

**City Council of the City of Carbondale, Illinois**  
**Regular Meeting**  
**January 17, 2006**

The City Council of the City of Carbondale, Illinois, held a regular meeting on Tuesday, January 17, 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 7:11 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**

Mayor Cole introduced Mr. Brian Ramsey, the new Executive Director of the Carbondale Park District.

**3. Citizen Comments and Questions**

Ed VanAwken, 1009 W. Sycamore, asked that consideration be given to the consolidation of the City of Carbondale and the Carbondale Park District, that the City ask the Park District to withdraw the court hearing regarding the sale of Hickory Lodge until the matter can be further discussed, and that the City issue a statement of opinion on this issue and schedule it for discussion at the next meeting.

Craig Hands, 1216 W. Sycamore, also asked that the issue of the sale of Hickory Lodge be tabled until there is a chance for additional public input. Mayor Cole noted that Hickory Lodge is owned by the Carbondale Park District, a separate unit of government from the City of Carbondale and suggested that it would be more appropriate to address comments regarding this issue to the Park District Board.

**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 Intergovernmental Agreement with Southern Illinois University Carbondale, both held on December 20, 2005.
2. Warrant. Recommendation: Approve Warrant #968 for the period ended December 5, 2005, in the amount of \$1,204,942.77. (Exhibit A-1-17-2006)

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3. Warrant. Recommendation: Approve Warrant #969 for the period ended December 19, 2005, in the amount of \$1,310,885.19. (Exhibit B-1-17-2006)
4. Acceptance of minutes of boards, commissions and committees. Recommendation: Accept Energy and Environmental Advisory Commission of August 18, 2005; Human Relations Commission of November 7 and December 5, 2005; Library Board of November 9, 2005; Liquor Advisory Board of November 3, 2005; Non-Bargaining Unit Employees Personnel Board of December 9, 2005; Planning Commission of December 7, 2005 and Preservation Commission of November 21, 2005
5. Acceptance of deeds and easements. Recommendation: Accept permanent easements from Jerome and Susan Broski and Brian Bellemy for the Oakland Avenue/Charles Road Sanitary Sewer Project.
6. Resolution approving the Sun Valley Estates Subdivision and Subdivision Agreement at the northwest corner of the intersection of Striegel Road and Illinois Route 13. Recommendation: Approve. (Res. 2006-R-01; Exhibit C-1-17-06)
7. Resolution authorizing the City Manager to Execute an Agreement with K.P. Land Trust 72-7 for the Extension of a Water Main on Giant City Road. Recommendation: Approve. (Res. 2006-R-02; Exhibit D-1-17-06)
8. Award of purchase for Self Contained Breathing Apparatus to Towers Fire Apparatus Company. Recommendation: Award purchase of thirty MSA SCBA to Towers Fire Apparatus of Freeburg, Illinois, in the amount of \$146,084.26.
9. Removed from Consent

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

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

5.9. Ordinance amending Ordinance No. 2005-58, the Home Ownership Program, to Expand the New Home Construction Grant to Include the Rural Residential Zoning Classification

C. Wissmann moved, C. McDaniel seconded, that the Council approve the Ordinance amending Ordinance No. 2003-58, the Home Ownership Program, to expand the New Home Construction Grant to include the Rural Residential zoning classification. DISCUSSION: Councilman Jack expressed concern that providing incentives in Rural Residential zoned areas could encourage urban sprawl. Mayor Cole noted that all lots participating in the program must be located inside the City limits or must be annexed into the City before the incentive is provided. VOTE: Ayes: C. Wissmann, S. Haynes, L. Jack, S. Simon, C. McDaniel, J. Fritzler and B. Cole. Nays: None. Motion declared carried. (Ord. 2006-01; Exhibit E-1-17-06)

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**6. General Business**

1. Review of Community Goals for FY 2007 Budget

There was general consent by the City Council on the current City goals. Hugh Muldoon, 700 W. Elm, encouraged more public input on the goals. There was no formal action taken.

2. Review of Community Investment Program Checklist Items for Proposed New Projects

City Council consensus was to agree with the staff recommendations as outlined in the agenda item. There was no formal action taken.

3. Approval of Community Clean-Up Program

L. Jack moved, S. Haynes seconded, that the Council approve the proposed Community Clean-Up Program.

DISCUSSION: Mayor Cole noted that this project will allow the community and organizations to come together to work on the common project and, at the same time, provide jobs to the youth of the community. Council members Simon and Fritzler expressed concerns about the program, particularly the scope and focus of the program as well as the cost. Council members Wissmann, Jack and McDaniel expressed general support for the program. Mayor Cole said he would ask all boards, commissions and committees to give input into the program. Citizens speaking about the program or asking questions were Human Relations Commission Chairman Sam Goldman, Genevieve Houghton, Elius Reed, Dee Gorton, Charles Howe, Ryan Harris, Hugh Muldoon and Lee Hartman.

VOTE ON MOTION to approve the proposed Community Clean-Up Program. VOTE: Ayes: C. Wissmann, S. Haynes, L. Jack, C. McDaniel and B. Cole. Nays: S. Simon and J. Fritzler. Motion declared carried.

4. Resolution approving a request by the Hillel Foundation for a Special Use Permit for a Church and Subordinate Uses Related Thereto in a R-1, Low Density Residential, District at 605 W. Elm Street

S. Simon moved, L. Jack seconded, that the Council adopt the Resolution approving the request by the Hillel Foundation for a Special Use Permit for a church and subordinate uses related thereto in a R-1, Low Density Residential, District at 605 W. Elm Street with the following conditions: (1) That the special use for a church and subordinate uses related thereto be limited to the Hillel Foundation; (2) the maximum occupancy of the house shall be limited to 30 persons and 6 parking spaces shall be provided on the property, or within 300 feet of the property; and (3) the maximum allowable signage will be six square feet. DISCUSSION: Ruvane Kurland and Dee Gorton spoke in support of the Special

Use Permit. Mayor Cole asked that Hillel Foundation provide a letter from St. Francis Xavier Church authorizing Hillel Foundation to use the parking lot. VOTE: Ayes: C. Wissmann, S. Haynes, L. Jack, S. Simon, C. McDaniel, J. Fritzler and B. Cole. Nays: None. Motion declared carried. (Res. 2006-R-03; Exhibit F-1-17-06)

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5. Ordinance regulating noise from beer gardens

S. Haynes moved, S. Simon seconded, that the Council adopt the Ordinance regulating noise from beer gardens with Exhibits A-2 and B-2 (which maintain the exemption for noise from beer gardens on Friday and Saturday nights but remove the exemption on Sunday through Thursday nights).

DISCUSSION: Councilwoman Simon said she could support the removal of the exemption on Sunday through Thursday and retention of the exemption on Friday and Saturday as a reasonable compromise. Councilwoman McDaniel said she would personally prefer the removal of the exemption but would support the compromise. Councilman Haynes supported the compromise, suggesting that the issue be revisited in 12 to 18 months to see if the compromise is working. Councilman Fritzler supported the Liquor Advisory Board recommendation to totally remove the exemption for beer gardens from the noise ordinance. He noted that the Energy and Environmental Advisory Commission also supports the LAB recommendation. Councilman Wissmann did not support removing the exemption, adding that it would, in effect, close beer gardens to live entertainment. Councilman Jack indicated he would have preferred to retain Thursday as part of the exemption and suggested that more research be done on setting a decibel level or distance for measurement that could be agreed to by persons on both sides of the issue. He also suggested that provisions be included for special events. Persons speaking on this issue were: Tommy Glisson, 521 S. Giant City Road; Robbie Stokes, Boskeydell Road; James and Lynn Chew, 1600 Neal Lane; Ruvane Kurland, 909 S. Glenview; Mike Ricci, 703 N. Bridge; Steve Howe, 207 W. Cherry; Victor Sczario, 306 S. Oakland; Corey Fehrenbacher, 608 N. Carico; and Genevieve Houghton, 710 N. Oakland.

VOTE ON MOTION that the Council adopt the Ordinance regulating noise from beer gardens with Exhibits A-2 and B-2. VOTE: Ayes: S. Haynes, S. Simon, C. McDaniel and B. Cole. Nays: C. Wissmann, L. Jack and J. Fritzler. Motion declared carried. (Ord. 2006-02; Exhibit G-1-17-06)

7. **Council Comments**

Councilwoman McDaniel commended the Hillel Foundation and the residents of the West Elm Street area for working together to address an issue affecting the neighborhood.

Councilman Fritzler announced the Neighborhood Alliance Meeting to be held on Saturday, January 21, at 9:30 a.m. at the First Christian Church.

8. **Closed Meeting**

L. Jack moved, C. Wissmann seconded, that the City Council hold a closed meeting to discuss the employment or performance of a specific employee, the salary schedule for one or more classes of employees, 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 to conduct the semi-annual review of closed meeting minutes pursuant to 5 ILCS 120/2(c)(1), (c)(2), (c)(5), (c)(6) and (c)(21). VOTE: Ayes: C. Wissmann, S. Haynes, L. Jack, C. McDaniel, J. Fritzler and B. Cole. Nays: None. Absent: S. Simon. Motion declared carried. (Open session recessed at 10:05 p.m.)

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L. Jack moved, C. Wissmann 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 11:17 p.m.)

S. Simon moved, L. Jack seconded, that the Council approve the minutes of the closed meetings held on July 5 and December 6, 2005, and declare that the need for confidentiality still exists in the minutes of closed meetings held on January 3, March 21 and December 19, 1995; April 16, June 18, July 30, August 20, October 29 and December 17, 1996; and January 21, March 4, April 25, May 20 and October 7, 1997; and January 20, February 3, March 3, March 17, June 9, July 7, August 18, September 1, September 15, October 20, November 3, November 17 and December 15, 1998; January 19, February 16, March 2, and May 4, July 27, September 7, September 21, and November 2, 1999; January 4, January 18, February 1, May 2, June 27, November 7 and November 21, 2000; January 2, January 16, May 1, May 22, July 24, September 18, October 2, November 6, and November 27, 2001; January 8, February 5, March 5, April 10, April 16, May 21, June 25, July 9, July 15, July 23, August 13, September 3, October 15, October 29, and November 19, 2002; January 7, February 18, March 4, March 18, April 30, May 13, June 17, July 8, July 22, August 12, September 16, October 21, November 4 and December 16, 2003; January 6, February 9, April 6, June 1 and November 9, 2004; and January 11, March 1, March 29, April 13, April 19, May 3, June 7 and June 21, July 5 and December 6, 2005 and that in accordance with the Illinois Open Meetings Act, authorize the destruction of audiotapes of the closed meetings held on January 6, February 9, April 6 and June 1, 2004. VOTE: Ayes: C. Wissmann, S. Haynes, L. Jack, S. Simon, C. McDaniel and J. Fritzler. Nays: B. Cole. Motion declared carried.

**9. Adjournment**

There being no further business to come before the City Council, the meeting was declared adjourned at 11:18 p.m..

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Janet M. Vaught, City Clerk

Approved by the City Council on:

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