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**City of Mt. Vernon, Illinois  
Special City Council Meeting  
Monday, February 13, 2012**

The Mt. Vernon City Council met for a Special City Council Meeting on Monday, February 13, 2012 at 3:00 p.m. in the Council Chambers at City Hall, 1100 Main Street, Mt. Vernon, Illinois.

Mayor Mary Jane Chesley called the meeting to order.

Roll Call showed present: Council Members Ron Lash, Dennis McEnaney, Todd Piper, David Wood and Mayor Mary Jane Chesley.

**MOBILE HOME ORDINANCE**

Mayor Chesley noted that a large number of City residents were in attendance at the meeting. She advised that anyone wishing to address the City Council regarding the proposed Mobile Home Ordinance would be given an opportunity to do so, and residents were asked to limit their comments to three minutes.

City Manager Ron Neibert clarified the net effect is not to allow any new properties to have mobile homes placed on them where one does not currently exist. Another consideration is to allow "double wide" mobile homes if placed on a permanent foundation. A single wide or double wide mobile home is a structure that comes with a title and a red or silver colored emblem indicating it is a mobile home. Anything that doesn't have a title or an emblem is considered a modular home.

City Manager Neibert further addressed concerns by individuals who currently have mobile homes, and if the mobile home were damaged, they cannot replace a mobile home on its current property nor afford to replace it with a new modular or stick-built home. In terms of understanding the logic behind the original intent of the ordinance, in most zoning ordinances and in good land-use planning and most real estate considerations, it's typically not appropriate to place mobile homes in the same area as stick-built homes. A mobile home within the confines of a stick-built neighborhood has a negative effect on the value of the stick-built homes in that neighborhood. At some point in the future, the R-M2 zoning district would revert back over time through attrition to develop into a more stick-built home atmosphere thereby placing mobile homes in areas that are more conducive to mobile homes such as

mobile home parks or mobile home neighborhoods. The following options were presented by City Manager Neibert to the City Council:

*R-M2 MOBILE HOME OPTIONS*

- 1. Current proposal allows existing homes to stay but cannot be replaced under any circumstances.*
- 2. Allow current homes to stay and be replaced under all circumstances.*
- 3. Allow current homes to stay but only be replaced if damaged beyond 50% of value or destroyed by fire, storm, or accident.*
- 4. Allow homes to stay under provisions of options 2 or 3 above but only for current owners.*
- 5. Allow homes to stay under provisions of options 2 or 3 above but only for current owners of owner occupied properties.*

Council Member Wood asked for clarification of the City's current mobile home ordinance as it relates to replacing a mobile home by the mobile home owner. City Manager Neibert noted that presently a mobile home can be placed in the R-M2 district as long as it is less than 20 years old.

City Manager Neibert added another consideration is to allow double wide mobile homes but only when placed on a permanent foundation, not just pillars, but with footings into the ground.

Council Member Piper inquired as to the number of mobile homes in the City and what process to follow for placing a mobile home in the city. City Manager Neibert stated there is no means of tracking mobile homes since tax laws changed. An individual goes to the Inspection Department at City Hall and completes the building permit application showing where on the property the mobile home will be placed and documentation of the age of the mobile home. The Inspection Department inspects the home to confirm it is in good condition. Assuming everything is acceptable and no variances are required in terms of setbacks, then the mobile home is set on the property.

Council Member McEnaney asked under what conditions is an individual required to go before the Zoning and Planning Commission. Mr. Ramsey who is on today's meeting agenda is requesting a zoning variance because where he wants to place the mobile home is not zoned R-M2.

Council Member Piper noted that the City has jurisdiction over zoning of property within 1.5 miles of the City limits. City Manager Neibert noted that Illinois Statute allows City's to zone out a mile and one-half beyond their corporate limits for controlling growth. The logic is that possibly at some point the City may annex that property into the City limits, and therefore, the Legislature felt the City should have some minimal influence on what goes on property that may eventually be incorporated into the City's boundaries.

Council Member Wood inquired if whatever action is taken on mobile homes in City limits should apply to the mile and one-half outside city limits. City Manager Neibert stated that rules on inside City limits

and outside City limits must be consistent. It would be necessary to invent a new zoning classification if the City were to treat property differently inside and outside the City limits.

Council Member Piper voiced concern regarding the City's jurisdiction over property located 1.5 miles outside the City limits.

Council Member Wood raised the following question: What if the proposed mobile home ordinance were to apply only to property inside the City limits and not apply to the property 1.5 miles outside the City limits and the City limits change? What would happen as annexations take place? According to City Manager Neibert, they would fall under the provision for non-conforming use. New zoning rules that apply within the City would then apply outside the City limits. As the City grows, the new rules will apply. The city cannot have a zoning classification that has permitted uses in the same zoning classification just based on whether they are in or out of the City. Some sort of regulatory criteria must be adopted such as lot size in order to do that. Council Member Piper added unless it's owner occupied.

Council Member Wood asked regardless of what version of the Mobile Home Ordinance is passed, the Ordinance would apply inside the City limits and outside the City limits up to the 1.5 miles with all being affected at the same time. Would it be possible to go back and address the concerns of Council Member Piper to establish some criteria and make the change at a later date? City Manager Neibert advised that until the City addresses Council Member Piper's concerns there would be a moratorium on unincorporated areas of the County on new mobile homes until action was taken.

Council Member McEnaney inquired about how a new Mobile Home Ordinance will impact Danny Ramsey's rezoning request that is on today's Agenda? According to City Manager Neibert, if the City adopted any of the five options today, Mr. Ramsey would be prohibited from rezoning his property. Council Member McEnaney noted he visited Mr. Ramsey's property and saw a mobile home located on the property some time ago with two other mobile homes next to the lot in question. Council Member McEnaney confirmed that if the proposed Ordinance were adopted today, Mr. Ramsey would not be able to locate a mobile home on his property.

Council Member Wood noted that the Agenda lists the Mobile Home Ordinance first and then Mr. Ramsey's rezoning request. What would happen if the Council considers and grants Mr. Ramsey's request before the Mobile Home Ordinance agenda item? City Manager Neibert stated that his intent was not to ask the Council to approve the proposed Ordinance at today's meeting, but to get the consensus of the Council for a draft Ordinance and present it to the Council for a First Read at the next County meeting. Consequently, if the Council grants Mr. Ramsey's request today, he would be allowed to put in his mobile home, under existing rules, because the new Mobile Home Ordinance won't be in effect until adopted at the next Council meeting.

Mayor Chesley confirmed that the purpose of today's meeting is to obtain input from Council members and the public so that a draft Mobile Home Ordinance may be presented to the City Council at a future meeting.

Council Member Wood asked for additional clarification of the options presented by City Manager Neibert. Copies of the five options were disseminated to members of the public attending the meeting. He confirmed that option #1 is the most restrictive of the options and the language was contained in the original proposed Mobile Home Ordinance amendment which has already been on the City Council's previous meeting agenda as a First Read. Council Member Wood noted he has talked with several people and received emails opposing option #1.

There was discussion regarding the possible grandfathering of current mobile home owners. Council Member Wood noted unfairness will exist for future buyers of the mobile home if the grandfathering provision is limited to a number of years. He favors a time limit on the grandfather provisions so that mobile homes will disappear in the long term picture of the City of Mt. Vernon.

Council Member Wood commented that the goal of the proposed Mobile Home Ordinance is to reduce mobile homes in neighborhoods containing both stick-built homes and mobile homes. All the options being discussed stop new mobile homes from being placed in the City. The issue is when a replacement mobile home is necessary for whatever reason. If the 'one' mobile home on a block containing stick-built houses is destroyed then the owners of the stick-built homes will know that a mobile home cannot be placed on that lot. City Manager Neibert advised that deed restrictions are being placed on lots sold by the City so that mobile homes cannot be placed there.

Council Member Wood inquired about how these options affect the investor who has purchased lots containing mobile homes and is renting them out. City Manager Neibert noted that under option #5 the investor will have no replacement rights. If it moves from an investment property to owner-occupied property then the grandfathering provision would give them relief which would protect the investor and the seller.

City Manager Neibert structured the following language to be contained in a proposed Mobile Home Ordinance: All mobile homes would be allowed to stay and replacement rights under all circumstances would be for a period of ten years. Council Member Wood corrected and said that the provisions that allow the replacement could be timed out. City Manager Neibert agreed that was what he meant. He hears the Council saying they are okay with an owner occupied mobile home being replaced either voluntarily or by necessity because of damage. Council Member Wood suggested that for non-owner occupied mobile homes the grandfathering time frame could be shorter than for owner occupied. City Manager Neibert reminded that all mobile homes have to pass a City inspection before they can be inhabited.

The following language was structured by City Manager Neibert: Mobile home replacement options, whether damaged or voluntarily replaced, would be allowed for owner occupied and non-owner occupied. Council agreed to this language. Will there be a sunset provision if grandfathering is included?

Council Member Lash noted that the Council's main concern is offering fairness to the owner occupied property and giving them the opportunity to replace their property more so than the non-owner occupied property. He believes the owner occupied property should have a longer period of grandfathering.

More language was structured by City Neibert as follows: The provisions of the non-conforming would sunset on the non-owner occupied mobile homes after ten years and 15 years on the owner occupied mobile homes. This means after ten years a non-owner occupied mobile home if damaged cannot be replaced. Basically the original provision of the Ordinance as drafted would go into effect.

Mayor Chesley inquired of City Engineer Scot Prindiville as to the number of mobile home permits to be granted in the past year either replacement or new. City Engineer Prindiville stated over the past five years the City averaged issuing 18-19 mobile home permits per year. He estimated 12 are actual replacements on R-M2 lots. The remainder would be new mobile homes on R-M2 and we also have the R-MH designation. He stated maybe two a year go before the Zoning and Planning Commission.

Council Member McEnaney stated he is interested in hearing the thoughts of the citizens attending today's meeting.

### **PUBLIC COMMENTS**

Mayor Chesley asked anyone addressing the Council to state their name for the record and to limit their comments to three or four minutes.

CORT JONES has been in the mobile home business for 35 years. The proposed Mobile Home Ordinance will affect him more than anybody attending the meeting and will drastically affect his income. He will be paying \$4,500 in mobile home taxes and \$1,500 to \$2,000 a month to the City for water service and has paid for 25 years. City Manager Neibert questioned if the \$4,500 in taxes is in aggregate for the 18 homes represented on the handout disseminated by Mr. Jones to the City Council. Mr. Jones stated no. He owns 25 properties that will be affected by the ordinance change. He purchased the property he owns because they were already zoned R-M2. He stated, with all due respect, the discussion going on doesn't affect any of the Council members or those sitting at the Council table, but does affect everyone in the audience. He questioned why the problem couldn't be solved by not allowing more R-M2 zoning. He also objects to grandfathering and time limits on the replacement of mobile homes. Mr. Jones stated that eliminating R-M2 zoning is discriminating against poor people. He agrees that no additional R-M2 zoning should be granted but as long as it is zoned R-M2 he wants to be able to place a mobile home on the lot.

City Manager Neibert asked the audience if a majority of them are in favor of what Mr. Jones proposed. There was an inaudible response.

Council Member Piper stated that the City is in contact with a developer interested in building stick-built homes on empty lots in the City.

AMANDA CRIDER purchased a mobile home a year and one-half ago. She lives at 601 Park Avenue. What brought about the idea with the City Council to change the Mobile Home Ordinance?

Council Member Piper commented that the City has lost several structures to demolition and fire over the last 20 years causing a lot of vacant properties throughout the City. The Council is looking towards

neighborhood development plans and working to eliminate spot zoning. It is challenging to entice developers and builders to invest in spot zoned property.

Mayor Chesley noted that a housing study is being conducted in the City to determine potential areas for development. There is a need for more housing with additional jobs being created in Mt. Vernon.

AMANDA CRIDER asked why it matters if a mobile home is in a neighborhood with stick-built homes.

City Manager Neibert stated that real estate agents will tell you that a mobile home located next to stick-built homes has a detrimental effect on the value of the stick-built homes.

AMANDA CRIDER noted there are stick-built homes in her neighborhood that are dilapidated, their yards are not well-kept, they have broken windows and need to be painted. She believes it is segregation and discrimination to want mobile home owners to live in a separate area of town.

ARELLA HUTCHINS stated she lives within a mile and one-half of City limits. She and her husband sold a large home a few years ago and purchased a double wide mobile home so they could pay off their mortgage in preparation for retirement. Many years ago they asked the City to rezone the property to R-M2 and that request was granted. She is concerned about the time line/limit being placed on her mobile home and not being able to replace it if it were destroyed. They have always planned to give their property to their daughter after their death. They have no intention of adding more mobile homes to their property.

JAMES MAY, 1713 South 13<sup>th</sup> St., and his wife purchased a manufactured home in 2009 and placed it on a lot they own. He asked if it is affected by this change. City Manager Neibert inquired if the home has a title. He stated it does. Consequently, Mr. May's home is classified as a double wide mobile home. City Manager Neibert confirmed that if Mr. May's home is destroyed or he wants to replace it, he would not be allowed to replace the double wide after 15 years if the City Council adopts the 15 year limit on grandfathering.

MARSHA THOMAS, 2<sup>nd</sup> Street, wouldn't live in any of the stick-built houses on 2<sup>nd</sup> Street. In her opinion, they should be condemned except for one house on that street. Her property is neat and she won yard of the week in the past. If she could afford to live in a stick-built house, she would. She can't afford to build a stick-built home on her property if her mobile home is destroyed. Her only alternative would be to quit paying taxes on the property and let the City have the land back.

SAM PHILLIPS doesn't own mobile homes, but owns several lots on the east side of town. Renters of his lots have lived on the property for 25 or 30 years. His father promised the lot renters as long as they lived on the lot he wouldn't raise the rent. Some people are paying \$65 a month to rent the lot. If someone moves off the lot, and because he is not the owner occupied, then he will lose the property because he can't afford not to rent the lots. He depends on income from renting these lots.

HORTON PETTIES, his father is A.P. Petties and he owns lots in Southtown that he plans to give to his relatives so they may build or place mobile homes on the lot to live in after their retirement. His family is from Mississippi. They moved to Illinois so they can own property. If the City places a time limit on

replacing mobile homes his family can't afford to build a stick-built home so they will have to leave the property. He stated, "If it's not broken, don't fix it." He added that Southtown is already reeling from the recent rental property inspections. Where will senior citizens live if their rental home doesn't pass inspection? Also, he feels locating an Industrial Park on the southeast side of the City is more important at this point in time than mobile home ordinances.

ANN GASTON, husband is John Gaston, of 416 N. 6<sup>th</sup> St., stated previous speakers have said what she wanted to say. She presented an informal petition against the mobile home ordinance amendment. She also presented photographs of her neighborhood at the corner of 6<sup>th</sup> Street and Barton. The dilapidated property on the block are stick-built homes and not mobile homes. She contacted City Inspector Derrick Quitsch, and his inspection found the property to be structurally sound so there is nothing to do about it.

ALBERT GRADDY, a disabled Vietnam Veteran, fought overseas so we wouldn't have to put up with this crap. He reminded the City Council they will run for re-election in the future and should remember this instead of laughing at the situation.

BERNADINE CANFIELD, she owns mobile homes and her daughters live in mobile homes. She is concerned an invalid daughter won't have any place to live if her mobile home is destroyed. She can't afford to build a stick-built home. She referred to several years ago when City Council reviewed the mobile home zoning ordinance. At that time, the Council agreed a mobile home had to be newer than 20 years old. Members of the City Council don't understand what it's like to live when you're poor.

VINCE BROWN has a hand full of rental properties, and he just purchased a double wide mobile home at 1001 Opdyke Street. It is 20 years old and is one of the nicest homes on the street. He's concerned that no one will purchase his mobile homes if the grandfathering provision is in place. He is considering purchasing additional property on Opdyke Street. If the City Council passes this Ordinance the property won't be worth anything. Leave property already zoned R-M2 and don't put time limits in place.

MIKE HUDGENS lives outside the city limits but within the mile and one-half variance at 11248 E. Highway 148. If you put a time limit on replacing a mobile home and the time limit expires, how will the property be zoned if not R-M2? City Manager Neibert stated that the zoning will stay R-M2 or the property owner may ask to rezone. Mr. Hudgens doesn't understand how the City has jurisdiction over his property when he gets no benefit from the City – no water, sewer or fire protection.

LARRY STEWART lives in a mobile home on Brownsville Road. People that live in mobile homes do so because that's what they can afford.

LARRY GOWLER lives outside the city limit, but within the mile and one-half City limit on Campground Road. The City limit continues to push further and further out. Now the City is telling him what he can and cannot do with his property. The property has been zoned agriculture for 100 years.

ALAN XANDERS of Mt. Vernon Dream Homes commented there are a lot of stick-built homes that look worse than mobile homes in the City. Isn't the City concerned about leaving so many empty lots in our neighborhoods? He stated that only 13% of American households can afford to build a stick-built home.

Over 40% of all new housing starts are manufactured housing. He invited the Council to visit his store and tour some of his mobile homes. It's very sobering to hear the poor living conditions these people live with and now you want to take their property away from them.

Mayor Chesley stated that the City Council will continue to study this issue.

CORT JONES asked if the public will have another chance to voice their opposition to the mobile home ordinance. Mayor Chesley replied the public will have the opportunity to attend the City Council meeting when the mobile home ordinance is placed on the agenda.

City Manager Neibert noted that once a draft mobile home ordinance has been completed he will notify the media and copies will be available in the City Clerk's office.

A member of the audience suggested that the next meeting to discuss the mobile home ordinance be held at the Rolland W. Lewis Building so that more seating is available. They also commented that a lot of citizens were not able to attend today's meeting because they work during the day. The City Council meets at 7:00 p.m.

### **DANNY RAMSEY REZONING**

Second Reading on Ordinance Rezoning Property Located at 12188 E. Harlan Road from the Zoning Classification AG to R-M2 was presented for Council's consideration. There was no discussion. Council Member Piper made a motion to approve the Ordinance Rezoning Property Located at 12188 E. Harlan Road from the Zoning Classification AG to R-M2. Second by Council Member McEnaney. Yeas: Lash, McEnaney, Piper and Chesley. Abstain: Council Member Wood.

Resolution Approving Administrative Agreement with Crosswalk Community Agency was presented for Council's consideration. City Manager Neibert commented that the City was awarded another Housing Rehabilitation Grant through the Illinois Department of Commerce to rehabilitate structures throughout the community. Crosswalk Community Agency is the administrator of the grant which entitles them to take an administrative fee from the grant. The period for filing an application for assistance has ended, and designated neighborhoods have been determined after reviewing the applications. Citizens are invited to apply for assistance through the next grant which is usually awarded every couple of years.

Council Member Piper made a motion to approve the Administrative Agreement with Crosswalk Community Agency. Second by Council Member McEnaney. Yeas: Lash, McEnaney, Piper, Wood and Chesley.

### **EXECUTIVE SESSION**

City Manager Neibert requested the Council meet in Executive Session in order to discuss collective bargaining and personnel. Council Member Wood made a motion for Council to meet in Executive Session in order to discuss collective bargaining and personnel. Second by Council Member Lash. Yeas: Lash, McEnaney, Piper, Wood and Chesley. Time is 4:45 p.m.

**ADJOURNMENT**

At 5:05 p.m. a motion for adjournment was made by Council Member Wood. Second by Council Member Piper. Yeas: Lash, McEnaney, Piper, Wood and Chesley.

Respectfully submitted,

Jerilee Hopkins  
City Clerk