

ORDINANCE COMMITTEE

December 19, 2013

MEMBERS

Chairman Jones
Alderman Budd
Alderman Vota
Alderman Burtle
Mayor Brotherton

ALSO PRESENT

See attached list for Ahlstrom Issue
Alderman Walters
Alderman Koonce
Alderman Heberling
Alderman Dorchinecz
George Calvert
Shirley Sams

Chairman Jones called the meeting to order at 6:00 P.M.

Industrial Noise

Residents in the vicinity of the Ahlstrom Filtration Plant located at 1200 E. Elm Street filed a petition in the City Clerk's Office regarding the noise level around the plant. There were several residents present to voice their concerns. Also in attendance were Mr. Michael Hady, Plant Manager and J.C. Olive to represent Ahlstrom's, and representatives for the County consisting of members of the County Board and States Attorney Mike Havera. The residents were informed the plant is actually located in the County not the City but the residents are in the City so both parties were invited to attend in hopes that a solution could be reached.

Mr. Hady advised that in March of this year they began the process of installing a Regenerative Thermal Oxidizer (RTO) to remain compliant with regulations mandated by the IEPA; the project was finished in October and began operation in November. A different product line made the original unit from 1997 insufficient. An analysis was done to decide which would be the most beneficial, the cost to make necessary modifications to the original unit to continue with the process they were using or to replace the unit. They found it would be more efficient to replace the unit. He explained when they started the new unit and heard the difference in the noise levels they contacted the manufacturer to find out what could be done. They have had engineers checking the unit trying to determine what can be modified to correct the problem; they tried changing the air flow and making modifications to the duct work which didn't work; they are waiting for a solution from the engineers. He also stated they are committed to fixing the problem as Ahlstrom desires to continue to support and work with the City.

Chairman Jones asked the residents if they had a spokesperson or did they want to speak individually which they would be allowed to do as long as it didn't become repetitious. Sherri Newton began by saying they support Ahlstrom's being here and they want to work together for a resolution to the noise. Frank Mathon advised he was asked to be the spokesman for the neighbors. He repeated that the neighbors are wanting to work with Ahlstrom's for a resolution; he and his wife have lived there for 37 years and there has never been a problem with the plant being there until now due to the new equipment installed for the emissions. He thanked them for addressing the problem and stated they don't want the plant to lose employees or shut down but the noise is constant; he would welcome them to his home if they would like to come so they can hear the humming as the sound carries. Mr. McConnell has lived in his home for 66 years and never had a problem with Georgia Pacific or Ahlstrom's until now; he asked if they can turn the equipment off during sleeping hours. Mr. Hady advised they can't turn the machine off, if they did they wouldn't be in compliance with the EPA mandates. Alderman Dorchinecz asked what would happen to the plant if the equipment was turned down at night; he was advised they would have to shut down the plant. They did advise the equipment would be shut down starting December 20th until January 8th or 9th.

Alderman Jones pointed out that Ahlstrom's has an impeccable safety record, when something is wrong the company does not spare funds for safety and environmental concerns and advised the residents that some changes are mandated by EPA which costs the company money to become compliant. Mr. Jones asked Mr. Hady how long they have had an accident free safety record; it has been between 8 ½ to 9 years.

Mr. Havera advised that in the past there was an Illinois Pollution Board that set regulations for counties for instances like this, they would have someone go to the plant and measure the decibel levels in residential areas, but due to budget cuts that department was eliminated and since there is no longer a legal division with the State it would fall on the County. The County doesn't have a Noise Ordinance but if they were to implement one now Ahlstrom's would be grandfathered in. He recommended to the residents that they try to be patient and allow them some time to correct the problem rather than taking legal action at this time as Ahlstrom's immediately took action to try to correct the problem; they were not forced to do so.

The neighbors asked Mr. Hady for a time frame for the repairs; he stated he didn't know how long it would take for the problem to get corrected. The representatives from Ahlstrom's were asked to notify Mayor Brotherton every couple of weeks while they are working on a solution to keep the neighbors informed; Mayor Brotherton advised he would include the Ahlstrom Updates under his Mayor's Updates at the City Council Meetings.

Permit, Insurance Requirements, Hold Harmless and Indemnity Agreements and Liability

The Committee reviewed information prepared by City Attorney Romano regarding "Special Events". A "Special Event" as used herein shall mean and include a for profit or not-for-profit or charitable event or activity of any kind, nature or extent whatsoever that takes place on City Property. Attorney Romano advised Gary McNeely was contacted as the City's Insurance Agent for his recommendations.

Motion by Alderman Vota and seconded by Alderman Budd to recommend to the City Council to approve the proposed Ordinance as presented by City Attorney Romano adding Chapter 1- Special Events -Article F. Permit, Insurance Requirements, Hold Harmless and Indemnity Agreements and Liability to Section 8 Public Ways and Property of the Taylorville City Code. Motion carried 4-0.

BYOB Ordinance

At last month's meeting Mayor Brotherton explained that an owner of a local restaurant had asked him if he would be allowed to implement a Bring Your Own Bottle (BYOB) Program at his restaurant. He stated that based upon his initial research it appeared that the practice was not illegal in Illinois but that each municipality could prohibit or highly restrict the practice if the proper ordinance was passed.

City Attorney Romano was asked to attend this meeting as some of the Aldermen had concerns regarding bringing your own liquor into an establishment that does not have a liquor license. The majority of the Aldermen in attendance were against implementing this.

Motion by Alderman Budd and seconded by Alderman Vota to recommend to the City Council to direct City Attorney Romano to prepare an Ordinance that would prohibit a liquor license for a "Bring Your Own Bottle". Motion carried 4-0.

Abandoned Building-Public Nuisance Ordinance

HBO Officer George Calvert advised he did some research as to how the City of Springfield enforces an Abandoned Building-Public Nuisance Ordinance. They have a full-time secretary that keeps track of the time frames, an inspector and a lawyer that takes care of just these types of issues. They informed him that property owned by the State or a school district is exempt.

He stated there are a lot of abandoned houses due to foreclosures etc. and there are homes where the elderly may have had to be moved to a nursing home for recovery times or permanently and the houses are left empty for long periods of time. One suggestion was for the City to purchase the real estate taxes on these properties for three years, then have the deed changed to the City, then demolish. George advised that is an option but you have to be careful as some of these properties have liens against them.

His main concerns are the properties that are damaged such as one he is working with that had a fire; the owner is deceased and there are several relatives involved, the whereabouts of some are unknown.

Another concern are houses being used for storage only; he advised there are several in town but neighbors don't know because the yards are kept clean and there are curtains on the windows. The Aldermen in attendance advised their intention is not to go after all abandoned building owners but the ones that have things stacked up in front of windows and the house or yard are not being kept clean and animals are seen going in and out. There was discussion regarding empty commercial buildings; HBO Officer Calvert advised these are not a problem as the areas are maintained.

City Attorney Romano had a list of concerns he received from Mr. Calvert; he has addressed these concerns in the draft he prepared for the Committee. The Committee and other Aldermen in attendance were asked to review the draft and bring any questions to next month's meeting as Attorney Romano advised the draft presented is not complete at this time.

Public Works Construction Contracts

The Committee discussed amendments to Section 1-10-1-1 of the Taylorville City Code regarding Public Works Construction Contracts. There have been changes made per State Statute for Performance and Payment Bonds stating it shall be required in all public works contracts of any kind costing over \$50,000.00. The City Council by majority vote may from time to time require Performance and Payment Bonds for any public works contract or contracts of any kind costing under \$50,000.00.

Motion by Alderman Burtle and seconded by Alderman Vota to recommend to the City Council to direct the City Attorney to prepare an Ordinance to adopt amendments to Section 1-10-1-1 of the Taylorville City Code regarding Public Works Construction Contracts as presented. Motion carried 4-0.

HBO Updates

Mr. George Calvert, Health and Building Officer, updated the Committee of violations and property cleanups.

Any Other Matters

The Committee will address updating the City Comprehensive Plan and Subdivision Plans in the future.

Motion by Alderman Burtle and seconded by Alderman Budd to adjourn. Motion carried 4-0.

Meeting adjourned at 8:02 P.M.

Bruce Jones, Chairman
Ordinance Committee