

City Council of the City of Carbondale, Illinois
Regular Meeting
October 18, 2005

The City Council of the City of Carbondale, Illinois, held a regular meeting on Tuesday, October 18, 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 Chris Wissmann, Councilman Steven Haynes, Councilman Lance D. Jack, Councilwoman Sheila Simon, Councilwoman Corene McDaniel, Councilman Joel Fritzler 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 Wissmann announced that the Carbondale Neighborhood and Housing Action Group of Carbondale Study Circles, along with Carbondale Community Arts, are sponsoring an appearance by Mark Barone and Tom Burnett of the City of Paducah's Artist Relocation Program who will speak on Saturday, October 22, at 6:00 p.m. at the Chamber of Commerce/Carbondale Main Street office. Barone is the creator of the program and Barnett is Planning Director for the City of Paducah, Kentucky. The public is invited to attend.

Mayor Brad Cole announced that Trick-or-Treat hours have been set for Monday, October 31, between 5:00 and 8:00 p.m.. Persons willing to welcome trick-or-treaters should leave their porch lights on and trick-or-treaters should call on only those homes. The Carbondale Police Department's "Pumpkin Patrol" will be out.

3. Citizen Comments and Questions

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

4. Public Hearings

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 October 4, 2005.
2. Warrant. Recommendation: Approve Warrant #963 for the period ended September 26, 2005, in the amount of \$1,270,281.35. (Exhibit A-10-18-05)

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3. Acceptance of minutes of boards, commissions and committees. Recommendation: Accept Human Relations Commission of September 12 and Planning Commission of September 7, 2005
4. Removed from Consent.
5. Resolution authorizing the City Manager to Accept an Illinois Criminal Justice Information Authority Grant for the Police Department. Recommendation: Approve. (Res. 2005-R-77; Exhibit B-10-18-05)
6. Resolution authorizing the City Manager to accept a Mini-Grant Alcohol Program (MAP) Grant from the Illinois Department of Transportation on behalf of the Police Department. Recommendation: Approve. (Res. 2005-R-78; Exhibit C-10-18-2005)
7. Resolution supporting the FutureGen Project to be located in Southern Illinois. Recommendation: Approve. (Res. 2005-R-79; Exhibit D-10-18-2005)
8. Award of purchase of five police-package vehicles and surplus of City-owned personal property. Recommendation: Declare the vehicles (2000 Ford Crown Victoria, VIN #2FAFP71W1YX164099, 2000 Ford Crown Victoria, VIN #2FAFP71W4YX164100, 2003 Ford Crown Victoria, VIN #2FAFP71W03X106669 and 2003 Ford Crown Victoria VIN #2FAFP71W93X106671) as surplus property and award the purchase of five 2006 Ford Crown Victoria police package interceptors to Landmark Ford of Springfield in the amount of \$85,490.00 pursuant to Sections 1-6-16 and 1-6-13.E.7 of the Carbondale Revised Code.
9. Removed from Consent.
10. Illinois Municipal League Legislative Bulletin 2005-19. Recommendation: Accept and place on file.

Mayor Cole asked if anyone would like any items removed from the Consent Agenda. Councilman Fritzler asked that Item 5.9 be removed; Councilman Haynes asked that Item 5.4 be removed.

C. McDaniel moved, S. Haynes seconded, that the Council approve Consent Agenda Items 5.1 through 5.10, excluding Items 5.4 and 5.9. VOTE: Ayes: C. Wissmann, S. Haynes, L. Jack, S. Simon, C. McDaniel, J. Fritzler and B. Cole. Nays: None. Motion declared carried.

5.4 Authorization to Submit HOME Program Single Family Owner-Occupied Rehabilitation Grant Application

S. Haynes moved, J. Fritzler seconded, that the Council authorize the City Manager to apply for a grant from the HOME Single Family Owner-Occupied Rehabilitation Program. DISCUSSION: Councilman Haynes noted that he just asked that this item be removed from the agenda because it is good news and he wanted the public to be fully informed. VOTE: Ayes: C. Wissmann, S. Haynes, L. Jack, S. Simon, C. McDaniel, J. Fritzler and B. Cole. Nays: None. Motion declared carried.

5.9 Resolution authorizing the City Manager to Execute an Agreement for Economic Development Incentive for The Southern Illinoisan, 700 North Illinois Avenue:

S. Haynes moved, C. McDaniel seconded, that the Council adopt the Resolution authorizing the City Manager to execute an agreement for economic development incentive for construction of a 5' x 8' box culvert by The Southern Illinoisan at 700 North Illinois Avenue. DISCUSSION: Councilman Fritzler questioned whether this incentive should be given to a multi-million dollar corporation when they have already

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received the benefit of being in the Enterprise zone. Mayor Cole noted that this incentive was included the approved FY 2006 budget and mirrored the incentive provided to Prairie Farms Dairy for the opposite end of the culvert. City Manager Doherty added that this will provide an important infrastructure improvement and is important for continuing development to occur. VOTE: Ayes: C. Wissmann, S. Haynes, L. Jack, S. Simon, C. McDaniel and B. Cole. Nays: J. Fritzler. Motion declared carried. (Res. 2005-R-80; Exhibit E-10-18-05)

6. General Business

1. Ordinance amending Title Five of the Carbondale Revised Code by establishing a system for the Licensing of Organizations to Conduct Raffles in the City of Carbondale

S. Simon moved, S. Haynes seconded, that the Council approve the Ordinance Amending Title Five of the Carbondale Revised Code by Establishing a System for the Licensing of Organizations to Conduct Raffles in the City of Carbondale.

DISCUSSION: Councilwoman Simon expressed support for the ordinance, adding that this will now make it legal to conduct a raffle in the City of Carbondale. Councilwoman McDaniel expressed concerns about the required fidelity bond and how the amount would be determined. City Manager Doherty noted that the bond amount is determined by the City Manager based on the trustworthiness of the organization and can be waived. Councilman Wissmann said he did not like the ordinance but it was patterned after state law and is probably the best that can be done. He believes the fee is too high and would recommend a fee of \$5 per raffle or \$50 for unlimited raffles. He also suggested that as many organizations as possible be notified about the new regulation. Councilman Jack echoed Councilman Wissmann's concerns about the fee. He asked where the ordinance deviated from State law; City Attorney Berkbigler said State law allows persons under 18 to sell raffle tickets, but the ordinance does not. Councilman Jack said he could support the ordinance if the fees are reduced and persons under 18 can sell tickets. Mayor Cole suggested that the ordinance be used for a while as proposed and then if it is determined later to not be workable, the ordinance can be modified. Councilman Fritzler agreed that the high fee could cut into the revenue of the organization conducting the raffle. Mayor Cole invited comments or questions from the public. Lisa Barnes of South Illinois Avenue suggested that the schools be contacted to see if the regulations would impact fund raising.

VOTE ON MOTION that the Council approve the Ordinance Amending Title Five of the Carbondale Revised Code by Establishing a System for the Licensing of Organizations to Conduct Raffles in the City of Carbondale. VOTE: Ayes: S. Haynes, L. Jack, S. Simon, C. McDaniel, J. Fritzler and B. Cole. Nays: C. Wissmann. Motion declared carried. (Ord. 2005-58; Exhibit F-10-18-05) Mayor Cole noted that as many organizations as possible would be notified of the new regulations.

2. Resolution approving a Request by Brenda Brackett for a Special Use for a Home Occupation in a RR, Rural Residential, District located at 3363 South Illinois Avenue

S. Simon moved, S. Haynes seconded, that the Council adopt the Resolution approving the request by Brenda Brackett for a Special Use Permit for a Home Occupation in a RR, Rural Residential, District at 3363 South Illinois Avenue with the following

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conditions: (1) that the Special Use for Home Occupation shall be limited to a hair salon; and (2) that the operation of the Special Use for a Home Occupation shall be limited to Brenda Brackett. VOTE: Ayes: C. Wissmann, S. Haynes, L. Jack, S. Simon, C. McDaniel, J. Fritzler and B. Cole. Nays: None. Motion declared carried. (Res. 2005-R-81; Exhibit G-10-18-05)

3. Ordinance approving William Gray's request to rezone 98 acres of land from AG, General Agriculture, to RR, Rural Residential, located north of Parkwood Subdivision

S. Simon moved, S. Haynes seconded, that the Council adopt the Ordinance approving the request to rezone the approximately 98 acres of land located north of Parkwood Subdivision from AG, General Agriculture, to RR, Rural Residential. DISCUSSION: Applicant William Gray spoke in support of the application and provided letters from Southern Illinois University denying him an easement and from Carbondale Township regarding the roads within the subdivision. Cassandra Gunderson, a resident of Parkwood Subdivision, also spoke in support. Mike Baltz, a resident of Parkwood Subdivision, said the residents of the subdivision still have concerns about potential traffic problems and water pressure but are hoping that the problems will not occur. Councilman Wissmann noted that his initial concerns about the possibility of mobile homes being placed in the new development had been alleviated by the covenants. VOTE: Ayes: C. Wissmann, S. Haynes, L. Jack, S. Simon, C. McDaniel, J. Fritzler and B. Cole. Nays: None. Motion declared carried. (Ord. 2005-59; Exhibit H-10-18-05)

7. Council Comments

Councilman Jack reminded everyone of the Take Back the Night March scheduled for Friday, October 21. The march through the downtown will begin at 7:00 p.m. at the Interfaith Center and will end with a rally at the Town Square Pavilion.

Mayor Cole noted that he would be hosting a group of military officers from Germany, the German Bundeswehr, on Wednesday, October 19th.

8. Adjournment

There being no further business to come before the City Council, the meeting was declared adjourned at 8:05 p.m..

Janet M. Vaught, City Clerk

Approved by the City Council on:
