

City Council of the City of Carbondale, Illinois
Regular Meeting
December 5, 2006

The City Council of the City of Carbondale, Illinois, held a regular meeting on Tuesday, December 5, 2006, in City Council Chambers of the Carbondale Civic Center, 200 S. Illinois Avenue. Following a meeting of the Local Liquor Control Commission, Mayor Brad Cole called the meeting to order at 8:20 p.m. with the following-named members of the City Council present/absent:

1. Roll Call

Present: Councilman Steven Haynes, Councilman Lance Jack, Councilwoman Sheila Simon, Councilwoman Corene McDaniel, Councilman Joel Fritzler, Councilman Wissmann and Mayor Brad Cole

Absent: None

Also, present were Deputy City Clerk Jean Garrett, City Manager Jeffrey W. Doherty and various members of the City's administrative staff.

2. General Announcements and Proclamations

Councilwoman McDaniel announced that Santa Claus is coming to Carbondale and that he would be at the parks. He will arrive at Evergreen Park on December 11th at 6:30; Turley Park on December 12th at 6:30pm; he will be at Attucks Park on December 13th and he will be at the Carol Mosley Braun Center in Tatum Heights on the 14th. She stated that apple cider, hot chocolate and homemade cookies would be served and that gloves and hats will be given out to the children.

Councilman Fritzler stated that on November 16th there was a Special Announcement made in Marion for the Southern Illinois Miners. He wanted to welcome the Southern Illinois Miners to Southern Illinois.

Mayor Cole administered the Oath of Office to two new Carbondale Police Officers, Stephanie Johnson and Dennis Heavrin. Technical assistance was provided by Camille Hammers and Chapen Hammers, daughters of Steve and Leslie Hammers.

Mayor Cole recognized the Citizens Police Academy Graduation that was conducted earlier in the night. There were twenty new citizens who graduated from the Citizens Police Academy. This was the second Citizens Police Academy class being held this year.

3. Citizen Comments and Questions

Elius Reed, 2012 South Illinois Avenue, Carbondale, asked if the areas included in the SIU annexation included Morris Library, SIU Student Center and the Recreation Center. Mayor Cole responded that uniformly all of those areas are within the City Limits. Mr. Reed also asked if the 1981 version of the Affirmative Action Plan was still being enforced.

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Mayor Cole responded that the Plan is being enforced by the City. Mr. Reed asked if the Plan applies to the SIU Campus Construction Projects. Mayor Cole responded that State law does not allow the City to up-regulate State agencies and that the City of Carbondale does not have jurisdiction over any actions or activities of the University Board of Trustees.

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 November 21, 2006.
2. Approval of Warrant. Recommendation: Approve Warrant #995 for the period ended November 6, 2006, in the amount of \$2,226,048.10. (Exhibit A-12-5-06)
3. Acceptance of Minutes of Boards, Commissions and Committees. Recommendation: Accept Human Relations Commission of October 2, 2006; Library Board of October 11, 2006; Planning Commission of October 18, 2006; and Preservation Commission of September 25 and October 16, 2006.
4. Appointments and Reappointments to Boards and Commissions. Recommendation: Concur with Mayor's recommendations as follows: Reappoint Elbert Simon to the Board of Fire and Police Commissioners through May 1, 2009; appoint Joe Moore to the Energy and Environmental Advisory Commission through May 1, 2007 and reappoint Sheila Simon as Ex-Officio to the Energy and Environmental Advisory Commission through May 1, 2007; appoint Lukeman Shofu to the Human Relations Commission through May 31, 2007 and appoint Carmen Suraez as Chair of the Human Relations Commission through April 15, 2008; appoint Anil Mehta to the Information and Telecommunications Commission through June 30, 2007; appoint John Michalesko to the Jackson County Emergency Telephone Services Board for an indefinite term; appoint Beth Arthur to the Library Board through June 30, 2008; and reappoint Joyce Hayes and Julian Pei to the Library Board through June 30, 2009; and reappoint Kevin Winstead to the Liquor Advisory Board through May 1, 2007 and Lawrence Juhlin, John Benschhoff and Mark Robinson to the Liquor Advisory Board through May 1, 2009; appoint Lee Fronabarger to the Planning Commission through January 31, 2009; and reappoint Ernest Tessone to the Police Pension Board through May 1, 2008.
5. Acceptance of the Illinois Municipal League Legislative Bulletin 2006-22. Recommendation: The Council is requested to accept IML Legislative Bulletin 2006-22 and place it on file.

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

S. Simon moved, S. Haynes seconded, that Consent Agenda Items 5.1, 5.2, 5.3, 5.4, and 5.5 be approved. VOTE: Ayes: S. Haynes, L. Jack, S. Simon, C. McDaniel, J. Fritzler, C. Wissmann and B. Cole. Nays: None. Motion declared carried.

6. General Business

1. Ordinance Annexing 25.07 Acres of Surrounded Property on North Illinois Avenue, North Oakland Avenue, and Ready Mix Road.

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S. Haynes moved, S. Simon seconded, to approve the Ordinance Annexing the surrounded property located on North Illinois Avenue, North Oakland Avenue, and Ready Mix Road. VOTE: Ayes: S. Haynes, L. Jack, S. Simon, C. McDaniel, J. Fritzler, C. Wissmann and B. Cole. Nays: None. Motion declared carried. (Ord. 2006-63; Exhibit B-12-5-06)

2. Review and Action on the FY 2006 Audited Comprehensive Annual Financial Report and Other Supplemental Financial Reports.

After the introduction of this item by City Manager Doherty, Finance Director Ernie Tessone and Mark Dallas of Kerber, Eck & Braeckel, presented an Overview of the FY2006 Audit.

Councilwoman Simon had questions concerning the General Fund Estimated Actual Fund Balance for FY2006 Budget and if the Road Repaving Program that took place this summer was included in this Audit. Mr. Tessone responded that the Repaving Program would begin with FY 2007 expenses.

Councilman Wissmann commented that he would be interested in having information concerning the year-to-date deficit in the Child Care Program.

Councilman Fritzler asked for clarification of the Statement of Activities for FY 2006 listed under the Miscellaneous area of the Audit Report. Finance Director Ernie Tessone responded that the Self-insurance Fund is the internal fund in which City employees and Retirees make contributions for Health Insurance. It is a Revenue Account.

Linz Brown, 906 S. Valley, had general comments concerning how the FY 2006 Audited Comprehensive Annual Financial Report is put together. Mark Dallas of KEB responded that the Governmental Accounting Standards require that the City of Carbondale be on the Modified Accrual Basis of Accounting.

Councilman Wissmann commented on the Hotel-Motel Tax and the opening of the new Holiday Inn.

C. McDaniel moved, S. Simon seconded, to accept and place on file the Audited Comprehensive Annual Financial Report for the Fiscal Year ended April 30, 2006. VOTE: Ayes: S. Haynes, L. Jack, S. Simon, C. McDaniel, J. Fritzler, C. Wissmann and B. Cole. Nays: None. Motion declared carried.

3. Ordinance Amending Title Three as it Relates to Animals.

S.Simon moved, S. Haynes seconded, that the Council approve the Ordinance Amending Title Three as it Relates to Animals.

DISCUSSION: Mayor Cole noted that this item has been worked on for a long time in-house.

Councilman Wissmann stated that it was a substantial improvement over what is in place now, although there are a few things that he would like to see made a little bit

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more stringent or expensive. He thinks unspayed and unneutered dogs are certainly more likely to attack people adding that under Section 3-1-4-C rather than having a ten dollar fee for an unaltered dog we might want to consider raising it to twenty-five or maybe fifty dollars. Also, Councilman Wissmann noted under 3-6-10 he would like to see the limit on the amount of time that the animals can be tied outside. Under Section 3-8-1-A he would like to increase the degree of fines for the owners of unaltered animals who commit violations, perhaps just making it \$250.00 for any offenses. Councilman Wissmann reiterated that this was an substantial improvement over the current Ordinance.

Mayor Cole noted that a number of things have been streamlined or removed, adding that by clarifying some text it would better regulate the animals that causes problems. He stated that there is a fine line between the fines and costs we impose, adding that there have been a lot of discussions from staff on the fines. Mr. Wissmann commented that perhaps there is a point in diminishing returns and he did not know where that was. Mayor Cole agreed with Councilman Wissmann that the proposed ordinance is a vast improvement. Mayor Cole asked City Manager Doherty to take a look at fines and costs, including feedback from the Animal Control Officer, and provide some recommendations on this issue at a future meeting.

VOTE ON MOTION to approve the Ordinance Amending Title Three as it Relates to Animals. Ayes: S. Haynes, L. Jack, S. Simon, C. McDaniel, J. Fritzler and B. Cole
Nays: C. Wissmann Motion declared carried. (Ord. 2006-64; Exhibit C-12-5-06)

4. Report and Recommendations on Halloween.

City Manager Doherty introduced this item and recommended that the City maintain current Halloween restrictions indefinitely.

Mayor Cole noted that this was a Staff Report compiled by the City Manager, adding that in discussions with the City Manager he had indicated that he did not want his opinion injected into this report. The Mayor noted that this was a very comprehensive report that has been added to over the years. He pointed out that the current Halloween regulations are in effect without stipulations, adding that since there is no current sunset clause, there is no set end to the existing policies. The policies that are approved and that have been adopted by the Council are in place in perpetuity until they are changed. Mayor Cole noted that if there is a desire to change the current policies, then the Council needs to take some action, but if there is no desire to change anything then there will be no action taken.

Mayor Cole invited discussion from the audience to discuss the Report. There was no one in the audience who indicated a desire to speak on this item.

Councilman Wissmann commented on the City Manager's recommendation to provide a financial incentive to nightclubs on South Illinois Avenue, adding that it is not unusual for some places to gross \$20,000 a weekend. With five businesses closed for Halloween, this would total \$100,000. However, he would not support giving money to for-profit businesses when the Council just turned down requests from not-for-profits, adding that it would not be a good prioritization of resources. He noted that there are things that could be done to make Halloween safer without putting police, citizens, businesses or the City's reputation at risk. With almost a full year to work on contingencies, he

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believes there can be a safe and prosperous Halloween in 2007 but he would also be willing to look at the compromise of sun setting prior to Halloween 2008.

Councilwoman McDaniel commented that if the City subsidizes the bar owners downtown, regardless of how much money, they are not going to make any profit because the businesses will be torn up. She added that she was at an event not too long ago and the only thing that the other participants knew about Carbondale was Halloween. She thought it unfortunate that they did not know that Carbondale has not had any Halloween in seven years. The perception of Halloween in Carbondale is still out there, although she understands that it is the people coming into Carbondale that cause all the problems. Councilwoman McDaniel said the City cannot afford to have that association with Halloween, adding that she is not ready to vote to reinstate it. However, she may be willing to consider a sunset so it just comes without anybody realizing it.

Councilman Fritzler noted that the original report written in 1995 has been revised over the years. He said he came to Carbondale in 1996 and did not know the history of Halloween. However, when he was attending Illinois State University whenever the subject of Southern Illinois University came up it was not positive. He has never regretted moving to Carbondale, adding that although students say there is nothing to do, there are lots of things to do. Councilman Fritzler said he understands the concerns of staff, takes their experience and advice very seriously and would stand by the City Manager's recommendation.

Councilwoman Simon commented that she finds both the options lacking, adding that continuing with what we have now is not completely desirable but a complete sunset is too much to fast. She proposed keeping all of the restrictions currently in place and use the Study Circle model that the Human Relations Commission has used so successfully on other issues to get input from students, bar owners, other business owners, the City and the University. She suggested that brainstorming begin on some small steps that can be taken in the direction of loosening the restrictions that would not be too big of a risk. She noted that she and Councilman Wissmann had talked about opening the bars on a Sunday evening, but not for the whole weekend, or perhaps a bar entry age of 21 for that weekend. Councilwoman Simon said that with a group assembled who has a lot of common interests we might be able to come up with some ideas, adding that the City could essentially put itself on probation to see if we can manage a little less restriction. If so, we may be able to continue on to another step down the road towards less restrictions. Councilwoman Simon said that she respects the opinions of Sally Carter who has talked about less restrictions and the opinions of John Jackson who presided over the University at the last melee. She stated she would like to see if there are ways a common interest can be identified and move in a direction that is going to be positive for everyone.

Councilman Jack agreed with Councilwoman Simon, but added that his personal feelings are that the City should get rid of the restrictions because they have gone on too long. However, he noted that it might be folly because it seems there is always going to be someone in the crowd that wants to cause trouble. Councilman Jack agreed that rather than just lifting the restrictions it should be done with some type of plan, adding that just sun setting the current restrictions would not do much good. He also noted that some forces out there will "stir the pot" regardless of whether a decision is made two weeks or two years before Halloween. He summarized that he would favor changing the current restrictions but only with some type of plan in place.

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Councilman Wissmann moved, Councilman Jack seconded, that the City Manager come back in very early 2007 with some plans or some measures for a sunset in time for Halloween 2007.

DISCUSSION: Mayor Cole clarified that the motion is to direct the City Manager to come back in January with an Ordinance amending the current Code to remove the restrictions. Councilman Wissmann agreed, adding that if the Restrictions were to be removed immediately he would work with the City Manager on some specifics that he thinks are necessary to make Halloween safe for the police, public and businesses.

Councilman Wissmann commented that he thinks a street party is undesirable and that we need to keep the streets opened to automobile traffic. He also thinks we need to ban glass and cans in restaurants and night clubs along the Strip and perhaps also elsewhere in the City to make sure that they don't become projectiles. In addition, the City needs to work on the television, radio and print media to have them focus on something else. If lifting the restrictions with the plan doesn't work, we need to be held accountable; however, we should not create self-fulfilling prophecies of violence and mayhem. Councilman Wissmann said he also thinks a keg ban needs to remain in place, and that there should be minimum drink prices to slow consumption. Council Wissmann said Community Service should be used, adding that too often people who wound up in trouble on the Strip during Halloween had their parents pay the fine; maybe Community Service will straighten out their attitudes. In addition, Councilman Wissmann stated that closing the courts would be a very good idea so persons arrested don't get immediately released so they can go join the party.

Councilwoman McDaniel disagreed with having a sunset in 2007, adding that it would only give the City ten months to come up with a plan that may be workable. Councilwoman McDaniel said that if the City considers a sunset, it should be two or three years down the line. She also questioned if this should pass, how the licenses fees would be handled for the bar owners. She felt that there was a lot to take into consideration and did not think ten months would be enough time to do that.

Mayor Cole again clarified the motion that the City Manager would come back with an item to be acted on by the Council in January that would actually remove the restrictions for Halloween 2007. Mayor Cole also clarified for the Council that the action being taken tonight was not going to immediately change anything. VOTE ON MOTION to have the City Manager come back in very early 2007 with some plans or some measures for a sunset in time for Halloween 2007. Ayes: L. Jack and C. Wissmann. Nays: S. Haynes, S. Simon, C. McDaniel, J. Fritzler and B. Cole. Motion declared defeated.

Mayor Cole said that without objection, he is going to request that the City Manager develop three recommendations: (1) one recommendation to include a near-term sunset of the existing restrictions; (2) one recommendation to include some type of new thought process that incorporates ideas from other folks, some things that Mr. Wissmann has talked about, loosening what we are doing but maintaining the overall closure restrictions; (3) the third will be left up to the City Manager to come up with anything else that may be something that the Council may not be aware of now. There were no objections by the Council.

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7. Council Comments

Councilman Wissmann commented on Item 6.3, the Ordinance Amending Title Three as it Relates to Animals, expressing concern in regard to Section 3-6-10 Leash or Chain. He suggested that there be a time limit on tethering animals in enclosed area when the owner is not immediately present.

Councilman Haynes recognized Coach Jerry Kill and the Saluki Football Team for a great season. He also thanked Roxanne Conley and the Lights Fantastic Parade Committee for the event that they put on. He said he heard one suggestion that there be better coordination between the end of the basketball game and closing of Grand Avenue.

Mayor Cole also commended Coach Jerry Kill and his staff on a great job that they have done with the Saluki Football Team.

Mayor Cole noted that the next Council meeting will be held on December 19, 2006. He also stated that on the Agenda there will be discussions on property rezoning at Oakland and Walnut Streets.

Mayor Cole announced that SIU Commencement will be held on December 16, 2006. He also congratulated everybody who would be graduating and wished them success.

Mayor Cole noted that on December 7th would be the 65th Anniversary of the attack on Pearl Harbor.

8. Adjournment

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

Janet M. Vaught, City Clerk

By _____
Jean Garrett, Deputy City Clerk

Approved by the City Council on:
