

DANVILLE CITY COUNCIL  
JUNE 18, 2019

#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., Aldermen Brenda Brown, Dan Duncheon, Steve Foster, Bob Iverson, Sharon McMahan, Michael O'Kane, Sherry Pickering, Mike Puhr, Tom Stone, Rick Strebing, and Aaron Troglia with one vacancy in Ward 1. Vice Mayor Steve Nichols and Alderman R.J. Davis were absent. A quorum was present. Alderman Davis arrived at 6:50 p.m.

Staff Members Present: City Clerk Lisa Monson, City Comptroller Shelley Scott, Corporation Counsel Dave Wesner, Human Relations Sandra Finch, Information Technology Administrator Agnel DSilva, Interim Fire Chief Don McMasters, Interim Police Chief Chris Yates, Planning Manager Tyson Terhune, Public Transportation Director Lisa Beith, and Public Works Director Carl Carpenter. There were also 39 audience members and 2 news media in attendance.

#2....INVOCATION was given by Rev. David Garver, Pastor, Muncie Baptist Church, followed by #3....THE PLEDGE OF ALLEGIANCE led by Alderman Stone.

#4....THE MINUTES of the special meeting held, May 7, 2019 and regular meeting held, June 4, 2019, having been published and distributed, were presented. Alderman Duncheon moved for approval as presented, seconded by Alderman Duncheon. 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 12-A, City Clerk's Report and announced amended Item 8-B to correct the Petitioner's name. Alderman Strebing moved for approval as amended, seconded by Alderman Brown. 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 who attended the Concerned Citizens of Danville event last Saturday.

*[Alderman Davis arrived at 6:50 p.m. during audience comments and took his seat at the dais.]*

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

- Linda Shults of Danville, Petitioner of the alley vacation near 918 N. Walnut St. expressed concern of the alley traffic day and night that is very close to their home.
- Jeanette Hall of Danville spoke in opposition of the alley vacation near 918 N. Walnut St.
- Jerry Hawker of Danville spoke in opposition of the alley vacation near 918 N. Walnut St. and stated the Petitioners knew it was an alley before they purchased the property.

- Mary Ellen Grilley of Danville voiced concern of the Sol Systems solar energy project as there will be a visual and noise impact.
- Lynn McLinden of Danville expressed concern of the Sol Systems solar energy project and stated procedure wise having the special use brought back for a vote is wrong.
- John Crutcher of Danville spoke in opposition to the solar energy project stated they were told there is no problem with glare and told the property values will not go down. He passed out a study from the University of Texas at Austin which showed property values will go down from solar installations. He stated solar arrays do reduce power for a business, but Ameren is not going to decrease their power bills for the citizens. He passed out information from the U.S. Chamber of Commerce which stated when a company has solar array installed it will reduce the number of dollars they have to pay, but the citizens will have to make it up because Ameren is not going to reduce the amount of infrastructure and they are not going to reduce their amount of people because Aqua now has \$100,000.00 less to pay and someone is going to have to pay that. His concern is there are a lot of assumptions and he cannot see the benefit to the taxpayers of Danville.
- Vince Koers of Danville voiced concern of the solar energy project and stated the Council has been asked to illegally bring it back as the Council will be asked to suspend the rules allowing them to violate several rules put in place for very good reasons to protect the public. He referenced Chapter 150.132 (F) stating a special use permit shall not be reconsidered by the Commission or the City Council at any time in a substantially similar form unless the Zoning Administrator determines that conditions affecting the requested special use have changed significantly enough to justify reconsideration of said request and (G) resubmitting another application for a special use after denial or withdrawal shall be accomplished in the same general manner as is prescribed in this subchapter. He stated neither of those situations happened.
- David Cronk of Danville voiced support of the solar energy project and stated he thought it took a super vote, he has heard from all of the residents with their concerns, which he respects. He also stated as an employee of Aqua Illinois Water we represent Danville and do not represent a product and we have worked with the City well over the years. He has heard home value reduction which there is no proof, the deer and the wildlife will not be protected and that is not the purpose of the water company and most residents do not want deer living in their town, noise; the solar panels will absorb light and make minimal noise, unsightly; the elevation at the site is 580 feet and the elevation at their drive is 620 to 630 feet so to see the site it would be very difficult. The project will save emissions and asked the Council to move forward.
- Bill Garrison of Danville spoke concern of the solar energy project and stated the solar array will be much more visible in the winter months. He also referenced a Memorandum in Opposition to any Motion to Reconsider or "Re-vote" on the Special Use Permit #237 that was filed in the City Clerk's office on June 14, 2019 and distributed to City Council members that stated due to the Organization and Rules of Procedure of the City Council of Danville, Illinois which stated in Art. VI Sec. C5 "A motion to reconsider shall be made, if at all, only at the next regular meeting of the City Council" which would have been on June 4, 2019 and no motion to reconsider was made. The memo also stated the Rules of the Council might still suspend the rules (Sec. C1) be an affirmative vote of no less than 10 members but he does not encourage the Council to go down that slippery slope.
- Brenda Dwiggins of Danville voiced opposition to the solar energy project and reminded Aldermen who visited the project area, they should see it from Fall to mid-May when the leaves are gone from the trees as it is a completely different picture from her property.
- Lloyd Randle of Danville voiced support of the solar energy project and feels the project represents the stewardship that we all deserve as service providers. We expect providers to be

prudent with their resources and that they meet and exceed customer expectations and he believes Aqua is focused on the customer first concept and they are doing all they can to drive down the cost of providing that service and at the same time being able to reserve revenues for future investment for technologies and other aspects of the business. The project is forward thinking and solar is renewable, non-polluting, reduces the dependency on fossil fuels and solar energy reduces the carbon footprint thereby preserving our planet's future generations and reduces energy imports. He urges the Council to support the project.

- Anne Sacheli of Danville voiced opposition to the solar energy project and feels real estate values will drop as well as the quality of life in the neighborhood will diminish.
- Bob Ervin of Danville, Area Manager with Aqua Illinois Water spoke regarding the solar project and stated he met with some of the Aldermen and some have been to the project area. Aqua is looking to serve 59,000 in Vermilion County and save \$100,000.00 of electrical cost for 25 to 35 years. We are trying to be as neighborly as possible with what we are trying to do with that property by moving the project more south and west to the river to provide a bigger buffer zone and almost 200 feet of setback and wooded property and visual barrier. The project is environmentally sound and meets the criteria of the Planning & Zoning Commission with the project approved by that board by a vote of 4 to 1, as well as the Planning department.
- Rich Baltimore, Project Development Manager, of Sol Systems LLC, would be proud to operate a business in Danville with the solar energy project and has invested over \$500,000.00 in the project which \$120,000.00 invested with the knowledge that it would be non-refundable.
- Troy Shults of Danville, Petitioner of the alley vacation near 918 N. Walnut St. clarified the alley is 16 feet wide all the way from Walnut Street to Franklin Street and everyone involved with the alley has another form if ingress and egress. He also thought the City was wanting to get rid of the alleys so they would no longer have to maintain them.

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

Mayor Williams stated before the Council proceeds with Item #8, he would like to make sure the rules are clear to the Council and to the Community. He was a political science major undergraduate with and his professor always said to read everything especially the governing rules. Upon the petition received from Mr. Garrison, he became aware of a document that he did not know existed prior to that and he is sure many of the Council members are not aware of it as well. The Organization and Rules of Procedure of the City Council of Danville, Illinois was adopted by Ordinance on May 4, 1993 so this has been in place for 26 years. The first rule which is relevant this evening is which in order for the Council to vote on Item 8-A and 8-B, the Council must first suspend the rules, Section 7, Article C1 states "the motion to suspend the rules requires to temporarily suspend a specific rule adopted by the Council and requires the affirmative vote of no less than ten (10) Council members." Mayor Williams stated the rules would have to be suspended to be able to reconsider due to the language in Section 7, Article C5 "a motion to reconsider shall be made, if at all, only at the next regular meeting of the City Council" and the next meeting would have been June 4<sup>th</sup> so in order to reconsider the motion we must first suspend the rules. He also stated Section 7, Article A4 states "unless otherwise required a motion shall not be deemed passed unless it receives the affirmative vote of no less than eight Council members." Mayor Williams stated first there would have to be ten Aldermen agree to suspend the rules temporarily; second, there would have to be a motion to reconsider which must obtain eight votes, and finally there would have to be a motion to consider the actual Ordinance for the petition. Alderman Pühr asked when he made the motion to reconsider at the May 21<sup>st</sup> meeting and it failed 6 to 6 because it needed eight votes, are we allowed to reconsider the motion more than once and Mayor Williams responded the ordinance does not state whether or not reconsideration can be done more than once, which is something that needs to be worked on for the future regarding the

number of times we wish to reconsider an item and a time frame in which we wish to reconsider it. After lengthy discussion ensued, Alderman Duncheon moved to suspend the rules, seconded by Alderman Troglia. The roll call vote being:

Ayes: Aldermen McMahon, Duncheon, Troglia, Pickering, O’Kane, Strebing, Foster

Nays: Aldermen Brown, Davis, Stone, Iverson, Puhr

Absent: Alderman Nichols

Motion failed 7 to 5 with 1 absent and one vacancy

After the vote, Mayor Williams announced there is no need to consider Items 8-A or 8-B.

#8-A...*[no action taken]* Motion to Reconsider Special Use Permit #237 for Sol Systems, LLC at 1300 W. Fairchild Street

#8-B...*[no action taken]* Ordinance: Amending Zoning Ordinance and Map to Approve Special Use Permit #237 for Sol Systems, LLC at 1300 W. Fairchild Street

#### #9....PAYROLL

Mayor Williams presented Payrolls for June 7, 2019, of \$525,119.29, and for June 14, 2019, of \$75,198.76. Alderman Strebing 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 Brown, Davis, Duncheon, Stone, Troglia, Pickering, O’Kane, Iverson, Strebing, Puhr, Foster, McMahon

Nays: None

Absent: Alderman Nichols

Motion carried 12 to 0 with 1 absent and one vacancy.

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

Mayor Williams presented the Schedule of Vouchers Payable, having been published, posted, and distributed, for regular run of June 11, 2019, of \$206,316.53, special run of June 14, 2019, of \$4,341.13, and for regular run of June 18, 2019, of \$1,036,220.74. Alderman Strebing moved to dispense with the readings and asked for approval as presented, seconded by Alderman Pickering. There being no questions or discussion, the roll call vote being:

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

Nays: None

Absent: Alderman Nichols

Motion carried 12 to 0 with 1 absent and one vacancy.

*[Alderman Davis left the dais at 7:21 p.m. during presentation of the next item.]*

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

#11-A...Chairman Puhr presented RESOLUTION NO. 2019-70 authorizing Budget Amendment in TIF (Tax Increment Financing) Downtown Fund (122), to increase Fiscal Year 2019-2020 TIF Downtown Fund (122) Budget-TIF Project Reimbursement fund by \$7,000.00, with funds for the amendment to come from the TIF-Downtown Fund reserves, for a development incentive for a qualified roof installation project at 136 N. Vermillion St., moved to dispense with the reading as recommended by Committee, seconded by Alderman Pickering. There being no questions or discussion, the roll call vote being:

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

Nays: None

Absent: Aldermen Nichols, Davis

Motion carried 11 to 0 with 2 absent and one vacancy.

*[Alderman Davis returned to the dais at 7:22 p.m. during presentation of the next item.]*

#11-B...Chairman Puhr presented RESOLUTION NO. 2019-71 rejecting Bid 615 to the lowest responsible bidder, Cross Construction, in the amount of \$6,218,787.99, for Northwest Sanitary Sewer Service Area Reconstruction, which had been awarded under Resolution No. 2019-53; and due to delay in obtaining an IEPA SRF Loan causing the improvements to be postponed until loan is fully procured and the will need to be improvements re-bid, moved to dispense with the reading as recommended by Committee, seconded by Alderman Strebing. After all questions were addressed, the roll call vote being:

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

Nays: None

Absent: Alderman Nichols

Motion carried 12 to 0 with 1 absent and one vacancy.

#11-C...Chairman Puhr presented RESOLUTION NO. 2019-72 authorizing Lease of Golf Carts for Harrison Park Golf Course for the new fleet of (30) 2019 E-Z-GO Model TXT 48V PDS Golf Carts and authorize reclamation of (30) 2014 E-Z-GO Model TXT 48V PDS to the E-Z-GO Division of Textron, Inc., utilizing the National IPA (OMNIA) purchasing program for procurement and enter into a new five-year lease agreement with E-Z-GO division of Textron, Inc. to establish a step payment program, moved to dispense with the reading as recommended by Committee, seconded by Alderman Strebing. After all questions were addressed, the roll call vote being:

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

Nays: None

Absent: Alderman Nichols

Motion carried 12 to 0 with 1 absent and one vacancy.

#11-D...Chairman Puhr presented RESOLUTION NO. 2019-73 authorizing Establishment and Distribution of Corporate Membership Package Funds designed to increase revenues at Harrison Park Golf Course, Municipal Pool, and Danville Tennis Center and allows businesses, and employees of said businesses to purchase a membership package at a reduced rate as follows: Corporate Membership - \$1,000.00 (\$700.00 to Harrison Park; \$200.00 to Tennis Center; \$100.00 Pool), and Corporate Family Membership - \$500.00 (\$300.00 to Harrison Park; \$100.00 to Tennis Center; \$100.00 Pool), moved to dispense with the reading as recommended by Committee, seconded by Alderman Strebing. After all questions were addressed, the roll call vote being:

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

Nays: None

Absent: Alderman Nichols

Motion carried 12 to 0 with 1 absent and one vacancy.

#11-E...Chairman Puhr presented ORDINANCE NO. 9208 authorizing Vacation of East-West Alleyway near 918 N. Walnut Street for Troy and Linda Shults, moved to dispense with the reading as

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

Ayes: Aldermen Strebing, Puhr, Foster, McMahon, Stone, Pickering, Troglia

Nays: Aldermen O'Kane, Iverson, Brown, Davis, Duncheon

Absent: Alderman Nichols

The vote being 7 to 5 with 1 absent and one vacancy, Mayor Williams cast a vote in the affirmative; motion carried 8 to 5 with 1 absent and one vacancy.

#11-F...Chairman Puhr presented ORDINANCE NO. 9209 authorizing Vacation of Street/Alleyway for REG Danville, LLC, moved to dispense with the reading as recommended by Committee, seconded by Alderman Strebing. After all questions were addressed, the roll call vote being:

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

Nays: Aldermen Brown, Davis

Absent: Alderman Nichols

Motion carried 10 to 2 with 1 absent and one vacancy.

#11-G...Chairman Puhr presented ORDINANCE NO. 9210 amending Chapter 39.04 of City Code Pertaining to Personnel Policies-Residency to clarify (1) "All employees of the City hired after January 1, 2008 and before June 18, 2019, shall establish their principal place of residence within the corporate limits of the City, unless otherwise dictated for an employee covered by a Collective Bargaining Agreement or by applicable law. All employees of the City hired after June 18, 2019 shall establish their principal place of residence within five (5) miles of the corporate limits of the City, unless otherwise dictated by applicable law or a collective bargaining agreement. Any employee hired after June 18, 2019 who exercises his or her right to live outside the corporate limit of the City but within five (5) miles of the corporate limit shall be required to pay a Residency Contribution to the City. The Residency Contribution shall be made up of the following: the City's Public Safety Pension fee; and, \$300 to be considered as a property tax replacement fee. Each employee shall be notified of the total Residency Contribution to be paid to the City. By choosing to establish residency outside of the corporate limits of the City, an employee exercising their right to live within five (5) miles of the corporate limit agrees to have the payment of the Residency Contribution deducted from their pay in equal bi-weekly installments between January 1 and April 30 of each year. (4) Any employee hired between January 1, 2008 and June 18, 2019 shall continue to live within the corporate limit of the City, unless otherwise dictated by applicable law or a collective bargaining agreement. An employee hired between January 1, 2008 and June 18, 2019 who desires to move to a location outside of the corporate limit of the City but within five (5) miles of the corporate limit may do so but will be subject to the Residency Contribution set forth in subsection (1) above. (5) ~~Any employee hired into or promoted into a position which is appointed by the Mayor, as defined in § 32.01(A), must live within the corporate limits of the City.~~", moved to dispense with the reading without recommendation by Committee, seconded by Alderman Strebing. Alderman Duncheon questioned the removal of department heads appointed by the Mayor being able to live within five miles as he feels they should live within the City limits. Alderman Pickering feels the pool of prospective employees would be increased if the buffer was increased to ten miles outside of the corporate city limits.

Alderman Pickering moved to amend the ordinance within ten miles of the corporate city limits instead of five miles as presented, seconded by Alderman Foster. Alderman Strebing voiced opposition to the removal of department heads appointed by the Mayor being able to live within five miles so he will be voting "no". The roll call vote on the amendment being:

Ayes: Aldermen Foster, Pickering, Iverson

Nays: Aldermen Strebing, Puhr, McMahon, Brown, Davis, Duncheon, Stone, Troglia, O'Kane

Absent: Alderman Nichols

Motion failed 3 to 9 with 1 absent and one vacancy.

Alderman Duncheon moved to reinstate Item (5) under Section 39.04 Employment Policies "Any Employee hired into or promoted into a position which is appointed by the Mayor, as defined in 32.01(A), must live within the corporate limits of the City.", seconded by Alderman Strebing. Mayor Williams stated in an ideal world he feels everyone should live in the City limits, but, unfortunately, the City is competing with other places as near as thirty miles away who can pay much higher salaries than we can so we are contending with other places that can offer substantially more to our department heads and if we think it is worthwhile to expand our pool for other positions, subordinates to our department heads, that we ought to consider our department heads as well. The State of Illinois has issued new legislation stating that Fire Chiefs have to meet certain criteria or they can be a part of the City department for ten years so we have many individuals who are talented who would not be eligible if we were able to extend this to them. Alderman McMahon feels all employees should be treated equally and feels the department heads should be able to live within five miles as well. Alderman Foster voiced opposition to the amendment. Alderman Duncheon stated he received phone calls from 15 to 20 people the department heads need to live in the City and the people in his Ward think it is a very important issue. Alderman Davis questioned why wouldn't the employees want to live in the City if they work for the City. Alderman Puhr stated to be fair to some of the employees who have worked their way up into a position to assume a leadership role and live within the five miles, it is really not fair to make them uproot their families and move into the City to assume that position of leadership. The roll call vote on the second amendment being:

Ayes: Aldermen Duncheon, Stone, Troglia, Strebing

Nays: Aldermen Puhr, Foster, McMahon, Brown, Davis, Pickering, O'Kane, Iverson

Absent: Alderman Nichols

Motion failed 4 to 8 with 1 absent and one vacancy.

After all questions were addressed, the roll call vote on the ordinance as presented being:

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

Nays: Alderman Strebing

Absent: Alderman Nichols

Motion carried 11 to 1 with 1 absent and one vacancy.

#### #11-H... Items of Information

Director Carpenter reported staff and several of the Alderman have met with members of the Gao Grotto to work with them regarding screening and more information will be submitted next month.

*[The next Public Works Committee meeting is scheduled for Tuesday, July 9, 2019 at 6:00 p.m.]*

#### #12... PUBLIC SERVICES COMMITTEE REPORT

#12-A...*[previously removed.]*

#### #12-B... Items of Information

Chairman Foster announced the next Public Services Committee meeting is scheduled for Tuesday, June 25, 2019 at 6:00 p.m.

#### #13... ITEMS OF INFORMATION

- Alderman Duncheon requested a copy of the Organization and Rules of Procedure for the Danville City Council. Mayor Williams stated the document will be sent out tomorrow.
- Alderman Brown voiced support of the Danville Municipal Band and asked the City keep funds for the municipal band in the budget. The concerts are held in Lincoln Park on Sunday evenings.
- Alderman O’Kane expressed concern regarding the City Council overturning the Planning & Zoning Board as the Council is not the Zoning Board. He feels the Council should discuss the zoning ordinance and get it clarified regarding how the Council overturns the recommendations of the Planning and Zoning Commission and whether a supermajority vote is needed or not.
- Alderman Pickering congratulated Linda Bolton, who hosts the ‘Newsmakers’ programs on WDAN, as she won first place and a Silver Dome Award from the Illinois Broadcasters Association for her program focusing on Mental Health, “It’s Okay to not be Okay”, and featuring guests from Vermilion County Mental Health 708 Board. Mayor Williams extended congratulations to all Neuhoff Broadcasting employees for all awards received from the Illinois Broadcasters Association.
- Alderman Strebing announced the Gao Grotto fireworks will take place on Saturday, June 29<sup>th</sup> with a June 30<sup>th</sup> rain date.

#14...CLOSED SESSION was not needed

#15...ADJOURNMENT

There being no further business to discuss, the meeting was adjourned by acclamation at 7:55 p.m. following a motion by Alderman Strebing and a second by Alderman Iverson.




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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 June 18, 2019, 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: 07/02/19  
 Posted Publicly: 07/03/19