

CITY OF LINCOLN REGULAR CITY COUNCIL MEETING

AGENDA
MARCH 7, 2016
7:00 P.M.

- 1. Call to Order**
- 2. Roll Call**
- 3. Pledge of Allegiance**
- 4. Presentation from Joe Shaler, Veterans Assistance Commission**
- 5. Lincoln Speedway Discussion**
- 6. Presentation from Leslie Hoefle**
- 7. Presentation from Logan County Tourism Bureau**
- 8. Public Participation**
- 9. Consent Agenda By Omnibus Vote**

All items under the Consent Agenda are considered to be routine in nature and/or non-controversial and will be approved by one motion. If any one wishes to have a separate vote on any item, it will be pulled from the Consent Agenda and voted on separately.

- A. Payment of Bills
- B. Approval of minutes for November 23, 2015 Joint Committee Meeting with the Logan County Board, December 15, 2015 Special City Council Meeting and January 4, 2016 Regular City Council Meeting
- C. Request to permit closing of Broadway Street from Kickapoo Street to McLean Street for the LCHS Grand March on Saturday, April 30, 2016 from 4:00 p.m. until its conclusion (certificate of liability insurance attached)

10. Ordinances and Resolutions

- A. Ordinance enacting Title 4, Chapter 11 of the City Code, General Development Standards and Landscape Regulations

11. Bids

12. Reports

13. New Business/Communications

- A. Approval of Façade Improvement Grant request for awnings for the property at 616 Broadway Street in an amount not to exceed \$1,021.22
- B. Authorization for the City to file the necessary paperwork with the State of Illinois and Internal Revenue Service for the formation of the Lincoln Civic Foundation

14. Executive Session

- A. Litigation 2(c)11

15. Adjournment

We welcome the participation of persons with disabilities at all City of Lincoln meetings. If auxiliary aid or service is required for most effective participation and communication, please notify the City Clerk's Office at 217-735-2815 or cityclerk@lincolnil.gov no later than 48 hours prior to the meeting time.

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Minutes of the City of Lincoln City Council Special Joint Committees' Meeting with the Logan County Board on Monday, November 23, 2015. The meeting opened at 7:05 p.m.

City Clerk Mrs. Gehlbach called the roll. There were seven Aldermen present (Alderman Bauer, Alderman Hoinacki, Alderman Horn, Alderman Mourning, Alderman Neitzel, Alderman Parrott, and Alderman Welch) and none absent (Alderman Tibbs). Also present was Fire Chief Miller. Also present were City Clerk Mrs. Gehlbach, City Administrator Mr. Johnson, and Recording Secretary Mrs. Riggs.

County Board members present were: Mr. Andy Anderson, Mr. Kevin Bateman, Mr. David Blakenship, Ms. Emily Davenport, Mr. Robert Farmer, Dr. David Hepler, Mr. Gene Rohlf, Mr. Charles Ruben, and Mr. Hoyt Schaffenacher.

The Pledge of Allegiance was said by all in attendance.

Land for Emergency Services Building Offered by County:

Mr. Bateman said there was property at the safety complex which is still available at no charge. Acting Mayor Neitzel asked the County if they had an eye on any property that the city had. Mr. Hepler said that Governor Rauner has discussed consolidating different things and wanted to be ahead of the game. Mr. Bateman said this would be cost effective.

Electric Aggregation Administrative Fees:

City Administrator Mr. Johnson said they have had discussions about electric aggregation again since it looks like Ameren will be raising their rates. Alderman Mourning asked if they knew how much the people saved. Someone said that there was approximately \$120.00 per year for each household. City Administrator Mr. Johnson said there is new legislation may change how electric aggregation will work. Mr. Hepler said that each entity could independently have a user fee.

Jennifer Daly, Executive Director, GPEDC:

Mr. Bill Thomas, Economic Development Director introduced Jennifer Daly.

Ms. Daly is the Executive Director of the Greater Peoria Economic Development Council. This is a five county region. Their annual budget is approximately \$1M. There are three different things that the GPEDC assist with: they grow business, grow talent, and administer our C.E.D.S. They are working on the focus forward document. Building business and expanding business is their number one goal. They assist with the attraction of business. Startup Peoria is a tool in which they are able to assist startup businesses. They develop talent beginning at the middle school, continuing into high school and then they finish with the post high school (18 to 24 year olds).

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Logan County Assistance 2015 (just of few of the projects to date). The goal is to attract talent and then retain that talent. CEDS is assisting with the 5th Street Road project. Mfg. Network Inland Tool and Eaton Corporation. Business retention visits – 2 with more being planned for this month. Buildings and sites promoted – 2 buildings, 11 sites. Atlanta I-55 Promotion – 300 developers, 2 site visits. ESRI and EMSI research support. Foreign Trade Zone Workshop.

Land of Lincoln CEO program with Juniors and Seniors in High School is a program that is currently in its first year.

Public Transportation:

Mr. Kevin Bateman said this has been a hot topic for the County Board. There is a need for transportation and the County Board is working on a deviated route so that if someone is not on the route they can deviate from the route and pickup those persons. This is a long term project. This is a public grant that has been given to the city. Payment is voluntary for this program.

Mr. Anderson said the advisory committee would like to have someone from the City of Lincoln to be on this committee. The next meeting is December 11, 2015 at 10:00 a.m.

Ms. Hake is excited about being a part of this program. The hours they run are 7:30 a.m. to 4:30 p.m.

Mr. Anderson said the advisory committee will need to decide a cost for those under 60 years of age. Those who are over 60 years of age or medical issues will not be required to pay but could give a donation. This advisory committee has only been in existence for ten days.

Other Discussion:

The City Council and County Board felt they should meet every three months. The next two possible dates are in March and June.

Executive Session:

There was no Executive Session.

Upcoming Meetings:

Council: Monday, December 7, 2015 – 7:00 p.m.

Committee of Whole: Tuesday, November 24, 2015 – 7:00 p.m.

County Board member Emily Davenport moved to adjourn the meeting and County Board Member Gene Rohlfs seconded the motion. It was unanimously approved.

The City of Lincoln Special Committee Meeting adjourned at 8:44 p.m.
Respectfully submitted, Risa Riggs, Recording Secretary

Minutes of a Special City Council Meeting held in the Council Chambers of City Hall, Lincoln, IL, on Tuesday, December 15, 2015.

Mayor Neitzel called the regular City Council Meeting to order at 7:00 p.m. City Clerk Mrs. Gehlbach called the roll. There were eight Aldermen present (Alderman Bauer, Alderman Hoefle, Alderman Hoinacki, Alderman Horn, Alderman Mourning, Alderman Parrott, Alderman Tibbs, and Alderman Welch) and none absent. Also present were Police Chief Adams, Fire Chief Miller, and Building and Safety Officer Mr. Lebegue. Also present were Mayor Neitzel, City Treasurer Mr. Conzo, City Administrator Mr. Johnson, City Attorney Mr. Blinn Bates, City Clerk Mrs. Gehlbach, and Recording Secretary Mrs. Riggs.

Mayor Neitzel led the Pledge of Allegiance.

Mayor Neitzel called for the Consent Agenda by Omnibus Vote:

Payment of Bills

Approval of the minutes for October 19, 2015 Regular City Council Meeting, October 13, 2015 and October 27, 2015 Committee of the Whole Meetings

Alderman Horn moved to approve the Consent Agenda as read and Alderman Tibbs seconded it. There were eight yeas (Alderman Bauer, Alderman Hoefle, Alderman Hoinacki, Alderman Horn, Alderman Mourning, Alderman Parrott, Alderman Tibbs, and Alderman Welch), zero nays, and none absent; motion carried.

Ordinances and Resolutions

There were no Ordinances or Resolutions to come before the City Council.

Bids:

There were no Bids to come before the City Council.

Reports:

City Treasurer gave an oral report for November 2015, and a copy is on file

City Clerk Report for November 2015 is on file.

Department Heads Reports for November 2015 (Reports on file are Building & Safety Department, Lincoln Fire Department, Lincoln Police Department and American Water)

New Business/Communications:

There was no New Business/Communications.

Alderman Hoinacki thanked the Department heads for their work on their department reports.

Alderman Tibbs moved to adjourn the meeting and Alderman Horn seconded it. There were eight yeas (Alderman Bauer, Alderman Hoefle, Alderman Hoinacki, Alderman Horn, Alderman Mourning, Alderman Neitzel, Alderman Parrott, Alderman Tibbs and Alderman Welch), zero nays, and none absent; motion carried.

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The City Council Meeting was adjourned at 7:12 p.m.

Respectfully Submitted By:

Risa Riggs
Recording Secretary

Minutes of a regular City Council Meeting held in the Council Chambers of City Hall, Lincoln, IL, on Monday, January 4, 2016.

Mayor Neitzel called the regular City Council Meeting to order at 7:00 p.m.

City Clerk Mrs. Gehlbach called the roll. There were seven Aldermen present (Alderman Bauer, Alderman Hoefle, Alderman Hoinacki, Alderman Horn, Alderman Mourning, Alderman Parrott, and Alderman Welch) and one absent (Alderman Tibbs). Also present were Street & Alley Superintendent Mr. Landers, Fire Chief Miller, and Police Chief Adams. Also present were Mayor Neitzel, City Treasurer Mr. Conzo, City Administrator Mr. Johnson, City Clerk Mrs. Gehlbach, and Recording Secretary Mrs. Riggs.

Mayor Neitzel let the Pledge of Allegiance.

Public Participation:

Mayor Neitzel welcomed everyone back for the New Year.

Mayor Neitzel called for the Consent Agenda by Omnibus Vote:

Payment of Bills

Approval of minutes for the November 2, 2015 Regular City Council Meeting, November 9, 2015 Special City Council Committee of the Whole Meeting, and November 10, 2015 Committee of the Whole Meeting

Alderman Horn moved to approve the Consent Agenda as read and Alderman Parrott seconded it. City Clerk Mrs. Gehlbach called the roll call. There were seven ayes (Alderman Bauer, Alderman Hoefle, Alderman Hoinacki, Alderman Horn, Alderman Mourning, and Alderman Parrott, and Alderman Welch) and one absent (Alderman Tibbs); motion carried.

Ordinances and Resolutions

Ordinance #2015-846 amending Title 3, Chapter 10 of the City Code, regulating Solicitors and Peddlers

Alderman Mourning moved to approve the Ordinance removing the language and Alderman Parrott seconded it. City Clerk Mrs. Gehlbach called the roll call. There were six ayes (Alderman Bauer, Alderman Hoinacki, Alderman Horn, Alderman Mourning, and Alderman Parrott, and Alderman Welch), one nay (Alderman Hoefle) and one absent (Alderman Tibbs); motion carried.

Resolution #2015-312 authorizing execution for Electric Aggregation bid acceptance

Alderman Bauer moved to approve and Alderman Mourning seconded it. City Clerk Mrs. Gehlbach called the roll call. There were seven ayes (Alderman Bauer, Alderman Hoefle, Alderman Hoinacki, Alderman Horn, Alderman Mourning, and Alderman Parrott, and Alderman Welch) and one absent (Alderman Tibbs); motion carried.

