or against the ordinance. Alderman Stone asked so they would not have been able allowed to appeal that ruling under any circumstance and Counsel Mockbee responded he sees no function for that or avenue for that in the ordinances. Mayor Williams stated he has struggled with the concerns from the neighbors and feels everyone thinks the solar energy is good, but a lot of us have concerns about the neighbors and be in support of them. This proposal is different for him because of the changes that have occurred including the directional panels, the fence going from 7 or 8 feet to 10 and the biggest change includes a 40% in the buffer so that is how they came to the conclusion there have been substantial changes made from the Petitioner. Alderman Stone it would have been nice if the residents could have appealed from a board of experts and Mayor Williams stated a Zoning Board of Appeals can be added if we would like one. Alderman Puhr stated he, Aldermen Poshard and Williams went and looked at the project area and was surprised with the open space at that area. He feels the Dwiggins house will see it no matter what they do. He thinks it is a good project and is something that is needed, but will be voting against it as that is what he was elected to do was represent the citizens of Ward 5. Alderman Brown stated she will not be supporting the ordinance because of the character of the neighborhood, it being a historic district and cannot support it because of that group of people who came to the Council that are against it. She has also lived in an area invaded by some other things and knows what it's like to have a neighborhood done like that. After all questions were addressed, the roll call vote being:

Ayes: Aldermen Foster, McMahon, Poshard, Troglia, Pickering, O'Kane, Iverson, Strebing

Nays: Aldermen Puhr, Brown, Stone

Absent: Aldermen Duncheon, Williams

Voting Present: Alderman Davis

Motion carried 8 to 3 with 2 absent and 1 voting present.

SU PERMIT #242 APPROVED

#### #9....PAYROLL

Mayor Williams presented the Payrolls, having been published, posted, and distributed, for run of March 6, 2020, of \$67,773.14, and for run of March 13, 2020, of \$515,854.26. Alderman Brown moved to dispense with the readings and asked for approval as presented, seconded by Alderman Strebing. There being no questions or discussion, the roll call vote being:

Ayes: Aldermen Foster, McMahon, Brown, Poshard, Stone, Troglia, Pickering, O'Kane, Iverson, Strebing, Puhr

Nays: None

Absent: Aldermen Duncheon, Williams

Voting Present: Alderman Davis

Motion carried 12 to 0 with 2 absent and 1 voting present.

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

Mayor Williams presented the Schedule of Vouchers Payable, having been published, posted, and distributed, for run of March 10, 2020, of \$1,054,767.27 and for run of March 17, 2020, of \$322,076.75. Alderman Strebing 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 McMahon, Brown, Poshard, Stone, Troglia, Pickering, O'Kane, Iverson, Strebing, Puhr, Foster

Nays: None

Absent: Aldermen Duncheon, Williams

Voting Present: Alderman Davis

Motion carried 11 to 0 with 2 absent and 1 voting present.

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

#11-A) *previously removed.*

#11-B...Chairman Puhr presented RESOLUTION NO. 2020-13 awarding Contract for RFP #643 Demolition of Structure at 101 W. Harrison Street to Thomas Excavating in the amount of \$58,000.00 with the improvements to be paid for from Fund 106 (Community Development Block Grant) budget line item 106-106-16-54090 (2016 Neighborhood Revitalization Program), moved to dispense with the reading and asked for approval as recommended by Committee, seconded by Alderman Strebing. Alderman McMahon voiced concern of the use of the CDBG money for funding the improvements. She will support the resolution, but feels going forward we need to watch how much of this we are spending that we are taking from the residents for improvements. Mayor Williams stated this is within the \$200,000 that has been previously approved. Alderman Troglia asked if there was a different type of fill for the improvement. Director Carpenter stated the fill has to be in and compacted. Mayor Williams stated the CDBG Action Plan would have to be changed if the Council would like to reduce the number of demolitions. Alderman Foster stated it is discouraging for someone to come in to build when there is blight like these kinds of buildings. Alderman Brown stated this area is in downtown and this area needs to be cleaned up. After all questions were addressed, the roll call vote being:

Ayes: Aldermen Brown, Poshard, Stone, Troglia, Pickering, O'Kane, Iverson, Strebing, Puhr, Foster McMahon

Nays: None

Absent: Aldermen Duncheon, Williams

Voting Present: Alderman Davis

Motion carried 11 to 0 with 2 absent and 1 voting present.

#11-C...Chairman Puhr presented RESOLUTION NO. 2020-14 awarding RFP #644 for Mowing of City-Owned Lots and Privately-Owned Vacant Lots to Sprague Lawn Care at a rate of \$29.00 per lot, based upon an average mowing of each property every six weeks (for a 30 week period) for the City-owned lots and the privately –held non-City-owned lots for the total estimated amount not to exceed \$90,000.00 with payment for said services charged to line item 001-051-00-52104-Maintenance of Vacant Lots, moved to dispense with the reading and asked for approval as discussed by Committee, seconded by Alderman Strebing. After all questions were addressed, the roll call vote being:

Ayes: Aldermen Poshard, Stone, Troglia, Pickering, O’Kane, Iverson, Strebing, Puhr, Foster  
McMahon, Brown

Nays: None

Absent: Aldermen Duncheon, Williams

Voting Present: Alderman Davis

Motion carried 11 to 0 with 2 absent and 1 voting present.

#11-D...Chairman Puhr presented RESOLUTION NO. 2020-15 awarding Bid #645 to the lowest responsible bidder, Champaign Signal and Lighting, in the amount of \$915,984.09 for Construction of Hazel Street and Fairchild Street Intersection Improvements and Amending Fiscal Year 2019-2020 Midtown TIF Budget. The FY2019-20 Budget for Fund 117 (Midtown TIF) line item 54046 (Public Improvements) shall be amended to \$816,000.00 through a transfer of \$216,000.00 from the Fund 117 Reserves. \$816,000.00 of improvements shall be paid for from Fund 117 (Midtown TIF) budget line item 54046 (Public Improvements) with the remainder to be paid from Fund 031 (Streets) budget line item 52086 (Sidewalk, Curb, Gutter), moved to dispense with the reading and asked for approval as recommended by Committee, seconded by Alderman Strebing. After all questions were addressed, the roll call vote being:

Ayes: Aldermen Poshard, Stone, Troglia, Pickering, O’Kane, Iverson, Strebing, Puhr, Foster  
McMahon, Brown

Nays: None

Absent: Aldermen Duncheon, Williams

Voting Present: Alderman Davis

Motion carried 11 to 0 with 2 absent and 1 voting present.

Chairman Puhr presented Items E and F for a single vote, moved to dispense with the readings and asked for approval as recommended by Committee. There being no objections, Alderman Strebing seconded.

#11-E...RESOLUTION NO. 2020-16 appropriating Motor Fuel Tax funds necessary for the Rehabilitation of the Voorhees Street Bridge (East of Michigan) over Lick Creek (SN 092-0153) and Approving Project Development (Phase 1) Engineering Services to Farnsworth Group in the amount of \$78,700.00 with the work to be paid for from MFT Section Number 20-00362-00-EG line item number 103-103-20-63620; and

#11-F...RESOLUTION NO. 2020-17 appropriating Motor Fuel Tax funds necessary for the Rehabilitation of the Voorhees Street Bridge (West of Lynch) over East Fork Lick Creek (SN 092-0155) and approving Project Development (Phase 1) Engineering Services to Farnsworth Group in the amount of \$78,700.00 with the work to be paid for from MFT Section Number 20-00362-01-EG line item number 103-103-20-63621.

Mayor Williams stated when the bridge assessment was completed and they looked at those two, they can’t give us an exact number but within five or seven years at the most are failing. Also, there is a lot of truck traffic from major employers that use the bridges. Director Cole stated we are setting aside money for design and engineering services for this Phase I study phase which includes the hydraulic capacity, the geotechnical stuff and right of way is correct. There will be another Phase I for design of the bridges which is money being set aside and appropriated for. There will be another appropriation for construction of the bridges later on. After all questions were addressed, the roll call vote being:

Ayes: Aldermen Poshard, Stone, Troglia, Pickering, O’Kane, Iverson, Strebing, Puhr, Foster  
McMahon, Brown, Davis

Nays: None

Absent: Aldermen Duncheon, Williams

Motion carried 12 to 0 with 2 absent.

#11-G... Items of Information

- Director Carpenter stated a house was torn down at the corner of Ohio Street and Main Street. The staff continues to tear down houses as we can.
- Alderman Foster voiced appreciation to Public Works for taking a crew to find and investigate a hole causing a flooding problem on the west side of the railroad tracks near Ferndale. Director Carpenter stated he filled out a form with CSX railroad to bring this to their attention as this is actually a CSX problem.

*[The next Public Works Committee meeting is scheduled for April 14, 2020 at 6:00 p.m.]*

#12... PUBLIC SERVICES COMMITTEE REPORT

#12-A... Chairman Foster presented ORDINANCE NO. 9255 abating Part of the 2019 Tax Levy (that Ordinance 9237 approving the 2019 Tax Levy) for the General Obligation Bond Refunding Series 2019 be abated by \$734,500.00, moved to dispense with the reading and asked for approval without recommendation by Committee, seconded by Alderman Stone. There being no questions or discussion, the roll call vote being:

Ayes: Aldermen Stone, Troglia, Pickering, O'Kane, Iverson, Strebing, Puhr, Foster, McMahon, Brown, Davis, Poshard

Nays: None

Absent: Aldermen Duncheon, Williams

Motion carried 12 to 0 with 2 absent.

#12-B... Items of Information

*[The regularly scheduled Public Services Committee meeting for Tuesday, March 24, 2020 at 6:00 p.m. will be cancelled due to COVID-19.]*

#13... Mayor Williams presented ORDINANCE NO. 9254 in Response to Gubernatorial and Presidential Declarations to provide for the exercise of extraordinary powers by executive order (DECLARATION OF LOCAL STATE OF EMERGENCY-COVID 19) during a state of emergency within the City as a result of COVID-19 as on January 30, 2020, the World Health Organization declared the outbreak of COVID-19 to be a public health emergency of international concern and on March 11, 2020 declared a worldwide pandemic; on January 31, 2020, the U.S. Health and Human Services Secretary declared a public Health Emergency for the United States; on March 9, 2020, the Governor of the State of Illinois issued a disaster declaration due to the impact of the COVID-19 virus and activated the State Emergency Operations Center; and on March 13, 2020, the President of the United States of America declared a national emergency concerning COVID-19. The declaration shall be effective for a period of up to 35 days or until the adjournment of the next regular or special meeting of the City Council, whichever comes first, unless sooner terminated by a proclamation of the Mayor, or, his or her interim emergency successor, indicating that the civil emergency no longer exists. The Mayor or his or her interim emergency successor, shall have the power to re-proclaim the existence of an emergency at the end of each 35-day period during the time said emergency exists. Alderman Strebing moved to dispense with the reading and asked for approval as presented, seconded by Alderman McMahon. Mayor Williams stated the City is facing an unprecedented time and explained the Ordinance will allow us to declare a local state of emergency and the capability to meet electronically by videoconference or teleconference *[pursuant to the Governor's March 16, 2020 Executive Order 2020-07]*. He feels we will be faced with further restrictions. The Ordinance will also allow him to cancel meetings of any board or commission to which the Mayor appoints members,

suspend licenses for special events, approving previously appropriated expenditures of the City for the purpose of continuing the operations of the City, adjusting personnel policies during the term of the Local State of Emergency, closing City facilities, authorizing Corporation Counsel to extend any timeframe for payment or filing related to City ordinance violations, and authorizing the City Comptroller to extend deadlines for payments related to any amounts due and owing to the City. Mayor Williams stated what the Ordinances does not do is allow us to close liquor stores or suspend gun sales, but it does provide the City the necessary power that we need to continue City business and provide services to the community. The Ordinance will be in effect for 35 days and can be renewed at that time. Mayor Williams announced Administrator DSilva and team have set up a way for the Council to meet by teleconference and he and the Division Heads have been meeting to make preparations should any further measures of action need to be taken. Alderman O’Kane asked what procedure will be followed at the end of 35 days. Mayor Williams responded the Ordinance states the at the end of the 35 days or until adjournment of the next regular or special meeting of the City Council, whichever comes first, unless sooner terminated by a proclamation of the Mayor. The Mayor shall have the power to re-proclaim the existence of an emergency at the end of each 35-day period during the time the emergency exists. After all questions were addressed, the roll call vote being:  
Ayes: Aldermen Troglia, Pickering, O’Kane, Iverson, Strebing, Puhr, Foster, McMahon, Brown, Davis, Poshard, Stone  
Nays: None  
Absent: Aldermen Duncheon, Williams  
Motion carried 12 to 0 with 2 absent.

#14...ITEMS OF INFORMATION – None

#15...CLOSED SESSION

Alderman Troglia moved to go into Closed Session under Section 2(c)(5) of the Open Meetings Act to discuss Purchase of Real Property, and under Section 2(c)(6) of the Open Meetings Act to discuss Setting Price for the Sale of Property, seconded by Alderman Iverson. The roll call vote being:  
Ayes: Aldermen Troglia, Pickering, O’Kane, Iverson, Strebing, Puhr, Foster, McMahon, Brown, Davis, Poshard, Stone  
Nays: None  
Absent: Aldermen Duncheon, Williams  
Motion carried 12 to 0 with 2 absent.

TIME: 7:43 p.m.

Mayor Williams announced there will be no action taken after closed session.

Alderman Brown moved to return to Open Session, seconded by Alderman Pickering. On the voice vote, all ayes, no nays; the motion so ordered. Mayor Williams called the meeting back to order at 8:26 p.m.

#16...ADJOURNMENT

There being no further business to discuss, the meeting was adjourned by acclamation at 8:26 p.m. following a motion by Alderman Strebing and a second by Alderman Pickering.

  
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Lisa K. Monson, City Clerk

Approved: 04/07/20  
Posted Publicly: 04/08/20