

City Council of the City of Carbondale, Illinois
Regular Meeting
May 17, 2005

The City Council of the City of Carbondale, Illinois, held a regular meeting on Tuesday, May 17, 2005, in City Council Chambers in 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 Corene McDaniel, Councilman Joel Fritzler, Councilman Chris Wissmann, Councilman Steven Haynes, Councilman Lance Jack, Councilwoman Sheila Simon 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

Councilman Fritzler announced the Jackson County Cleanup to be held on May 21 from 8 to 10 a.m. at the Dunn-Richmond Center.

Mayor Cole thanked Officer Randy Mathis and Police Chief Steve Odum for coordinating the Citizens Police Academy Graduation Ceremonies which were held immediately prior to the Council meeting. He also thanked Circuit Judge Kimberly Dahlen who spoke to the graduating class and Dr. Jack Whitlock who is an active volunteer at the Police Department and assists with the Police Academy.

Mayor Cole announced the annual Carbondale Memorial Day Service to be held on Monday, May 30, at 10:00 a.m. at Woodlawn Cemetery. Dr. Robert Pulliam will be the keynote speaker.

Mayor Cole announced that due to the Memorial Day holiday on Monday, May 30, the regular refuse collection schedule will be pushed back one day.

Mayor Cole read a letter from Judy, Jeff, Diane, Ross, Alex and Buddy Baine for the efforts of the Carbondale Fire Department in battling a fire at their house located at 700 Baine Drive. They especially appreciated the efforts to save their dog, Buddy, who was rescued from the fire alive and well after being trapped in the house for two hours.

3. Citizen Comments and Questions

Ed Van Awken, 1009 W. Sycamore, addressed the Council expressing his belief that the landlords are being discriminated against and that the Human Relations Commission has lost focus on what it was originally charged to do.

4. Public Hearings

1. Public Hearing on Proposed Vacation of a portion of the North-South Alley Located West of South Logan Avenue
The minutes of this public hearing were transcribed separately.

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2. Public Hearing on Proposed Residential Parking Permit Area Between 515 and 610 South James Street

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 Meeting and Public Hearing held on May 3, 2005.
2. Warrant. Recommendation: Approve Warrant #950 for the period ended April 30, 2005, in the amount of \$1,197,723.04. (Exhibit A-5-17-05)
3. Resolution authorizing the City Manager to enter into a Cooperation Agreement with the Southern Illinois Enforcement Group. Recommendation: Approve. (Res. 2005-R-40; Exhibit B-5-17-05)
4. Acceptance of minutes of boards, commissions and committees. Recommendation: Accept Board of Fire and Police Commissioners of March 22, 2005; Energy and Environmental Advisory Commission of February 17, 2005; Library Board of March 9, 2005; Liquor Advisory Board of April 7, 2005; and Planning Commission of April 6, 2005.
5. Appointments to Boards and Commissions. Recommendation: Concur in appointment of Sheila Simon as ex-officio, non-voting member of the Energy and Environmental Advisory Commission through May 1, 2006; reappointment of Priscilla Pimentel and Patrick Kelly to the Energy and Environmental Advisory Commission through May 1, 2009; reappointment of John Holmes and Carmen Suarez to the Human Relations Commission through April 15, 2008; reappointment of Harriet Furst Simon to the Library Board through June 30, 2008; appointment of Sandra McCurry to the Library Board through June 30, 2007; and appointment of Joel Fritzler as ex-officio, non-voting member of the Planning Commission through May 1, 2007.
6. Illinois Municipal League Legislative Bulletins 2005-12 and 2005-13. Recommendation: Accept and place on file.
7. Ordinance establishing Residential Parking Permit Area between 515 and 610 South James Street. Recommendation: Approve. (Ord. 2005-28; Exhibit C-5-17-05)
8. Ordinance vacating a portion of the North-South alley located west of South Logan Avenue. Recommendation: Approve. (Ord. 2005-29; Exhibit D-5-17-05)
9. Ordinance approving and Resolution denying Kenneth Marquard's request to Rezone 1.84 Acres of Land from R-1-12, Low Density Residential, to SB, Secondary Business, at 2010 N. Illinois Avenue. Recommendation: Approve Ordinance. (Ord. 2005-30; Exhibit E-5-17-05)
10. Ordinance approving and Resolution denying Jeffrey Kellogg's request to rezone 1.04 Acres from RR to R-1-8D for property located on the west side of South Illinois Avenue approximately one mile south of the Carbondale City limits. Recommendation: Approve Ordinance. (Ord. 2005-31; Exhibit F-5-17-05)
11. Resolution approving the Parsons Addition Subdivision and Subdivision Agreement located on the Northwest Corner of West Kennicott and North Almond Streets. Recommendation: Approve. (Res. 2005-R-41; Exhibit G-5-17-05)

S. Simon moved, C. McDaniel seconded, that the Council approve Consent Agenda items 4.1 through 4.11. DISCUSSION: Mayor Cole asked if anyone would like any items removed

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from the Consent Agenda. There were no items removed. VOTE: Ayes: C. McDaniel, J. Fritzler, C. Wissmann, S. Haynes, L. Jack, S. Simon and B. Cole. Nays: None. Motion declared carried.

6. General Business

1. Resolution commending Colleen Ozment for Service to the City of Carbondale

After the resolution was read in full, S. Simon moved, L. Juhlin seconded, that the Council approve the Resolution commending Colleen Ozment for service to the City of Carbondale. VOTE: Ayes: C. McDaniel, J. Fritzler, C. Wissmann, S. Haynes, L. Jack, S. Simon and B. Cole. Nays: None. Motion declared carried. (Res. 2005-R-38; Exhibit H-5-17-05). The resolution was presented to Colleen Ozment. Larry Ziemba, President of the Illinois Water Environment Association, presented Colleen Ozment with the Laboratory Excellence Award.

2. Resolution commending Jeraldine Brown for Service to the City of Carbondale

After the resolution was read in full, S. Haynes moved, C. McDaniel seconded, that the Council approve the Resolution commending Jeraldine Brown for service to the City of Carbondale. VOTE: Ayes: C. McDaniel, J. Fritzler, C. Wissmann, S. Haynes, L. Jack, S. Simon and B. Cole. Nays: None. Motion declared carried. (Res. 2005-R-39; Exhibit I-5-17-05). The resolution was presented to Jeraldine Brown.

3. Historic Preservation Month recognition of properties on Carbondale Register of Historic Places

The Mayor and Council recognized the following properties: (1) The Old Railroad Passenger Depot, Town Square, 1991; (2) Woodlawn Cemetery, 405 E. Main, 1994; (3) Old Freight Building, Town Square, 1994; (4) George Washington Smith/Whitlock Home, 605 W. Walnut; 1995; (5) F. A. Prickett Building, 127 N. Washington, 1997; (6) Batson/Gilbert House, 513 W. Walnut, 1998; (7) William Dixon House, 511 W. Walnut, 1998; (8) The Winters House, 512 W. Oak, 1999; (9) R. Buckminster and Anne Hewlett Fuller Dome Home, 407 S. Forest, 2003; and (10) Dunaway Block Historic District, 102-106 E. Jackson, 2003.

4. Ordinance approving and Resolution denying Jackson-Union County Habitat for Humanity's request to rezone 0.95 acres from LI to R-1-8 for property located in the 500 and 600 block of North Washington Street on the west side of Washington

S. Simon moved, S. Haynes seconded, that the Council adopt the Ordinance approving the request to rezone the 0.95 acres located in the 500 and 600 block of North Washington Street on the west side of Washington from LI, Light Industrial, to R-1-8, Low Density Residential. VOTE: Ayes: C. McDaniel, J. Fritzler, C. Wissmann, S. Haynes, L. Jack, S. Simon and B. Cole. Nays: None. Motion declared carried. (Ord. 2005-32; Exhibit J-5-17-05)

5. Resolution approving a Time Extension for Pat Bridwell for Submittal of Final BPL Development Plan for North Lewis Lane and Rendleman Road

S. Haynes moved, C. McDaniel seconded, that the Council approve the Resolution

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granting the owner of the property at the northwest corner of Lewis Lane and East Rendleman Road a three-year extension until February 25, 2007, for submittal of final BPL development plans. DISCUSSION: Larry Havens, President of Havens-Coldwell Banker, spoke in representation of the applicant and indicated that there is a developer interested in the property. VOTE: Ayes: C. McDaniel, J. Fritzler, C. Wissmann, S. Haynes, L. Jack, S. Simon and B. Cole. Nays: None. Motion declared carried. (Res. 2005-R-42; Exhibit K-5-17-05)

6. Ordinance amending Title Two (2) of the Carbondale Revised Code as it relates to Alcoholic Liquor

S. Haynes moved, c. McDaniel seconded, that Proposed Amendment #1 be approved (regarding the Liquor Commissioner having the authority to levy fines, issue a letter of reprimand and dismiss charges without the review of the Liquor Commission). DISCUSSION: Speaking in opposition to the proposal was Liquor Advisory Board Chairman Lawrence Juhlin. VOTE ON MOTION: Ayes: C. McDaniel, C. Wissmann, L. Jack and B. Cole. Nays: J. Fritzler, S. Haynes and S. Simon. Motion declared carried. (Ord. 2005-33; Exhibit L-5-17-05)

C. Wissmann moved, S. Haynes seconded, that Proposed Amendment #2 be approved (allowing a Council member, excluding the Mayor, to have interest in a Class A - restaurant - liquor license). DISCUSSION: Councilman Fritzler asked if a sitting Council member who might be applying for a license should be voting on this issue or whether doing so would be a conflict of interest. Mayor Cole noted that there is no Council member that has applied for a liquor license so there is no conflict of interest. Speaking in opposition to this proposed amendment were Liquor Advisory Board Chairman Lawrence Juhlin and Robert Bauman of 2612 S. Illinois Avenue. Genevieve Houghton, 710 N. Oakland, asked questions. VOTE ON MOTION: Ayes: C. McDaniel, C. Wissmann, L. Jack and B. Cole. Nays: J. Fritzler, S. Haynes and S. Simon. Motion declared carried. (Ord. 2005-34; Exhibit M-5-17-05)

L. Jack moved, C. Wissmann seconded, that Proposed Amendment #3 be approved (incentives for Class A and Class B licensees who voluntarily become smoke-free throughout their entire establishments). DISCUSSION: Speaking in opposition to this amendment were Liquor Advisory Board Chairman Lawrence Juhlin and licensee John Karayanis. Speaking in support was Lee Brackett, a Carbondale businessman. VOTE ON MOTION: Ayes: C. McDaniel, C. Wissmann, L. Jack and B. Cole. Nays: J. Fritzler, S. Haynes and S. Simon. Motion declared carried. (Ord. 2005-35; Exhibit N-5-17-05)

C. McDaniel moved, C. Wissmann seconded, that proposed Amendment #4 be approved (entertainment). DISCUSSION: Councilwoman Simon expressed opposition to this revision, noting that men and women should be treated equally. Larry Juhlin, speaking as a private citizen rather than as Chair of the Liquor Advisory Board, expressed opposition to treating men and women differently with this amendment. Licensee Dan Terry asked if the current provision which requires men and women to keep their shirts on applied just to inside areas or if it also applied to outside areas such as beer gardens. The Mayor noted that the law applies to the "licensed premises" which would also include outside areas. There was discussion on how "enhanced" male breast should be interpreted or enforced. After discussion, a majority of Council members agreed that a better definition of "male breast enhancement" was needed before this Code amendment

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could be approved. VOTE ON MOTION: Ayes: C. Wissmann. Nays: C. McDaniel, J. Fritzler, S. Haynes, L. Jack, S. Simon and B. Cole. Motion declared defeated.

7. Council Comments

Mayor Cole acknowledged the earlier presence of a number of Carbondale Boy Scouts who were attending the meeting to fulfill a requirement for a merit badge.

Councilwoman Simon commended the City Manager for how he was handling the many retirements that are taking place in an effort to keep City operations running smoothly.

8. Adjournment

There being no further business to come before the City Council, the meeting was declared adjourned at 9:29 p.m..

Janet M. Vaught, City Clerk

Approved by the City Council on:
