

Committee of the Whole

Monday, December 12, 2022, at 6:30 P.M.
Library Meeting Room in Five Points, Washington,
380 N. Wilmor Road, Washington, IL

Mayor Manier called the Committee of the Whole meeting of December 12, 2022 to order at 6:30 p.m. with a quorum present.

Present: Alderpersons Adams, Blundy, Brownfield, Butler, Schone, Stevens and Yoder

Absent: Alderperson Dingleline

Also Present: City Administrator Snider, P & D Director Oliphant, City Engineer Carr, Public Works Director Rittenhouse, Police Chief McCoy, City Clerk Brod and Attorney Keith Braskich

MINUTES

1. ALDERPERSONS WISHING TO BE HEARD: None was provided
2. PUBLIC COMMENTS: Brad Wilke spoke regarding the Jackson Street Bridge project. He stated that he has lived on Jackson Street for eleven years, and he is also representing neighbors who could not attend. He stated that removing the bridge shouldn't be considered because District 52 kids use the bridge to get to school. He noted that only 1% of people would use the street if the choice is made to connect Jackson to Hamilton. He supports replacing the bridge. He stated that Jackson and Monroe Streets don't connect to the rest of Washington and new drivers don't know that and see the "no outlet" sign and continue past. He stated that pedestrians would still walk over the box culvert and feels we should avoid spending \$500,000 to connect 31 houses on two streets. Keith, who also lives on Jackson Street, stated that he doesn't know why there is a hurry to do this and doesn't know anyone who is in favor of it. Kim Wade was also present and said she has lived there more than 30 years. She stated that it has been that way since 1950 and wants to know if people on Hamilton know how close this would be to their house. She is in favor of the pedestrian bridge.
Jim Bremner from Washington Township stated that he is also in agreement with the pedestrian walkway. He stated that it is an access point for biking and walking. He thinks if we got together with rest of community, they could help cut costs by using local services. Mr. Bremner stated that he thinks they can come up with donors to help get cost down. On another note, Mr. Bremner thanked Council for being part of the Disability Transportation Agreement partnership and noted that it is continuing to grow. August had 61 rides. September had 91 rides. October had 111 rides and November had 132 rides. He would like to continue this relationship. Mr. Bremner noted that 75 of those rides were for disabled people going to dialysis and some of these people don't have other resources. He also shared that 41 rides were provided for young adults with development disabilities, and this helps kids get to employment and other needs.

3. APPROVAL OF MINUTES: Alderperson Brownfield motioned to approve the November 14, 2022 meeting minutes; Alderperson Stevens seconded. Motion passed by voice vote.

4. BUSINESS ITEMS:

- A. *SCADA Master Plan Discussion* – Mayor Manier introduced Public Works Director Brian Rittenhouse. He shared that Concentric Integration evaluated the existing system and has found improvements that should be made over time. A master plan will give staff professional guidance to move forward with future improvements to SCADA. He provided a report created by Concentric with budget details. Alderperson Brownfield noted that this is the first time trying to get SCADA and asked for clarification regarding the type of contract. Mr. Rittenhouse said this is just a draft and a recommendation for a five-year program, but the final might be six years. We would evaluate the program year after year to make sure we are current with bids. Alderperson Brownfield asked if this is for time and cost of materials. Mr. Rittenhouse confirmed that it was. Mr. Rittenhouse shared that Concentric also evaluated what might be nearing end of life and introduced Rich Foley, from Concentric, who said their team evaluated the system and they were already familiar with our wastewater system. They developed a path to help guide the City. Alderperson Schone stated that he sees this as being the lowest fiscal year now and the high being \$387,000+ and asked if these are the type of numbers they will continue to see or will they level out. Mr. Foley shared that they tried to look ahead 8-10 years but didn't put a price on them because it was too far out to estimate. He also stated that they were very conservative when estimating the prices. Mr. Schone stated that in his experience, it is a nightmare if you don't stay on top of it and something goes wrong with SCADA. Alderperson Stevens ask if we've had a master plan for SCADA before. Mr. Rittenhouse said this is his first experience with this master plan and this should help us know what direction we are going. He shared that they have been happy with prior work done by Concentri. He noted that they will be ahead of this and help do preventative maintenance. Alderperson Schone stated that when the City first started getting into SCADA they pieced things together and this is a road map to help bring things together to avoid problems.
- B. *Southeast Square On-Street Parking Removal Consideration* – Planning and Development Director Oliphant asked for Council's feedback because Grist Mill Ventures is looking for consideration for the vacation of two parking spaces. He provided drawings of the area in the agenda packet. They would like the area of two parking spaces to accommodate outdoor dining. He said that currently, the space does not allow for outdoor dining space and ADA accommodations. Mr. Oliphant noted the minimum need to have the sidewalks reconstructed for consistency which could possibly be considered around the other parts of the Square. Alderperson Stevens shared that she thought this was going to Planning and Zoning first. Mr. Oliphant clarified that Planning and Zoning will not include the vacation of the off-street parking, but they will hear the waiver of the off-street parking regulations. Alderperson Stevens asked who would incur the cost. Mr. Oliphant stated that it is still to be determined and we would need to figure out how that cost would be handled if all the sidewalks were to be replaced. Mayor Manier stated that outdoor seating is a standard for dining, and this could help the streetscape around the Square. Alderperson Blundy shared his concern about the safety but noted that he likes Peoria Heights. His concerns were: 1) for large vehicles going around the corner, 2) removing some of the parking while adding apartments, and 3) the cost. Mr. Schone stated that he is in favor and could see this happening on other areas of the Square which might attract other restaurants and people to the Square. He noted his concern with parking but will help think of solutions. Alderperson Stevens stated that when the brew pub proposed their concept, it was about the brewing of the beer and the roof top. She stated

that she is not in favor of this for safety reasons. She also stated that the Square isn't set up like Peoria Heights or Tangled Roots in Ottawa which are on straight roads. Mayor Manier stated that in regard to the beer, they are a restaurant first and this Council had an opportunity to purchase more parking, so losing two spots isn't an issue. Alderperson Brownfield noted the safety concern but feels the whole Square was designed like this 200 years ago. Alderperson Adams is in favor and concerned with safety as well, but noted there are always safety concerns with people on the Square. He also shared that he would like to figure out how to plan for the cost. Alderperson Yoder shared that he is fine with sidewalk seating and wondered if barriers could be used to deflect traffic. Alderperson Butler noted that portions of the sidewalks will need to be replaced when the building is demolished. He stated that he is not concerned about losing the two spaces but would rather have temporary use instead of vacated use. He likes the way Peoria Heights uses temporary containers for seating and hopes they can improve on the price for the project. Mayor Manier shared that he was on the Square and a shop owner stated that they would be willing to give up ten spaces just to bring more people to the Square. City Administrator Snider stated that the consensus seems to favor it and recommends looking at other areas to see how they handle it, such as the Warehouse District. He shared that Southwest Adams Street in Peoria went from four lanes to two lanes and added a roundabout and this helps facilitate the trend of urban nostalgic developments. Mr. Snider stated that this could be a success that would bring continued growth to downtown and can see it going from City Hall all the way to Lindy's.

- C. *Consideration of Sale of Alcohol by Licensed Establishments in the Outdoor Area and City Square* – Police Chief Mike McCoy shared that they have been approached by establishments who would like to be able to serve alcohol outside on their property as well as serve at events on the Square. Alderperson Adams stated that he could see some benefit, at times, for events where parts of the Square were closed. He shared his concern about entering and exiting the Square now. He also shared that this might work for certain events but not all the time. Alderperson Yoder expressed that he doesn't want to see it on the Square. He noted that businesses could have it in a gated area and gave the example of Parish's creating a gated area but not freely walking around the Square. Alderperson Schone agreed. He stated that not only do we want to attract people to the Grist Mill and Parish's, but we also want to bring families to events. Mayor Manier noted that they have been approached about having a wine walk which could allow alcohol at the shops but not the center of the Square. Chief McCoy agreed that they support it for the businesses but not the center of the Square.
- D. *Consideration of Delivery of Alcohol by Class A and B Liquor License Holders* – Police Chief McCoy explained that areas outside of our City are delivering to Washington but Washington businesses can't deliver to itself. He shared that this would apply to Class A and B license holders. Alderperson Adams noted that this was discussed at the committee levels and feels that we are not doing a favor to the local business by not allowing them to deliver when outside businesses are doing it. Alderpersons Yoder and Schone agreed, if there are safeguards to avoid selling to minors.
- E. *Amending the Voting Approval Standard in Chapter 31.58 of the City Code and the Rules of Procedure in Section 6.7* – City Administrator Snider stated that this item has been discussed several times and the City Attorney is here to answer questions. Alderperson Blundy shared that he is concerned with needing to explain why one is abstaining if they choose to abstain. He feels language should be made simple by defining what a "majority" is. Alderperson Blundy stated that it should read "the majority of all those voting," then he doesn't have to explain because it wouldn't count. He also is not in favor of removing the option to pass. Alderperson Stevens agreed with Alderperson Blundy. She stated that she is against veering

away from Roberts Rules of Order. Alderperson Adams stated, in regard to abstentions, he doesn't have a problem saying why he abstains but doesn't like the idea of one person being able to determine if the reason for the abstention is acceptable. Alderperson Adams also feels that the ability to pass on a vote could be misused by those trying to position themselves with their vote. Alderperson Brownfield stated that they are elected to make decisions and he would not have an issue if someone has a financial reason to abstain. He is against being able to pass during voting. Alderperson Butler stated that having one person determine if it is valid or invalid to abstain is not the point of this. This is to determine the passage of a vote going to the majority of Council members present. Alderperson Butler provided the example, that if he applied for a zoning grant, went through all the channels, and when it came to the vote, he abstains, it would count as a no vote instead of not a vote. He noted that without explanation an abstention could be for moral grounds, a bad mark on Facebook or to embarrass someone. Alderperson Butler stated that if a person chooses to abstain, they should be counted as present and it is very rare for the mayor to have to decide on an abstention. He feels the language could read that an abstention can be made if a member chooses not to explain why they abstained. Alderperson Schone agreed with Alderperson Butler and feels it may embarrass an Alderperson by making them state why they abstain. He also does not favor the ability to pass on a vote. Attorney Braskich stated that these discussions don't show any issues legally, except if an alderperson were to cite a conflict of interest and it was determined that it was clearly not a conflict of interest. There would then need to be a discussion with Council. Alderperson Blundy noted that the verbiage stating "a majority present and voting" would mean that the abstention goes away like he isn't here. Mayor Manier stated that they would be present after roll call. Attorney Braskich clarified that being present means being present for determining the vote. Alderpersons Butler clarified that he suggested not to force anyone to give their reason for their abstention unless they wanted to due to a conflict of interest because they should not be part of the voting body. Alderperson Stevens said you are not counted as a vote if you abstain. Alderperson Butler said it goes by the number present; if there are eight people present, it takes five votes to pass but if you abstain with a conflict of interest, only seven people are present to vote which means it would take four votes to pass. City Engineer Carr asked if Council could discuss the difference between a "no vote" and a "vote of no." Attorney Braskich helped clarify that an abstention helps reduce the size of the voting body. Alderperson Butler feels you should only reduce the size of the voting body if there is a conflict of interest but we can eliminate the need to explain the abstention. Discussion continued regarding the use of the phrase "majority" versus "majority present and voting." Alderperson Stevens stated that the option to pass is part of Roberts Rules of Order. Alderperson Yoder is okay with not having to explain an abstention. Alderperson Stevens asked for a parliamentarian to speak. Mayor Manier shared that there is a City Attorney present and asked for a consensus on options. Alderperson Butler stated that if someone has a conflict of interest, they should not be considered a part of the majority and if you want to abstain but not give a reason it wouldn't count. Alderperson Yoder noted a person could choose not attend the meeting if they are required to give a reason for their abstention. Alderperson Schone stated that he can't see a reason why someone can't share why they are abstaining. Mayor Manier said we are elected to make decisions and to try to find reason why we should not vote would not be good. Alderperson Adams clarified his point regarding a previous vote, sharing that he abstained because the attorney said if he voted "no" they could be financially liable. He shared his concern that if he gave that as a reason to abstain, one individual has the power to decide if this reason counts as a conflict of interest. Then, he would either need to vote yes for something he doesn't support or no and be held financially liable. Alderperson Butler noted that there are times when there is a ministerial duty to vote, like protecting someone's property rights. He explained that if you have a duty to vote yes to protect a property rights, but if it is your

property, you should be able to abstain. Alderperson Blundy stated that if he doesn't want to vote, he shouldn't have to vote and gave the example that with Trails Edge abstentions, the new majority of those voting would be three and only require two to pass. Mayor Manier noted that if the Trails Edge vote failed, they would have made everyone vote if we lost the lawsuit. Mayor Manier clarified the consensus that Council would like to remove verbiage that they don't need a reason to abstain and if you abstain with a conflict of interest, you are not considered part of the voting body. Alderpersons Blundy and Stevens would not like to eliminate the pass vote. Alderperson Butler explained that passing goes against our rotation of vote and waiting to see how everyone else votes, would be wrong. He also clarified that Roberts Rules helps when our code doesn't cover it. Alderperson Stevens stated that you are taking away something you already have. Alderperson Yoder asked for clarification about the redraft and bringing it to a first reading at the next Council meeting.

F. *Discussion to Amend City Code 31.56 Procedure for Passage of Ordinances and the Rules of Procedure 6.2* – City Administrator Snider provided the information in the agenda packet. He noted that these amendments would allow for at least 2/3 of council to waive the second reading instead of a unanimous vote. Alderperson Stevens stated that since she was elected, there have been 13 requests to waive second readings and eight passed, two had five nays, one with three nays, and two with one nay. She stated that this has been in place since 1978 and doesn't recall any alderperson expressing concern about this. Administrator Snider stated that he brought it forth because in his experience in five other cities, he has never seen it require a unanimous vote. He noted that this would help with efficiency. He stated that the City of Washington is doing great things with development, and he feels his role is to encourage Council and move things along. Alderperson Butler said a request to waive second reading is usually an urgency issue and there is always good reason. He noted that if it is a unanimous vote, one person can derail the progress and he is for the 2/3 vote because one person shouldn't have the ability to kill progress. Alderperson Adams expressed that he is fine with either way, this has been on the books for 44 years and the last 13 times this has been used, the vote would have only changed one time. Alderperson Brownfield asked how many times we've had to have a special meeting to try to catch up. Alderperson Blundy said he is not in favor of changing it, because if you are going to waive the second reading it is an emergency and it should be laid out in advance. Alderperson Schone is in favor of making it a majority and we always have to vote with what makes sense. Alderperson Yoder stated that he likes the unanimous vote because everyone should know about it already. He shared that the last vote with the bicycles would have been fine had it come to Council sooner. Mayor Manier said they will write up an ordinance and bring it forward to vote.

G. *Jackson Street Pedestrian Bridge* – City Engineer Carr shared that Public Works staff found a lot of rot and the center pier has blocked up trees. They had a structural engineer look at it who said it needed to be replaced. He shared that there were several ideas brought forth at previous meetings including removing the bridge. He noted Alderperson Stevens' request to connect it into Kingsbury but that was discontinued due to price. Mr. Carr stated that it is inside our law to remove it and there is another bridge a couple hundred yards to the north which wouldn't add a lot of distance coming from Hamilton. He noted that there are multiple options and that putting in the bridge dumps people right in the road. He worries that it can be a hazard to kids. Mr. Carr explained that if they connect the roads, the City would look at the Safe Routes to School program to put in a sidewalk and large trucks would benefit, which is why this was brought forward. He recognized that a lot of residents like the bridge and said our code currently states that a dead end can't be more than 600ft and this is longer. Alderpersons Adams, Yoder and Stevens do not want to extend the road and would like to

replace the bridge. Alderperson Brownfield asked if the bridge was repairable. Mr. Carr confirmed that it is not. Alderperson Brownfield favors replacement of the bridge as well. Alderperson Schone stated that he would prefer the bridge but is not against connecting streets. Alderperson Blundy is in favor of replacing the bridge. Alderperson Butler would like to see if the bridge could be in the SRTS program. Mr. Oliphant noted that the SRTS program would be in the spring of 2024. Mr. Carr noted that it would have to go through IDOT which would cost more money and they may have an issue with not maintaining access to the east side of the bridge.

- H. *2023 Sidewalk Replacement Pilot Program Priorities* – Mr. Oliphant shared that this is a follow-up to the last meeting and staff has worked to develop a program. Staff proposes they make all streets east of Main Street available to a subsidy and anything outside of that would be eligible for the 50/50 share program. They would also make available an SSA program for residents that might not have the means and would like to pay for it over ten years. Staff presented another idea with a 70/30 program which would increase the 2023 budget to \$40,000. Alderperson Adams expressed interest in the 70/30 program and hopes it encourages owners to do it. Alderperson Brownfield expressed concern with turning people down based on their streets and timing. Alderperson Schone likes this for a pilot program and the SSA. He noted that if someone complained about their safety outside of the 70/30 area, he wouldn't want to exclude them. Alderperson Blundy liked the 70/30 idea and if it didn't work, the City could look into the pay as you exit program. Alderperson Butler likes this. Alderperson Stevens likes the 70/30 incentive and thinks it depends on the rating of the sidewalk like in Devonshire. Mr. Carr asked to clarify that Council has directed the focus on the east side of town as well as rating sidewalks. Mayor Manier noted that the City should not focus on sidewalks along streets that are going to be replaced. Mr. Carr asked to clarify how to rate one four-foot panel of sidewalk very poor but the rest of the sidewalk could be okay and it wouldn't make sense to replace two panels of sidewalk at 70%. Alderperson Yoder said this is conversation to have with the homeowner. Mr. Carr noted a minimum amount needed for replacement. Alderperson Schone stated as a pilot program maybe parts of the sidewalk could qualify at different amounts. Mayor Manier stated that it would be important to get the word out. Alderperson Butler stated that if a homeowner damages a sidewalk due to heavy equipment, they need to be responsible to replace the sidewalk.
- I. *Nofsinger Realignment Update* – Mr. Carr shared that staff met with IDOT to review the project and noted that there is potential that the funding will be coming with some oversight. He shared that IDOT could come through with safety funds and there is a program earlier this year, but it is focusing on guardrails. Mr. Carr shared that they will request around \$3 million but this comes with \$143,225.50 upfront which will take care of the IDOT oversight. He also shared that with the timing of the environmental studies, we need to get going to hit an August benchmark. Mr. Carr shared that they could possibly start construction in September or October. He also shared that this is the engineering agreement from Terra and if we don't receive highway safety funds, it could be \$2.7 million of local funds. Alderperson Blundy asked if the City could do the same plan as Spring Creek with the money we received. He thinks we are eroding the bypass and is not a fan of putting in a new stop light, but thinks the Spring Creek solution would work. Mr. Carr stated that the \$4 million is for the realignment of Nofsinger Road. Alderperson Blundy asked about the 223 Property development. Mayor Manier said this is a safety issue and noted several accidents since the announcement has been made. He shared that he has been contacted by residents who have lost loved-ones at the intersection. Alderperson Stevens said there has been no discussion of Nofsinger since she has been on Council and agrees that the safety issue is important. Mayor Manier shared that engineering and environmental studies were done in 2017 but they are only good for a few

years. Alderperson Brownfield is in favor of moving forward. Alderperson Schone is in favor of it if the dollars are there. He doesn't like additional stoplights but doesn't see another light between there and Main Street. Alderperson Adams is in favor. Alderperson Stevens asked how we would pay for the \$2.7 million if we don't get the money. Mr. Snider stated that Council will have to put it in the budget. Alderpersons Yoder and Butler are in favor of it.

5. OTHER BUSINESS

6. ADJOURNMENT

At 8:18 p.m. Alderperson Brownfield moved and Alderperson Schone seconded to adjourn. Motion carried unanimously by voice vote.

Valeri L. Brod, City Clerk