

City Council of the City of Carbondale, Illinois
Regular Meeting
April 20, 2004

The City Council of the City of Carbondale, Illinois, held a regular meeting on Tuesday, April 20, 2004, in City Council Chambers of the Carbondale Civic Center, 200 S. Illinois Avenue. Mayor Brad Cole called the meeting to order at 7:00 p.m. with the following-named members of the City Council present/absent:

1. Roll Call

Present: Councilwoman Sheila Simon, Councilwoman Corene McDaniel, Councilwoman Margaret Flanagan, Councilman Chris Wissmann, Councilman Steven N. Haynes and Mayor Brad Cole.

Absent: Councilman Lance D. Jack entered at 7:02 p.m.

Also present were City Clerk Janet M. Vaught, City Manager Jeffrey W. Doherty and various members of the City's administrative staff.

2. General Announcements and Proclamations

Councilwoman Flanagan announced that Carbondale Main Street would be planting flowers in the Town Square on Saturday, April 24, between 9:00 a.m. and 3:00 p.m.. Lunch will be available. Volunteers are welcome.

Mayor Cole proclaimed April 22, 2004, as "Catholic Social Services Day" and presented the proclamation to Mary Lou Loos, Regional Director of Catholic Social Services of Southern Illinois.

Mayor Cole also proclaimed April 29, 2004, as "Mr. Sandwich (The Munchie Man) Day" and presented the proclamation to "Munchie Man" Jeremy Rochman.

3. Citizen Comments and Questions

Timothy Donohue, 307 S. Graham, referred to his comments at the April 6th meeting regarding the classification of motorized scooters as bicycles. He said the Bicycle Rules of the Road issued by the Illinois Secretary of State's Office lists certain items required for bicycles. Mr. Donohue displayed the scooter he had purchased and went through each of the items required for bicycles and located them on the scooter. The main exception was that the scooter did not have pedals. According to Donohue, he can attach two smaller wheels (similar to training wheels) and the scooter would become a quadracycle that can be operated on the sidewalks. He said that if he follows the rules of the road, the Council could legislate to allow the scooter to be ridden in the streets. He concluded by noting that he had turned in a petition to the Mayor's Office asking that this matter be discussed by the Council at its May 4th meeting.

Jerry O'Malley noted that he had addressed the Council a year ago about the McLeod Summer Playhouse. He said that although he is not exactly sure what is happening with the Playhouse, he has heard that there will be something offered this summer, albeit scaled down. His intent tonight was to simply update the Council. Mayor Cole said he would contact Provost John Dunn to try to get an update on what is happening with the Playhouse.

4. Consent Agenda

Presented for Council approval on the Consent Agenda were the following items and corresponding recommendations:

1. Approval of Minutes. Recommendation: Approve minutes of the Regular City Council meeting held on April 6, 2004.
2. Warrant. Recommendation: Approve Warrant #919 for period ended April 9, 2004, in the amount of \$941,713.72. (Exhibit A-4-20-04)
3. Acceptance of Minutes of Boards, Commissions and Committees. Recommendation: Accept Fire Fighters Pension Fund Board of Trustees of March 16, 2004; Human Relations Commission of February 2 and March 4, 2004; Mayoral Review Panel on the Eurma C. Hayes Child Care Center of March 18, 2004; Liquor Advisory Board of March 4, 2004 and Planning Commission of March 3, 2004.
4. Removed from Consent Agenda.
5. Resolution authorizing the City Manager to execute an Agreement with Southern Illinois University for Bus Service. Recommendation: Approve. (Res. 2004-R-28; Exhibit B-4-20-04)
6. Approval of purchase of rock salt through the State of Illinois Joint Purchasing Program. Recommendation: Reaffirm that the purchase of rock salt through the State of Illinois Joint Purchasing Program is in the best interests of the City, approve the purchase of rock salt for highway snow and ice control, and authorize the City Manager to submit a requisition to the State of Illinois Department of Central Management Services for 725 tons of rock salt through the Joint Purchasing Program.
7. Illinois Municipal League Legislative Bulletin 2004-08. Recommendation: Accept and place on file and oppose HB 4651.
8. Removed from Consent Agenda.
9. Appointments to Boards and Commissions. Recommendation: Concur in Mayor's reappointments, as follows: Sigrid Putnam to the Building Board of Appeals through May 1, 2007; Dexter Wakefield and John Whitlock to the Board of Fire and Police Commissioners through May 1, 2007; Scott Hagler to the Electrical Commission through March 1, 2008; Steven Bracewell to the Energy and Environmental Advisory Commission through May 1, 2008; Hugh Muldoon to the Human Relations Commission through April 15, 2007; Steve Payne as ex-officio, non-voting member of the Liquor Advisory Board through May 1, 2005; and Ernie Tessone to the Police Pension Board through May 1, 2006.

Mayor Cole asked if anyone would like any items removed from the Consent Agenda. Councilman Wissmann asked that Item 4.4 be removed and Councilwoman McDaniel asked that Item 4.8 be removed.

S. Simon moved, C. McDaniel seconded, that the Council approve Consent Agenda Items 4.1, 4.2, 4.3, 4.5, 4.6, 4.7 and 4.9. VOTE: Ayes: S. Simon, C. McDaniel, M. Flanagan, C. Wissmann, S. Haynes, L. Jack and B. Cole. Nays: None. Motion declared carried.

4.4. Resolution authorizing City Manager to execute contracts with Community Organizations:

Councilman Wissmann noted that he has a business relationship with Carbondale Main Street and Carbondale Community Arts and said that he would need to recuse himself from voting on the contracts for these organizations. S. Simon moved, C. McDaniel seconded, that the Council adopt the resolution authorizing the City Manager to enter into contracts with Carbondale Convention and Tourism Bureau, Women's Center, Attucks Community Services Board, Senior Adult Services, Southern Illinois Regional Social Services, Good Samaritan Ministries, Carbondale Community Teen Center, Inc. and Abundant Health Resource Clinic. VOTE: Ayes: S. Simon, C. McDaniel, M. Flanagan, C. Wissmann, S. Haynes, L. Jack and B. Cole. Nays: None. Motion declared carried. (Res. 2004-R-29; Exhibit C-4-20-04)

S. Simon moved, M. Flanagan seconded, that the City Manager be authorized to enter into contracts with Carbondale Main Street and Carbondale Community Arts. VOTE: Ayes: S. Simon, C. McDaniel, M. Flanagan, S. Haynes, L. Jack and B. Cole. Nays: None. Abstentions: C. Wissmann. Motion declared carried.

4.8. Resolution declaring "fair days" for Carbondale Park District events:

Councilwoman McDaniel noted that after last year's Sunset Concerts she asked that at least one concert in 2005 be established as alcohol-free. Since there does not seem to be an alcohol-free concert scheduled, she cannot vote in favor of the resolution. Mayor Cole said he would convey Councilwoman McDaniel's concerns to the Sunset Concerts organizing committee. S. Simon moved, L. Jack seconded, that the Council approve the Resolution declaring Fair Days for the Carbondale Park District for the 2004 Sunset Concert Series on June 24, July 8 and July 22 and the Irish Festival on April 24, 2004. VOTE: Ayes: S. Simon, C. McDaniel, M. Flanagan, C. Wissmann, S. Haynes, L. Jack and B. Cole. Nays: None. Motion declared carried. (Res. 2004-R-30; Exhibit D-4-20-04)

5. Public Hearings

6. General Business

1. Ordinance approving the FY 2005 Budget and Resolution approving the Five-Year Capital Improvements Program:

Councilman Haynes noted that since full funding for the Eurma C. Hayes Child Care Center was not included in the budget, he could not vote in favor of the budget. He would, however, like to vote in favor of the Carbondale Public Library Budget. He asked that the Library Budget be removed from the ordinance and voted upon separately.

M. Flanagan moved. S. Simon seconded, that the City Council adopt an Ordinance for the City of Carbondale Annual Operating Budget in the amount of \$40,194,648 for Fiscal Year 2005, which includes the period from May 1, 2004, to April 30, 2005 and adopt a Resolution approving the Five-Year Capital Improvements Program for Fiscal Years 2005 through 2009 in the amount of \$16,427,441. VOTE: Ayes: S. Simon, C. McDaniel, M. Flanagan, C. Wissmann, L. Jack and B. Cole. Nays: S. Haynes. Motion declared carried. (Ord. 2004-24 and Res. 2004-R-31 respectively; Exhibits E-4-20-04 and F-4-20-04 respectively)

S. Simon moved, C. McDaniel seconded, that the Council adopt an Ordinance approving the Carbondale Public Library Budget in the amount of \$681,528 for Fiscal Year 2005. VOTE: Ayes: S. Simon, C. McDaniel, M. Flanagan, C. Wissmann, S. Haynes, L. Jack and B. Cole. Nays: None. Motion declared carried. (Ord. 2004-30; Exhibit G-4-20-04)

2. Resolution appropriating Motor Fuel Tax Funds for the FY 2005 Program for Maintenance of Streets and Alleys:

S. Simon moved, S. Haynes seconded, that the Council approve a Resolution appropriating \$225,226 for the maintenance of streets and alleys pending review and approval by the Illinois Department of Transportation. VOTE: Ayes: S. Simon, C. McDaniel, M. Flanagan, C. Wissmann, S. Haynes, L. Jack and B. Cole. Nays: None. Motion declared carried. (Res. 2004-R-32; Exhibit H-4-20-04)

3. Ordinance adopting a Pay Plan for Non-Bargaining Unit Employees for FY 2005:

S. Simon moved, L. Jack seconded, that the Council adopt an ordinance adopting a pay plan for Non-Bargaining Unit employees for Fiscal Year ending April 30, 2005. VOTE: Ayes: S. Simon, C. McDaniel, M. Flanagan, C. Wissmann, S. Haynes, L. Jack and B. Cole. Nays: None. Motion declared carried. (Ord. 2004-25; Exhibit I-4-20-04)

4. Ordinance approving Sewer Rates:

M. Flanagan moved, S. Simon seconded, that the Council approve an Ordinance amending the Carbondale Revised Code by revising the Wastewater Service Charge to implement a \$0.30 per 1,000 gallons rate increase effective on October 1, 2004. VOTE: Ayes: S. Simon, C. McDaniel, M. Flanagan, C. Wissmann, S. Haynes, L. Jack and B. Cole. Nays: None. Motion declared carried. (Ord. 2004-26; Exhibit J-4-20-04)

5. Award of purchase of vehicle exhaust systems for Fire Stations 1 and 2:

S. Haynes moved, S. Simon seconded, that the Council award the purchase of vehicle exhaust systems for Fire Station 1 and 2 to Air Technology Solutions, Inc. of Willingboro, NJ, in the amount of \$37,690.00. VOTE: Ayes: S. Simon, C. McDaniel, M. Flanagan, C. Wissmann, S. Haynes, L. Jack and B. Cole. Nays: None. Motion declared carried.

6. Ordinance approving and Resolution denying John Mills' request to rezone 608 N. Oakland Avenue from R-1-8, Low Density Residential, to R-1-8D, Low Density Residential, Two-unit dwellings:

S. Simon moved, C. Wissmann seconded, that the Council adopt the Ordinance approving the request to rezone 608 N. Oakland Avenue from R-1-8, Low Density Residential, to R-1-8D, Low Density Residential, Two-Unit Dwellings. VOTE: Ayes: S. Simon, C. McDaniel, M. Flanagan, C. Wissmann, S. Haynes, L. Jack and B. Cole. Nays: None. Motion declared carried. (Ord. 2004-27; Exhibit K-4-20-04)

7. Ordinance approving and Resolution denying Tim and Melissa Parson's request to increase the LUI ratio number of the Planned Unit Development Plan for Country Village Subdivision located on Old Route 13:

S. Simon moved, C. McDaniel seconded, that the Council adopt the Ordinance to increase the LUI number to 3.6 for the PUD Plan for Country Village Subdivision located at Old Route 13. VOTE: Ayes: S. Simon, C. McDaniel, M. Flanagan, C. Wissmann, S. Haynes, L. Jack and B. Cole. Nays: None. Motion declared carried. (Ord. 2004-28; Exhibit L-4-20-04)

8. Resolution approving Reed Station Business Park - East Subdivision and Subdivision Agreement located south of Route 13 East (East Main Street) on Fairview Drive:

Ray Whiteside of Whiteside Land Surveying spoke in support of the project on behalf of the developer. Mr. Whiteside addressed the issue of sidewalks in the development, stating that he did not see a need for sidewalks. After discussion, S. Simon moved, C. McDaniel seconded, that the Council adopt the Resolution approving the Plat and Subdivision Agreement for Reed Station Business Park - East Subdivision with the requirement to construct sidewalks in the subdivision as the lots develop. VOTE: Ayes: S. Simon, C. McDaniel, M. Flanagan, C. Wissmann, S. Haynes, L. Jack and B. Cole. Nays: None. Motion declared carried. (Res. 2004-R-33; Exhibit M-4-20-04)

9. Resolution approving and Resolution denying a special use for a bed and breakfast establishment in the AG, General Agriculture, and RR, Rural Residential, Districts at 1655 N. Reed Station Road:

M. Flanagan moved, S. Haynes seconded, that the Council adopt a resolution approving Jerry and Linda Goforth's request for a special use permit in the AG, General Agriculture and RR, Rural Residential, districts for a bed and breakfast with the following conditions: a) the bed and breakfast shall be limited to three (3) guest rooms; and b) signage for the bed and breakfast establishment shall be limited to (a) no more than one freestanding sign with a maximum sign area of twelve (12) square feet and maximum height of four (4) feet and (b) an architectural sign of twelve (12) square feet. VOTE: Ayes: S. Simon, C. McDaniel, M. Flanagan, C. Wissmann, S. Haynes, L. Jack and B. Cole. Nays: None. Motion declared carried. (Res. 2004-R-34; Exhibit N-4-20-04)

10. Ordinance approving and Resolution denying Mary Alice Hamilton's request to rezone 618 East Campus Drive from R-2, Medium Density Residential, to R-3, High Density Residential:

Mr. William Hamilton, speaking on behalf of applicant Mary Alice Hamilton, offered a Power Point presentation in support of the rezoning. Speaking in opposition to the rezoning were Lee Fronabarger, Rose Hogan, Pete Spitler, Gerald Edwards, Teresa Williams and Amber Hanson. C. Wissmann moved, S. Simon seconded, that the Council adopt the Resolution denying the request to rezone 618 E. Campus Drive from R-2, Medium Density Residential, to R-3, High Density Residential. VOTE: Ayes: S. Simon, C. McDaniel, M. Flanagan, C. Wissmann, S. Haynes and L. Jack. Nays: B. Cole. Motion declared carried. (Res. 2004-R-35; Exhibit O-4-20-04)

11. Ordinance authorizing Eminent Domain for acquisition of blighted property within the Tax Increment Financing Redevelopment District #1:

David Hart, 415 W. Main Street, spoke in opposition to this ordinance. C. Wissmann moved, M. Flanagan seconded, that the Council approve an Ordinance authorizing the City of Carbondale to acquire certain property located within the Tax Increment Financing District and the Enterprise Zone through the use of Eminent Domain. DISCUSSION: Councilman Haynes said he thought eminent domain was bad public policy so he could not vote for the ordinance. Councilman Jack said he could not vote for the ordinance because the owners of the property in question had not been notified that the Council would be considering this action at this meeting. VOTE: Ayes: S. Simon, C. McDaniel, M. Flanagan, C. Wissmann and B. Cole. Nays: S. Haynes and L. Jack. Motion declared carried. (Ord. 2004-29; Exhibit P-4-20-04)

7. Council Comments

Councilwoman McDaniel noted that although discussions may be underway about the future of the Child Care Center, this should not be confused with provision of other services and activities at the Eurma C. Hayes Center. She emphasized that if there is discussion about closing the Child Care Center this does not mean closing the Eurma C. Hayes Center.

8. Adjournment

There being no further business to come before the City Council, the meeting was declared adjourned at 9:14 p.m..

Janet M. Vaught, City Clerk

Approved by the City Council on:
