

City of Auburn

Council Minutes

February 1, 2016

Mayor Stamer called the meeting to order at 7:00 PM.

Present: Barb Stamer, Tom Appelt, Chris Warwick, Julie Barnhill, Tom Berola, Matt Gillock, Ed Madaus, Rod Johnson, Seth Williams, and Vic Devos, Jr. **Absent:** Larry Hemmerle.

Department Heads: Bruce Centko, Bill Karhliker, and Kristy Ponsler. **City Attorney:** Raylene Grischow.

- I. Mayor's Comments
 - a. Stamer announced the 4th Annual Miles for Music 5K Run/Walk on the morning of 04/26/16, there will be street closures during the race.
- II. City Clerk's Report – Warwick
 - a. Warwick presented the 01/19/16 meeting minutes for the Council's review and approval. A motion was made by Williams to approve the meeting minutes and destroy the recorded copy, second by Gillock. **Voice Vote: AYE: Julie Barnhill, Tom Berola, Matt Gillock, Ed Madaus, Rod Johnson, Seth Williams, and Vic Devos, Jr. NAY: None. PRESENT: None. ABSENT: Larry Hemmerle. (7-0-0-1).**
 - b. There will be a Bi-Annual Review of the Executive Session Minutes on Tuesday 02/16/16 at 6:30 PM.
- III. City Treasurer's Report - Appelt
 - a. Appelt presented the Bills List from 01/16/16 to 02/01/16 for the Council's review and approval. A motion was made by Gillock to approve the Bills List from 01/16/16 to 02/01/16, second Williams. **Voice Vote: AYE: Julie Barnhill, Tom Berola, Matt Gillock, Ed Madaus, Rod Johnson, Seth Williams, and Vic Devos, Jr. NAY: None. PRESENT: None. ABSENT: Larry Hemmerle. (7-0-0-1).**
 - b. Appelt reported that the city has collected \$17,737.30 starting from the beginning of the fiscal year to January.
- IV. Attorney – Grischow
 - a. Grischow reported that there is no update on the Intergovernmental Agreement between the City and the Fire Department.
 - b. Grischow presented for a First Reading Ordinance 1412-16 regarding amendments to the Open Burning Ordinance and the Fine and Fee Schedule.
 - c. Grischow presented for a First Reading Ordinance 1413-16 regarding the authorization to the Establishment of a Tax Increment Financing "Interested Parties Registry" and Adopting Registration Rules for Such Registries for the Auburn Tax Increment Financing District
 - d. Grischow presented for a First Reading Ordinance 1414-16 regarding Amendments to the Zoning for multifamily housing. The amendments seeks to clarify and replace certain antiquated definitions that are contained under the current Code and to add

certain additional definitions related to care facilities and group homes that are currently not contained in the Code. The amendments will allow identified care facilities and group homes to be located in the R-1- R-2 and R-3 Zoning Districts as an allowed use so long as appropriate state and/or federal licensing of the facility has been obtained. Further, the location selected must be at least 500 feet from the next nearest property line lot that serves as the location of a similar care or group home facility. The amended Ordinance also relates to the location and placement of Rehabilitation Homes or units for the group housing of individuals seeking treatment for alcohol and/or chemical dependency, or as a transitional residence as part of a conditional parole, probation or discharge. As drafted the Ordinance sets forth only limited restriction upon these types of care facilities or group homes. In addition to the licensing and general proximity requirements, these types of care facilities must be located a minimum distance from public and private schools. The rationale for these limited restrictions is that the federal Fair Housing Act generally prohibits city ordinances from imposing restrictions upon the location of care facilities that house individuals with disabilities. Under the Fair Housing Act, chronic alcoholism is included under the definitions of a disability, and therefore any zoning such restriction potentially might present a claim of unfair restrictions or discrimination. This issue has recently been addressed by the City of Springfield, which recently amended its zoning Code to require that all Rehabilitation Homes or Units be placed only as a conditional permitted use in an R-3 (General Residential), R-5 (General Residence and Office) or OFF (Office) district. While this Ordinance appears to be somewhat more restrictive than that currently drafted for use by the City of Auburn, it should be noted that the Springfield, Illinois Ordinance has not yet been judicially challenged. There can be no assurance that this Springfield Ordinance will not result in a judicial challenge requiring significant resources to be spent in defending that Ordinance. The Amended Ordinance takes a more moderate approach and does not specifically restrict the locations of Rehabilitation Homes from the R-1 or R-2 districts and does not establish the placement as a strictly conditional use within the designated zoning districts. While the proposed Ordinance could track the Springfield, Illinois zoning Ordinance, an election to do so will carry with it the risk of litigation and potential expense. The City of Auburn should carefully weigh and carefully consider any decision to follow the path that Springfield has chosen.

V. Visitors

- a. Josh Melendez was scheduled to appear but was not present.
- b. The Auburn Public Library Board was present to discuss the relationship between the Board and the City Council. One suggestion was working the budget at the same time as the City Council. The budget is typically finalized before the start of the fiscal year May 1st. Another suggestion was for the Library Board to set aside money for incidental repairs perhaps \$1,000 or more. More communication is needed.

VI. Department Heads

- a. Centko

- a. A motion was made by Johnson to enter into executive session regarding personnel issues at 7:57 PM, second by Julie. **Voice Vote: AYE: Julie Barnhill, Tom Berola, Matt Gillock, Ed Madaus, Rod Johnson, Seth Williams, and Vic Devos, Jr. NAY: None. PRESENT: None. ABSENT: Larry Hemmerle. (7-0-0-1).**
- b. A motion was made by Madaus to exit executive session at 8:12 PM, second by Berola. **Voice Vote: AYE: Julie Barnhill, Tom Berola, Matt Gillock, Ed Madaus, Rod Johnson, Seth Williams, and Vic Devos, Jr. NAY: None. PRESENT: None. ABSENT: Larry Hemmerle. (7-0-0-1).**

IX. Adjournment

- a. A motion to adjourn was made by Gillock at 8:13 PM; second by Johnson. **AYE: Julie Barnhill, Tom Berola, Matt Gillock, Ed Madaus, Rod Johnson, Seth Williams, and Vic Devos, Jr. NAY: None. PRESENT: None. ABSENT: Larry Hemmerle. (7-0-0-1).**

Respectfully Submitted,



Christopher Warwick

City Clerk