

City Council of the City of Carbondale, Illinois
Regular Meeting
June 7, 2005

The City Council of the City of Carbondale, Illinois, held a regular meeting on Tuesday, June 7, 2005, 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 7:30 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. Vaught, City Manager Jeffrey W. Doherty and various members of the City's administrative staff.

2. General Announcements and Proclamations

3. Citizen Comments and Questions

Mr. Elbert Simon, 211 E. Oak Street, stated that he made comments regarding mowing of City right-of-way a few years ago when Green Street (now James and Thelma Walker Avenue) was reconstructed, leaving a steep grade on the right-of-way which could no longer be mowed by use of a riding mower. He said he doesn't understand why property owned by the City has to be maintained by the adjoining property owner. He requested a copy of the ordinance saying property owners are responsible for mowing grass on the right-of-way, adding that he intends to have it challenged as being unconstitutional. Mr. Simon disputed a bill that was sent to him from the City for property owned by an investment club to which he belongs, which bill was addressed to James Harvey, the Treasurer of the Club, at 109 S. Tower. The property is located at 621 N. Springer. He said the property was properly posted indicating that the property needed to be mowed by April 26th. Mr. Simon said he mowed the property on April 25th; his brother is a witness that he mowed the property. He also mowed the property on May 7th; his wife, Yolanda, and Mrs. Carolin Harvey witnessed the mowing on May 7th. Mr. Simon said he questioned the bill with the weed inspector and the weed inspector said the contractor cut the grass on May 7th. As a result, the City sent Mr. Simon a bill for the mowing. Mr. Simon said after making his complaint about this bill, he had another property that had been plowed under but was posted for weeds on the fence row. Mr. Simon said he would appreciate an answer from the Council on how the bill for 621 N. Springer will be resolved. Mayor Cole said that the matter will be referred to the City Manager who will report back to the Council. City Manager Doherty noted that the ordinance requiring property owners to maintain adjacent right-of-way has been upheld in court as being constitutional. Mr. Doherty also explained how the weed inspector works methodically on a regular schedule to survey and post all properties throughout all areas of the City. Mayor Cole said he would provide Mr. Simon with the City ordinance he has requested as well as any other information the City Attorney would deem pertinent.

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4. Public Hearings

1. Public Hearing on Annexation Agreement with Dean Bush for Property located on Warren Road

The minutes of this public hearing were transcribed separately.

2. Public Hearing on Annexation Agreement with Kenneth Marquard for Property located on Warren Road

The minutes of this public hearing were transcribed separately.

3. Public Hearing on Annexation Agreement with Alan and Jenny Crowell for 1.15 Acres on No Name Road

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, the Public Hearing on the Proposed Vacation of a Portion of the North-South Alley located west of South Logan Street and the Public Hearing on the Proposed Residential Parking Permit Area between 515 and 610 S. James Street, all held on May 17, 2005.
2. Warrant. Recommendation: Approve Warrant #951 for the period ended April 30, 2005, in the amount of \$365,859.72. (Exhibit A-6-7-05)
3. Warrant. Recommendation: Approve Warrant #952 for the period ended May 9, 2005, in the amount of \$1,052,207.77. (Exhibit C-6-7-05)
4. Acceptance of minutes of boards, commissions and committees. Recommendation: Accept Human Relations Commission of April 4, Liquor Advisory Board of April 7, Planning Commission of April 20 and Preservation Commission of April 18, 2005.
5. Illinois Municipal League Legislative Bulletins 2005-14 and 2005-15. Recommendation: Accept and place on file.
6. Award of contract for the Reconstruction and Expansion of Municipal Parking Lot #2 (north of Grand Avenue and west of Washington Street), CIP No. PK91-05. Recommendation: Award contract to R.B. Bush Contracting Company of Carbondale in the amount of \$99,901.98.
7. Award of contract for Sidewalk Improvements (CIP No. SW0601). Recommendation: Award to Stone's Concrete Construction of Alto Pass in the amount of \$67,338.59 and authorize the City Manager to execute a change order with the contractor for additional sidewalk improvements with the total contract amount not to exceed \$90,000.
8. Award of purchase of MFT Maintenance Materials for FY 2006. Recommendation: Conditionally award pending IDOT concurrence to: Illini Asphalt of Benton for Group A in the amount of \$13,950.10; Beelman Truck Company of East St. Louis for Group B in the amount of \$19,000.00; and Dwain Forby Trucking of Makanda for Group C in the amount of \$6,768.00 and award the purchase of non-MFT materials to Beelman Truck Company of East St. Louis for Group B in the amount of \$22,800.00 and Dwain Forby Trucking of Makanda for Group C in the amount of \$3,384.00.

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9. Budget Adjustment and Award of Contract for Elizabeth Street (Grand to Mill) and Whitney Street (Elizabeth to Oakland) water line replacement, CIP No. WS0104). Recommendation: Approve BA transferring \$25,000 from the McLafferty Road Water Line (CIP WS0311) to the Elizabeth Street and Whitney Street Water Line Replacement (CIP WS0104) and award the contract for the Elizabeth Street and Whitney Street water line replacement to Dean Bush Construction Company of Carbondale in the amount of \$149,908.00.
10. Ordinance approving an Annexation Agreement between the City of Carbondale and Dean Bush for 8.11 Acres located along Warren Road. Recommendation: Approve. (Ord. 2005-36; Exhibit C-6-7-05)
11. Ordinance approving an Annexation Agreement between the City of Carbondale and Kenneth Marquard for 10.3 Acres located along Warren Road. Recommendation: Approve. (Ord. 2005-37; Exhibit D-6-7-05)
12. Ordinance approving an Annexation Agreement between the City of Carbondale and Alan and Jenny Crowell for 1.15 Acres on No Name Road. Recommendation: Approve. (Ord. 2005-38; Exhibit E-6-7-05)
13. Acceptance of deeds and easements. Recommendation: Accept easement from the SIU Credit Union for construction of a sidewalk at the corner of West Main Street and Old West Main.
14. Removed from Consent.
15. Authorization for the City Manager to provide a Letter of Support for SIUC New Directions Grant Application. Recommendation: Authorize the City Manager to provide the letter of support.

Mayor Cole asked if anyone would like any items removed from the Consent Agenda. Councilwoman Simon asked that Item 14 be removed.

C. Wissmann moved, C. McDaniel seconded, that the Council approve Consent Agenda Items 5.1 through 5.15, excluding Item 5.14. VOTE: Ayes: J. Fritzler, C. Wissmann, S. Haynes, L. Jack, S. Simon, C. McDaniel and B. Cole. Nays: None. Motion declared carried.

- 5.14. Action on Request from Owner of Carbondale Towers and Mill Street Apartments Section 8 Projects to Lower Age Eligibility from Age 62 to Age 55 for up to 27 units

S. Simon moved, C. Wissmann seconded, that the Council indicate support for the owner's request that the age eligibility for up to a total of 27 units of the total 271 units be reduced from "at least 62 years of age or older" to "55 years of age or older" and that the City's support of the request be communicated to the U.S. Department of Housing and Urban Development when the owners's request is submitted to HUD for its consideration. DISCUSSION: In response to Councilwoman Simon's inquiry, Human Resources Manager Jane Boyd noted that full-time students who are already residents at the apartments would be able to continue their residency indefinitely and would not be forced to leave. As the individual apartments were vacated by the full-time students, the apartments would then be rented only to persons over the age of 55. 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. Action on water line extension, Linden Street Improvement and Encroachment Permit for Ward Chrysler Redevelopment

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S. Simon moved, S. Haynes seconded, that the Council adopt a Resolution authorizing the City Manager to execute an agreement with Ron and Mark L. Ward for the resurfacing of West Linden Street and approve a budget adjustment from General Fund fund balance in the amount of \$11,288 to fund the resurfacing; amend the FY 2006 Community Investment Program to include the West Main Street/Linden Street Water Main Extension to serve Ward Chrysler Redevelopment (WS0603) and approve a budget adjustment from Waterworks and Sewerage Fund fund balance in the amount of \$24,200 to fund the CIP project; and approve a continuous encroachment permit to allow Ron and Mark L. Ward to make paving improvements on the Linden Street right-of-way. VOTE: Ayes: J. Fritzler, C. Wissmann, S. Haynes, L. Jack, S. Simon, C. McDaniel and B. Cole. Nays: None. Motion declared carried. (Res. 2005-R-43; Exhibit F-6-7-05)

2. Ordinance amending Title Fifteen of the Carbondale Revised Code as it relates to signing site plans by Engineers, Surveyors and Architects

J. Fritzler moved, S. Simon seconded, that the Council approve an Ordinance amending Title Fifteen of the Carbondale Revised Code as it relates to Signing Site Plans by Engineers, Surveyors and Architects. VOTE: Ayes: J. Fritzler, C. Wissmann, S. Haynes, L. Jack, S. Simon, C. McDaniel and B. Cole. Nays: None. Motion declared carried. (Ord. 2005-39; Exhibit G-6-7-05)

3. Resolution authorizing the City Manager to execute a Site License Agreement with Cellco Partnership d/b/a Verizon Wireless for the Erection of a Communication Tower at the Superblock

S. Haynes moved, S. Simon seconded, that the Council approve the Resolution authorizing the City Manager to enter into a Site License Agreement with Verizon Wireless for the erection of a communication tower at the Superblock. DISCUSSION: In response to Council questions, Mayor Cole said that clarification would be provided to the Council concerning the dimensions of the structure, the proposed transmission coverage area and plans to secure the tower. VOTE: Ayes: J. Fritzler, C. Wissmann, S. Haynes, L. Jack, S. Simon, C. McDaniel and B. Cole. Nays: None. Motion declared carried. (Res. 2005-R-44; Exhibit H-6-7-05)

4. Resolution authorizing the City Manager to execute a Limited Access Agreement with Beazer East, Inc., for the purpose of Environmental Clean-up and Testing on City-Owned Property

C. Wissmann moved, J. Fritzler seconded, that the Council approve the resolution authorizing the City Manager to execute a Limited Access Agreement with Beazer East, Inc. for the purpose of Environmental Cleanup and Testing on City-owned property. DISCUSSION: Councilman Haynes expressed strong objection to Beazer East not attending this meeting to answer questions. Mayor Cole stated that Beazer East seems to be making a good-faith effort to keep the City informed. Councilwoman Simon said that Beazer East has been very responsive to her questions. Councilman Fritzler noted that he still has concerns with the health issues related to the site. VOTE: Ayes: J. Fritzler, C. Wissmann, S. Simon, C. McDaniel and B. Cole. Nays: S. Haynes and L. Jack. Motion declared carried. (Res. 2005-R-45; Exhibit I-6-7-05)

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7. Council Comments

Councilman Fritzler noted that downtown property owners are concerned with the increase in parking fees, especially how those fee increases have affected students who live in the downtown. Councilwoman Simon noted there has been discussion about whether it is better to implement smaller fee increases more often or larger fee increases less often. She encouraged citizens to call her with their opinions.

Councilwoman Simon noted that the State legislature had passed a bill allowing cities to regulate smoking. Mayor Cole said that he didn't believe the bill had yet been signed by the Governor but staff would monitor its progress.

8. Closed Meeting

L. Jack moved, C. Wissmann seconded, that the Council hold a closed meeting to discuss the appointment, employment, compensation, discipline, performance or dismissal of specific employees of the public body, the purchase or lease of real property for use by the public body, the setting of a price for sale or lease of property owned by the public body, and litigation, when an action against, affecting or on behalf of the public body is probable or imminent or has been filed and is pending before the court pursuant to 5 ILCS 120/2(c)(1), (c)(5), (c)(6) and (c)(11). VOTE: Ayes: J. Fritzler, C. Wissmann, S. Haynes, L. Jack, S. Simon, C. McDaniel and B. Cole. Nays: None. Motion declared carried. Open session recessed at 8:56 p.m..

C. McDaniel moved, C. Wissmann seconded, that the Council return to open session. VOTE: Ayes: J. Fritzler, C. Wissmann, S. Haynes, L. Jack, S. Simon, C. McDaniel and B. Cole. Nays: None. Motion declared carried. Open session resumed at 9:31 p.m.

There was no formal action taken as a result of the closed meeting.

9. Adjournment

There being no further business to come before the City Council, the meeting was declared adjourned at 9:32 p.m..

Janet M. Vaught, City Clerk

Approved by the City Council on:
