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**City of Mt. Vernon, Illinois
Regular City Council Meeting
Monday, August 18, 2014
7:00 p.m.**

MINUTES

The Mt. Vernon City Council held a Regular City Council Meeting on Monday, August 18, 2014, at 7:00 p.m. at the Rolland W. Lewis Community Building, Veterans Park, 800 South 27th Street, Mt. Vernon, IL.

The Invocation was given by Council Member Rev. Ron Lash.

The Pledge of Allegiance was recited.

ROLL CALL

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

PRESENTATION OF JOURNALS

The Journals for the August 4, 2014 Regular City Council Meeting and the August 11, 2014 City Council Workshop Meeting were presented to Council for any additions, deletions or corrections. **Council Member Piper made a motion to approve the Journals as presented. Seconded by Council Member McEnaney. Yeas: Lash, McEnaney, Piper, Wood and Chesley.**

APPROVAL OF CONSOLIDATED VOUCHERS FOR ACCOUNTS PAYABLE

The Consolidated Vouchers for Accounts Payable were presented to Council for approval. Council Member McEnaney asked City Manager, Ron Neibert, for clarification on the following item: Item #1 62 Sports Group - \$3,300.00 – game rentals for National Night Out. Neibert reported that about 900 attended the annual event sponsored by the Police Department. Item #6 Continental Waste Industries - \$78,245.00 – July trash service less \$10,000 credit for delay in starting recycle program. This \$10,000.00 reduction in July's monthly charge is due to the difficulty in the roll-out of the new recycling program so the City passed along a one-time \$2.00 savings to customers. Item #12 Geograph Industries - \$135,697.31 – wayfinding project for Mt. Vernon. Installation of the new signs is in progress. Item #13 Greater Egypt Regional Planning - \$3,819.25 – appropriation for October 2014 through September 2015. This agency gives technical assistance in grant writing and makes

the City eligible to apply for federal grants. Item #14 Guinzy Construction - \$178,346.18 – South 34th Street road construction. The road construction is moving along and should be paved soon. Item #20 Jefferson County Development Corporation - \$50,000.00 – This represents the first distribution of funds per the City’s 2014-2015 budget.

Council Member Wood made a motion to approve the Consolidated Vouchers for Accounts Payable in the amount of \$1,398,346.45. Seconded by Council Member Lash. Yeas: Lash, McEnaney, Piper, Wood and Chesley.

BIDS & QUOTES

No bids and quotes were presented.

CITY MANAGER

Neibert presented for Council’s consideration a request for permission to seek bids for a Fire Station Alerting System. Assistant Fire Chief Kevin Sargent appeared to explain that the new alerting system will save time and streamline response times to the three stations.

Council Member Lash made a motion to approve a request for permission to seek bids for a Fire Station Alerting System. Seconded by Council Member McEnaney. Yeas: Lash, McEnaney, Piper, Wood and Chesley.

CITY ATTORNEY

City Attorney David Leggans presented for Council’s consideration a Second Reading on Ordinance Amending Section 6.23 Regarding Status of Territory within Corporate Limits Relative to the Sale of Alcoholic Liquor. Neibert explained the proposed Ordinance will make any area zoned as a business classification within the City “wet” and thereby allow the possibility of issuance of liquor licenses. The proposed Ordinance would classify all property within the corporate limits of the City as to which the sale at retail of alcoholic liquor has been previously permitted by local referendum or by petition and all other property within the corporate limits of the City zoned or hereafter zoned Class B-1, Primary Business District; Class B-2, Secondary Business District; Class B-3, Interchange Business District; Class B-PL, Planned Business District; or Class IPCA-PUD, Industrial Park Conservation Area, including territory hereafter annexed to the City of Mt. Vernon, shall be property upon which the sale at retail of alcoholic liquor shall be permitted. The Liquor Commissioner and the Council still have control on the issuance of liquor licenses.

Council Member McEnaney made a motion to approve Ordinance No. 2014-19 Amending Section 6.23 Regarding Status of Territory within Corporate Limits Relative to the Sale of Alcoholic Liquor. Seconded by Council Member Wood. Yeas: Lash, McEnaney, Piper, and Wood. Nay: Chesley.

City Attorney Leggans presented for Council’s consideration an Ordinance Amending the Revised Code of Ordinances by Adding Article 32 “Downtown Sidewalk Dining”. This proposed Ordinance does not allow for the consumption of alcohol but only sets out the guidelines for sidewalk dining. This allows for an individual to apply for a sidewalk dining permit but choose not to serve alcohol. The next item on this meeting agenda would create a sidewalk dining liquor license classification. Sidewalk dining would be permitted only upon property which is located within the Downtown Special Service Area #1 of the City, which is zoned B-1, Primary Business District. The City Manager will review the application to determine if the proposed sidewalk dining area meets the requirements of this Article 32. The City Manager may approve, approve with conditions, or deny the

application; upon receipt of written approval, the City Clerk shall issue the Sidewalk Dining Permit. The fee for a Downtown Sidewalk Dining Permit shall be \$25.00 per year. Mayor Chesley advised that she was awaiting information from the Illinois Department of Transportation as to their regulations related to sidewalk dining on a State highway. Neibert noted any IDOT guidelines may be included in the application process.

Resident Chris Donoho inquired about the cost of the sidewalk dining. Neibert stated it is \$25.00 per year and must be renewed every year.

Council Member McEnaney made a motion to approve Ordinance No. 2014-20 amending the Revised Code of Ordinances by Adding Article 32 “Downtown Sidewalk Dining. Seconded by Council Member Wood. Yeas: Lash, McEnaney, Piper, Wood and Chesley.

City Attorney Leggans presented for Council’s consideration the second reading of an Ordinance Amending Article 6 of the Revised Code of Ordinances Adding Sidewalk Dining Liquor Licenses Classification. This is a companion Ordinance to the prior agenda Item #9B. The Ordinance will allow any establishment that receives a sidewalk dining permit to apply for a supplemental liquor license to serve and consume only beer and wine in the sidewalk dining area. This would apply to the liquor classifications entitled “Restaurant” and “Restaurant with Lounge”.

Council Member Wood made a motion to approve Ordinance No. 2014-21 Amending Article 6 of the Revised Code of Ordinances Adding Sidewalk Dining Liquor Licenses Classification. Seconded by Council Member Piper. Council Member Lash made a motion to amend Ordinance No. 2014-21 to contain the following language, “...no alcoholic liquor shall be sold, served, consumed, or possessed within a sidewalk dining area during any period when a City permitted parade or other City permitted event is conducted on the right-of-way that is adjacent to said sidewalk dining area.” Council Member Lash’s motion was seconded by Council Member Piper. The City would be responsible to notify restaurants of the event schedule. Resident Marilyn Shipp-Gary agreed with Lash’s amendment and expressed concern for children during a parade or other event. Resident Carla Donoho noted that children and families should be able to come to downtown parades and events without concern for alcoholic beverages being served on sidewalks.

Council Member Lash asked to withdraw his motion so that he could present another motion requiring the entire downtown area be closed to serving liquor within sidewalk dining during any period when a City permitted parade or other City permitted event is conducted on the right-of-way that is adjacent to said sidewalk dining area. Council Member Piper did not agree to the withdrawal of Council Member Lash’s request. The vote on Council Member Lash’s original motion is as follows: Yeas: Lash, McEnaney, Piper, and Chesley. Nay: Wood. Council Member Lash made a motion to remove the language “is conducted on the right-of-way that is adjacent to said sidewalk dining area” and add the following language, “is conducted within the boundaries of the Special Service Area #1”. There was no second to Council Member Lash’s second motion. The vote on Council Member Wood’s original motion to Approve Ordinance No. 2014-21 is as follows: Yeas: Lash, McEnaney, Piper and Wood. Nay: Chesley.

City Attorney Leggans presented for Council’s consideration an Ordinance Amending Article 18, Section 18.6 of the Revised Code of Ordinances Regarding Speed Limit on Veteran’s Memorial Drive. This Ordinance would authorize that on Veteran’s Memorial Drive, between 17th Street and 34th Street, a speed limit of 40 miles per hour; and between 34th Street and 42nd Street, a speed limit of 35 miles per hour. Police Chief Deichman stationed a traffic trailer, mobile radar device, along Veteran’s Memorial Drive at 26th Street. The survey results showed that the average speed per hour was 40 which is the current speed limit posted in the area. The mobile

radar device was also situated at the 3500 block of Veteran's Memorial Drive which is also a 40 mph zone and the average speed was 37 mph. In addition, Deichman reviewed traffic accident data from the last calendar year. It appears that speed is a contributing factor to traffic accidents from 26th Street to 42nd Street on Veteran's. Police Chief Deichman recommended a 40 mph on Veteran's Memorial Drive, between 17th and 26th Street; and 35 mph between 26th and 42nd Streets. Additional signage as to speed limits and reduced speed ahead will be added to Veteran's Memorial Drive.

Council Member Wood made a motion to approve Ordinance No. 2014-22 Amending Article 18, Section 18.6 of the Revised Code of Ordinances Regarding Speed Limit on Veteran's Memorial Drive. Seconded by Council Member Piper. Council Member Wood further moved to amend the motion as presented to lower the speed limit between 26th Street (not 34th Street) and 42nd Street to 35 mph. Yeas: Lash, McEnaney, Piper, Wood and Chesley. Council Member Wood made a motion to approve Ordinance No. 2014-22, as amended. Seconded by Council Member McEnaney. Yeas: Lash, McEnaney, Piper, Wood and Chesley.

City Attorney Leggans presented for Council's consideration a First Reading on Ordinance Rezoning Property Located at 9000 Block of Rt. 15E from the Zoning Classification A-G to B-2. The Petitioning Party is John Paul Braswell. Mr. Braswell appeared.

Council Member Wood made a motion to suspend the rules so action may be taken at tonight's meeting. Seconded by Council Member Piper. Yeas: Lash, McEnaney, Piper, Wood and Chesley. Council Member Wood made a motion to approve Ordinance No. 2014-23 Rezoning Property Located at 9000 Block of Rt. 15E from the Zoning Classification A-G to B-2. Seconded by Council Member Lash. Yeas: Lash, McEnaney, Piper, Wood and Chesley.

City Attorney Leggans presented for Council's consideration a First Reading on Ordinance Granting Conditional Use for Home Day Care for Property Located at 317 S. 19th Street. The Petitioning Party is Marilyn Shipp-Gary. Ms. Shipp-Gary appeared. The home day care center is state licensed.

Council Member Piper made a motion to suspend the rules so action may be taken at tonight's meeting. Seconded by Council Member Lash. Yeas: Lash, McEnaney, Piper, Wood and Chesley. Council Member Piper made a motion to approve Ordinance No. 2014-24 Granting Conditional Use for Home Day Care for Property located at 317 S. 19th Street. Seconded by Council Member McEnaney. Yeas: Lash, McEnaney, Piper, Wood and Chesley.

City Attorney Leggans presented for Council's consideration a First Reading on Ordinance Approving Tax Increment Redevelopment Agreements with Downtown Mt. Vernon Development Corporation, Mt. Vernon City Schools District 80 and Granada Center for the Performing Arts. These three projects were recommended for funding and approval by the TIF committee. The Downtown Mt. Vernon Development Corporation plan to make repairs to the Manion Building located at 223 S. 9th Street. The Mt. Vernon City Schools District 80 will use the funds for earth work around the addition to Casey Junior High School at 1829 Broadway. The Granada Center for the Performing Arts used the funds at 108 N. 9th Street to install a "Helitech Hydraway 2000" basement drainage system in the wet basement.

Council Member Wood made a motion to suspend the rules so action may be taken at tonight's meeting. Seconded by Council Member McEnaney. Yeas: Lash, McEnaney, Piper, Wood and Chesley. Council Member

McEnaney made a motion to approve Ordinance No. 2014-25 Approving Tax Increment Redevelopment Agreements with Downtown Mt. Vernon Development Corporation, Mt. Vernon City Schools District 80 and Granada Center for the Performing Arts. Seconded by Council Member Piper. Yeas: Lash, McEnaney, Piper, Wood and Chesley.

City Attorney Leggans presented for Council's consideration a First Reading on Ordinance Amending Article 13, Section 12.8 of the Revised Code of Ordinances Regarding Open Burning, as follows:

a) A recreational fire may bum sticks, limbs, logs not exceeding four inches in diameter, charcoal, cooking fuel or camping fuel only.

(b) No recreational fire shall be burned or be permitted to smolder between the hours of midnight and 6:00 a.m.

(c) No recreational fire shall be burned during periods of high wind or extreme drought.

(d) Recreational fires shall be in a fire pit, fire ring, outdoor fireplace, chiminea, or other such device designed for such burning, or shall be in an area surrounded by non-combustible material. If the recreational fire is not within a device designed for such burning, permission shall be obtained from the Mt. Vernon Fire Department before igniting the recreational fire; in addition, no recreational fire shall exceed an area dimension of 6 feet by 6 feet (i.e. no width or length measurement of the fire area shall exceed 6 feet).

(e) No garbage, trash, debris, waste, refuse, lumber, building materials, tires, or landscape waste (including leaves) except sticks, limbs, and logs described within subparagraph (a) above shall be burned in a recreational fire.

(f) No person shall willfully leave any recreational fire, including any smoldering fire, unattended; a fire shall be considered unattended if a person of not at least 18 years of age is not physically present out-of-doors and in visible contact with the fire at all times.

(g) No recreational fire shall be burned upon any public street, public sidewalk, any drainage ditch within the public right-of-way, or any manhole cover or burned upon the property of another without written permission.

(h) Recreational fires shall be extinguished immediately upon direction of police or fire personnel.

Bernadine Canfield expressed her frustration that her yard waste is not being picked up.

Rhonda Horton stated that her son is severely allergic to the leaf smoke and becomes very ill when neighbor is burning leaves.

FIRST READ ONLY.

City Attorney Leggans presented for Council's consideration the First Reading on Ordinance Amending Article 1, Section 1.3 of the Revised Code of Ordinances Regarding Council Procedures. Neibert noted that this Ordinance requires a 4/5's vote for passage. Changes to the Ordinance are highlighted and printed in italics, as follows:

(c) Regular meetings of the City Council shall be held on the first and third Mondays of each month at the hour of 7:00p.m.; provided that when any such meeting date shall fall upon a legal holiday, then such meeting date shall be the Tuesday following at the same hour and place. Regular meetings shall be held at the Roland W. Lewis Building at Veteran's Park or at such other locations that shall be fixed from time to time by vote of the City Council. Adjourned and special meetings shall be held at such times and places as determined by the Council. *An Agenda for each meeting shall be prepared by the City Manager. The City Manager shall place such items upon the Agenda as the City Manager deems necessary for the operation of the City. In addition, the City Manager shall place upon the Agenda, upon request by the Mayor or by a Council Member, a Motion authorizing and directing the City Manager to prepare an ordinance, resolution, or other matter of concern to the requestor for placement upon the Agenda for Council's consideration.*

(d) Special meetings of the City Council may be held on the call of the Mayor or any of two Councilmen *to consider any ordinance, resolution, motion, discussion, or other item* by giving at least twenty-four hour notice thereof, by written notice to be delivered to members of the Council thereof, or by leaving copies at the residence of each member, which notice may be served by any police officer of the City and shall specifically state the business to be transacted at such meeting.

(k) Eighth: All motions, resolutions, petitions, orders, and communications, and *any ordinance relating to matters referred from or subject to a recommendation of the Zoning and Planning Commission or the TIF Advisory Committee* may be acted upon by the Council at the meeting at which first presented or received, but no ordinance, *except the ordinances specifically identified above*, shall be voted upon at the meeting at which it is first presented unless the rules shall first be suspended. All resolutions and ordinances presented to the Council in writing need not be read verbatim unless any member of the Council shall so request; otherwise any such resolution or ordinance may be introduced by title only.

Council Member Wood made a motion to suspend the rules so action may be taken at tonight's meeting. Seconded by Council Member Lash. Yeas: Lash, McEnaney, Piper, Wood and Chesley. Council Member Wood made a motion to approve Ordinance No. 2014-26 Amending Article 1, Section 1.3 of the Revised Code of Ordinances Regarding Council Procedures. Seconded by Council Member Piper. Yeas: Lash, McEnaney, Piper, Wood and Chesley.

City Attorney Leggans presented for Council's consideration a Resolution Granting a Conditional Sign Permit for Property at 2501 Broadway. The Petitioning Party is Allen H. Lemke. The Planning & Zoning Committee approved this permit with no objectors.

Council agreed to schedule a City Council Workshop in September in order to review the City's proposed sign ordinance.

Council Member Piper made a motion to approve a Resolution Granting a Conditional Sign Permit for Property at 2501 Broadway. Seconded by Council Member Wood. Yeas: Lash, McEnaney, Piper, Wood and Chesley.

MAYOR

Mayor had no comments.

CITY COUNCIL

Council Member Lash commended Police Chief Deichman and the Police Department's open communication with the community and the open-door policy allowing citizens to approach the Department with problems and issues and build a sense of trust with the citizens. This statement was made in light of the volatile situation in Ferguson, Missouri.

VISITORS/CITIZENS REQUESTS/ADDRESSES FROM THE AUDIENCE

Chris Donoho expressed his support for John and Sarah Henninger. He questioned why the City refuses to fix a stone wall situated in front of their home on North 42nd Street. He read a letter from former Mayor Mark Terry. City Attorney Leggans noted there is a legitimate dispute as to ownership of the wall and also who is responsible to maintain the wall. It is in litigation and handled by the City's insurance carrier. The City has attempted to set a settlement conference in this matter and there is finally a conference set for September 9 in order to get the parties together and work towards resolution. Previously, a settlement conference was scheduled in June but then canceled due to a scheduling conflict with one of the parties. He stated there was miscommunication because the City's insurance carrier attorney stated he was not aware of a settlement conference being scheduled.

Sara Henninger addressed the Council asking them to do the right thing.

David Asbury expressed his disappointment in the Council and hopes the City will rebuild the wall.

Tammy Allen, grandmother of two girls who live in the home, noted that because of the delay in the repair of the wall the yard has washed away and a gas line is exposed in the front yard.

David Kenny questioned why money was spent on new sidewalks in the fruit bowl but the Henninger's wall can't be repaired.

Melanie Donoho urged the Council to do the right thing.

Jerod LeCrone asked the City to move forward towards fixing the wall.

Jamie Allen noted that the falling wall brought to the attention of the City in April 2012 before lawyers were ever involved.

Tom Glass encouraged the City to perform upkeep on existing walls before the City commits to build more.

Sharon Terry stated she is very proud of Mt. Vernon and urged the Council to take ownership of the wall and do the right thing.

EXECUTIVE SESSION

Council Member Wood made a motion to adjourn to Executive Session to discuss litigation. Seconded by Council Member McEnaney. Yeas: Lash, McEnaney, Piper, Wood and Chesley.

ADJOURNMENT

Council Member McEnaney made a motion to adjourn. Seconded by Council Member Lash. Yeas: Lash, McEnaney, Piper, Wood and Chesley.

The meeting was adjourned at 9:07 p.m.

Respectfully submitted,

Jerilee Hopkins
City Clerk