

City Council of the City of Carbondale, Illinois
Regular Meeting
June 20, 2006

The City Council of the City of Carbondale, Illinois, held a regular meeting on Tuesday, June 20, 2006, in City Council Chambers of the Carbondale Civic Center, 200 S. Illinois Avenue. Mayor Brad Cole called the meeting to order at 7:03 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 D. 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

Mayor Cole announced that the scheduled meeting of the Local Liquor Control Commission would be conducted following the City Council meeting.

Mayor Cole announced the City Hall offices would be closed on Tuesday, July 4, in recognition of the Independence Day holiday. Tuesday, Wednesday and Thursday refuse collection routes will be pushed back one day.

Mayor Cole announced that the next Regular City Council meeting would be held on Tuesday, July 18, 2006.

Mayor Cole proclaimed June 20, 2006, as "Attucks Community Services Day".

Swearing In Ceremony - Arson Investigator Robert Miller. Mayor Brad Cole administered the Oath of Office to new Arson Investigator Robert Miller.

Swearing In Ceremony - Fire Chief John C. Michalesko. Mayor Brad Cole administered the Oath of Office to newly appointed Fire Chief John Michalesko. Michalesko will assume the duties of Fire Chief on July 1, 2006.

3. Citizen Comments and Questions

Linz Brown, 906 S. Valley Road, presented a petition to the Mayor and Council reflecting the concerns of the residents of the Valley Road/Taylor Drive/Court Street/Tenney Lane neighborhood regarding drainage, shoulder and pavement problems in that area. The petition asks that the Council take action that will result in an assessment of need, planning and timely implementation of needed improvements to resolve those problems and that the residents have an opportunity to react to the plans before implementation. Dr. Brown thanked the Council members who met with him and/or walked with him through the neighborhood to view the situation.

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Ta-Nika Magee, 510 S. University, addressed the Council concerning stores in the University Mall that are selling apparel which displays the Iron Cross symbol in a form that represents white supremacist groups. She provided written documentation to the City Council describing the history of the Iron Cross. Ms. Magee said this is a problem that the community needs to know about, adding that she asked the stores to remove the items; Rue 21 and Hot Topic removed the items but Steve & Barry's resisted. After she pursued this issue through the Steve & Barry's corporate office, corporate officials told her that they would remove the items at the Carbondale store. When she checked, however, the items were still there. Ms. Magee said she also asked the Mall Manager to address the sale of the items but was told that the Mall does not have jurisdiction over the stores except through the leases. Mayor Cole responded that he, too, had spoken with the Mall Manager but received a different version of the story. He encouraged Ms. Magee to continue to work with the individual stores on this issue.

4. Public Hearings

1. Public Hearing on Annexation Agreement with T&T Farms for 36 Acres located on Ponce Trail

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 City Council meeting and Public Hearing on the Proposed Annexation Agreement with Mike and Georgette Twomey, both held on June 6, 2006.
2. Warrant. Recommendation: Approve Warrant #982 for the period ended May 22, 2006, (FY 2006) in the amount of \$274,759.53. (Exhibit A-6-20-06)
3. Warrant. Recommendation: Approve Warrant #983 for the period ended May 22, 2006, (FY 2007) in the amount of \$1,414,659.41. (Exhibit B-6-20-06)
4. Acceptance of minutes of boards, commissions and committees. Recommendation: Accept Fire Fighters Pension Board of Trustees of May 9, 2006; Human Relations Commission of May 1, 2006; and Planning Commission of May 3, 2006.
5. Ordinance approving an Annexation Agreement between the City of Carbondale and T&T Farms for 36 Acres located on Ponce Trail. Recommendation: Approve. (Ord. 2006-35; Exhibit C-6-20-06)
6. Ordinance annexing properties located at 3100 and 3110 W. Chautauqua. Recommendation: Approve. (Ord. 2006-36; Exhibit D-6-20-06)
7. Ordinance annexing property owned by City of Carbondale on North Reed Station Road. Recommendation: Approve. (Ord. 2006-37; Exhibit E-6-20-06)
8. Ordinance annexing 13.21 acres of surrounded property on West Chautauqua and South Tower Roads. Recommendation: Approve. (Ord. 2006-38; Exhibit F-6-20-06)
9. Ordinance approving Egon Kamarasy's request to rezone 27.5 acres of land from AG, General Agriculture, to RR, Rural Residential, on Starvation Acres Road. Recommendation: Approve. (Ord. 2006-39; Exhibit G-6-20-06)

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10. Ordinance approving James Sinnott's request to rezone 5.97 acres located at 2611 and 2621 S. Illinois Avenue from RMH, Planned Mobile Home District, to R-1-12, Low Density Residential. Recommendation: Approve. (Ord. 2006-40; Exhibit H-6-20-06)
11. Removed from Consent.
12. Request from Carbondale Main Street to conduct a Public Hearing on proposed amendments to the Downtown Special Service Area Number One. Recommendation: Establish a Public Hearing on amendments to the Downtown Special Service Area Number One on Tuesday, July 18, 2006, at 7:00 p.m. in the City Council Chambers.
13. Resolution approving a time extension for submittal of a Final BPL Development Plan by Daniel and Pamela Doolittle for 3.85 acres located at 1580 North Reed Station Road. Recommendation: Approve. (Res. 2006-R-37; Exhibit I-6-20-06)
14. Award of contract to upgrade Radio Controls for the Effluent Siphon System at the Northwest Wastewater Treatment Plant. Recommendation: Award to Vandevanter Engineering Company of Fenton, Missouri, in amount of \$25,534.00.

Mayor Cole asked if any Council members would like any item removed from the Consent Agenda. Councilwoman Simon asked that Item 5.11 be removed.

S. Simon moved, S. Haynes seconded, that the Council approve Consent Agenda Items 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 5.9, 5.10, 5.12, 5.13 and 5.14. VOTE: Ayes: C. McDaniel, J. Fritzler, C. Wissmann, S. Haynes, L. Jack, S. Simon and B. Cole. Nays: None. Motion declared carried.

5.11 Ordinance Annexing Property on Ponce Trail

S. Simon moved, C. McDaniel seconded, that the Council approve the Ordinance annexing 13.64 acres on Ponce Trail. DISCUSSION: Councilwoman Simon said she just wanted to note that the property is owned by a City employee and that no special favors are being granted. The City Manager noted that this shows continued growth of the City. In response to Councilman Fritzler's inquiry, City Manager Doherty affirmed that it is a requirement that department heads establishment residency within the City limits and this annexation is accomplishing that for Ms. Ponce. VOTE: Ayes: C. McDaniel, J. Fritzler, C. Wissmann, S. Haynes, L. Jack, S. Simon and B. Cole. Nays: None. Motion declared carried. (Ord. 2006-41; Exhibit J-6-20-06)

6. General Business

1. Resolution 2006-R-34 commending Fire Chief Jeffery Anderson 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 Fire Chief Jeffery Anderson 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. 2006-R-34; Exhibit K-6-20-06) The resolution was presented to Anderson by the Mayor and Council and the City Manager presented Anderson with a plaque.

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2. Resolution 2006-R-35 commending Maintenance and Environmental Services Manager Wayne Wheelles 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 Maintenance and Environmental Services Manager Wayne Wheelles 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. 2006-R-35; Exhibit L-6-20-06) The resolution was presented to Wheelles by the Mayor and Council and the City Manager presented Wheelles with a plaque.

3. Resolution 2006-R-36 commending William “Bill” Jezierski 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 William “Bill” Jezierski 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. 2006-R-36; Exhibit M-6-20-06) The resolution was presented to Jezierski by the Mayor and Council and the City Manager presented Jezierski with a plaque.

4. Award of contract for FY 2007 and FY 2008 Street Cut Repair Program

S. Haynes moved, S. Simon seconded, that the Council award the contract for the FY 2007 and FY 2008 Street Cut Repair Program to R.B. Bush Contracting of Carbondale in the amount of \$150,542.25. VOTE: Ayes: C. McDaniel, J. Fritzler, C. Wissmann, S. Haynes, L. Jack, S. Simon and B. Cole. Nays: None. Motion declared carried.

5. Ordinance approving Bernardi Securities, Inc., as Underwriter and Authorizing the Issuance of General Obligation Bonds, Series 2006, for Funding the Street Improvement Program

S. Haynes moved, C. Wissmann seconded, that the Council approve Bernardi Securities, Inc., as bond underwriter and to adopt the Bond Ordinance authorizing the issuance of the General Obligation Bonds, Series 2006, for the funding of the Street Improvement Program and related Budget Adjustments to provide funding.

DISCUSSION: Linz Brown, 906 S. Valley Road, noted that a little over \$1 million was included for three projects which were not part of the Street Improvement Program as originally approved by the City Council, specifically, Reed Station Road, Wall Street and Schwartz Street. Brown asked that additional funds be provided to address the issues outlined by the neighbors in the Valley/Tenney/Court/Taylor areas as he described under Citizen Comments earlier in this meeting and as outlined in the petition. City Manager Doherty noted that some of the issues described by Dr. Brown are something more than what will be accomplished by the Street Improvement Program, adding that it would be more of a reconstruction project and that the reconstruction of Valley and Taylor are already included in the Community Investment Program as unfunded projects. Mayor Cole reiterated that the total reconstruction of those roadways is the unfunded Community Investment Program, adding that at the time staff

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develops a plan for resurfacing those roadways which is in the program plan for next year, a complete analysis will be done to determine what needs to happen to address those concerns and that will be brought to the Council at that time. Mayor Cole said that Dr. Brown has asked if his (Brown's) concerns will be addressed and the answer is yes. Linz Brown expressed his thanks to the Mayor and Council. Councilman Wissmann said he originally supported and continues to support the Street Improvement Program because of the maintenance money that will be saved over the long term from not having to repeatedly oil and chip the streets. City Manager Doherty agreed, adding that it is not only the cost of the materials that will be saved but also the labor costs to City crews who maintain the streets. Councilwoman Simon said she has gathered from the discussion with Dr. Brown that there are still some needs in the program that need to be assessed and some costs that haven't yet been identified. She asked if the bonding allows the City to be flexible, for example, if the costs continue to increase and there are more neighborhoods found to be in need of repair prior to resurfacing, can the City back off and decide to not spend the money. She asked if issuing the bonds binds the City to something that it may not later be able to afford. City Manager Doherty said the bonds provide \$6.2 million to spend in a three-year period for the street program, adding that it would be the Council's decision to indicate how the money is to be spent. Mayor Cole said the bonding would not restrict the Council on how the program is conducted. Councilwoman Simon said the bond ordinance refers to all oil and chip roads and she wanted some assurance that this didn't force the Council to do so if it couldn't be afforded down the road. City Manager Doherty said it did not.

VOTE ON MOTION that the Council approve Bernardi Securities, Inc., as bond underwriter and to adopt the Bond Ordinance authorizing the issuance of the General Obligation Bonds, Series 2006, for the funding of the Street Improvement Program and related Budget Adjustments to provide funding. VOTE: Ayes: C. McDaniel, C Wissmann, S. Haynes, L. Jack and B. Cole. Nays: J. Fritzler and S. Simon. Motion declared carried. (Ord. 2006-42; Exhibit N-6-20-06)

7. Council Comments

Referring to comments made by Ta-Nika Magee under Citizen Comments earlier in the meeting, Councilman Haynes suggested that the Mayor and Council send a letter to the University Mall expressing concern about the products being sold. He also encouraged Ms. McGee to contact the President of the local branch of the N.A.A.C.P. for assistance. Mayor Cole reiterated that he had spoken with the Manager of the University Mall and there is nothing in the lease which would preclude Steve & Barry's from selling the items. The Mayor also noted that under the First Amendment of the United States Constitution it would be a protected act for them to sell the items. He added that it is also a right of citizens to not purchase the items and not patronize the stores which carry offensive items. The Mayor said he would be hesitant to send a letter to a business regarding the sale of an item that is legal and constitutionally protected. He said any individuals who wished to pursue the matter should be encouraged to do so.

Councilman Haynes also noted that the Street Improvement Program is a work in progress and that he would hope that the comments and concerns of the citizens will continue to be discussed by the Council and that a list of priorities be established so the program is a positive thing for the City of Carbondale.

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Councilman Haynes also provided some personal recollection of his experiences with Wayne Wheelles and Jeffery Anderson and added his personal appreciation to Wheelles, Anderson and Bill Jezierski for their service to the City of Carbondale.

8. Closed Meeting

C. McDaniel moved, S. Haynes seconded, that the City Council hold a closed meeting to discuss the purchase or lease of real property for use by the public body, the setting of a price for sale or lease or property owned by the public body and pending or imminent litigation pursuant to 5 ILCS 120/2(c)(5), (c)(6) and (c)(11). VOTE: Ayes: C. McDaniel, J. Fritzler, C. Wissmann, S. Haynes, L. Jack, S. Simon and B. Cole. Nays: None. Motion declared carried. The open session of the City Council meeting recessed at 8:27 p.m. in order to hold a meeting of the Local Liquor Control Commission.

Following a meeting of the Local Liquor Control Commission and the conclusion of the Closed Meeting of the City Council, C. Wissmann moved, L. Jack seconded, that the Council return to open session. VOTE: Ayes: C. McDaniel, J. Fritzler, C. Wissmann, L. Jack, S. Simon and B. Cole. Nays: S. Haynes. Motion declared carried. Open session resumed at 9:21 p.m.

There was no formal action taken as a result of the closed meeting.

9. Adjournment

There being no further business to come before the City Council, the meeting was declared adjourned at 9:23 p.m..

Janet M. Vaught, City Clerk

Approved by the City Council on:
