

City Council of the City of Carbondale, Illinois
Regular Meeting
May 18, 2004

The City Council of the City of Carbondale, Illinois, held a regular meeting on Tuesday, May 18, 2004, in City Council Chambers of the Carbondale Civic Center, 200 S. Illinois Avenue. Following a meeting of the Local Liquor Control Commission, Mayor Brad Cole called the meeting to order at 7:04 p.m. with the following-named members of the City Council present/absent:

1. Roll Call

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

Absent: None

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

City Manager Doherty introduced Jeremy Hayes as the City's new Economic Development Manager.

Mayor Cole announced Bike 2 Work Day on Friday, May 21st. Lunch will be at the Civic Center at 11:30 a.m. and will include a short program.

Mayor Cole announced that a revised Development Plan and Resolution had been distributed and will be considered as part of Item 6.4 on the agenda.

Mayor Cole announced that Item 6.10 was being removed from the agenda. He thanked Councilwoman Simon and the other Council members for delaying action on this item at the last meeting which allowed time for the land owner and developer to reach an agreement on the property in question.

3. Citizen Comments and Questions

Timothy Donohue, 307 S. Graham, said he had a proposal regarding motorized scooters and asked if he should present the proposal now or during the discussion on that item later in the agenda. Mayor Cole asked that he present his proposal as part of the discussion on scooters.

Jerry O'Malley, 1257 Springer Ridge Road, thanked the Mayor for contacting Provost John Dunn regarding the McLeod Summer Playhouse. He read from a letter received by the Mayor from Provost Dunn in which Dunn indicates that there will be no productions in the summer of 2004. In that letter, Dunn also suggested that efforts to fund the Playhouse would be advanced if support came from the private and public sector, including the City of Carbondale. Mr. O'Malley said he was sharing this for information purposes only.

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 and Public Hearing on Authorization for the City to Acquire Property Located Within the Enterprise Zone Through the Use of Eminent Domain, both held on May 4, 2004.
2. Warrant. Recommendation: Approve Warrant #921 for period ended April 26, 2004, in the amount of \$1,281,963.05. (Exhibit A-5-18-04)
3. Acceptance of Minutes of Boards, Commissions and Committees. Recommendation: Accept Fire Fighters Pension Board of Trustees of April 13, 2004; Liquor Advisory Board of April 1, 2004; and Planning Commission of April 21, 2004.
4. Illinois Municipal League Legislative Bulletins 2004-10 and 2004-11. Recommendation: Accept and place on file and oppose Statewide Energy Efficiency Commercial Building Code and the Electricians Licensing bill.
5. Resolution declaring Fair Days for 2nd Annual Southern Illinois Ethnic Festival. Recommendation: Approve. (Res. 2004-R-39; Exhibit B-5-18-04)
6. Resolution approving extension of deadline to submit the final Planned Unit Development Plan for property on East Grand Avenue (PUD 02-02). Recommendation: Approve. (Res. 2004-R-40; Exhibit C-5-18-04)
7. Removed from consent.
8. Resolution approving Assignment of HAP Contract for the period July 1, 2003 through June 30, 2004, and motion for preliminary approval of a Twenty Year ACC and HAP Contract Term for the Mill Street Apartments Section 8 Project No. IL06-0018-005. Recommendation: Approve a Resolution Approving the Assignment of the Housing Assistance Payments Contract for the Mill Street Apartments Section 8 Project No. IL06-0018-005 for the period July 1, 2003 through June 30, 2004 and give preliminary approval for a twenty-year term Annual Contributions Contract and Housing Assistance Payments Contract for this project. (Res. 2004-R-41; Exhibit D-5-18-04)
9. Resolution approving Assignment of HAP Contract for the period December 17, 2003, through December 16, 2004, and motion for preliminary approval of a Twenty Year ACC and HAP Contract Term for the Carbondale Towers Section 8 Project No. IL50-0002-001. Recommendation: Approve a Resolution Approving the Assignment of the Housing Assistance Payments Contract for the Carbondale Towers Section 8 Project No. IL50-0002-001 for the period December 17, 2003 through December 16, 2004 and give preliminary approval for a twenty-year term Annual Contributions Contract and Housing Assistance Payments Contract for this project. (Res. 2004-R-42; Exhibit E-5-18-04)
10. Resolution approving Timber Ridge Subdivision and Subdivision Agreement located south of Sweets Drive and east of Harmony Lane. Recommendation: Approve. (Res. 2004-R-43; Exhibit F-5-18-04)
11. Removed from consent.

12. Appointments to Boards and Commissions. Recommendation: Concur in reappointments of Harvey Welch Jr. to Board of Fire and Police Commissioners through May 1, 2007; Ron Diel, Keven Klaine, Steven Schauwecker and James Stroud to the Community Development Loan and Grant Review Board through July 31, 2007; Harvey Welch, Jr. to the Personnel Board through June 30, 2007; and Sheila Simon as Ex-Officio to the Planning Commission through May 1, 2005; and concur with appointments of Matthew C. Baughman to the Library Board from July 1, 2004 through July 1, 2007; Mayor Brad Cole to the Greater Egypt Regional Planning and Development Commission; Jeremy Hayes to the Jackson-Union Counties Regional Port District Board through June 1, 2007; and Jeremy Hayes to the Jackson County Business Development Corporation.

Mayor Cole asked that Consent Agenda Item 4.11 be considered separately. He asked if anyone else would like any items removed from the Consent Agenda. Councilman Jack asked that Item 4.7 be considered separately.

C. Wissmann moved, S. Simon seconded, that the Council approve Consent Agenda Items 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.8, 4.9, 4.10 and 4.12. VOTE: Ayes: M. Flanagan, C. Wissmann, S. Haynes, L. Jack, S. Simon, C. McDaniel and B. Cole. Nays: None. Motion declared carried.

4.7 Ordinance annexing 1.37 acres located at 2375 New Era Road:

S. Simon moved, L. Jack seconded, that the Council approve the Ordinance annexing the Pennington property located at 2375 New Era Road. VOTE: Ayes: M. Flanagan, C. Wissmann, S. Haynes, L. Jack, S. Simon, C. McDaniel and B. Cole. Nays: None. Motion declared carried. (Ord. 2004-33; Exhibit G-5-18-04)

4.11. Ordinance authorizing the City Manager to execute a Contract with Jacobs Mechanical Services, Inc., for Sale of Real Property in the Bicentennial Industrial Park and Authorizing the Mayor to Execute a Quitclaim Deed for the Conveyance of such property:

S. Haynes moved, C. Wissmann seconded, that the Council approve the Ordinance authorizing the City Manager to execute a Contract for Sale of Land with Jacobs Mechanical Services, Incorporated, for Lot 6A-1 in the Bicentennial Industrial Park 5th Plat Subdivision and authorizing the Mayor to execute a Quite Claim Deed for conveyance of said land. VOTE: Ayes: M. Flanagan, C. Wissmann, S. Haynes, L. Jack, S. Simon, C. McDaniel and B. Cole. Nays: None. Motion declared carried. (Ord. 2004-34; Exhibit H-5-18-04)

5. Public Hearings

1. Public Hearing on Annexation Agreement with Holly Immel and Wendell Keeper for Whippoorwill Glen Subdivision:

The minutes of this public hearing were transcribed separately.

2. Public Hearing on a proposed vacation of the Kenneth Road right-of-way located within the Sunny Acres East - Third Plat Subdivision:

The minutes of this public hearing were transcribed separately.

6. General Business

1. Ordinance approving an Annexation Agreement between the City of Carbondale and Wendell Keeper and Holly Immel for Whippoorwill Glen Subdivision:

C. Wissmann moved, C. McDaniel seconded, that the Council approve the Ordinance authorizing the execution of an Annexation Agreement between the City of Carbondale and Holly Immel and Wendell Keeper. VOTE: Ayes: M. Flanagan, C. Wissmann, S. Haynes, L. Jack, S. Simon, C. McDaniel and B. Cole. Nays: None. Motion declared carried. (Ord. 2004-35; Exhibit I-5-18-04)

2. Resolution approving Whippoorwill Glen Subdivision and Subdivision Agreement located at 402 Whippoorwill Lane:

S. Simon moved, C. McDaniel seconded, that the Council adopt the Resolution approving the subdivision plat and subdivision agreement for Whippoorwill Glen Subdivision. VOTE: Ayes: M. Flanagan, C. Wissmann, S. Haynes, L. Jack, S. Simon, C. McDaniel and B. Cole. Nays: None. Motion declared carried. (Res. 2004-R-44; Exhibit J-5-18-04)

3. Ordinance vacating the Kenneth Road right-of-way within Sunny Acres East Third Plat Subdivision:

C. Wissmann moved, M. Flanagan seconded, that the Council adopt the Ordinance vacating the Kenneth Road right-of-way within the Sunny Acres East-Third Plat Subdivision. DISCUSSION: Councilman Haynes said that as the owner and operator of Kroger, the improvement of this property will have a direct effect on his business. As a result, he will abstain on this item and on the next item. VOTE: Ayes: M. Flanagan, C. Wissmann, L. Jack, S. Simon, C. McDaniel and B. Cole. Nays: None. Abstentions: S. Haynes. Motion declared carried. (Ord. 2004-36; Exhibit K-5-18-04)

4. Resolution approving BPL, Planned Business, development plan for Kohl's Department Store at 625 N. Giant City Road:

M. Flanagan moved, C. McDaniel seconded, that the Council adopt the Resolution approving the BPL Development Plan for Kohl's Department Store at 625 North Giant City Road and a Freestanding Sign on contiguous land at 1495 East Main Street and granting the development site plan variances relative to the mounting height of parking lot lights and the installation of bumper blocks. DISCUSSION: For the record, Mayor Cole noted that the City received the revised subdivision plan which does indicate the freestanding sign, adding that the installation of the sign is to be in compliance with the conditions of the City on property that is

contiguous to the Kohl's retail store and that the necessary permits should be obtained from the City. VOTE: Ayes: M. Flanagan, C. Wissmann, L. Jack, S. Simon, C. McDaniel and B. Cole. Nays: None. Abstentions: S. Haynes. Motion declared carried. (Res. 2004-R-45; Exhibit L-5-18-04)

5. Ordinance approving and Resolution denying the Carbondale Planning Commission's Request to add Contract Construction Services as a Special Use in the AG, General Agriculture, District and to amend the sign regulations for related uses:

S. Simon moved, M. Flanagan seconded, that the Council adopt an Ordinance approving text amendments to Sections 15-2D-5.D; 15-2D-5.E; 15-2G-8.A.2; 15-2G-8.A.3; and 15-2G-8.B.3 of the Revised Code of the City of Carbondale relative to allowing Contract Construction Services as a Special Use in the AG, General Agriculture District. VOTE: Ayes: M. Flanagan, C. Wissmann, S. Haynes, L. Jack, S. Simon, C. McDaniel and B. Cole. Nays: None. Motion declared carried. (Ord. 2004-37; Exhibit M-5-18-04)

6. Resolution approving and Resolution denying a special use for a dwelling unit on the main floor in the BPR, Primary Business District, at 503 S. University Avenue:

Attorney Scott Hendricks was present to represent the applicant, Home Rentals Incorporated. John Karayanis, 51 Hillcrest Drive, asked questions regarding ownership of the property. After discussion, S. Simon moved, S. Haynes seconded, that the Council adopt the Resolution denying Home Rentals, Incorporated's request for a Special Use Permit in the BPR, Primary Business, District, for a dwelling unit on the main floor at 503 S. University. VOTE: Ayes: M. Flanagan, C. Wissmann, S. Haynes, L. Jack, S. Simon, C. McDaniel and B. Cole. Nays: None. Motion declared carried. (Res. 2004-R-46; Exhibit N-5-18-04)

7. Resolution approving or Resolution denying a special use for a dwelling unit on the main floor in the BPR, Primary Business District, at 205 W. Cherry:

Attorney Scott Hendricks was present to represent the applicant, Home Rentals Incorporated. After discussion, S. Simon moved, M. Flanagan seconded, that the Council adopt the Resolution denying Home Rentals, Incorporated's request for a Special Use Permit in the BPR, Primary Business, District, for a dwelling unit on the main floor at 205 W. Cherry. VOTE: Ayes: M. Flanagan, C. Wissmann, S. Haynes, L. Jack, S. Simon, C. McDaniel and B. Cole. Nays: None. Motion declared carried. (Res. 2004-R-47; Exhibit O-5-18-04)

8. Ordinance amending Title One, Chapter Five, of the Carbondale Revised Code as it relates to Ethics:

City Attorney Deborah Nelson presented the report. Council members asked for additional information/clarification on prohibited political activity by a part-time Mayor or Council member; Attorney Nelson said she would contact the Attorney General's Office and provide a memo in clarification. S. Simon moved, C. McDaniel seconded, that the Council approve an Ordinance amending Title One,

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Chapter Five of the Carbondale Revised Code as it relates to Ethics. VOTE: Ayes: M. Flanagan, C. Wissmann, S. Haynes, L. Jack, S. Simon, C. McDaniel and B. Cole. Nays: None. Motion declared carried. (Ord. 2004-38; Exhibit P-5-18-04)

9. Report on Motor Driven Cycles and Motorized Pedalcycles:

City Attorney Deborah Nelson presented the report. Timothy Donohue distributed the Illinois Bicycle Rules of the Road and a proposed ordinance which he drafted which he stated might be a way to regulate scooters in the City of Carbondale. He asked that a public hearing be held on his proposal. Mayor Cole said that staff should review the proposal and that a public hearing could be held at a Council meeting when the full Council is present. Councilman Wissmann asked if other communities could be surveyed to determine how they are addressing this issue. He also noted two pieces of state legislation that have been introduced (SB2418 and SB2104) which might address the issue of scooters and asked if the IML had taken a position on either of the bills. There was no formal Council action taken on this item.

10. Ordinance authorizing the City of Carbondale to acquire certain property located within the Enterprise Zone through the use of Quick Take Eminent Domain:

This item was removed from the agenda. No action was required.

7. Council Comments

Councilwoman Simon asked if the Council was supposed to hold a closed meeting to review closed meeting minutes. The City Manager said a closed meeting would be scheduled.

8. Adjournment

There being no further business to come before the City Council, the meeting was declared adjourned at 8:50 p.m..

Janet M. Vaught, City Clerk

Approved by the City Council on:
