

DANVILLE CITY COUNCIL
SEPTEMBER 17, 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., Vice Mayor Steve Nichols, Aldermen Brenda Brown, R.J. Davis, Dan Duncheon, Steve Foster, Bob Iverson, Sharon McMahon, Michael O'Kane, Sherry Pickering, Mike Puhr, Tom Stone, and Aaron Troglia with one vacancy in Ward 1. Alderman Rick Strebing was absent. A quorum was present.

Staff Members Present: City Comptroller Shelley Scott, City Engineer Same Cole, Corporation Counsel Dave Wesner, Deputy City Clerk Megan Mudd, Human Relations Administrator Sandra Finch, Information Technology Administrator Agnel DSilva, Interim Fire Chief Don McMasters, Police Chief Chris Yates, Public Transportation Director Lisa Beith, Public Works Director Carl Carpenter, and Senior Planner Tyson Terhune. There were also standing room only audience members and 4 news media in attendance.

#2....INVOCATION was given by Rev. Kurt Sovine, Pastor, Connexion Church, followed by
#3....THE PLEDGE OF ALLEGIANCE led by Alderman McMahon.

#4....THE MINUTES of the regular meeting held, September 3, 2019, having been published and distributed, were presented. Alderman Pickering moved for approval as presented, seconded by Alderman Brown. On the voice vote, all ayes, no nays; the motion so ordered.

#5....THE AGENDA for the evening was presented. Mayor Williams removed Item 7-A, Presentation on Casino, and Item 8, Resolution: Accepting Recommendation of Casino Operating Partner. Alderman Puhr 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

#6-A-1...Mayor Williams presented a Proclamation proclaiming the month of September, 2019 as "National Suicide Prevention Awareness Month".

#6-B...Board/Committee Appointments

Mayor Williams presented Items 1, 2, and 3 for a single vote, and asked for concurrence for three board appointments. Alderman Brown moved to concur, seconded by Alderman McMahon. Those items being:

- #1)..reappointment of Martha Espino to Danville Public Library Board, term to expire July, 2022;
- #2)..reappointment of Marilyn Blanton to Historic Preservation Commission, term to expire July 31, 2022;
- #3)..reappointment of Carolyn Wands to Historic Preservation Commission, term to expire July 31, 2022.

There being no questions or discussion, 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

Mayor Williams announced the Hope Heals Expo that is being sponsored by OSF HealthCare will be on Thursday, October 3, 2019 from 6:00pm to 8:00pm at the Second Church of Christ. They will have

health advocate and author Kevin Hines as a speaker, and Mayor Williams encouraged everyone to attend. Mayor Williams also thanked everyone for their hard work in getting the Fischer Theatre ready for its grand re-opening this Saturday, September 21.

#7...PETITIONS, COMMUNICATIONS, AUDIENCE COMMENTS

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

#7...AUDIENCE COMMENTS

- Linda Darby of Danville spoke concern regarding the Cannabis Ordinance and stated the Council should vote no.
- Pastor Thomas Miller of Danville spoke concern regarding the Cannabis Ordinance stating that money is important but lives are more important. The decision will possibly be made based on revenue and so we the Pastors, Ministers, and other community members are here to say we would prefer that we not be the City that gives our blessing for the use of marijuana or any other types of drugs, because we know the end-result. Even though it may generate some revenue, it is not going to help us in the long run.
- Linda Jones of Danville spoke concern regarding the Cannabis Ordinance stating that her daughter lives in Colorado Springs and there is a problem with more car accidents. She stated she recently received a ticket for \$165 for talking on the phone while driving but doesn't understand how someone could smoke marijuana and drive with no consequence. She stated her concerns are with the long term mental health issues and dangers when it comes to smoking marijuana. She also stated that she opposes the casino development and urged the council to vote no on both issues.
- Jennifer Compton for OSF Sacred Heart Medical Center in Champaign spoke concern regarding the Cannabis Ordinance stating that as a health care organization OSF really did not support the legalization of marijuana in the State of Illinois, however it was legalized and is here, as we all know. As a respiratory therapist, smoking anything is very dangerous to our lungs and we have to take that into account. Marijuana has been proven to be a gateway drug that leads to more severe and detrimental drugs, and OSF has made a huge commitment to the community with our StepOne program in helping individuals with addiction. Certainly, OSF wants to support the City of Danville, and the decisions that are made. We want to make the best decisions if the dispensary is going to be within the City of Danville, wanting those dollars then to go for Policing and making sure that only the legalized and only the marijuana that is dispensed in the manner in which its supposed to, and that is our stance.
- Deanna Witzel of Danville spoke concern regarding the Cannabis Ordinance stating she is absolutely opposed to the growing and the sale of marijuana in our community. Our step-up substance abuse team has worked very hard over the last two years to address this problem and has made many accomplishments, and this is going to make our job even harder. On the other hand I am very conflicted because as I understand the law Vermilion County has one license for a dispensary and if Danville doesn't get it it's then very likely that one of the other towns will. I know the Council has a very tough decision and so it is very conflicting. I'm here tonight to ask you three things, if you are going to pass it and if you do make that decision I think it's very important that one, the majority of the money goes to law enforcement so that they have the ability to do things like pop units and preventive measures, secondly, I would ask that you place very strict ordinances regarding the smoking of marijuana, and thirdly, I would encourage you to organize a community coalition of stakeholders who can help put plans together to be proactive in dealing with some of the problems that we will face.

- Dale DeNeal of Danville spoke concern regarding the Cannabis Ordinance stating that he is the Executive Minister at Second Church of Christ here in Danville and he's here tonight to talk about the marijuana issue and the subsequent decision that is facing this governing body and its impact on the community. The legalization of marijuana for recreational use should never have happened. The facts about the social impact of legalized marijuana use are clear and Colorado has provided us with a wealth of data regarding the destructive social impact of its use. There is a 66% increase in marijuana related traffic deaths. Youth marijuana use in Colorado is 55% higher than the national average. There is a 71% increase in adult marijuana use which creates significant workforce issue since fewer people can pass a drug test. There is a 72% increase in emergency department hospitalization. This kind of social impact may be the reason that 66% of Colorado's local jurisdictions have banned both medical and recreational marijuana business. We are not here tonight to debate the legalization of recreational marijuana use, because that has already been decided. We are here tonight to decide what to do with that decision. If you decide to approve the sale of marijuana in the City of Danville, you have a great responsibility and should put in place stringent regulations to contain it. You must divert the bulk of the revenues to law enforcement, medical and mental health providers, addiction support programs, and initiatives designed to protect youth in our city.
- Greg Filicsky of Sidell spoke regarding the proposed Video Gaming Ordinance and feels it is a great improvement over the 49% revenue in alcohol sales, but disagrees with the annual license fee of \$1,200.00.
- Lynn McClinden of Danville agrees with audience member comments made by Mr. DeNeal to divert all monies received from marijuana revenue to law enforcement and social services.
- Reverend Robert Susman of Danville spoke in opposition of marijuana dispensary and challenged everyone to give him one positive result that will come from recreational marijuana.
- Christine Cooper of Danville voiced opposition to marijuana.
- Vince Koers of Danville stated he has appreciated the comments this evening regarding marijuana and feels every nickel earned from marijuana is going to be spent mopping up the problems it creates. He also has a concern with the creation of the new Carle medical campus proposing to close Logan Avenue as he feels there should be a walkway connecting the buildings that was originally proposed and it is unclear who is going to bear utility relocations.
- Jerry Hawker of Danville spoke concern of the legalization of marijuana, but the Council is not approving marijuana and if citizens are against the passage of marijuana, be upset with the Governor and the State legislators. He also stated marijuana will be in Vermilion County one way or another and Mayor Williams and the City Council are the best resources to control it better than any of the other villages in the County.
- Odette Hyatt Watson of Danville voiced concern of the marijuana exposure to children in the womb and the after effects with social and emotional issues we are having with children from birth to age five from exposure to cannabis. Her thoughts on revenue for the City would be for the City begin with having tours of the wonderful murals, visit historical sites; then end at the Fischer Theatre as tourism is a unique way to bring revenue in for communities.
- Ed Butler of Danville, Danville NAACP President and one of the Three Kings of Peace spoke in regards to the six new probationary Police officers and welcomed each one of them to our Danville Police force as it is good to have young men that choose Danville to help fight against the crime and keep order even though we didn't have any black men or women we still appreciate and love them the same. He asks and employs each one of them to be fair, honest, and treat everyone the same according to the law. He asked that they not try to make a name for themselves and to be vigilant of their surroundings and if you see one of the Three Kings we are watching our people too to make sure our people are safe as well as the officers and to

keep our city safe. He challenges the Aldermen to be more active in their wards to try to have a meeting once a month or so. He is opposed to marijuana as we have a rough time keeping workers on job and is totally against it as we need to try to save the people.

- Daryl Hunter of Danville spoke concern of marijuana use as it leads to the use of other drugs and stated there are other ways to create revenue in the City. He asked the Aldermen be considerate of the possibilities of all of the repercussions that will come behind legalizing marijuana.
- Ruby Swinford of Danville spoke concern of the odor of marijuana in public stores and restaurants.
- Dave Morris of Danville and Commander of American Legion Post 210, spoke concern of the proposed Video Gaming fee and feels it is too high.
- Linda Lucas of Danville and previous addiction counselor, met a young man who expressed his feelings about marijuana who could no longer be on a sports team due to the effects of marijuana.

#8..[previously removed]

#9.....ZONING PETITIONS

#9-A..Mayor Williams presented Zoning Petition #270, ORDINANCE NO. 9222 , Amending the Zoning Ordinance and Map for Petitioner Danville Community Consolidated School District #118 to change the zoning of the real estate commonly known as 444 North Jackson Street by changing the classification of the subject tract from R2-Single Family Residential, to B1-Neighborhood Business. After hearing testimony during a hearing on September 5, 2019, the Planning & Zoning Commission recommended approval of the petition by a vote of 4-0 with one absent and two open seats.

Alderman Iverson moved to concur with the recommendation from the Planning & Zoning Commission, seconded by Alderman McMahan. There being no questions, the roll call vote being:
Ayes: Aldermen Troglia, Pickering, O’Kane, Iverson, Puhr, Foster, McMahan, Brown, Davis, Duncheon, Nichols, Stone

Nays: None

Absent: Alderman Strebing

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

#10....PAYROLL

Mayor Williams presented Payrolls for September 6, 2019, of \$72,923.38, and for September 13, 2019, for \$533,600.06. Alderman Brown moved to dispense with the readings and asked for approval as presented, seconded by Alderman Troglia. There being no questions, the roll call vote being:

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

Nays: None

Absent: Alderman Strebing

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

#11...SCHEDULE OF VOUCHERS PAYABLE

Mayor Williams presented the Schedule of Vouchers Payable, having been published, posted, and distributed, for special run of September 5, 2019, of \$30,300.00, for run of September 10, 2019, of \$261,547.28, and for run of September 17, 2019, of \$250,537.18. Alderman Stone 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 O’Kane, Iverson, Puhr, Foster, McMahon, Brown, Davis, Duncheon, Nichols, Stone, Troglia, Pickering

Nays: None

Absent: Alderman Strebing

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

#12... PUBLIC WORKS COMMITTEE REPORT

#12-A...Chairman Puhr presented RESOLUTION NO. 2019-91 awarding Bid #629 for Fleet Liability Insurance for the year October 1, 2019 through September 30, 2020 to Hudson Insurance Company in the amount of \$80,184.00, moved to dispense with the reading as recommended by Committee, seconded by Alderman Davis. After all questions were addressed and there being no further discussion, the roll call vote being:

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

Nays: None

Absent: Alderman Strebing

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

#12-B...Chairman Puhr presented RESOLUTION NO. 2019-92 awarding Bid #630 for Purchase and Installation of Reconditioned Transit Engine for a Danville Mass Transit 2008 Gillig Low Floor Transit Bus, in the amount of \$56,682.06 to Cummins Crosspoint in Normal, Illinois for purchase, installation, and warranty of the reconditioned engine, moved to dispense with the reading as recommended by Committee, seconded by Alderman McMahon. There being no questions, the roll call vote being:

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

Nays: None

Absent: Alderman Strebing

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

#12-C...Chairman Puhr presented RESOLUTION NO. 2019-93 for purchase of a 2019 Ford F150 Pickup Truck with marked options for the cost of \$23,070.00 from Morrow Brothers Ford, Inc of Greenfield, Illinois, after the City has recently retired four light duty trucks due to severe corrosion and unsafe conditions, with cost of truck to be paid from Solid Waste Fund-Vehicles budget, moved to dispense with the reading as recommended by Committee, seconded by Alderman Davis. There being no questions, the roll call vote being:

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

Nays: None

Absent: Alderman Strebing

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

#12-D...Items of Information

- Director Carpenter reported the following:
 - The rocks on Gilbert Street will begin to get swept up tomorrow, and we just finished Bowman and Seminary streets today. By the end of next week we should have everything swept up.
 - The Fall Festival will be at Ellsworth Park this coming weekend with several City employees participating in the dunk tank.

[The next Public Works Committee meeting is scheduled for Tuesday, October 8, 2019 at 6:00 p.m.]

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#13... PUBLIC SERVICES COMMITTEE REPORT

#13-A...Chairman Foster presented RESOLUTION NO. 2019-94 authorizing a development agreement with Maruti Gagnan Management, LLC regarding certain properties located at 829 E. Main Street, 831 E. Main Street, and 833 E. Main Street, moved to dispense with the reading as recommended by Public Services Committee on 08/27/19, seconded by Alderman Stone. There being no questions, the roll call vote being:

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

Nays: Alderman Troglia

Absent: Alderman Strebing

Motion carried 11 to 0 with 1 absent and one vacancy.

#13-B...Chairman Foster presented RESOLUTION NO. 2019-95 authorizing Raymond James, a full-service registered broker/dealer and an independent registered municipal advisor, as the Dissemination Agent for the City of Danville, moved to dispense with the reading as recommended by Committee, seconded by Alderman Brown. There being no questions, the roll call vote being:

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

Nays: None

Absent: Alderman Strebing

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

#13-C...Chairman Foster presented ORDINANCE NO. 9220 amending Chapter 116 of the City Code pertaining to Taxation to Impose a Municipal Cannabis Retailers’ Occupation Tax, where such tax does not exceed 3% of the purchase price of the cannabis, moved to dispense with the reading without recommendation by Committee, seconded by Alderman Duncheon. Chairman Foster stated he wanted to remind everyone that the decision has already been made by the State of Illinois to allow for the recreational use of smoking marijuana and that we are making a decision on with what we can do, including selecting the location and zoning, and we can control where it can go. Chairman Puhr also wanted to reiterate that this is an ordinance amending Chapter 116 regarding the taxation; it is not about us deciding whether or not we approve of the recreational use of marijuana because that’s already been decided. The State has already said there will be one city in Vermilion County to receive a license and this is giving us the authority to tax that if it comes to Danville. Alderman Pickering read statistics from a summary report titled ‘Monitoring Health Concerns Related to Marijuana in Colorado: 2018 from the Colorado Department of Public Health and Environment. Afterwards Alderman Pickering stated that she feels the health and safety of our community is more important than the revenue this will bring in. Alderman Iverson stated that if he believed that us voting no would resolve in any less marijuana coming to town I would vote no, I don’t think yes or no is going to control any amount of it, it’s already here and it’s going to be everywhere. The only thing we can do at this point is get something good out of it by regulating, controlling, and taxing it. Alderman Troglia reiterated what Alderman Iverson said and stated he would vote no to legalize it but it is already here and we are going to have it anyway. Alderman Brown stated she will be voting no on anything that has to do with marijuana. It is too detrimental to our society and even though we know it will be here, we can control if we are going to have a dispensary in our community, and not all money is good money. Further discussion ensued and questions were addressed. Mayor Williams restated that if you vote yes you are voting to allow for the sale and to tax it at 3%, and a no vote would be opposing that. After all questions were addressed and there being no further discussion, the roll call vote being:

Ayes: Aldermen Duncheon, Nichols, Stone, Troglia, O’Kane, Iverson, Puhr, Foster, McMahon

Nays: Brown, Davis, Pickering
Absent: Alderman Strebing
Motion carried 9 to 3 with 1 absent and one vacancy.

[Alderman Davis left the Dais during discussion of the next item]

#13-D...Chairman Foster presented ORDINANCE NO. 9221 amending Chapter 118 of the City Code pertaining to Licensing-Video Gaming to add language for an annual fee for the licensing period of May 1 to April 30 and the number of licenses shall be limited to 30, moved to dispense with the reading without Committee recommendation, seconded by Alderman Stone. Alderman Troglia asked where the \$1,200.00 came from and Mayor Williams replied that other Aldermen had stated previously there should be a fee for the gaming license so that incorporated into this, which could be amended to a different amount or eliminated altogether. Alderman Puhr stated there is a 5% tax by the municipality on the video gaming as established and the State gets 28% and the City gets 5% of the total revenue off the video gaming machines. So the City does receive 5% of the total net revenue and the establishments also have to absorb a VGT tax imposed by the State that is split between them and the Operator. So they are paying each month and year for having the machines. Alderman Troglia made a motion to amend Chapter 118 by removing sections 118.091, subsection F, and 118.999, penalty section 2, seconded by Alderman Puhr. After all questions were addressed, the roll call vote being:
Ayes: Troglia, Pickering, O’Kane, Puhr, Foster, McMahon, Brown
Nays: Duncheon, Nichols, Stone, Iverson
Absent: Aldermen Davis, Strebing
The vote being 7 to 4 with 2 absent, Mayor Williams cast a vote in the negative; Motion failed 7 to 5 with 2 absent and one vacancy.

[Alderman Davis returned to the Dais during discussion of the next item]

Alderman Pickering made a motion to amend Chapter 118.091, subsection F by changing the license premise fee from \$1,200.00 to \$600.00, the annual proration fee from \$100.00 to \$50.00, and amending Section 2 changing the fee from \$700.00 to \$350.00 for current year, seconded by Alderman Foster. After all questions were addressed, and there being no further discussion, the roll call vote being:
Ayes: Aldermen Stone, Troglia, Pickering, O’Kane, Iverson, Foster, Brown, Davis
Nays: Aldermen Duncheon, Nichols, Puhr, McMahon
Absent: Alderman Strebing
Motion carried 8 to 4 with 1 absent and one vacancy.
Alderman O’Kane made a motion to table Item #13-D to October 1, 2019 until further clarification has been made, seconded by Alderman Puhr. After all questions were addressed, and there being no further discussion, the roll call vote being:
Ayes: Aldermen O’Kane, Puhr, McMahon, Brown, Davis
Nays: Aldermen Nichols, Stone, Troglia, Pickering, Iverson, Foster, Duncheon
Absent: Alderman Strebing
Motion failed 5 to 7 with 1 absent and one vacancy.
Alderman Pickering made a motion to amend Chapter 118.091, subsection B, changing the number of licenses authorized by the City from 30 to 27, seconded by Alderman Brown. After all questions were addressed, and there being no further discussion, the roll call vote being:
Ayes: Aldermen Pickering, McMahon
Nays: Aldermen Stone, Troglia, O’Kane, Iverson, Puhr, Foster, Brown, Davis, Duncheon, Nichols

Absent: Alderman Strebing

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

Mayor Williams asked for roll call vote on original Ordinance as amended for an annual Video Gaming license fee of \$600.00 from May 1 to April 30. The annual fee may be reduced by \$50.00 for each full month that expires prior to an application being submitted to the City with the number of licenses limited to 30, effective October 1, 2019. Any licensed premises currently holding a license for the provision of video gaming shall pay a license fee of \$350.00 to be paid on or before October 15, 2019 and the same as outlined in 118.091 in subsection (F) in subsequent years. After all questions were addressed, and there being no further discussion, the roll call vote being:

Ayes: Pickering, Iverson, Foster, McMahon, Brown, Davis, Duncheon, Stone

Nays: Troglia, O'Kane, Puhr, Nichols

Absent: Aldermen Davis, Strebing

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

#13-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.

#14... ITEMS OF INFORMATION

- Alderman O'Kane announced that he and Alderman McMahon will be having a Ward meeting on Monday, September 23, 2019 at Illini Skateland at 6:00p.m.
- Alderman Pickering wanted to remind everyone about the Hope Heals Expo on Thursday, October 3, 2019 at the Second Church of Christ.
- Alderman Puhr announced that Lincoln Park Historic District Neighborhood Association will be having their final meeting of the year this Thursday, September 19, 2019 at Friendly Town. Also Friday and Saturday the Knights of Columbus will be doing their annual bucket drive for the Intellectual Disabilities Tootsie-Roll Drive.

#15... CLOSED SESSION

Alderman Troglia moved to go into Closed Session under Section 2(c)(1) of the Open Meetings Act to discuss Specific Employees, seconded by Alderman Nichols. The roll call vote being:

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

Nays: Duncheon

Absent: Alderman Strebing

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

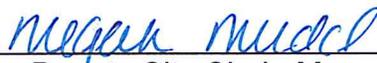
TIME: 8:25 p.m.

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

Alderman Pickering moved to return to Open Session, seconded by Alderman McMahon. On the voice vote, all ayes, no nays; the motion so ordered. Mayor Williams called the meeting back to order at 8:35 p.m.

#16... ADJOURNMENT

There being no further business to discuss, the meeting was adjourned by acclamation at 8:35 p.m. following a motion by Alderman Duncheon and a second by Alderman Pickering.



Deputy City Clerk, Megan Mudd

I, Megan Mudd, Deputy 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 17, 2019, as the same appears on the records of the City now in my custody and keeping.



Deputy City Clerk, Megan Mudd

Approved: 10/01/19
Posted Publicly: 10/02/19