WEST FRANKFORT REGULAR SPECIAL COUNCIL MEETING
MONDAY, JUNE 12, 2023

1. MAYOR ARVIEW CALLED THE SPECIAL MEETING TO ORDER AT 6:00 P.M. REQUESTING A ROLL CALL. ALL COMMISSIONERS, THE CITY ATTORNEY AND DEPUTY CITY CLERK WERE IN ATTENDANCE.

2. POTENTIAL EXECUTIVE/CLOSED SESSION, PURSUANT TO 5 ILCS 120/2(C)(1) TO DISCUSS APPOINTMENTS/VACANCIES FOR CITY CLERK AND CITY TREASURER POSITIONS AS WELL AS POTENTIAL APPOINTMENTS OF CITY ATTORNEY(S)/SPECIAL COUNSEL. COMMISSIONER HARKINS MADE A MOTION TO APPROVE, SECONDED BY COMMISSIONER WARREN. ROLL CALL VOTE: ALL COMMISSIONERS AND MAYOR ARVIEW VOTED TO APPROVE. MOTION CARRIED.

   COMMISSIONER HOWARD ASKED IF HE COULD SAY SOMETHING BEFORE, THEY WENT INTO EXECUTIVE. MAYOR ARVIEW STATED SURE. COMMISSIONER HOWARD STATED HE JUST WANTED EVERYONE TO KNOW THAT WHAT MY GOAL IS AND I THINK THE WHOLE COUNCIL AND THE MAYORS TOO IS TO TRY TO IRON OUT OUR DIFFERENCES, GET THINGS SETTLED, GET APPOINTMENTS MADE, AND EVERYTHING DONE SO WE CAN MOVE ON WITH THE CITY'S BUSINESS AND MOVE THE CITY FORWARD.

3. THE COUNCIL RETURNED FROM EXECUTIVE SESSION AT 5:51 P.M. WERE NO ACTION WAS TAKEN, AND RETURNED BACK INTO OPEN SESSION. COMMISSIONER HARKINS MADE A MOTION TO APPROVE, SECONDED BY COMMISSIONER STANLEY. ROLL CALL VOTE: ALL COMMISSIONERS AND MAYOR ARVIEW VOTED TO APPROVE. MOTION CARRIED.

4. THE NEXT ITEM POTENTIAL APPOINTMENT OF CITY CLERK/INTERIM CITY CLERK; CITY TREASURER; AND CITY ATTORNEY(S)/SPECIAL COUNSEL. MAYOR ARVIEW STATED THAT WE HAVE DECIDED TO WAIT ON APPOINTMENTS. WE ARE ACTUALLY WAITING TO HEAR BACK FROM OTHER PEOPLE, OTHER INFORMATION TO HELP GUIDE US. BECAUSE OUR ORDINANCES AND THE STATE STATUTES DISAGREE ON A LOT OF THINGS AND THERE IS A LOT OF AMBIGUITY

AND GRAY AREAS THAT WE NEED TO GET CLEARED UP. SO, WE WILL BE HOLDING OFF AT LEAST FOR TONIGHT, WE HAVE ANOTHER MEETING TOMORROW NIGHT HOPEFULLY WE WILL HAVE SOME MORE INFORMATION THEN AND WE WILL BE ABLE TO MOVE ON THAT.

5. THE NEXT ITEM WAS DISCUSSION AND POTENTIAL ACTION REGARDING AMENDING CITY CODE PROVISIONS REGARDING APPOINTMENTS OF VARIOUS OFFICES AND RESIDENCY REQUIREMENT FOR CITY ATTORNEY. COMMISSIONER HOWARD STATED OUR CITY ATTORNEY AGREES WE NEED TO TAKE OFF THE RESIDENCY REQUIREMENT FOR THE ATTORNEY. THE MAYOR STATED MY ONLY CONCERN WITH THAT IS THAT WE DON'T ACTUALLY HAVE AN ORDINANCE IN FRONT OF US TO CHANGE THIS. SO, THIS WOULD BE JUST TO AUTHORIZE THE CITY ATTORNEY TO AMEND THE CITY CODE TO CHANGE THE RESIDENCY REQUIREMENT FOR THE CITY ATTORNEY TO NOT HAVE TO LIVE IN THE CITY OF WEST FRANKFORT. THE MAYOR STATED THIS MAKES SENSE WE DON'T REQUIRE ALL OF OUR OTHER OFFICE'S TO BE IN WEST FRANKFORT, ITS AGAIN ITS MORE OF A GRAY AREA. WE ARE A SMALL TOWN WE DON'T HAVE THE LUXURY OF A BIG LAW FIRM ON EVERY CORNER. MAYOR ARVIEW STATED HE WOULD ENTERTAIN A MOTION TO ASK OUR CITY ATTORNEY TO DRAW UP AN ORDINANCE TO CHANGE THE CODE ON RESIDENCY REQUIREMENT. COMMISSIONER HOWARD MADE A MOTION TO APPROVE, SECONDED BY COMMISSIONER STANLEY. ROLL CALL VOTE: ALL COMMISSIONERS AND MAYOR ARVIEW VOTED TO APPROVE. MOTION CARRIED.

6. THE NEXT ITEM WAS POTENTIAL APPOINTMENT OF ATTORNEY(S)/SPECIAL COUNSEL TO SEEK COURT'S GUIDANCE/DECLARATORY JUDGMENT AS TO PROPER METHOD OF APPOINTING CITY CLERK, CITY TREASURER, CITY ATTORNEY AND OTHER OFFICES IN ACCORDANCE WITH ILLINOIS MUNICIPAL CODE. THIS WAS SKIPPED OR TABLED.

7. PUBLIC COMMENTS/QUESTIONS:
   THE MAYOR STATED AGAIN I ASK YOU TO COME UP HERE, I DO HAVE A PODIUM ORDERED SO THAT WAY YOU WILL HAVE A PLACE TO STAND WHEN TALKING TO US. FOR NOW, I WOULD ASK YOU TO PLEASE COME TO THE FRONT, USE THE MICROPHONE, IF YOU DON'T

HAVE THE MICROPHONE, PLEASE DON'T JUST YELL THINGS OUT FROM THE CROWD.

JONATHON CANTRELL FORMERLY DID WORK FOR THE CITY AT A LIMITED COMPACITY PURSUANT TO THE CITY COUNCIL'S PERMISSIONS. MOSTLY PROSICUTED ORDINANCE VIOLATIONS, DEMOLITION ACTIONS, AND A COUPLE OF OTHER THINGS WITH REAL ESTATE TRANSACTIONS FOR YOU GUYS. IM A MUNICIPAL ATTORNEY ID SAY ABOUT 50% OF MY TIME I SPEND DOING MUNICIPAL LAW AND I REPRESENT ABOUT A HALF A DOZEN MUNICIPALITIES RIGHT NOW. BUT ANYWAYS, I PROVIDED YOU WITH A LETTER OBVIOUSLY MY TAKE ON ALL OF THIS I UNDERSTAND THERE IS A DISAGREEMENT ON HOW CERTAIN OFFICES SHOULD BE APPOINTED. IM NOT YOUR CITY ATTORNEY SO YOU CAN IGNORE MY ADVICE IF YOU WANT TO. IM JUST TRYING TO HELP. IVE GOTTEN SOME CALLS FROM SOME COMMISSIONERS ASKING FOR ADVISE THEY ARE CONCERNED ABOUT THE DISAGREEMENTS. SO, I DID A LOT OF RESEARCH GAVE YOU A LETTER AND I KNOW THERE IS A DIFFERENT LEGAL OPINION ON WHAT THE STATUTES REQUIRE. THAT IS FINE, THAT HAPPENS FROM TIME TO TIME. BECAUSE YOU ARE FACED WITH TWO DIFFERENT OPINIONS MY SUGGESTION WHICH I PUT IN THAT LETTER IS THIS. WHAT I THINK IS BEST FOR THE CITY IS THAT YOU APPOINT AN OUTSIDE COUNSEL AN INDEPENDENT COUNSEL I WOULD SUGGEST THEY FILE A LEGAL TERMS WE CALL A DECLARATORY JUDGEMENT ACTION. WHICH IS YOU FILE SOMETHING IN COURT AND YOU SAY JUDGE WE WANT YOU TO DECLARE WHAT THE LAW IS. OBVIOUSLY HEAR THE TWO SIDES AND MY HOPE IS THAT WHEN A JUDGE HEAR IN FRANKLIN COUNTY SAYS THIS IS HOW YOU SHOULD FILL THESE OFFICES YOU GUYS WILL HAVE A DIFINITIVE ANSWER AND YOU CAN CARRY THAT ANSWER WITH YOU MOVING FORWARD. NOT JUST FOR THE NEXT FOUR YEARS, BUT BEYOND THAT BECAUSE WHETHER YOU LIKE IT OR NOT YOU MAY BE STUCK TOGETHER FOR LONGER THAN THAT. ITS OK TO HAVE A DISAGREEMENT BUT I HOPE YOU GUYS WILL AGREE ON A PROCESS TO RESOLVE THAT DISAGREEMENT. I WOULD JUST LIKE TO SAY YOU HAVE A GOOD YOUNG ATTORNEY AS YOUR CITY ATTORNEY, THE COMMISSIONERS THAT HAVE CONTACTED ME I WILL ALWAYS TAKE YOUR CALLS, IF YOU HAVE QUESTIONS THINGS LIKE THAT, I TRY NOT TO OVERSTEP MY BOUNDS BUT OBVIOUSLY IVE WORKED FOR THE CITY FOR QUITE SOME TIME AND I HAVE A LOT OF EXPERIENCE IN THIS AREA OF THE

LAW. SO, I FEEL CONFIDENT IN MY CONCLUSIONS. SO THAT'S ALL I HAVE TO SAY, UNLESS YOU ALL HAVE QUESTIONS FOR ME BEFORE I STEP OUT, I ACTUALLY HAVE TO GO TO A CITY COUNCIL MEETING WHERE I HAVE DRAFTED ORDINANCES AND I NEED TO PRESENT THEM. NOW IS YOUR TIME TO ASK ME QUESTIONS, IF NOT I HOPE YOU CAN GET THROUGH THIS AND THANK YOU VERY MUCH FOR YOUR TIME. THANK YOU STATED ALL THE COUNCIL. THE MAYOR STATED I THINK WE WILL BE GETTING IN TOUCH WITH YOU TO MAYBE HAVE YOU TALK WITH HER (KATE RENIK CITY ATTORNEY) AND SOME OF US BUT WE'LL PROCEED WITH THAT LATER. MR. CANTRELL STATED THANK YOU VERY MUCH.

BRIAN DREW IM NOT THE CITY ATTORNEY KATE RENIK WORKS IN MY OFFICE AND SHE IS A HELPER AND ADVISOR AND I ALSO DO THE SAME THING. WITH ALL DUE RESPECT MR. CANTRELL, YOU ARE A HOME RULE. AS A HOME RULE CITY THAT CHANGES THINGS. ITS NOT IN HIS LETTER, HE NEVER MENTIONED IT, NEVER BROUGHT IT UP AT ALL. IM A LITTLE AT A LOSS, BUT AS HOME RULE IT CHANGES THE RULES. AND SO, IT IS COMPLETELY DIFFERENT. SO, WHEN YOU DO THIS IT ACTUALLY CHANGES THE MANNER IN WHICH YOU CAN DO GOVERNMENT AND WHAT YOU CAN DO. THERE IS A LOT OF CASE LAW. A DECLARITORY JUDGEMENT IS AN ACTION, IT COSTS A CONSIDERABLE AMOUNT OF MONEY TO GO DO. I DON'T KNOW WHY YOU WOULD GO DO THAT. FRANKLY I THINK SHOULD ALL FIVE SIT DOWN AND FIGURE THIS OUT, COME UP WITH A WAY TO DO THIS AND AGREE ON IT PASS SOME ORDINANCES AND MOVE ON AND NOT SPEND THE GOOD TAXPAYERS' MONEY SPENDING THOUSANDS OF DOLLARS FIGHTING IN A COURT AMONGST YOURSELVES. WHEN THE FIVE OF YOU CAN COME UP WITH THE RULES. THAT WOULD BE MORE OF A SUGGESTION, I DON'T KNOW WHAT KATE'S IS BUT GO WITH HERS IF ITS SOMETHING DIFFERENT, SHE HAS SPENT A LOT OF TIME ON IT. BUT I DO THINK TO SPEND LOTS OF TAXPAYERS MONEY YOU HAVE A SMALL TOWN AND THOSE FUNDS ARE DESPERATELY NEEDED TO IMPROVE YOUR TOWN, TO DO GOOD THINGS IN YOUR TOWN. AND I DON'T KNOW THAT IT IS THE BEST USE OF CITY FUNDS, TAXPAYER FUNDS TO GIVE THEM TO ATTORNEYS TO GO FIGHT IN A COURTROOM ABOUT A LEGAL ISSUE THAT YOU HAVE EVERY RIGHT TO DECIDE AMONGST YOURSELVES. WHATEVER YOU CHOOSE TO DO IS YOURS OBVIOUSLY THIS IS YOUR CITY AND YOU'RE REPRESENTING THE CITY SO YOU GET TO DO WHAT YOU PLEASE,

BUT JUST AS MY TWO CENTS AS WHAT TO DO THE PEACEMAKER IS THE BEST THING TO BE IN A ROOM NOT ONE ADVOCATING TO LET'S GO DUKE IT OUT. THAT'S WHAT I HAVE DONE FOR TWENTY-FOUR YEARS NOW. SETTLING IS ALWAYS A BETTER WAY ESPECIALLY IN SOMETHING LIKE THIS WHERE I GENIUNELY THINK FROM TALKING TO MOST OF YOU I THINK YOU ALL WANT TO DO WHATS BEST FOR THIS CITY. I THINK YOU SHOULD PUT YOUR EFFORTS THERE AND YOUR MONEY AND TIME DOING THAT. YOU CAN DO GREAT THINGS WITH A LITTLE TOWN IVE WATCHED IT HAPPEN IN A LOT OF PLACES. THANK YOU FOR YOUR TIME HERE AND GOOD LUCK TO YOU ALL AND HOPE YOU ALL WORK THIS OUT.

MR. CANTRELL ASKED CAN I JUST RESPOND? HE STATED JUST FOR CLARIFICATION HOME RULE MEANS IF STATE LAW HASN'T ADDRESSED THE ISSUE, YOU HAVE A LOT OF LEEWAY. WHAT I'VE CITED IN MY LETTERS ARTICLE 4 THE ILLINOIS MUNICIPAL CODE IT SAYS THAT A MAJORITY OF THE CITY COUNCIL WHICH THE MAYOR HAS A VOTE AS PART OF THE CITY COUNCIL AND THE COMMISSION FORM OF GOVERNMENT, MAJORITY OF THE CITY COUNCIL APPOINTS THESE OFFICES THAT ARE AT ISSUE. HOME RULE DOES NOT MEAN THAT YOU GET TO DO WHATEVER YOU WANT. SO THAT IS JUST CLARIFICATION FOR YOU GUYS AND SPENDING $3,000-$5,000 ON A DECLARITORY JUDGEMENT ACTION TO GET THIS ISSUE RESOLVED ONCE AND FOR ALL. WHEN YOU ALREADY SPEND TENS OF THOUSANDS OF DOLLARS A YEAR PROLY CLOSE TO ONE HUNDRED THOUSAND DOLLARS ON LEGAL FEES AND EXPENSES I THINK THAT IT IS A WISE INVESTMENT. BUT I JUST WANTED TO RESPOND ON THE HOME RULE THING BECAUSE IM CONFIDENT ABOUT THAT. THANK YOU.

DEBBIE PETKAS A LAKE COMMITTEE MEMBER STATED THAT JOHN SIMMONS STARTED THE LAKE COMMITTEE YEARS AGO AS THE EYES AND EARS AS TO WHAT IS HAPPENING AT OUR LAKES. THE CITY COMMISSIONER WARREN THAT IS OVER THE LAKE MEETS WITH US AT OUR MONTHLY MEETINGS. USUALLY, THE MAYOR IS THERE AS WELL. WHEN WE BRING SOMETHING UP AT THE LAKE COMMITTEE MEETINGS WHICH ARE OPEN TO ANYONE WHO HAS A PLACE AT THE CITY LAKE, ANYONE WHO HAS A DUCK BLIND. IT IS NOT POLITICAL; WE DO NOT HAVE ANY PULL WE CAN JUST TELL THE COUNCIL WHAT WE SEE AND OFFER SUGGESTIONS FOR THE CITY COUNCIL TO

DECIDE WHAT IS GOING TO HAPPEN. THERE ARE THINGS THAT NEED TO BE ADDRESSED AT THE LAKE. THE FIRST THING IS THE GRASS. A GENTLEMAN AT THE LAKE MOWS AROUND THE SPORTSMAN CLUB AND IN RETURN FOR THAT HE GETS TO PUT HIS GARDEN IN RIGHT THERE BY THE SPORTSMANS CLUB. EARL JORDAN MOWED FOR A SMALL FEE WHO HAS SINCE PASSED AWAY. THE REST OF THE PROPERTY WAS MOWED BY THE FORMER MAYOR ON HIS OWN TIME. WE NEED TO FIND OUT WHO IS GOING TO GO OUT THERE AND DO THE MOWING. COMMISSIONER WARREN STATED THE NEPHEW IS DOING IT.

THE NEXT THING IS THE OLD CITY LAKES GATE AGAIN THIS IS SOMETHING THE POLICE DOES NOT HAVE TIME TO DO. AGAIN, THIS WAS SOMETHING THAT THE FORMER MAYOR DID ON HIS OWN TIME. IT IS SUPPOSED TO BE LOCKED FROM DUSK UNTIL DAWN. ESPECIALLY IN THE SUMMER AND IN THE FALL BECAUSE IF YOU DON'T DO IT, THEY WILL GET OUT THERE WITH TRUCKS, AND FOUR WHEELERS PARTYING AND IF THEY TEAR UP THAT SPILLWAY, LEVEE THAT'S GOING TO COST THE CITY HUNDREDS OF THOUSANDS OF DOLLARS. THE CITY ENGINEERS HAVE WARNED US ABOUT THAT FOR YEARS. SO, WE NEED SOMEONE WHO IS GOING TO GO OUT THERE AND LOCK THAT GATE AND UNLOCK IT EVERYDAY BEFORE DAMAGE HAPPENS OUT THERE.

THE FINAL CONCERN IS ABOUT UNAUTHORIZED FISHING TOURNAMENTS BEING HELD AT THE LAKE. WE HAVE REPORTED THEM TO COMMISSIONER WARREN. IF YOU LET THEM GO ON ITS COSTING THE CITY LOTS OF MONEY BECAUSE THEY ARE OUT THERE WITHOUT STICKERS ON VEHICLES. THEY CAN NOT BE OUT THERE WITHOUT STICKERS THAT'S $30 A PIECE THE CITY IS MISSING OUT ON. THE CITY COULD SEND THE POLICE OUT THERE TO TICKET THEM. YOUR LOSING MONEY OVER THIS PLUS THE FACT THAT THEY ARE OVER FISHING THE LAKES. WE HAVE HAD DIFFERENT PEOPLE COME SPEAK TO US ABOUT THIS. BOTH LAKES WERE STOCKED NOT TOO LONG AGO. IF YOU LET THEM OVER FISH THE LAKE THE CITY WILL HAVE TO STOCK THEM AGAIN THAT COSTS MONEY. IN REALITY WE ARE TALKING A FEW THOUSAND DOLLARS TO GO TO COURT, WE ARE TALKING MORE THAN A FEW THOUSAND DOLLARS IF THIS STUFF ISNT ADDRESSED. WE REALLY NEED YOU (MAYOR ARVIEW) TO COME TO OUR LAKE MEETINGS. THERE IS ONE THIS THURSDAY, JUNE 15TH, 2023 AT CITY HALL.

VERNELL STARRICK SPOKE THAT IF THE CITY WOULD LIKE TO GET THE MATERIALS, HE WOULD LIKE TO DONATE HIS TIME TO INSTALL CEILING SPEAKERS IN THE BUILDING THAT WAY EVERYONE IN ATTENDENCE CAN HEAR WHAT IS BEING SAID. OF COURSE, IT WOULD HAVE TO BE VOTED ON BY THE COUNCIL. HE ALSO STATED SINCE THIS IS LOCAL STATE AND AMERICAN GOVERNMENT, I THINK IT WOULD BE A GOOD IDEA AFTER THE PRAYER EVERYONE TURNED TO THE OLE GLORY OVER HERE AND SAID THE PLEDGE OF ALLEGIANCE. MAYOR ARVIEW STATED THAT IS ON THE AGENDA FOR TOMMORROW NIGHT.

MAYOR ARVIEW STATED THE QUESTION FROM A LADY IN THE AUDIENCE WAS SINCE WE WENT INTO CLOSE SESSION, WE CAME OUT WE TALKED ABOUT THAT WE HAVE TO CLEAR SOME THINGS UP. ITS NOT ABOUT GETTING ANOTHER ATTORNEY, AND ANOTHER ATTORNEY, AND ANOTHER ITS ABOUT GETTING GUIDANCE FROM THE ILLINOIS MUNICIPAL LEAGUE THAT HELPS US, TO GUIDE US ON WHAT WE SHOULD AND SHOULD NOT DO. I FEEL PRETTY COMPETENT WHEN IT COMES TO READING STATUTES AND THINGS LIKE THAT BUT IM NOT A LAWYER. THE LADY IN THE AUDIENCE ASKED HAVE YOU HAD EXPERIENCE IN GOVERNMENT BEFORE? THE MAYOR STATED YES, THIS IS MY FIRST ELECTION. THE MAYOR STATED SO WE HAVE REACHED OUT TO BRAD COLE THE EXECUTIVE DIRECTOR OF THE IML, SO WE ARE WAITING TO HEAR BACK FROM HIM ON GUIDANCE ON WHAT TO DO WITH THESE AMBIGUITIES. THAT IS THE REASON WE ARE NOT ABLE TO MAKE A DECISION TONIGHT. OUR ATTORNEY HAS REACHED OUT TO HIM AND WE ARE WAITING ON A CALL BACK. HOPEFULLY SHE WILL HEAR BACK FROM HIM TOMORROW AND WE WILL BE ABLE TO DO SOMETHING TOMORROW. THAT'S KINDA WHERE WE ARE. IM GLAD YOU ASKED BECAUSE OTHER PEOPLE PROBABLY HAD THAT SAME QUESTION.

THERE IS A LOT OF CONFUSION AND THAT IS OUR GOAL. WE SAID IT IN THE CLOSED SESSION AND IT WAS BROUGHT UP AGAIN HERE THAT EVERYBODY UP HERE WANTS WHATS BEST FOR THE TOWN ITS JUST WE MAY HAVE DIFFERENT IDEAS ON WHAT THAT IS, AND WE JUST NEED SOMEONE TO HELP GUIDE US IN THE RIGHT DIRECTION TO BE ABLE TO GET EVERYTHING DONE IN A LEGAL AND ETHICAL WAY FOR THE TOWN.

8. WITH NO FURTHER BUSINESS TO BE DISCUSSED, THE MEETING WAS ADJOURNED ON A MOTION BY COMMISSIONER HARKINS AT 6:14 P.M.

MAYOR, TIM ARVIEW

ANDREA BOLEN, DEPUTY CITY CLERK