

City Council of the City of Carbondale, Illinois
Regular Meeting
October 31, 2006

The City Council of the City of Carbondale, Illinois, held a regular meeting on Tuesday, October 31, 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 Joel Fritzler, Councilman Chris Wissmann, Councilman Steven Haynes, Councilwoman Sheila Simon, Councilwoman Corene McDaniel and Mayor Brad Cole

Absent: Councilman Lance Jack (entered at 7:03 p.m.)

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 City offices would be closed on Friday, November 10, for the Veterans Day holiday. Refuse collection will not be affected.

Mayor Cole announced that there would be no City Council meeting on Tuesday, November 7, due to Election Day. The next City Council meeting is scheduled for November 21, 2006.

3. Citizen Comments and Questions

Dr. Mary Pohlmann, 405 Deer Lake Drive East, introduced herself as Chair of the Smoke-Free Carbondale Coalition. The purpose of the Coalition is to educate the community on the adverse effects of secondhand smoke and to explain the benefits to be gained from a smoke-free workplace ordinance. She said the City Council has an obligation to protect residents from environmental hazards and urged the City Council to pass an ordinance mandating smoke-free workplaces. Noting that the Coalition had met with the Energy and Environmental Advisory Commission and had provided two model ordinances to the City Attorney and City Council, Dr. Pohlmann said Coalition members are now getting questions about the specifics of the proposed ordinance, questions which can only be answered after discussion takes place at a Council meeting. She concluded by saying that Coalition members look forward to participating in a discussion of this issue on November 21st. Mayor Cole noted that he had responded to the Energy and Advisory Commission and told them the issue would likely be discussed at the November 21st meeting. He said there is information and feedback coming in from throughout the community including information from the Chamber of Commerce, all of which will be brought to the Council.

Tom Black, 880 North High Street, presented a letter from Francisco Alor Quezada, Mayor of Cancun, Mexico, thanking Mayor Cole and the community of Carbondale for its hospitality during the taekwon do competition in June 2006. The letter invited Mayor Cole to visit Cancun in order to reinforce the relationship between Cancun and Carbondale and expressed the hope that they could together promote tournaments and exhibitions.

4. Public Hearings

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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 17, 2006.
2. Warrant. Recommendation: Approve Warrant #993 for the period ended October 9, 2006, in the amount of \$2,687,267.01. (Exhibit A-10-31-06)
3. Acceptance of minutes of Boards, Commissions and Committees. Recommendation: Accept Carbondale Information and Telecommunications Commission of July 17, 2006; Energy and Environmental Advisory Commission of August 17, 2006; Library Board of September 13, 2006 and Planning Commission of October 4, 2006.
4. Approval of amended Five-year Community Investment Program. Recommendation: Approve amended FY 2007 Community Investment Program to include the South Illinois Avenue Sanitary Sewer Extension Project (SA0701) in an amount not to exceed \$36,000; approve a budget adjustment transferring \$36,000 from the Almond Street Water Line Replacement Project (WS0604) to the South Illinois Avenue Sanitary Sewer Extension Project (SA0701); and, authorize the City Manager to execute a contract with Dean Bush Construction of Carbondale, Illinois, to direct bore two hundred feet of 8" sanitary sewer for the South Illinois Avenue Sanitary Sewer Extension Project (SA0701) for an amount not to exceed \$20,000.

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

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

6. General Business

1. Award of contract for Asbestos Removal and Abatement, and Demolition of the Lincoln Middle School (CIP No. PB0201)

S. Haynes moved, C. McDaniel seconded, that the Council award a contract for Asbestos Removal and Abatement and Demolition of the Lincoln Middle School to DEM/EX Group, Inc., Manito, Illinois, in the amount of Three Hundred Fifty Two Thousand Seven Hundred Thirty Five Dollars (\$352,735.). VOTE: Ayes: J. Fritzler, C. Wissmann, S. Haynes, L. Jack, S. Simon, C. McDaniel and B. Cole. Nays: None. Motion declared carried.

2. Resolution authorizing Submission of Community Development Assistance Program Housing Rehabilitation Grant Application

S. Haynes moved, S. Simon seconded, that the Council adopt a Resolution authorizing the submission of a Community Development Assistance Program housing rehabilitation grant application. VOTE: Ayes: J. Fritzler, C. Wissmann, S. Haynes, L. Jack, S. Simon, C. McDaniel and B. Cole. Nays: None. Motion declared carried. (Res. 2006-R-51; Exhibit B-10-31-06)

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3. Resolution Urging the State of Illinois to Approve Legislation Extending the Freeze on Electric Rates Throughout the State of Illinois

C. Wissmann moved, S. Simon seconded, that the Council approve the Resolution Urging the State of Illinois to Approve Legislation Extending the Freeze on Electric Rates Throughout the State of Illinois. DISCUSSION: Councilman Wissmann noted that Ameren is already generating huge profits and has no need for this rate increase. Councilwoman Simon expressed support for continuation of the rate freeze, adding that this further supports the idea presented by the Energy and Environmental Advisory Commission for the use of solar power in Carbondale, specifically at the Eurma C. Hayes Center. VOTE: Ayes: J. Fritzler, C. Wissmann, S. Haynes, L. Jack, S. Simon, C. McDaniel and B. Cole. Nays: None. Motion declared carried. (Res. 2006-R-52; Exhibit C-10-31-06)

In a prepared statement, Mayor Cole noted that the expected rate increase is going to have an enormous effect on people. He asked the City Council, City Manager and City Attorney to begin the steps to file eminent domain proceedings against Ameren to seize their power lines and their entire electrical distribution system that is located on the public rights-of-way in Carbondale. He also challenged other communities throughout the State of Illinois to do the same thing in their communities. Mayor Cole asked City Staff to put information together and bring it back for Council consideration at a future meeting.

4. Ordinance annexing 57.27 Acres referred to as The Crossings Mobile Home Park

S. Haynes moved, C. Wissmann seconded, that the Council approve the Ordinance annexing 57.27 acres referred to as The Crossings Mobile Home Park.

DISCUSSION: In response to Councilwoman Simon's inquiry, City Manager Doherty said that Building and Neighborhood Services could handle the services necessary for the additional units. Councilman Haynes added that this would give the renters the ability to go to Building and Neighborhood Services with their complaints. In response to Councilman Fritzler's inquiry, Mayor Cole said the exact population of The Crossings is unclear, but it is believed to be around 450. In response to Councilwoman McDaniel's inquiry, Mayor Cole noted that the owner of the property went door-to-door to collect the signatures of more than one-half of the electors. Fran Fanning, 808 W. Cherry Street, stated that the City does not currently have enough BNS inspectors and she does not understand how it can be said that 200 additional units can be folded in. She urged the Council to add more inspectors. In response to the inquiry of Genevieve Houghton, 710 N. Oakland, Mayor Cole said there are between 50 and 60 names on the petitions, noting that there need to be signature of more than one-half of qualified *electors*, not residents.

VOTE ON MOTION to approve the Ordinance annexing 57.27 acres referred to as The Crossings Mobile Home Park. VOTE: Ayes: J. Fritzler, C. Wissmann, S. Haynes, L. Jack, S. Simon, C. McDaniel and B. Cole. Nays: None. Motion declared carried. (Ord. 2006-56; Exhibit D-10-31-06)

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5. Ordinance granting a Cable Television Franchise Agreement to MCC Illinois, LLC, d/b/a Mediacom

S. Haynes moved, C. McDaniel seconded, that the Council approve an Ordinance granting a Cable Television Franchise Agreement to MCC Illinois, LLC d/b/a Mediacom.

DISCUSSION: Persons suggesting possible changes in various provisions of the proposed franchise and supporting a one-year extension to the current franchise rather than approval of the new franchise were Linz Brown, 906 S. Valley Road and past member of the Carbondale Information and Telecommunications Commission (CITC); Jak Tichenor, 612 S. Glenview and Vice-Chair of the CITC; and James Wall, member of the CITC and instructor in the SIUC Department of Radio and Television. Randy Hollis, Regional Government Relations Manager for Mediacom, urged the Council to adopt the new franchise. Council members Fritzler and Wissmann supported a one-year extension of the current franchise to allow time for further discussions. Councilwoman Simon noted that waiting to approve the franchise until after the following week's election might give some indication of how the Federal Act might be affected. Mayor Cole commended Mediacom for its improvement in customer service, adding that the issue is now about public access. He noted that it hasn't been decided whether public access is wanted or needed, adding that if it is decided to have a public access channel, regardless of the up-front money provided by Mediacom there will have to be other financial investments made. Mayor Cole urged the Council to approve the contract.

VOTE ON MOTION to approve an Ordinance granting a Cable Franchise Agreement to MCC Illinois, LLC, d/b/a Mediacom. VOTE: Ayes: S. Haynes, L. Jack, C. McDaniel and B. Cole. Nays: J. Fritzler, C. Wissmann and S. Simon. Motion declared carried. (Ord. 2006-57; Exhibit E-10-31-06).

Mayor Cole noted that if there are persons interested in public access or if they are interested in serving on the Carbondale Information and Telecommunications Commission they should contact his office, adding that the CITC will be charged with gauging public opinion on the idea of a public access channel and getting real numbers on what it will cost.

6. Ordinance approving the City of Carbondale City Council's Proposed Zoning Ordinance Text Change Relative to Land Use Intensity Regulations and Parking Requirements

After the agenda item was introduced by Development Service Director Beth Ponce, Mayor Cole suggested that the City Council discuss this agenda item at this meeting but that no action be taken until the next meeting.

Councilman Wissmann supported the elimination of small-car parking and the allowance of parking 300 feet away from development. He also noted that existing development would be grandfathered. He supported the recommendation of the Planning Commission and City staff.

Councilman Fritzler also supported the recommendation of City staff and the Planning Commission and said he did not feel a need to delay action on the ordinance.

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In response to Councilwoman McDaniel's inquiry, Development Services Director Beth Ponce clarified the provisions regarding parking on-site.

Councilwoman Simon said she was very supportive of the proposals, especially the new requirements for parking and how those provisions impact the safety of the residents.

Mayor Cole said the current system is out of date and does a disservice to the community, adding that parking is always an issue, land use intensity is no longer used except in Carbondale, personal and business investments are affected, etc.. He noted that both sides of this issue are probably not happy with the current regulations.

Speaking in support of the provisions of the proposed ordinance and urging passage of the ordinance at this meeting were: Sandy Litecky, 603 W. Walnut and President of the Arbor District; Jane Adams, 702 W. Cherry; Hugh Muldoon, 700 W. Elm; Charles Fanning, 808 W. Cherry and Sarah Heyer, 1442 E. Gary Drive and Assistant Coordinator of Study Circles. Heyer added that these types of neighborhood issues received primary focus at the initial round of discussions by Carbondale Conversations for Community Action.

Speaking in opposition to the ordinance was Ed Van Awken, 1009 W. Sycamore. Van Awken urged the formation of a task force to further review this issue. He suggested the task force consist of D. Gorton and three others, himself and three others, and City Planning Manager Rob Keehn.

Scott Hendricks, an attorney located at 206 W. College, noted that he attended the Planning Commission meeting and agreed that action should not be taken on the ordinance tonight because the language of some of the provisions had changed from what the Planning Commission approved, particularly with respect to off-street parking. Hendricks asked clarification on what is meant by "lot", i.e. the same lot, contiguous lot or adjacent lot. He also noted that additional language was included after the Planning Commission meeting to provide an exclusion or exemption for "commercial" or "professional" structures and suggested that the exclusion instead be for "non-residential" structures. He asked that further consideration be given to these two issues before a decision is made and again asked that the Council delay action on this ordinance.

Donald Monty, 418 S. Giant City Road, a retired employee of the City of Carbondale, offered a historical account and rationale for the parking and land use intensity provisions that are currently included in the Carbondale City Code.

J. Fritzler moved, C. McDaniel seconded, that the Council adopt an Ordinance approving text amendments as recommended by staff to Title 15 of the Revised Code of the City of Carbondale relative to Land Use Intensity Regulations and Parking Requirements.

DISCUSSION: Noting that there were many SIUC students in attendance at the meeting, Councilman Wissmann said he would like to hear what the students have to say on these issues. Councilwoman Simon expressed support for delaying action on this issue until the next meeting, adding that additional public input is always helpful. She also noted that the issues brought up by Attorney Hendricks are worth further consideration. Mayor Cole noted that there is a motion on the floor but if it doesn't pass, the issue can

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be brought back at the next meeting. Councilman Jack said that he agreed with Councilwoman Simon and would also support a delay to consider some of the issues brought up at this meeting, but if the Council says no it can be brought back. As Mayor Cole called for the roll, Councilwoman Simon moved that action on this item be postponed to the next meeting. Mayor Cole noted that he had already called for the roll.

VOTE ON MOTION that the Council adopt an Ordinance approving text amendments as recommended by staff to Title 15 of the Revised Code of the City of Carbondale relative to Land Use Intensity Regulations and Parking Requirements. VOTE: Ayes: J. Fritzler and C. McDaniel. Nays: C. Wissmann, S. Haynes, L. Jack, S. Simon and B. Cole. Motion declared defeated.

Mayor Cole said that staff will be asked to address the issues discussed and that this item would be placed on the November 21st City Council agenda. Councilman Wissmann noted that his "no" vote was solely for the purpose of delaying action until the next meeting and did not reflect his opposition to the proposed changes.

7. Council Comments

Referring to the comments made by Dr. Pohlmann under Citizen Comments earlier in the evening, Councilwoman Simon asked if the smoke-free discussion was going to be placed on the November 21st agenda. Mayor Cole responded that the discussion on smoke-free is planned for the November 21st Council meeting but he has not yet received a specific request for action from the Smoke-Free group. Councilwoman Simon said she would like to see an open-ended discussion so it can be determined in which direction the City wishes to proceed. Mayor Cole said he would like to be provided with a specific request in writing.

Councilman Jack noted that he appreciates citizen input on all issues thanked everyone in attendance for their participation.

8. Adjournment

There being no further business to come before the City Council, the meeting was declared adjourned at 9:32 p.m..

Janet M. Vaught, City Clerk

Approved by the City Council on:
