

**City Council of the City of Carbondale, Illinois**  
**Regular Meeting**  
**March 29, 2005**

The City Council of the City of Carbondale, Illinois, held a regular meeting on Tuesday, March 29, 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 Steven N. Haynes, Councilman Lance D. Jack, Councilwoman Sheila Simon, Councilwoman Corene McDaniel, Councilwoman Margaret Flanagan, Councilman Chris Wissmann 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 proclaimed April 2005 as "Child Abuse Prevention Month". Mayor Cole also issued proclamations commending and congratulating the CCHS Scholar Bowl Team, the CCHS Terrier Band and the CCHS Boy's Basketball Team.

Mayor Cole announced an Open House at the Eurma C. Hayes Child Care Center on Wednesday, March 30, from 6 to 8 p.m..

Mayor Cole congratulated the SIU Men's Basketball Team and Coach Chris Lowery for the team's appearance in the NCAA Tournament.

**3. Citizen Comments and Questions**

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

**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 Proposed Vacation of Two Alleys and a Portion of Stoker Street, both held on March 15, 2005.
2. Warrant. Recommendation: Approve Warrant #946 for the period ended March 14, 2005, in the amount of \$1,294,481.86. (Exhibit A-3-29-05)
3. Acceptance of minutes of boards, commissions and committees. Recommendation: Accept Library Board of February 9, 2005, and Planning Commission of February 16, 2005.
4. Illinois Municipal League Legislative Bulletin 2005-08. Recommendation: Accept and place on file.

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5. Appointments to Boards, Commissions and Committees. Recommendation: Concur in reappointment of Dr. Beth Arthur and James Duggan to the Library Board through June 30, 2008.
6. Acceptance of deeds and easements. Recommendation: Accept one deed from Lakeside Water District, one deed and one temporary easement from Reed Station Restaurants LLC, Charlie B. Brown & Associates Ltd., David Ponce-Campos and Beth Ponce, Howard & Jane Friel, Union Planter's Bank d/b/a Region's Morgan Keegan Trust, and H. Leon & Vickie Bagley, one deed and two temporary easements from James E. and Ruby Mead Jr., one deed and one permanent easement from Daniel and Pamela Doolittle and two deeds and one temporary easement from Mary M. Hogan for the Reed Station Road Improvement Project and authorize the City Clerk to have the deeds and permanent easement recorded in the County Clerk's Office.
7. Resolution approving Bond Volume Cap Allocation for 2005 Qualified Mortgage Bond Program. Recommendation: Approve. (Res. 2005-R-14; Exhibit B-3-29-05)

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

S. Simon moved, C. McDaniel seconded, that the Council approve Consent Agenda Items 4.1 through 4.7 including the revised 4.6. VOTE: Ayes: S. Haynes, L. Jack, S. Simon, C. McDaniel, M. Flanagan, C. Wissmann and B. Cole. Nays: None. Motion declared carried.

### 5. Public Hearings

1. Public Hearing on Proposed FY 2006 City of Carbondale budget

The minutes of this Public Hearing were transcribed separately.

### 6. General Business

1. Discussion of Proposed FY 2006 City of Carbondale Budget and Five Year Community Investment Program Budget

There was discussion on the proposed FY 2006 budget, including the possibility of adding funding for an updated feasibility study for a community pool or aquatic center. The City Manager said the update for the feasibility study could be accomplished in-house. Councilman Haynes suggested that the City determine whether the Eurma C. Hayes Child Care Center will be a social service provided by the City with continuing general fund subsidies or whether it should become a profit-making or at least a break-even business. There were no changes to the proposed budget or Community Investment Program. The budget and CIP will be brought back for Council action on April 19, 2005.

2. Ordinance approving and Resolution denying the City of Carbondale's request to rezone 26 acres from PUD to AG, R-3, and SB for property located at the intersection of U.S. 51 and S. Illinois Avenue

S. Simon moved, L. Jack seconded, that the Council adopt the Resolution denying the request to rezone the 26 acres (at the intersection of U.S. 51 and South Illinois Avenue) from PUD, Planned Unit Development, to AG, General Agriculture, R-3, High Density

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Residential, and SB, Secondary Business. DISCUSSION: Speaking in opposition to the rezoning were Allen Arnold representing the property owner and Hal Marston, the proposed developer of the property. VOTE: Ayes: S. Haynes, L. Jack, S. Simon, C. McDaniel, M. Flanagan, C. Wissmann and B. Cole. Nays: None. Motion declared carried. (Res. 2004-R-15; Exhibit C-3-29-05)

3. Ordinance approving the Planning Commission's recommendation to adopt Amendments to Sections 15-1A-1, 15-2K-1 and 15-2K-3 of the Carbondale Revised Code as they relate to the Composition and Structure of the Planning Commission and Zoning Board of Appeals

S. Haynes moved, C. McDaniel seconded, that the Council adopt an ordinance amending Sections 15-1A-1, 15-2K-1 and 15-2K-3 of the Revised Code of the City of Carbondale, Illinois, as they relate to the composition and structure of the Planning Commission and Zoning Board of Appeals. VOTE: Ayes: S. Haynes, L. Jack, S. Simon, C. McDaniel, M. Flanagan, C. Wissmann and B. Cole. Nays: None. Motion declared carried. (Ord. 2005-15; Exhibit D-3-29-05)

4. Consideration of Recommendation from the Carbondale Human Relations Commission to Amend the Carbondale Revised Code to require Mandatory Provisions related to residential leases

This item was presented for Council discussion only. Discussion centered around including the charges and fees in an addendum rather than in the body of the lease, as well as the requirement that a copy of the lease be provided to the tenant at the time the lease is signed or within seven days of the lease being signed rather than no later than the effective date of the lease. Speaking in support but suggesting some changes to the wording of the ordinance was Sam Goldman, Chair of the Human Relations Commission. Also speaking in support of mandatory provisions for leases were Sarah Heyer, Assistant Coordinator for Study Circles, Tequia Hicks, Undergraduate Student Government President, Anne Wallace, TyJuan Cratic, D. Gorton, Jane Adams and Sandy Litecke. Mayor Cole noted that Sarah Sutton was unable to stay for discussion but provided the Council with written material.

The ordinance will be brought back for Council action on April 19, 2005.

5. Ordinance amending Title Eighteen (18), Chapter Fifteen (15) of the Carbondale Revised Code to Include and an Ordinance Prohibiting the use of Motorized or Electric Scooters, "Pocket Bikes", and Other Similar Devices

C. McDaniel moved, S. Simon seconded, that the Council approve an Ordinance Amending Title 18, Chapter 15, of the City Code to Include a Prohibition Against the Use of Motorized or Electric Scooters, Pocket Bikes and Other Similar Devices. DISCUSSION: Timothy Donohue spoke in opposition to the ordinance prohibiting electric scooters. He asked that the Council consider regulating scooters for the safety of the scooter drivers, vehicle drivers and pedestrians. VOTE: Ayes: S. Haynes, S. Simon, C. McDaniel and B. Cole. Nays: L. Jack, M. Flanagan and C. Wissmann. Motion declared carried. (Ord. 2005-16; Exhibit E-3-29-05)

### 7. Council Comments

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Councilman Wissmann suggested that anyone who supports the use of scooters should contact their state legislators.

**8. Closed Meeting**

L. Jack 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 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)(2), (c)(5), (c)(6) and (c)(11). VOTE: Ayes: S. Haynes, L. Jack, S. Simon, C. McDaniel, M. Flanagan, C. Wissmann and B. Cole. Nays: None. Motion declared carried. Open session recessed at 10:37 p.m.

C. McDaniel moved, C. Wissmann seconded, that the Council return to open session. VOTE: Ayes: S. Haynes, L. Jack, S. Simon, C. McDaniel, M. Flanagan, C. Wissmann and B. Cole. Nays: None. Motion declared carried. Open session resumed at 11:11 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 11:12 p.m..

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Janet M. Vaught, City Clerk

Approved by the City Council on:

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