



City Council
City Council Chambers 524 West Stephenson Street Freeport, Illinois 61032

**COMMITTEE OF THE WHOLE REPORT
REGULAR MEETING
Monday, February 11, 2013**

The notification of the rescheduled time change from 6:00 pm to 5:30 was posted on bulletin boards at City Hall and emailed to media notification list on both February 7, 2013 and February 8, 2013.

CALL TO ORDER

The rescheduled regular meeting of the Freeport Illinois, City Council Committee of the Whole was called to order by Mayor George Gaulrapp on Monday, February 11, 2013, at 5:30 p.m. in council chambers.

ROLL CALL

Present: Mayor George Gaulrapp and Alderpersons: Tom Klemm, Ronnie Bush, Dennis Endress, Mike Koester and Andrew Crutchfield (5)

Not present: Shawn Boldt, Alderperson Jennie DeVine (*see notation for entrance*) and Scott Helms (*see notation for entrance*)

City Staff Present: Corporation Counsel Sarah Griffin, City Clerk Meg Zuravel, City Engineer Shaun Gallagher, Community Development Director Shelly Griswold, Public Works Director Tom Dole and Chief of Police Jerry Whitmore

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chairperson Crutchfield.

PUBLIC COMMENTS – AGENDA ITEMS

- Daneice Davis, 1762 Hance Drive, Freeport, Illinois, spoke in regard to Ordinance #2013-09 and her support of such ordinance promoting demolition of houses. She stated deteriorated houses offer a haven to crime; they reduce values of neighboring properties, and reduce the pride of ownership in a neighborhood. She stated that this is not a 3rd Ward or a 5th Ward issue but a citywide issue. She also stated she sent a letter to council members in support of funds being used for demolition of deteriorated houses.
- Dean Wright, 345 S. Main Street, Pearl City, Illinois, spoke as the Freeport Area Church Cooperative and Neighbors United and stated their support of delaying Ordinance #2013-09 and delaying the Resolution R-2013-03 for the Sidewalk Program. He asked that the funds instead are spent for public safety and crime prevention. He stated there are areas needing updates in the street lights and further analysis needs to be done before the dollars are spent. He also asked for consideration of participation in Committee of the Whole items for the rental property regulations, street lighting issues and vacant property ordinance.
- John Franklin, 725 S. Liberty, Freeport, Illinois, was signed on the sheet for public comments and waived his time due to his agreement with the previously stated comments by Mr. Wright.

At 5:37 p.m., Alderperson Jennie DeVine entered bringing the number of members present to six.

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- Cecil Pearson, 1127 S. Maple Street, Freeport Illinois, spoke in support of vacant property regulations and stated he is a member of Neighborhoods United who is working to make Freeport a better place. He asked that we should work together to make better neighborhoods.
- Jacob Backus, 424 S. West Avenue, Freeport Illinois, spoke about consideration if City Hall were to move then it needs to be taken into account handicap accessibility. In this building he stated he hardly fit into the elevator and the doors shut too soon and get stuck on his chair.
- Mayor Gaulrapp spoke about the street lights and the steps he feels have been done by the City in order to improve neighborhoods. He stated the sidewalk program funds would be replenished because this is a shared cost sidewalk program.

At 5:44 p.m., Alderperson Helms entered the meeting bringing the number of members present to seven.

MINUTES

Alderperson Koester moved for approval of minutes from meeting held on January 14, 2013, seconded by Alderperson Endress. Motion passed by voice vote without dissent.

ORDINANCE #2013-09: AN ORDINANCE TO SUPPLEMENT THE APPROPRIATION ORDINANCE, FISCAL YEAR 2012-2013 FOR THE CITY OF FREEPORT, ILLINOIS (SIDEWALK PROGRAM AND DEMOLITIONS)

Ordinance #2013-09 was placed on the floor of the Freeport City Council at the meeting held on January 22, 2013. Then at the council meeting on February 4, 2013, the ordinance was sent to Committee of the Whole meeting on a motion by Alderperson Bush, a second by Alderperson Crutchfield and approved by a roll call vote.

This Ordinance #2013-09 includes supplemental line items for the unanticipated revenues received in the amount of \$142,219.00 from First Energy, as their Civic Contribution under the Electric Aggregation Program, after the adoption of the annual appropriation ordinance for Fiscal Year beginning on May 1, 2012 and ending on April 30, 2013. These line items are for; A) Capital Improvement Fund, Sidewalk Program Revenues, Line Item 33-10-390 – Transfer from Corporate Fund increase from \$0 to \$40,000; and B) Capital Improvement Fund, Sidewalk Program Expenses, Line Item 33-10-544 – Contracted Infrastructure Repairs and Maintenance increase from \$0 to \$40,000; and C) General Fund, Operating Transfers Out, Transfer to Capital Improvement Fund, Line Item 01-63-951 increase from \$0 to \$40,000 D) General Fund, Building Department, Contractual Services, Line Item 01-53-599 increase from \$105,400 to \$185,400.

Discussion was held regarding the need to do something to help reduce the crime rate whether by demolishing vacant houses and/or improving street lighting. Discussion was held as to how the City staff could improve the time for processing in order to more effectively demolition the houses that warrant being torn down. Director Griswold explained that many times the cases need to be processed through the court system.

Discussion was held as to the cost of changing out street lighting. Director Dole stated that ComEd will switch out the the mercury bulbs for free but to add more lights they would need to look at those costs. There currently is a listing of all the street lights in the City of Freeport and it contains the type of bulbs that the lights utilize. Alderman Bush asked to have a copy of the list forwarded to him.

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Mayor Gaulrapp explained that a house at 468 Ottawa recently had to be taken down because it had a fire and it was a detriment to the neighboring houses by blowing debris. Director Dole stated that it had not been hauled away because of the snow and ice.

At 5:55 p.m., Mayor Gaulrapp left council chambers.

Discussion was held regarding the demolition process and the City currently employs one Building Inspector on a part time basis (.70 of a full-time person) and the need to have an employee who can dedicate themselves to this task. Discussion was held as to the different options that can be brought forth through this ordinance as to include street lights, sidewalks, building repairs, and sidewalks.

Corporation Counsel Griffin explained that this ordinance places the money into the budget for this year and, if it is not spent, it would be reallocated. This dollar amount does not roll over and it would be up to the council to put it in the budget for next year.

Director Griswold stated she asked to have \$80,000 placed in the demolition line item for next year and this issue is not just a 3rd Ward issue that there is an inventory of houses throughout the City which will need to be evaluated.

Aldersperson Koester made a motion to recommend to council on the second reading of the ordinance an amendment to the supplemental appropriation and as a contingency item on the spending plan for emergency funding of the \$142,219.00 for demolition and street lighting, seconded by Aldersperson Crutchfield. A roll call vote was taken to approve the motion:

Yeas: Klemm, Bush, DeVine, Helms, Koester and Crutchfield (6)

Nays: Endress (1)

Draft ORDINANCE #2013-10: AN ORDINANCE AMENDING VARIOUS PORTIONS OF THE CITY CODE TO CHANGE CERTAIN BUILDING RESPONSIBILITIES FROM THE COMMUNITY DEVELOPMENT DEPARTMENT TO THE BUILDING COMMISSIONER AND TRANSFERRING SUCH RESPONSIBILITIES TO THE CITY ENGINEER OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT

Ordinance #2013-10 was not placed on the floor of the Freeport City Council on February 4, 2013 but instead was referred to the Committee of the Whole meeting on a motion by Aldersperson Helms, a second by Aldersperson Crutchfield and approved by a roll call vote. Upon the reading of the title for this ordinance, Community Development Director Shelly Griswold provided a written document to assist council in the explanation of the Community Development Department responsibilities compared to; 1) 2005 when Director Griswold started as director 2) today and 3) after building department responsibilities would be transferred to the City Engineer, if the City Council's vote so chooses. Director Griswold provided a summary of the responsibilities that would stay within her responsibility or be transferred with this ordinance. She stated this is a revenue neutral change in administrative duties. She stated there are no dollars taken away from Northwest Illinois Development Alliance (NIDA) and her duties will be to work in concert with NIDA. Discussion was held as to the job duties necessary for demolitions and whether there was enough staff to do the projects that are needed.

Corporation Counsel Griffin reviewed the ordinance for the version dated February 6, 2013 and asked that if the ordinance was recommended to council it would be the version presented in the packet and dated February 6, 2013 to correct a numbering issue and City Engineer Gallagher asked to have a four inch

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bituminous concrete surface course as a minimum standard for roadways and sidewalks need to have a two inch approved aggregate base course

Discussion was held because this is an election season and this may not be the right time to shuffle job duties of departments.

Dave Young, Executive Director of NIDA was asked to come to the podium for questions from the committee of the whole.

Alderson Helms made a motion to recommend Ordinance #2013-10 to the City Council, seconded by Alderson Klemm. Corporation Counsel Griffin clarified if this was the version with the number corrected. Alderson Helms amended his motion to include the amended version dated February 6, 2013 with the three minor changes, seconded by Alderson Klemm. A roll call vote was taken to approve the motion:

Yeas: Klemm, Bush, DeVine, Endress, and Helms (5)

Nays: Koester and Crutchfield (2)

RESOLUTION #R-2013-05: RESOLUTION FOR MAINTENANCE OF STREETS AND HIGHWAYS BY MUNICIPALITY UNDER THE ILLINOIS HIGHWAY CODE – MFT SECTION #13-00000-00-GM

Resolution #R-2013-05 was not placed on the floor by the Freeport City Council on February 4, 2013 but instead was referred to the Committee of the Whole meeting on a motion by Alderson Helms, a second by Alderson Crutchfield and approval by a roll call vote. City Engineer Gallagher reviewed his plan for the MFT program for 2013. Discussion was held on the lighting changes by Illinois Department of Transportation in terms of stop lights which upgraded lights to the LED at eighteen intersections per Director Dole. He stated the lights do not reach a point to give off as much heat so that the snow does not melt on them.

Alderson Klemm made a motion to recommend the resolution to council, seconded by Alderson Helms. A roll call vote was taken to approve the motion:

Yeas: Klemm, Bush, DeVine, Endress, Helms, Koester and Crutchfield (7)

Nays: none

DISCUSSION OF BUILDINGS OWNED BY THE CITY OF FREEPORT, ILLINOIS AS REQUESTED BY ALDERPERSON CRUTCHFIELD/ALDERPERSON KOESTER

Alderson Crutchfield began the discussion by stating that he and Alderson Koester feel it is important to have this discussion item on council and committee of the whole meetings. Within the next 30 to 60 days, Alderson Helms thinks a decision should be made as to 1) keep 2) sell 3) moth ball 4) demolish. Discussion was held as to regardless what the council will consider, where will the funds come from to pay to any of those items. Alderson Klemm stated he provided to the council members in writing what his thoughts are on the subject and he challenged the other members to do the same. City Engineer Gallagher spoke about there being a difference in the square footage numbers used by Gary Anderson compared to how he measured the building and he recommended further analysis in the square footage of the building because it can have an effect on the final numbers.

Discussion was held on the Senior Center building and whether they had an exit policy in place. It was stated that the Art Center pays for the maintenance on the building and Alderson Klemm wondered how long it would be until they decide to walk away from the building.

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Discussion was held as to the amount of dollars it would take to bring the old City Hall building to make it structurally sound. There are estimates but until you get in there and start tearing things out you don't truly know what is in there it could be estimated to be anywhere from \$3 million to \$4 million.

Discussion was held as to the next recommended step by City Engineer Shaun Gallagher. His recommendation was before you do anything you would need to spend about \$300,000 to tear out the wall and shore up the foundation in order to redistribute the load path and the next step would be to complete the repairs to the roof. City Engineer Shaun Gallagher stated that Gary Anderson did not feel it was necessary to do the underpinning but he would recommend that this would need to be investigated further based on the McClure report and he estimated this to be \$50,000 to \$100,000 investment.

Deb Elzinga asked council if they had received a report written by Gary Anderson and dated February 7, 2013. She stated he wrote the report in response to the McClure report and in her opinion Mr. Anderson went in to great detail as to his response to their recommendations and it shows where they differ on costs. Ms. Elzinga stated she thinks it is important to invite Gary Anderson back to a meeting for a presentation.

City Engineer Gallagher stated he will have the Gary Anderson report presented at the next council meeting.

DISCUSSION OF DETERMINING THE COST OF CONVERSION STREET LIGHTS - VAPOR LIGHTS TO MERCURY LIGHTS

Aldersperson Bush stated it is important to know what the costs are for the conversion of street lights from vapor to mercury lights and the City needs to come up with a plan. Discussion was held regarding the bulb amps and the difference between mercury vapor lights and high pressure sodium. The location of Oak Street and Empire to South Galena was discussed as being an area that switched to the new lights and the advantage it had in improving the visibility. Discussion was held on trimming back trees in areas of low visibility to allow for more light to shine and it was recommended that the Street Department look into this. Aldersperson Klemm asked Director Griswold if she knew of any grants available to improve street lighting and Director Griswold stated she had already forwarded to Mayor Gaulrapp and Director Dole possible grant funding from different sources. She stated there usually is grant funding for better energy efficiency.

Aldersperson Bush stated he will follow up with the representative from ComEd to have them perform a lighting analysis to determine the kinds of lights in each of the street lights.

DISCUSSION OF RENTAL PROPERTY REGISTRATION

Aldersperson Helms spoke about the need to begin discussion on rental property registration because there are many non-owner occupied properties in the City of Freeport. He asked to have a map prepared by to show areas in the City which have a high density of non-owner occupied properties. This map was also over-laid with fire and police calls. It was stated that there are 21% of properties in the City not taking the owner exemption on the real estate property taxes. Director Griswold stated she performed an analysis of code violations and a much higher percentage of the violations are for non-owner occupied properties.

Aldersperson Helms stated that his intent is not to over-regulate. He asked council 1) is there a problem 2) if you feel there is a problem how do you want to go about regulating rental properties 3) would you

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consider a certificate of occupancy prior to renting of a property. Discussion was held about the problem facing Freeport in terms of code violations and crime in predominately non-owner occupied areas.

Discussion was held forming a committee to review rental property regulations of other municipalities. Director Griswold was asked to forward to council for the next council meeting copies of sample ordinances for their rental property regulation. She was also asked to provide her recommendation as to the formation of a committee and persons from different categories such as landlords, tenants, real estate personnel, non-for-profits which should be on the committee.

Steve Carroll, 811 S. Oak, Freeport Illinois, thanked Alderperson Helms for bringing this subject forward to the Committee of the Whole and stated that landlord regulations are desperately needed. He stated the Galena Avenue corridor is an example of what is happening due to having rental properties unregulated. He stated that Peoria and Decatur are two municipalities that have landlord registration. He discussed lighting on Oak and Broadway and then the administration acted on it and provided for partial resolution.

Dean Wright spoke in support of regulation of rental properties.

Reverend Threadgill spoke in support of regulation out of concern of our neighborhoods.

Discussion was held as to the possibility of the charge being waived unless there was non-compliance or complaints registered against a landlord. Alderperson Klemm voiced his concern as to the impact of personnel at the City and how many employees it would take to regulate it properly, what department would oversee the regulations, and what the procedures would be if a landlord did not register.

Discussion was held regarding the make-up of the committee including council members, owners of residential rental properties, tenants, real estate professionals, churches, and social service agencies. Director Griswold stated she will prepare are listing of recommended agencies for the committee and also forward to council for the next meeting sample ordinances from other municipals, as long as council understands that she has not vetted any of them so it will not contain her recommendation.

Discussion was held regarding staffing and whether the City has the staff to regulate rental properties. Currently, the City of Freeport employs one building inspector and he is not full time – this person is .70 of a full time person. He handles plumbing, electrical, and complaint needing inspections on properties. Discussion was held on municipalities having rental property regulations and some have 2-3 inspectors and another example had 5-9 inspectors. It will be incumbent on council when it comes to budget time to decide what to do.

DISCUSSION OF VACANT PROPERTY ORDINANCE

Discussion was held as to the reasons the last vacant property ordinance failed on council floor such as the sign requirements, the discussion of public owned buildings, and the pressure by local real estate professionals. It was asked to have Corporation Counsel Griffin do further research to see where the City of Chicago is with mortgage holders and bring this information to the next Committee of the Whole meeting.

PUBLIC COMMENTS – AGENDA OR NON-AGENDA ITEMS

- Cilia Smulewski, 441 W. Exchange, spoke about her vision for saving City Hall and recommended that it should be preserved for potential business looking for historic downtowns. She stated it should also be representative of the way to show people and landlords how their buildings should be maintained.

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- Alderperson Klemm thanked Director Dole for the great job plowing the cul-de-sac this year.

Upon motion duly made and seconded, the meeting was adjourned at 8:45 p.m.

s/ Meg Zuravel

Meg Zuravel, City Clerk