

City Council of the City of Carbondale, Illinois
Regular Meeting
March 1, 2005

The City Council of the City of Carbondale, Illinois, held a regular meeting on Tuesday, March 1, 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: 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

Mayor Cole noted that he visited with several legislators in Washington relaying concern about the continuance in funding for Amtrak and the importance it has for the community. He said it seems that there will be some resolution to the funding, not what was proposed by the Administration but not the full amount of what Amtrak requested, either. He is confident that Amtrak will continue to receive funding and that there is bipartisan support for the funding.

3. Citizen Comments and Questions

Bob Child, 806 S. Cherry, presented a petition from the neighborhood describing the problems being experienced with 805 W. Cherry. After expounding on the problems, he asked that the property be declared a nuisance and that the City establish some mechanism for taking care of situations like this in the future. He opined that enforcement at the legal end needs strengthening and that the issuance of tickets needs to be consistent. Mayor Cole said the Council takes Mr. Child's concerns very seriously and will look into them.

Hal Marston of Maitland, Florida, noted that his company had recently contracted for the Arnold property which came before the Council recently for an extension of the Planned Unit Development (PUD) to allow the Arnolds to develop the property for student housing. He said it is his understanding that the Arnold PUD was not extended but there could be a possibility for those Council members who voted against it to reconsider. He said that for the support the student housing project initially received from City staff and the support the Council has given over the past years, it seems that it would be the right move and an opportunity to do something that is good for the City, the university and the residents of the community who have differing lifestyles from college students. Their project will take vacant property that is by itself but located near the university and would help alleviate some of the concerns earlier expressed by the neighborhoods. He asked that the Council consider the issue of the Arnold PUD as to whether it can be rescinded and allow them to continue their proposal and submit a plan. Mayor Cole responded that the status of the Planned Unit

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Development for that property is that the last extension has expired and the Council acted at its last meeting and now the issue will be returned to the Planning Commission to make a recommendation to the City Council on the rezoning of the PUD back to its original status. After the Planning Commission, it will come back to the City Council.

Elius Reed, 2012 S. Illinois Avenue, read a prepared statement to the Council. The statement included seven questions for which he was requesting answers, as follows: (1) Why an ordinance giving preference to black and white Carbondale area construction workers being employed on Carbondale projects was not placed on the March 1st Council agenda; (2) The name of the black male laborer employed on the Fager McGee Construction Save A Lot jobsite on February 10, 2005; (3) Is Kopper's Tie Plant inside the City limits; (4) Did the City of Carbondale grant permission for the owner/contractor of Koppers to bury/encase the hazardous waster material underground; (5) Is Koppers jobsite considered to be an EPA approved hazardous waste dumpsite; (6) Has the City sold/selling excess dirt from the Southeast Wastewater Treatment Plant to Koppers owner or contractor to use as fill dirt to cover the hazardous waste material; and (7) names of any other black male construction workers employed on any other Carbondale area construction jobsites during the period 2/5/2005 - present. Mayor Cole said the City will respond to the questions.

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 February 15, 2005.
2. Warrant. Recommendation: Approve Warrant #944 for the period ended February 14, 2005, in the amount of \$1,104,263.78. (Exhibit A-3-1-05)
3. Acceptance of Minutes of Boards, Commissions and Committees. Recommendation: Accept Board of Fire and Police Commissioners of January 14, 2005; Energy and Environmental Advisory Commission of December 16, 2004; Library Board of January 12, 2005; Planning Commission of January 19, 2005 and Preservation Commission of January 10, 2005.
4. Illinois Municipal League Legislative Bulletins 2005-04 and 2005-05. Recommendation: Accept and place on file.
5. Resolution accepting Illinois Housing Development Authority Single-Family Owner-Occupied Rehabilitation Grant. Recommendation: Approve. (Res. 2005-R-08; Exhibit B-3-1-05)
6. Acceptance of deeds and easements. Recommendation: Accept deed and easement from Joshua Blackburn for the Reed Station Road Improvement Project.
7. Review and Acceptance of Planning Commission Annual Report for 2004. Recommendation: Accept.
8. Ordinance approving a Budget Adjustment for the Foreign Fire Insurance Fund and Regional Training Center Fund. Recommendation: Approve the Ordinance authorizing the Budget Adjustment for the overall Fiscal Year 2005 Budget for the Foreign Fire Insurance Fund and Regional Training Center Fund. (Ord. 2005-07; Exhibit C-3-1-05)
9. Ordinance changing the name of a street in Imperium Subdivision from Imperium Place to Kira Court. Recommendation: Approve. (Ord. 2005-08; Exhibit D-3-1-05)
10. Removed from Consent Agenda. Item to be consider after Item 6.5.
11. Ordinance amending Title Fourteen, Section 2-2 of the Carbondale Revised Code as it

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- relates to Fighting. Recommendation: Approve. (Ord. 2005-09; Exhibit E-3-1-05)
12. Resolution authorizing the City Manager to Execute a Financial Assistance Agreement with the Illinois Environmental Protection Agency. Recommendation: Approve. (Res. 2005-R-09; Exhibit F-3-1-05)
 13. Resolution to Implement National Incident Management System. Recommendation: Approve. (Res. 2005-R-10; Exhibit G-3-1-05)
 14. Ordinance authorizing the City Manager to enter into a Mutual Aid Box Alarm System Agreement. Recommendation: Approve. (Ord. 2005-10; Exhibit H-3-1-05)

Mayor Cole removed Item 10 from the Consent Agenda and indicated it would be considered after Item 6.5. He asked if anyone would like any other items removed from the Consent Agenda. No additional items were removed.

S. Simon moved, C. McDaniel seconded, that the Council approve Consent Agenda Items 4.1 through 4.14 except for 4.10. VOTE: Ayes: M. Flanagan, C. Wissmann, S. Haynes, L. Jack, S. Simon, C. McDaniel and B. Cole. Nays: None. Motion declared carried.

5. Public Hearings

1. Public Hearing on Proposed Vacation of the Alley located North of East James and Thelma Walker Avenue, between North Marion and North Brush Streets

The minutes of this public hearing were transcribed separately.

6. General Business

1. Resolution commending Donna Haynes for service to the City of Carbondale

After the resolution was read, S. Haynes moved, M. Flanagan seconded, that the Council approve the Resolution commending Donna Haynes for service to the City of Carbondale. VOTE: Ayes: M. Flanagan, C. Wissmann, S. Haynes, L. Jack, S. Simon, C. McDaniel and B. Cole. Nays: None. Motion declared carried. (Res. 2005-R-06; Exhibit I-3-1-05) Councilman Steven Haynes accepted the Resolution on behalf of his mother, Donna Haynes, who was unable to attend the Council meeting.

2. Resolution commending Don Barrett for service to the City of Carbondale

After the resolution was read, C. Wissmann moved, M. Flanagan seconded, that the Council approve the Resolution commending Donald T. Barrett for service to the City of Carbondale. VOTE: Ayes: M. Flanagan, C. Wissmann, S. Haynes, L. Jack, S. Simon, C. McDaniel and B. Cole. Nays: None. Motion declared carried. (Res. 2005-R-07; Exhibit J-3-1-05) The resolution was presented to Mr. Barrett.

3. Ordinance vacating the alley located north of East James and Thelma Walker Avenue between North Marion and North Brush Streets

C. McDaniel moved, S. Haynes seconded, that the Council adopt the Ordinance vacating the entire alley located north of East James and Thelma Walker Avenue between North Marion and North Brush streets. VOTE: Ayes: M. Flanagan, C. Wissmann, S. Haynes, L. Jack, S. Simon, C. McDaniel and B. Cole. Nays: None. Motion declared carried. (Ord. 2005-11; Exhibit K-3-1-05)

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4. Award of contract for removal of concrete slabs, walls and foundations at the New Era Dairy property, 220 S. Washington Street

C. Wissmann moved, S. Simon seconded, that the Council award the contract for the removal of concrete slabs, walls and foundations at the New Era Dairy property, 220 S. Washington, to Edwards Excavating of Murphysboro in the amount of \$16,540.00. VOTE: Ayes: M. Flanagan, C. Wissmann, S. Haynes, L. Jack, S. Simon, C. McDaniel and B. Cole. Nays: None. Motion declared carried.

5. Support for nomination of the Tuscan Lodge Building to the 2005 Illinois Ten Most Endangered Historic Places List

S. Haynes moved, S. Simon seconded, that the Council approve the Preservation Commission's letter of support for the Tuscan Lodge nomination to the 2005 Illinois Ten Most Endangered Historic Places List. VOTE: Ayes: M. Flanagan, C. Wissmann, S. Haynes, L. Jack, S. Simon, C. McDaniel and B. Cole. Nays: None. Motion declared carried.

At this point in the meeting, the Council returned to consider Item 4.10 on the agenda.

- 4.10. Ordinance establishing stop signs for Northbound and Southbound traffic on North Springer Street at West Sycamore Street

C. Wissmann moved, S. Simon seconded, that the Council approve the Ordinance which establishes stop signs for the northbound and southbound traffic on North Springer Street where it intersects with West Sycamore Street. DISCUSSION: The agenda item also referred to the removal of the stop sign on Sycamore Street at Springer Street. The City Manager noted that the Public Works Department had received eight calls in opposition to removal of the stop sign. Speaking at the Council meeting in opposition to removal of the stop sign on Sycamore Street were Alexander Pellow of 512 W. Pecan, Terry Hickey, 704 W. Sycamore, and Donald Barrett, a retired Carbondale Police Officer who was assigned to cover that area. The City Manager noted that an ordinance initially establishing the stop sign on Sycamore Street could not be located so if the Council decided that the stop sign should not be removed, an ordinance formally authorizing the placement of the stop sign should be passed by the Council. A majority of Council members indicated that they did not wish the stop sign on Sycamore Street to be removed. VOTE ON MOTION: Ayes: M. Flanagan, C. Wissmann, S. Haynes, L. Jack, S. Simon, C. McDaniel and B. Cole. Nays: None. Motion declared carried. (Ord. 2005-12; Exhibit L-3-1-05) Mayor Cole reaffirmed that an ordinance formally establishing the stop signs on Sycamore Street will be brought to the Council for consideration on March 15, 2005.

7. **Council Comments**

Councilwoman Simon thanked the residents of the northwest neighborhood for coming to the Council meeting to speak on the issue of the stop signs.

8. **Closed Meeting**

C. Wissmann moved, S. Simon seconded, that the Council hold a closed meeting to discuss collective negotiating matters, the purchase or lease of real property for use by the public

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body and/or the setting of a price for sale or lease of property owned by the public body and/or pending or imminent litigation pursuant to 5 ILCS 120/2(c)(2), (5), (6) and (11) respectively. VOTE: Ayes: M. Flanagan, C. Wissmann, S. Haynes, L. Jack, S. Simon, C. McDaniel and B. Cole. Nays: None. Motion declared carried. Open session recessed at 8:32 p.m..

S. Simon moved, L. Jack seconded, that the Council return to open session. VOTE: Ayes: M. Flanagan, C. Wissmann, S. Haynes, L. Jack, S. Simon, C. McDaniel and B. Cole. Nays: None. Motion declared carried. Open session resumed at 9:45 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 10:48 p.m..

Janet M. Vaught, City Clerk

Approved by the City Council on:
