

**City of Mt. Vernon, Illinois
Regular City Council Meeting
Monday, July 15, 2019
7:00 p.m.
MINUTES**

The Mt. Vernon City Council held a Regular City Council Meeting on Monday, July 15, 2019 at the Rolland W. Lewis Community Building, Veterans Park, 800 South 27th Street, Mt. Vernon, Illinois.

Mayor John Lewis called the meeting to order at 7:00 pm.

Pastor Tom Hunter with Christian Fellowship Church gave the invocation.

The Pledge of Allegiance was recited.

ROLL CALL

Roll call showed present: Council Member Ray Botch, Council Member Donte Moore, Council Member Jim Rippy, Council Member Mike Young, and Mayor John Lewis.

PRESENTATION OF JOURNALS

The Journal for the July 1, 2019 Regular City Council Meeting was presented for approval.

Council Member Donte Moore motioned to approve the Journal as presented. Seconded by Council Member Mike Young. Yeas: Botch, Moore, Rippy, Young, and Lewis.

VISITORS/CITIZENS REQUESTS/ADDRESSES FROM THE AUDIENCE

Larry McBride, representing Reformers Unanimous, spoke against the proposed Cannabis and Alcohol Ordinances. He stated that addiction and homelessness are problems in the City and the problems are due to a liberal availability of alcohol and now cannabis. With more availability, usage will increase. Council Member Donte Moore explained that the proposed Cannabis Ordinance is a result of Illinois legislation allowing local governments to control zoning of where cannabis establishments can be located. Moore stated that without an Ordinance in place, the City has no control where the cannabis can be sold. The City needs to have rules in place which provide that the Planning and Zoning Commission hears the request, and then their recommendation be sent to the City Council for final approval. Council Member Jim Rippy asked if the City could decide not to allow cannabis businesses. Corporation Counsel Bill Howard stated that without the Ordinance, the City cannot stop a legal cannabis business from being located in Mt. Vernon.

Pastor Ron Lash of Corinthians Baptist Church stated that the City Council should not adopt the proposed Cannabis and Alcohol Ordinances for increased revenue. Nine out of ten people with addiction started with cannabis and alcohol. The increased availability of cannabis and alcohol will affect all residents because of added usage. The increase of revenue is not worth the risks, because more money will be spent on the consequences of additional usage. Lash does not understand why alcohol is needed at the movie theater. If a person cannot watch an hour and half movie without alcohol, then they need rehab. Mayor John Lewis explained that the City is not trying to legalize anything, and alcohol and cannabis will be in the City no matter what the Council votes. Lewis said that this is not a revenue issue, the State will receive most of the revenue.

Shareen Ladd spoke in opposition to alcohol in movie theaters. She is concerned about the safety of the children and innocent bystanders when people drive after drinking.

APPROVAL OF CONSOLIDATED VOUCHERS FOR ACCOUNTS PAYABLE

The Consolidated Vouchers for Accounts Payable were presented to Council for approval. Council Member Jim Rippy stated that since he has been on the Council, this month's overtime is at its lowest percentage ever.

Council Member Donte Moore motioned to approve the Consolidated Vouchers for Accounts Payable in the amount of \$1,147,103.74. Seconded by Council Member Ray Botch. Yeas: Botch, Moore, Rippy, Young, and Lewis.

BIDS AND QUOTES

City Manager Mary Ellen Bechtel presented the bid results for the 22nd Street and Lamar Concrete Ditch Project. Bechtel explained that this is the first phase of the two-phase project. Five bids were received. The low bidder was Evrard Company, Inc. from Marion, Illinois with a bid of \$22,987.64.

Rollie Excavating	Woodlawn, IL	\$24,950.00
T & L Contracting	Centralia, IL	\$23,735.00
Evrard Company	Marion, IL	\$22,987.64
Guinzy Construction	Ashley, IL	\$28,574.52
Bevis Construction	Mt. Vernon, IL	\$32,855.00

Council Member Ray Botch motioned to award the project to the low bidder Evrard Company, Inc. of Marion, Illinois with a bid of \$22,987.64. Seconded by Council Member Jim Rippy. Yeas: Botch, Moore, Rippy, Young, and Lewis.

City Manager Mary Ellen Bechtel presented the bids received for the 2019-2020 Sidewalk Repairs. The Downtown TIF Fund will provide \$62,000 for the sidewalks in their area and the balance will come from the Capital Fund. The project is for sidewalk replacement, not expansion, throughout the City. Five bids were received. The low bidder was Rollie Excavating & Cement Finishing, Inc. from Woodlawn, Illinois with a bid of \$203,296.70.

Rollie Excavating	Woodlawn, IL	\$203,296.70
Samron Midwest Cont.	Murphysboro, IL	\$284,420.60

Evrard Company	Marion, IL	\$271,594.13
Guinzy Construction	Ashley, IL	\$286,972.12
Bevis Construction	Mt. Vernon, IL	\$240,264.20

Council Member Donte Moore motioned to award the project to the low bidder, Rollie Excavating & Cement Finishing, Inc. of Woodlawn, Illinois with a bid of \$203,296.70. Seconded by Council Member Ray Botch. Yeas: Botch, Moore, Rippy, Young, and Lewis.

CITY MANAGER

City Manager Mary Ellen Bechtel presented for Council's approval the Consent of Assignment for a Miller Lake Lease Agreement for Tyler Lowery from John Gockel and Elsie Gockel. The Park Board approved this request. Mayor John Lewis asked Corporation Counsel Bill Howard if the City can make any changes to the Lease Agreement. Howard explained that the current lease in place stays and the lease will remain the same until the term ends.

Council Member Mike Young motioned to approve the Consent of Assignment for a Miller Lake Lease Agreement for Tyler Lowery from John Gockel and Elsie Gockel. Seconded by Council Member Donte Moore. Yeas: Botch, Moore, Rippy, Young, and Lewis.

City Manager Mary Ellen Bechtel requested permission to seek bids for the Relocation of the Sanitary Sewer Line on Gilbert Street in support of the proposed Taco Bell.

Council Member Ray Botch motioned to seek bids for the Relocation of the Sanitary Sewer Line on Gilbert Street in support of the proposed Taco Bell. Seconded by Council Member Mike Young. Yeas: Botch, Moore, Rippy, Young, and Lewis.

City Manager Mary Ellen Bechtel requested permission to seek bids for the Asphalt Paving of the Parking Lot at Klein Field. Bechtel stated that this project will pave the last gravel lot at Klein Field. The estimated cost is \$150,000 and the engineering design will be done in-house by City Engineer Brad Ruble.

Council Member Jim Rippy motioned to seek bids for the Asphalt Paving of the Parking Lot at Klein Field. Seconded by Council Member Ray Botch. Yeas: Botch, Moore, Rippy, Young, and Lewis.

CITY ATTORNEY

Corporation Counsel Bill Howard presented the Public Hearing and the Second Reading of an Ordinance Vacating an Alley. The petitioner is K-Mac Enterprises, Inc. (Taco Bell). The alley is described as "Part of the Southwest Quarter of the Southwest Quarter of Section 32, Township 2 South, Range 3 East Of the Third Principal Meridian, more particularly described as follows: Beginning at the Southeast Corner of Lot 9, Casey and Gilbert's Addition to the City of Mt. Vernon, Illinois, thence North 01 Degree 23 Minutes 40 Seconds East along the East Line of Lots 9, 8, and 7 a distance of 153.48 feet to the Northeast Corner of said Lot 7; thence South 86 Degrees 33 Minutes 15 Seconds East a Distance of 15.01 feet to the Northwest Corner of Lot 7, Hoit, Culli, and McAtee's Addition to the City of Mt. Vernon, Illinois; thence South 01 Degree 23 Minutes 40 Seconds West along the West Line of said Lot 7 a Distance of 150.00 feet to the Southwest Corner of said Lot 7; thence South 80

Degrees 17 Minutes 48 Seconds West a Distance of 15.29 feet to the Point of Beginning, containing 2,276.10 Square feet, more or less.” City Manager Mary Ellen Bechtel explained that a sanitary sewer line and natural gas line are in the alley. The City and Ameren have agreed to re-route the lines. The new Taco Bell will be located south of the Jefferson County Fire Station.

Council Member Ray Botch motioned to approve Ordinance #2019-24, an Ordinance Vacating an Alley. Seconded by Council Member Donte Moore. Yeas: Botch, Moore, Rippy, Young, and Lewis.

Corporation Counsel Bill Howard presented for Second Reading an Ordinance Amending Article 21, Section 21-300 in regard to Zoning for Cannabis Related Businesses. City Manager Mary Ellen Bechtel said the proposed Ordinance is a result of legislation passed in Springfield letting local governments control zoning of where establishments for selling marijuana can be located. Under terms of the proposed Ordinance, “Cannabis Dispensary” is classified as a “Conditional Use” for the B-1 Primary Business District, B-2 Secondary Business District, B-3 Interchange Business District, B-PL Planned Business District, and the IPCA-PUD Industrial Park Conservation Area District. “Cannabis Cultivation Center” will be added as a “Conditional Use” for the A-G General Agriculture District, I-1 Light Industrial District, I-2 General Industrial District, I-A Industrial-Agricultural District, and the IPCA-PUD Industrial Park Conservation Area District. Any request for cannabis related businesses will need approval from the Planning and Zoning Commission and the City Council.

Sean Hicks spoke against this Ordinance. He understands that the City cannot overturn the State’s Legislature, but the number one reason for the legalization of cannabis is revenue. The revenue will not be greater than the long cost of rehab and crimes. Mayor John Lewis explained that the revenue from the sale of cannabis will go to the State of Illinois, not the City. Lewis stated that the State said that they would use the revenue for mental health and social services. Council Member Donte Moore reiterated that this Ordinance is important for the City to have control over the locations of cannabis shops. The public will be allowed to speak for or against the zoning for a cannabis business at both the Planning and Zoning Board Hearing and at the City Council Meeting. Council Member Mike Young agreed and stated that this Ordinance is needed to help people with medical issues. Hicks encouraged the City leaders to stand in opposition to the sale of cannabis as much as possible. Corporation Counsel Bill Howard stated that the sale of cannabis is now a legal retail business and without the Ordinance, it can be located in any location zoned for retail businesses.

Cameron Carlile spoke in favor of allowing alcohol at the AMC Showplace Theatre. He believes that government should not limit businesses’ decisions. Carlyle stated that he has lived in many communities that allow alcohol at theatres and the objectors’ concerns do not come to fruition. On the Cannabis Ordinance, he said if the Ordinance is not passed, the one thing that would happen would make the sale of cannabis uncontrollable.

Amanda Wheeler spoke against allowing alcohol at the AMC Showplace Theatre. She believes that there are more than enough places to obtain alcohol. She understands why the sale of cannabis needs to be regulated however, the City cannot legislate morality.

Mayor John Lewis explained that City Manager Mary Ellen Bechtel researched Colorado’s crime rates since the legalization of cannabis. The Colorado Division of Criminal Justice was distributed to the City Council Members.

Council Member Donte Moore explained that the best way for citizens to voice their opinions is at public hearings. The proposed Cannabis Ordinance will provide two opportunities for the public to speak.

Council Member Jim Rippy feels that the use of cannabis has long-term effects on the brain, and it is a gateway drug to other drugs. He will vote against the proposed Ordinance and does not want to be associated with it.

Mayor John Lewis stated that cannabis is here and legal. The question is, how is the City going to deal with it. Lewis reported that according to the law enforcement blogs, there has been very little change in the crime rates where there is legal cannabis, because cannabis is already there. He is concerned that the City may need to purchase new K-9's, because the current K-9's are trained to search cannabis. It will cost a lot of money to obtain new K-9's and to equip and train the Police Officers.

Anthony Moore from Lively Stone Apostolic Church stated that he was sentenced to 17.5 years in the federal penitentiary for being a drug dealer. He has seen the effects of drugs and the City cannot stop drugs from coming into the City. He said that the community needs to come together to overcome the serious drug situation in the City. Mayor John Lewis commended Moore on his change to a respected church and family member. Lewis stated that cannabis is already in the City and if the government controls the cannabis, it may be a safer product. Moore stressed that the people need to come together to do something positive to change the drug situation. Council Member Donte Moore stated that the proposed Cannabis Ordinance gives the community a chance to speak collectively at the first stage of a cannabis business.

Council Member Mike Young motioned to approve Ordinance #2019-25, an Ordinance Amending Article 21, Section 21-300 in regard to Zoning for Cannabis Related Businesses. Seconded by Council Member Donte Moore. Yeas: Botch, Moore, Young, and Lewis. No: Rippy.

Corporation Counsel Bill Howard presented for Second Reading an Ordinance Amending Article 6, Section 6.5: License Classifications, Permits, and Fees. AMC Showplace requested a liquor license to sell alcohol to their patrons. The proposed Ordinance would allow the sale of alcohol during times they are showing movies and only on their premises. In addition, the "Tavern License" name will change to "Package and Consumption Sales License" and the authorized number of "Package and Consumption Sales License" increases to seven (7). This change would allow adults to drink in the bar area while families or individuals under 21 years can eat in an area which is physically separate and apart from any bar area as long as serving food is a major part of the business. Another proposed change is changing the serving hours to 6:00 a.m. of one day to 2:00 a.m. of the succeeding day, seven days a week.

Council Member Ray Botch asked what the justification for AMC's request was to serve alcohol. City Manager Mary Ellen Bechtel explained that the sale of alcohol is part of their business plan and they are providing alcohol in all of their theatres. Botch stated that he would like to hear personally the justification for alcohol and what are the trade-offs. Bechtel stated that AMC will not be allowed to have a lounge or bar area, only a service area. Council Member Jim Rippy reported that he has not

spoken to anyone who was in favor of this request and he believes that the children who go to the movies do not need to be exposed to the alcohol.

Council Member Donte Moore stated that he received a suggestion to only serve alcohol during R-rated movies, but he said that the City Council cannot dictate AMC's business plan. Moore explained that in addition to allowing alcohol in theatres, this Ordinance also increases the number of licenses for Package and Consumption Sales, allows families to eat at restaurants with a Package and Consumption Sale License, and standardizes the serving hours. During the past two weeks, Moore stated that no one suggested separating the proposed Ordinance by issue.

Mayor John Lewis stated that he has attended many functions and did not run into anyone who was against the sale of alcohol at the theatre. He explained that the government's only job is to protect its citizens through the Police and Fire Departments and maintain the infrastructure. According to Lewis, if alcohol makes or breaks a business, it is the business' problem. There has been no increase in Police and EMS calls since the alcohol has become more readily available. The City Council spoke with other municipalities and found that was true in their municipality, too. Serving alcohol is part of a business plan and the City cannot regulate morality. Council Member Jim Rippy stated that children do not have any choice and he cannot be associated with this.

Sean Hicks stated that laws do regulate boundaries and is opposed to the proposed Alcohol Ordinance. What he is trying to do is maintain the current standards.

Sean Hicks, Jr., stated that drug and alcohol use is getting worse. Parents are giving the drugs and alcohol to their children because it is easier to obtain.

Council Member Mike Young stated that he has been in many theatres which sell alcohol and has never seen any disruptive or bad behavior due to alcohol.

Council Member Donte Moore asked Council Member Ray Botch if he still wanted AMC to come and answer any questions. Botch replied no, that he obtained his answers through the discussion. He asked Police Chief Trent Page if the Police Department had any problems with the proposed Ordinance. Page replied that he does not foresee any problems.

Council Member Donte Moore motioned to approve Ordinance #2019-26, an Ordinance Amending Article 6, Section 6.5: License Classifications, Permits, and Fees. Seconded by Council Member Ray Botch. Yeas: Botch, Moore, Young, and Lewis. No: Rippy.

Corporation Counsel Bill Howard presented for Council's approval an Ordinance Rezoning Property at 10586 N. Spring Garden Lane from Class A-G to Class R-1. The petitioners are Carla Donoho, Robert Wheeler, Jeffrey Wheeler, and Charles Wheeler. The property was subdivided for residential use and now the zoning needs to be changed to R-1 for residential use. The Planning and Zoning Board approved this request. No objectors were present at the hearing.

Council Member Donte Moore motioned to approve Ordinance #2019-27, an Ordinance Rezoning Property at 10586 N. Spring Garden Lane from Class A-G to Class R-1. Seconded by Council Member Mike Young. Yeas: Botch, Moore, Rippy, Young, and Lewis.

Corporation Counsel Bill Howard presented for Council's consideration an Inducement Resolution for the Development of Real Estate Property Located at 800 Broadway Street (former Moose Lodge). The petitioner is Jason Wheeler. The requested Tax Increment Financing (TIF) Assistance is to clean and regrade parking lot, install new windows and doors on upper level, build out new office space, upgrade HVAC, install five new bathrooms, and install new electrical for offices. If TIF Benefits are awarded, any expenses that are eligible for reimbursement after the date of this Inducement Resolution can be considered for reimbursement in the TIF benefit. The proposed Resolution is not a guarantee or award of any TIF benefit.

Council Member Ray Botch motioned to approve the Inducement Resolution for the Development of Real Estate Property Located at 800 Broadway Street (former Moose Lodge). Seconded by Council Member Mike Young. Yeas: Botch, Moore, Rippy, Young, and Lewis.

Corporation Counsel Bill Howard presented for Council's consideration a Resolution Approving a Proposal from FGM Architects for Architectural Services for the Mt. Vernon Aquatic Zoo Pool Deck Revisions. City Manager Mary Ellen Bechtel explained that the City desires to expand the decking at the Aquatic Zoo. Permission from the Illinois Department of Public Health (IDPH) is needed. The IDPH requires architectural drawings from a list of the IDPH approved architects. FGM Architects designed the Aquatic Zoo and they are certified and approved by the IDPH. Council Member Jim Rippy asked why this was not bid among other qualified architects. Bechtel stated that FGM is in possession of designs and certified and approved by IDPH. Council Member Jim Rippy stressed that the City should be bidding architectural services. Assistant City Manager Nathan McKenna reported that the proposal has a do not exceed clause of \$12,500. Mayor John Lewis reported that the project has been approved with Bevis Construction Company winning the bid. After bid approval, the State informed the City that a permit would not be issued without certified architectural drawings. FGM has the original plans and they are State certified.

Council Member Donte Moore motioned to approve the Resolution Approving a Proposal from FGM Architects for Architectural Services for the Mt. Vernon Aquatic Zoo Pool Deck Revisions. Seconded by Council Member Mike Young. Yeas: Botch, Moore, Young, and Lewis. No: Rippy.

MAYOR

Mayor John Lewis urged everyone to visit the Jefferson County Historical Village. The Village is a wealth of information.

CITY COUNCIL

No comments were heard.

VISITORS/CITIZENS REQUESTS/ADDRESSES FROM THE AUDIENCE

Horton Petties requested an update on lights, surveillance, and police presence at the basketball courts. City Manager Mary Ellen Bechtel replied that the City is still in the process of working on this project.

Horton Petties commented that, following the dredging of the City Park Lake, the Lake looks good. Petties also commented on the decrease of the geese population at the Lake. Assistant City Manager Nathan McKenna stated that the contractor will return to install the sediment dam on the northwest side of the Lake. The contractor and City employees will clean up the shoreline of the Lake.

Council Member Jim Rippe asked if the trend report on the new water meters is ready. City Manager Mary Ellen Bechtel replied, that Finance Director Merle Hollmann is working on the report.

EXECUTIVE SESSION

At 9:03 p.m., City Manager Mary Ellen Bechtel requested an Executive Session under 5 ILCS 120/2 (c) (21) – Semi-Annual Review of Executive Session Minutes and 5 ILCS 120/2 (c) (6) – The setting of a price for sale or lease of property owned by the City.

Council Member Mike Young motioned to go into Executive Session under 5 ILCS 120/2 (c) (21) – Semi-Annual Review of Executive Session Minutes and 5 ILCS 120/2 (c) (6) – The setting of a price for sale or lease of property owned by the City. Seconded by Council Member Donte Moore. Yeas: Botch, Moore, Rippe, Young, and Lewis.

At 9:30 p.m., Mayor John Lewis reconvened the Regular City Council Meeting.

Roll call showed present: Council Member Ray Botch, Council Member Donte Moore, Council Member Jim Rippe, Council Member Mike Young, and Mayor John Lewis.

APPROVAL OF EXECUTIVE SESSION MINUTES


Council Member Donte Moore motioned to approve the releasing of the September 17, 2018, October 1, 2018, November 5, 2018, January 22, 2019, and May 6, 2019 Executive Session Minutes. Seconded by Council Member Mike Young. Yeas: Botch, Moore, Rippe, Young, and Lewis.

ADJOURNMENT

Council Member Mike Young motioned to adjourn. Seconded by Council Member Ray Botch. Yeas: Botch, Moore, Rippe, Young, and Lewis.

The meeting was adjourned at 9:32 p.m.

Respectfully submitted,



Mary Jo Pemberton, City Clerk