



**Monday, February 6, 2017
5:30 PM**

CITY COUNCIL AGENDA

I. Call to Order

1. Roll Call
2. Pledge of Allegiance

II. Appearance of Citizens

Policy relative to Appearance of Citizens:

A 15 minute time period is provided for citizens to appear and express their views before the City Council. Each citizen who appears will be limited to 3 minutes. No immediate response will be given by City Council or City staff members. Citizens are to give their documents to the Police Officer for distribution to the Council.

III. Approval of Minutes

Minutes of January 30, 2017 City Council Meeting

IV. Unfinished Business

V. New Business

1. Ordinance Amending City Code Chapter 66 Regulation of Lake Decatur
2. Ordinance Amending City Code Chapters 7, 10, 12, 17 and 23 Regarding the Office of Assistant City Manager, Office of City Clerk, Human Resources Division and Management Information Services Division
3. Ordinance Amending City Code Chapters 7, 11, 25, 26, 27, 31, 34, 35, 41, 44, 48, 49, 49.1, 63, 67, 67.2, 68, 70, 70.1, and Repealing City Code Chapter 32 Regarding the Planning and Building Services Department and the Neighborhood Services Department
4. Ordinance Amending City Code Chapters 16, 64, 65, 66, and 75 and Repealing City Code Chapter 9 Regarding the Water Management Department and the Public Works Department
5. Consent Calendar: Items listed under the Consent Calendar are considered to be routine and will be enacted by one motion and one vote. If separate action is desired on any item, it will be removed from the Consent Calendar and considered separately.
 - A. Receiving and Filing of Minutes of Boards and Commissions
 - B. FY 2017 Resolution Authorizing Sub Recipient Agreement with the Coalition of Neighborhood Organizations (CONO)

C. Ordinance Amending City Code Chapter 34, Traffic, Sections 29, 38,
70

VI. Other Business

VII. Adjournment

CITY COUNCIL MINUTES
Monday, January 30, 2017

On Monday, January 30, 2017, the City Council of the City of Decatur, Illinois, met in Regular Meeting at 5:30 p.m., in the Council Chambers, One Gary K. Anderson Plaza, Decatur, Illinois.

Mayor Julie Moore Wolfe presided, together with her being Councilmen Lisa Gregory, Pat McDaniel, Dana Ray, Jerry Dawson, Bill Faber, and Chris Funk. Seven members present. Mayor Julie Moore Wolfe declared a quorum present.

City Manager Tim Gleason attended the meeting as well.

Mayor Julie Moore Wolfe led the Pledge of Allegiance to the Flag.

This being the time for Appearance of Citizen, the following citizens appeared:

Russell Shulke read a statement regarding his mother's health history and physicians care.

While Russell Shulke was speaking at the podium he had a medical emergency and 911 was called. The Council Chambers was cleared for approximately 35 minutes while Mr. Shulke was attended to by medical personnel.

Maurice Doyle shared he was in favor of Item Number Two (2) on the Council Agenda regarding the Tattoo Parlor on North Water Street. He saw no problem with the establishment being in that location. Mr. Doyle requested Council to look favorably at the permit.

John O'Brien commented on the LED presentation made before Council last week. He stated it was hard to understand the 3.7 years of payoff on the lights. The City would have an energy cost savings, however, the LED lights have a high cost per bulb per unit. The bulbs do not produce a pure white light. As the bulbs grow older in life they will cause a flicker and it can be very disturbing. Mr. O'Brien suggested Council have an independent study made before they make a decision to do a large scale replacement of lights.

The minutes of the January 17, 2017 City Council meeting were presented. Councilman Jerry Dawson moved the minutes be approved as written; seconded by Councilwoman Dana Ray, and on call of the roll, Councilmen Lisa Gregory, Pat McDaniel, Dana Ray, Jerry Dawson, Bill Faber, Chris Funk and Mayor Julie Moore Wolfe voted aye. Mayor Julie Moore Wolfe declared the motion carried.

This being the time set aside for Unfinished Business and there being none, Mayor Julie Moore Wolfe called for New Business.

2017-03 Ordinance Rezoning Property B-1 Neighborhood Shopping District to B-2 Commercial District 1920 North Oakland Avenue, was presented.

Councilman Jerry Dawson moved the Ordinance do pass; seconded by Councilwoman Dana Ray.

Upon call of the roll, Councilmen Lisa Gregory, Pat McDaniel, Dana Ray, Jerry Dawson, Bill Faber, Chris Funk and Mayor Julie Moore Wolfe voted aye. Mayor Julie Moore Wolfe declared the motion carried.

2017-04 Ordinance Granting Conditional Use Permit Tattoo or Body Piercing Parlor 528 and 530 North Water Street, was presented.

Councilman Jerry Dawson moved the Ordinance do pass; seconded by Councilman Pat McDaniel.

Russell Shulke spoke in favor of the Tattoo Parlor going into the North Water Street location.

Youth Advocate Executive Director Michael Warner shared that the Youth Advocate building is located at 202 East Eldorado, the building is located directly south of the proposed location for the Tattoo Parlor. Mr. Warner was not in favor of the conditional use permit. He did not believe this was the right place for the proposed establishment. He did not believe a child welfare agency would be compatible with a Tattoo Parlor. Mr. Warner hoped Council would vote against the proposal.

Ricki Vaughn stated that she and her husband owned Rupert's Sport Shop on North Water Street. Rupert's had been in that area since the 1940s. The building has been empty for approximately six months. Youth Advocacy came into that block when the Good Samaritan and a gun shop was next to them. The Tattoo Parlor would bring in revenue to the community. She did not feel the Tattoo Parlor would be a deterrent to the Youth Advocate Program or any other business in that block.

Stacey Brohard stated he supported the Tattoo Parlor being in that location.

Upon call of the roll, Councilmen Lisa Gregory, Pat McDaniel, Dana Ray, Jerry Dawson, Bill Faber, Chris Funk and Mayor Julie Moore Wolfe voted aye. Mayor Julie Moore Wolfe declared the motion carried.

R2017-12 Resolution Amending Lease Agreement with the Decatur Public Building Commission, was presented.

Councilman Jerry Dawson moved the Resolution do pass; seconded by Councilman Pat McDaniel.

Councilman Bill Faber asked what the discussions were being led by Chief Jim Getz. City Manager Tim Gleason said currently all public safety dispatching is done by one communication center owned and operated by the City of Decatur. We have three representatives on the Emergency Telephone System Board (ETSB) that receive the 911 surcharge off landlines and cell phones. Previous discussions have been would we be best served if the ETSB owned and operated the communication center exclusively. The City has put Chief Jim Getz in the position to have those discussions on our behalf. Councilman Chris Funk clarified that the City was giving termination notice to Macon County. Councilman Chris Funk asked if Macon County asked the City to do this; is the City doing this with their knowledge and support. City Manager Tim Gleason said, yes, Macon County is represented on the ETSB Board. This is a formality in the contract that legally the City needs to take this action tonight. Councilman Chris Funk had concerns in regards to a year from now there isn't a formal agreement in place and Macon County doesn't have the ability to have dispatch services. Corporation Counsel Wendy Morthland explained that assuming the parties stay the same and the interests stay the same, more often than not agreements between people should not require formal contracts, but in this case there was an intergovernmental agreement that was entered into and it requires this notice. This action is to be in compliance with the intergovernmental agreement. Councilman Chris Funk asked if the representatives of Macon County are supportive of this. Chief Jim Getz said they are in discussions to come up with a communication center that spreads out the cost a little more. Councilwoman Dana Ray thought the City had already looked at this. Chief Jim Getz said she was correct. Back in 2014 the agreement was all but signed, so a lot of the homework has already been done and that is why we are ready to give this notice. Councilman Chris Funk asked Councilman Jerry Dawson if he had any perspective on this. Councilman Jerry Dawson said shortly after the Law Enforcement Center opened the Sheriff's Department took over all of the records for both agency and the Police took over communications. When the Police Department moved out they had to come up with a contract and that is when they came up with an amount they would pay for the dispatching service. Councilman Jerry Dawson stated it makes sense that the ETSB manage the communication center because they are getting the tax money from the phone service and they have the foundation of a budget. Councilman Jerry Dawson thought this was a really good move.

Upon call of the roll, Councilmen Lisa Gregory, Pat McDaniel, Dana Ray, Jerry Dawson, Bill Faber, Chris Funk and Mayor Julie Moore Wolfe voted aye. Mayor Julie Moore Wolfe declared the motion carried.

R2017-13 Resolution Authorizing Termination of Intergovernmental Cooperative Agreement between the City of Decatur, Illinois and the County of Macon for Dispatching Services for Calendar Years 2016-2019, was presented.

Councilman Jerry Dawson moved the Resolution do pass; seconded by Councilwoman Dana Ray.

Councilman Chris Funk stated he was going to vote no against this because he did not feel he had enough information to understand how it all plays out. Councilman Bill Faber stated he would have appreciated a little deeper background on the item.

Upon call of the roll, Councilmen Lisa Gregory, Pat McDaniel, Dana Ray, Jerry Dawson, Bill Faber and Mayor Julie Moore Wolfe voted aye. Councilman Chris Funk voted nay. Six ayes and one nay. Mayor Julie Moore Wolfe declared the motion carried.

R2017-14 Resolution Accepting the Bid of Jackson Ford, Inc., Decatur, IL, for the Purchase of Four (4) 2017 Ford Escapes, was presented.

Councilman Jerry Dawson moved the Resolution do pass; seconded by Councilwoman Dana Ray.

Councilman Bill Faber asked for an explanation for the need for the vehicles. City Manager Tim Gleason explained the vehicles are for four Neighborhood Standards Officers who are out driving hand-me-down vehicles. This is a vehicle better suited for their work and the request was approved by him.

Upon call of the roll, Councilmen Lisa Gregory, Pat McDaniel, Dana Ray, Jerry Dawson, Bill Faber, Chris Funk and Mayor Julie Moore Wolfe voted aye. Mayor Julie Moore Wolfe declared the motion carried.

R2017-15 Resolution Accepting the Bid of Dunn Company for the Purchase of Asphalt, was presented.

Councilwoman Lisa Gregory moved the Resolution do pass; seconded by Councilman Jerry Dawson.

Upon call of the roll, Councilmen Lisa Gregory, Pat McDaniel, Dana Ray, Jerry Dawson, Bill Faber, Chris Funk and Mayor Julie Moore Wolfe voted aye. Mayor Julie Moore Wolfe declared the motion carried.

R2017-16 Resolution Accepting the Bid of Beelman Logistics LLC for the Purchase of Crushed Stone Aggregate, was presented.

Councilwoman Lisa Gregory moved the Resolution do pass; seconded by Councilman Jerry Dawson.

Upon call of the roll, Councilmen Lisa Gregory, Pat McDaniel, Dana Ray, Jerry Dawson, Bill Faber, Chris Funk and Mayor Julie Moore Wolfe voted aye. Mayor Julie Moore Wolfe declared the motion carried.

R2017-17 Resolution Accepting the Bid of Contech Engineered Solutions, LLC for the Purchase of Corrugated Steel Pipe, was presented.

Councilwoman Lisa Gregory moved the Resolution do pass; seconded by Councilman Jerry Dawson.

Upon call of the roll, Councilmen Lisa Gregory, Pat McDaniel, Dana Ray, Jerry Dawson, Bill Faber, Chris Funk and Mayor Julie Moore Wolfe voted aye. Mayor Julie Moore Wolfe declared the motion carried.

R2017-18 Resolution Accepting the Bid of VCNA Prairie Material Inc. for the Purchase of Portland Cement Concrete, was presented.

Councilman Jerry Dawson moved the Resolution do pass; seconded by Councilman Pat McDaniel.

Upon call of the roll, Councilmen Lisa Gregory, Pat McDaniel, Dana Ray, Jerry Dawson, Bill Faber, Chris Funk and Mayor Julie Moore Wolfe voted aye. Mayor Julie Moore Wolfe declared the motion carried.

Mayor Julie Moore Wolfe called for Other Business and there being none; Mayor Julie Moore Wolfe called for Recess to Study Session for the Transportation Consultant Update.

Councilman Jerry Dawson moved to recess to Study Session; seconded by Councilwoman Lisa Gregory.

Upon call of the roll, Councilmen Lisa Gregory, Pat McDaniel, Dana Ray, Jerry Dawson, Bill Faber, Chris Funk and Mayor Julie Moore Wolfe voted aye. Mayor Julie Moore Wolfe declared the motion carried.

City Manager Tim Gleason explained this Study Session was to talk about the City's transportation efforts that they are collectively pursuing with Macon County regarding regional transportation. They were fortunate to hire Ann Schneider last year and she would be presenting the transportation update. Ann Schneider presented the transportation 2016 recap, project update and 2017 strategies. Two projects she spoke about competing for federal funds for were the East Beltway – Northeast Connector and the Brush College Road – Faries Parkway Grade Separation. One of the things they thought was very important to their efforts in Washington D.C. and Springfield was to build some really strong partnerships here in the community. They created the Decatur - Macon County Transportation Coordinating Committee and they have had several meetings here in Decatur to get the word out about what they are doing. Mayor Julie Moore Wolfe thanked Ms. Schneider for her expertise and she expressed how important these partnerships are to help apply pressure in Washington. Councilman Bill Faber stated he is interested in how these projects are going to generate real dollars for this City. Council members asked to be put on the mailing list to be notified when the Decatur – Macon County Transportation Coordinating Committee meetings were going to occur.

Councilman Jerry Dawson moved the regular Council meeting be adjourned; seconded by Councilman Pat McDaniel. Upon call of the roll, Councilmen Lisa Gregory, Pat McDaniel, Dana Ray, Jerry Dawson, Bill Faber, Chris Funk and Mayor Julie Moore Wolfe voted aye. Mayor Julie Moore Wolfe declared the Council meeting adjourned at 7:23 p.m.

Approved _____
Debra G. Bright
City Clerk

Water Management

DATE: 1/27/2017

MEMO: 2017-03

TO: Mayor Julie Moore Wolfe and City Council

FROM: Tim Gleason, City Manager
Keith Alexander, Director of Water Management

SUBJECT: Amendments to City Code Chapter 66 Regulation of Lake Decatur

SUMMARY RECOMMENDATION: City Council adopt the attached Ordinance authorizing amendments to City Code Chapter 66 Regulation of Lake Decatur.

BACKGROUND:

City Code Chapter 66 Regulation of Lake Decatur amendments are needed to update road names, geographical locations and other minor items. These items are self-explanatory and not addressed in this memo.

Additionally, these major amendments are needed and discussed below by Chapter section:

14. Boating Prohibited – River

In order to prevent boats on the Sangamon River from entering the potentially dangerous area immediately downstream of the Lake Decatur dam, a 300 foot buffer is proposed. This is a common buffer for dams similar to Lake Decatur's.

19D. Boat Licensure and Regulation

In order to exempt boat licensing fees for specific preapproved boating events on Lake Decatur, it is proposed that the City Manager or designee be allowed to do so. These events could include fishing tournaments, boat races and other not for profit organization events. There are about two boating events held on the lake each year that could qualify for such exemptions.

27D. Waterskiing

This amendment is necessary as the State has revised regulations regarding the towing of persons from boats.

30. Hunting & 32. Location of Blinds and Pits

Since Basin 6 dredging began in 2004, waterfowl hunting from Rea's Bridge Road upstream

to the Basin 6 sediment trap has been prohibited due to safety reasons. The second reason is that since the majority of Basin 6 has been dredged, the basin is now accessible to many more boats than before 2004. The third reason is due to the number of new homes that have been built on adjacent shoreline. State regulations prohibit waterfowl hunting within 300 yards of any building, bridge, roadway or developed area of public access.

37. Regulations for Blinds and Pits

These amendments are necessary as the State has revised regulations regarding waterfowl hunting seasons.

41A. Fishing

This amendment more accurately describes what dam components have been off limits for fishing for safety reasons for several years.

45. Ice Skating and Ice Fishing

Currently only snowmobiles are prohibited from operating on the Lake Decatur ice. For safety reasons it is proposed that all motorized vehicles be banned except for emergency purposes.

50. Trespassing on Dam

This amendment more accurately describes what dam components and adjacent property have been off limits to the general public for safety reasons for several years.

POTENTIAL OBJECTIONS: None foreseen.

INPUT FROM OTHER SOURCES: Hanson Professional Services for dam safety guidelines.

STAFF REFERENCE: Keith Alexander, Director of Water Management, 217-424-2863 or kalexander@decaturil.gov Randy Miller, Water Services Manager, 217-875-5705 or rmiller@decaturil.gov

BUDGET/TIME IMPLICATIONS: None.

COPY:

Randy Miller, Water Services Manager
Joe Nihiser, Lake Maintenance Supervisor

ATTACHMENTS:

Description	Type
Ordinance	Ordinance
Ordinance Additions and Deletions	Backup Material

ORDINANCE NO. _____

**ORDINANCE AMENDING CITY CODE
- CHAPTER 66 -
- REGULATION OF LAKE DECATUR -**

BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF DECATUR, ILLINOIS:

Section 1. That Chapter 66 of the City Code of the City of Decatur, Illinois, be, and the same is hereby modified and amended by amending language to the following Sections, reflecting the amendment. Said Sections as so modified and amended, shall provide as follows:

1. **DEFINITIONS.** "Reservoir" shall mean the artificial reservoir formed by the dam constructed near the U.S. Route 51 Bridge south of the City, or by other structures required at a later date within the limits of the present drainage area, which reservoir or reservoirs are to be used as a source of the public water supply for the City, which reservoir is hereby named and designated as Lake Decatur, also referred to herein as "the Lake". The upstream limits of such reservoir, which is located within the Sangamon River Valley, is the West side of Macon County Highway 25 running North and South across what is known as the Oakley Bridge, hereinafter described.

"U.S. Route 36 Bridge" shall mean that bridge which spans the original channel of the Sangamon River on U.S. Route 36 and in Section 18, Decatur Township, and Section 19, Long Creek Township, Macon County, Illinois, near Nelson Park, and commonly known as Route 36 Bridge.

"U.S. Route 51 Bridge" shall mean the bridge which spans the original channel of the Sangamon River on U.S. Route 51 and in Section 22, Decatur Township, Macon County, Illinois, and is commonly known as Route 51 Bridge.

"Shore Line Zone 1" is that shore line lying to the north and west of the eastern edge of the breakwater located south of the Lake Office and that area lying to the south and west of the property formerly used as the Beach House.

14. **BOATING PROHIBITED - RIVER.** Boating of any kind or character is hereby prohibited on the Sangamon River between the Lake Decatur Reservoir Dam and 300 feet downstream of the Dam in the City of Decatur.

15. **MOORING.** No boats shall be moored in an area adjacent to the Municipal Pier at the Lake Office, except by written permit from the Lake Maintenance Supervisor or designee.

19(D). **BOAT LICENSURE AND REGISTRATION.** The horsepower of an engine is that determined by the manufacturer thereof. In case a boat or craft is so constructed or rigged to be propelled by more than one type or size of propulsion, the fee to be paid shall be the higher fee specified herein for the several sizes or types of propulsion. Boat or craft owned or operated by government agencies, and boat or craft participating in an event preapproved by the City Manager or designee, are exempt from licensing fees. (Amended Ordinance 2014-05, March 3, 2014)

26(G). **OPERATION OF BOATS; ABANDONED BOATS.** No person under 10 years of age may operate a motorboat. Persons at least 10 years of age and less than 12 years of age may operate a motorboat only if they are accompanied on the motorboat and under the direct control of a parent or guardian. Persons at least 12 years of age and less than 18 years of age may operate a motorboat only if they are accompanied on the motorboat and under the direct control of a parent or guardian or a person at least 18 years of age designated by a parent or guardian, or such motorboat operator is in possession of a Boating Safety Certificate issued by the Department of Natural Resources, Division of Law Enforcement, authorizing the holder to operate motorboats. Other Boating Safety Certificates, approved by the Illinois Department of Natural Resources, are deemed acceptable for the provisions of this Section.

27(A). **WATER SKIING.** No person may operate a vessel having in tow, or otherwise be assisting, a person on water-skis, aquaplane or similar device from the period of one-half hour after sunset to one-half hour before sunrise.

D. When towing a person on waterskis, aquaplane or similar device, the towing vessel must have a capacity of at least three persons and must be occupied by at least two competent people. All persons being towed are considered part of the watercraft's carrying capacity. The operator of any watercraft that is towing a person or persons shall display on the watercraft a bright or brilliant orange flag measuring not less than 12 inches per side. The flag shall be displayed at the highest point of the area surrounding the boat's helm as to be visible from all directions, continuously, while the person or persons being towed depart the boat in preparation for towing and until reentry into the boat when the activity has ceased. Display of the flag for purposes other than the activity described in this Section is prohibited. The operator of such boat must be at least fifteen (15) years of age and the observer must be at least ten (10) years of age.

30. **HUNTING.** Hunting on Lake Decatur is hereby prohibited except the hunting of water fowl in season on that portion of Lake Decatur upstream from the Basin 6 sediment trap.

32. **LOCATION OF BLINDS AND PITS.** No person shall establish or use any blind or pit for the hunting of migratory water fowl on Lake Decatur except above the Basin 6 sediment trap, which blind or pit shall not be set up within 200 yards of any other blind or pit. No blind or pit shall be built within 300 yards of any building, bridge, roadway or developed area of public access. The restrictions herein shall not apply to blinds in existence and properly licensed as of January 1, 1988.

37(A). **REGULATIONS FOR BLINDS AND PITS.** Construction of a blind shall be completed by opening day of the first Fall Central Zone waterfowl season as established by the Illinois Department of Natural Resources.

B. Any blind site not registered and with payment received by the Finance Department on opening day of the first Fall Central Zone waterfowl season of that year is hereby declared open and available for registration by another person.

41(A). **FISHING.** Fishing from boats is hereby prohibited in Lake Decatur in that area lying west of a line 300 feet upstream from the east side of the public highway known as U.S.

Route 51. Fishing from the Lake Decatur dam, dam spillway and water intake structure is prohibited.

(G). Nothing herein enumerated in subsections (a) to (f) inclusive of this section, shall apply to or be construed to prevent or penalize anything done or caused to be done by the City or by agents of the Department of Natural Resources of the State in protecting or caring for the reservoir or the aquatic life therein.

45. ICE SKATING AND ICE FISHING. No persons shall skate or otherwise be upon the ice of Lake Decatur except that persons may skate and ice fish within fifty (50) feet of an authorized dock in Zone 3 with the permission of the owner. Ice skating is allowed on Bayview Cove which is located north of Cantrell Street, south of Bayview Drive and Irving Drive, east of North Country Club Road, and west of Lake Ridge Avenue. Ice skating is also allowed on Sand Creek Cove which is located north of Grove Road, south of South Shores Drive, east of Southland Road and west of Shoreline Drive. No person shall operate a motorized vehicle on the Lake ice except for emergency purposes.

50. TRESPASSING ON DAM. No person shall, at any time, go onto or be upon the Lake Decatur dam across the Sangamon River, the dam spillway, water intake structure or the Sangamon River downstream of the Lake Decatur dam for a distance of 300 feet for any purpose except to conduct City business.

52(B). PENALTIES. Any person, firm or corporation who shall violate any of the provisions of Section 51 subparagraph B of this chapter shall be fined not less than Twenty Five Dollars (\$25.00) for each offense, and each day on which a violation occurs or continues shall be considered a separate offense.

Section 2. That the City Clerk be, and she is hereby, authorized and directed to cause the provisions hereof to be appropriately set out in the City Code and to cause the same to be published in pamphlet form according to law.

PRESENTED, PASSED, APPROVED AND RECORDED this 6th day of February, 2017.

JULIE MOORE WOLFE, MAYOR

ATTEST:

CITY CLERK

PUBLISHED this _____ day of _____, 2017.

CITY CLERK

ADDITIONS AND DELETIONS
CHAPTER 66
REGULATION OF LAKE DECATUR
(Adopted Ordinance 2012-12, April 2, 2012)

1. **DEFINITIONS.** "Reservoir" shall mean the artificial reservoir formed by the dam constructed near the U.S. Route 51 Bridge south of the City, or by other structures required at a later date within the limits of the present drainage area, which reservoir or reservoirs are to be used as a source of the public water supply for the City, which reservoir is hereby named and designated as Lake Decatur, also referred to herein as "the Lake". The upstream limits of such reservoir, which is located within the Sangamon River Valley, is the West side of Macon County Highway 25~~the highway~~ running North and South across what is known as the Oakley Bridge, hereinafter described.

"U.S. Route 36 Bridge" shall mean that bridge which spans the original channel of the Sangamon River on U.S. Route 36 and in Section 18, Decatur Township, and Section 19, Long Creek Township, Macon County, Illinois, near Nelson Park, and commonly known as ~~Staley Bridge, formerly Cowford~~ Route 36 Bridge.

"U.S. Route 51 Bridge" shall mean the bridge which spans the original channel of the Sangamon River on U.S. Route 51 and in Section 22, Decatur Township, Macon County, Illinois, and is commonly known as ~~the County~~ Route 51 Bridge.

"Shore Line Zone 1" is that shore line lying to the north and west of the eastern edge of the breakwater located south of the Lake Patrol Office and that area lying to the south and west of the property formerly used as the Beach House.

14. **BOATING PROHIBITED - RIVER.** Boating of any kind or character is hereby prohibited on the Sangamon River between the Lake Decatur Reservoir Dam and 300 feet downstream of the ~~on the east and the Old Dam on the west~~ in the City of Decatur.

15. **MOORING.** No boats shall be moored in an area adjacent to the Municipal Pier at the Lake Officeboat house, except by written permit from the Lake Maintenance Supervisor or designee.

19(D). **BOAT LICENSURE AND REGISTRATION.** The horsepower of an engine is that determined by the manufacturer thereof. In case a boat or craft is so constructed or rigged to be propelled by more than one type or size of propulsion, the fee to be paid shall be the higher fee specified herein for the several sizes or types of propulsion. Boat or craft owned or operated by government agencies, and boat or craft participating in an ~~approved racing event~~ preapproved by the City Manager or designee, are exempt from licensing fees. (Amended Ordinance 2014-05, March 3, 2014)

26(G). **OPERATION OF BOATS; ABANDONED BOATS.** No person under 10 years of age may operate a motorboat. Persons at least 10 years of age and less than 12 years of age may operate a motorboat only if they are accompanied on the motorboat and under the direct control of a parent or guardian. Persons at least 12 years of age and less than 18 years of age may operate a motorboat only if they are accompanied on the motorboat and under the direct control of a parent or guardian or a person at least 18 years of age designated by a parent or guardian, or such motorboat operator is in possession of a Boating Safety Certificate issued by the Department of Natural Resources~~Conservation~~, Division of Law Enforcement, authorizing the holder to operate motorboats. Other Boating Safety Certificates, approved by the Illinois Department of Natural Resources~~Conservation~~, are deemed acceptable for the provisions of this Section.

27(A). **WATER SKIING.** No person may operate a ~~vessel~~~~motorboat~~ having in tow, or otherwise be assisting, a person on water-skis, aquaplane or similar ~~device~~~~contrivance~~ from the period of one-half hour after sunset to one-half hour before sunrise.

D. When towing a person on waterskis, aquaplane or similar device, the towing vessel must have a capacity of at least three persons and must be occupied by at least two competent people. All persons being towed are considered part of the watercraft's carrying capacity. The operator of any watercraft that is towing a person or persons shall display on the watercraft a bright or brilliant orange flag measuring not less than 12 inches per side. The flag shall be displayed at the highest point of the area surrounding the boat's helm as to be visible from all directions, continuously, while the person or persons being towed depart the boat in preparation for towing and until reentry into the boat when the activity has ceased. Display of the flag for purposes other than the activity described in this Section is prohibited. ~~No person may operate a motorboat which has in tow or is otherwise assisting a person on water skis, aquaplane, or similar contrivance in or upon the Lake, unless such motorboat is occupied by at least two (2) competent persons, and the operator of such boat must be at least fifteen (15) years of age and the observer must be at least ten (10) years of age.~~

30. **HUNTING.** Hunting on Lake Decatur is hereby prohibited except the hunting of water fowl in season on that portion of Lake Decatur upstream from the Basin 6 sediment trap~~Rea's Bridge~~.

32. **LOCATION OF BLINDS AND PITS.** No person shall establish or use any blind or pit for the hunting of migratory water fowl on Lake Decatur except above the Basin 6 sediment trap~~Rea's Bridge~~, which blind or pit shall not be set up within 200 yards of any other blind or pit. No blind or pit shall be built within 300 yards of any building, bridge, roadway or

developed area of public access. The restrictions herein shall not apply to blinds in existence and properly licensed as of January 1, 1988.

37(A). **REGULATIONS FOR BLINDS AND PITS.** Construction of a blind shall be completed by opening day of the first Fall Central Zone waterfowl~~duck~~ season as established by the Illinois Department of Natural Resources~~Conservation~~.

B. Any blind site not registered and with payment received by the Finance Department on opening day of the first Fall Central Zone waterfowl season~~October 1st of that year of any duck season~~ is hereby declared open and available for registration by another person.

41(A). **FISHING.** Fishing from boats is hereby prohibited in Lake Decatur in that area lying west of a line 300 feet upstream from the east side of the public highway known as U.S. Route 51. Fishing from the Lake Decatur~~either dam, dam spillway and water intake structure~~ is prohibited.

G. Nothing herein enumerated in subsections (a) to (f) inclusive of this section, shall apply to or be construed to prevent or penalize anything done or caused to be done by the City or by agents of the Department of Natural Resources~~Conservation~~ of the State in protecting or caring for the reservoir or the aquatic life therein.

45. **ICE SKATING AND ICE FISHING.** No persons shall skate or otherwise be upon the ice of Lake Decatur except that persons may skate and ice fish within fifty (50) feet of an authorized dock in Zone 3 with the permission of the owner. Ice skating is allowed on Bayview Cove which is located north of Cantrell Street, south of Bayview Drive and Irving Drive, east of North Country Club Road, and west of Lake Ridge Avenue. Ice skating is also allowed on Sand Creek Cove which is located north of Grove Road, south of South Shores Drive, east of

Southland Road and west of Shoreline Drive. No person shall operate a motorized vehicle ~~snowmobile~~ on the Lake ice except for emergency purposes.

50. **TRESPASSING ON DAM.** No person shall, at any time, go onto or be upon the Lake Decatur~~either~~ dam across the Sangamon River, the dam spillway, water intake structure or the Sangamon River downstream of the Lake Decatur dam for a distance of 300 feet for any purpose except to conduct City business.

52(B). **PENALTIES.** Any person, firm or corporation who shall violate any of the provisions of Section 51 subparagraph B of this chapter shall be fined not less than Twenty Five Dollars (\$25.00) for each offense, and each day on which a violation occurs or continues shall be considered a separate offense.

City Clerk

DATE: 2/2/2017

MEMO: 2017-04

TO: Mayor Moore Wolfe and Council Members

FROM: Tim Gleason, City Manager

SUBJECT: Reorganization - Asst. City Manager, City Clerk, Human Resources, MIS

SUMMARY RECOMMENDATION: Please see attached memorandum.

ATTACHMENTS:

Description	Type
Cover Memo	Cover Memo
Ordinance	Ordinance
Additions and Deletions	Backup Material

COUNCIL MEMORANDUM

#2017-04

DATE: February 2, 2017

TO: Honorable Mayor Julie Moore Wolfe and City Council

FROM: Tim Gleason, City Manager

SUBJECT: Departmental Reorganization

SUMMARY RECOMMENDATION: It is recommended that the City Council approve the attached ordinances amending various chapters of the City Code regarding the establishment of a Human Resources Department, a Department of Economic and Community Development, and an Information Technology Department, and the consolidation of the Water Management Department within the Public Works Department.

BACKGROUND: As a means of finding greater efficiencies in administrative operations and reductions in costs, an organizational restructuring is being proposed that will “flatten” the organization. The restructuring will encompass all of the following steps, as the reorganization is completed in the coming months:

- Establishing a Human Resources Department and Director
- Establishing an Economic and Community Development Department and Director
- Incorporating Neighborhood Services Department functions into the Economic and Community Development Department
- Moving the Mass Transit Division to the Economic and Community Development Department
- Placing the following additional divisions in the Economic and Community Development Department:
 - Economic Development
 - Planning and Sustainability
 - Building Inspections
 - Neighborhood Inspections (Code Enforcement)
- Placing the City Clerk’s Office under the direct control of the City Manager
- Establishing an Information Technology Department and Director
- Eliminating one Assistant Corporation Counsel position in the Legal Department
- Relieving the Legal Department of supervision for the Neighborhood Inspections Division
- Incorporating the functions of the Water Management Department into the Department of Public Works
- Creating the position of Deputy City Manager
- Eliminating both Assistant City Manager positions through attrition

The changes are recommended as a way of streamlining operations, improving efficiencies and reducing overall personnel expenses. Staff recommends that City Council approve these ordinances to allow for these changes to take effect immediately.

POTENTIAL OBJECTIONS: Staff is not aware that there are any potential objectors to the proposed ordinances.

INPUT FROM OTHER SOURCES: None.

STAFF REFERENCE: Questions regarding proposed changes should be directed to the City Manager at 424-2801, or at tgleason@decaturil.gov.

BUDGET/TIME IMPLICATIONS: There are no anticipated direct costs associated with this restructuring. It is expected that these changes will allow for reduction of personnel expenses during the remainder of this fiscal year and in the years ahead. With these changes, it is expected that personnel costs will be reduced by an annual amount in excess of \$300,000, as the organization's authorized staffing will be reduced by three (3) positions (all through attrition).

attachments

ORDINANCE NO. 2017-_____

**ORDINANCE AMENDING CITY CODE
CHAPTER 7 – OFFICERS AND EMPLOYEES GENERALLY
CHAPTER 10 – CITY MANAGER
CHAPTER 12 – MANAGEMENT SERVICES DEPARTMENT
CHAPTER 17 – INTERGOVERNMENTAL PROGRAMS DEPARTMENT
CHAPTER 23 – DISABLED TRANSIT PASSENGER APPEALS BOARD**

BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF DECATUR, ILLINOIS:

Section 1. That Section 2 of Chapter 7 of the City Code of the City of Decatur be, and the same is hereby, amended and modified so that said Section 2 of Chapter 7 shall provide as follows:

2. APPOINTMENT AND REMOVAL. The City Manager shall have the power and authority to appoint and remove at will the Deputy and Assistant City Managers, all directors of departments, all deputy and assistant department directors, fire marshals, battalion chiefs, police personnel above the rank of sergeant, division managers, administrative secretaries, executive assistant, administrative assistant, members of the Legal Department, Personnel Specialists, Training Officer, Human Rights Officer, Systems Administrator, Senior Systems Analyst, Systems Analyst, Budget and Revenue Officer, Risk Management Assistant, Water Customer Service Manager, Water Customer Service Supervisor, Street and Sewer Maintenance Supervisor, Civil Engineer I, Civil Engineer II, Assistant City Engineer, GIS Specialist, Fleet Supervisor, Water Production Maintenance Supervisor, Water Production Operations Supervisor, Engineering Services Coordinator, Supervisor of Technical Services, CAD System Coordinator, Police Records Supervisor, Water Distribution Supervisor, Water Metering Supervisor, City Forestry and Property Supervisor, Foreman, Economic Development Officer, Building Inspections Manager, Senior Planner, Planners, Planning and Development Manager, Development and Revitalization Specialist, Senior Crime Analyst, Crime Analyst, Emergency Communications Manager, Emergency Communications Supervisors, Neighborhood Inspections Administrator, Neighborhood Program Specialist, Enterprise Zone Administrator, and temporary and seasonal employees.

Section 2. That Sections 8, 9 and 10 of Chapter 10 of the City Code of the City of Decatur be, and the same are hereby, amended and modified so that Sections 8, 9 and 10 of Chapter 10 shall provide as follows:

8. ASSISTANT CITY MANAGERS. There is hereby created the office of Assistant City Manager, the occupants whereof shall be appointed, and may be removed, by the City Manager at will. The Assistant City Managers shall have such duties and responsibilities, and direct and administer such departments, as are assigned by the City Manager and this Code. Effective June 1, 2017, the office of Assistant City Manager shall be eliminated, and the office of Deputy City Manager shall be created, the occupant whereof shall be appointed, and may be removed, by the City Manager at will. The Deputy City Manager shall have such duties and

responsibilities, and direct and administer such departments, as are assigned by the City Manager and this Code.

9. **CITY CLERK.** There is hereby created the office of City Clerk, the occupant whereof shall be appointed, and may be removed, by the Mayor with the approval of Council. The City Manager shall make reasonable rules, regulations and directives not in conflict with law or ordinance to govern, administer and supervise the activities of the City Clerk.

10. **DUTIES OF CITY CLERK.** The City Clerk shall act as Clerk of the Council and the Local Liquor Control Commission and shall be keeper of the City seal and of the code, ordinances, resolutions, minutes and other records and documents of the City, except those by law or ordinance required to be kept by others, all of which shall be indexed so as to be readily accessible, and shall perform such other duties and functions as may be assigned by the Council or the City Manager. The City Clerk may also appoint, and remove, one or more persons as Deputy City Clerk, to perform such duties and have such rights and responsibilities as are provided by statute.

Section 3. That Chapter 12 of the City Code of the City of Decatur, be and the same is hereby, amended and modified by renaming the Chapter "Human Resources Department." Said Chapter 12 is hereby further amended and modified so that the following sections of the Chapter shall provide as follows:

1. **ESTABLISHED.** There is hereby created and established the Human Resources Department which shall be so organized and administered as the City Manager shall from time to time direct, and which shall consist of the Director of Human Resources and such other officers and employees as the Council may from time to time authorize.

2. **DIRECTOR.** There is hereby created the position of Director of Human Resources, the occupant whereof shall be appointed, and may be removed, by the City Manager at will. The Director shall report to the City Manager.

3. **APPOINTMENTS AND RULES.** The Director of Human Resources shall be the appointing officer of the occupants of all classified positions assigned to said Department and may make reasonable rules, regulations and directives not in conflict with law or ordinance to govern and administer the activities and carry out the duties and responsibilities thereof, subject to the direction and control of the City Manager.

4. **DIVISIONS.** The Human Resources Department shall consist of the office of Human Resources and such other divisions as may be established by the City Manager. The Human Resources Director shall be the Equal Opportunity Officer for the City, subject to the direction of the City Manager.

5. **DUTIES OF THE DEPARTMENT.** The Human Resources Department shall, under the direction and control of the City Manager, have the following duties and responsibilities:

- (a) To recruit suitable persons for employment by the City in municipal service;

(b) To assist the Civil Service Commission in testing candidates for appointment to, or promotion in, the classified service;

(c) To administer and enforce the general personnel rules and policies of the City, and to assist the Civil Service Commission in the administration and enforcement of the rules of said Commission.

(d) To develop, plan and execute training programs for employees;

(e) To develop and execute programs to serve and make effective the policy of the City concerning employment, housing, human recognitions, social and environmental betterment and other human relationships and sociological concern;

(f) To support and assist the programs and operations of the Human Relations Commission, as directed by the City Manager.

(g) To develop procedures, prepare and monitor the implementation of the annual budget, including performance measures as well as the fiscal compliance measures established by the Finance Department; and,

(h) To perform such other duties and functions as may be assigned from time to time by the City Manager.

Section 4. That Chapter 17 of the City Code of the City of Decatur, be and the same is hereby, amended and modified by renaming the Chapter "Information Technology Department." Said Chapter 17 is hereby further amended and modified so that the following sections of the Chapter shall provide as follows:

1. **ESTABLISHED.** There is hereby created and established the Information Technology Department which shall be so organized and administered as the City Manager shall from time to time direct, and which shall consist of the Director of Information Technology and such other officers and employees as the Council may from time to time authorize.

2. **DIRECTOR.** There is hereby created the position of Director of Information Technology, the occupant whereof shall be appointed, and may be removed, by the City Manager at will. The Director shall report to the City Manager.

3. **APPOINTMENTS AND RULES.** The Director of Information Technology shall be the appointing officer of the occupants of all classified positions assigned to said Department and may make reasonable rules, regulations and directives not in conflict with law or ordinance to govern and administer the activities and carry out the duties and responsibilities thereof, subject to the direction and control of the City Manager.

4. **DIVISIONS.** The Information Technology Department shall consist of the office of Technical Operations, the office of Software Support, and such other divisions as may be established by the City Manager.

5. **DUTIES OF THE DEPARTMENT.** The Information Technology Department shall, under the direction and control of the City Manager, have the following duties and responsibilities:

(a) To maintain a secure, reliable and scalable information technology infrastructure for the organization, overseeing the City's telecommunications and electronic data transmission systems, including the City's fiber optic network and virtual server environment;

(b) To evaluate the use of information technology and software in all areas of City government, and create integrated computerized solutions needed by the organization, while optimizing access to computer data;

(c) To enhance access to online City information resources for accomplishing City objectives and providing easy citizen access;

(d) To develop policies, procedures, and practices that effectively manage information technology assets and meet City information technology needs;

(e) To provide information technology education for efficient use of City information technology resources; and

(f) To perform such other duties and functions as may be assigned from time to time by the City Manager.

Section 5. That Section 3 of Chapter 23 of the City Code of the City of Decatur be, and the same is hereby, amended and modified so that Section 3 of Chapter 23 shall provide as follows:

3. OFFICERS, RULES, MEETINGS AND HEARINGS. From among its members, and by the concurrence of three (3) members thereof, the Board shall elect a Chairperson, Vice Chairperson and a Secretary for terms of one (1) year, and provide rules for the conduct of its business, among which rules shall be provisions for the time and place of regular meetings as necessary to perform its duties, and the calling by the Chairperson, or on the concurrence of not less than two (2) members, of special meetings. The Board shall, in every case, hold a hearing on an appeal and reach a decision without unreasonable or unnecessary delay. Every decision shall be in writing and shall be promptly filed in the office of the Mass Transit Administrator of the Decatur Public Transit System. Three (3) members of the Board shall constitute a quorum and all decisions shall require a majority vote of those present and voting.

Section 6. That the City Clerk be, and she is hereby, authorized and directed to cause the provisions hereof to be appropriately set out in the City Code and to cause the same to be published in pamphlet form according to law.

PRESENTED, PASSED, APPROVED AND RECORDED this _____ day of February, 2017.

JULIE MOORE WOLFE, MAYOR

ATTEST:

CITY CLERK

PUBLISHED this _____ day of _____, 2017.

CITY CLERK

ADDITIONS AND DELETIONS

CHAPTER 07 – OFFICERS AND EMPLOYEES GENERALLY

2. **APPOINTMENT AND REMOVAL.** The City Manager shall have the power and authority to appoint and remove at will the Deputy and Assistant City Managers, all directors of departments, all deputy and assistant department directors, fire marshals, battalion chiefs, police personnel above the rank of sergeant, division managers, administrative secretaries, executive assistant, administrative assistant, members of the Legal Department, Personnel Specialists, Training Officer, Human Rights Officer, Systems Administrator, Senior Systems Analyst, Systems Analyst, Budget and Revenue Officer, Risk Management Assistant, Water Customer Service Manager, Water Customer Service Supervisor, Street and Sewer Maintenance Supervisor, Civil Engineer I, Civil Engineer II, Assistant City Engineer, GIS Specialist, Fleet Supervisor, Water Production Maintenance Supervisor, Water Production Operations Supervisor, Engineering Services Coordinator, Supervisor of Technical Services, CAD System Coordinator, Police Records Supervisor, Water Distribution Supervisor, Water Metering Supervisor, City Forestry and Property Supervisor, Foreman, Economic Development Officer, Building Inspections Manager, Senior Planner, Planners, Planning and Development Manager, Development and Revitalization Specialist, Senior Crime Analyst, Crime Analyst, Emergency Communications Manager, Emergency Communications Supervisors, Neighborhood Inspections Administrator, Neighborhood Program Specialist, Enterprise Zone Administrator, and temporary and seasonal employees.

CHAPTER 10 – CITY MANAGER

8. **ASSISTANT CITY MANAGERS.** There is hereby created the office of Assistant City Manager, the occupants whereof shall be appointed, and may be removed, by the City Manager at will. The Assistant City Managers shall have such duties and responsibilities, and direct and administer such departments, as are assigned by the City Manager and this Code. Effective June 1, 2017, the office of Assistant City Manager shall be eliminated, and the office of Deputy City Manager shall be created, the occupant whereof shall be appointed, and may be removed, by the City Manager at will. The Deputy City Manager shall have such duties and responsibilities, and direct and administer such departments, as are assigned by the City Manager and this Code.

9. **CITY CLERK.** There is hereby created the office of City Clerk, the occupant whereof shall be appointed, and may be removed, by the Mayor with the approval of Council. The City Manager shall make reasonable rules, regulations and directives not in conflict with law or ordinance to govern, administer and supervise the activities of the City Clerk.

10. **DUTIES OF CITY CLERK.** The City Clerk shall act as Clerk of the Council and the Local Liquor Control Commission and shall be keeper of the City seal and of the code, ordinances, resolutions, minutes and other records and documents of the City, except those by law or ordinance required to be kept by others, all of which shall be indexed so as to be readily accessible, and shall perform such other duties and functions as may be assigned by the Council

or the City Manager. The City Clerk may also appoint, and remove, one or more persons as Deputy City Clerk, to perform such duties and have such rights and responsibilities as are provided by statute.

CHAPTER 12 – ~~MANAGEMENT SERVICES~~ HUMAN RESOURCES DEPARTMENT

1. **ESTABLISHED.** There is hereby created and established the ~~Management Services~~ Human Resources Department which shall be so organized and administered as the City Manager shall from time to time direct, and which shall consist of the ~~Assistant City Manager of Administration who shall act as the Director of Management Services~~ Director of Human Resources and such other officers and employees as the Council may from time to time authorize.

2. **DIRECTOR.** There is hereby created ~~the office of Assistant City Manager of Administration who shall act as Director of Management Services~~ position of Director of Human Resources, the occupant whereof shall be appointed, and may be removed, by the City Manager at will. The ~~Assistant City Manager of Administration~~ Director shall report to the City Manager.

3. **APPOINTMENTS AND RULES.** The Director of Human Resources ~~Assistant City Manager of Administration~~ shall be the appointing officer of the occupants of all classified positions assigned to said Department and may make reasonable rules, regulations and directives not in conflict with law or ordinance to govern and administer the activities and carry out the duties and responsibilities thereof, subject to the direction and control of the City Manager.

4. ~~**CITY CLERK.** There is hereby created the office of City Clerk, the occupant whereof shall be appointed, and may be removed, by the Mayor with the approval of Council. The Assistant City Manager of Administration shall make reasonable rules, regulations and directives not in conflict with law or ordinance to govern, administer and supervise the activities of the City Clerk, subject to the direction and control of the City Manager.~~

5. ~~**DUTIES OF CITY CLERK.** The City Clerk shall act as Clerk of the Council and the Local Liquor Control Commission and shall be keeper of the City seal and of the code, ordinances, resolutions, minutes and other records and documents of the City, except those by law or ordinance required to be kept by others, all of which shall be indexed so as to be readily accessible, and shall perform such other duties and functions as may be assigned by the Council or the City Manager, under the supervision of the Director of Management Services. The City Clerk may also appoint, and remove, one or more persons as Deputy City Clerk, to perform such duties and have such rights and responsibilities as are provided by statute.~~

6.4. **DIVISIONS.** The ~~Management Services~~ Human Resources Department shall consist of the office of Human Resources, ~~City Clerk,~~ and such other divisions as may be established by the City Manager. ~~Other than the City Clerk, all division managers or directors shall be appointed, and may be removed at will. The Human Resources Director shall be the Equal Opportunity Officer for the City, subject to the direction of the Assistant City Manager of Administration.~~

7.5. DUTIES OF THE DEPARTMENT. The ~~Management Services~~ Human Resources Department shall, under the direction and control of the City Manager, have the following duties and responsibilities:

- (a) To recruit suitable persons for employment by the City in municipal service;
- (b) To assist the Civil Service Commission in testing candidates for appointment to, or promotion in, the classified service;
- (c) To administer and enforce the general personnel rules and policies of the City, and to assist the Civil Service Commission in the administration and enforcement of the rules of said Commission.
- (d) To develop, plan and execute training programs for employees;
- ~~(e) To develop and execute programs to nurture and enhance better communication and understanding between the public and the employees and officers of the City in the public service;~~
- ~~(f) To provide liaison and communication with public;~~
- (ge) To develop and execute programs to serve and make effective the policy of the City concerning employment, housing, human recognitions, social and environmental betterment and other human relationships and sociological concern;
- ~~(hf)~~ To support and assist the programs and operations of the Human Relations Commission, as directed by the City Manager.
- ~~(i) To keep and preserve the official records of the City and all deeds, bonds, contracts, notes, mortgages, warrants, books and papers of the City, except those directed by law or ordinance to be kept elsewhere, and keep records thereof;~~
- (jg) To develop procedures, prepare and monitor the implementation of the annual budget, including performance measures as well as the fiscal compliance measures established by the Finance Department;
- ~~(k) To assist departments and divisions of the city government in developing improved methods for service delivery and to conduct performance audits of city programs as directed by the City Manager; and,~~
- (Hh) To perform such other duties and functions as may be assigned from time to time by the City Manager.

CHAPTER 17 – INTERGOVERNMENTAL PROGRAMS INFORMATION **TECHNOLOGY DEPARTMENT**

1. ESTABLISHED. There is hereby created and established the Information Technology Department which shall be so organized and administered as the City Manager shall from time to time direct, and which shall consist of the Director of Information Technology and such other officers and employees as the Council may from time to time authorize.

2. DIRECTOR. There is hereby created the position of Director of Information Technology, the occupant whereof shall be appointed, and may be removed, by the City Manager at will. The Director shall report to the City Manager.

3. APPOINTMENTS AND RULES. The Director of Information Technology shall be the appointing officer of the occupants of all classified positions assigned to said Department and may make reasonable rules, regulations and directives not in conflict with law or ordinance to govern and administer the activities and carry out the duties and responsibilities thereof, subject to the direction and control of the City Manager.

4. DIVISIONS. The Information Technology Department shall consist of the office of Technical Operations, the office of Software Support, and such other divisions as may be established by the City Manager.

5. DUTIES OF THE DEPARTMENT. The Information Technology Department shall, under the direction and control of the City Manager, have the following duties and responsibilities:

(a) To maintain a secure, reliable and scalable information technology infrastructure for the organization, overseeing the City's telecommunications and electronic data transmission systems, including the City's fiber optic network and virtual server environment;

(b) To evaluate the use of information technology and software in all areas of City government, and create integrated computerized solutions needed by the organization, while optimizing access to computer data;

(c) To enhance access to online City information resources for accomplishing City objectives and providing easy citizen access;

(d) To develop policies, procedures, and practices that effectively manage information technology assets and meet City information technology needs;

(e) To provide information technology education for efficient use of City information technology resources; and

(f) To perform such other duties and functions as may be assigned from time to time by the City Manager.

CHAPTER 23 – DISABLED TRANSIT PASSENGER APPEALS BOARD

3. OFFICERS, RULES, MEETINGS AND HEARINGS. From among its members, and by the concurrence of three (3) members thereof, the Board shall elect a Chairperson, Vice Chairperson and a Secretary for terms of one (1) year, and provide rules for the conduct of its business, among which rules shall be provisions for the time and place of regular meetings as necessary to perform its duties, and the calling by the Chairperson, or on the concurrence of not less than two (2) members, of special meetings. The Board shall, in every case, hold a hearing on an appeal and reach a decision without unreasonable or unnecessary delay. Every decision shall be in writing and shall be promptly filed in the office of the ~~Director of Management Services Department~~ Mass Transit Administrator of the Decatur Public Transit System. Three (3) members of the Board shall constitute a quorum and all decisions shall require a majority vote of those present and voting.

City Clerk

DATE: 2/2/2017

MEMO: 2017-04

TO: Mayor Moore Wolfe and Council Members

FROM: Tim Gleason, City Manager

SUBJECT: Reorganization - Planning and Building Services and Neighborhood Services

SUMMARY RECOMMENDATION: Please see attached memorandum.

ATTACHMENTS:

Description	Type
Cover Memo	Cover Memo
Ordinance	Ordinance
Additions and Deletions	Backup Material

COUNCIL MEMORANDUM

#2017-04

DATE: February 2, 2017

TO: Honorable Mayor Julie Moore Wolfe and City Council

FROM: Tim Gleason, City Manager

SUBJECT: Departmental Reorganization

SUMMARY RECOMMENDATION: It is recommended that the City Council approve the attached ordinances amending various chapters of the City Code regarding the establishment of a Human Resources Department, a Department of Economic and Community Development, and an Information Technology Department, and the consolidation of the Water Management Department within the Public Works Department.

BACKGROUND: As a means of finding greater efficiencies in administrative operations and reductions in costs, an organizational restructuring is being proposed that will “flatten” the organization. The restructuring will encompass all of the following steps, as the reorganization is completed in the coming months:

- Establishing a Human Resources Department and Director
- Establishing an Economic and Community Development Department and Director
- Incorporating Neighborhood Services Department functions into the Economic and Community Development Department
- Moving the Mass Transit Division to the Economic and Community Development Department
- Placing the following additional divisions in the Economic and Community Development Department:
 - Economic Development
 - Planning and Sustainability
 - Building Inspections
 - Neighborhood Inspections (Code Enforcement)
- Placing the City Clerk’s Office under the direct control of the City Manager
- Establishing an Information Technology Department and Director
- Eliminating one Assistant Corporation Counsel position in the Legal Department
- Relieving the Legal Department of supervision for the Neighborhood Inspections Division
- Incorporating the functions of the Water Management Department into the Department of Public Works
- Creating the position of Deputy City Manager
- Eliminating both Assistant City Manager positions through attrition

The changes are recommended as a way of streamlining operations, improving efficiencies and reducing overall personnel expenses. Staff recommends that City Council approve these ordinances to allow for these changes to take effect immediately.

POTENTIAL OBJECTIONS: Staff is not aware that there are any potential objectors to the proposed ordinances.

INPUT FROM OTHER SOURCES: None.

STAFF REFERENCE: Questions regarding proposed changes should be directed to the City Manager at 424-2801, or at tgleason@decaturil.gov.

BUDGET/TIME IMPLICATIONS: There are no anticipated direct costs associated with this restructuring. It is expected that these changes will allow for reduction of personnel expenses during the remainder of this fiscal year and in the years ahead. With these changes, it is expected that personnel costs will be reduced by an annual amount in excess of \$300,000, as the organization's authorized staffing will be reduced by three (3) positions (all through attrition).

attachments

ORDINANCE NO. 2017-____

ORDINANCE AMENDING CITY CODE

CHAPTER 07 – OFFICERS AND EMPLOYEES GENERALLY
CHAPTER 11 – PLANNING AND BUILDING SERVICES DEPARTMENT
CHAPTER 25 – ELECTRICAL COMMISSION, ELECTRICAL CONTRACTORS
AND LICENSED ELECTRICIANS
CHAPTER 26 – HEATING, AIR CONDITIONING AND REFRIGERATION
COMMISSION AND CONTRACTORS
CHAPTER 27 – CONSTRUCTION AND HOUSING BOARD OF APPEALS
CHAPTER 31 – LANDMARKS AND HISTORIC DISTRICTS
CHAPTER 32 – NEIGHBORHOOD SERVICES DEPARTMENT
CHAPTER 34 – TRAFFIC AND PARKING
CHAPTER 35 – NUMBERING HOUSES
CHAPTER 41 – MISCELLANEOUS STREET REGULATIONS
CHAPTER 44 – FIRE PREVENTION AND HAZARDOUS MATERIALS CONTROL
CHAPTER 48 – NUISANCES
CHAPTER 49 – REMOVAL OF GARBAGE, JUNK, RUBBISH OR TRASH
CHAPTER 49.1 – BLIGHT OR CONSERVATION AREAS
CHAPTER 63 – MOBILE HOME PARKS
CHAPTER 67 – BUILDING CODE
CHAPTER 67.2 – RESIDENTIAL BUILDING CODE
CHAPTER 68 – MECHANICAL CODE
CHAPTER 70 – PROPERTY MAINTENANCE CODE
CHAPTER 70.1 – PLUMBING CODE

BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF DECATUR,
ILLINOIS:

Section 1. That Section 12 of Chapter 7 of the City Code of the City of Decatur be, and the same is hereby, amended and modified so that said Section 12 of Chapter 7 shall provide as follows:

12. **ARRESTS.** The members of the City Council, the City Manager, the members of the Fire and Police Departments, the officers and employees designated as inspectors in the Economic and Community Development Department, the Neighborhood Service Officers and members of the Millikin University Police are hereby declared to be conservators of the peace with such powers to make arrests as are given to the conservators of the peace by Statute.

Section 2. That Chapter 11 of the City Code of the City of Decatur, be and the same is hereby, amended and modified by renaming the Chapter “Economic and Community Development Department.” Said Chapter 11 is hereby further amended and modified so that the following sections of the Chapter shall provide as follows:

1. **ESTABLISHED.** There is hereby created and established the Economic and Community Development Department which shall be so organized and administered as the City Manager shall from time to time direct, and which shall consist of the Director of Economic and Community Development and such other officers and employees as the City Manager may from time to time authorize.

2. **DIRECTOR.** There is hereby created the office of Director of Economic and Community Development, the occupant whereof shall be appointed, and may be removed, by the City Manager at will.

3. **APPOINTMENTS AND RULES.** The Director of Economic and Community Development shall be the appointing officer of the occupants of all classified positions assigned to said Department and may make reasonable rules, regulations and directives not in conflict with law or ordinance to govern and administer the activities and carry out the duties and responsibilities thereof, subject to the direction and control of the City Manager.

4. **DUTIES AND RESPONSIBILITIES.** The Economic and Community Development Department shall perform such functions and duties, and with such divisions, as may be assigned from time to time by the City Manager, including Economic Development, Planning and Sustainability, Building Inspections, Neighborhood Inspections, Neighborhood Outreach, and Mass Transit.

Section 3. That Sections 1 and 4 of Chapter 25 of the City Code of the City of Decatur be, and the same are hereby, amended and modified so that said Sections 1 and 4 of Chapter 25 shall provide as follows:

1. **BUILDING OFFICIAL AND INSPECTION DIVISION.** Whenever the words "Inspection Division" are used in this chapter, it shall refer to the Building Inspections Division of the Economic and Community Development Department of the City of Decatur, Illinois.

4. **APPLICATION FOR TESTING.** Any individual desiring a license as an electrical contractor in the City of Decatur shall make application on form provided by the Economic and Community Development Department, Building Inspections Division. This application shall then be presented to the City Electrical Commission to review.

Section 4. That Sections 1 and 4 of Chapter 26 of the City Code of the City of Decatur be, and the same are hereby, amended and modified so that said Sections 1 and 4 of Chapter 26 shall provide as follows:

1. **BUILDING OFFICIAL AND INSPECTION DIVISION.** Whenever the words "Inspection Division" are used in this chapter, it shall refer to the Building Inspections Division of the Economic and Community Development Department of the City of Decatur, Illinois and whenever the words "building official" are used herein the same refers to the Manager of Building Inspections in said department.

4. **APPLICATION FEE.** Any partnership, corporation or individual desiring a license as a Heating, Air Conditioning and Refrigeration Contractor in the City of Decatur shall make application for the same on an application prescribed and provided by the Economic and Community Development Department Inspections Division. All licenses shall expire on October 1 following the issuance thereof. Applicants shall provide to the City of Decatur evidence of liability insurance in the amount of Five Hundred Thousand Dollars (\$500,000.00) general aggregate.

Any individual desiring a license as a Heating, Air Conditioning and Refrigeration Mechanic shall make application for the same on an application prescribed and provided by the Economic and Community Development Department Inspections Division.

Section 5. That Sections 3 and 4 of Chapter 27 of the City Code of the City of Decatur be, and the same are hereby, amended and modified so that said Sections 3 and 4 of Chapter 27 shall provide as follows:

3. **TIME AND MANNER OF APPEAL.** An appeal may be taken within ten days from the date of the decision appealed from by filing with the City Clerk a notice in writing specifying the decision appealed from and the grounds therefor together with a filing fee of \$10.00. Upon receipt of such notice filed as required herein, the City Clerk shall transmit the same to said Board and to the Director of Economic and Community Development and said Director shall transmit to the Board all papers, documents or other instruments upon which the action appealed from was taken.

4. **HEARINGS.** The Board of Appeals shall, in every case, hold a hearing and reach a decision without unreasonable or unnecessary delay. Every decision of the Board shall be in writing and shall be promptly filed in the office of the Director of Economic and Community Development. Four (4) members of the Board shall constitute a quorum, and all decisions shall require a majority vote of those present and voting. A decision of the Board decided by a majority of four (4) members, or fewer, may be appealed to the Council.

Section 6. That Sections 2(j), 5, 6, 7 A and 10 of Chapter 31 of the City Code of the City of Decatur be, and the same are hereby, amended and modified so that said Sections 2(j), 5, 6, 7 A and 10 of Chapter 31 shall provide as follows:

2. **DEFINITIONS.**

(j) "Historic Preservation Administrator" means the person appointed by the City Manager, from the Economic and Community Development Department, to undertake the responsibilities assigned by this Chapter and to assist the Commission in the implementation of this Chapter.

5. **APPLICATION FOR DESIGNATION AS A LANDMARK OR HISTORIC DISTRICT.** Any person, group of persons, corporation or association may apply to the Commission for the designation of a Landmark or Historic District. Application for such shall be filed with the Historic Preservation Administrator on forms provided by said officer, which forms shall require such information as is deemed necessary by said officer to effect the provisions of this Chapter. The Historic Preservation Administrator shall forward all completed

application forms to the Commission and to the Director of the Economic and Community Development Department.

6. RECOMMENDATION OF ECONOMIC AND COMMUNITY DEVELOPMENT DEPARTMENT. After receipt of a completed application form seeking the designation of a property or area as a Landmark or Historic District, the Director of the Economic and Community Development Department shall file with the Historic Preservation Administrator a written opinion as to the effect of the proposed designation on the surrounding neighborhood, the relationship of said proposal to the Official Comprehensive Plan of the City, and any other planning considerations relevant to said proposal. The written opinion shall also include a recommendation as to whether said proposal should be approved, rejected or approved with modifications. No action may be taken by the Commission on such proposal until it has received the written opinion of said Director as required herein.

7. PUBLIC HEARING ON DESIGNATION OF LANDMARK OR HISTORIC DISTRICT.

A. The Commission shall schedule a public hearing on the proposed designation of a property or area as a Landmark or Historic District, said hearing to be held before the Commission within forty-five (45) days following the receipt by the Commission of the written opinion of the Director of the Economic and Community Development Department regarding such designation. Notice of the date, time, place and purpose of the public hearing shall be sent by certified mail to the owners of record of the property proposed for designation as herein provided. Such notice to owners must be given not less than fifteen (15) days nor more than thirty (30) days prior to said hearing, and notice shall be considered given for the purposes hereof on the date of mailing. Notice of said hearing shall also be published in a newspaper having general circulation in the City of Decatur, Illinois, said notice to be published not less than five (5) days nor more than ten (10) days prior to the hearing. Notice published as required herein shall state the street address and legal description of a proposed Landmark and the boundaries of a proposed Historic District.

10. INTERIM CONTROL. No building or demolition permit shall be issued by the Building Inspections Manager for any area or property proposed for designation as a Landmark or Historic District from the date of the filing with the Historic Preservation Administrator of the written opinion of the Director of the Economic and Community Development Department, as required by Section 6 hereof, until the final disposition by the Council. Such prohibition shall only extend to those areas or properties which the Director of the Economic and Community Development Department recommends for approval in said opinion. In no event shall the prohibition required hereby extend for more than four (4) months.

Section 7. That Chapter 32 of the City Code of the City of Decatur be, and the same is hereby, repealed in its entirety.

Section 8. That Section 2 of Chapter 34 of the City Code of the City of Decatur be, and the same is hereby, amended and modified so that said Section 2 of Chapter 34 shall provide as follows:

2. **TRAFFIC AND PARKING COMMISSION.** There is hereby created a Traffic and Parking Commission consisting of nine members of which five such members shall be citizen members to serve without compensation and the remaining members shall be employees or officers of the City, one from the Public Works Department, one from the Fire Department, one from the Police Department, and one from the Economic and Community Development Department. The five citizen members shall serve for a term of three years, and shall be appointed by the Mayor with the approval of the City Council. The other four members, being representatives of the departments and divisions of the City aforesaid, shall be designated by the City Manager by appointment in writing communicated to said Commission, which appointment shall designate the respective representative and an alternate for each such representative. Each citizen member of the Commission shall have one vote and each City representative shall have one vote, cast either by the representative or alternate, in conducting the business of said Commission.

Section 9. That Section 7 of Chapter 35 of the City Code of the City of Decatur be, and the same is hereby, amended and modified so that said Section 7 of Chapter 35 shall provide as follows:

7. **ASSIGNING PROPER NUMBERS.** The Director of the Economic and Community Development Department, or his or her designee, is hereby authorized to assign to each and every building, and lot, its proper number in accordance with the preceding sections, and to deliver to each occupant or owner thereof, free of charge, a certificate designating the number or numbers so assigned.

Section 10. That Section 19 A of Chapter 41 of the City Code of the City of Decatur be, and the same is hereby, amended and modified so that said Section 19 A of Chapter 41 shall provide as follows:

19. **HONORARY STREET SIGN PROGRAM.**

A. Application Process - Honorary street name designation shall be limited to individuals, organizations, entities and events that have had a significant lineage to or a cultural, historical or humanitarian impact on the City as determined by the Decatur City Council. An honoree must have a geographical relationship to the requested sign location, having either lived or worked or performed other actions or activities in the area deemed to have been important to the City of Decatur. Applicants shall be required to submit an application form to the City of Decatur's Economic and Community Development Department providing details as to the proposed honoree's lineage or cultural, historical or humanitarian impact on the city and an explanation of the honoree's relationship to the requested honorary street sign location as part of the application process. Applications shall be reviewed by a five (5) member panel consisting of one (1) member of the Decatur City Council, one (1) member from the Economic and Community Development Department, one (1) member from an authorized city neighborhood organization, one (1) member from the Decatur Police Department and one (1) member appointed from the community at large. Applications will be forwarded to the Mayor and Decatur City Council and scheduled for a vote only upon an affirmative panel recommendation or if a majority of the Decatur City Council calls for it. The request will be considered "denied" upon a negative panel recommendation or if a majority of the Decatur city Council does not call

for an application to be brought forward within 30 days of said panel recommendation being issued. Current city employees are not eligible for an honorary street naming designation.

Section 11. That Section 6 of Chapter 44 of the City Code of the City of Decatur be, and the same is hereby, amended and modified so that said Section 6 of Chapter 44 shall provide as follows:

6. **CODE OFFICIAL.** The Chief of the Fire Department is hereby designated the code official and reference to such official herein or in said Code, shall be the same as if said officer was expressly referred to. Whenever reference is made in said Code to the Department of Building Inspections or similar reference, such shall be taken to mean and shall be construed to refer to the Inspections Division of the Economic and Community Development Department.

Section 12. That Section 8(a) of Chapter 48 of the City Code of the City of Decatur be, and the same is hereby, amended and modified so that said Section 8(a) of Chapter 48 shall provide as follows:

8. **WEEDS.**

(a) For lots with an occupied structure as determined by active water service and/or usage, the notice to abate the violation of the growth of weeds, grass or other underbrush which have grown to a height of ten (10) inches or more or allowed to flower, or notice to trim or remove nuisance bushes or trees, may be given to the owner, lessee, occupant or agent having control of the lot of ground or any part thereof including the prolongation of the lot lines by personal service or by posting a sign or citation on the premises of the property in question regarding the violation. The sign or citation shall be posted in a conspicuous place near the front of the lot or near the main entrance to the structure. The text of the notice shall contain a reference to the provision of this Code violated, the address of the property, the date of posting, and such other information respecting the nature of the violation as the Economic and Community Development Department deems advisable. It shall be unlawful for anyone to deface, tamper with, or remove the sign or citation from the property where it is posted unless authorized by the Economic and Community Development Department. All notices shall state that the removal of the weeds shall be performed within the time specified from the date of the notice. The time limit to abate the growth of the weeds or other underbrush which have grown to a height of ten (10) inches or more or allowed to flower or to trim or remove nuisance bushes or trees, shall be no less than five (5) days after personal delivery of the notice or the posting of the sign or citation on the property.

Section 13. That Sections 1 and 3 of Chapter 49 of the City Code of the City of Decatur be, and the same are hereby, amended and modified so that said Sections 1 and 3 of Chapter 49 shall provide as follows:

1. **NOTICE.** The Director of Economic and Community Development, or his or her designee be, and they are hereby, authorized and directed to cause written notice to be mailed to the record owner, occupant or person in charge of any property within a residential zoning district of the City of Decatur upon which there is an accumulation of garbage, junk, rubbish or trash, which appears to the Manager to constitute a danger to the health, safety and welfare of individuals living in the area or the public in general, directing the owner, occupant or person in

charge of the property so notified to remove or cause the removal of the accumulated garbage, junk, rubbish or trash within ten days.

3. **HEARING.** The notice shall inform the owner, occupant or person in control of the property that, upon written request filed with and received by the Economic and Community Development Department not later than 72 hours after the mailing of said notice, he may be given an opportunity to appear and be heard before the City Manager or his designee at a time and place established by the City Manager on the question of whether or not the accumulation of garbage, junk, rubbish or trash constitutes a danger to the health, safety or welfare of individuals in the area or the public at large.

Section 14. That Section 3(B) of Chapter 49.1 of the City Code of the City of Decatur be, and the same is hereby, amended and modified so that said Section 3(B) of Chapter 49.1 shall provide as follows:

3. BLIGHT OR CONSERVATION AREA.

(B) Before the Council designates any area as provided in subsection (A) hereof, the Plan Commission shall hold a public hearing regarding such area. Notice of such hearing shall be given in a newspaper of general circulation in the City not less than fifteen (15) nor more than thirty (30) days prior to said hearing. In addition, notice of said hearing shall be given by mail addressed to all owners of record of property located within said area. At said hearing, the Director of Economic and Community Development, or such officer's designee, shall report on the factors listed in Section 2 hereof as they apply to said area. Property owners and the public generally may appear and be heard.

Section 15. That Sections 13, 14, 15 and 16 of Chapter 63 of the City Code of the City of Decatur be, and the same are hereby, amended and modified so that said Sections 13, 14, 15 and 16 of Chapter 63 shall provide as follows:

13. **SITE PLAN REQUIRED.** No person, firm or corporation shall lay out, establish, develop, improve, construct, substantially alter, extend or enlarge a mobile home park in the City of Decatur, or within one and one-half miles of the corporate limits thereof, unless and until a site plan of said mobile home park has been approved by the Public Works Director and the Director of the Economic and Community Development Department and a site development bond in conformance with the provisions of the Building Ordinance has been furnished to the City.

14. **REVIEWING FEE.** Three copies of all mobile home park site plans required by the provisions hereof shall be submitted to the Economic and Community Development Department together with a reviewing fee of \$150.00.

15. **SITE PLAN REQUIREMENTS.** Mobile home park site plans shall be in such scale, detail and format as may reasonably be required by the Public Works Director and the Director of the Economic and Community Development Department to enable such departments to administer the provisions hereof, and at a minimum shall show the layout, location, relationship, grades, contours and dimensions of all property lines, lots, buildings, streets,

sidewalks, utilities, drains, surface water drainage, parking facilities, drives, easements, fire hydrants, area lighting, and other improvements and structures all in conformance as near as may be with those provisions of similar nature of the Subdivision Ordinance.

16. APPROVAL OF SITE PLAN. The approval of the mobile home park site plan and the acceptance by the City of the site development bond as required herein shall constitute authority to layout, establish, develop, improve, construct, substantially alter, extend or enlarge such mobile home park in accordance with the site plan thereof approved; however, no mobile home may be placed on any lot within said park, or if developed in phases on any lot within any phases thereof, until as-built plans certified by a Registered Professional Engineer have been filed with the Economic and Community Development Department and a Certificate of Occupancy obtained therefrom.

Section 16. That Sections 4 and 15(b) of Chapter 67 of the City Code of the City of Decatur be, and the same are hereby, amended and modified so that said Sections 4 and 15(b) of Chapter 67 shall provide as follows:

4. BUILDING INSPECTIONS. Whenever in said Code reference is made to the code official such shall be taken to mean and shall be construed to refer to the Building Inspection Manager or his designee as fully as if said designation was set out therein in lieu of such words and whenever reference is therein made to the department of building inspections or similar reference such shall be taken to mean and shall be construed to refer to the Building Inspections Division of the Economic and Community Development Department as fully as if said designation was set out therein in lieu of such words.

15. CONCESSIONS (Temporary Restaurants).

(b) Permit – any concession that wishes to operate within City limits must first obtain a permit from the Building Inspections Division of the Economic and Community Development.

Section 17. That Section 4 of Chapter 67.2 of the City Code of the City of Decatur be, and the same is hereby, amended and modified so that said Section 4 of Chapter 67.2 shall provide as follows:

4. BUILDING INSPECTIONS. Whenever in said Code reference is made to the “code official”, such shall be taken to mean and shall be construed to refer to the Building Inspections Manager or his designee as fully as if said designation was set out therein in lieu of such words; whenever reference is therein made to the Department of Building Inspections or similar reference, such shall be taken to mean and shall be construed to refer to the Building Inspections Division of the Economic and Community Development Department as fully as if said designation was set out therein in lieu of such words.

Section 18. That Section 4 of Chapter 68 of the City Code of the City of Decatur be, and the same is hereby, amended and modified so that said Section 4 of Chapter 68 shall provide as follows:

4. **BUILDING INSPECTIONS.** Whenever in said Code reference is made to the code official such shall be taken to mean and shall be construed to refer to the Manager of Building Inspections or his designee as fully as if said designation was set out therein in lieu of such words and whenever reference is therein made to the department of building inspections or to the department of mechanical inspection or similar reference such shall be taken to mean and shall be construed to refer to the Inspections Division of the Economic and Community Development Department as fully as if said designation was set out therein in lieu of such words.

Section 19. That Section 4 of Chapter 70 of the City Code of the City of Decatur be, and the same is hereby, amended and modified so that said Section 4 of Chapter 70 shall provide as follows:

4. **NEIGHBORHOOD STANDARDS.** Whenever in said Code or in the Chapter reference is made to the building official or to the code official such shall be taken to mean and shall be construed to refer to the Neighborhood Standards Administrator or his designee as fully as if said designation was set out therein in lieu of such words and whenever reference is therein made to the department of building inspection or similar reference such shall be taken to mean and shall be construed to refer to the Inspections Division of the Economic and Community Development Department as fully as if said designation was set out therein in lieu of such words.

Section 20. That Section 6 of Chapter 70.1 of the City Code of the City of Decatur be, and the same is hereby, amended and modified so that said Section 6 of Chapter 70.1 shall provide as follows:

6. **ENFORCEMENT.** This Chapter and the Code, as modified thereby, shall be administered by the Building Inspection Manager through the Inspection Division of the Economic and Community Development Department which, among other things, is authorized hereby to cause stop orders to be issued and enforced as to any work not in conformance and compliance with the provisions thereof, or of the reasonable rules and regulations promulgated to implement the same.

Section 21. That the City Clerk be, and she is hereby, authorized and directed to cause the provisions hereof to be appropriately set out in the City Code and to cause the same to be published in pamphlet form according to law.

PRESENTED, PASSED, APPROVED AND RECORDED this _____ day of February, 2017.

JULIE MOORE WOLFE, MAYOR

ATTEST:

CITY CLERK

PUBLISHED this _____ day of _____, 2017.

CITY CLERK

ADDITIONS AND DELETIONS

CHAPTER 07 – OFFICERS AND EMPLOYEES GENERALLY

12. **ARRESTS.** The members of the City Council, the City Manager, the members of the Fire and Police Departments, the officers and employees designated as inspectors in the ~~Planning and Building Services~~ Economic and Community Development Department, the Neighborhood Service Officers and members of the Millikin University Police are hereby declared to be conservators of the peace with such powers to make arrests as are given to the conservators of the peace by Statute.

CHAPTER 11 – ~~PLANNING AND BUILDING SERVICES~~ ECONOMIC AND COMMUNITY DEVELOPMENT DEPARTMENT

1. **ESTABLISHED.** There is hereby created and established the ~~Planning and Building Services~~ Economic and Community Development Department which shall be so organized and administered as the City Manager shall from time to time direct, and which shall consist of the ~~Assistant City Manager for Development Services~~ Director of Economic and Community Development and such other officers and employees as the City Manager may from time to time authorize.

2. **~~ASSISTANT CITY MANAGER~~ DIRECTOR.** There is hereby created the office of ~~Assistant City Manager for Development Services~~ Director of Economic and Community Development, the occupant whereof shall be appointed, and may be removed, by the City Manager at will. ~~In addition to other duties, an Assistant City Manager shall be appointed to the position of Director of Economic and Urban Development.~~

3. **APPOINTMENTS AND RULES.** The Director of Economic and Community Development ~~Assistant City Manager for Development Services~~ shall be the appointing officer of the occupants of all classified positions assigned to said Department and may make reasonable rules, regulations and directives not in conflict with law or ordinance to govern and administer the activities and carry out the duties and responsibilities thereof, subject to the direction and control of the City Manager.

4. **DUTIES AND RESPONSIBILITIES.** The Economic and Community Development Department ~~Planning and Building Services Department~~ shall perform such functions and duties, and with such divisions, as may be assigned from time to time by the City Manager, including Economic Development, Planning and Sustainability, Building Inspections, Neighborhood Inspections, Neighborhood Outreach, and Mass Transit.

CHAPTER 25 – ELECTRICAL COMMISSION, ELECTRICAL CONTRACTORS AND LICENSED ELECTRICIANS

1. **BUILDING OFFICIAL AND INSPECTION DIVISION.** Whenever the words "Inspection Division" are used in this chapter, it shall refer to the Building Inspections Division of the ~~Planning and Building Services~~ Economic and Community Development Department of the City of Decatur, Illinois.

4. **APPLICATION FOR TESTING.** Any individual desiring a license as an electrical contractor in the City of Decatur shall make application on form provided by the ~~Planning and Building Services~~ Economic and Community Development Department, Building Inspections Division. This application shall then be presented to the City Electrical Commission to review.

CHAPTER 26 – HEATING, AIR CONDITIONING AND REFRIGERATION COMMISSION AND CONTRACTORS

1. **BUILDING OFFICIAL AND INSPECTION DIVISION.** Whenever the words "Inspection Division" are used in this chapter, it shall refer to the Building Inspections Division of the ~~Planning and Building Services~~ Economic and Community Development Department of the City of Decatur, Illinois and whenever the words "building official" are used herein the same refers to the Manager of Building Inspections in said department.

4. **APPLICATION FEE.** Any partnership, corporation or individual desiring a license as a Heating, Air Conditioning and Refrigeration Contractor in the City of Decatur shall make application for the same on an application prescribed and provided by the ~~Planning and Building Services~~ Economic and Community Development Department Inspections Division. All licenses shall expire on October 1 following the issuance thereof. Applicants shall provide to the City of Decatur evidence of liability insurance in the amount of Five Hundred Thousand Dollars (\$500,000.00) general aggregate.

Any individual desiring a license as a Heating, Air Conditioning and Refrigeration Mechanic shall make application for the same on an application prescribed and provided by the ~~Planning and Building Services~~ Economic and Community Development Department Inspections Division.

CHAPTER 27 – CONSTRUCTION AND HOUSING BOARD OF APPEALS

3. **TIME AND MANNER OF APPEAL.** An appeal may be taken within ten days from the date of the decision appealed from by filing with the City Clerk a notice in writing specifying the decision appealed from and the grounds therefor together with a filing fee of \$10.00. Upon receipt of such notice filed as required herein, the City Clerk shall transmit the same to said Board and to the ~~Assistant City Manager for Development Services~~ Director of Economic and Community Development and said ~~Assistant City Manager~~ Director shall transmit to the Board all papers, documents or other instruments upon which the action appealed from was taken.

4. **HEARINGS.** The Board of Appeals shall, in every case, hold a hearing and reach a decision without unreasonable or unnecessary delay. Every decision of the Board shall be in writing and shall be promptly filed in the office of the ~~Assistant City Manager for Development Services~~ Director of Economic and Community Development. Four (4) members of the Board shall constitute a quorum, and all decisions shall require a majority vote of those present and voting. A decision of the Board decided by a majority of four (4) members, or fewer, may be appealed to the Council.

CHAPTER 31 – LANDMARKS AND HISTORIC DISTRICTS

2. DEFINITIONS.

(j) "Historic Preservation Administrator" means the person appointed by the City Manager, from the Economic and Community Development ~~Planning and Building Services~~ Department, to undertake the responsibilities assigned by this Chapter and to assist the Commission in the implementation of this Chapter.

5. **APPLICATION FOR DESIGNATION AS A LANDMARK OR HISTORIC DISTRICT.** Any person, group of persons, corporation or association may apply to the Commission for the designation of a Landmark or Historic District. Application for such shall be filed with the Historic Preservation Administrator on forms provided by said officer, which forms shall require such information as is deemed necessary by said officer to effect the provisions of this Chapter. The Historic Preservation Administrator shall forward all completed application forms to the Commission and to the ~~Assistant City Manager for Development Services Planning and Building Services~~ Director of the Economic and Community Development Department.

6. **RECOMMENDATION OF ECONOMIC AND URBAN COMMUNITY DEVELOPMENT DEPARTMENT.** After receipt of a completed application form seeking the designation of a property or area as a Landmark or Historic District, the Director of the Economic and Community Development ~~Assistant City Manager for Development Services Planning and Building Services~~ Department shall file with the Historic Preservation Administrator a written opinion as to the effect of the proposed designation on the surrounding neighborhood, the relationship of said proposal to the Official Comprehensive Plan of the City, and any other planning considerations relevant to said proposal. The written opinion shall also include a recommendation as to whether said proposal should be approved, rejected or approved with modifications. No action may be taken by the Commission on such proposal until it has received the written opinion of said Director as required herein.

7. PUBLIC HEARING ON DESIGNATION OF LANDMARK OR HISTORIC DISTRICT.

A. The Commission shall schedule a public hearing on the proposed designation of a property or area as a Landmark or Historic District, said hearing to be held before the Commission within forty-five (45) days following the receipt by the Commission of the written opinion of the Director of the Economic and Community Development ~~Assistant City Manager for Development Services Planning and Building Services~~ Department regarding such

designation. Notice of the date, time, place and purpose of the public hearing shall be sent by certified mail to the owners of record of the property proposed for designation as herein provided. Such notice to owners must be given not less than fifteen (15) days nor more than thirty (30) days prior to said hearing, and notice shall be considered given for the purposes hereof on the date of mailing. Notice of said hearing shall also be published in a newspaper having general circulation in the City of Decatur, Illinois, said notice to be published not less than five (5) days nor more than ten (10) days prior to the hearing. Notice published as required herein shall state the street address and legal description of a proposed Landmark and the boundaries of a proposed Historic District.

10. **INTERIM CONTROL.** No building or demolition permit shall be issued by the Building Inspections Manager for any area or property proposed for designation as a Landmark or Historic District from the date of the filing with the Historic Preservation Administrator of the written opinion of the Director of the Economic and Community Development ~~Assistant City Manager for Development Services Planning and Building Services~~ Department, as required by Section 6 hereof, until the final disposition by the Council. Such prohibition shall only extend to those areas or properties which the Director of the Economic and Community Development ~~Assistant City Manager for Development Services Planning and Building Services~~ Department recommends for approval in said opinion. In no event shall the prohibition required hereby extend for more than four (4) months.

CHAPTER 32

NEIGHBORHOOD SERVICES DEPARTMENT

~~1. **ESTABLISHED.** There is hereby created and established the Neighborhood Services Department which shall be so organized and administered as the City Manager shall from time to time direct, and which shall consist of the Director of Neighborhood Services Department and such other officers and employees as the Council may from time to time authorize.~~

~~2. **DIRECTOR.** There is hereby created the office of Director of Neighborhood Services Department, the occupant whereof shall be appointed, and may be removed, by the City Manager at will.~~

~~3. **APPOINTMENTS AND RULES.** The Director of Neighborhood Services Department shall be the appointing officer of the occupants of all classified positions assigned to said Department and may make reasonable rules, regulations and directives not in conflict with law or ordinance to govern and administer the activities and carry out the duties and responsibilities thereof, subject to the direction and control of the City Manager.~~

~~4. **DUTIES AND RESPONSIBILITIES.** The Neighborhood Services Department shall perform such functions and duties, and with such divisions, as may be assigned from time to time by the City Manager.~~

CHAPTER 34 – TRAFFIC AND PARKING

2. **TRAFFIC AND PARKING COMMISSION.** There is hereby created a Traffic and Parking Commission consisting of nine members of which five such members shall be citizen members to serve without compensation and the remaining members shall be employees or officers of the City, one from the Public Works Department, one from the Fire Department, one from the Police Department, and one from the Economic and Community Development Planning and Building Services Department. The five citizen members shall serve for a term of three years, and shall be appointed by the Mayor with the approval of the City Council. The other four members, being representatives of the departments and divisions of the City aforesaid, shall be designated by the City Manager by appointment in writing communicated to said Commission, which appointment shall designate the respective representative and an alternate for each such representative. Each citizen member of the Commission shall have one vote and each City representative shall have one vote, cast either by the representative or alternate, in conducting the business of said Commission.

CHAPTER 35 – NUMBERING HOUSES

7. **ASSIGNING PROPER NUMBERS.** The ~~Assistant City Manager for Development Services Planning and Building Services~~ Director of the Economic and Community Development Department, or his or her designee, is hereby authorized to assign to each and every building, and lot, its proper number in accordance with the preceding sections, and to deliver to each occupant or owner thereof, free of charge, a certificate designating the number or numbers so assigned.

CHAPTER 41 – MISCELLANEOUS STREET REGULATIONS

19. HONORARY STREET SIGN PROGRAM.

A. Application Process - Honorary street name designation shall be limited to individuals, organizations, entities and events that have had a significant lineage to or a cultural, historical or humanitarian impact on the City as determined by the Decatur City Council. An honoree must have a geographical relationship to the requested sign location, having either lived or worked or performed other actions or activities in the area deemed to have been important to the City of Decatur. Applicants shall be required to submit an application form to the City of Decatur's ~~Development Services~~ Economic and Community Development Department providing details as to the proposed honoree's lineage or cultural, historical or humanitarian impact on the city and an explanation of the honoree's relationship to the requested honorary street sign location as part of the application process. Applications shall be reviewed by a five (5) member panel consisting of one (1) member of the Decatur City Council, one (1) member from the Economic and Community Development Department ~~of Development Services~~, one (1) member from an authorized city neighborhood organization, one (1) member from the Decatur Police Department and one (1) member appointed from the community at large. Applications will be forwarded to the Mayor and Decatur City Council and scheduled for a vote only upon an affirmative panel recommendation or if a majority of the Decatur City

Council calls for it. The request will be considered “denied” upon a negative panel recommendation or if a majority of the Decatur city Council does not call for an application to be brought forward within 30 days of said panel recommendation being issued. Current city employees are not eligible for an honorary street naming designation.

CHAPTER 44 – FIRE PREVENTION AND HAZARDOUS MATERIALS CONTROL

6. **CODE OFFICIAL.** The Chief of the Fire Department is hereby designated the code official and reference to such official herein or in said Code, shall be the same as if said officer was expressly referred to. Whenever reference is made in said Code to the Department of Building Inspections or similar reference, such shall be taken to mean and shall be construed to refer to the Inspections Division of the ~~Planning and Services~~ Economic and Community Development Department.

CHAPTER 48 – NUISANCES

8. WEEDS.

(a) For lots with an occupied structure as determined by active water service and/or usage, the notice to abate the violation of the growth of weeds, grass or other underbrush which have grown to a height of ten (10) inches or more or allowed to flower, or notice to trim or remove nuisance bushes or trees, may be given to the owner, lessee, occupant or agent having control of the lot of ground or any part thereof including the prolongation of the lot lines by personal service or by posting a sign or citation on the premises of the property in question regarding the violation. The sign or citation shall be posted in a conspicuous place near the front of the lot or near the main entrance to the structure. The text of the notice shall contain a reference to the provision of this Code violated, the address of the property, the date of posting, and such other information respecting the nature of the violation as the ~~Neighborhood Services~~ Economic and Community Development Department deems advisable. It shall be unlawful for anyone to deface, tamper with, or remove the sign or citation from the property where it is posted unless authorized by the Economic and Community Development ~~Neighborhood Services~~ Department. All notices shall state that the removal of the weeds shall be performed within the time specified from the date of the notice. The time limit to abate the growth of the weeds or other underbrush which have grown to a height of ten (10) inches or more or allowed to flower or to trim or remove nuisance bushes or trees, shall be no less than five (5) days after personal delivery of the notice or the posting of the sign or citation on the property.

CHAPTER 49 – REMOVAL OF GARBAGE, JUNK, RUBBISH OR TRASH

1. **NOTICE.** The Director of ~~Neighborhood Services~~ Economic and Community Development, or his or her designee be, and they are hereby, authorized and directed to cause written notice to be mailed to the record owner, occupant or person in charge of any property within a residential zoning district of the City of Decatur upon which there is an accumulation of garbage, junk, rubbish or trash, which appears to the Manager to constitute a danger to the

health, safety and welfare of individuals living in the area or the public in general, directing the owner, occupant or person in charge of the property so notified to remove or cause the removal of the accumulated garbage, junk, rubbish or trash within ten days.

3. **HEARING.** The notice shall inform the owner, occupant or person in control of the property that, upon written request filed with and received by the ~~Neighborhood Services~~ Economic and Community Development Department not later than 72 hours after the mailing of said notice, he may be given an opportunity to appear and be heard before the City Manager or his designee at a time and place established by the City Manager on the question of whether or not the accumulation of garbage, junk, rubbish or trash constitutes a danger to the health, safety or welfare of individuals in the area or the public at large.

CHAPTER 49.1 – BLIGHT OR CONSERVATION AREAS

3. BLIGHT OR CONSERVATION AREA.

(B) Before the Council designates any area as provided in subsection (A) hereof, the Plan Commission shall hold a public hearing regarding such area. Notice of such hearing shall be given in a newspaper of general circulation in the City not less than fifteen (15) nor more than thirty (30) days prior to said hearing. In addition, notice of said hearing shall be given by mail addressed to all owners of record of property located within said area. At said hearing, the ~~Assistant City Manager for Development Services~~ Director of Economic and Community Development, or such officer's designee, shall report on the factors listed in Section 2 hereof as they apply to said area. Property owners and the public generally may appear and be heard.

CHAPTER 63 – MOBILE HOME PARKS

13. **SITE PLAN REQUIRED.** No person, firm or corporation shall lay out, establish, develop, improve, construct, substantially alter, extend or enlarge a mobile home park in the City of Decatur, or within one and one-half miles of the corporate limits thereof, unless and until a site plan of said mobile home park has been approved by the Public Works Director and the ~~Assistant City Manager for Development Services Planning and Building Services~~ Director of the Economic and Community Development Department and a site development bond in conformance with the provisions of the Building Ordinance has been furnished to the City.

14. **REVIEWING FEE.** Three copies of all mobile home park site plans required by the provisions hereof shall be submitted to the Economic and Community Development ~~Planning and Building Services~~ Department together with a reviewing fee of \$150.00.

15. **SITE PLAN REQUIREMENTS.** Mobile home park site plans shall be in such scale, detail and format as may reasonably be required by the Public Works Director and the Director of the Economic and Community Development ~~Assistant City Manager for Development Services Planning and Building Services~~ Department to enable such departments to administer the provisions hereof, and at a minimum shall show the layout, location, relationship, grades, contours and dimensions of all property lines, lots, buildings, streets,

sidewalks, utilities, drains, surface water drainage, parking facilities, drives, easements, fire hydrants, area lighting, and other improvements and structures all in conformance as near as may be with those provisions of similar nature of the Subdivision Ordinance.

16. **APPROVAL OF SITE PLAN.** The approval of the mobile home park site plan and the acceptance by the City of the site development bond as required herein shall constitute authority to layout, establish, develop, improve, construct, substantially alter, extend or enlarge such mobile home park in accordance with the site plan thereof approved; however, no mobile home may be placed on any lot within said park, or if developed in phases on any lot within any phases thereof, until as-built plans certified by a Registered Professional Engineer have been filed with the Economic and Community Development ~~Planning and Building Services~~ Department and a Certificate of Occupancy obtained therefrom.

CHAPTER 67 – BUILDING CODE

4. **BUILDING INSPECTIONS.** Whenever in said Code reference is made to the code official such shall be taken to mean and shall be construed to refer to the Building Inspection Manager or his designee as fully as if said designation was set out therein in lieu of such words and whenever reference is therein made to the department of building inspections or similar reference such shall be taken to mean and shall be construed to refer to the Building Inspections Division of the ~~Planning and Building Services~~ Economic and Community Development Department as fully as if said designation was set out therein in lieu of such words.

15. CONCESSIONS (Temporary Restaurants).

(b) Permit – any concession that wishes to operate within City limits must first obtain a permit from the Building Inspections Division of the Economic and Community Development ~~Department of Planning and Building Services~~.

CHAPTER 67.2 – RESIDENTIAL BUILDING CODE

4. **BUILDING INSPECTIONS.** Whenever in said Code reference is made to the “code official”, such shall be taken to mean and shall be construed to refer to the Building Inspections Manager or his designee as fully as if said designation was set out therein in lieu of such words; whenever reference is therein made to the Department of Building Inspections or similar reference, such shall be taken to mean and shall be construed to refer to the Building Inspections Division of the ~~Planning and Building Services~~ Economic and Community Development Department as fully as if said designation was set out therein in lieu of such words.

CHAPTER 68 – MECHANICAL CODE

4. **BUILDING INSPECTIONS.** Whenever in said Code reference is made to the code official such shall be taken to mean and shall be construed to refer to the Manager of Building Inspections or his designee as fully as if said designation was set out therein in lieu

of such words and whenever reference is therein made to the department of building inspections or to the department of mechanical inspection or similar reference such shall be taken to mean and shall be construed to refer to the Inspections Division of the Economic and Community Development ~~Planning and Building Services~~ Department as fully as if said designation was set out therein in lieu of such words.

CHAPTER 70 – PROPERTY MAINTENANCE CODE

4. **NEIGHBORHOOD STANDARDS.** Whenever in said Code or in the Chapter reference is made to the building official or to the code official such shall be taken to mean and shall be construed to refer to the Neighborhood Standards Administrator or his designee as fully as if said designation was set out therein in lieu of such words and whenever reference is therein made to the department of building inspection or similar reference such shall be taken to mean and shall be construed to refer to the Inspections Division of the Economic and Community Development ~~Neighborhood Services~~ Department as fully as if said designation was set out therein in lieu of such words.

CHAPTER 70.1 – PLUMBING CODE

6. **ENFORCEMENT.** This Chapter and the Code, as modified thereby, shall be administered by the Building Inspection Manager through the Inspection Division of the Economic and Community Development ~~Planning and Building Services~~ Department which, among other things, is authorized hereby to cause stop orders to be issued and enforced as to any work not in conformance and compliance with the provisions thereof, or of the reasonable rules and regulations promulgated to implement the same.

City Clerk

DATE: 2/2/2017

MEMO: 2017-04

TO: Mayor Moore Wolfe and Council Members

FROM: Tim Gleason, City Manager

SUBJECT: Reorganization - Public Works and Water Management

SUMMARY RECOMMENDATION: Please see attached memorandum.

ATTACHMENTS:

Description	Type
Cover Memo	Cover Memo
Ordinance	Ordinance
Additions and Deletions	Backup Material

COUNCIL MEMORANDUM

#2017-04

DATE: February 2, 2017

TO: Honorable Mayor Julie Moore Wolfe and City Council

FROM: Tim Gleason, City Manager

SUBJECT: Departmental Reorganization

SUMMARY RECOMMENDATION: It is recommended that the City Council approve the attached ordinances amending various chapters of the City Code regarding the establishment of a Human Resources Department, a Department of Economic and Community Development, and an Information Technology Department, and the consolidation of the Water Management Department within the Public Works Department.

BACKGROUND: As a means of finding greater efficiencies in administrative operations and reductions in costs, an organizational restructuring is being proposed that will “flatten” the organization. The restructuring will encompass all of the following steps, as the reorganization is completed in the coming months:

- Establishing a Human Resources Department and Director
- Establishing an Economic and Community Development Department and Director
- Incorporating Neighborhood Services Department functions into the Economic and Community Development Department
- Moving the Mass Transit Division to the Economic and Community Development Department
- Placing the following additional divisions in the Economic and Community Development Department:
 - Economic Development
 - Planning and Sustainability
 - Building Inspections
 - Neighborhood Inspections (Code Enforcement)
- Placing the City Clerk’s Office under the direct control of the City Manager
- Establishing an Information Technology Department and Director
- Eliminating one Assistant Corporation Counsel position in the Legal Department
- Relieving the Legal Department of supervision for the Neighborhood Inspections Division
- Incorporating the functions of the Water Management Department into the Department of Public Works
- Creating the position of Deputy City Manager
- Eliminating both Assistant City Manager positions through attrition

The changes are recommended as a way of streamlining operations, improving efficiencies and reducing overall personnel expenses. Staff recommends that City Council approve these ordinances to allow for these changes to take effect immediately.

POTENTIAL OBJECTIONS: Staff is not aware that there are any potential objectors to the proposed ordinances.

INPUT FROM OTHER SOURCES: None.

STAFF REFERENCE: Questions regarding proposed changes should be directed to the City Manager at 424-2801, or at tgleason@decaturil.gov.

BUDGET/TIME IMPLICATIONS: There are no anticipated direct costs associated with this restructuring. It is expected that these changes will allow for reduction of personnel expenses during the remainder of this fiscal year and in the years ahead. With these changes, it is expected that personnel costs will be reduced by an annual amount in excess of \$300,000, as the organization's authorized staffing will be reduced by three (3) positions (all through attrition).

attachments

ORDINANCE NO. 2017-____

**ORDINANCE AMENDING CITY CODE
CHAPTER 09 – DEPARTMENT OF WATER MANAGEMENT
CHAPTER 16 – PUBLIC WORKS DEPARTMENT
CHAPTER 64 – WATER SERVICE
CHAPTER 65 – WATERMAIN CONNECTION CHARGES
CHAPTER 66 – REGULATION OF LAKE DECATUR
CHAPTER 75 – WATER SERVICES AND CONNECTIONS**

BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF DECATUR, ILLINOIS:

Section 1. That Chapter 9 of the City Code of the City of Decatur be, and the same is hereby, repealed in its entirety.

Section 2. That Section 6 of Chapter 16 of the City Code of the City of Decatur be, and the same is hereby, amended and modified so that said Section 6 of Chapter 16 shall provide as follows:

6. **WATER FUND.** All revenue or other moneys received by the Public Works Department or any other Department of the City for the furnishing of water, whether from service fees, connection fees or otherwise, and from any source whatsoever, shall be segregated into and placed in a separate fund of the City, which fund shall be designated as the Water Fund and which shall be expended only for purposes directly relating to the water works, and no portion thereof shall be expended for the purpose of any other department or for any other purpose of the City, except that those costs which should be reasonably and properly charged to the water works may be expended from said Fund.

Section 3. That Sections 4, 6, 7, 9, 11, 13, 14, 15, 16, 19, 20 and 23 of Chapter 64 of the City Code of the City of Decatur be, and the same are hereby, amended and modified so that said Sections 4, 6, 7, 9, 11, 13, 14, 15, 16, 19, 20 and 23 of Chapter 64 shall provide as follows:

4. **WATER METERS.** Water furnished from the water system of the City shall be measured by meters tested and approved by the Public Works Department and furnished by the water user, which Department shall repair or replace all meters in services of one inch or smaller. Meters in services larger than one inch shall be tested, repaired or replaced in accordance with rules and regulations promulgated by the City Manager. Said rules may provide for the frequency of testing or inspection and the manner thereof; the cost or expense of or charges for testing, inspection, repair or replacement and the allocation thereof, the place of such operations and the responsibility for production of meters thereat, or of testing or repair equipment at meter sites; the limitation of the makes of meters to specific manufacturers which may be placed in service; the establishment of reasonable time limits for, and procedures to, carry out the mechanics of such testing, inspection, repair and replacement and the administration thereof.

6. COMMERCIAL SERVICE LINE. Water service classified as commercial service will be supplied through a single service line to each building situated on one lot or parcel of ground or on contiguous lots or parcels of ground under single ownership and the water furnished thereto will be measured by a single meter for each service line. The property owner may request in writing to the Public Works Director that more than one service line or more than one meter be utilized to furnish the water service in this section. The Director shall approve or deny such requests in writing to the property owner prior to service line installation. The intervening of a street, alley, or public easement or way between such lots or parcels of ground under single ownership shall be ignored in determining the contiguity thereof. In the event any part of such lot or parcel, or such contiguous lots or parcels, is separated into more than one ownership, the respective separate parcels shall thereafter be served by separate service lines and meters.

7. WATER METER INSTALLATION AND MAINTENANCE. All existing and newly installed water meters shall be located or relocated, at the expense of the owner of the premises served, so as, in the determination of the Public Works Director, to control the entire supply of water to the premises and in a clean, dry safe place so that the meter or meters not be subject to great temperature variance and be properly protected from freezing and other hazards, and be easily accessible for installation, maintenance, reading, and replacement. All meters shall at the time of installation be equipped with a device, approved by said Director, which will permit said meter to be read without entry into the building or other enclosure wherein the meter is located, said device being known as a communication module. After original installation, said Department shall test, inspect, repair, or replace water meters and communication modules as needed. Said Department may charge the owner of the premises served for service and/or replacement costs for water meters and accessories that are damaged due to improper protection from freezing and other hazards by said owner.

9. CLASSIFICATION OF WATER SERVICES. Water services from the water system of the City are hereby classified as residential monthly services, commercial monthly services, and industrial monthly services. The term "monthly" as used in this Chapter, unless some other meaning is clearly intended from the context in which the same is used, means a period of twenty-eight, twenty-nine, thirty, or thirty-one days, as the case may be, whether the same commences or ends on the first day of a calendar month or otherwise.

Water services from said system to a single family residence or a two-family residence are residential services. Water services to which more than one million (1,000,000) gallons or 133,680.55 cubic feet per day are furnished, averaged over the one year period immediately preceding the effective billing date, are industrial services. Except as otherwise provided herein, all other services are commercial services. Classifications shall be assigned at the determination of the Public Works Director. If there is insufficient actual measurement of water furnished to determine the average use as aforesaid, classification pending determination based on actual use, may be made on the basis of reasonable estimate.

11. NOT FOR PROFIT INSTITUTIONS. Water service to public and semi-public entities, organizations and institutions not operated for profit including but not limited to religious, educational, eleemosynary, philanthropic and other similar entities or organizations with U.S. Internal Revenue Code Section 501(c)(3) recognition of exemption from federal

income taxation may be, by the Public Works Director, classified as residential for meter charges only in accordance with such classification. Water quantity charge classifications for not for profit institutions are not affected by this section.

13. REGULAR BILLING. The Public Works Department, upon such schedule as shall be determined by the Director thereof, shall cause each water meter to be read regularly each classification period applicable to each meter and shall promptly return such readings to the Department of Finance. The Department of Finance shall compute the appropriate charges for water furnished in accordance with this ordinance and shall bill for the same. The water bill shall set forth the period during which the charges shown thereon accrued, the amount of the service charge, the amount of the water-furnished charge, the amount of water furnished, the due date of payment and any other charges connected with such service including the amount and the reason for same.

14. SPECIAL METER READING. In the event a meter is not accessible to be read at the time usually scheduled for such reading so that the same is not then read, charges may be based on an amount of water estimated to have been furnished through said meter determined in the same manner as provided in Section 8 hereof. Not more than one bill based on an estimate shall be permitted. It shall be the duty of the owner of the premises or the person in possession thereof to arrange with the Public Works Department for a special time at which the meter will be accessible for such purpose at the usually scheduled time for such reading for the billing period succeeding the estimated bill. A fee of Thirty Five Dollars (\$35.00) shall be charged for each special reading requested to be made during regular departmental working hours and a fee of Fifty Dollars (\$50.00) for each special reading requested to be made during a time other than regular departmental working hours. Failure to cause the required reading to be timely made shall be a delinquency and shall result in the same penalty and admit of the same notice and consequences as late payment as elsewhere provided herein.

15. ANNUAL READING REQUIRED. Each meter in each service shall be read at least once annually by Public Works Department employees. After one bill reflecting charges based upon the reading of a meter by other than Public Works Department employees it shall be the duty of the owner or person in possession of the premises wherein such meter is located to arrange for a special reading of said meter by a departmental employee for the next billing period, unless said meter will be accessible to be read by said departmental employee at the time usually scheduled for the reading thereof. The special reading fee provided elsewhere in this ordinance shall be charged. Failure to cause the required reading to be timely made shall be a delinquency and shall result in the same penalty and admit of the same notice and consequences as late payment as elsewhere provided herein.

16. ACTIVATION OF SERVICE. The Public Works Department shall initially activate a new service, or restore service, upon customer request during usual business hours, at no cost to the customer for the initial service call. Each additional service call made by the City after the initial call will be charged to the customer as a Thirty Five Dollar (\$30.00) fee. If the customer request is for a time other than the usual business hours of the Department, a fee of Fifty Dollar (\$50.00) shall be charged for each service call, which said fee may be waived under

circumstance(s) which in the opinion of the Director of said Department constitute an emergency.

19. **SERVICE SHUT OFF.** Unless all charges for water furnished and any other charges relating to a water service are paid on or before 14 days after the date of a delinquency notice relating thereto, the Public Works Department shall cause such service to be shut off and water shall not be furnished through such service until such time as any and all such charges and penalties are fully paid. In addition to such charges, a fee for restoring the furnishing of water in such service shall be paid in advance which said fee shall be Thirty-Five Dollars (\$35.00) if restoration of service is requested to be made during the usual business hours of the Public Works Department or Fifty Dollars (\$50.00) if such restoration of service is requested to be made at hours other than usual departmental business hours. If the customer requires more than one service call for the services stated in this section, the customer will be charged on their next bill for each separate service call made by the City.

20. **WATER FROM FIRE HYDRANT.** After issuance of a permit, water may be furnished through a City fire hydrant in circumstances wherein, in the opinion of the Director of the Public Works Department, such furnishing by other means is not practicable. Application for such permit shall be upon forms furnished by said Department which shall show the name of the applicant; the location of the hydrant to be used; the circumstances requiring such permit; the purpose for, and the location at, which the water is to be used; the estimated amount of water to be furnished; the estimated duration of hydrant use; and such other pertinent information as said Director may deem appropriate. Such application shall be accompanied with a deposit of cash, bank draft or certified check in the amount of One Hundred Dollars (\$100.00). Quantities and service sizes shall be determined either by estimates fixed by the Director or by temporary installation of a meter. Effective May 1, 2013 the monthly rate shall be \$5.08 per 100 cubic feet (\$0.68 per 100 gallons). Effective May 1, 2014 the monthly rate shall be \$6.60 per 100 cubic feet (\$0.88 per 100 gallons), and on May 1, 2015 the monthly rate shall be \$8.25 per 100 cubic feet (\$1.10 per 100 gallons). If a hydrant location requires additional City services or resources, a site specific hydrant charge shall be determined by said Director and billed to said customer. All charges shall be paid within fifteen (15) days of the billing date otherwise the permit and furnishing of water shall terminate and the deposit be forfeited. Upon the payment of all charges and the return, in good working condition, of any equipment furnished by the Department, the deposit shall be returned to the depositor. All costs to the City for non working, damaged, lost or missing equipment will be billed to the applicant. All connections to fire hydrants for water shall comply with the appropriate backflow prevention requirements of the State of Illinois Plumbing Code, City Code and City policies.

23. **PENALTY.** No person shall connect or cause the connection of a water service to the water system of the City except as provided by the City Code. No person shall restore water service from the water system of the City after such service has been turned off by the Public Works Department without first obtaining written permission from the City to do so. No person shall resell water furnished through a water service from the water system of the City except upon express contract in writing approved by the City Council. No person other than an authorized employee of the City or an authorized permittee of the City shall open, take water from, or interfere with City fire hydrants. No person shall use or consume water in violation of

any duly authorized rule or regulation established pursuant to Section 22 hereof. Any person, firm or corporation who shall violate any provision of this section shall be guilty of a misdemeanor and shall be fined not less than Two Hundred Fifty Dollars (\$250.00) nor shall more than One Thousand Dollars (\$1,000.00) and each day upon which a continuing violation occurs be viewed as a separate offense. In addition thereto any person, firm or corporation who shall violate this section, or found to be in violation of any of the other provisions of this Chapter, or any regulation duly established hereunder, may, by such violation, be deemed to have forfeited the privilege or right, as the case may be, of being furnished water from the water system of the City, and any and all water service of such person may be shut off or disconnected from said water system. The City may also institute any other action provided by law for the recovery of the value of any water appropriated from the City water system in violation of any provision of this Chapter.

Section 4. That Section 6 of Chapter 65 of the City Code of the City of Decatur be, and the same is hereby, amended and modified so that said Section 6 of Chapter 65 shall provide as follows:

6. SERVICE SHUT OFF. If any connection is made with, or any such main or lateral is tapped, without the payment of the applicable connection charge as herein provided, or if any such connection charge, or installment thereof, is provided, or if any such connection charge, or installment thereof, is not timely paid upon the due date thereof, a delinquency notice shall be directed to the owner or occupant of the premises served by the connection to which such charge is applicable, and unless such delinquent charge, or charges, is, or are, paid in full within ten (10) days of the date of such notice, the Public Works Department shall turn off the supply of water to such service. Both delinquent payments and deferred installments shall be a lien upon the premises served by the service to which such payments or installments are applicable.

Section 5. That Sections 4 E, 51 A and B of Chapter 66 of the City Code of the City of Decatur be, and the same are hereby, amended and modified so that said Sections 4 E, 51 A and B of Chapter 66 shall provide as follows:

4. DEPOSIT OF WASTE.

E. No sewer or drain conveying sewage or other putrescible wastes shall be constructed in Zones A, B, C or D until a permit in writing has been obtained from the City. All such installations must be approved by the Public Works Director or designee both before and after installation.

51. PROPERTY ADJACENT TO LAKE.

A. The Public Works Director shall have charge of all real estate owned by the City and adjacent to the Lake. He shall see that such real estate is properly maintained and protected. He shall have authority to lease such property or portions thereof upon such terms deemed most advantageous to the City. Such leases must be approved by the City Manager.

B. Employees of the Lake Services Section of the Public Works Department are hereby authorized to perform all the duties and responsibilities of Parking Meter Checker, at the direction of the Chief of Police, but only as to those City-owned or City-leased premises directly adjacent to Lake Decatur.

Section 6. That Section 5 of Chapter 75 of the City Code of the City of Decatur be, and the same is hereby, amended and modified so that said Section 5 of Chapter 75 shall provide as follows:

5. **WATER SERVICE PIPE.** Water service pipe from the corporation stop to the building other than for services larger than two inches in diameter shall be cold drawn, soft annealed, seamless copper suitable for underground service with proper bending temper with quality and properties equal to A.S.T.M. Class K specifications. For services of two inches in diameter or less, from the outlet side of the curb stop to the meter only, polyethylene pipe with copper tracing wire may also be used that meets all specifications for, and is installed per the Illinois Plumbing Code and AWWA standards for polyethylene pipe. For services larger than two inches in diameter materials as are approved in the City of Decatur specifications for water main installations may be used with the approval of the Public Works Director. Between water main tap and curb stop there shall be a continuous unspliced run of pipe.

Section 7. That the City Clerk be, and she is hereby, authorized and directed to cause the provisions hereof to be appropriately set out in the City Code and to cause the same to be published in pamphlet form according to law.

PRESENTED, PASSED, APPROVED AND RECORDED this _____ day of February, 2017.

JULIE MOORE WOLFE, MAYOR

ATTEST:

CITY CLERK

PUBLISHED this _____ day of _____, 2017.

CITY CLERK

ADDITIONS AND DELETIONS

CHAPTER 09 – DEPARTMENT OF WATER MANAGEMENT

~~1. **ESTABLISHED.** There is hereby created and established the Department of Water Management which shall be so organized and administered as the City Manager shall from time to time direct, and which shall consist of the Director of Water Management and such other officers and employees as the Council may from time to time authorize.~~

~~2. **DIRECTOR.** There is hereby created the office of Director of Water Management, the occupant whereof shall be appointed, and may be removed, by the City Manager at will.~~

~~3. **APPOINTMENTS AND RULES.** The Director of Water Management shall be the appointing officer of the occupants of all classified positions assigned to said Department and may make reasonable rules, regulations and directives not in conflict with law or ordinance to govern and administer the activities and carry out the duties and responsibilities thereof, subject to the direction and control of the City Manager.~~

~~4. **DUTIES AND RESPONSIBILITIES.**—The Department of Water Management shall perform such functions and duties, and with such divisions, as may be assigned from time to time by the City Manager.~~

~~5. **WATER FUND.** All revenue or other moneys received by the Department of Water Management or any other Department of the City for the furnishing of water, whether from service fees, connection fees or otherwise, and from any source whatsoever, shall be segregated into and placed in a separate fund of the City, which fund shall be designated as the Water Fund and which shall be expended only for purposes directly relating to the water works, and no portion thereof shall be expended for the purpose of any other department or for any other purpose of the City, except that those costs which should be reasonably and properly charged to the water works may be expended from said Fund.~~

CHAPTER 16 – PUBLIC WORKS DEPARTMENT

6. **WATER FUND.** All revenue or other moneys received by the Public Works Department or any other Department of the City for the furnishing of water, whether from service fees, connection fees or otherwise, and from any source whatsoever, shall be segregated into and placed in a separate fund of the City, which fund shall be designated as the Water Fund and which shall be expended only for purposes directly relating to the water works, and no portion thereof shall be expended for the purpose of any other department or for any other purpose of the City, except that those costs which should be reasonably and properly charged to the water works may be expended from said Fund.

CHAPTER 64 – WATER SERVICE

4. **WATER METERS.** Water furnished from the water system of the City shall be measured by meters tested and approved by the Public Works Department of ~~Water Management~~ and furnished by the water user, which Department shall repair or replace all meters in services of one inch or smaller. Meters in services larger than one inch shall be tested, repaired or replaced in accordance with rules and regulations promulgated by the City Manager. Said rules may provide for the frequency of testing or inspection and the manner thereof; the cost or expense of or charges for testing, inspection, repair or replacement and the allocation thereof, the place of such operations and the responsibility for production of meters thereat, or of testing or repair equipment at meter sites; the limitation of the makes of meters to specific manufacturers which may be placed in service; the establishment of reasonable time limits for, and procedures to, carry out the mechanics of such testing, inspection, repair and replacement and the administration thereof.

6. **COMMERCIAL SERVICE LINE.** Water service classified as commercial service will be supplied through a single service line to each building situated on one lot or parcel of ground or on contiguous lots or parcels of ground under single ownership and the water furnished thereto will be measured by a single meter for each service line. The property owner may request in writing to the Public Works Director of ~~Water Management~~ that more than one service line or more than one meter be utilized to furnish the water service in this section. The Director shall approve or deny such requests in writing to the property owner prior to service line installation. The intervening of a street, alley, or public easement or way between such lots or parcels of ground under single ownership shall be ignored in determining the contiguity thereof. In the event any part of such lot or parcel, or such contiguous lots or parcels, is separated into more than one ownership, the respective separate parcels shall thereafter be served by separate service lines and meters.

7. **WATER METER INSTALLATION AND MAINTENANCE.** All existing and newly installed water meters shall be located or relocated, at the expense of the owner of the premises served, so as, in the determination of the Public Works Director of the ~~Department of Water Management~~, to control the entire supply of water to the premises and in a clean, dry safe place so that the meter or meters not be subject to great temperature variance and be properly protected from freezing and other hazards, and be easily accessible for installation, maintenance, reading, and replacement. All meters shall at the time of installation be equipped with a device, approved by said Director, which will permit said meter to be read without entry into the building or other enclosure wherein the meter is located, said device being known as a communication module. After original installation, said Department shall test, inspect, repair, or replace water meters and communication modules as needed. Said Department may charge the owner of the premises served for service and/or replacement costs for water meters and accessories that are damaged due to improper protection from freezing and other hazards by said owner.

9. **CLASSIFICATION OF WATER SERVICES.** Water services from the water system of the City are hereby classified as residential monthly services, commercial monthly services, and industrial monthly services. The term "monthly" as used in this Chapter, unless

some other meaning is clearly intended from the context in which the same is used, means a period of twenty-eight, twenty-nine, thirty, or thirty-one days, as the case may be, whether the same commences or ends on the first day of a calendar month or otherwise.

Water services from said system to a single family residence or a two-family residence are residential services. Water services to which more than one million (1,000,000) gallons or 133,680.55 cubic feet per day are furnished, averaged over the one year period immediately preceding the effective billing date, are industrial services. Except as otherwise provided herein, all other services are commercial services. Classifications shall be assigned at the determination of the Public Works Director ~~of the Department of Water Management~~. If there is insufficient actual measurement of water furnished to determine the average use as aforesaid, classification pending determination based on actual use, may be made on the basis of reasonable estimate.

11. NOT FOR PROFIT INSTITUTIONS. Water service to public and semi-public entities, organizations and institutions not operated for profit including but not limited to religious, educational, eleemosynary, philanthropic and other similar entities or organizations with U.S. Internal Revenue Code Section 501(c)(3) recognition of exemption from federal income taxation may be, by the Public Works Director ~~of the Department of Water Management~~, classified as residential for meter charges only in accordance with such classification. Water quantity charge classifications for not for profit institutions are not affected by this section.

13. REGULAR BILLING. The Public Works Department ~~of Water Management~~, upon such schedule as shall be determined by the Director thereof, shall cause each water meter to be read regularly each classification period applicable to each meter and shall promptly return such readings to the Department of Finance. The Department of Finance shall compute the appropriate charges for water furnished in accordance with this ordinance and shall bill for the same. The water bill shall set forth the period during which the charges shown thereon accrued, the amount of the service charge, the amount of the water-furnished charge, the amount of water furnished, the due date of payment and any other charges connected with such service including the amount and the reason for same.

14. SPECIAL METER READING. In the event a meter is not accessible to be read at the time usually scheduled for such reading so that the same is not then read, charges may be based on an amount of water estimated to have been furnished through said meter determined in the same manner as provided in Section 8 hereof. Not more than one bill based on an estimate shall be permitted. It shall be the duty of the owner of the premises or the person in possession thereof to arrange with the Public Works Department ~~of Water Management~~ for a special time at which the meter will be accessible for such purpose at the usually scheduled time for such reading for the billing period succeeding the estimated bill. A fee of Thirty Five Dollars (\$35.00) shall be charged for each special reading requested to be made during regular departmental working hours and a fee of Fifty Dollars (\$50.00) for each special reading requested to be made during a time other than regular departmental working hours. Failure to cause the required reading to be timely made shall be a delinquency and shall result in the same penalty and admit of the same notice and consequences as late payment as elsewhere provided herein.

15. **ANNUAL READING REQUIRED.** Each meter in each service shall be read at least once annually by Public Works Department ~~of Water Management~~ employees. After one bill reflecting charges based upon the reading of a meter by other than Public Works Department ~~of Water Management~~ employees it shall be the duty of the owner or person in possession of the premises wherein such meter is located to arrange for a special reading of said meter by a departmental employee for the next billing period, unless said meter will be accessible to be read by said departmental employee at the time usually scheduled for the reading thereof. The special reading fee provided elsewhere in this ordinance shall be charged. Failure to cause the required reading to be timely made shall be a delinquency and shall result in the same penalty and admit of the same notice and consequences as late payment as elsewhere provided herein.

16. **ACTIVATION OF SERVICE.** The Public Works Department ~~of Water Management~~ shall initially activate a new service, or restore service, upon customer request during usual business hours, at no cost to the customer for the initial service call. Each additional service call made by the City after the initial call will be charged to the customer as a Thirty Five Dollar (\$30.00) fee. If the customer request is for a time other than the usual business hours of the Department, a fee of Fifty Dollar (\$50.00) shall be charged for each service call, which said fee may be waived under circumstance(s) which in the opinion of the Director of said Department constitute an emergency.

19. **SERVICE SHUT OFF.** Unless all charges for water furnished and any other charges relating to a water service are paid on or before 14 days after the date of a delinquency notice relating thereto, the Public Works Department ~~of Water Management~~ shall cause such service to be shut off and water shall not be furnished through such service until such time as any and all such charges and penalties are fully paid. In addition to such charges, a fee for restoring the furnishing of water in such service shall be paid in advance which said fee shall be Thirty-Five Dollars (\$35.00) if restoration of service is requested to be made during the usual business hours of the Public Works Department ~~of Water Management~~ or Fifty Dollars (\$50.00) if such restoration of service is requested to be made at hours other than usual departmental business hours. If the customer requires more than one service call for the services stated in this section, the customer will be charged on their next bill for each separate service call made by the City.

20. **WATER FROM FIRE HYDRANT.** After issuance of a permit, water may be furnished through a City fire hydrant in circumstances wherein, in the opinion of the Director of the Public Works Department ~~of Water Management~~, such furnishing by other means is not practicable. Application for such permit shall be upon forms furnished by said Department which shall show the name of the applicant; the location of the hydrant to be used; the circumstances requiring such permit; the purpose for, and the location at, which the water is to be used; the estimated amount of water to be furnished; the estimated duration of hydrant use; and such other pertinent information as said Director may deem appropriate. Such application shall be accompanied with a deposit of cash, bank draft or certified check in the amount of One Hundred Dollars (\$100.00). Quantities and service sizes shall be determined either by estimates fixed by the Director or by temporary installation of a meter. Effective May 1, 2013 the monthly rate shall be \$5.08 per 100 cubic feet (\$0.68 per 100 gallons). Effective May 1, 2014 the monthly rate shall be \$6.60 per 100 cubic feet (\$0.88 per 100 gallons), and on May 1, 2015 the monthly rate shall be \$8.25 per 100 cubic feet (\$1.10 per 100 gallons). If a hydrant location

requires additional City services or resources, a site specific hydrant charge shall be determined by said Director and billed to said customer. All charges shall be paid within fifteen (15) days of the billing date otherwise the permit and furnishing of water shall terminate and the deposit be forfeited. Upon the payment of all charges and the return, in good working condition, of any equipment furnished by the Department, the deposit shall be returned to the depositor. All costs to the City for non working, damaged, lost or missing equipment will be billed to the applicant. All connections to fire hydrants for water shall comply with the appropriate backflow prevention requirements of the State of Illinois Plumbing Code, City Code and City policies.

23. **PENALTY.** No person shall connect or cause the connection of a water service to the water system of the City except as provided by the City Code. No person shall restore water service from the water system of the City after such service has been turned off by the Public Works Department ~~of Water Management~~ without first obtaining written permission from the City to do so. No person shall resell water furnished through a water service from the water system of the City except upon express contract in writing approved by the City Council. No person other than an authorized employee of the City or an authorized permittee of the City shall open, take water from, or interfere with City fire hydrants. No person shall use or consume water in violation of any duly authorized rule or regulation established pursuant to Section 22 hereof. Any person, firm or corporation who shall violate any provision of this section shall be guilty of a misdemeanor and shall be fined not less than Two Hundred Fifty Dollars (\$250.00) nor shall more than One Thousand Dollars (\$1,000.00) and each day upon which a continuing violation occurs be viewed as a separate offense. In addition thereto any person, firm or corporation who shall violate this section, or found to be in violation of any of the other provisions of this Chapter, or any regulation duly established hereunder, may, by such violation, be deemed to have forfeited the privilege or right, as the case may be, of being furnished water from the water system of the City, and any and all water service of such person may be shut off or disconnected from said water system. The City may also institute any other action provided by law for the recovery of the value of any water appropriated from the City water system in violation of any provision of this Chapter.

CHAPTER 65 – WATER MAIN CONNECTION CHARGES

6. **SERVICE SHUT OFF.** If any connection is made with, or any such main or lateral is tapped, without the payment of the applicable connection charge as herein provided, or if any such connection charge, or installment thereof, is provided, or if any such connection charge, or installment thereof, is not timely paid upon the due date thereof, a delinquency notice shall be directed to the owner or occupant of the premises served by the connection to which such charge is applicable, and unless such delinquent charge, or charges, is, or are, paid in full within ten (10) days of the date of such notice, the ~~Water Management~~ Public Works Department shall turn off the supply of water to such service. Both delinquent payments and deferred installments shall be a lien upon the premises served by the service to which such payments or installments are applicable.

CHAPTER 66 – REGULATION OF LAKE DECATUR

4. DEPOSIT OF WASTE.

E. No sewer or drain conveying sewage or other putrescible wastes shall be constructed in Zones A, B, C or D until a permit in writing has been obtained from the City. All such installations must be approved by the Public Works Director ~~of Water Management~~ or designee both before and after installation.

51. PROPERTY ADJACENT TO LAKE.

A. The Public Works Director ~~of Water Management~~ shall have charge of all real estate owned by the City and adjacent to the Lake. He shall see that such real estate is properly maintained and protected. He shall have authority to lease such property or portions thereof upon such terms deemed most advantageous to the City. Such leases must be approved by the City Manager.

B. Employees of the Lake Services Section of the Public Works Department ~~of Water Management~~ are hereby authorized to perform all the duties and responsibilities of Parking Meter Checker, at the direction of the Chief of Police, but only as to those City-owned or City-leased premises directly adjacent to Lake Decatur.

CHAPTER 75 – WATER SERVICES AND CONNECTIONS

5. **WATER SERVICE PIPE.** Water service pipe from the corporation stop to the building other than for services larger than two inches in diameter shall be cold drawn, soft annealed, seamless copper suitable for underground service with proper bending temper with quality and properties equal to A.S.T.M. Class K specifications. For services of two inches in diameter or less, from the outlet side of the curb stop to the meter only, polyethylene pipe with copper tracing wire may also be used that meets all specifications for, and is installed per the Illinois Plumbing Code and AWWA standards for polyethylene pipe. For services larger than two inches in diameter materials as are approved in the City of Decatur specifications for water main installations may be used with the approval of the Public Works Director ~~of the Water Department~~. Between water main tap and curb stop there shall be a continuous unspliced run of pipe.

MINUTES OF THE MEETING
OF THE
DECATUR PLAN COMMISSION

Thursday, October 6, 2016
City Council Chamber, Decatur Civic Center

The October 6, 2016 meeting of the Decatur City Plan Commission was called to order at 3:00 P.M. in the City Council Chamber, Third Floor of the Decatur Civic Center, by Acting Chairman Kent Newton who determined a quorum was present.

Members Present: Bruce Frantz, Ed Harris, Jack Myatt, Kent Newton,
Terry Smith

Members Absent: Bill Clevenger, Susie Peck, Glenn Livingston

Staff Present: Billy Tyus, Griffin Enyart, Troy Hall,
John Robinson, Janet Poland

It was moved and seconded (Frantz/Harris) to approve the minutes of the September 23, 2016 Special meeting of the Decatur City Plan Commission. Motion carried with Jack Myatt abstaining from the vote.

New Business

Cal. No. 16-41

Petition of Iroquois, LLC, to rezone property located in the 2500-2600 Blocks of South Business Route 51 and the 900 Block of West Grove Road from B-1 Neighborhood Shopping District, R-6 Multiple Dwelling District, R-1 Two Family Residence District to B-2 Commercial District

Mr. Billy Tyus was sworn in by Mrs. Janet Poland.

Mr. Tyus presented the recommendation of staff:

The subject sites located in the 2500-2600 Blocks of South Business Route 51 and the 900 Block of West Grove Road are currently zoned B-1 Neighborhood Shopping District, R-6 Multiple Dwelling District and R-5 Two Family Residence District, in total, the sites consist of approximately 5 acres.

These subject sites are smaller portions of a much larger parcel located at the Northeast corner of South Business Route 51 and West Grove Road. The majority of the approximately 23.8 acres is currently zoned B-2 Commercial District.

The petitioner proposes to rezone the subject sites from B-1 Neighborhood Shopping District, R-6 Multiple Dwelling District and R-5 Two Family Residence District to B-2 Commercial District that would allow for all those uses permitted in the B-2 Commercial District and allow for the entire parcel to be located in the same zoning district.

Rezoning the sites from B-1 Neighborhood Shopping District, R-6 Multiple Dwelling District and R-5 Two Family Residence District to B-2 Commercial District should not create any adverse effects on the adjacent properties or the City as a whole as a majority of the adjacent area is zoned B-2 Commercial District and has been zoned as such for more than 30 years.

The adjacent zoning includes R-5 Two Family Residence District and R-6 Multiple Dwelling District to the north and east. B-2 Commercial District to the south and west. The Macon County and Decatur Comprehensive Plan shows this area as Residential-Low Density, however, Staff is of the opinion that rezoning these portions of the larger, approximately 23.8 acre, parcel is consistent with a decision by the City Council to rezone the property to B-2 Commercial District more than 30 years ago. The uses permitted in the B-2 Commercial District are compatible with being located at the corner of a large intersection being South Business Route 51 and West Grove Road. The existing districts to the south and west are compatible with the B-2 Commercial District.

Section XXIX. of the City of Decatur Zoning Ordinance requires the Plan Commission to hold a public hearing on a rezoning request, and then forward its report and recommendation to the City Council for final approval. A motion to forward Calendar Number 16-41 to the City Council with a recommendation for approval is suggested.

Mrs. Mary Cave, representative, was sworn in by Mrs. Poland.

Mrs. Cave stated that the site in question was made up of multiple zoning districts and that the petitioner was requesting the rezoning to be able to subdivide the site.

There were no questions and no objectors present.

It was moved and seconded (Myatt/Harris) to forward Calendar No. 16-41 to the City Council with a recommendation for approval. Motion carried unanimously.

Cal. No. 16-42	Petition of IROQUOIS, LLC, to allow for no frontage or direct access to a public street located in the 2500-2800 BLOCKS OF SOUTH BUSINESS ROUTE 51 and 900-1000 BLOCKS OF WEST GROVE ROAD
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Mr. Tyus presented the recommendation of staff:

The approximately 23.8 acre subject site is currently agricultural and undeveloped. It consists of two (2) parcels of land and is located at the northeast corner of South Business Route 51 and West Grove Road.

The Final Minor Plat of Iroquois Addition was reviewed by Engineering, Fire and Planning. The petitioner is requesting the approval of no direct access to a public street and no frontage on a public street. The petitioner proposes to subdivide the property into two (2) lots in which the proposed Lot One (1) will have no frontage on and no direct access to a public street. According to the Zoning Ordinance each lot shall have frontage on, direct access to, a public street or way that is improved to City standards, unless the Council shall otherwise direct, by approval of a subdivision plat so showing submitted, heard and considered in the manner provided in the subdivision Regulations for the City.

The purpose of the subdivision is to create two (2) lots for immediate development and the potential for more lots for future development.

The petitioner proposes to subdivide the property into two (2) lots. The proposed Lot One (1) will have no frontage on and no direct access to a public street.

The developer proposes to construct a private access road that will meet city standards in a proposed 60 foot wide ingress/egress easement that will run along the west side of the entire proposed west line of Lot One (1). This proposed easement lines up with the current easement of the north/south portion of Rotary Way. This easement along with the current easement of Rotary Way running to South Business Route 51 will give proposed Lot One (1) access to the public right of way.

This action is being proposed to allow flexibility to potentially develop other portions of the proposed site in the future while ensuring that immediate development can occur and will be done in a manner that benefits the health, safety and welfare of the community.

Staff will support the no frontage on and no direct access to a public street for the proposed Lot One (1) if a private access road is built to City Standards and maintained as such to ensure proper emergency vehicle access.

Staff recommends approval of the no frontage on and no direct access to a public street with the following condition:

- A. A private access road disclaimer and maintenance statement shall be required on the Final Plat in order to ensure properly maintained access for emergency vehicles as approved by the Public Works Department.

Mr. Tyus stated discussions are ongoing concerning future ownership and maintenance of the road. Staff is asking for the Plan Commission's recommendation pending an agreement on an ownership/maintenance plan.

Mr. Terry Smith asked if the developer would maintain the road until an agreement is made.

Mr. Tyus said the property owner would maintain the road until the time the City would take ownership.

Section IV.A.8. of the City of Decatur Zoning Ordinance requires the Plan Commission to hold a public hearing to review Plats when there is no frontage and no direct access to a public street and report its findings to the City Council. A motion to forward Calendar Number 16-42 to the City Council with a recommendation for approval is suggested.

Mrs. Mary Cave, representative, stated the petitioner is requesting to create a two (2) lot subdivision which would utilize a private roadway from Rotary Park. In this area, Route 51 is access controlled by the Illinois Department of Transportation (IDOT). Additional driveways from Route 51 will not be allowed as per IDOT. Lot One (1) will be a commercial school and will be used as a destination which will not need the pass by traffic. The petitioner prefers to be offset from the road.

There were no questions and no objectors present.

It was moved and seconded (Myatt/Frantz) to forward Calendar No. 16-42 to the City Council with a recommendation for approval as presented by staff. Motion carried unanimously.

There being no further business, it was moved and seconded (Smith/Harris) to adjourn the meeting. Motion carried unanimously. Acting Chairman Newton declared the meeting adjourned at 3:17 P.M.

A handwritten signature in black ink, appearing to read "Kent Newton", written over a horizontal line.

Kent Newton, Secretary
Decatur City Plan Commission

Neighborhood Services

DATE: 2/6/2017

MEMO: No. 17-3

TO: Mayor Julie Moore Wolfe and City Council

FROM: Tim Gleason, City Manager
Billy Tyus, Assistant City Manager
Richelle D. Irons, Director of Neighborhood Services

SUBJECT:
Sub recipient Agreement for Coalition of Neighborhood Organizations (CONO)

SUMMARY RECOMMENDATION:

Staff recommends approval of the attached sub recipient agreement with the Coalition of Neighborhood Organizations (CONO) for neighborhood related activities.

BACKGROUND:

Each year the City's Neighborhood Outreach Division prepares a sub recipient agreement that outlines funds to be provided to CONO and defines eligible activities. The amount allocated is \$5,000 and the agreement will expire in December 2017. Activities include but are not limited to: Neighborhood grants, the annual Neighborhood Awards event, education projects, room rental for monthly meetings, the annual neighborhood network conference (RNNC) and marketing.

POTENTIAL OBJECTIONS: None

INPUT FROM OTHER SOURCES:

CONO President Sue Lawson and Executive Board

STAFF REFERENCE: Additional questions can be forwarded to Richelle D. Irons at 424.2864 or Rirons@decaturil.gov.

BUDGET/TIME IMPLICATIONS: N/A

ATTACHMENTS:

Description
Resolution
Agreement

Type
Resolution Letter
Backup Material

RESOLUTION NO. _____

FY 2017

**RESOLUTION AUTHORIZING SUB RECIPIENT AGREEMENT WITH THE
COALITION OF NEIGHBORHOOD ORGANIZATIONS (CONO)**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DECATUR,
ILLINOIS:**

Section 1. That the Subrecipient Agreement for the FY 2017, between the City of Decatur Illinois, and the Coalition of Neighborhood Organizations (CONO) for administration of neighborhood activities be, and the same is hereby, received, placed on file and approved.

Section 2. That the Mayor, the Director of Neighborhood Services, and the City Clerk be, and they are hereby, authorized and directed to sign, seal and attest said Agreement between the City of Decatur, Illinois and CONO for an amount not to exceed \$5,000.

PRESENTED and ADOPTED this 6th day of February, 2017.

Julie Moore Wolfe, Mayor

ATTEST:

City Clerk

FY 2017 SUBRECIPIENT AGREEMENT

THIS AGREEMENT entered this 6th day of February 2017 by and between the City of Decatur, Illinois (herein called the "City") and the Coalition of Neighborhood Organizations (CONO) (herein called the "Subrecipients").

WHEREAS, the City wishes to engage the Subrecipient to assist the City in utilizing such funds in accordance with City, State and Federal guidelines and regulations;

NOW, THEREFORE, it is agreed between the parties hereto that;

I. STATEMENT OF WORK:

A. Activities:

The Subrecipient will be responsible for administering activities for the FY2017 program year in a manner satisfactory to the City and consistent with any standards required as a condition of providing these funds. Such programs will include the following eligible activities:

Activity #1

Increase participation and recruitment efforts which will include hosting monthly organizational meetings of neighborhood organizations to promote, develop and assist neighborhood groups with activities, and continue CONO activities and initiatives; Goal: 4 neighborhood organization grants.

Activity #2

Partner with faith based organizations and other nonprofits, including the local school districts to provide educational training in arts, home maintenance and beautification. Youth will participate in classes that teach pottery and learn the basics of house/wall painting, and horticulture. Goal: 75+ youth.

Activity #3

Neighborhood leaders will attend Regional Neighborhood Network Conference to highlight successes taking place in our city as well as learn from other participating cities what is working. The goal is to bring back ideas and implement projects on how we can improve our neighborhoods; Goal: 10 participants.

General Administration

The CONO Executive Board will be responsible for monthly reporting activities and issuing grants to assist neighborhood groups with literacy, neighborhood building and/or life skill activities. A written report should accompany each monthly report to include detail information gathered about expenditures, meeting attendance, grants, and activities.

Levels of Accomplishment - Performance Goals

In addition to the normal administrative services required as part of this Agreement, the Subrecipient agrees to provide the following levels of program services with a completion date as follows:

Total Units	Completion Date
Activity #1 – (4) neighborhood organization grants	December 8, 2017
Activity #2 – (75+) provide educational classes in home maintenance, arts and beautification	
Activity #3 (10) neighborhood residents participating in RNNC	

B. Staffing

Executive Board - 100%
Activities will be carried out by the Executive Board.

C. Performance Monitoring

The City will monitor the performance of the Subrecipient against the goals and performance standards substandard performance as determined by the City will constitute noncompliance with this agreement. If action to correct such substandard performance is not taken by the Subrecipient within a reasonable period of time as specified by the City then, after being notified by the City, contract suspension or termination procedures will be initiated.

II. TIME OF PERFORMANCE

Services of the Subrecipient shall NOT begin until a **Notice to Proceed** has been issued by the Neighborhood Services Department-Neighborhood Outreach Division. The term of this Agreement and the provisions herein shall end **December 8, 2017**.

III. BUDGET

Line Item	Amount
Neighborhood Awards Program	
Awards	\$100
Monthly Meetings	
Room Rental (\$40 @ 9 mos.)	\$360
December Meeting	\$100
Regional Neighborhood Network	
Lodging Expenses (5 rooms)	\$1,400
Registration (10 people)	\$1,000
Neighborhood Project Grants	\$400
PO Box	\$ 70
Neighborhood Workshop Room Rental	\$50
Education Projects	
Arts	\$300
Home Maintenance & Beautification	\$1,220
TOTAL	\$5,000

Any **indirect costs** charged must be consistent with the conditions of Paragraph VIII (C.) (2.) of this Agreement. In addition, the City may require a more detailed budget breakdown than the one contained herein and the Subrecipient shall provide such supplementary budget information in a timely fashion in the form and content prescribed by the City. Any amendments to this budget must be approved in writing by the City and the Subrecipient. Budget changes will not take effect until after they are approved. Expenditures that occur as a result of budget changes that have not been approved will not be reimbursed.

IV. PAYMENT

It is expressly agreed and understood that the total amount to be paid by the City under this contract shall not exceed **\$5,000**. Draw downs for the payment of eligible expenses shall be made against the line item budgets specified in the agreement and in accordance with performance.

V. NOTICES

Communication and details concerning this contract shall be directed to the following contract representatives; or as later designated:

Information Requested	Grantee (City of Decatur)	Subrecipient
Contract Representatives	Richelle D. Irons	Sue Lawson
Street Address	One Gary K. Anderson Plaza	P.O. Box 3294
City, State, Zip Code	Decatur, IL 62522	Decatur, IL 62524
Telephone	217-424-2864	217-201-7221
Fax Number	217-424-2728	217-872-7221

e-Mail Address	Rirons@decaturil.gov	cono3294@yahoo.com
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VI. SPECIAL CONDITIONS

The Subrecipient further agrees to utilize funds available under this Agreement to supplement rather than supplant funds otherwise available.

VII. GENERAL CONDITIONS

A. General Compliance

The Subrecipient agrees to comply with all applicable federal, state and local laws and regulations governing the funds provided under this contract.

B. Independent Contractor

Nothing contained in this agreement is intended to, or shall be construed in any manner, as creating or establishing the relationship of employer/employee between the parties. The Subrecipient shall at all times remain an independent contractor with respect to the services to be performed under this Agreement. The City shall be exempt from payment of all unemployment compensation, FICA, retirement, life and/or medical insurance and workers' compensation insurance as the Subrecipient is an independent Subrecipient.

C. Hold Harmless

The Subrecipient shall hold harmless, defend and indemnify the City from any and all claim, actions, suits, charges and judgments whatsoever that arise out of the Subrecipient performance or nonperformance of the services or subject matter called for in this Agreement.

D. Worker's Compensation

The Subrecipient shall provide workers' compensation insurance for all employees involved in the performance of this contract.

E. Insurance and Bonding

The Subrecipient shall carry sufficient insurance coverage to protect contract assets from loss due to theft, fraud and/or undue physical damage. Although the City pays out on a reimbursement basis, exception can be made under special circumstances. Under those circumstances, and as a minimum, the Subrecipient shall purchase a blanket fidelity bond covering all employees in an amount equal to cash advances from the City.

F. Grantor Recognition

The Subrecipient shall ensure recognition of the role of the grantor agency in providing services through this contract. All activities, facilities and items utilized pursuant to this contract shall be prominently labeled as to funding source. In addition, the Subrecipient

will include a reference to the support provided herein in all publications made possible with funds made available under this contract.

G. Amendments

The City or Subrecipient may amend this Agreement at any time provided that such amendments make specific reference to this Agreement, and are executed in writing, signed by a duly authorized representative of both organizations, and approved by the City Council. Such amendments shall not invalidate this Agreement, nor relieve or release the City or the Subrecipient from its obligations under this Agreement.

The City may, in its discretion, amend this Agreement to conform with federal, state or local governmental guidelines, policies and available funding amounts, or for other reasons. If such amendments result in a change in the funding, the scope of services, or schedule of, the activities to be undertaken as part of this Agreement, such modifications will be incorporated only by written amendment signed by both the City and the Subrecipient.

H. Suspension or Termination

Either party may terminate this contract at any time by giving written notice to the other party of such termination and specifying the effective date thereof at least 30 days before the effective date of such termination. Partial termination of the Scope of Service in paragraph 1.A above may only be undertaken with the prior approval of grantee. In the event of any termination for convenience, all finished or unfinished documents, data, studies, surveys, maps, models, photographs, reports or other materials prepared by the Subrecipient under this Agreement shall, at the option of the City, become the property of the City, and the Subrecipient shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents or materials prior to the termination.

The City may also suspend or terminate this Agreement, in whole or in part, if the Subrecipient materially fails to comply with any term of this Agreement, or with any of the rules, regulations, or provisions referred herein; and the City may declare the Subrecipient ineligible for any further participation in City contracts, in addition to other remedies provided by law. In the event there is probable cause to believe the Subrecipient is in noncompliance with any applicable rules or regulations, the City may withhold future payment of said contract funds until such time as the Subrecipient is found to be in compliance by the City, or is otherwise adjudicated to be in compliance.

VIII. ADMINISTRATIVE REQUIREMENTS

Uniform administrative requirements

The agreement shall require the subrecipient to comply with applicable uniform administrative requirements.

A. Financial Management

1. Accounting Standards

The Subrecipient agrees to adhere to the accounting principles and procedures required therein, utilize adequate internal controls, and maintain necessary source documentation for all costs incurred.

B. **Documentation and Record-Keeping**

1. Records to be maintained

The Subrecipient shall maintain all records that are pertinent to the activities to be funded under this Agreement. Such records shall include but not be limited to:

- a. Records providing a full description of each activity undertaken;
- b. Records required determining the eligibility of activities;
- c. Records documenting compliance with the fair housing and equal opportunity components

2. Retention

The Subrecipient shall retain all records pertinent to expenditures incurred under this contract for a period of five (5) years after the termination of all activities funded under this Agreement. Records for nonexpendable property acquired with funds under this contract shall be retained for five (5) years after final disposition of such property. Records for any displaced person must be kept for five (5) years after he/she has received final payment.

3. Client Data

The Subrecipient shall document and provide data demonstrating client eligibility for services provided. Such data shall include, but not be limited to: client name, address, income level or other basis for determining eligibility, and description of service provided. Such information shall be made available to the City monitors or their designees for review upon request.

4. Disclosure

The Subrecipient understands that client information collected under this contract is private and the use or disclosure of such information, when not directly connected with the administration of the City's or Subrecipient's responsibilities with respect to services provided under this contract, is prohibited by the Right to Financial Privacy Act of 1978 unless written consent is obtained from such person receiving service and, in the case of a minor, that of a responsible parent/guardian.

5. Records and Property and Reversion of assets

The Subrecipient shall maintain real property inventory records which clearly identify properties purchased, improved, or sold. Properties retained shall

continue to meet eligibility criteria and shall conform to the "changes in use" restrictions.

Reversion of assets. Under this agreement upon its expiration the subrecipient shall transfer to the recipient any funds on hand at the time of expiration and any accounts receivable attributable to the use of those funds.

6. Objectives

The Subrecipient agrees to maintain documentation that demonstrates that the activities carried out with funds provided under this contract meet one or more of the following objectives - 1) benefit low/moderate income persons; 2) aid in the prevention or elimination of slum or blight; 3) meet community development needs.

7. Close-outs

Subrecipient obligation to the City shall not end until all close-out requirements are completed. Activities during this close-out period shall include, but are not limited to; making final payments, disposing of program assets, (including the return of all unused materials, equipment, program income balances, and receivable accounts) to the City, and determining the custodianship of records.

8. Audits and Inspections

All Subrecipient records with respect to any matters covered by this agreement shall be made available to the City, grantor agency, or their designees, at any time during normal business hours, as often as the City or grantor agency deems necessary, to audit, examine, and make excerpts or transcripts of all relevant data. Any deficiencies noted in audit reports must be fully cleared by the Subrecipient within 30 days after receipt by the Subrecipient. Failure of the Subrecipient to comply with the above audit requirements will constitute a violation of this contract and may result in the withholding of future payments.

C. **Reporting and Payment Procedures**

1. Budgets

The Subrecipient will adhere to the detailed contract budget, as revised (if applicable), that was submitted with the application and attachment to the contract infers acceptance by the City. The City and the Subrecipient may agree to revise the budget from time to time as mutually agreed, only if it remains in conformance with City Council's wishes.

2. Payment Procedures

The City will pay to the Subrecipient funds available under this contract based upon information submitted by the Subrecipient and consistent with any approved budget as long as they were incurred after the Notice to proceed was issued, and within the year as noted above. Payments will be made for eligible expenses actually incurred by the Subrecipient, and not to exceed actual cash requirements. The only exception is for pre-award costs approved at the time of the contract. In addition, the City reserves the right to liquidate funds available under this contract for costs incurred by the City on behalf of the Subrecipient.

3. Progress Reports

The Subrecipient shall submit regular progress reports to the City in the form and content as provided by the City on a **monthly** basis by the 8th of the month. The City retains the right to delay or with hold disbursements of payments after duly notifying the subrecipient in the event that progress reports are not received as scheduled.

D. Procurement

1. Compliance

The Subrecipient shall comply with current City policies concerning the purchase of equipment and shall maintain inventory records of all nonexpendable personal property as defined by such policy as may be procured with funds provided herein. As long as the Subrecipient continues to use the equipment for the clientele originally intended and in the manner originally intended, and as long as the Subrecipient continues to exist, the equipment shall be retained by the Subrecipient. However, in the event of a change in the clientele, use, manner, etc. of the equipment; and/or if the Subrecipient no longer exists, all equipment will revert back to the City.

2. Travel

The Subrecipient shall obtain written approval from the City for any travel outside the metropolitan area with funds provided under this contract.

IX. **RELOCATION, ACQUISITION, AND DISPLACEMENT**

The Subrecipient agrees to comply with city codes and ordinances, relating to the acquisition and disposition of all real property utilizing grant funds, and to the displacement of persons, businesses, nonprofit organizations and farms occurring as a direct result of any acquisition of real property utilizing grant funds. The Subrecipient agrees to comply with applicable City Ordinances, Resolutions, and Policies concerning displacement of individuals from their residences.

X. **PERSONNEL & PARTICIPANT CONDITIONS**

A. **Civil Rights**

1. **Compliance**

The Subrecipient agrees to comply with any applicable City and State Civil Rights ordinances and with Title VI of the Civil Rights Act of 1964 as amended, Title VIII of the Civil Rights Act of 1968 as amended, Section 109 of Title I of the Housing and Community Development Act of 1974, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, Executive Order 11063, and with Executive Order 11246 as amended by Executive Orders 11375 and 12086.

2. **Nondiscrimination**

The Subrecipient will not discriminate against any employee or applicant for employment because of race, color, creed, religion, ancestry, national origin, sex, disability or other handicap, age, marital status, or status with regard to public assistance. The Subrecipient will take affirmative action to insure that all employment practices are free from such discrimination. Such employment practices include but are not limited to the following: hiring, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The Subrecipient agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting agency setting forth the provisions of this nondiscrimination clause.

3. **Land Covenants**

This contract is subject to the requirements of Title VI of the Civil Rights Act of 1964 (P.L. 88-352). In regard to the sale, lease, or other transfer of land acquired, cleared or improved with assistance provided under this contract, the Subrecipient shall cause or require a covenant running with the land to be inserted into the deed or lease for such transfer, prohibiting discrimination as herein defined, in the sale, lease or rental, or in the use or occupancy of such land, or in any improvements erected thereon, providing that the City and the United States of America are beneficiaries of and entitled to enforce such covenants. The Subrecipient, in undertaking its obligation to carry out the program assisted hereunder, agrees to take such measures as are necessary to enforce such covenant, and will not itself so discriminate.

4. **Section 504**

The Subrecipient agrees to comply with any federal regulations issued pursuant to compliance with Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. 706) which prohibits discrimination against the handicapped in any federally assisted program. The City shall provide the Subrecipient with any guideline necessary for compliance with that portion of the regulations in force during the term of this contract.

B. **Affirmative Action**

1. **Approved Plan**

The Subrecipient agrees that it shall be committed to carry out pursuant to the City's specifications an Affirmative Action Program in keeping with the principles as provided in President's Executive Order 11246 of September 24, 1965. The City shall provide its Affirmative Action guidelines for assistance in setting up such a program if Subrecipient does not already have a plan in place. The Subrecipient shall submit a plan for an Affirmative Action Program for approval prior to the award of funds.

2. **MBE/WBE**

The Subrecipient will use its best efforts to afford minority and women-owned business enterprises the maximum practicable opportunity to participate in the performance of this contract. As used in the contract, the term "minority and female business enterprise" means a business at least fifty-one percent (51%) owned and controlled by minority group members or women. For the purpose of this definition, "minority group members" are African-Americans, Spanish-speaking, Spanish surnamed or Spanish-heritage Americans, Asian Americans, and American Indians. The Subrecipient may rely on written representations by Subrecipients regarding their status as minority and female business enterprises in lieu of an independent investigation.

3. **Access to Records**

The Subrecipient shall furnish and cause each of its subrecipients to furnish all information and reports required hereunder and will permit access to its books, records and accounts by the City, or other authorized officials for purposes of investigation to ascertain compliance with the rules, regulations, and provisions stated herein.

4. **Notifications**

The Subrecipient will make available to all employees and/or will post in a conspicuous place, the Subrecipients commitments hereunder noted.

5. **EEO/AA Statement**

The Subrecipient will, in all solicitations or advertisements for employees placed by or on behalf of the Subrecipient, state that it is an Equal Opportunity or Affirmative Action employer.

6. Subcontract Provisions

The Subrecipient will include provisions of Paragraphs X. A. Civil Rights, and B., Affirmative Action, in every subcontract or purchase order, specifically or by reference, so that such provisions will be binding upon each subcontractor or vendor.

C. Employment Restrictions

1. Prohibited Activity

The Subrecipient is prohibited from using funds provided herein or personnel employed in the administration of the program for political activities; sectarian or religious activities; lobbying, political patronage, and nepotism activities.

2. OSHA

Where employees are engaged in activities not covered under the Occupational Safety and Health Act of 1970, they shall not be required or permitted to work, be trained, or receive services in buildings or surroundings or under working conditions which are unsanitary, hazardous or dangerous to the participant's health or safety.

3. Labor Standards

The Subrecipient agrees to comply with the requirements of the Secretary of Labor in accordance with the Davis-Bacon Act as amended, the provisions of Contract Work Hours, the Safety Standards Act, the Copeland "Anti-Kickback" Act (40 U.S.C. 276, 327-333) and all other applicable federal, state and local laws and regulations pertaining to labor standards insofar as those acts apply to the performance of this contract. The Subrecipient shall maintain documentation which demonstrates compliance with hour and wage requirements of this part. Such documentation shall be made available to the City for review upon request.

D. Conduct

1. Assignability

The Subrecipient shall not assign or transfer any interest in this contract without the prior written consent of the City thereto; provided, however, that claims for money due or to become due to the Subrecipient from the City under this contract may be assigned to a bank, trust company, or other financial institution without such approval. Notice of any such assignment or transfer shall be furnished promptly to the City.

2. Hatch Act

The Subrecipient agrees that neither funds provided, nor personnel employed under this contract, shall be in any way or to any extent engaged in the conduct of political activities in violation of Chapter 15 of Title V United States Code.

3. Conflict of Interest

The Subrecipient agrees with respect to conflict of interest and covenants that it presently has no financial interest and shall not acquire any financial interest, direct or indirect, which would conflict in any manner or degree with the performance of services required under this contract. The Subrecipient further covenants that in the performance of this contract no person having such a financial interest shall be employed or retained by the Subrecipient hereunder. These conflict of interest provisions apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the City, or of any designated public agencies or Subrecipients which are receiving funds from the City of Decatur.

The Subrecipient further agrees to provide the City with a list of its current Board members and notify the City in writing within five (5) business working days if, during the course of this contract, any changes in Board membership occurs. However, it would be to the benefit of the Subrecipient to notify the City in advance with names of potential persons being considered for any office or position within the organization to relieve the Subrecipient of impending conflict of interest concerns.

4. Subcontracts

a. Approvals

The Subrecipient shall not enter into any subcontracts with any agency or individual in the performance of this contract without the written consent of the City prior to execution of such agreement.

b. Monitoring

The Subrecipient will monitor all subcontracted services on a regular basis to assure contract compliance. Results of monitoring efforts, if necessary, shall be summarized in written reports and supported with documented evidence of follow-up actions taken to correct areas of noncompliance.

c. Content

The Subrecipient shall cause all applicable provisions of this contract in its entirety to be included in and made a part of any subcontract executed in the performance of this Agreement.

d. Selection Process

The Subrecipient shall undertake to insure that all subcontracts let in the performance of this Agreement shall be awarded on a fair and open competition basis. Executed copies of all subcontracts shall be forwarded to the City along with documentation concerning the selection process.

5. Lobbying

The Subrecipient hereby certifies that:

- a. No appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any contract, the making of any grant, the making of any loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any contract, grant, loan, or cooperative agreement;
- b. If any funds other than appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, in connection with this contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions;
- c. It will require that the language of paragraph (d) of this certification be included in the award documents for all sub awards at all tiers (including subcontracts, sub grants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly; and
- d. Lobbying Certification – Paragraph d
This certification is a material representation of the fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, and U.S. Code. Any person who fails to file the

required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

6. Copyright

If this contract results in any copyrightable material, the City and/or grantor agency reserves the right to royalty-free, non-exclusive and irrevocable license to reproduce, publish or otherwise use and to authorize others to use, the work for government purposes.

7. Religious Organizations

The Subrecipient agrees that funds provided under this contract will not be utilized for religious activities, to promote religious interests, or for the benefit of a religious organization.

XI. ENVIRONMENTAL CONDITIONS

A. Air and Water

The Subrecipient agrees to comply with the following regulations insofar as they apply to the performance of this contract:

Clean Air Act, U.S.C., 1857, et seq.

Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251, et seq., as amended 1318 relating to inspection, monitoring, entry, reports, and information, as well as other requirements specified in said Section 114 and Section 308, and all regulations and guidelines issued hereunder. (Environmental Protection Agency (EPA) Regulations pursuant to 40 CFR Part 50, as amended and the National Environmental Policy Act of 1969.

B. Flood Disaster Protection

The Subrecipient agrees to comply with the requirements of the requirements of the Flood Disaster Protection Act of 1973 (P.L.-2234) in regard to the sale, lease or other transfer of land acquired, cleared or improved under the terms of this contract, as it may apply to the provisions of this contract.

C. Lead Based Paint

The Subrecipient agrees that any construction or rehabilitation of residential structures with assistance provided under this contract shall be subject to HUD Lead-Based Paint Regulations at 24 CFR 570.608, and 24 CFR Part 35, and in particular Subpart B thereof. Such regulations pertain to housing and require that all owners, prospective owners, and tenants or properties constructed prior to 1978 be properly notified that such properties may include lead-based paint. Such notification shall point out the hazards of lead-based paint and explain the symptoms, treatment, and precautions that should be taken when dealing with lead-based paint poisoning and the advisability and

availability of blood lead level screening for children under seven. The notice should also point out that if lead-based paint is found on the property, abatement measures may be undertaken.

D. Historic Preservation

The Subrecipient agrees to comply with the Historic Preservation requirements set forth in the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470) and Advisory Council on Historic Preservation Procedures for Protection of Historic Properties, insofar as they apply to the performance of this contract.

In general, this requires concurrence from the State Historic Preservation Officer for all rehabilitation and demolition of historic properties that are fifty years old or older or that are included on a federal, state, or local historic property list.

XII. **SEVERABILITY**

If any provision of this Agreement is held invalid, the remainder of the Agreement shall not be affected thereby and all other parts of this Agreement shall nevertheless be in full force and effect.

IN WITNESS WHEREOF, the Parties have executed this contract as of the date first written above.

City of Decatur

Subrecipient--- CONO

By: _____
Julie Moore Wolfe, Mayor

By: _____
Sue Lawson, President

Attest: _____
City Clerk

Countersigned: _____
Director of Neighborhood Services

**CITY COUNCIL MEMORANDUM
NO. 2017-03**

January 23, 2017

TO: Honorable Mayor Moore Wolfe and City Council

FROM: Tim Gleason, City Manager
Wendy Morthland, Corporation Counsel
Amy Waks, Assistant Corporation Counsel

SUBJECT: Amendment to Chapter 34 (Traffic)

SUMMARY RECOMMENDATION: Staff requests that Council pass the proposed ordinance amendments regarding Chapter 34 sections 29, 38 and 70 to amend the language

BACKGROUND: There have been numerous amendments to Chapter 34. This is to clean up language as well as make it a violation to tamper or damage an immobilization device.

RECOMMENDATION: Staff recommends that Council pass the proposed amendment.

POTENTIAL OBJECTIONS: There are no known or expected objections.

INPUT FROM OTHER SOURCES: None.

STAFF REFERENCE: Amy Waks, Assistant Corporation Counsel, at 424-2807.

BUDGET/TIME IMPLICATIONS: None.

ORDINANCE NO. _____

**ORDINANCE AMENDING CITY CODE
- CHAPTER 34 –
- TRAFFIC –**

BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF DECATUR,
ILLINOIS:

Section 1. That Chapter 34 of the City Code of the City of Decatur, Illinois, be, and the same is hereby modified and amended by amending Sections 29, 38 and 70, so that Sections 29, 38 and 70 as so modified and amended, shall provide as follows:

29. **IMPROPER PARKING.** No persons shall stand or park a vehicle in a roadway in any other manner than parallel with the edge of the roadway, headed in the direction of traffic, and with the curbside wheels of the vehicle within twelve (12) inches of the edge of the regularly established curb line, except that upon those streets which have been marked or signed for angle parking, vehicles shall be parked at the angle to the curb indicated by such marks or signs with the front of the vehicle directed at the curb. Where parking spaces are delineated by painted lines on the pavement, it shall be unlawful to stand or park a vehicle other than entirely within the parking space so delineated.
38. **PROCEDURES FOR REMOVAL OF VEHICLES.**
- B. The provisions of this subsection shall be applicable to vehicles removed pursuant to Section 37 (J) through 37 (V) inclusive of this Chapter:
- (i) The owner of record of a motor vehicle used in the violation of Section 10 of Chapter 73 of the City Code or Sections 37 (J) through 37 (V) inclusive of this Chapter shall be subject to having said vehicle impounded and shall also be liable to the city for an administrative fine of Two Hundred Fifty Dollars (\$250.00), in addition to the payment of any fees for the towing and storage of the vehicle to the appropriate City towing contractor.
 - (ii) Whenever a police officer has reasonable suspicion to believe that a vehicle is subject to seizure and impoundment pursuant to Section 37 (J) through 37 (V) inclusive of this Chapter, the police officer shall provide for the towing of the vehicle to a facility controlled by the City or its contractor. When the vehicle is towed, the police officer shall notify the person who is found to be in control of the vehicle at the time of the alleged violation and the owner of said vehicle, if present at the time, of the fact of the seizure and the vehicle owner's right to post a cash bond as indicated in subsection (3) hereof to retrieve possession of the vehicle pending a hearing to be held by a hearing officer for the City designated by the City Manager. The notification shall also

explain the vehicle owner's right to a probable cause hearing with respect to the alleged violation, as provided in subsection (7) hereof.

(iii) Whenever the owner, lessee or lienholder of a vehicle seized pursuant to this subsection wishes to retrieve the vehicle seized prior to the evidentiary hearing, he or she may do so by posting a cash bond of Two Hundred Fifty Dollars (\$250.00) at the Decatur Police Department, 707 W. South Side Drive, Decatur, Illinois, in addition to the payment of applicable towing and storage fees to the City's towing contractor.

(iv) Within ten (10) days after a vehicle is seized and impounded pursuant to this subsection, the City shall notify by personal service or by first class mail the owner of record or lessee and any lienholder of record of said vehicle of the date, time and location of a hearing that will be conducted pursuant to this subsection B.

(v) A hearing shall be scheduled and held, unless continued by order of the City's hearing officer, on designated days of each month. The hearing shall be scheduled not less than seven (7) days and not more than thirty (30) days after notice thereof is mailed. All interested persons shall be given a reasonable opportunity to be heard at the hearing. The formal rules of evidence shall not apply and hearsay evidence shall be admissible. The hearing shall be open to the public and recorded.

(vi) If, after the hearing, the City's hearing officer determines by a preponderance of the evidence that the vehicle was used in the commission of a violation of Section 10 of Chapter 73 of the City Code or in violation of Sections 37 (J) through 37 (V) inclusive of this Chapter and was not stolen prior to said violation, he shall enter an order requiring the vehicle to continue to be impounded until the owner thereof pays the penalty and fees imposed hereby if the vehicle is still in the custody of the City or its contractor; if a bond had been posted and the owner, lessee or lienholder has possession of the vehicle, the hearing officer shall enter an order deducting the appropriate penalty from the cash bond that was posted. If, after said hearing, the City's hearing officer determines by a preponderance of the evidence that the vehicle was not used in the commission of a violation of Section 10 of Chapter 73 of the City Code or a violation of Section 37 (J) through 37 (V) inclusive of this Chapter, or that the vehicle was stolen prior thereto, said hearing officer shall enter an order dismissing the proceedings and the vehicle or cash bond shall be returned without payment or deduction of any penalty and any towing or storage fees paid by the owner, lessee or lienholder shall be reimbursed by the City. Any penalty imposed hereby on the owner of record of any vehicle shall be a debt due and owed to the City and may be enforced and collected as provided by law.

(vii) In addition to the hearing provided for in the immediately preceding subsections hereof, every owner whose vehicle is

impounded for a violation of Section 10 of Chapter 73 of the City Code or Sections 37 (J) through 37 (V) inclusive of this Chapter shall be entitled to a probable cause hearing before a police shift commander, or designee, on the question of whether the vehicle was used in violation of said provision. This hearing must be requested, in writing, within twenty four (24) hours of the impoundment of the vehicle, and the hearing shall be held within three (3) days of receipt of such request by the City, excluding Saturdays, Sundays and holidays. The formal rules of evidence shall not apply at said hearing and hearsay evidence shall be admissible. If, after the hearing, the police shift commander, or designee, determines that there is probable cause to believe that the vehicle was used in the commission of a violation of Section 10 of Chapter 73 of the City Code or Sections 37 (J) through 37 (V) inclusive of this Chapter, he shall order the continued impoundment of the vehicle unless the owner, lessee or lienholder of the vehicle posts a cash bond with the City in the amount of Two Hundred Fifty Dollars (\$250.00). If the police shift commander, or designee, determines that there is no such probable cause, the vehicle will be returned without penalty or other fees.

(viii) Notwithstanding any other provisions of this Section, whenever a person with a lien of record against a vehicle impounded under this subsection has commenced foreclosure proceedings, possession of the vehicle shall be given to that person if he or she agrees in writing to refund the City the net proceeds of any foreclosure sale, less any amounts necessary to pay all lien holders of record, up to the total amount of penalties and fees imposed elsewhere herein.

(ix) Any motor vehicle impounded under this subsection that is not reclaimed within thirty (30) days after the expiration of the time during which the owner of record may seek judicial review of the City's action, or the time at which a final judgment is rendered in favor of the City, or the time a final administrative decision is rendered against an owner of record, may be disposed of as an unclaimed vehicle as provided by law.

(x) Fees for towing and storage of a vehicle under this subsection shall be the same as those charged per the applicable contract for towing service with the City in effect at the time of the violation.

70. **IMMOBILIZATION AND IMPOUNDMENT.**

- H. No person shall move or cause to be moved any vehicle that has an immobilization device attached thereto except as authorized by the City of Decatur and its employees. Further, no person shall tamper with, damage, remove or cause to be removed from any vehicle an immobilization device placed thereon under the authority of the City of Decatur and its employees except as authorized to do so by the City. Further, it shall be unlawful to interfere with or hinder any officer or employee of the City, or

those designated to act on behalf of any officer or employee of the City, while engaged in the duties of the enforcement of this section. Any person who is found to have violated this subsection shall be fined in an amount of not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) plus the cost, if any, of any damage to the immobilization device.

Section 2. That the City Clerk be, and she is hereby, authorized and directed to cause the provisions hereof to be appropriately set out in the City Code and to cause the same to be published in pamphlet form according to law.

PRESENTED, PASSED, APPROVED AND RECORDED this _____ day of February, 2017.

JULIE MOORE WOLFE, MAYOR

ATTEST:

CITY CLERK

PUBLISHED this _____ day of _____, 2017.

CITY CLERK

ADDITIONS AND DELETIONS

CHAPTER 34

- TRAFFIC -

29. **IMPROPER PARKING.** No persons shall stand or park a vehicle in a roadway in any other manner than parallel with the edge of the roadway, headed in the direction of traffic, and with the curbside wheels of the vehicle within twelve (12) inches of the edge of the regularly established curb line, except that upon those streets which have been marked or signed for angle parking, vehicles shall be parked at the angle to the curb indicated by such marks or signs with the front of the vehicle directed at the curb. Where parking spaces are delineated by painted lines on the pavement, it shall be unlawful to stand or park a vehicle other than entirely within the parking space so delineated.

38. **PROCEDURES FOR REMOVAL OF VEHICLES.**

B. The provisions of this subsection shall be applicable to vehicles removed pursuant to Section 37 (J) through 37(V) inclusive of this Chapter:

(i) The owner of record of a motor vehicle used in the violation of Section 10 of Chapter 73 of the City Code or Sections 37 (~~JM~~) through 37 (~~VW~~) inclusive of this Chapter shall be subject to having said vehicle impounded and shall also be liable to the city for an administrative fine of Two Hundred Fifty Dollars (\$250.00), in addition to the payment of any fees for the towing and storage of the vehicle to the appropriate City towing contractor.

(ii) Whenever a police officer has reasonable suspicion to believe that a vehicle is subject to seizure and impoundment pursuant to Section 37 (~~J K, and Section 37 (M)~~) through 37 (~~VW~~) inclusive of this Chapter, the police officer shall provide for the towing of the vehicle to a facility controlled by the City or its contractor. When the vehicle is towed, the police officer shall notify the person who is found to be in control of the vehicle at the time of the alleged violation and the owner of said vehicle, if present at the time, of the fact of the seizure and the vehicle owner's right to post a cash bond as indicated in subsection (~~iii3~~) hereof to retrieve possession of the vehicle pending a hearing to be held by a hearing officer for the City designated by the City Manager. The notification shall also explain the vehicle owner's right to a probable cause hearing with respect to the alleged violation, as provided in subsection (~~vii7~~) hereof.

(iii) Whenever the owner, lessee or lienholder of a vehicle seized pursuant to this subsection wishes to retrieve the vehicle seized prior to the evidentiary hearing, he or she may do so by posting a cash bond of Two Hundred Fifty Dollars (\$250.00) at the Decatur

Police Department, 707 W. South Side ~~Southside~~ Drive, Decatur, Illinois, in addition to the payment of applicable towing and storage fees to the City's towing contractor.

(iv) Within ten (10) days after a vehicle is seized and impounded pursuant to this subsection, the City shall notify by personal service or by first class mail the owner of record or lessee and any lienholder of record of said vehicle of the date, time and location of a hearing that will be conducted pursuant to this subsection B.

(v) A hearing shall be scheduled and held, unless continued by order of the City's hearing officer, on designated days of each month. The hearing shall be scheduled not less than seven (7) days and not more than thirty (30) days after notice thereof is mailed. All interested persons shall be given a reasonable opportunity to be heard at the hearing. The formal rules of evidence shall not apply and hearsay evidence shall be admissible. The hearing shall be open to the public and recorded.

(vi) If, after the hearing, the City's hearing officer determines by a preponderance of the evidence that the vehicle was used in the commission of a violation of Section 10 of Chapter 73 of the City Code or in violation of Sections 37 (~~JM~~) through 37 (~~VW~~) inclusive of this Chapter and was not stolen prior to said violation, he shall enter an order requiring the vehicle to continue to be impounded until the owner thereof pays the penalty and fees imposed hereby if the vehicle is still in the custody of the City or its contractor; if a bond had been posted and the owner, lessee or lienholder has possession of the vehicle, the hearing officer shall enter an order deducting the appropriate penalty from the cash bond that was posted. If, after said hearing, the City's hearing officer determines by a preponderance of the evidence that the vehicle was not used in the commission of a violation of Section 10 of Chapter 73 of the City Code or a violation of Section 37 (~~JM~~) through 37 (~~VW~~) inclusive of this Chapter, or that the vehicle was stolen prior thereto, said hearing officer shall enter an order dismissing the proceedings and the vehicle or cash bond shall be returned without payment or deduction of any penalty and any towing or storage fees paid by the owner, lessee or lienholder shall be reimbursed by the City. Any penalty imposed hereby on the owner of record of any vehicle shall be a debt due and owed to the City and may be enforced and collected as provided by law.

(vii) In addition to the hearing provided for in the immediately preceding subsections hereof, every owner whose vehicle is impounded for a violation of Section 10 of Chapter 73 of the City Code or Sections 37 (~~JM~~) through 37 (~~VW~~) inclusive of this Chapter shall be entitled to a probable cause hearing before a police shift commander, or designee, on the question of whether the vehicle was used in violation of said provision. This hearing

must be requested, in writing, within twenty four (24) hours of the impoundment of the vehicle, and the hearing shall be held within three (3) days of receipt of such request by the City, excluding Saturdays, Sundays and holidays. The formal rules of evidence shall not apply at said hearing and hearsay evidence shall be admissible. If, after the hearing, the police shift commander, or designee, determines that there is probable cause to believe that the vehicle was used in the commission of a violation of Section 10 of Chapter 73 of the City Code or Sections 37 (~~JM~~) through 37 (~~VW~~) inclusive of this Chapter, he shall order the continued impoundment of the vehicle unless the owner, lessee or lienholder of the vehicle posts a cash bond with the City in the amount of Two Hundred Fifty Dollars (\$250.00). If the police shift commander, or designee, determines that there is no such probable cause, the vehicle will be returned without penalty or other fees.

(viii) Notwithstanding any other provisions of this Section, whenever a person with a lien of record against a vehicle impounded under this subsection has commenced foreclosure proceedings, possession of the vehicle shall be given to that person if he or she agrees in writing to refund the City the net proceeds of any foreclosure sale, less any amounts necessary to pay all lien holders of record, up to the total amount of penalties and fees imposed elsewhere herein.

(ix) Any motor vehicle impounded under this subsection that is not reclaimed within thirty (30) days after the expiration of the time during which the owner of record may seek judicial review of the City's action, or the time at which a final judgment is rendered in favor of the City, or the time a final administrative decision is rendered against an owner of record, may be disposed of as an unclaimed vehicle as provided by law.

(x) Fees for towing and storage of a vehicle under this subsection shall be the same as those charged per the applicable contract for towing service with the City in effect at the time of the violation.

~~C. The provisions of this subsection shall be applicable to vehicles removed pursuant to Section 37 (K) and Sections 37 (M) through 37(W) inclusive of this Chapter:~~

~~(i) The owner of record of a motor vehicle used in the violation of Section 10 of Chapter 73 of the City Code or Sections 37 (M) through 376 (W) inclusive of this Chapter shall be subject to having said vehicle impounded and shall also be liable to the city for an administrative fine of Two Hundred Fifty Dollars (\$250.00), in addition to the payment of any fees for the towing and storage of the vehicle to the appropriate City towing contractor. (Amended, Ordinance 2014-31, July 7, 2014) (Amended, Ordinance 2014-40, August 4, 2014)~~

~~(ii) Whenever a police officer has reasonable suspicion to believe that a vehicle is subject to seizure and impoundment pursuant to Section 37 (K), and Sections 37 (M) through 37 (W) inclusive of this Chapter, the police officer shall provide for the towing of the vehicle to a facility controlled by the City or its contractor. When the vehicle is towed, the police officer shall notify the person who is found to be in control of the vehicle at the time of the alleged violation and the owner of said vehicle, if present at the time, of the fact of the seizure and the vehicle owner's right to post a cash bond as indicated in subsection (3) hereof to retrieve possession of the vehicle pending a hearing to be held by a hearing officer for the City designated by the City Manager. The notification shall also explain the vehicle owner's right to a probable cause hearing with respect to the alleged violation, as provided in subsection (7) hereof.~~

~~(iii) Whenever the owner, lessee or lienholder of a vehicle seized pursuant to this subsection wishes to retrieve the vehicle seized prior to the evidentiary hearing, he or she may do so by posting a cash bond of Two Hundred Fifty Dollars (\$250.00) at the Decatur Police Department, 707 Southside Drive, Decatur, Illinois, in addition to the payment of applicable towing and storage fees to the City's towing contractor. (Amended, Ordinance 2014-40, August 4, 2014)~~

~~(iv) Within ten (10) days after a vehicle is seized and impounded pursuant to this subsection, the City shall notify by personal service or by first class mail the owner of record or lessee and any lienholder of record of said vehicle of the date, time and location of a hearing that will be conducted pursuant to this subsection B. (Amended, Ordinance 2013-64; July 1, 2013) (Amended, Ordinance 2014-40, August 4, 2014)~~

~~(v) A hearing shall be scheduled and held, unless continued by order of the City's hearing officer, on designated days of each month. The hearing shall be scheduled not less than seven (7) days and not more than thirty (30) days after notice thereof is mailed. All interested persons shall be given a reasonable opportunity to be heard at the hearing. The formal rules of evidence shall not apply and hearsay evidence shall be admissible. The hearing shall be open to the public and recorded. (Amended, Ordinance 2014-31, July 7, 2014)~~

~~(vi) If, after the hearing, the City's hearing officer determines by a preponderance of the evidence that the vehicle was used in the commission of a violation of Section 10 of Chapter 73 of the City Code or in violation of Sections 37 (M) through 37 (W) inclusive of this Chapter and was not stolen prior to said violation, he shall enter an order requiring the vehicle to continue to be impounded until the owner thereof pays the penalty and fees imposed hereby if the vehicle is still in the custody of the City or its contractor; if a bond had been posted and the owner, lessee or lienholder has possession of the vehicle, the hearing officer shall enter an order deducting the~~

~~appropriate penalty from the cash bond that was posted. If, after said hearing, the City's hearing officer determines by a preponderance of the evidence that the vehicle was not used in the commission of a violation of Section 10 of Chapter 73 of the City Code or a violation of Section 37 (M) through 37 (W) inclusive of this Chapter, or that the vehicle was stolen prior thereto, said hearing officer shall enter an order dismissing the proceedings and the vehicle or cash bond shall be returned without payment or deduction of any penalty and any towing or storage fees paid by the owner, lessee or lienholder shall be reimbursed by the City. Any penalty imposed hereby on the owner of record of any vehicle shall be a debt due and owed to the City and may be enforced and collected as provided by law. (Amended, Ordinance 2014-40, August 4, 2014)~~

~~(vii) In addition to the hearing provided for in the immediately preceding subsections hereof, every owner whose vehicle is impounded for a violation of Section 10 of Chapter 73 of the City Code or Sections 37 (M) through 37 (W) inclusive of this Chapter shall be entitled to a probable cause hearing before a police shift commander, or designee, on the question of whether the vehicle was used in violation of said provision. This hearing must be requested, in writing, within twenty four (24) hours of the impoundment of the vehicle, and the hearing shall be held within three (3) days of receipt of such request by the City, excluding Saturdays, Sundays and holidays. The formal rules of evidence shall not apply at said hearing and hearsay evidence shall be admissible. If, after the hearing, the police shift commander, or designee, determines that there is probable cause to believe that the vehicle was used in the commission of a violation of Section 10 of Chapter 73 of the City Code or Sections 37 (M) through 37 (W) inclusive of this Chapter, he shall order the continued impoundment of the vehicle unless the owner, lessee or lienholder of the vehicle posts a cash bond with the City in the amount of Two Hundred Fifty Dollars (\$250.00). If the police shift commander, or designee, determines that there is no such probable cause, the vehicle will be returned without penalty or other fees. (Amended, Ordinance 2014-31, July 7, 2014) (Amended, Ordinance 2014-40, August 4, 2014)~~

~~(viii) Notwithstanding any other provisions of this Section, whenever a person with a lien of record against a vehicle impounded under this subsection has commenced foreclosure proceedings, possession of the vehicle shall be given to that person if he or she agrees in writing to refund the City the net proceeds of any foreclosure sale, less any amounts necessary to pay all lien holders of record, up to the total amount of penalties and fees imposed elsewhere herein.~~

~~(ix) Any motor vehicle impounded under this subsection that is not reclaimed within thirty (30) days after the expiration of the time during which the owner of record may seek judicial review of the City's~~

action, or the time at which a final judgment is rendered in favor of the City, or the time a final administrative decision is rendered against an owner of record, may be disposed of as an unclaimed vehicle as provided by law.

~~(x) Fees for towing and storage of a vehicle under this subsection shall be the same as those charged per the applicable contract for towing service with the City in effect at the time of the violation.~~

70. **IMMOBILIZATION AND IMPOUNDMENT.**

- H. No person shall move or cause to be moved any vehicle that has an immobilization device attached thereto except as authorized by the City of Decatur and its employees. Further, no person shall tamper with, damage, remove or cause to be removed from any vehicle an immobilization device placed thereon under the authority of the City of Decatur and its employees except as authorized to do so by the City. Further, it shall be unlawful to interfere with or hinder any officer or employee of the City, or those designated to act on behalf of any officer or employee of the City, while engaged in the duties of the enforcement of this section. Any person who is found to have violated this subsection shall be fined in an amount of not less than Two One Hundred Fifty Dollars (\$250.00 ~~100.00~~) nor more than Five Hundred Dollars (\$500.00) plus the cost, if any, of any damage to the immobilization device.