Bids:

There were no Bids to come before the City Council.

Reports:

There were no reports to come before the City Council

New Business/Communications:

Approval of funding for the Greater Peoria Economic Development Council (CEDS) in the amount of \$2,000.00

Alderman Bauer moved to approve and Alderman Hoinacki seconded it. City Clerk Mrs. Gehlbach called the roll call. There were seven ayes (Alderman Bauer, Alderman Hoefle, Alderman Hoinacki, Alderman Horn, Alderman Mourning, and Alderman Parrott, and Alderman Welch) and one absent (Alderman Tibbs); motion carried.

Approval of amended City of Lincoln Policy and Procedure Manual

Alderman Mourning moved to approve and Alderman Bauer seconded it. City Clerk Mrs. Gehlbach called the roll call. There were seven ayes (Alderman Bauer, Alderman Hoefle, Alderman Hoinacki, Alderman Horn, Alderman Mourning, and Alderman Parrott, and Alderman Welch) and one absent (Alderman Tibbs); motion carried.

Announcements:

Street Superintendent Mr. Landers said the street department will begin picking up Christmas trees on January 11, 2016.

Saturday, January 9, 2016 the Strategic Planning Session will be held at the Steinfert room at Abraham Lincoln Hospital.

Executive Session

There was no Executive Session.

Alderman Hoinacki moved to adjourn the meeting and Alderman Horn seconded it. There were seven ayes (Alderman Bauer, Alderman Hoefle, Alderman Hoinacki, Alderman Horn, Alderman Mourning, and Alderman Parrott, and Alderman Welch) and one absent (Alderman Tibbs); motion carried.

The City Council Meeting was adjourned at 7:40 p.m.

Respectfully Submitted By:

Risa Riggs
Recording Secretary

MEMORANDUM

TO: Mayor and Aldermen of the City of Lincoln

FROM: Clay T. Johnson, City Administrator 

MEETING

DATE: February 23, 2016

RE: Request to Permit – LCHS Grand March

The City is in receipt of a request to temporarily close Broadway from McLean to Kickapoo on Saturday, April 30. The purpose of the closure is to accommodate the Lincoln Community High School's Grand March. Barricades will be required to close the street from 4:00 until 8:30 PM that evening. Because the closure requires the use of public property a certificate of insurance will be required prior to the event.

COW Recommendation: Place this item on the consent agenda for the March 7th Council meeting.

Council Recommendation: Approve the Request to Permit for the Lincoln Community High School Prom Grand March on Saturday, April 30.

FEB 09 2016

CITY CLERK
LINCOLN, ILLINOIS

732-2145


REQUEST TO PERMIT

DATE: February 9, 2016

We, the undersigned of the city of Lincoln, do hereby respectfully request the Mayor and City Council to Permit:

On behalf of WLCN 96.3FM and The Lincoln Community High School Junior Class, we request the approval to conduct the 27th annual Royal Grand March & Red Carpet Runway at The Logan County Courthouse and grounds. The event will be held on Saturday, April 30th, 2016 beginning at approximately 4pm. We will need a minimum of 10 barricades to block streets, from Broadway(Flossie & Delzena's to McLean @ Post Office). A letter for approval is also being sent to The Logan County Board/Sheriff Steven G. Nichols, as well. Proof of Insurance, as always, will be provided. Thank you in advance for your time and consideration with regard to this matter.

Best regards,


Jeff Maxwell, WLCN 96.3FM
Royal Grand March Director
217.648.5510





CERTIFICATE OF LIABILITY INSURANCE

OP ID: LK

DATE (MM/DD/YYYY)

02/22/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Ramza Insurance Group-Strator 127 S. Bloomington Street Strator, IL 61364 Craig S. Ramza, Sr.	CONTACT NAME: PHONE (A/C, No. Ext.): FAX (A/C, No.): EMAIL ADDRESS: PRODUCER: CUSTOMER ID: LINCO-4
INSURED: Lincoln CHSD #404 1000 Railer Way Lincoln, IL 62656	INSURER(S) AFFORDING COVERAGE: Catlin Indemnity NAIC #:

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR. ITR	TYPE OF INSURANCE	AGL SUBR. INSR. WVD	POLICY NUMBER	POLICY EFF. (MM/DD/YYYY)	POLICY EXP. (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR GENERAL AGGREGATE LIMIT APPLIES PER POLICY: PPO: 1,000,000		CND IL EPP-12417-000	10/01/2015	10/01/2016	EACH OCCURRENCE: 1,000,000 DAMAGE TO RENTED PREMISES (Per occurrence): 500,000 MED EXP (Per person): 5,000 PERSONAL & ADV INJURY: 1,000,000 GENERAL AGGREGATE: 2,000,000 PRODUCTS - COMP/PROP AGG: 2,000,000
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS		CND IL GAP-12418-000	10/01/2015	10/01/2016	COMBINED SINGLE LIMIT (Per occurrence): 1,000,000 BODILY INJURY (Per person): \$ BODILY INJURY (Per accident): \$ PROPERTY DAMAGE (Per accident): \$ \$
A	UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> DEDUCTIBLE: \$ 10,000		CND IL EXL-12420-000	10/01/2015	10/01/2016	EACH OCCURRENCE: 5,000,000 AGGREGATE: 5,000,000 \$
	WORKERS COMPENSATION AND EMPLOYERS LIABILITY ANY EMPLOYER OR NEXT OF KIN? <input type="checkbox"/> Y/N <input type="checkbox"/> MANDATORY IN ILL <input type="checkbox"/> YES (Reschedule under DISPOSITION OF OPERATIONS below)					WC STATE/TOWN/STATE: \$ OTHER: \$ EL - EACH ACCIDENT: \$ EL - DISEASE - EA EMPLOYEE: \$ EL - DISEASE - POLYCLIME: \$

DESCRIPTION OF OPERATIONS (LOCATIONS / VEHICLES) (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
 CITY OF LINCOLN IS LISTED AS AN ADDITIONAL INSURED IN REGARDS TO THE LINCOLN CHSD #404 - ALL 2016 FROM EVENTS AND USE OF VARIOUS CITY FACILITIES AS THEIR INTEREST MAY APPEAR

CERTIFICATE HOLDER CITY OF LINCOLN CITY HALL CITY CLERK'S OFFICE P.O. BOX 509 LINCOLN, IL 62656	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE SHALL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE: <i>Craig Ramza / CSR</i> Craig S. Ramza, Sr.
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MEMORANDUM

TO: Mayor Martha Neitzel and Members of City Council

FROM: John R. Lebegue, Building and Safety Official

DATE: March 2, 2016

RE: Summary of minor changes made to proposed Landscape Ordinance

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

Following the presentation of the draft Landscape Ordinance to the member of the City Council at the February 23, 2016 Committee of the Whole, some minor revisions were made to the draft Landscape Ordinance to incorporate the species of street trees included in the Downtown Lincoln Revitalization Plan and to add language as to the composition of the City Development Review Team. Following are the specific sections of the draft Landscape Ordinance that were amended:

Section 4-11-3, (D), (2): The language “(except Accolade and Prospector Elm)” was added because those species of Elm were recommended street tree species in the Downtown Lincoln Revitalization Plan.

Section 4-11-4, (B), (4): This section was amended to include the following approved tree species included in the Downtown Lincoln Revitalization Plan as approved tree species for planting in the right-of-way:

State Street Maple
Armstrong Freeman Maple
Fastigate English Oak
Sentry American Linden
Skyline Thornless Honey Locust
Accolade Elm
Prospector Elm

Section 4-11-4, (B), (5), (a): The language “(except Accolade and Prospector Elm)” was added because those species of Elm were recommended street tree species in the Downtown Lincoln Revitalization Plan.

Section 4-10-2, (C), (3): This section of the City Code was amended to incorporate language to clarify the composition of the City Development Review Team due to the fact the team was specifically referred to in the new landscape regulations. The existing language of Section 4-10-

2, (C), (3) was deleted and the following new language was added: “3. Refer the proposed Site Plan to the City Development Review Team, if required pursuant to Section 4-10-2(D) of this Code. The City Development Review Team shall be comprised of the City Administrator, Mayor, Building and Safety Official, Chief of Police, Fire Chief, Street Superintendent and the Sewer Facility Manager of the City of Lincoln.”

M E M O R A N D U M

TO: Mayor and Aldermen of the City of Lincoln

FROM: Clay T. Johnson, City Administrator



MEETING

DATE: February 23, 2016

RE: Ordinance ___ : General Development Standards: Landscape Regulations

Enclosed with this memorandum is a copy of a proposed landscape ordinance prepared and reviewed by staff. John Lebegue, Building and Safety Officer, worked on this ordinance by comparing and compiling the landscape ordinances of a number of different Illinois communities and worked to make something applicable to Lincoln. Mr. Lebegue's memo provides a synopsis of the landscape code and the methodology used in its preparation.

We bring this item before you to address and achieve one of the items of the Strategic Plan, Goal 2, (B) "Develop and implement design and appearance standards for corridor development." While discussing this ordinance, the staff tried to strike a balance between regulations that improve the overall quality and aesthetic appeal of local businesses with the desire of developers to keep construction costs down. As Mr. Lebegue's memo points out, most developers and commercial businesses today understand that there may be local regulations in place that prescribe landscaping requirements. In fact, many businesses that contact the Building and Safety Office inquire if such regulations exist. We have been fortunate in the past that many builders have viewed landscape favorably when staff requests for plantings and screening, but have no official rules to force their inclusion.

It is not the intent of the ordinance to make development more difficult or to create onerous regulations that are difficult to understand or to reach compliance. However, such regulations can improve the gateways to our community over time.

Mr. Lebegue will have a presentation prepared discussing the changes with some local examples on Tuesday evening.

COW Recommendation: There is almost two weeks between this meeting and the next voting meeting of the Council. Should the Council desire to move forward, we can publicize the ordinance between February 23rd and March 7th providing time for public review and input. If you believe the ordinance needs more time for such review, the next voting meeting is March 21st.

Council Recommendation: Seeing that the landscape ordinance helps achieve a strategic goal, I would recommend the adoption of Ordinance ___ : General Development Standards: Landscape Regulations.

MEMORANDUM

TO: Mayor Martha Neitzel and Members of City Council

FROM: John R. Lebegue, Building and Safety Official

DATE: February 18, 2016

RE: Consideration of amendments to the text of the City Code in regard to the creation of standards for landscaping

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

To fulfill a key component of the 2020 Strategic Plan strategy to develop and implement design and appearance standards for corridor development, a draft Landscape Ordinance has been prepared for review and consideration. The proposed Landscape Ordinance would establish uniform landscape and screening standards for new multi-family residential, commercial and industrial development in the City. The proposed landscaping and screening requirements are intended to foster aesthetically pleasing development which will protect and preserve the appearance, character, health, safety and welfare of the City. Specifically, these regulations are intended to increase the compatibility of adjacent uses, and, in doing so, minimize the harmful impact of noise, dust and other debris, motor vehicle headlight glare or other artificial light intrusions, and other objectionable activities or impacts conducted or created by an adjoining or nearby use. The requirements of the proposed would only apply to new multi-family residential, commercial and industrial developments and Planned Unit Developments that take place after the enactment of the regulations and would not apply to existing businesses unless significant improvements or additions were to take place at an existing business. The requirements would also not apply to single family residential properties in the City.

Following are the key elements of the proposed Landscape Ordinance:

- A landscape plan prepared by a landscape architect, certified nursery professional or master gardener would have to be submitted when the requirements of the Landscape Ordinance are triggered or apply to a development.
- The proposed Landscape Ordinance specifically details what contents must be provided on a landscape plan and specific design criteria for landscape areas. All landscape plans would be reviewed by the City Development Review Team prior to issuance of a building permit.
- No Certificate of Occupancy shall be issued unless all aspects of the submitted landscape plan have been installed and approved.

- The Landscape Ordinance clearly details the species of trees that are unsuitable and prohibited for planting on public and private property, but also provides information as to the species of trees that are suitable for planting on public and private property. A suggested planting list will be prepared to provide guidance on how to meet the landscape ordinance and will be provided to all applicants.
- A section of the proposed Landscape Ordinance pertains to the public right-of-way, providing details as to species, quantities, spacing, and size of parkway trees.
- All parking lots containing 5 or more parking spaces located on multi-family residential, commercial and industrial developments would be required to provide perimeter, interior and foundation landscape areas.
- A perimeter landscape area having a minimum width of 10 feet with shrubs at least 3 feet in height would be required at the perimeter to screen and buffer the parking lot from public view.
- All areas at the ends of parking rows, at edges and entry points to parking areas not designed and utilized must be landscaped.
- To soften the impact of long expanses of building walls, a foundation planting area of a minimum of 5 feet in width must be provided.
- All perimeter, interior and foundation planting areas must be separated from parking area with a continuous, 6 foot concrete curb.
- Under the regulations of the Landscape Ordinance service areas such as loading docks, trash dumpsters, air condition condensers, transformers and backup generators, shall be screened from public view. All mechanical equipment located on the roof of any building shall be screened by a parapet wall, screening structure constructed of materials compatible to the principal building.

The draft ordinance that is being provided for review and comment is a synthesis of numerous landscape ordinances of other Illinois municipalities. The landscape ordinances of Western Springs, LaGrange, Riverside, Hinsdale, Lincolnwood, Galesburg and Peoria were reviewed as part of the analysis and study performed by staff. Those elements and regulations that best fit the goals and needs of Lincoln were included in the draft Landscape Ordinance. The draft ordinance, in comparison to a majority of the surveyed municipalities, is far less restrictive and complicated and will place less of a burden on developers and property owners, while still achieving the goal of screening and enhancing the appearance and quality of development. The development community is very accustomed to complying with landscape regulations in the overall design of projects and unless the requirements are not specifically codified in an ordinance they are not binding. Currently, the City has no landscape requirements and any landscaping that has been provided on recent developments was due to the recommendations of staff and was not statutorily required.

ORDINANCE NO. _____

**ORDINANCE CREATING LANDSCAPE REQUIREMENTS
FOR NEW DEVELOPMENT WITHIN THE CITY OF LINCOLN**

WHEREAS, the City of Lincoln is a municipal corporation situated in Logan County, Illinois; and,

WHEREAS, the City Code of the City of Lincoln, specifically Title 4, governs the building regulations of the City of Lincoln; and,

WHEREAS, the City of Lincoln wishes to create landscape requirements for new development within the City of Lincoln by adding Title 4, Chapter 11 to the City Code of the City of Lincoln; and,

WHEREAS, the City Council of the City of Lincoln believes that establishing a set of comprehensive standards for the landscape requirements for new development within the City of Lincoln will ensure new development is of a high quality and said development will enhance the economic value of the City; and,

WHEREAS, the City Council of the City of Lincoln previously passed site plan review requirements for new development within the City of Lincoln; and,

WHEREAS, Title 4, Chapter 10 makes reference to a City Development Review Team; and,

WHEREAS, the City Council of the City of Lincoln believes the makeup of the City Development Review Team should be specifically outlined within the City Code of the City of Lincoln; and,

WHEREAS, the City Council believes it is in the best interest of the citizens of Lincoln, Logan County, Illinois, that the landscape requirements for new development within the City of Lincoln

be created.

NOW, THEREFORE, the City Council of the City of Lincoln, Logan County, Illinois, does hereby amend the City Code in the following regards:

1. That Title 4, Chapter 11 is hereby created as follows:

"CHAPTER 11

GENERAL DEVELOPMENT STANDARDS: LANDSCAPE REGULATIONS

SECTION:

- 4-11-1: Purpose And Intent
- 4-11-2: Scope Of Regulations
- 4-11-3: Landscape Plan Requirements
- 4-11-4: Public Right-Of-Way Landscaping
- 4-11-5: Landscape Requirements For Off-Street Parking Lots
- 4-11-6: Service Area Screening Requirements

4-11-1: **PURPOSE AND INTENT:** The purpose of this chapter is to: Establish uniform landscape and screening standards for multi-family residential, commercial and industrial development in the City. The landscaping and screening requirements specified herein are intended to foster aesthetically pleasing development which will protect and preserve the appearance, character, health, safety and welfare of the City. Specifically, these regulations are intended to increase the compatibility of adjacent uses, and, in doing so, minimize the harmful impact of noise, dust and other debris, motor vehicle headlight glare or other artificial light intrusions, and other objectionable activities or impacts conducted or created by an adjoining or nearby use. Wherever the submission and approval of a landscape plan is required by this Ordinance, such landscape plan shall be an integral part of any application for a Certificate of Occupancy. No Certificate of Occupancy shall be issued without City approval of a landscape plan as required herein. This chapter shall not apply to detached single-family and attached two-family residentially used and zoned buildings.

4-11-2: **SCOPE OF REGULATIONS:** Except for single-family residential dwellings, a Landscape plan following the standards set forth in this chapter must be submitted as follows:

- (A) New Development: When any multi-family residential, commercial or industrial development involves the construction of a new building.
- (B) Planned Unit Development: When property is developed as a

Planned Unit Development.

- (C) Intensity of Use Increase: When the intensity of use of any existing building, structure or premises is increased by exterior addition or enlargement of the building, or interior renovation of more than 50% of the floor area of a building, structure or premises.

4-11-3: **LANDSCAPE PLAN REQUIREMENTS:** The following shall establish the standards for the preparation and submission of required plans for landscape, screening and tree preservation.

- (A) Landscape plan required: A landscape plan following the standards set forth in this chapter shall be prepared by a landscape architect, certified nursery professional or master gardener. Landscape plans shall be reviewed and approved by the City Development Review Team prior to the issuance of a building permit for exterior construction and development. Landscape plans for planned unit developments, special uses, variations and major subdivisions shall also be reviewed and approved by the Plan Commission and the City Council.

- (B) Content of landscape plan: All landscape plans shall include or have attached thereto the following information:

1. North arrow, scale, date of plan and any subsequent revisions.

2. The location and dimensions of all existing and proposed structures, parking lot and drives, roadways and rights of way, sidewalks, bicycle paths, ground signs, refuse disposal areas, trash cans, bicycle parking areas, fences, freestanding electrical equipment, tot lots and other recreational facilities, and other freestanding structural features as determined by the Building and Safety Department.

3. Location of all existing and proposed public utilities.

4. The location, quantity, size and name, both botanical and common names, of all proposed planting materials.

5. Specification of the type and boundaries of all proposed ground cover, including both scientific and common names of all plant materials.

6. Existing and proposed contours, including the location of all proposed berming, at a one-foot contour interval. Also included shall be the location, extent, and general elevations of all detention and retention areas and drainage ways.

7. Planters or planter boxes.

8. Details of all fences and walls proposed to be constructed on the site.

9. The designation, location, type and size of all existing trees four inches and larger in diameter measured one foot above natural grade. Any trees to be removed should be clearly identified.

(C) Selection, installation, and maintenance of plant materials:

1. Selection: Planting materials used in conformance with the provisions of this Chapter shall be of good quality, of a species normally grown in central Illinois, and capable of withstanding the extremes of individual site microclimates. Size and density of plant material, both at the time of at planting and at maturity, are additional criteria which must be considered when selecting plant materials.

2. Installation: All landscaping materials shall be installed in accordance with the current planting procedures established by the American Association of Nurserymen.

3. Maintenance

(a) Responsibility: The owner of the premises shall be responsible for the maintenance, repair, and replacement of all landscaping materials and barriers, including refuse disposal areas, as may be required by the provisions of this Chapter.

(b) Landscaping materials: All landscaping materials shall be maintained in good condition so as to present a healthy, neat and orderly appearance, and plant material not in this condition shall be replaced when necessary and all landscape areas shall be kept free of refuse and debris.

(c) Fences and walls: Fences, walls, and other barriers shall be maintained in good repair.

(D) Landscape Design Criteria:

1. Scale and nature of landscaping material: The scale and nature of landscaping materials should be appropriate to the size of the structures. Large scale buildings, for example, should generally be complemented by larger scaled plants.

2. Selection of plant materials: Plant material should be selected for its form, texture, color, and concern for its ultimate growth. The use of Silver Maples, Box Elders, Russian Olive, Ailanthus, Poplar, Cottonwood, Mulberry, Willow, Catalpa, Hackberry, White Fringe, Sweet Gum, Elm (except Accolade and

Prospector Elm), any species of Ash tree, and other weak wooded species are prohibited.

3. Evergreens: Evergreens shall be incorporated into the landscape treatment of a site, particularly in the screening of refuse holding areas and in those areas screening parking lots from dedicated public rights of way or property zoned for residential use.

4. Shade trees: All shade trees shall have a minimum trunk size of two and one-half inches (2 ½") in caliper upon installation, as measured six inches (6") above the established ground level.

5. Ornamental trees: Single stem ornamental trees shall have a minimum trunk size of two inches (2") in caliper at time of planting, unless otherwise specified. Multiple stem ornamental trees shall have a minimum height of seven feet (7') at time of planting, unless otherwise specified by the City.

6. Shrubs: Shrubs shall be used whenever possible. Shrubs used for the purpose of screening shall be three feet (3') in height at time of installation. Shrubs used for other purposes shall be at least eighteen inches (18") in height at time of installation.

7. Ground covers: Ground cover shall be spaced no less than twelve inches (12") on center at time of installation.

8. Flower beds: Flower beds of perennials and the use of native grasses is encouraged and shall be mass planted in landscape areas to create color, texture and interest.

9. Softening of walls and fences: Plant material should be placed intermittently against long expanses of building walls, fences, and other barriers to create a softening effect.

10. Planting beds: Planting beds shall be mulched with bark chips, shredded hardwood or similar materials. Mulch shall not be used as a substitute for plant materials.

11. Energy conservation: Plant material placement should be designed to reduce energy consumption needs of a development wherever possible.

a. Deciduous trees should be placed on the South and West sides of buildings to provide shade from the summer sun.

b. Evergreens and other plant materials should be concentrated on the North and West sides of buildings to dissipate the effect of winter winds.

12. Watering plant material: A permanent means of watering

plant materials should be provided within one hundred feet of all landscape areas. Installation of an underground sprinkling system is recommended.

13. Detention/retention basins and ponds: Detention/retention basins and ponds shall be landscaped. Such landscaping should include shade and ornamental trees, evergreens, shrubbery, hedges, and other planting materials.

14. Berming: Earthen berms and existing topographic features shall be incorporated into the landscape treatment of a site where there is sufficient space and, in particular, when berms and existing topographic features can be combined with plant materials to facilitate effective screening.

4-11-4: **PUBLIC RIGHT-OF-WAY LANDSCAPING:** Where a parcel abuts a Dedicated public right-of-way, landscaping shall be provided in accordance with the provisions of this Section as follows:

(A) Graded and Sodded: The unpaved portion of a public right-of-way shall be fine graded and sodded.

(B) Parkway trees:

1. Quantity of parkway trees: Parkway trees shall be provided in the public right-of-way adjacent to the parcel as directed by the Street Superintendent.

2. Spacing of parkway trees: Parkway trees shall be clustered or spaced linearly in the public right-of-way as determined appropriate by the Street Superintendent.

3. Size of parkway trees: Parkway trees shall have a minimum trunk size of two and one-half inches (2 ½") in diameter, as measured six inches (6") above the established ground level.

4. Species approved for planting in public right-of-way: The species of parkway trees and the intervals between them are as follows:

- (a) Ginkgo - thirty feet (30')
- (b) Norway Maple - forty feet (40')
- (c) Schwedleri Maple - forty feet (40')
- (d) Red Maple - forty feet (40')
- (e) State Street Maple - forty feet (40')
- (f) Armstrong Freeman Maple - forty feet (40')
- (g) Tulip - forty feet (40')
- (h) Red Oak - forty feet (40')
- (i) White Oak - forty feet (40')
- (j) Willow Oak - forty feet (40')
- (k) Scarlet Oak - forty feet (40')
- (l) Fastigate English Oak - forty feet (40')
- (m) American Linden - forty feet (40')
- (n) Sentry American Linden - forty feet (40')

- (o) European Linden - forty feet (40')
- (p) Pin Oak - forty-five feet (45')
- (q) Oriental Plane - forty-five feet (45')
- (r) Skyline Thornless Honey Locust - fifty feet (50')
- (s) Sycamore - sixty feet (60')
- (t) Accolade Elm - forty feet (40')
- (u) Prospector Elm - forty feet (40')
- (v) In addition to the species of trees above permitted, other species of trees may be approved for planting in the City right-of-way along the street as may be specified by the appropriate committee of the City Council.

5. Species forbidden to be planted in public right-of-way or on private property: No person shall plant any of the following species of trees in the public right-of-way or on private property in the City:

- (a) Evergreens, fruit and nut trees, Box Elder, Silver Maple, Ailanthus, Poplar, Cottonwood, Willow, Catalpa, Hackberry, Dogwood, White Fringe, Elm (except Accolade and Prospector Elm), Sweet Gum, and any species of Ash tree.

4-11-5: **LANDSCAPE REQUIREMENTS FOR OFF-STREET PARKING LOTS:** All parking lots constructed after the adoption of this Chapter shall provide landscaping in accordance with the provisions of this Section as follows:

- (A) Perimeter screening requirements: Every off-street parking lot or parking area containing five (5) or more parking spaces shall be set back, buffered and screened from public view and adjacent property by a perimeter landscaped area having a minimum width of ten feet (10'), as measured from the back of curb.

1. The minimum width for the perimeter screening area shall be measured from the property line and shall not include any parking overhang.

2. Perimeter screening shall be continuous, except for breaks as may be permitted for sidewalks, driveways and sight triangles.

3. Shrubs planted as perimeter screening shall be at least three feet (3') in height at time of installation.

4. The surface of the required, perimeter setback area shall be suitably covered with grass, ground cover, perennial flowers and native grasses or similar vegetation and periodically mulched. Impervious materials such as asphalt, concrete, or a layer of stone is prohibited.

5. A six inch (6") continuous, poured-in-place concrete curb shall separate all drive and parking surfaces from perimeter

landscape areas.

(B) Interior landscaping requirements: All areas within or at the end of parking row and at the edges of parking lots and parking areas which are not designed for parking stalls, drive aisles, or shopping cart collection areas, shall be curbed, and landscaped with sod, ground cover, bushes or trees.

1. Interior parking lot landscaping areas shall be a minimum of one hundred forty four (144) square feet in area and a minimum width of eight feet (8') in width, as measured from back of curb to back of curb.

2. Interior planting islands equal in area to a parking space shall be required at a rate of one parking lot island every twenty (20) parking spaces.

3. One tree shall be provided for each parking lot planting island.

4. The surface of the required, perimeter setback area shall be suitably covered with grass, ground cover, perennial flowers and native grasses or similar vegetation and periodically mulched. Impervious materials such as asphalt, concrete, or a layer of stone is prohibited.

5. A six inch (6") continuous, poured-in-place concrete curb shall separate all drive and parking surfaces from perimeter landscape areas.

6. All landscaped islands shall have a minimum topsoil depth of three feet (3') and mounded to a center height of six to twelve inches (6-12") above top of curb height.

(C) Foundation landscaping requirements: Plant materials shall be placed against long expanses of building walls, fences and other barriers to soften their effect, accenting building entrances and architectural features and screening mechanical equipment.

1. A minimum setback and landscape area of five feet (5') in width shall be located immediately along the front and sides of all buildings.

2. A six inch (6") continuous, poured-in-place concrete curb shall separate all foundation landscape areas from drive aisle and parking areas.

3. Foundation landscaping shall include shade trees, ornamental trees, hedges, shrubs, evergreens, ground covers, and perennial flowers and grasses.

(D) Lists of recommended trees, shrubs and ground covers: Upon

request, lists indicating plantings which will meet the landscape requirements of this chapter can be provided as a guide.

4-11-6: **SERVICE AREA SCREENING REQUIREMENTS:** All service areas shall be screened from view through the use of evergreen plant materials, a wood fence, masonry screen wall, or materials compatible with the proposed building.

- (A) Trash dumpsters and other waste receptacles shall be fully enclosed on four (4) sides by a solid wood fence, masonry walls or principal building wall six feet (6') in height, with one of the four (4) sides being an attractive single or double access gate. The materials used for screening, including the enclosure, shall complement the architecture of the building.
- (B) All utility equipment (air conditioners, transformers, backup generators and the like) shall be provided with appropriate planting screens.
- (C) For uses with loading docks, they shall be located to the rear of a building, where possible, and all loading areas shall be adequately screened with a wall, fence and/or landscaping of a minimum of six feet (6') in height so as to not be visible from adjoining rights-of-way and property zoned for any residential use.
- (D) All mechanical equipment located on the roof of any building constructed after the effective date of this code shall be fully screened by a parapet wall, or other screening structure constructed of the same materials as, or materials architecturally and aesthetically compatible with, the principal building façade to the height of such equipment."

2. That Title 4, Chapter 10, Section 2(C)(3) is hereby deleted and the following is inserted in place thereof:

"3. Refer the proposed Site Plan to the City Development Review Team, if required pursuant to Section 4-10-2(D) of this Code. The City Development Review Team shall be comprised of the City Administrator, Mayor, Building and Safety Official, Chief of Police, Fire Chief, Street Superintendent and the Sewer Facility Manager of the City of Lincoln."

3. That should any clause, sentence, or paragraph of the above-noted Ordinance be declared invalid by any Court of competent jurisdiction, such invalidity shall not affect any other portion of

said Ordinance.

4. That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

The vote on the adoption of this Ordinance was as follows:

Alderman Parrott	_____	Alderwoman Bauer	_____
Alderwoman Tibbs	_____	Alderman Welch	_____
Alderman Hoinacki	_____	Alderman Mourning	_____
Alderwoman Horn	_____	Alderman Hoefel	_____

Ayes: _____

Nays: _____

Absent: _____

Abstentions: _____

Passed and approved this _____ day of _____, 2016.

CITY OF LINCOLN

BY: _____
 Martha Neitzel, Mayor
 City of Lincoln, Logan
 County, Illinois

ATTEST: _____ (SEAL)
 City Clerk, City of Lincoln,
 Logan County, Illinois

MEMORANDUM

TO: Mayor and Aldermen of the City of Lincoln

FROM: Clay T. Johnson, City Administrator



MEETING

DATE: February 23, 2016

RE: Façade Improvement Request – 616 Broadway

The City received an application from Mr. John Yates, who owns the property located at 616 Broadway, which has housed Mission Mart and Simply Homespun. As you may notice, this property has the frame of an awning on its exterior, but no cloth to cover it. The Building and Safety Office has requested that Mr. Yates cover the awning in a manner appropriate with other downtown businesses. Mr. Yates has provided a quote and sample of the awning material he would like to install and it has received a certificate of appropriateness from the Historic Preservation Commission.

The enclosed materials include the quote Mr. Yates has received for the awning, the City's application, and a color picture of the material proposed for the awning. The total cost of the awning is \$2,042.44. Per the façade grant guidelines, awnings are an acceptable use of funding and Mr. Yates would be eligible for a \$1,021.22 grant – 50% of the total project.

On January 27, the façade review committee met to review the application with the applicant. They found that the awning was an attractive improvement to the downtown and recommended to the Council that the grant application be approved in an amount not to exceed \$1,021.22.

Overall, the façade grant program has received its most interest this year since its inception in 2013. This application would be the fourth request for funding the City has received in this fiscal year. If approved, the City will have committed \$24,010.72 into the reinvestment into downtown exterior building improvements. As we move into budget discussion over the next few months, I would encourage the Council to continue to fund the program as it improves the aesthetic quality of the heart of our community and displays a commitment to the redevelopment of downtown.

COW Recommendation: Place on the March 7th Council agenda.

Council Recommendation: Approve the Façade Improvement Grant Request for the awning located at 616 Broadway in an amount not to exceed \$1,021.22.



Name John Yates
 Address 103 S. Hamilton Street, PO Box 40
 City, State, Zip McLeen, Illinois 61764
 Phone 309 - 287 - 1725
 Job Name Recover Hood Awning

PROPOSAL AND ACCEPTANCE CONTRACT

Fabric	Sunbrella	Artwork	N/A	Frame	Existing
Softw	N/A	Lighting	N/A	Installation	TCT&A
Special Instructions:					

We will manufacture, install and warranty a new custom "hood" style awning recover for the front entrance of the building located at 616 Broadway, Lincoln, Illinois. The approximate dimensions are a width of 35' 0" and a drop and projection of 4' 6". There is a 13" vertical face. The fabric is Sunbrella and the color and pattern are your choice. There are no graphics. If graphics are needed, that cost will be quoted separately. The existing frame will be used and may have to be removed for installation of the new fabric. The total cost is \$2042.44 and the payment terms are as follows:

50% down payment with order	\$1021.22
50% balance due	\$1021.22
TOTAL COST.....	\$2042.44

NOTE: The order will not be scheduled until a signed contract, a deposit check, a graphics approval (if necessary) and a final field check (if necessary) are completed.

Payment to be made as follows: Option A Option B (See Back) Other

The customer is responsible for obtaining any and all permits applicable.
 Allow 3-5 working days from date order is received in our office. See back for definition of working days.
 This Contract includes and includes the Terms and Conditions set forth on the other side hereof.
 Please sign & return the yellow copy.

November 2, 2015

Date _____

Signed Ronald F. Crick

ACCEPTANCE OF ESTIMATE

Ronald F. Crick

The foregoing terms, conditions and conditions are satisfactory and same are hereby accepted.

Date _____

Signed _____



**CITY OF
LINCOLN,
ILLINOIS**

700 Broadway St., P.O. Box
509, Lincoln, IL 62656

Central Business TIF Incentive Application

Applications must be reviewed and approved before the project begins. Work completed prior to Staff Review is ineligible. If there is a significant change in the scope of the project after the application has been approved; the applicant must re-apply with the scope of the new project.

Please submit application to: John Lebcgue
Building & Zoning Officer
City of Lincoln
700 Broadway Street
Lincoln, Illinois 62656
217-732-6318

Applicant Name: JOHN YATES Business Name: YATES PROPERTIES
Applicant Mailing Address: PO BOX 49, McLEAN, IL 61754
Applicant Phone Number 309-287-1725 Fax _____ Email JAYATES1@GMAIL.COM
Federal Employer Identification Number (FEIN) 328-68-1151

Type of Business Entity:

Individual Corporation Partnership Combination
I Applying for a \$ 1021 Loan Grant Combination
\$ _____ Grant \$ _____ Loan

Project Category:

New Business Construction
Business Relocation/Expansion/Rehabilitation
Facade Restoration Grant or Loan
Emergency Structural Repairs
ADA, Life Safety, Building Code, and Electrical Rehabilitation

Building Name: THE OLD WITZIG & MISSION MART
Building Address: 616 BROADWAY

How is the title held to the property?

Individual Corporation Land Trust
 Partnership Limited Liability Company Other _____

1) Name(s) of property owner(s): JOHN & DORIS YATES

(All beneficial owners of a Land Trust, members of a Limited Liability Company and Partners in a partnership must be listed.)

Owner(s) phone: 309-287-1725

If the grantee is not the same as the owner, explain: _____

2) Building Data:

	TOTAL	ADDRESSED BY PROJECT
Site square footage:	<u>6000</u>	_____
Building square footage:	<u>10000</u>	_____
Number of floors in building:	<u>2 PLUS BASEMENT</u>	_____
Approximate year constructed:	<u>1900</u>	_____
Real Estate Taxes Paid:	<u>\$4142</u>	_____

3) Current Use:

RETAIL STORE

4) General Project Description and /or Proposed Use:

PUT NEW FABRIC ON AWNING

5) Is the proposed use permitted under the current zoning classification applicable to the Property? If not, will a zoning change or special use permit be required?

YES

NO

6) Identify the proposed tenants of the project. Indicate whether leases have been negotiated and provide the status of any such negotiations.

TENANT STATUS IS TENUOUS. CURRENT
TENANT IS 11 MONTHS BEHIND ON
RENT, BUT HAS BEEN PAYING ON TIME
RECENTLY. EVICTION IS POSSIBLE.

7) Who will own the developed property?

JOHN AND DORIS YATES

8) Provide a brief description of public benefit to the City resulting from the development of the proposed project including improvements to any public infrastructure and economic quality of life issues for the down town area.

SEE

9) Discuss how the proposed project addresses the objectives and project activities set forth in the City of Lincoln Central Business TIF Redevelopment Plan including an explanation as to how the project will eliminate or mitigate blighting conditions in the down town area.

NEXT

10) Describe how the proposed project will stabilize the surrounding area and promote additional development in adjacent areas.

PAGE

7) Who will own the developed property?

JOHN & DORIS YATES

8) Provide a brief description of public benefit to the City resulting from the development of the proposed project including improvements to any public infrastructure and economic quality of life issues for the downtown area.

THIS PROJECT WILL BEAUTIFY ONE OF THE PROMINENT BUILDINGS ON THE DOWNTOWN SQUARE. THIS WILL CREATE A MORE ATTRACTIVE ATMOSPHERE FOR SHOPPERS CONSIDERING WHERE TO DO THEIR SHOPPING

9) Discuss how the proposed project addresses the objectives and project activities set forth in the City of Lincoln Central Business TIF Redevelopment Plan including an explanation as to how the project will eliminate or mitigate blighting conditions in the downtown area.

CURRENTLY, THIS BUILDING IS ONE OF THE LEAST ATTRACTIVE IN THE DOWNTOWN. ALTHOUGH PHYSICALLY SAFE AND SOUND, IT IS UGLY AND LOOKS IN NEED OF RENOVATION. IMPROVING THIS BUILDING WOULD RAISE THE BAR FOR THE WHOLE DOWNTOWN SQUARE.

10) Describe how the proposed project will stabilize the surrounding area and promote additional development in adjacent areas.

AS MENTIONED IN YOUR DOCUMENT, HAVING ONE EYE-SORE ON A BLOCK CAN LEAD TO AN ATTITUDE OF DETERIORATION FOR THE WHOLE BLOCK, AND CAN DISCOURAGE OTHER PROPERTY OWNERS FROM INVESTING IN THEIR NEIGHBORING BUILDINGS.

6/25/2013 RENOVATING THE FACADE OF THIS OTHERWISE APPEALING BUILDING COULD HAVE A RIPPLE EFFECT, AND ACT AS A CATALYST TO OTHER RENOVATION PROJECTS.

11) Provide an estimate of the total number of jobs to be created or retained by the proposed project, including salary ranges.

a. Present number of employees: Full time _____ Part time _____

b. Anticipated number of employees: Full time _____ Part time _____

c. List job classifications, salary ranges, and number of hours each job classification is expected to work: _____

I AM UNSURE OF ANY IMPACT ON EMPLOYMENT THAT A FACADE RENOVATION WOULD AFFECT -

12) If the proposed project includes commercial uses, explain how the project will encourage the inflow of customers from outside the city's downtown area or which will provide retail or other commercial services currently unavailable or in limited supply in the downtown area.

AS MENTIONED EARLIER, THE MORE ATTRACTIVE AND APPEALING THE DOWNTOWN IS, THE MORE LIKELY SHOPPERS ARE TO VISIT IT.

13) Project Financing:

a. Description of construction/renovation cost estimate for project:

i. Applicable to project: Yes No ?

ii. Item Description: NEW AWNING FABRIC Costs: 2040.44

Item Description: TRUCK POINTS FACADE Costs: APPROX \$1500

Item Description: NEW WINDOWS Costs: APPROX 2500

b. Description of machinery/Equipment Acquisition for project (for info only)

b. Has the applicant explored alternative financing methods for the proposed project before applying for the use of TIF? Yes No

If you checked Yes : Enterprise Zone _____
Historic Preservation Tax Credits _____

c. Provide an estimate of the incremental property taxes and any new retail sales tax the proposed project may be expected to generate.

I PERSONALLY FEEL THAT MY TAXES ARE TOO HIGH ALREADY, SO I AM NOT HOPING FOR AN INCREASE. RETAIL SALES TAXES SHOULD GO WAY UP AS A RESULT OF BEAUTIFYING THIS BUILDING. I ESTIMATE THEY WILL INCREASE BY \$1000 PER YEAR.

17. Collateral Description

List the following for collateral that will be offered for security for the City TIF Loan:

Name

Value

I AM NOT INTERESTED IN A LOAN. I HAVE ENOUGH DEBT ALREADY. I AM ONLY INTERESTED IN PROCEEDING WITH THIS PROJECT IF YOU GRACIOUSLY HELP WITH A GRANT.

The undersigned has applied for the grant ~~or loan~~ described in this application and the proceeds of said grant ~~loan~~ will be used in connection with the project described herein. The applicant agrees to abide by all City of Lincoln Central Business TIF Redevelopment Program Guidelines. The Applicant agrees to furnish information listed as application attachments and any additional information to the City as needed to review and consider this request.

By execution of this application, Applicant acknowledges and consents for the City to conduct any and all credit history checks it deems necessary and appropriate.

John A. Jones
Applicant's Signature

OWNER
Title

12-14-15
10/20/15
Date

(Applicant- do not write below this line)

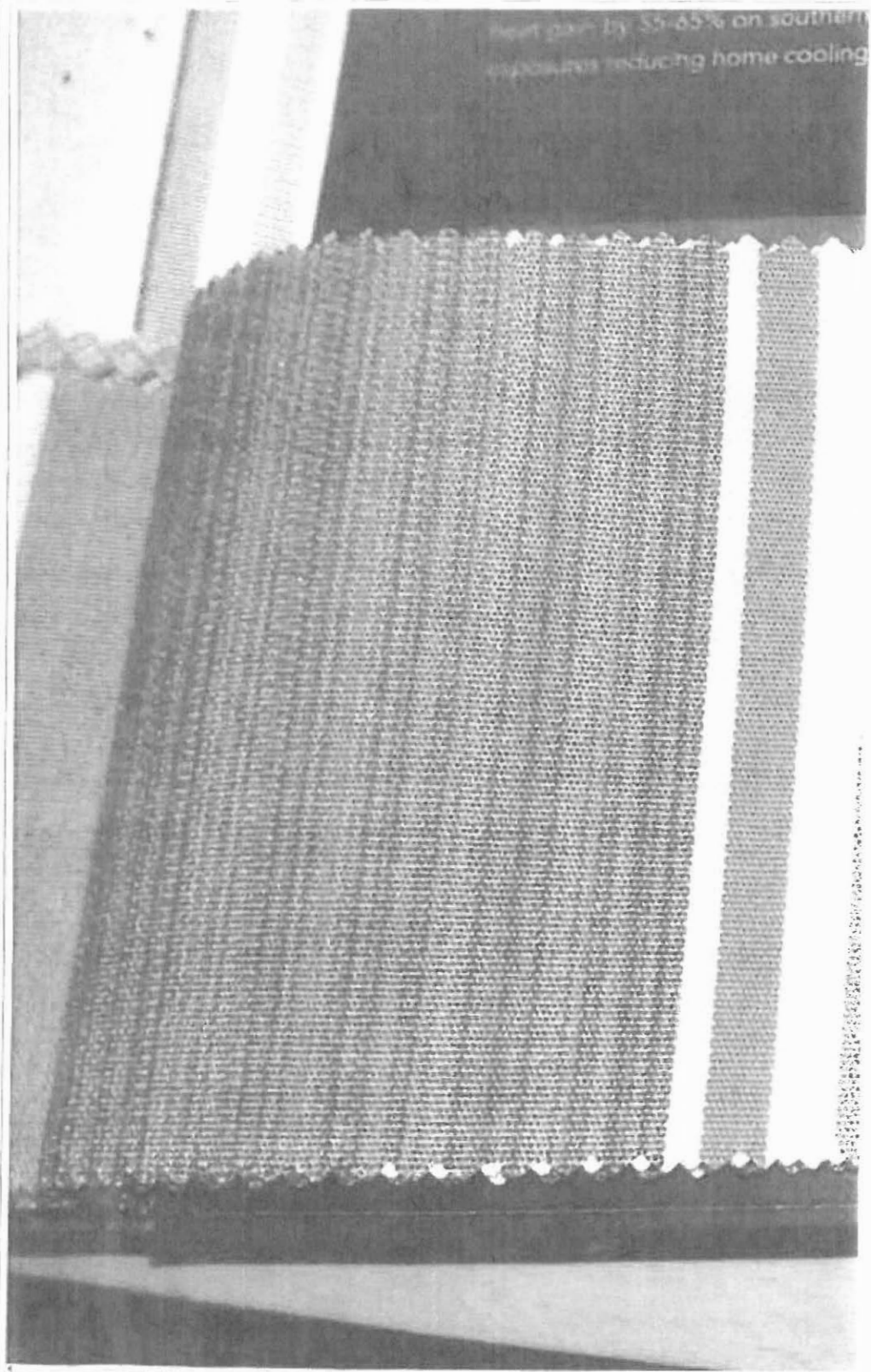
Date Application Received _____	Staff Signature _____
Notes:	

Close

Image 1 of 1

Properties

Name: IMAG8588.jpg
Type: image/jpeg
Size: 51.0 KB



MEMORANDUM

TO: Mayor and Aldermen of the City of Lincoln

FROM: Clay T. Johnson, City Administrator



MEETING

DATE: February 23, 2016

RE: **Lincoln Civic Foundation**

As I mentioned at the end of our strategic planning session this year, I have been working on a concept for the formation of the Lincoln Civic Foundation. I believe that the Lincoln Civic Foundation would be a great mechanism for promoting and enhancing the assets of the City of Lincoln. The Foundation could active in a number of areas - promoting public art, supporting the growth of public amenities such as bike trails, or creating/assisting festivals. Potentially as resources grew the Foundation's abilities could expand even further.

The pilot initiative of the Foundation would be the promotion of "Third Fridays" downtown. These would be fun, community based events where people would be able to roam the downtown area, experience music and other activities and enjoy food from local organizations and businesses. This concept highlights a way to approach downtown differently, and remind residents and tourists alike that downtown is a fun and thriving place. These Third Fridays are intended to be fun and interactive. Furthermore, they are not meant to be a profit center for the City or the Foundation. However, civic and charitable groups may use the forum to raise awareness or funds for their particular programs.

I have included a brainstorming type matrix that illustrates some of the concepts considered for the downtown events. Each event has a similar component but each Friday may be a variation on a theme. The Mayor and I are working on a group of interested individuals to help in the planning and execution of this event.

Funding for the Foundation has come in the form of reserving 5% of the Hotel/Motel Tax this fiscal year, and assuming the Council wishes to move forward with the idea, would continue into the next fiscal year. It is my hope that as the Foundation gains its footing that others might donate to the Foundation possibly to sponsor art projects, festivals, or other endeavors. A draft budget is also included for your review.

On the more technical side of the Foundation, if given the direction, I will move to file the Articles of Incorporation with the Secretary of State immediately and ask the Mayor to consider members for the Foundation's Board of Directors. Once the Articles of Incorporation are approved, I will move to file the necessary paperwork for non-profit status with the Internal Revenue Service.

The Board of Directors consists of between five and nine individuals and are appointed by the Mayor with the advice and consent of the Council. Each Director's tenure is coterminous with the term of the Mayor. I propose to act as Executive Director of the Foundation, and receive no compensation for that duty. No Directors or Officers will receive compensation for their service. The draft bylaws of the Foundation are included for your review and comment.

Each year, the Foundation would be required to provide an annual report of its activities and financial records to the Council. The Council is also entitled and encouraged to review the documents and records of the Foundation. The Board of Directors has authority to spend those dollars that are allocated to the Foundation. The Council may also want to consider rolling the balance of the "From the Ground Up" monies into the Foundation to continue with the "Plant the Town Red" program, community gardens, and community night.

Obviously, as this concept grows and develops there may be more obstacles and logistics that we cannot foresee. However, I will keep the Council apprised of the activities of the Foundation and hope that you are excited about what the possibilities of this type of organization can become.

COW Recommendation: Please provide your input, questions, and comments about the Lincoln Civic Foundation or the Third Friday events. Because of the nature of this type of endeavor, I ask that you place it on the Council agenda for March 7th.

Council Recommendation: 1) By motion vote, authorize the Mayor and City Administrator to file the necessary paperwork with the State of Illinois and Internal Revenue Service for the formation of the Lincoln Civic Foundation. 2) By motion vote, provide the Mayor and City Administrator the authority to obligate funds from the Hotel/Motel Tax for the 3rd Friday events.

LINCOLN
civic foundation



3rd
FRIDAYS
DOWNTOWN
lincoln

3rd
FRIDAYS
DOWNTOWN
lincoln

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FRIDAYS
DOWNTOWN
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3rd
FRIDAYS
DOWNTOWN
lincoln

Third Friday Concept Matrix
15-Dec-15

	20-May	17-Jun	15-Jul	19-Aug	16-Sep
Music	Local Talent? Lincoln Area Music Society?	Brass Band Jazz	Classic Rock/Covers	HS Band Lincoln Area Music Society? Lincoln College?	Country/Folk/Bluegrass
Activity	Bike Rodeo Bags/Games/Sumo Amazing Race	Picnic/Parks Movie Comedian?	Heat/Water Activities Art Color Run Frozen T-Shirts	Laser Tag Rock Climbing Wall Legacy Wall	Pets, Produce Petting Zoo Line Dancing
Food	Pizza Chocolate Custard	Cheese, Wine Sandwiches Box Lunches/Brown Bag Popcorn	Hot Dogs Sno Cones Burgers	Ice Cream Fish Fry	Fried Chicken Roast Corn
Stakeholders/ Partners	Healthy Communities Part. Library K-C's	Downtown Businesses		Live Remote (LCN?)	Woofstock?
Vendors Market	Oasis	Spirited Republic			
Theme	Game Night	Movie Night	Summer Fun Night	Adventure Night	Homestead Night
Conflicts					Football/Railsplitter
Notes	Costs of Turf? Car Show? Drinks Provided by Non-Profits Live Theater? Sewer's Putt-Putt Oversized Checkers/Jenga/Chess				
Potential Partners	YMCA, Park Dept.				

Lincoln Civic Foundation
2016 Budget

Balance Brought Forward	\$0.00
Income	
5% of Hotel/Motel Tax from City	<u>\$8,400.00</u>
<i>Subtotal</i>	<u>\$8,400.00</u>
Less: Expenses	
Third Friday Events (5 Months)	\$7,000.00
Federal Filing	\$400.00
State of Illinois Filing	\$150.00
<i>Subtotal</i>	<u>\$7,550.00</u>
Year End	<u><u>\$850.00</u></u>

Purpose

The Foundation shall be a non-capital stock Foundation thus have no shareholders and shall not have any purpose or object, nor have or exercise any power, nor engage in any activity, which in any way contravenes, or is in conflict with, the other provisions of Article III of these Articles of Incorporation.

The purposes for which the Foundation is organized are as follows:

(A) To conduct and carry on its work, not for profit, but exclusively for charitable, scientific, literary or educational purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1954 (or corresponding provisions of any subsequent Federal tax laws), in such manner; (i) That no part of its income or property shall inure to the private benefit of any donor, member, director or individual having a personal or private interest in the activities of the Foundation, except as reasonable compensation for services actually rendered; (ii) that it shall not directly or indirectly participate in or intervene in any political campaign on behalf of any candidate for public office, and; (iii) that no substantial part of its activities shall be carrying on propaganda or otherwise attempting to influence legislation. Notwithstanding any other provision of these Articles, the Foundation shall not carry on any other activities not permitted to be carried on: (a) by a Foundation exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code of a corresponding section of any future federal tax code, (b) by a Foundation, contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code, or corresponding section on any future federal tax code.

(B) To establish a permanent nonprofit organization which will have the specific purposes and powers described herein: (i) To use all legal and prudent means available to promote, conserve, preserve and protect the natural, cultural, human, civic, and historic resources within the City of Lincoln and the State of Illinois. (ii) To work

with all available governmental and nongovernmental entities, both for profit and nonprofit to help further protect and restore said resources.

(C) To organize, promote, foster, assist (whether financially or otherwise), and conduct such charitable, scientific, literary and educational enterprises, activities and institutions, as from time to time may be determined, selected or decided upon by the Foundation's Board of Directors consistent with the purposes stated above. This Foundation shall have the provisions provided in the applicable Illinois state statutes.

(D) In furtherance of, and at all times subject to, the aforesaid purposes, enterprises, activities and projects: (i) To solicit and acquire by gift, exchange, or otherwise, property of any and all kinds, and to sell, transfer and otherwise dispose of any property it so acquires; (ii) To invest and reinvest any such property and the increments in, and avails or proceeds of, any such property in such investments as may be deemed advisable from time to time by the Foundation's Board of Directors, including, but not limited to, stocks, bonds, secured and unsecured obligations, undivided interest, leases, commercial paper, financial and governmental instruments, savings and other depository accounts, and other securities and properties; (iii) To give, donate and contribute to any of the activities the Foundation may elect to sponsor, or in furtherance of any of the aforesaid purposes for which the Foundation is organized, such money or property, or both, as the Foundation's Board of Directors may from time to time determine; (iv) To take title to, and hold in its own name, such real or personal property, or both, and such interests in either such type of property as the Foundation may acquire, for the purposes herein set out, and to sell, transfer and dispose of any such property or reinvest the proceeds thereof as herein permitted; (v) To accept gifts, grants, bequests, or devises of property of any kind which any person, firm or Foundation may make to the Foundation, upon the terms, trusts, and conditions set forth in the deed of gift, will or other instrument of writing, executed by any such donor or testator, but only for the purposes and upon the terms and conditions and with

the powers set forth in these Articles of Incorporation; (vi) To borrow money and give security therefore by pledging, mortgaging or otherwise hypothecating any property it may own, or any interest it may have in such property; (vii) To become a member of any other nonstock or nonprofit Foundation organized under the laws of any state, or to become affiliated with any other organization of like character existing under the laws of any state; provided, however, that such Foundation or organization is an exempt organization under Section 501(c)(3) of the Internal Revenue Code of 1954 (or corresponding provisions of any subsequent Federal tax laws); (viii) To the extent permitted by law, to enter into contracts with any corporate trust company for the purpose of delegating to it the power, or employing it, to make investments on behalf of the Foundation, and to do such other things permitted by these Articles of Incorporation as the parties may agree upon, and without limiting the generality of the foregoing, but in furtherance thereof, to enter into trust agreements, irrevocable or otherwise, with any such corporate trustee, and therein to authorize any such corporate trustee to employ agents, attorneys, accountants, and others in connection with the performance of any duty or trust arising under such agreement; and (ix) To do any and all things which the Foundation's Board of Directors may determine, consistent with the provisions hereof, to be necessary or appropriate to effectuate the purposes of which the Foundation is organized as herein set forth, to the extent that the doing of such act or thing is not consistent with the provisions of the Illinois Compiled Statutes, or any other applicable law or statute of the State of Illinois; or Section 501(c)(3) of the Internal Revenue Code of 1954 (or corresponding provisions of any subsequent Federal tax laws).

(E) Notwithstanding any provision heretofore stated herein, if at any time the Foundation is determined to be a private foundation or private operating foundation as defined in Section 509 or Section 4942 of the Internal Revenue Code of 1954, or in corresponding provisions of any subsequent Federal tax laws, then: (i) The Foundation shall distribute its income for each taxable year at such time and in such manner as not

to become subject to the tax on undistributed income imposed by Section 4942 of the Internal Revenue Code of 1954, or by corresponding provisions of any subsequent Federal tax laws. (ii) The Foundation shall not engage in any act of self-dealing as defined in Section 4942(d) of the Internal Revenue Code of 1954, or in corresponding provisions of any subsequent Federal tax laws. (iii) The Foundation shall not purchase nor retain any excess business holdings as defined in Section 4943(c) of the Internal Revenue Code of 1954, or in corresponding provisions of any subsequent Federal tax laws. (iv) The Foundation shall not make any investments in such manner as to subject it to tax under Section 4944 of the Internal Revenue Code of 1954, or in corresponding provisions of any subsequent Federal tax laws. (v) The Foundation shall not make any taxable expenditure as defined in Section 4945(d) of the Internal Revenue Code of 1954, or in corresponding provisions of any subsequent Federal tax laws.

BYLAWS

of

Lincoln Civic Foundation, Inc.

ARTICLE I

Introduction

- Section 1. **Definition of Bylaws.** These Bylaws constitute the code of rules adopted by the Board of Directors of Lincoln Civic Foundation, Inc. for the regulation and management of its affairs.
- Section 2. **Purpose.** This Foundation will have the purposes or powers as may be stated in its Articles of Incorporation and such powers as are now or may be granted hereafter by the laws of the United States and the State of Illinois. The general purposes of the Foundation are to enhance the quality of life for Lincoln, Illinois residents and standard of living; without regard for race, color, national origin, age, sex, religion, marital status or handicap. In furtherance of its general purposes, the particular purpose for which this Foundation is formed is to improve the quality of life by hosting community events, enhancing community assets, and improve the aesthetic quality of the community. The Foundation shall be of such purposes that are solely for charitable, religious, governmental, and educational purposes, as defined under the section 501(c)(3) of the Internal Revenue code, as amended or any future such code.
- Section 3. **Powers.** The Foundation may purchase, receive and/or accept, hold title to or borrow against property, whether real, personal or mixed, by way of gift, devise or bequest, from any person, firm, trust or Foundation, to be held, administered, or disposed of, and to do any other business permissible by law in accordance with and pursuant to its purposes and Articles of Incorporation while remaining tax exempt under 501(c)(3) of the Internal Revenue Code, as amended or any future such code.

ARTICLE II

Membership

- Section 1. **Membership.** The Foundation will have no members other than those serving on the Board of Directors or its appointed, affiliated Committees.

Section 2. **Classes of Members.** There will be no classes of membership.

ARTICLE III

Directors

Section 1. **Definition of Board of Directors.** The Board of Directors is that group of persons vested with the management of the business and affairs of this Foundation subject to the law, Articles of Incorporation, and these Bylaws.

Section 2. **Structure of Board.** The Board of Directors of this Foundation will constitute a single class.

Section 3. **Qualifications of Directors.** The qualifications for becoming and remaining a Director of this Foundation are as follows: persons must be of legal voting age, a United States Citizen, and fully subscribe to, and have a working interest in, the purposes and basic policies of the Foundation.

Section 4. **Number of Directors.** The number of Directors of this Foundation will not be less than five (5) at any time. Furthermore, the number of Directors may vary from time to time between a minimum of five (5) and a maximum of nine (9) with the amount to be determined by majority vote of the current directors. No decrease in the number shall have the effect of shortening the term of any current or incumbent director.

Section 5. **Terms of Directors.** The Directors constituting the initial Board of Directors as named in the Articles of Incorporation will be comprised of the Mayor and his/her appointees made with the advice and consent of the Lincoln City Council. Their terms on the Board shall run concurrently with the term of the Mayor of the City of Lincoln.

Section 6. **Vacancies of the Board.** Resignation of a Director will become effective immediately or on the date specified therein and vacancies will be deemed to exist as of such effective date. Any vacancy occurring in the Board of Directors, and any directorship shall be filled with the person appointed by the Mayor with the advice and consent of the City Council.

Section 7. **Place of Directors' Meetings.** Meetings of the Board of Directors, regular or special, will be held at the registered office of this Foundation or at any other place within or without the State of Illinois, as provided or such place or places as the President designates.

Section 8. **Regular Directors' Meetings.** The Board of Directors will meet as needed but hold, at a minimum, one meeting per calendar year.

Section 9. **Call of Special Board Meetings.** A special meeting of the Board of Directors

may be called by a number constituting a quorum of the Board of Directors directing that the President of the Board of Directors call a special meeting.

Section 10. **Notice of Directors' Meetings.** Written, printed, or electronic means of notice stating the place, day and hour of any meeting of the Board of Directors will be delivered to each Director not less than two (2) nor more than forty-five (45) business days before the date of the meeting, either personally, electronically or by first class mail, by or at the direction of the President or the Secretary. If mailed, such notice will be deemed to be delivered when deposited in the United States mail addressed to the Director at his address as it appears on the records of this Foundation, with postage prepaid. Such notice need not state the business to be transacted at, or the purpose of, such meeting.

Section 11. **Waiver of Notice.** Attendance of a Director at any meeting of the Board of Directors will constitute a waiver of notice of such meeting except where such Director attends a meeting for the express purpose of objecting, at the beginning of the meeting, to the transaction of any business because the meeting is not lawfully called or convened.

Section 12. **Quorum of Directors.** A group of no less than five (5) Directors present at a meeting having received proper notice will constitute a quorum. The act of a majority of the Directors present at a meeting when a quorum is present will be the act of the Board of Directors unless a greater number is required under the provisions of the Articles of Incorporation of this Foundation, or any other provision of these Bylaws.

Section 13. **Director Conduct.**

- (A) In their capacity as Directors, the members of the Board of Directors must act at all times in the best interests of the Foundation. The Board shall adopt a policy as to what constitutes a conflict of interest, and that assists the Board members in identifying and disclosing actual and potential conflicts, and help ensure the avoidance of conflicts of interest where necessary.
- (B) In their capacity as Directors, the members of the Board of Directors must act at all times in the best interests of the Foundation. The Board shall adopt a whistleblower policy that (1) encourages staff and volunteers to come forward with credible information on illegal practices or serious violations of adopted policies of the Foundation;
 - (2) specifies that the Foundation will protect the person from retaliation; and (3) identifies where such information can be reported.

Section 14. **Removal of Directors.** Any Director elected or appointed to the Board may be removed by the Board whenever in their judgment the best interests of this Foundation will be served. However, such removal will be without prejudice to any contractual rights of the Officer so removed. Appointment to the Board shall not of itself create such contract rights. Removal of a board member requires a three-fourths majority vote of the entire Board at a duly called

meeting.

ARTICLE IV

Officers

- Section 1. **Roster of Officers.** The officers of this Foundation will consist of the following personnel:
President
Vice-president
Secretary-Treasurer
- Section 2. **Selection of Officers.** Each of the Officers of this Foundation will be elected or appointed for a one year term by the Board of Directors prior to April 30. Each officer will remain in office until a successor to such office has been selected and qualified. The first such election will take place at the meeting of the Board of Directors in _____ being effective immediately. The Election shall be every year thereafter at a meeting of the Board of Directors. Elected officers' terms are effective May 1.
- Section 3. **Multiple Officeholders.** In any election of Officers, the Board of Directors may not elect or appoint a single person to any two or more offices simultaneously. In the case of a tie vote of the Board, the President, if not a Director, may cast the deciding vote when there is a tie vote.
- Section 4. **President.** The President subject to the control of the Board of Directors, supervise and control the affairs of the Foundation. The President shall run all meetings and perform all duties incident to such office and such other duties as may be provided in these Bylaws or as may be prescribed by the Board of Directors.
- Section 5. **Vice-President.** The Vice-President will perform all duties and exercise all powers of the President when the President is absent or is otherwise unable to act. The Vice-President will perform other such duties as may be prescribed by the Board.
- Section 6. **Secretary-Treasurer.** The Secretary-Treasurer will keep minutes of all meetings of Board of Directors, will be the custodian of the corporate records, will give all notices as are required by law or these Bylaws, and, generally, will perform all duties incident to the office of Secretary-Treasurer and such other duties as may be required by law, by the Articles of Incorporation, or by these Bylaws, or which may be assigned from time to time by the Board of Directors.

The Secretary-Treasurer will have charge and custody of all funds of this Foundation, will deposit the funds as required by the Board of Directors, will

keep and maintain adequate and correct accounts of the Foundation's properties and business transactions, will render reports and accountings to the Directors as required by the Board of Directors, or as required by law. The Treasurer will perform, in general, all duties incident to the office of Treasurer and such other duties as may be required by law, by the Articles of Incorporation, or by these Bylaws, or which may be assigned from time to time by the Board of Directors. The Treasurer may service no more than five (5) consecutive terms.

- Section 8. **Removal of Officers.** Any officer elected or appointed to the office may be removed by a majority vote of the Lincoln City Council whenever in their judgement the best interests of this Foundation will be served. However, such removal will be without prejudice to any contractual rights of the Officer so removed. Election of an officer shall not of itself create such contract rights.

ARTICLE V

Executive Director

- Section 1. **Executive Director.** The Board of Directors may appoint an Executive Director, who shall be in charge of the operation of the Foundation and its related programs. The Executive Director shall be responsible for its administration and activities, according to policies established by the Board. He or she shall have the authority to employ and dismiss other personnel of the staff according to the policies approved by the Board. The Executive Director shall submit an annual report at a designated meeting on the conditions and activities of the organization and related programs and he or she shall make such recommendations in regard thereto as he or she sees fit. The Executive Director shall submit informal progress reports at all meetings of the Board and he or she shall call to their attention any matters requiring action or notice. The Executive Director shall be an ex-officio member of the Board of Directors, may be an ex-officio member of all committees and shall have financial document execution authority.

- Section 3. **Absence of Executive Director.** At such time when there is not an Executive Director employed by the Foundation, or in the absence of the Executive Director when employed, the President shall assume the duties of the Executive Director and be responsible for the day-to-day activities of the Foundation as provided for in these bylaws and the polices and procedures of the Foundation.

ARTICLE VI

COMMITTEES

Section 1. **Definition of Advisory Committee.** This Foundation may have an Advisory Committee, which will consist of two (2) Directors and the Executive Director. The Board of Directors may appoint up to six (6) additional members to the Advisory Committee. Such Advisory Committee will have and exercise some prescribed authority of the Board of Directors in the management of this Foundation or its functions. However, no such Committee will have the authority of the Board in reference to affecting any of the following:

- (A) Amending, altering, or repealing of the Bylaws.
- (B) Electing, appointing, or removing of any such committee, or any director, or officer of the Foundation; except the Endowment Directorial Committee may add or remove its own members if they are not directors of this Foundation.
- (C) Amending the Articles of Incorporation, restating articles of Incorporation adopting a plan of merger or adopting a plan of consolidation with another Foundation.
- (D) Authorizing the sale, lease, exchange, or mortgage of all or a substantial part of the property and assets of this Foundation.
- (E) Authorizing the voluntary dissolution of this Foundation or revoking proceedings thereof.
- (F) Adopting a plan for distribution of assets of this Foundation, except the assets managed by the said Directorial Committee under agreement with the Foundation.
- (G) Amending, altering, or repealing of any resolution of the Board of Directors.
- (H) Action on matters committed by Bylaws or resolution of the Board to another Committee of the Board.

Section 2. **Appointment of Committees.** The Board of Directors, by resolution duly adopted by a majority of the Directors, will designate and appoint the Advisory Committee and delegate to such Committees specific and prescribed authority on the Board of Directors to exercise in the management of this Foundation. However, the creation of such Advisory Committees will not operate to relieve the Board of Directors, or any individual Director, of any responsibility imposed on such personnel otherwise by law.

Section 3. **Funds and Endowment Management.** The Board of Directors shall direct and monitor the distribution of all funds exclusively for the Foundation's charitable purposes. The Board shall have the power:

- (A) To modify any restriction or condition on distribution of funds for the Foundation's specified charitable purposes or to specified organizations if in the sole judgment of the Board, the restriction or condition becomes, in effect, unnecessary, incapable of fulfillment, or inconsistent with the charitable mission;
- (B) To replace any participating trustee, custodian, or agent for breach of fiduciary duty under state law; and
- (C) To hold funds for itself or a fellow nonprofit.

Section 4.

Audit Committee. The Audit Committee as a Directorial Committee may be operative as part of the due management of the Foundation when deemed necessary. The Committee will be made up of at least two members of the Board of Directors and that shall be independent; where independent means to not be paid staff, have check approval authority, or consultant for other audit/review services. The Audit Committee should have at least one member that is a financial expert. The Audit Committee may enlist the advice of a compensated independent advisor should the Audit Committee believe it necessary to perform its work proficiently. The Audit Committee shall ensure that the auditor or firm does not provide non-audit services while providing audit services, except preparation of the Form 990 (or related tax documents). The lead audit person should change ever 5 years. The Board of Directors shall provide adequate funding for the Audit Committee to carry on its duties. The Audit Committee has these powers and authorities:

- To hire, fire, and supervise an outside auditor to perform reviews and/or audits of the Foundation books;
- Establish procedures for receiving complaints and concerns regarding accounting matters;
- Determine if independent outside counsel, advisors, and auditors need to be enlisted.

ARTICLE VII

Operations

Section 1.

Fiscal Year. The Fiscal Year of this Foundation will begin on May 1 and end on April 30.

Section 2.

Execution of Documents. Except as otherwise provided by law, checks, drafts, promissory notes, and orders for the payment of money, and other evidences of indebtedness of this Foundation will be signed by the Secretary-Treasurer and countersigned by the President and/or an agent duly approved by the Board of Directors. For said checks, drafts, or orders for the payment of

money of a value less than five hundred dollars (\$500) the signatory can be the Secretary-Treasurer or an agent duly approved by the Board of Directors. Grant proposals, grant agreements, Memorandums of Agreement, and like documents for activities approved by the Board of Directors shall be signed by the President or in his absence the Vice-President; where there is an Executive Director employed he/she may be designated as signatory by the Board of Directors.

Section 3. **Books and Records.** This Foundation will keep correct and complete books and records of account, and will also keep minutes of the proceedings of its Board of Directors, and Committees. The Foundation will keep at its registered office a membership register giving the names, addresses, and showing classes and other details of the membership of the Board and each Committee, and the original or a copy of its Bylaws including amendments to date certified by the Secretary-Treasurer of the Foundation. The Foundation may choose to use an outside firm or organization to keep and maintain the books and records of its activities.

Section 4. **Inspection of Books and Records.** All books and records of this Foundation may be inspected by the Lincoln City Council, any Director, or his agent or attorney, for any proper purpose at any reasonable time on written demand under oath stating such purpose.

Section 5. **Annual Report.** Prior to the end of each fiscal year, the Executive Director shall provide an annual report to the Lincoln City Council outlining the activities of the organization, the gross revenues received by the Foundation, and the gross expenditures of the Foundation. The report may also include an anticipated budget and activities of the Foundation over the subsequent fiscal year.

Section 6. **Records Retention and Destruction.** The Foundation shall have a policy that identifies the record retention responsibilities of staff, volunteers, members of the Board of Directors, and outsiders for maintaining and documenting the storage and destruction of the Foundation's documents and records.

(A) **Rules.** The Foundation's staff, volunteers, members of the Board of Directors and outsiders (i.e., independent contractors via agreements with them) are required to honor these rules: (a) paper or electronic documents indicated under the terms for retention below will be transferred and maintained by the Human Resources, Legal or Administrative staffs/departments or their equivalents; (b) all other paper documents will be destroyed after three years; (c) all other electronic documents will be deleted from all individual computers, data bases, networks, and back-up storage after one year; and (d) **no paper or electronic documents will be destroyed or deleted if pertinent to any ongoing or anticipated government investigation or proceeding or private litigation.**

(B) **Terms for retention.**

1. Retain permanently:

Governance records – Charter and amendments, Bylaws, other organizational documents, governing board and board committee minutes.

Tax records – Filed state and federal tax returns/reports and supporting records, tax exemption determination letter and related correspondence, files related to tax audits.

Intellectual property records – Copyright and trademark registrations and samples of protected works.

Financial records – Audited financial statements, attorney contingent liability letters.

2. Retain for ten years:

Pension and benefit records -- Pension (ERISA) plan participant/beneficiary records, actuarial reports, related correspondence with government agencies, and supporting records.

Government relations records – State and federal lobbying and political contribution reports and supporting records.

3. Retain for three years:

Employee/employment records – Employee names, addresses, social security numbers, dates of birth, INS Form I-9, resume/application materials, job descriptions, dates of hire and termination/separation, evaluations, compensation information, promotions, transfers, disciplinary matters, time/payroll records, leave/comp time/FMLA, engagement and discharge correspondence, documentation of basis for independent contractor status (retain for all current employees and independent contractors and for three years after departure of each individual).

Lease, insurance, and contract/license records – Software license agreements, vendor, hotel, and service agreements, independent contractor agreements, employment agreements, consultant agreements, and all other agreements (retain during the term of the agreement and for three years after the termination, expiration, or non-renewal of each agreement).

4. Retain for one year:

All other electronic records, documents and files – Correspondence files, past budgets, bank statements, publications, expired employee manuals/policies and procedures, survey information.

5. **Exceptions.** Exceptions to these rules and terms for retention may be granted only by the Foundation's chief staff executive or Chairman of the Board. Grant agreements, government record requirements, and memorandums of agreement take precedence

over the above named requirements where the said records are to be held longer than this policy.

Section 7. **Nonprofit Operations - Compensation.** This Foundation will not have or issue shares of stock. No dividend will be paid, and no part of the income of this Foundation will be distributed to its Directors, Officers, or Executive Director. The Foundation shall not compensate the Executive Director, Officers, or Directors for services rendered. The Board of Directors shall have the sole power and authority to approve all compensation, should there be any, for any vendor or contractor.

Section 8. **Loans to Management.** This Foundation will make no loans to any of its Directors or Officers.

Section 9. **Miscellaneous Provisions.**

(A) No Director or Incorporator of this Foundation may have any vested right, interest, or privilege of, in, or to the assets, functions, affairs, or franchises of the Foundation, or any right, interest, or privilege which may be transferable or inheritable, or which will continue if its membership ceases, or while it is not in good standing.

(B) Expelled, resigned, or otherwise unseated Directors shall have no property rights.

(C) The Foundation: (i) will distribute its income for each tax year at such time and in such manner as not to become subject to the tax on undistributed income imposed by Sec. 4942; (ii) will not engage in any act of self-dealing as defined in Sec. 4941(d); (iii) will not retain any excess business holdings as defined in Sec. 4943(c); (iv) will not make investments in any manner as to subject it to tax under Sec. 4944; (v) will not make taxable expenditures as defined in Sec. 4945(d) of the Internal Revenue Code, any future tax code, or applicable laws of the State of Illinois.

(D) On dissolution after either (i) the payment or discharge of all liabilities of the Foundation and expense related thereto; (ii) the return, transfer, or conveyances of assets held on conditions requiring the same in the event of dissolution or liquidation; and/or (iii) the transfer or conveyance of assets received and held subject to limitations permitting their use only for charitable, religious, governmental, educational, or similar purposes under Section 501(c)(3) of Internal Revenue Code of 1986, as amended, the assets remaining in this Foundation may be distributed to first, the City of Lincoln, and second to an entity which qualified as exempt charitable organization for Federal Income Tax purposes under Section 501(c)(3) of Internal Revenue Code of 1986, as amended, or any future such law.

(E) All programs will be conducted in compliance with the nondiscrimination provisions as contained in Title VI and VII of the Civil Rights Act of 1964, as amended, the Civil Rights Restoration Act of 1987 (PL

100-259) and other nondiscrimination statutes; namely, Section 504, of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and the Americans with Disabilities Act.

(F) The Foundation will comply with federal laws and regulations concerning restrictions on lobbying, a drug-free workplace, and responsibilities for non-procurement, suspension, and disbarment.

ARTICLE VIII

Indemnification and Liability

Section 1. **Indemnification.** A director of the Foundation shall not be personally liable to the Foundation for monetary damages for breach of duty as a director, except for liability (i) for any transaction in which the director's personal financial interest is in conflict with the financial interest of the Foundation; (ii) for acts or omissions not in good faith or which involve intentional misconduct or are known to the director to be a violation of law; (iii) for any transaction from which the director derived an improper personal benefit; or as provided and required under the provisions prescribed by State of Illinois statute.

Section 2. **Limitation of Liability.** No member of this Foundation shall ever be held liable or responsible for contracts, debts, or default of this Foundation in any further sum than the unpaid dues, if any owing by him or her to the Foundation, nor shall any mere informality in organization have effect of rendering these Articles of Incorporation null in whole or part or exposing the members to liability other than as above provided.

ARTICLE IX

Adoption and Amendments

Section 1. **Amendment of Articles of Incorporation.** The power to alter, amend, or repeal the Articles of Incorporation of this Foundation is vested in the Board of Directors. Such action must be taken pursuant to a resolution approved by a three-fourths majority of the Directors at a duly called meeting.

Section 2. **Modification of these Bylaws.** The power to alter, amend, or repeal these Bylaws, or to adopt new Bylaws, insofar as is allowed by laws of the State of Illinois or Federal Code, is vested in the Board of Directors upon resolution approved by majority vote of the entire Board at a duly called meeting.

Section 3. **Bylaws Review.** The President shall appoint a committee to review and update the bylaws every two (2) years effective with the date of these bylaws. This committee shall review and update the bylaws and present recommendations for bylaw changes to the Board of Directors within ninety (90) days of their appointment.

Section 4. **Adoption of these Bylaws.** These bylaws were duly discussed and approved by unanimous vote of the Board of Directors on _____.