

City Council of the City of Carbondale, Illinois
Regular Meeting
December 20, 2005

The City Council of the City of Carbondale, Illinois, held a regular meeting on Tuesday, December 20, 2005, 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 Joel Fritzler, Councilman Chris Wissmann, Councilman Steven Haynes, Councilman Lance D. Jack, Councilwoman Sheila Simon, Councilwoman Corene McDaniel and Mayor Brad Cole.

Absent: None

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

2. General Announcements and Proclamations

Councilman Fritzler noted that the Liquor Advisory Board had voted to remove the noise exemption for beer gardens on November 3rd and that the Energy and Environmental Advisory Commission had voted to support the Liquor Advisory Board's recommendation. He asked that the item be placed on a future City Council agenda. Mayor Cole said that he had not received anything from the Energy and Environmental Advisory Commission and that the Liquor Advisory Board had submitted its recommendation to the Mayor's Office, so the subject would be coming before the Council at a future meeting.

Mayor Cole reminded everyone that City Hall offices would be closed on Monday, December 26, for the Christmas holiday, on Monday, January 2, for the New Years holiday and on Monday, January 16, for the Martin Luther King holiday. The refuse collection schedule will be moved back one day during these three weeks.

Mayor Cole noted that the regular first and third Tuesday schedule of City Council meetings was altered for January 2006. There will be no meeting on January 3rd; the next meeting will be on January 17th.

3. Citizen Comments and Questions

Ed VanAwken, 1009 W. Sycamore, spoke of plans by the Carbondale Park District to sell Hickory Lodge and the disrepair of the buildings and grounds associated with the former Carbondale Community High School football field. He said the City seems to be neglecting the northwest neighborhood and asked that the City use its influence to save Hickory Lodge and ask the Park District to have more transparency on this issue. Mayor Cole reminded Mr. VanAwken that the Park District and school districts are separate entities from the City of Carbondale.

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4. Public Hearings

1. Public Hearing on the Proposed Intergovernmental Agreement between the City of Carbondale and Southern Illinois University

The minutes of this public hearing were transcribed separately.

5. 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 December 6, 2005.
2. Warrant. Recommendation: Approve Warrant #967 for the period ended November 21, 2005, in the amount of \$1,215,080.26. (Exhibit A-12-20-05)
3. Acceptance of minutes of boards, commissions and committees. Recommendation: Accept Fire Fighters Pension Board of Trustees of September 13, 2005; Non-Bargaining Unit Employees Personnel Board of May 20, 2003; Planning Commission of November 16, 2005, and Preservation Commission of October 17, 2005.
4. Acceptance of deeds and easements. Recommendation: Accept permanent easements from First Banks, Inc. and Ron and Mark Ward for a proposed water line associated with Ward Chrysler development and Doolin Enterprises, William Lipe, Scott Hendricks for P.K. Land Trust and Florencio Tomas and Norma Perez for the Oakland Avenue/Charles Road Sanitary Sewer Extension.
5. Budget Adjustment for funds from the Illinois Criminal Justice Information Authority for Station Adjustment Program. Recommendation: approve BA to Agencies and Organization's FY 2006 Budget in the amount of \$32,635 for funds from the Illinois Criminal Justice Information Authority for the Station Adjustment Program.
6. Resolution authorizing the City Manager to execute an Agreement with the Illinois Department of Transportation for the resurfacing of South Illinois Avenue from Main Street to Monroe Street and a Resolution approving Funds from Parking Revenues to pay the City's share of the project. Recommendation: Approve both resolutions. (Res. 2005-R-89 and 2005-R-90 respectively; Exhibits B-12-20-05 and C-12-20-05 respectively)
7. Ordinance authorizing the vacation of a Utility Easement across lots on Greg Lane. Recommendation: Approve. (Ord. 2005-68; Exhibit D-12-20-05)
8. Approval of a Budget Adjustment to the Police Department's FY 2006 Budget for the Coverdell Forensic Science Improvement Grant. Recommendation: Approve BA in the amount of \$56,501 for the grant.
9. Approval of purchase of Livescan Fingerprint Equipment. Recommendation: Declare Identix TouchPrint 600 Workstation, City ID #009837, as surplus and award purchase of a TouchPrint 3800 Livescan System to Identix Incorporated of Minnetonka, MN, in the amount of \$33,000.
10. Resolution approving a Time Extension for submission of a Final BPL Development Plan by K.P. Land Trust for Lot 4 of Sunny Acres South Subdivision. Recommendation: Approve. (Res. 2005-R-91; Exhibit E-12-20-05)

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Mayor Cole asked if anyone would like any items removed from the Consent Agenda. No items were removed.

S. Simon moved, J. Fritzler seconded, that the Council approve Consent Agenda Items 5.1 through 5.10. VOTE: Ayes: J. Fritzler, C. Wissmann, S. Haynes, L. Jack, S. Simon, C. McDaniel and B. Cole. Nays: None. Motion declared carried.

6. General Business

1. Resolution authorizing the Mayor to execute an Intergovernmental Agreement with Southern Illinois University for Annexation of Property and Fire Protection Services and Resolution annexing certain real property to the City of Carbondale (Part of the SIU Central Campus, SIU Farms and Adjacent Properties)

S. Haynes moved, C. McDaniel seconded, that the Council approve the Resolution authorizing the Mayor to execute an Intergovernmental Agreement with Southern Illinois University for annexation of property and fire protection services and the Resolution annexing certain real property to the City of Carbondale (part of SIU central campus, SIU farms and adjacent properties).

DISCUSSION: There was discussion on the process of expanding the City's zoning jurisdiction. Council members Simon, Jack and Fritzler expressed concern about how little time Council members were given to review the agreement. Councilwoman Simon and Councilman Fritzler also thought there should have been more time for public input.

S. Simon moved, J. Fritzler seconded, that the Council postpone consideration on this item until the next Council meeting on January 17th. VOTE: Ayes: J. Fritzler, L. Jack and S. Simon. Nays: C. Wissmann, S. Haynes, C. McDaniel and B. Cole. Motion declared defeated.

VOTE ON MOTION that the Council approve the Resolution authorizing the Mayor to execute an Intergovernmental Agreement with Southern Illinois University for annexation of property and fire protection services and the Resolution annexing certain real property to the City of Carbondale (part of SIU central campus, SIU farms and adjacent properties): VOTE: Ayes: Wissmann, Haynes, Jack, McDaniel and Cole. Nays: Fritzler and Simon. Motion declared carried. (Res. 2005-R-92 and 2005-R-93 respectively; Exhibits F-12-20-05 and G-12-20-05 respectively)

2. Ordinance amending Title Five (5), Chapter One (1) of the Carbondale Revised Code and Adding new Title Fourteen (14), Chapter Four (4) Section Ten (10) as it relates to Panhandling

L. Jack moved, S. Haynes seconded, that the Council adopt the proposed Ordinance amending Section 5-1-7 and adding new Section 14-4-10 which defines and regulates prohibited panhandling. DISCUSSION: Councilman Wissmann said he appreciated the City's attempt to reconcile its ordinance with constitutional issues, but also believes the persons entering businesses should have the right to do so without being bothered by panhandlers. He would support an ordinance that would be more restrictive. A friendly amendment was suggested by Councilman Fritzler to amend the proposed ordinance to provide that persons cannot panhandle within 20 feet of an ATM. The friendly amendment was accepted.

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MOTION NOW READS: that the Council adopt the proposed Ordinance amending Section 5-1-7 and adding new Section 14-4-10 which defines and regulates prohibited panhandling with an amendment in Subsection B.3.E to change from 10 feet to 20 feet the distance a person must be from an ATM when panhandling. VOTE: Ayes: J. Fritzler, S. Haynes, L. Jack, S. Simon, C. McDaniel and B. Cole. Nays: C. Wissmann. Motion declared carried. (Ord. 2005-69; Exhibit H-12-20-05)

3. Ordinance approving Villa Land Trust's request to rezone 14.55 Acres on Villa Court from PUD, Planned Unit Development, with a maximum Land Use Intensity of 4.2 to PUD, Planned Unit Development, with a maximum Land Use Intensity of 4.5 and a Revised Development Plan

S. Haynes moved, J. Fritzler seconded, that the Council adopt the Ordinance approving the request to rezone 14.55 acres on Villa Court from PUD, Planned Unit Development, with a maximum Land Use Intensity of 4.2 to PUD, Planned Unit Development, with a maximum Land Use Intensity of 4.5. VOTE: Ayes: J. Fritzler, C. Wissmann, S. Haynes, L. Jack, S. Simon, C. McDaniel and B. Cole. Nays: None. Motion declared carried. (Ord. 2005-70; Exhibit I-12-20-05)

4. Ordinance approving Rolf Schilling's request to rezone 1000 East Park Street from RMH, Planned Mobile Home, to PUD, Planned Unit Development with a maximum Land Use Intensity Number of 5.3 and a Preliminary Development Plan

S. Haynes moved, L. Jack seconded, that the Council adopt the Ordinance approving the request to rezone 1000 E. Park Street from RMH, Planned Mobile Home, to PUD, Planned Unit Development with a maximum Land Use Intensity ratio not to exceed 5.3. VOTE: Ayes: J. Fritzler, C. Wissmann, S. Haynes, L. Jack, S. Simon, C. McDaniel and B. Cole. Nays: None. Motion declared carried. (Ord. 2005-71; Exhibit J-12-20-05)

7. Council Comments

Councilwoman Simon reported on a phone call she had received regarding the proposed new Wal-Mart on the west side of town and how that would impact existing Carbondale businesses. Councilman Jack asked if the Mayor and Manager would investigate whether the zoning and annexation procedures followed by Murphysboro in that area were in accordance with law. He also asked that discussions with Murphysboro be initiated in order to come up with a new agreement that the City Council could vote on regarding zoning and annexation in the area between Carbondale and Murphysboro. Mayor Cole asked the City Manager to prepare a report regarding the zoning and annexation procedures followed by Murphysboro. The Mayor said he would also talk with the Mayor of Murphysboro regarding the development of a new agreement. Councilman Haynes questioned whether it was appropriate to investigate the actions of another municipality. Mayor Cole noted that the report from the City Manager would not be investigative, but would only provide a summary of the activities that have occurred based on the agreement between the City of Carbondale and the City of Murphysboro and Murphysboro's zoning or annexation agreements along Country Club Road. Councilman Fritzler said that what is occurring in the area between Carbondale and Murphysboro will affect the entire area and supported the suggestion by Councilman Jack.

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Mayor Cole noted that the annual employee holiday luncheon was held the day before, adding that Fire Fighter Dana McCrimmon was recognized as Employee of the Year. Mayor Cole wished everyone a happy holiday season.

8. Adjournment

There being no further business to come before the City Council, the meeting was declared adjourned at 8:30 p.m..

Janet M. Vaught, City Clerk

Approved by the City Council on:
