

**MINUTES OF REGULAR SESSION  
HIGHLAND CITY COUNCIL  
MONDAY, APRIL 15, 2013**

Mayor Michaelis called the Regular Session to order at 7:00pm. Council members Schwarz, Bardill, Bellm and Nicolaides were present. Others in attendance were City Manager Mark Latham, City Attorney John Long; Directors Cook, Gillespie, Kennedy, Rosen; Police Chief Bell, Fire Chief Bloemker, EMS Captain Crosby, Supervisor Limestall; Library Director Kim, Treasurer Foechner, Deputy City Clerk Hediger, City Clerk Bellm; Councilman-Elect Frey, 29 citizens, two representatives of Tourism Bureau of Illinois South, and 1 member of the news media.

**MINUTES**

Councilman Bardill made a motion to approve the minutes of the April 1, 2013 Regular Session as attached; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Bardill, Bellm and Nicolaides voted aye, none nay. Motion carried.

**PUBLIC HEARING**

Mayor Michaelis opened the public hearing to receive comments concerning final adoption of the Budget for the 2013-2014 Fiscal Year at 7:02pm. With no one coming forward to present comment, the public hearing was closed at 7:03pm.

**PRESENTATION**

Jo Kathmann, President and CEO, and Dan Krankeola, Sales Manager, of the Tourism Bureau ILLINOISouth gave a presentation on how the tourism bureau benefits the City of Highland. Ms. Kathmann stated we are the regional marketing bureau for nineteen counties. We are 501c, non-for-profit. Fifty-percent of our budget comes from the State of Illinois. With the state of the economy in Illinois, our funding is maintained, because no one on either side of the aisle is opposed to tourism. Tourism dollars bring in tourist, which generates sales and jobs within Illinois. The other half of our budget comes from the communities' pledged advertising dollars. Pledges have to be made prior to May 1, in order for us to receive the matching funds from the state. 30% of the state hotel/motel tax goes to the State of Illinois; that money is divided amongst the bureaus based upon our matching pledges.

Dan Krankeola, Sales Manager, referenced the handouts provided to the council, which include advertising for the City of Highland, to review how pledged funds are used. He reviewed the spending for Fiscal Year 2013 (July 1, 2012 – June 30, 2013). In June 2012, we paid 15% of the cost of the Highland three-fold brochure. Any media type of advertising we pay 15%. We printed 125,000 copies of the Fall Tourism Guide. You receive a 50% discount on any ads placed in the Illinois South Visitors

Guide; Highland had a third-page advertisement for a cost to Highland of \$640. In the Holiday Tourism Guide, the ad cost you \$230. A tear-off map is placed in all lodging facilities and interstate tourism/visitor centers. A copy of those is placed, along with any three-fold brochures, in tradeshow bags. The next item we will be doing is a co-op rack card for area art festivals. The cost for Highland is \$200. We are going to place the information of the four largest art shows in our area on these cards. They will be distributed at the first art show and every show thereafter. There is also an eighth-page ad in our Fall Tourism book that is planned. Total expenditures will be \$4,418.00 and carry \$82 into FY 2014. These advertisements are done based upon direction from Jamie Jansen, of the Highland Chamber of Commerce.

## **PUBLIC FORUM**

### Citizens' Requests and Comments:

*The Tourism Bureau ILLINOISouth 2012-13 Funding Request* – Jo Kathmann, Pres/CEO stated in the membership levels, we also provide marketing counseling. While we take directions for Jamie, at the Chamber of Commerce, we will meet and take any information or ideas from others. If you have a new venue, activities, events, or something you want to promote in particular. Not all cities have marketing plans. We will assist communities if they need this. Councilman Schwarz asked have we engaged in any marketing plan. Ms. Kathmann and Mr. Krankeola replied no. Councilman Schwarz pointed out we discussed, last year, the promotion of the 175<sup>th</sup> Jubilee. He expressed he was not happy with the promotion of that, or lack thereof, and the amount of coverage Highland received in their guides for the cost we have paid. I believe we could do just as well ourselves with that amount of money. Councilman Nicolaides made a motion to provide \$4500 of funding to the Tourism Bureau of Illinois South; seconded by Councilman Bardill. Schwarz, Bardill, and Nicolaides voted nay, none aye. Councilwoman Bellm abstained due to her participation in the Art In the Park, Street Art Fest and Farmers' Market. Motion failed.

*2013 Girls on the Run 5K Request* – Renee Parks, GOTR St. Louis, stated our council is one of over 500 across the US and Canada. We are a non-for-profit prevention program for girls in grades three through eight, inspiring healthy lifestyles and confidence using a fun, experience-based curriculum that works on recognition of personal strengths, team building and relationship building activities and integrates running. Girls on The Run (GOTR) is focused on girls grades three thru five, while Girls on Track (GOT) is for those in sixth thru eighth grades. Our Spring 5K is in St. Louis, on May 11. Before doing the 5K in St. Louis, we want the girls to practice what one feels like. The event downtown will have over 8,000 participants. Highland has been in the program since Spring 2010, with 82 GOTR participants and 8 GOTT. For the practice run, they run with a family member or person of importance. Amy Powell, of Highland Elementary, requested use of the city streets by Highland Elementary, Lindenthal, going down the hill towards VFW Road, back out onto Poplar Street, back into Faith Countryside Subdivision. We will have volunteers to assist in blocking off streets. Councilwoman Bellm made a motion to approve the use of the city streets on Saturday, April 27, 2013 for Girls on the Run to hold their practice 5K run at 8:00am as requested; seconded by Councilman Bardill. Schwarz, Bardill, Bellm and Nicolaides voted aye, none nay. Motion carried.

*2013 Street Art Festival Request – Chamber of Commerce* – Angela Kim, representative for the Highland Chamber of Commerce, requested permission for the group to hold the 11<sup>th</sup> annual Street Art Fest on Saturday, August 3, 2013, with a rain date of Sunday, August 4. They are requesting closure on that Friday evening, after 5:00pm to begin with setup, and to keep the streets closed off until Sunday evening at 8pm, so that people can enjoy the work the artists have done. The street closures will be the same as past few years, with use of Laurel, Main and Washington around the Square. Councilman Bardill made a motion to approve the Highland Street Art Festival Committee's request to hold the 2013 Street Art Festival on August 3, 2013, with a rain date of August 4, with street closures around the Square as requested; seconded by Councilwoman Bellm. All council members voted aye, none nay. Motion carried.

*Video Gambling in Highland* - Leonard Pye, 15 Sun Court, stated, as a pastor in the community, having worked in various roles through the community, and, today, as a bus driver, I have come to know many people in the community. I am not here to take a crack at anyone. When the State of Illinois voted to allow video gambling at establishments, the City of Highland council voted to pass an ordinance allowing video gambling. The group of us that asked for gambling not to be allowed in Highland, was told the best way to get the ordinance repealed was to show that the citizens of Highland were opposed to it, by the city attorney. We opted for a non-binding referendum, due to a short time constraint. Citizens voted, by a majority, this past week, that they did not want video gambling in this community. While some would say the vote was not overwhelming, I would say that it was a fair representation of the community. Other area communities - Maryville, Swansea, O'Fallon, Glen Carbon, and Edwardsville - have also voted down video gambling in their community. I understand the need for money. Thirty-five percent intake goes to the establishment, 35% goes to the owner of the machine, 25% state of Illinois, and 5% goes to the city. I ask, what price do we put on a gradual slide of our morals? I understand the establishments' need for money; however, I would rather buy 10,000 boxes of Girls Scout cookies from them. I would call upon this council, who voted it in, to reverse their decision tonight.

Phil Chapman, 12 Frey Boys Lane, addressed the issue of gambling. He stated he received a call from someone that went the Illinois Gaming website and gathered figures on video gambling in Highland. So far, in the first six months, there has been \$186,385.31 in losses to those in the City of Highland. The losses are increasing. In the first month, it was \$10,305; this same figure went to over \$61,000 for March. On April 9, the voters rejected video gambling by 65%. 1,100 voters is a representative sampling of the community. The national opinions use that sampling percentage. I simply ask the council if they intend to vote gambling out.

Kent Weise, owner of The Korner Keg, and member of Madison County Liquor Association, stated myself and several business owners have not been vigilant at city council meetings; however, we are here tonight to show that we do care about the economics of the City of Highland. Video gambling will bring more sales and tourism to Highland. There are communities that do not have this and the people of those communities will come to Highland, and possibly move into Highland. We want you to be aware that we are here tonight.

Susie Pfister, owner of Hirsch's Tavern, stated I have owned a business for the last twelve years. While I live right outside the city limits, have owned and operated a business in Highland, I am not able to vote on the issue. That is something that should be considered.

Amy Peel, 1415 Lynn Street, stated we have lived all over the United States, since my husband was in the military. We moved to Highland because of the family atmosphere of this community. In towns where we have lived in the past, that had gambling, there was a 35% increase in crime rate. I knew other wives that were going to the bars to get their husbands home, because they were spending their paychecks on these machines. As a family, and as a mother, I want this to be a family community.

Shirley Pye, 15 Sun Court, stated we have lived here thirty-five years. We raised our family here. It is safe; we feel safe here; and, we have this family environment. I only found out today, that you (the council) actually voted for this to happen, in March. I assumed that this came in to the establishments, because of State of Illinois legislation allowing it. I know the games have to be separated off; however, I was in an eating establishment where I could watch the games the whole time. This is a family community. Please, let us keep it that way.

Mayor Michaelis asked council if they wished to give staff a recommendation on what you would like to see. Councilman Schwarz stated, to me, this has nothing to do with revenue. I trust the people to do the right thing. We have had this in for six months. Have we seen anything? To me it is

a freedom, liberty, and form of entertainment. It is not something I want to do. I trust the churches and pastors to lead their flocks. I still support video gambling. Council members Bellm, Bardill and Nicolaides asked to wait on making any decision on this for a couple of weeks.

Requests of Council:

Nothing presented.

Staff Reports:

*One-year extension of contract with Venture Advisors* – City Manager Latham reported we are requesting a one-year extension on the contract with Venture Advisors, which was included in the original agreement with them.

## NEW BUSINESS

Approve Mayor's Appointment to the Police and Fire Commission – Councilman Bardill made a motion to approve the appointment of Mr. Richard G. Ringwald to the Police & Fire Commission, with a term to expire June 2015 as attached; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Bardill, Bellm and Nicolaides voted aye, none nay. Motion carried.

Bill #13-23/ORDINANCE Amending FY 2012-2013 Budget – Councilwoman Bellm made a motion to approve Bill #13-23/Ordinance #2566 amending FY 2012-2013 Budget as attached; seconded by Councilman Bardill. Roll Call Vote: Schwarz, Bardill, Bellm and Nicolaides voted aye, none nay. Motion carried.

Bill #13-24/ORDINANCE Adopting Budget for FY 2013-2014 – Councilman Bardill made a motion to approve Bill #13-24/Ordinance #2567 adopting budget for FY 2013-2014 as attached; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Bardill, Bellm and Nicolaides voted aye, none nay. Motion carried.

Bill #13-25/RESOLUTION Approving and Authorizing Execution of Economic Development Program Agreement (Including Jurisdiction and Maintenance Agreement) with the IL Dept. of Transportation for the Iberg Road Extension and Bridge Over Railroad Tracks (NEQ) – Councilwoman Bellm made a motion to approve Bill #13-25/Resolution #13-04-2119 approving and authorizing execution of Economic Development Program Agreement (Including Jurisdiction and Maintenance Agreement) with the Illinois Department of Transportation for the Iberg Road Extension and bridge over railroad tracks Northeast Quadrant as attached; seconded by Councilman Bardill. Roll Call Vote: Schwarz, Bardill, Bellm and Nicolaides voted aye, none nay. Motion carried.

Discussion - Regarding Question of Whether the Highland Municipal Code Should be Amended to Allow Certain Non-Highway Vehicles to Operate on City Streets - Chief Bell reported we looked at Breese and Trenton. We found that they have not had any real issues other than a few compliance issues. There have been no wrecks. I spoke with Mr. Merkle, whom brought this request to the council. He wanted to go to Wal-Mart and other shopping areas. No one could reach Wal-Mart, based upon the state law. Because of the three state highways that cut through our town and the location of major shopping areas along those routes, it would really not save anyone. People would be very limited going anywhere with them. Council members Schwarz, Bardill, and Nicolaides stated they support Chief Bell on this. Councilwoman Bellm concurred and pointed out this would not achieve anything.

Discussion – Regarding Question of Whether the Highland Municipal Code Should be Amended to Allow Residents to Keep Chickens – City Manager Latham reported staff looked at establishing this through a permitting process, as there is with beekeeping. The other thing we need to think about is the cost of the permit with an inspection that should be done annually. Mayor Michaelis

inquired this would be under a Special Use Permit (SUP). City Manager Latham replied yes. Mayor Michaelis asked how much is that. Supervisor of Building and Zoning Code Kevin Limestall reported SUP is \$200. This covers the city's costs to notify the neighbors of the required public hearing and publication of Notice of Hearing. Councilman Schwarz pointed out that effectively kills this. The way I feel about it is, if they get the signatures of their neighbors that agree, then I do not feel the city should have objection. I think the person that wants it should do the work, go out, and get signatures. Councilwoman Bellm inquired the notification required is of those within 250-feet of the property owner requesting the permit. Supervisor Limestall replied yes. Councilman Schwarz noted 250-feet would be no more than ten neighboring property owners. City Attorney Long advised against allowing people to obtain the signatures from neighbors. We need to maintain the formal process established in the ordinance for Special Use Permits. Councilman Schwarz questioned is there some other plausible way of doing this than to pay \$200. I think that fee is going to kill this. Attorney Long explained there has to be a notice of hearing for Special Use Permit, which requires publication in the newspaper and the mailing of letters to neighboring property owners. Councilwoman Bellm asked do we have to do SUP permit or can we do a registry. Then, if there is a problem, a neighbor could file a complaint under the nuisance ordinance. Attorney Long advised against that. Mayor Michaelis asked who is going to go coral the chickens if they get loose.

Jonell Safford stated I would view them more as pets; kept in a cage. I do not see this any different than having a dog in a pen. Chickens are not as loud as a dog, unless you have a rooster. Diseases are no different than you have the birds that are flying around the city already. I just do not see it any different than other pets. Chief Bell pointed out dogs are not allowed to roam free. If I catch a stray dog, Madison County will take them. What do we do with this? I am sure you (those in attendance, here) are going to be pristine owners; however, in years down the road, others may not be. Attorney Long pointed out, in this day and time, if someone treats an animal in some way that others feel are not right, they bring protests and lawsuits. If chickens are not kept properly, caught as a stray by the city, we have to address how they are going to be handled, cared for, etc.

Deanna Harlan introduced herself as one of Jonell Stanford's contiguous neighbor, who is in favor of this. She stated I am a frequent caller about stray dogs and cats. I think there is a leash law for cats in this town; however, several seem to show up in my yard. It is sometimes a day or so until they are retrieved. If the chickens are not caged, raccoons and hawks will get the chickens. I believe the people will police themselves. I agree that it should not be based upon neighbors alone, because neighbors come and go.

Lynn Rehberger, 1366 Old Trenton Road, explained the way to catch a chicken is to wait until dark when they roost and go to sleep.

Attorney Long advised I think we have chosen the right approach by using the Special Use Permit. If we just open this up, we are going to have the problems that Chief Bell mentioned. How would we enforce it? What would you do if you had a stray chicken in your yard? While the SUP is expensive, I feel it is the best way. Mayor Michaelis asked the council if they want staff to draft an ordinance allowing for this with a Special Use Permit. Jonell Stanford stated the \$200 is not a problem for me; however, I would ask for a more democratic fee for other residents. A SUP is for having a business in your home, is it not. Attorney Long explained there are other various things that SUP are done for when there is exception to ordinance.

## **REPORTS**

Approve Warrants #910 & #911 – Councilman Bardill made a motion to approve Warrants #910 & #911 as attached; seconded by Councilwoman Bellm. Councilman Nicolaides asked if one item can be pulled from one of the warrants. Mayor Michaelis inquired what item is in question. Councilman Nicolaides asked for the payment to Venture Advisors to be pulled. He stated he feels

there should be some discussion as to the value of their services and the program. Deputy City Clerk Hediger explained Venture Advisors is part of the original contract, signed in 2011, which provides for the one-year extension, if the city manager feels they are doing a good job and the program is valuable. That one-year period is already active. Roll Call Vote: Schwarz, Bardill, and Nicolaides voted aye, none nay. Councilwoman Bellm abstained. Motion carried.

Councilwoman Bellm made a motion to temporarily adjourn, to conduct an Executive Session pursuant to the Illinois Open Meetings Act under Section 2(c)(21) for discussion of executive session minutes, and 2(c)(1) to discuss personnel matter; seconded Councilman Bardill. Roll Call Vote: Schwarz, Bardill, Bellm and Nicolaides voted aye, none nay. Motion carried. Meeting temporarily adjourned at 8:29pm.

Mayor Michaelis reconvened the Regular Session at 8:56pm. Council members Schwarz, Bardill, Bellm and Nicolaides were present. Also present were City Manager Latham, City Attorney Long, Deputy City Clerk Hediger and City Clerk Bellm.

Mayor Michaelis stated nothing discussed in executive session would be acted upon tonight.

Councilman Bardill made a motion to adjourn; seconded by Councilwoman Bellm. All council members voted aye, none nay. Motion carried and meeting adjourned at 8:56pm.

Joseph Michaelis, Mayor

Barbara Bellm, City Clerk