

City Council of the City of Carbondale, Illinois
Regular Meeting
August 21, 2007

The City Council of the City of Carbondale, Illinois, held a regular meeting on Tuesday, August 21, 2007, 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: Councilwoman Corene McDaniel, Councilwoman Mary Pohlmann, Councilman Chris Wissmann, Councilman Steven Haynes, Councilman Lance Jack, 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

City Manager Doherty introduced new Assistant City Attorney, Jamie Snyder.

Mayor Cole announced that the City of Carbondale would observe Monday, September 3, as Labor Day. City Hall offices will be closed and all City refuse collection routes would be delayed one day.

3. Citizen Comments and Questions

Corene Williams, 403 North Poplar, said she had applied for a Special Use Permit for a day care center but the permit was denied because of parking issues. Planning Services Manager Rob Keehn noted that Williams has not formally applied for the special use or paid the fees for the public hearing but that preliminary staff review of request would indicate that the Planning Staff would likely not be recommending approval. Mayor Cole explained to Williams that City staff makes a recommendation but the decision to approve or deny would be made by the City Council. He asked Mr. Keehn to meet with Ms. Williams to better explain the process.

4. Public Hearings and Special Reports

1. The City of Carbondale Preservation Commission recognizes the American Institute of Architects Award to the R. Buckminster Fuller Dome Home as One of the 150 Great Places in Illinois

Evelyn Koine, Chair of the Preservation Commission, introduced Brad Kline, President-Elect of the Southern Illinois Chapter of the American Institute of Architects. Mr. Kline, who nominated the R. Buckminster Fuller Dome Home for designation as One of the 150 Great Places in Illinois, presented the award to Cornelius Crane, President of the RBF Dome NFP.

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2. Public Hearing on Proposal to Invest in the Future of Carbondale

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 the Public Hearing on the Proposed Annexation Agreement with Gerald and Hoe Young Dunn, both held on July 17, 2007, and the Special City Council meeting held on July 31, 2007.
2. Warrant. Recommendation: Approve Warrant #1014 for the period ended July 2, 2007, (FY 2008) in the amount of \$1,042,226.53 (Exhibit A-8-21-07)
3. Warrant. Recommendation: Approve Warrant #1015 for the period ended July 16, 2007, (FY 2008) in the amount of \$1,078,580.59. (Exhibit B-8-21-07)
4. Acceptance of Minutes of Boards, Commissions and Committees. Recommendation: Accept Human Relations Commission of June 4 and July 9 2007; Library Board of Trustees of May 9 and June 13, 2007; Liquor Advisory Board of April 5, May 3, June 7 and July 5, 2007; Planning Commission of June 27, 2007 and Preservation Commission of June 18, 2007.
5. Acceptance of deeds and easements. Recommendation: Accept permanent easement from Nutrition Headquarters, Inc., for a sanitary sewer extension along Reed Station Road and the permanent easement from EDR Carbondale LLC for a sanitary sewer along the west right-of-way line of Route 51 South and authorize recording of the documents.
6. Review and action on the Preservation Commission's Annual Certified Local Government (CLG) Report for FY 2007. Recommendation: Accept and place on file.
7. Removed from Consent.
8. Removed from Consent.
9. Resolution denying a Time Extension for Pat Bridwell for Submittal of a Final BPL Development Plan for North Lewis Lane and Rendleman Road. Recommendation: Approve Resolution denying time extension. (Res. 2007-R-53; Exhibit C-8-21-07)
10. Ordinance adopting a Labor Agreement between the City of Carbondale and Local No. 160, United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada, AFL-CIO. Recommendation: Approve. (Ord. 2007-30; Exhibit D-8-21-07)
11. Award of Purchase of MFT Maintenance Materials for FY 2008, MFT Section 08-00000-00-GM. Recommendation: That the purchase of MFT Maintenance Materials be conditionally awarded pending IDOT's concurrence to: Illini Asphalt, Benton, for Group A in amount of \$29,313.00; J.D. Trux., Inc. of Jonesboro for Groups B, D and G in amount of \$21,070.00; Bellman Truck Company of East St. Louis for Group F in amount of \$4,695.00 and to Marathon Petroleum Company of Benton for Group H in amount of \$18,002.40 and that the purchase of non-MFT Maintenance Materials be awarded to J.D. Trux Inc. of Jonesboro for Groups C and E in amount of \$27,730.00.
12. Acceptance of Motor Fuel Tax Audit No. 71 for Period of May 1, 2006 through April 30, 2007. Recommendation: Accept and place on file.

Mayor Cole asked if any Council members would like any items removed from the Consent Agenda. Councilman Haynes asked that Items 5.7 and 5.8 be removed.

