



# MOLINE CITY COUNCIL AGENDA

Tuesday, December 3, 2019

6:00 p.m.

(Immediately following the Committee-of-the-Whole meeting)

City Hall

Council Chambers – 2<sup>nd</sup> Floor

619 16th Street

Moline, IL

**Call to Order**

**Pledge of Allegiance**

**Invocation – Alderman Waldron**

**Roll Call**

**Consent Agenda**

All items under the consent agenda will be enacted by one motion. There will be no separate discussions of these items unless a Council Member so requests, in which case, the item will be moved from the Consent Agenda and considered as the first item after the Omnibus Vote.

COUNCIL MEMBER	PRESENT	ABSENT
Williams		
Parker		
Wendt		
Potter		
Moyer		
Schoonmaker		X
Waldron		
Berg		
Mayor Acri		

**Approval of Minutes & Appointments Made**

Committee-of-the-Whole and Council meeting minutes of November 19, 2019, and appointments made during Committee-of-the-Whole on December 3, 2019.

**Ratification of Prior City Council Action**

Ratifying, *nunc pro tunc*, the action of the Mayor and City Council taken at the November 19, 2019, City Council meeting authorizing the expenditure of not-to-exceed \$50,000 in PEG funds for the installation of the Ring Central software and equipment; and granting the City Administrator the power and authority to execute such contracts as is necessary to accomplish the installation of the remote participation and potential broadcast of the Council proceedings.

OMNIBUS VOTE		
Council Member	Aye	Nay
Waldron		
Berg		
Williams		
Parker		
Wendt		
Potter		
Moyer		
Mayor Acri		

**Omnibus Vote**

**Non - Consent Agenda**

**First Reading Ordinances**

**1. Council Bill/General Ordinance 3032-2019**

An Ordinance amending Chapter 3, “ADVERTISING AND SIGNS,” of the Moline Code of Ordinances, Section 3-2108, “SIGNS IN THE PUBLIC RIGHT-OF-WAY,” by amending subsection (3) and enacting one new subsection (4); and amending Chapter 2, “ADMINISTRATION,” Table 2-6110.1 of Section 2-6110, “JURISDICTION; SCHEDULE OF PENALTIES,” by adding a penalty provision for Section 3-2108.

**Explanation:** Section 3-2108 of the Moline Code of Ordinances lists the types of signs that are allowed in the City’s public rights-of-way and provides for removal by the City of those in nonconformance. To further refine the City’s protection of its rights-of-way from nuisances, the City Council wishes to amend Section 3-2108 to place the enforcement of that section within the jurisdiction of the administrative adjudication system (MUNICES). In addition, the amendment to Table 2-6110.1 will add penalty provisions for violations of Section 3-2108 as follows: \$50 for first offense, \$100 for second offense, \$200 for third offense, \$400 for fourth offense and each offense thereafter; proven costs of collection and storage by the City, if any, shall also apply to each offense. These fines are in addition to any imposed for violation of Section 3-1102, which pertains to prohibited posting of notices, placards, bills, etc. in certain cases.

**Fiscal impact:** N/A

**Public Notice/Recording:** N/A

**Miscellaneous Business (if necessary)**

**Public Comment**

Members of the Public are permitted to speak after coming to the podium and stating their names.

**Executive Session (if necessary)**

AN ORDINANCE

AMENDING Chapter 3, “ADVERTISING AND SIGNS,” of the Moline Code of Ordinances, Section 3-2108, “SIGNS IN THE PUBLIC RIGHT-OF-WAY,” by amending subsection (3) and enacting one new subsection (4); and amending Chapter 2, “ADMINISTRATION,” Table 2-6110.1 of Section 2-6110, “JURISDICTION; SCHEDULE OF PENALTIES,” by adding a penalty provision for Section 3-2108.

WHEREAS, the City of Moline is a home rule unit of government and has the authority to adopt ordinances, to promulgate rules and regulations that pertain to its government and affairs, and the authority to protect the public health, safety, and welfare of its residents; and

WHEREAS, Section 3-2108 of the Moline Code of Ordinances lists the types of signs that are allowed in the City’s public rights-of-way and provides for removal by the City of those in nonconformance; and

WHEREAS, to further refine the City’s protection of its rights-of-way from nuisances, the City Council desires to amend Section 3-2108 to place the enforcement of that section within the jurisdiction of the administrative adjudication system (MUNICES); and

WHEREAS, in addition, an amendment to Table 2-6110.1 of Chapter 2 will add penalty provisions for violations of Section 3-2108.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOLINE, ILLINOIS, as follows:

**Section 1** – That the facts and statements contained in the preambles to this ordinance are found to be true and correct and are hereby adopted as part of this ordinance.

**Section 2** – That Chapter 3, “ADVERTISING AND SIGNS,” of the Moline Code of Ordinances, Sec. 3-2108, “SIGNS IN THE PUBLIC RIGHT-OF-WAY,” is hereby amended by amending subsection (3) and enacting one new subsection (4), which shall read as follows:

**“SEC. 3-2108. SIGNS IN THE PUBLIC RIGHT-OF-WAY.**

\* \* \* \* \*

- (3) Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be removed from the public right-of-way and kept in the possession of the City for a period of at least thirty (30) days during which time the City shall attempt to contact the owner of such a confiscated sign for the purpose of notifying the owner that the sign has been confiscated and may be retrieved by the owner from the City. If the owner of said confiscated sign fails to

retrieve the sign within thirty (30) days, the City may discard any such confiscated sign without further notice to said sign owner.

- (4) In addition to other remedies and fines assessed hereunder or under Section 3-1102, the City shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign, as may be substantiated by proof in the enforcement proceeding. This section may be enforced by the administrative adjudication system.”

**Section 3** – That Chapter 2, “ADMINISTRATION,” of the Moline Code of Ordinances, Table 2-6110.1 of Section 2-6110, “JURISDICTION; SCHEDULE OF PENALTIES,” is hereby amended by adding a penalty provision for Section 3-2108, which shall read as follows:

**“SEC. 2-6110. JURISDICTION; SCHEDULE OF PENALTIES.**

\* \* \* \* \*

**Table 2-6110.1**

Ordinance Section No.	Offense	Minimum Fine
<b>Chapter 3</b>	<b>Advertising and Signs</b>	

\* \* \* \* \*

<b>Article II.</b>	<b>Signs</b>	
3-2108	Signs in Public Right-of-Way	\$50 for first offense; \$100 for second offense; \$200 for third offense; \$400 for fourth offense and each offense thereafter. Proven costs of collection and storage, if any, shall apply to each offense. These fines are in addition to any imposed for violation of Section 3-1102.”

\* \* \* \* \*

**Section 4** – That if any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**Section 5** – That all prior ordinances and resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

**Section 6** – That this ordinance shall be in full force and effect from and after passage, approval, and if required by law, publication in the manner provided for by law.

CITY OF MOLINE, ILLINOIS

\_\_\_\_\_  
Mayor

December 10, 2019

\_\_\_\_\_  
Date

Passed: December 10, 2019

Approved: December 17, 2019

Attest: \_\_\_\_\_  
City Clerk