

DANVILLE CITY COUNCIL
SEPTEMBER 3, 2019

#1...THE REGULAR MEETING of the City Council of the City of Danville was called to order at 6:01 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 Steve Nichols, Aldermen Brenda Brown, R.J. Davis, Steve Foster, Bob Iverson, Sharon McMahon, Michael O'Kane, Sherry Pickering, Mike Puhr, Tom Stone, Rick Strebing, and Aaron Troglia with one vacancy in Ward 1. Alderman Dan Duncheon was absent. A quorum was present.

Staff Members Present: City Clerk Lisa Monson, City Comptroller Shelley Scott, Corporation Counsel Dave Wesner, Grants & Planning Manager Logan Cronk, Human Relations Administrator Sandra Finch, Interim Fire Chief Don McMasters, Police Chief Chris Yates, Public Transportation Director Lisa Beith, and Public Works Director Carl Carpenter. There were also 53 audience members and 4 news media in attendance.

#2...INVOCATION was given by Rev. Franklin Bourn, Pastor, Battle Focus Ministries World Outreach Church, followed by

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

#4...THE MINUTES of the regular meeting held, August 6, 2019 and August 20, 2019, having been published and distributed, were presented. Alderman Foster 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. Alderman Brown moved for approval as presented, 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

#1) Mayor Williams announced the appointment of Chief of Police Christopher Yates to the Vermilion County Emergency Telephone System (911) Board. Alderman McMahon moved to concur, seconded by Alderman Pickering. There being no questions or discussion, on the voice vote, all ayes, no nays; the motion so ordered.

Mayor Williams presented Items 2, 3, and 4 for a single vote, and asked for concurrence for three board reappointments. Alderman Puhr moved to concur, seconded by Alderman Stone. Those items being:

#2)...reappointment of Frank Brunacci to Board of Fire & Police Commissioners, term to expire December, 2021;

#3)...reappointment of Jane Andrews to Danville Public Library Board, term to expire July 31, 2022; and

#4)...reappointment of Cindy Parr-Barrett to Danville Public Library Board, term to expire July 31, 2022.

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

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

#6-D...Items of Information

#6-D-1) Casino Update

Mayor Williams reported face to face interviews occurred with two of the potential casino operator groups. He stated two very strong proposals have been received with both groups proposing casinos on Lynch Road near Interstate 74. The City will be moving forward with the Lynch Road site before the Planning and Zoning Commission as soon as possible with it being an item of information at their meeting on Thursday and will be up for a vote next month. We are in the process of doing due diligence in regards to the regulatory and financial capacity, and background checks of the two finalists as well as negotiating on community benefits. Mayor Williams reported the City intends to make a final recommendation to the City Council at the September 17th meeting and invited the Aldermen to review the proposals.

#6-D-2) Poll of Alderman Regarding Chapter 96 – Video Gaming

Mayor Williams asked the Aldermen if they would like to continue discussion regarding the revenue the liquor license holder may generate from video gaming not exceeding 49% of the license holder's total gross yearly revenue in order to limit gaming in the community or prevent video gaming café's or parlors. Mayor Williams stated before time is spent on crafting legislation, he asked the Council if they are interested on limiting video gaming or leaving the language as it is written. Discussion ensued regarding how the Illinois Gaming Board reports net terminal income is split and how the revenue is reported for the establishments. The consensus from the Council was to revisit and discuss at the next City Council meeting.

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

#7-A... Public Hearing on Potential Marijuana Licensing

Mayor Williams opened the public hearing on recreational cannabis licensing at 6:24 p.m. He presented the following facts:

- The City cannot limit private consumption of marijuana effective January 1, 2020 [*Public Act 101-0027*].
- Individuals may purchase up to 30 grams raw at a time, non-residents may purchase up to 15 grams or 5 grams of concentrated marijuana or 500 milligrams of items infused with marijuana
- Smoking of marijuana is prohibited in public places such as child care facilities, schools, and other locations.
- Cannabis businesses may be zoned so cannabis can only be used in certain places or sold in certain places.
- The City would have authority to allow for onsite use of cannabis at certain locations.
- The City would have authority to delegate the time, place, and manner in which marijuana would be sold.
- The City would receive up to a 3% Municipal Cannabis Retailers' Occupation Tax on the sale of marijuana plus the City would receive whatever the local sales tax is as well so that would be a total of 4.25%.
- Vermilion County will be awarded a license for a dispensary, which is a place that sells marijuana, as well as one craft grower license.
- The State uses a formula based on population.
- The City can limit whether or not marijuana is sold or grown and where it is to be used in the City.

Mayor Williams addressed questions from the Aldermen and asked for comments from the public. The following individuals spoke from the audience:

- Gary Brownfield of Danville opposes marijuana licensing in the City and spoke of the dangerous side effects of the use of marijuana.

- Cindy Parr-Barrett of Danville supports marijuana licensing in the community as she has read studies and researched the possibilities the licensing has to offer the community such as a dispensary will provide a regulated, legal alternative, the products will be safer, will provide easier access for those who need it for a medical option including the opioid alternative program, will provide a previously unavailable source of revenue to the City and can provide jobs, and stated the City should be a part of it at its inception in Illinois and the location is perfect.
- Philip Thomas of Danville supports a marijuana business on Lynch Road at the former Borders Café restaurant location as it is a border location, tax revenue will be good for the community, the location will not be close to schools or neighborhood, a poll conducted by Harvard School of Public Health stated alcohol and tobacco is three times more dangerous than cannabis, and crime rates in a study by regional science and urban economics have dropped in areas with marijuana dispensaries nearby.
- Ed Grimm of Danville, recently moved from Indiana due to Illinois becoming a legal state so he supports marijuana licensing in Danville
- Craig Campbell of Danville supports the City receiving marijuana licensing and feels there is governance and the City can control it as best we can.
- Linda Jones of Danville and runs Danville Rescue Mission, housing for homeless men, opposes marijuana licensing and feels most people addicted to hard drugs started with marijuana.
- Lynn McClinden of Danville stated the State legislature has so structured the law to the effect that we do not have much choice and feels we need to do it and take the tax money or one of our neighboring communities will approve it, which marijuana will still be available for recreational use throughout our community.
- Curt Rush of Danville spoke in support of licensing marijuana sales in the City and feels the sales would generate a huge amount of revenue.
- Kerry Barrett of Danville voiced support of the licensing of recreational cannabis, tourism will increase because of legalized marijuana with the example if someone from Indiana comes over to purchase it, they would have to stay in Danville because they cannot take it back home and smoke it legally. Cannabis will be tested, labeled and subject to additional regulations under HB1438. Purchasers also will be advised of health risks.
- Vince O'Brien of Danville spoke in support of cannabis licensing and feels the income will be great for the City.

Mayor Williams closed the public hearing at 7:00 p.m.

#7...AUDIENCE COMMENTS

- Vince O'Brien of Danville spoke regarding the video gaming ordinance and suggested grandfathering in a business property instead of the business.
- Greg Palmer of Danville spoke concern of comments made by former Alderman Randle at the last City Council meeting regarding his opposition of the hiring of Police Chief Yates, which was after the Chief was sworn in. Former Alderman Randle used this platform to criticize the hiring process. He criticized the search team, the way the City Council and Board of Fire and Police Commissioners handled things, the Danville Police Department, the Sheriff's Department, and the State Police. Former Alderman Randle stated the search was not broad enough, but the hiring of the Chief of Police was done within the ranks that shows him, that other city employees, through hardwork and dedication, that they could be in a position to advance as well. He also voiced concern of former Alderman Randle bringing up race, gender, and diversity and skin color and gender should not have anything to do with the process. Chief

Yates was challenged by former Alderman Randle to diversify the department and he had only been sworn in for twenty minutes so that was also a concern of Mr. Palmer's. He also voiced support to Mayor Williams for his leadership, testimony, integrity, and love for the City.

- Craig Campbell of Danville stated the Downtown group casino is continuing to prepare materials and application to the Illinois Gaming Board and would like some type of forum to address it to the Council. Unfortunately, the group did not make it to the interview schedule, but we are working hard and plan to have a great product that everyone will be proud of. Mayor Williams asked Mr. Campbell how many of the twenty deliverables did he answer on the application. Mr. Campbell responded we answered as many as we thought were important for that moment. Mayor Williams asked if financial capacity or past regulatory compliance with the State or Federal government is important in this manner and Mr. Campbell responded he does, but we were not prepared to give them to seemingly our competition.
- John Gallez of Danville stated he is against a one-year moratorium on changing the liquor licenses and video gaming.
- Ed Butler of Danville and Danville NAACP President thanked Mr. Palmer for his comments and voiced concern when individuals do not want to talk when they see something and then people criticize the police by saying they do not do anything. He asked for the community to embrace their loved ones as much as they can.

#8.....ZONING PETITIONS - None

#9....PAYROLL

Mayor Williams presented Payrolls for August 23, 2019, of \$70,980.62, and for August 30, 2019, for \$571,714.67. 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 Troglia, Pickering, O'Kane, Iverson, Strebing, Puhr, Foster, McMahan, Brown, Davis, Nichols, Stone

Nays: None

Absent: Alderman Duncheon

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 run of August 27, 2019, of \$312,276.55, and for run of September 3, 2019, of \$697,756.70. Alderman Strebing moved to dispense with the readings and asked for approval as presented, seconded by Alderman Pickering. After all questions were addressed, the roll call vote being:

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

Nays: None

Absent: Alderman Duncheon

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

#11... PUBLIC WORKS COMMITTEE REPORT

#11-A... Items of Information

- Chairman Puhr announced the next Public Works Committee meeting is scheduled for Tuesday, September 10, 2019 at 6:00 p.m.
- Director Carpenter reported the following:
 - Tree debris has been removed from the edge of the lake.

- The foundation from Building 5 is broken up at the Fair Oaks Housing Development demolition project with the total project amount close to \$110,000.00 limit stated in the intergovernmental agreement [*Resolution No. 2019-63*]. Contact has been made with Director Vinson and the Administration is trying to negotiate their increased pay so we can take Building 6 down and will not start on that building until the Housing Authority of the City of Danville (HACD) has agreed to pay for it. The last two buildings are coming in right at \$20,000.00 so HACD will need to come up with another \$20,000.00 in order for the City to complete that project.
- There was no signage on Seminary Street today when road work was being done and there were bumps in the road. The issue has been addressed internally.
- The Sealcoat project is scheduled to begin sometime this week.
- The Garbage and Yard waste collection is one day behind schedule this week due to the Labor Day holiday.

#12... PUBLIC SERVICES COMMITTEE REPORT

#12-A... Chairman Foster presented RESOLUTION NO. 2019-89 confirming Approval of Simulcast Radio System for Installation at twelve (12) sites within the County and five (5) sites within the City by Supreme Radio Communications for an amount of \$324,842.35 using bond funds held in escrow by Danville Public Building Commission (DPBC), moved to dispense with the reading as recommended by Committee, seconded by Alderman Strebing. Terry Scott, Director of the Danville Public Building Commission, explained the project cost to the radio conversion to digital project listed on the Bond Issue project list has previously been amended from \$100,000 to \$161,316 and additionally amend an additional \$279,039 in order to fund the installation of a simulcast radio system. Director Scott explained he is not asking for additional money as the funds for the radio system will be taken from the 2016 bond issue that was set up to address some of the issues at the Public Safety Building with one of them being with communications so what happened is last year Bob Scott had come and received permission for us to have a microwave system installed to improve the radio communication for all Vermilion County law enforcement. Once that was installed it has greatly increased the communication of the emergency services, but the problem we have run into is there are some limitations with the system with one of them being when a county officer goes north of 136 they have to change channels to maintain communication with the dispatcher and in an emergency situation that can be problematic. The other situation that we have is not only for the Sheriff's office, but the village offices and DPD is certain locations when they call out of their vehicle and talking to communications they enter a residence, sometimes their portable communications will not reach the dispatch center so because of that we put out a request for proposal to improve that system as we could not have that lack of communication once they were outside of that vehicle. The DPBC board approved Supreme Radio and the simulcast system. The importance of this is the way the current system is for Danville itself to have several communication sites for reception and only have one transmission site and with the Sheriff's office they have multiple reception sites, but only two transmission sites. With the new simulcast system what is going to happen is the City will have five transmission sites which will greatly increase the opportunity for the transmission and reception to the dispatch and the Sheriff's office will increase from two to twelve transmission sites. The cost factor we are using a portion of the bond money proposed to pay for that. The total cost for the project will be \$324,842.35 with \$157,000 will come from the 2016 bond money and \$137,895.34 will come from the 911 Renovation Fund and \$29,947.00 will come from the Capital Improvement Fund. After all questions were addressed, the roll call vote being:

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

Nays: None

Absent: Alderman Duncheon

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

#12-B... Chairman Foster presented RESOLUTION NO. 2019-90 amending Community Development Block Grant (CDBG) Consolidated Plan for Program Years 2015-2019 for the 2015-2019 Citizen Participation Plan to be amended to 50% or \$50,000 of an activity and amended to hold the required public participation meetings in CDBG benefit areas to greater reach the eligible community, moved to dispense with the reading as recommended by Committee, seconded by Alderman Brown.

Manager Cronk stated the resolution has two main items. The first is the original 2015-2019 Citizen Participation Plan proposed 10% of a project activity line item change for moving money required public comment period, which was a lack of program efficiency so we would like to change that to 50% of project activity project change would not have to have comment period. The second item is the capability to go out and hold public hearings in low to moderate income areas. Mayor Williams feels it is important to go to areas where the City is doing the work. Alderman Puhr asked if the public hearings could be held at neighborhood group meetings and Manager Cronk responded "yes". After all questions were addressed, the roll call vote being:

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

Nays: None

Absent: Alderman Duncheon

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

#12-C... Chairman Foster presented ORDINANCE NO. 9218 amending Chapter 34 of City Code Pertaining to Police Department, moved to dispense with the reading as recommended by Committee, seconded by Alderman Puhr. After all questions were addressed, the roll call vote being:

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

Nays: None

Absent: Alderman Duncheon

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

#12-D... Chairman Foster presented ORDINANCE NO. 9219 amending Chapter 103 of City Code Pertaining to Public Nuisance Motor Vehicles to amend § 103.01 PUBLIC NUISANCE. (A)(6) The driver or any other person within the motor vehicle commits a violation of the Illinois Cannabis Control Act, ILCS Ch. 720, Act 550, §§ 1 et seq., or Chapter 140 of the Danville City Code, and the weight of the substance is ~~2.5~~ 30 grams or greater and amend § 103.08 PENALTIES. (A) The administrative penalty shall be in the amount of ~~\$500~~300, 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 Puhr, Foster, McMahan, Brown, Davis, Nichols, Stone, Troglia, Pickering, O'Kane, Iverson, Strebing

Nays: None

Absent: Alderman Duncheon

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

#12-E... Items of Information

Chairman Foster announced the next Public Services Committee meeting is scheduled for Tuesday, September 24, 2019 at 6:00 p.m.

#13...ITEMS OF INFORMATION

- Alderman McMahon thanked everyone involved with the Labor Day Parade.
- Mayor Williams thanked Connie Ostrander and the Vermilion County Federation of Labor for organizing the Labor Day Parade.

#14...CLOSED SESSION was not needed.

#15...ADJOURNMENT

There being no further business to discuss, the meeting was adjourned by acclamation at 7:40 p.m. following a motion by Alderman Iverson and a second by Alderman Pickering.



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 September 3, 2019, as the same appears on the records of the City now in my custody and keeping.

Lisa K. Monson, City Clerk

Approved: 09/17/19
Posted Publicly: 09/19/19