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L. Jack moved, M. Pohlmann seconded, that the Council approve Consent Agenda Items 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.9, 5.10, 5.11 and 5.12. VOTE: Ayes: C. McDaniel, M. Pohlmann, C. Wissmann, S. Haynes, L. Jack, and B. Cole. Nays: J. Fritzler. Motion declared carried.

5.7 Resolution authorizing the City Manager to Execute an Intergovernmental Agreement with Carbondale Community High School District No. 165 Regarding Truancy Enforcement

J. Fritzler moved, C. McDaniel seconded, that the Council approve a Resolution authorizing the City Manager to execute an Intergovernmental Agreement with the Carbondale Community High School District No. 165 Regarding Truancy Enforcement. VOTE: Ayes: C. McDaniel, M. Pohlmann, C. Wissmann, S. Haynes, L. Jack, J. Fritzler and B. Cole. Nays: None. Motion declared carried. (Res. 2007-R-54; Exhibit E-8-21-07)

5.8 Ordinance approving Egon Kamarasy's request to rezone 12 acres from AG, General Agriculture, to RR, Rural Residential, located at 130 Starvation Acres Road

L. Jack moved, J. Fritzler seconded, that the Council adopt the Ordinance approving the request to rezone 12 acres located at 130 Starvation Acres Road from AG, General Agriculture, to RR, Rural Residential. DISCUSSION: The applicant, Egon Kamarasy, answered questions from Council members. VOTE: Ayes: C. McDaniel, M. Pohlmann, C. Wissmann, S. Haynes, L. Jack, J. Fritzler and B. Cole. Nays: None. Motion declared carried. (Ord. 2007-31; Exhibit F-8-21-07)

6. General Business

1. Resolution approving and Resolution denying a request by John Alleman for a Special Use Permit to allow a fraternity house in an R-2, Medium Density Residential, District at 323 West Walnut Street

L. Jack moved, J. Fritzler seconded, that the Council adopt the Resolution approving the request by John Alleman for a Special Use Permit to allow a fraternity house in a R-2, Medium Density Residential, District at 323 West Walnut Street, with the following conditions: (1) The special use is limited to the SIU chapter of the Delta Sigma Phi fraternity and a maximum occupancy of eight (8) residents. Use by any other fraternity or sorority will require a new special use permit; (2) The fraternity shall be allowed to erect only one freestanding sign with a maximum area of 18 square feet. Passage of this special use shall not be considered a final approval of any proposed signage. All permits shall be secured before any sign is erected on the subject property; and (3) The special use permit shall be limited to three (3) years, effective August 21, 2007 to August 21, 2010. DISCUSSION: The applicant, John Alleman, answered questions from Council members. VOTE: Ayes: C. McDaniel, M. Pohlmann, C. Wissmann, S. Haynes, L. Jack, J. Fritzler and B. Cole. Nays: None. Motion declared carried. (Res. 2007-R-55; Exhibit G-8-21-07)

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2. Award of Contract for MFT Bituminous Concrete Resurfacing Program for FY 2008
MFT Section No. 08-00000-01-GM

S. Haynes moved, C. Wissmann seconded, that the contract for the MFT Bituminous Concrete Resurfacing Program be conditionally awarded pending IDOT's concurrence to E.T. Simonds Construction Company of Carbondale in the amount of \$2,741,463.80. DISCUSSION: Elius Reed asked that the City monitor the project to make sure E.T. Simonds has local minority residents employed on the job. Mayor Cole noted that the Community Relations Officer has indicated that the company has complied with Equal Opportunity requirements but the City Manager and Community Relations Office will make sure they comply. VOTE: Ayes: C. McDaniel, M. Pohlmann, C. Wissmann, S. Haynes, L. Jack, J. Fritzler and B. Cole. Nays: None. Motion declared carried.

3. Approval of an Ordinance Amending Title Seven (7) of the Carbondale Revised Code Imposing an Additional One-Half of One Percent (½%) Home Rule Municipal Retailers' Occupation and Service Occupation Tax, a Resolution Adopting the Proposal to Invest in the Future of Carbondale as a Policy Document for the City of Carbondale and a Resolution Authorizing the Mayor to Execute an Intergovernmental Agreement with Southern Illinois University Carbondale to Support Saluki Way

L. Jack moved, C. McDaniel seconded, that the Council adopt an Ordinance imposing an additional one-half of one percent Home Rule Municipal Retailer's Occupation and Service Tax, approve a Resolution adopting the Proposal to Invest in the Future of Carbondale as a policy document of the City of Carbondale, and approve a Resolution authorizing the Mayor to Execute an Intergovernmental Agreement with Southern Illinois University Carbondale Providing for a \$20 Million Contribution from the City of Carbondale for the construction of Saluki Way.

DISCUSSION: Councilman Wissmann stated he had no objection to an increase in sales tax for City purposes but hesitated to support an increase in sales tax to support athletic facilities at SIUC. He might be more supportive of funding for SIU for library restoration, scholarships and grants, faculty hires or the proposed windmill study. With respect to the proposed agreement, Wissmann believes there should be an "out" clause which would allow the City to cancel the contract, that funding should be tied to enrollment increases and that any construction should meet LEED standards.

Councilman Fritzler stated that he supports the increase in sales tax for projects needed and requested by Carbondale residents for City projects. He said SIU students are receiving a fee increase and have already received a sales tax increase on campus due to the annexation so rather than taxing the students, the users of SIU athletic facilities should pay for the new facilities via increased ticket prices, merchandise and concessions or an excise tax on Saluki apparel. Fritzler believes that improving academic and research facilities and programs is what will increase enrollment and have an economic impact. He said that City residents have been waiting a long time for projects they want such as a pool, police station, stormwater drains, sidewalks, etc. throughout the City so he would propose the sales tax be increased only one-quarter percent and then consider SIU financially once it has been determined through a community comprehensive planning process or referendum that residents want to make funding of Saluki Way a priority.

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Councilwoman Pohlmann thanked residents for their input. She said she is not opposed to partnering with the University and shares the view that the health of the community relies on the health of the university. She said, however, she would hope the City would be more selective in the projects in which to participate, adding that Saluki Way does not enjoy popular support either inside or outside the university community and that she is reluctant to bind the City to this project for 20 years. She does not support wasting the new turf and lighting, relocating the stadium to a new location and replacing the intermural fields with a stadium used only five or six times a year, advocating tearing down the deteriorated portions of the current stadium and rebuilding those parts. She agreed that new sources of revenue need to be pursued to cover the budgeted expenses to run the City and the unfunded needs of the City justify the increase in sales tax but not the full one-half percent proposed.

After a friendly amendment to the original motion was not accepted, M. Pohlmann moved, J. Fritzler seconded, that the ordinance be amended to change the tax increase to one-quarter percent, deleting the mention of investing in the Saluki Way initiative and dropping the other two resolutions from consideration. VOTE: Ayes: M. Pohlmann and J. Fritzler. Nays: C. McDaniel, C. Wissmann, S. Haynes, L. Jack and B. Cole. Motion declared defeated.

MOTION REMAINS that the Council adopt an Ordinance imposing an additional one-half of one percent Home Rule Municipal Retailer's Occupation and Service Tax, approve a Resolution adopting the Proposal to Invest in the Future of Carbondale as a policy document of the City of Carbondale, and approve a Resolution authorizing the Mayor to Execute an Intergovernmental Agreement with Southern Illinois University Carbondale Providing for a \$20 Million Contribution from the City of Carbondale for the construction of Saluki Way.

CONTINUED DISCUSSION: For the record, Mayor Cole noted that 24 persons spoke at the Public Hearing and that letters of support for the proposal had been received from the Chamber of Commerce, Carbondale Convention and Tourism Bureau and Southern Illinois EDGE. The Mayor then invited comments or questions from the audience.

Lee Fronabarger asked when the High School bonds will be retired; the City Manager responded there is a sunset in the ordinance adopting the one-quarter percent sales tax for the high school bonds and the bonds will be retired in FY 2019.

Billie Zimny noted that the agreement with SIU will bind the City to pay \$1 million for 20 years and asked if there will be any protection for the City in the agreement if Saluki Way does not develop or is changed. Mayor Cole said that language to that effect would be developed and approved by the City Attorney and University Legal Counsel in the final document. Zimny asked that the Council delay the vote on the proposal until that language is in a legal document.

D. Gorton asked if there had been projections on sales tax revenues 20 years out, adding that internet sales could have a major impact and there may not be adequate revenue for the payment to the University. City Manager Doherty said projecting out 20 years requires a lot of assumption and the assumption is that there would be roughly a 2.2% increase over the life of the projections made for this proposal. He added that in the past, increases have averaged from 4% to 6% annually. Gorton expressed concern about obligating the City to paying this money for 20 years because there may not be the sources of revenue to do so.

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Diana Exner stated that this is a business arrangement and that both the City and the University should see the agreements in writing before approving it and before committing money. She suggested that the item be tabled until the agreement can be reviewed.

Melvin Holder stated that he asked the University to provide three scholarships to people in need in the community, but they did not do so. He asked how the City's giving \$20 million is going to do anything for the community, suggesting that the City Council give scholarships. Mayor Cole noted that he personally gives a scholarship and that there is money raised when the Annual State of the City Address is given at the Chamber luncheon which last year funded two scholarships for CCHS students to go to SIUC. Holder said that the outreach of the University is lacking. Holder also agreed that action on the agreement with SIUC be tabled until it can be reviewed by citizens.

Charles Fanning noted that only three Council members had expressed opinions and suggested that the remaining Council members also offer their thoughts.

Fran Fanning noted that two speakers had asked that action be tabled until an agreement is worked out and asked Mayor Cole for his reaction. Mayor Cole responded that the Council can table this matter if it wishes. Fanning agreed with prior suggestions that the agreement be worked out before making a commitment.

Councilwoman McDaniel said the majority of phone calls and e-mails she received were in support of the proposal. She said Council members were elected to do the job they thought was best; however, it is not possible to please everyone so she has to do what she believes is best for the City of Carbondale. She said Dr. Poshard's presentation was important because it discussed the effect and the gift that the University offers the City. She also noted that at the last election it was discussed whether there would be a partnership with the University and now the University has asked for the City's support. She said she would like to think the Council would be supportive of its largest employer. She said there is more than athletic facilities in Saluki Way and now is the time to prepare for the future. She noted that new businesses coming in get all kind of tax benefits so the City's largest employer deserves support, too. She urged the Council to vote in favor of the proposal because it would be in the best interests of the City of Carbondale.

Councilman Jack said that although there are pros and cons and there are things he likes more and some that he likes less, it is a good plan and would be good for the City. Although the plan may mean moving ahead of some things that have been wanted for a long time, it comes down to a business decision. Although everything might not be perfect, he believes that the City needs to do something to help not only itself but help SIU because SIU is the economic engine of Carbondale. He said that although there are no guarantees, he believes that the City needs to help SIU become stronger and help the future of Carbondale.

Councilman Haynes agreed that this is a business decision and an investment in the economic engine of Carbondale--Southern Illinois University. However, he believes this is not just a Carbondale opportunity but will benefit the entire southern Illinois region. He said it bothers him to hear citizens say that the City and SIUC are not as one, adding that there has been much talk about partnering with the University and this offers a great business, economic and social opportunity for the City of Carbondale and the entire southern Illinois region. He believes the best opportunity for developing a diverse community and a racially-sensitive community is through the University. He said the Council has been entrusted to do what it believes in the best interests of the City and not be frivolous, wasteful

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or incompetent. He said the action that is being requested is an opportunity for the City to make a strong, positive investment and this is the one way that this process can begin.

Mayor Cole said the Proposal to Invest in the Future of Carbondale will move the community forward for the next generation of southern Illinois. Although he generally does not support tax increases, he sees this increase as a way to provide funding for several projects that are important to Carbondale in the long-term, particularly for the police and fire stations, open space and the Park District infrastructure improvements. The proposal also calls for a closer partnership with the Park District, perhaps collaboration on a pool or aquatic center. There has also been discussion on the City's finances and whether the proposal can be afforded, and he believes it can. With respect to Saluki Way, the plan offers more than a new football stadium and a renovated arena, but also includes new classroom space and student support buildings, a comprehensive plan that has been adopted by the SIU Board of Trustees. The project will bring jobs through construction and, when completed, will bring more people into the community including, hopefully, higher enrollment. If the plan is approved, details of an intergovernmental agreement will be worked out that will include stipulations as to performance measures and other guarantees that the projects will be completed in a timely fashion, will meet LEED standards and that the community will be protected in the long-term. Although the plan requires real money, it focuses on the future of the community, the City, the University and the region. Mayor Cole asked for Council support of the Proposal to Invest in the Future of Carbondale.

VOTE ON MOTION that the Council adopt an Ordinance imposing an additional one-half of one percent Home Rule Municipal Retailer's Occupation and Service Tax, approve a Resolution adopting the Proposal to Invest in the Future of Carbondale as a policy document of the City of Carbondale, and approve a Resolution authorizing the Mayor to Execute an Intergovernmental Agreement with Southern Illinois University Carbondale Providing for a \$20 Million Contribution from the City of Carbondale for the construction of Saluki Way. VOTE: Ayes: C. McDaniel, S. Haynes, L. Jack and B. Cole. Nays: M. Pohlmann, C. Wissmann and J. Fritzler. Motion declared carried. (Ord. 2007-32, Res. 2007-R-56 and Res. 2007-R-57 respectively; Exhibits H-8-21-07 through J-8-21-07 respectively)

7. Council Comments

There were no Council comments.

8. Adjournment

There being no further business to come before the City Council, the meeting was declared adjourned at 11:00 p.m..

Janet M. Vaught, City Clerk

Approved by the City Council on
