

City Council of the City of Carbondale, Illinois
Regular Meeting
December 7, 2004

The City Council of the City of Carbondale, Illinois, held a regular meeting on Tuesday, December 7, 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: Councilman Chris Wissmann, Councilman Lance D. Jack, Councilwoman Sheila Simon, Councilwoman Corene McDaniel, Councilwoman Margaret Flanagan and Mayor Brad Cole.

Absent: Councilman Steven N. Haynes,

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 McDaniel announced that the African-American Museum and the Science Center is sponsoring "Santa and the Arts" at Evergreen Park on December 14, Turley Park on December 15, Attucks Park on December 16 and Tatum Heights Park (or the Carol Moseley Braun Center if it rains) on December 17. All are invited.

Councilwoman McDaniel also announced that the African-American Museum would be presenting the original Tuskegee Airmen on Saturday, December 11, at the Museum located at the University Mall.

Mayor Cole noted that December 7 is the anniversary of the attack on Pearl Harbor and asked that everyone recognize and remember those that were lost and continue to be lost today as our freedoms are protected around the world.

3. Citizen Comments and Questions

There was no one present who indicated a desire to speak during this portion of the agenda.

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 November 16, 2004.
2. Warrant. Recommendation: Approve Warrant #938 for the period ended November 22, 2004, in the amount of \$2,186,584.49. (Exhibit A-12-7-04)
3. Acceptance of minutes of boards, commissions and committees. Recommendation: Accept Board of Fire and Police Commissioners of August 23, Carbondale Public Library Board of September 8, Human Relations Commission of October 4, Planning Commission of October 6 and November 3 and Preservation Commission of October 18, 2004.

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4. Award of purchase of one 20 cubic yard Refuse Compaction Body. Recommendation: Reject the bids from Downing Sales and McNeilus Truck for not meeting the minimum bid specifications; declare the 1994 Ford LN8000 truck with 25 cubic yard Leach 2RII compaction body (VIN #1FDYU82E9RVA51295, City Tag 8128) as surplus property; and award the purchase of one 20 cubic yard refuse compaction body to Key Equipment Company of Maryland Heights, MO, in the amount of \$43,800.00.
5. Resolution approving San-Pat Commercial Addition and Subdivision Agreement located at 2165 Sweets Drive. Recommendation: Approve. (Res. 2004-R-95; Exhibit B-12-7-04)
6. Award of contract for Striegel Road Sanitary Sewer Extension, CIP No. SA0501. Recommendation: Award contract to Dean Bush Construction in amount of \$16,800.
7. Appointments to boards and commissions. Recommendation: Concur in reappointment of P. Michael Kimmel to the Preservation Commission through October 31, 2007.
8. Removed from consent.
9. Illinois Municipal League Legislative Bulletins 2004-20 and 2004-21. Recommendation: Accept and place on file.
10. Award of contract for McLafferty Road Water Line (Water Treatment Plant to Chautauqua Street), CIP No. WS0311. Recommendation: Award contract to J.M. Jones of Thompsonville in the amount of \$344,450.90.
11. Ordinance annexing City of Carbondale Property on New Era Road. Recommendation: Approve. (Ord. 2004-84; Exhibit C-12-7-04)

Mayor Cole asked if anyone would like any items removed from the Consent Agenda. Councilwoman Simon asked that 4.8 be removed.

S. Simon moved, C. Wissmann seconded, that the Council approve Consent Agenda Items 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.9, 4.10 and 4.11. VOTE: Ayes: C. Wissmann, L. Jack, S. Simon, C. McDaniel, M. Flanagan and B. Cole. Nays: None. Motion declared carried.

8. Ordinance approving and Resolution denying First Southern Bank request to rezone 2.396 acres from BPL to SB for property located at 201 and 203 S. Marion and 200 S. Logan

S. Simon moved, L. Jack seconded, that the Council adopt the Ordinance approving the rezoning of the First Southern Bank property at 201 and 203 S. Marion and 200 S. Logan from BPL to SB. VOTE: Ayes: C. Wissmann, L. Jack, C. McDaniel, M. Flanagan and B. Cole. Nays: None. Abstentions: S. Simon. Motion declared carried. (Ord. 2004-85; Exhibit D-12-7-04)

4. Public Hearings

1. Public Hearing on Proposed Adoption of Property Tax Levy

The minutes of this Public Hearing were transcribed separately.

5. General Business

1. Ordinance adopting the 2004 Property Tax Levy

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C. Wissmann moved, C. McDaniel seconded, that the Council approve the Ordinance adopting the 2004 Tax Levy in the amount of \$637,097. DISCUSSION: James Duggan, President of the Carbondale Public Library Board of Directors, presented a brief history of the financial issues faced by the Library over the past few years and how an agreement had been reached between the Library Board and the City to increase the property tax levy for the Library rather than subsidizing the Library out of the City's General Fund. VOTE: Ayes: C. Wissmann, L. Jack, S. Simon, C. McDaniel, M. Flanagan and B. Cole. Nays: None. Motion declared carried. (Ord. 2004-86; Exhibit E-12-7-04)

2. Ordinance Establishing the 2004 Tax Levy for the Downtown Special Service Area Number One

M. Flanagan moved, C. McDaniel seconded, that the Council approve the Ordinance adopting the 2004 Tax Levy in the amount of \$40,000 for the Downtown Special Service Area Number One. VOTE: Ayes: L. Jack, S. Simon, C. McDaniel, M. Flanagan and B. Cole. Nays: None. Abstentions: C. Wissmann. Motion declared carried. (Ord. 2004-87; Exhibit F-12-7-04)

3. Ordinance Abating the 2004 Tax Levy for the 2004 General Obligation Refunding Bonds Debt Service

M. Flanagan moved, S. Simon seconded, that the Council approve the Ordinance abating the 2004 Debt Service Tax Levy with general revenues of the General Fund. VOTE: Ayes: C. Wissmann, L. Jack, S. Simon, C. McDaniel, M. Flanagan and B. Cole. Nays: None. Motion declared carried. (Ord. 2004-88; Exhibit G-12-7-04)

4. Ordinance Abating the 2004 Tax Levy for the 1995 General Obligation Bonds Debt Service

C. McDaniel moved, M. Flanagan seconded, that the Council approve the Ordinance abating the 2004 Tax Levy for the 1995 General Obligation Bonds Debt Service with general revenues of the General Fund. VOTE: Ayes: C. Wissmann, L. Jack, S. Simon, C. McDaniel, M. Flanagan and B. Cole. Nays: None. Motion declared carried. (Ord. 2004-89; Exhibit H-12-7-04)

5. Ordinance Abating the 2004 Tax Levy for the 1992 Series General Obligation Bond Refunding Bonds Debt Service

C. Wissmann moved, S. Simon seconded, that the Council approve the Ordinance abating the 2004 Debt Service Tax Levy with Water and Sewer revenues as provided for in Bond Ordinance No. 2002-10 for the remaining 1992 Series General Obligation Bond Refunding Bonds. VOTE: Ayes: C. Wissmann, L. Jack, S. Simon, C. McDaniel, M. Flanagan and B. Cole. Nays: None. Motion declared carried. (Ord. 2004-90; Exhibit I-12-7-04)

6. Ordinance abating the 2004 Tax Levy for the 2003 Series General Obligation Refunding Bonds Debt Service

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C. Wissmann moved, S. Simon seconded, that the Council approve an Ordinance abating the 2004 Debt Service Tax Levy for the 2003 Series General Obligation Refunding Bonds Debt Service with general revenues of the General Fund. VOTE: Ayes: C. Wissmann, L. Jack, S. Simon, C. McDaniel, M. Flanagan and B. Cole. Nays: None. Motion declared carried. (Ord. 2004-91; Exhibit J-12-7-04)

7. Resolution approving and Resolution denying a Special Use to allow a Church and subordinate uses related thereto in an R-1-5, Low Density Residential, District in the 200 Block of East Birch Street

M. Flanagan moved, C. McDaniel seconded, that the Council adopt a Resolution approving the Special Use permit to allow a Church and subordinate uses thereto in the R-1-5, Low Density Residential, district for property in the 200 block of East Birch Street with the condition that Faith Temple Church of God in Christ shall submit a site plan for the proposed parking lot within six months of the approval of the special use permit and complete construction of the parking lot within twelve months. VOTE: Ayes: C. Wissmann, L. Jack, S. Simon, C. McDaniel, M. Flanagan and B. Cole. Nays: None. Motion declared carried. (Res. 2004-R-96; Exhibit K-12-7-04)

8. Resolution approving and Resolution denying a Special Use to Allow a Group Home I, in the R-1, Low Density Residential, District for property located at 625 Rigdon Street

C. Wissmann moved, M. Flanagan seconded, that the Council adopt a Resolution approving the Special Use permit to allow a Group Home I in an R-1, Low Density Residential, District for property at 625 Rigdon Street with the following conditions: (1) the special use will be limited to a Group Home I only under the operation of the Center for Comprehensive Services; (2) signage to advertise the group home at the subject property is prohibited; (3) parking for staff shall be provided in a new parking area located south of the existing parking, behind the existing fence; and (4) the gate in the fence on the south side of the property shall be locked and not used.

DISCUSSION: Speaking in favor of the special use were Robin Gray, Executive Vice President of the Center for Comprehensive Services (CCS), Kathy Larson, Program Coordinator for CCS, and Brenda Cutler, Facilities and Safety Manager for CCS. Also speaking about the project was Thad Heckman, Designworks Architect. Speaking in opposition were Joe Cook of 630 W. Rigdon, Phillip Wallen, 626 W. Rigdon and Brad Leahy of 1015 N Oakland.. Councilman Jack indicated he could not support the special use because of the concerns of the neighborhood and the proximity to another group home. After additional Council discussion, Councilwoman Simon suggested a friendly amendment to the motion to add a 5th criteria, to read: that the Center for Comprehensive Services will not permit significant or repeated violations of City ordinance as in the Carbondale Revised Code by its residents or employees. Councilman Wissmann, who made the motion, and Councilwoman Flanagan, who seconded, the motion, both agreed to the friendly amendment.

MOTION NOW READS: that the Council adopt a Resolution approving the Special Use permit to allow a Group Home I in an R-1, Low Density Residential, District for property at 625 Rigdon Street with the following conditions: (1) the special use will be limited to a Group Home I only under the operation of the Center for Comprehensive Services; (2) signage to advertise the group home at the subject property is prohibited; (3) parking for staff shall be provided in a new parking area located south of the existing

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parking, behind the existing fence; (4) the gate in the fence on the south side of the property shall be locked and not used; and (5) that the Center for Comprehensive Services will not permit significant or repeated violations of City ordinance as in the Carbondale Revised Code by its residents or employees. FURTHER DISCUSSION: There was discussion on the meaning of “will not permit significant or repeated violations” of City Code. Christine Ross, whose daughter is a patient at CCS, and Larry Gold, who lives in a CCS group home at 612 E. Campus, both spoke in support of group homes in general and in favor of this specific special use. Connie Steudel, Director of the Carbondale Public Library, also spoke in support of CCS. VOTE ON MOTION: Ayes: C. Wissmann, S. Simon, C. McDaniel, M. Flanagan and B. Cole. Nays: L. Jack. Motion declared carried. (Res. 2004-R-97; Exhibit L-12-7-04)

9. Ordinance authorizing the Mayor to Execute an Employment Agreement with City Manager Jeffrey W. Doherty

M. Flanagan moved, L. Jack seconded, that the Council approve the Ordinance authorizing the Mayor to execute an employment agreement with City Manager Jeffrey W. Doherty. DISCUSSION: Councilwoman Simon complimented the City Manager on his performance but said she could not vote for the contract only because of the financial aspects. VOTE: Ayes: C. Wissmann, L. Jack, C. McDaniel, M. Flanagan and B. Cole. Nays: S. Simon. Motion declared carried. (Ord. 2004-92; Exhibit M-12-7-04)

10. Action on Section 125 Employee Benefit Program

S. Simon moved, C. Wissmann seconded, that the Council adopting the AFLAC Section 125 Employee Benefit Program for City employees and authorize the City Manager to take the necessary steps to implement the program through AFLAC. VOTE: Ayes: C. Wissmann, L. Jack, S. Simon, C. McDaniel, M. Flanagan and B. Cole. Nays: None. Motion declared carried.

6. Council Comments

Councilman Wissmann noted that when there are contentious issues that are scheduled to come before the Council, it would be helpful if the neighborhood could get together to discuss and try to work out the issues beforehand. He suggested that staff or council members be proactive and sit down with the participants to see if resolution can be reached.

Councilwoman Simon referenced a comment she had made at a previous Council meeting regarding the relationship between the City and the Park District. She noted that her comments were related to comments that she is hearing in the community. She said that she did not intend to “stir up” anything or offend anyone but if she did so, she is sorry. She said she has learned from experience that the best decisions are made by governments only after a full public discussion and that is what she hopes will come.

Mayor Cole said that Council members are always invited to make whatever comments they wish, as are members of the public. He added that if there is action that is going to be requested of the City or another governmental entity, those discussions should take place across the table from each other and not back and forth at Council meetings. He said this is in the spirit of cooperation and was sure this was the intent of Councilwoman Simon and other people involved.

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Councilwoman Flanagan asked if anything has taken place on discussions with Koppers. Mayor Cole noted that he had corresponded with the Illinois Department of Public Health and the Illinois Environmental Protection Agency and has continued communication with the United States Environmental Protection Agency but no other action has been taken. The Mayor said he has not heard from either the IDPH or IEPA. Councilwoman Flanagan suggested that a telephone call be made to the agencies to get an update. Mayor Cole said the correspondence was sent only three or four weeks ago, but said the City would follow up.

Councilman Jack thanked everyone involved in the successful Lights Fantastic Parade, including the organizers, the public works employees, participants and spectators.

Mayor Cole recognized and thanked City Attorney Deborah Nelson who accepted a position in the General Counsel's Office at Southern Illinois University Carbondale and whose last day with the City is December 8, 2004.. Ms. Casey Parker has been named Interim City Attorney while the City conducts a search for a new City Attorney.

7. Adjournment

There being no further business to come before the City Council, the meeting was declared adjourned at 9:09 p.m..

Janet M. Vaught, City Clerk

Approved by the City Council on:
