

City Council of the City of Carbondale, Illinois
Regular Meeting
August 15, 2006

The City Council of the City of Carbondale, Illinois, held a regular meeting on Tuesday, August 15, 2006, 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 Jack, Councilwoman Sheila Simon, Councilwoman Corene McDaniel, Councilman Joel Fritzler and Mayor Brad Cole.

Absent: None

Also present were City Clerk Janet M. Vaught, Assistant City Manager Donald D. Monty and various members of the City's administrative staff.

2. General Announcements and Proclamations

Mayor Cole asked that a Moment of Silence be observed in honor and recognition of Fire Fighter Dana MacCrimmon who passed away on Friday, August 11, 2006.

1. Notice of Intent to Apply for Waiver for CDAP Housing Rehabilitation Program

It was announced that William James, Sr., a relative of City employee Marilyn James, had applied for a CDAP Housing Rehabilitation Program grant. It is the intent of City staff to apply to the Illinois Department of Commerce and Economic Opportunity for a waiver to allow the City to consider and, if appropriate, approve the grant application.

3. Citizen Comments and Questions

Timothy Donohue, 307 S. Graham #1, read a letter dated July 19, 2006, from Margaret Degan of the Jackson County Public Defender's Office stating the State's Attorney has declined to prosecute Donohue for four charges related to his operation of a motor scooter on City streets. Donohue asked that the City Council consider revisions to the ordinance it passed a year ago so that certain types of vehicles could be allowed if they met certain safety standards.

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 and Public Hearing on the Proposed Expansion and Extension of Downtown Special Service Area Number One, both held on July 18, 2006.

City Council of the City of Carbondale, Illinois - August 15, 2006

2. Warrant. Recommendation: Approve Warrant #986 for the period ended July 3, 2006 in the amount of \$1,946,757.04. (Exhibit A-8-15-06)
3. Warrant. Recommendation: Approve Warrant #987 for the period ended July 17, 2006 in the amount of \$2,011,769.57 (Exhibit B-8-15-06)
4. Removed from Consent.
5. Acceptance of deeds and easements. Recommendation: Accept permanent easement from Timothy and April Moloney for a sanitary sewer to serve Deer Trail Subdivision.
6. Budget Adjustment Establishing FY 2007 Police Department Contingency Account. Recommendation: Approve in amount of \$57,000.
7. Award of purchase of Utility Tractor for the Southeast Wastewater Treatment Plant. Recommendation: Declare trade-in surplus (1991 Kubota Tractor Model L2350, Serial #L2350D-50444 and Kubota Mower Deck Model RC60-20, Serial #10172, City Tag #7573); Reject bids from Vergennes Equipment Inc. for failure to meet minimum specifications and from Erb Turf Equipment for failure to meet minimum specifications and delayed time for delivery; and award purchase of Utility Tractor with Mowing attachment to Okawville Equipment Company Inc. of Okawville in the amount of \$14,315.00.
8. Award of purchase of Total Organic Carbon (TOC) Analyzer. Recommendation: Declare old TOC Analyzer instrument (Skalar Model 2CA14904 Formacs HT, City Tag 9509) as surplus; reject bid from GE Analytical Instruments for failure to meet minimum specifications and award purchase of Total Organic Carbon Analyzer to Shimadzu Scientific Instruments of Lenexa, Kansas, in the amount of \$20,800.00
9. Award of contract for repair and cleaning work to the exterior drivit of the City Hall/Civic Center building. Recommendation: Award contract, including the additional water penetration protection, to Miller Drywall, Inc., of Scott City, Missouri, in the amount of \$17,768.00
10. Removed from Consent.
11. Review and action on the Preservation Commission's Annual Certified Local Government Report for FY 2006. Recommendation: Accept and place on file.

Mayor Cole asked if any Council members wished any items to be removed from the Consent Agenda. Councilman Haynes asked that 5.4 be removed. Councilwoman Simon asked that 5.10 be removed.

S. Simon moved, C. McDaniel seconded, that the Council approve Consent Agenda Items 5.1, 5.2, 5.3, 5.5, 5.6, 5.7, 5.8, 5.9 and 5.11. VOTE: Ayes: C. Wissmann, S. Haynes, L. Jack, S. Simon, C. McDaniel, J. Fritzler and B. Cole. Nays: None. Motion declared carried.

5.4 Acceptance of minutes of boards, commissions and committees.

C. Wissmann moved, S. Simon seconded, that the Council accept and place on file the following sets of minutes: Board of Fire and Police Commissioners of April 10, 2006; Carbondale Information and Telecommunications commission of June 19, 2006; Child Care Advisory Board of May 3, 2006; Human Relations Commission of June 5, 2006;

Planning Commission of June 7, 2006; Preservation Commission of June 19, 2006 and Zoning Board of Appeals of December 7, 2005. DISCUSSION: Councilman Haynes called attention to the discussion which took place at the Child Care Advisory Board meeting regarding the change of name for the Child Care Center. He also asked a question about the voting at the Zoning Board of Appeals meeting. Mayor Cole said the City Attorney would be asked to provide clarification on the voting issue at the ZBA meeting. VOTE: Ayes: C.

City Council of the City of Carbondale, Illinois - August 15, 2006

Wissmann, S. Haynes, L. Jack, S. Simon, C. McDaniel, J. Fritzler and B. Cole. Nays: None. Motion declared carried. VOTE: Ayes: C. Wissmann, S. Haynes, L. Jack, S. Simon, C. McDaniel, J. Fritzler and B. Cole. Nays: None. Motion declared carried.

5.10 Approval of Amended Five-Year Community Investment Program and Ordinance increasing the Fiscal Year 2007 Water and Sewer Operating Budget

S. Simon moved, C. Wissmann seconded, that the Council approve the amended FY 2007 CIP program which increases the Carico Water Main Replacement (WS0110) \$130,198, adds the Thompson Street Water Main Project (WS0701) estimated at \$36,417 and reduces the Carico Sanitary Sewer Replacement (SA0104) and Kenicott Water Main (WS0111) to reflect actual costs and adopt the Ordinance which increases the FY 2007 Water and Sewer Operating Budget \$128,189 and approves the budget adjustment. DISCUSSION: In response to Councilwoman Simon request, Assistant City Manager Don Monty provided clarification on this item. VOTE: Ayes: C. Wissmann, S. Haynes, L. Jack, S. Simon, C. McDaniel, J. Fritzler and B. Cole. Nays: None. Motion declared carried. (Ord. 2006-46; Exhibit C-8-15-06)

6. General Business

1. Presentation on Overview of the Carbondale Clean-Up Program

Yolande M. Ajamu, Program Coordinator of the Community Clean-Up Program, presented a Power Point presentation on the program. Margaret Nesbitt was complimentary of the program and urged that the program be repeated next year. In response to Council inquiry, Assistant City Manager Don Monty said that the total program cost has been estimated at \$279,296 which includes employee wages, landfill costs, etc., and costs associated with the use of City personnel and equipment. Some of costs included in this figure have not yet been finalized. The Mayor and Council thanked Mr. Ajamu for his work on the summer program. There was no formal action take on this item.

2. Authorization for the City Manager to Implement a Downtown Wi-Fi Network

S. Haynes moved, C. Wissmann seconded, that the Council authorize the City Manager to implement a downtown Wi-Fi network in accordance with the plan included in the application for a Wireless Main Street Grant submitted by Carbondale Main Street. DISCUSSION: In response to Council inquiry, City Manager Doherty said that a Request for Proposal will be distributed to all the internet providers in the area and then the service agreement will be negotiated. VOTE: Ayes: C. Wissmann, S. Haynes, L. Jack, S. Simon, C. McDaniel, J. Fritzler and B. Cole. Nays: None. Motion declared carried.

3. Ordinance approving and Resolution denying Kelly Breslau, Carbondale Quick Cash's request to rezone 0.18 acres from R-1-8 to PA for property located at 305 South Birchlane Drive

S. Simon moved, C. McDaniel seconded, that the Council adopt the Resolution denying the request to rezone 0.18 acres at 305 South Birchlane Drive from R-1-8, Low Density Residential, to PA, Professional Administrative Office. DISCUSSION: Speaking in favor of the rezoning were Owner Kelly Breslau and Manager Scott Baker of

City Council of the City of Carbondale, Illinois - August 15, 2006

Carbondale Quick Cash. Speaking in opposition to the rezoning were Julia Hines of 310 Lynda, Laurie Crenshaw Bryant of 308 Birchlane Drive and Sherry Morgan of 308 Lynda Drive. VOTE: Ayes: C. Wissmann, S. Haynes, L. Jack, S. Simon, C. McDaniel and J. Fritzler. Nays: B. Cole. Motion declared carried. (Res. 2006-R-42; Exhibit D-8-15-06)

4. Further report on Environmental Clean-up of Former Koppers Site and results of Soil Testing in Northeast Neighborhood

David Kimmel of Hurst-Rosche presented the report. Councilman Haynes asked if the consultants conducted any water samples. Mayor Cole noted that the consultants were not asked to conduct water samples. In response to Councilwoman Simon's questions, Mr. Kimmel said that he was satisfied with the remediation method selected, that the method met the state and federal standards, that he did not believe there were any better or more appropriate methods for remediation at this site. He also said that he was personally satisfied with the levels that have been set by the state and federal regulatory agencies. In response to Councilwoman McDaniel's inquiry, Assistant City Manager Don Monty explained how the locations of the soil testing were determined. Councilwoman McDaniel also asked about the pattern of large vegetables in the northeast community; Mr. Kimmel of Hurst-Rosche said that if vegetables are in contaminated soil he would expect their growth to be hindered. He believes the large vegetables are due to fertile soil. In response to Councilman Wissmann's inquiries, Mr. Kimmel said that it did not seem necessary to conduct soil samples at a deeper level because of how any contamination would have reached the soil, i.e. through the chimney stacks, that the owner is not required to certify that the corrective actions have been completed in accordance with the approve design but would be responsible for any future issues or problems that might arise. Mr. Kimmel also noted that the owner had put in a recovery well for creosote that was not required by the plan. Kimmel added that removal of creosote is very difficult, he doubts that the recovery well will be effective and that if the owner is interesting in trying to remove the creosote it may be best to come up with another method. Councilman Wissmann also asked about securing the property with a fence; Mr. Kimmel responded that the purpose of the remediation is to eliminate exposure so that the public can continue to use the site. He said although it might be preferable to have a fence, it is not required. Margaret Nesbitt and Priscilla Pimentel asked questions concerning the testing of water and plants in the area.

The Mayor noted that without objection, the Report would be accepted and placed on file. There were no objections.

7. Council Comments

Mayor Cole announced that City Hall offices would be closed on Monday, September 4, for the Labor Day holiday. All refuse collection routes will be delayed one day.

Councilwoman McDaniel announced that the African American Museum of Southern Illinois Learned Wednesday group will be presenting "A Salute to the Spirit of Attucks" on Sunday, August 20, at 3 p.m. at the Museum. Also, the Eve of Elegance will be held on August 26. The keynote speaker will be Ed Hightower. For tickets, call 457-2217.

8. Closed Meeting

City Council of the City of Carbondale, Illinois - August 15, 2006

C. McDaniel moved, S. Simon seconded, that the Council hold a closed meeting to discuss 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; and to continue the review of closed meeting minutes pursuant to 5 ILCS 120/2(c)(11) and (c)(21). VOTE: Ayes: C. Wissmann, S. Haynes, L. Jack, S. Simon, C. McDaniel, J. Fritzler and B. Cole. Nays: None. Motion declared carried. Open session recessed at 9:39 p.m..

S. Haynes moved, S. Simon seconded, that the Council return to open session. VOTE: Ayes: C. Wissmann, S. Haynes, L. Jack, S. Simon, C. McDaniel, J. Fritzler and B. Cole. Nays: None. Motion declared carried. Open session resumed at 10:40 p.m..

8. Adjournment

There being no further business to come before the City Council, the meeting was declared adjourned at 10:41 p.m..

Janet M. Vaught, City Clerk

Approved by the City Council on:
