

**City Council of the City of Carbondale, Illinois
Regular Meeting
December 18, 2007**

The City Council of the City of Carbondale, Illinois, held a regular meeting on Tuesday, December 18, 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: Councilman Chris Wissmann, Councilman Steven Haynes, Councilman Lance Jack, Councilman Joel Fritzler, Councilwoman Corene McDaniel, Councilwoman Mary Pohlmann 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 City offices would be closed beginning at noon on Monday, December 24, through December 25. Monday's refuse collection route will not be affected but Tuesday, Wednesday and Thursday routes will be delayed one day. In addition, City offices will be closed on Tuesday, January 1. Again, Tuesday, Wednesday and Thursday refuse routes will be delayed one day.

Mayor Cole announced that the next City Council meeting would be held on January 15, 2008.

3. Citizen Comments and Questions

Elius Reed, 2012 South Illinois Avenue, called attention to portions of the City's Affirmative Action Program and noted that he had sent letters to the City Manager asking questions about the Program. Mr. Reed asked if the policy set by the Program has changed; City Manager Doherty responded that it has not.

4. Public Hearings and Special Reports

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 Special City Council meeting held on November 29 and the Public Hearing and Regular City Council meeting held on December 4, 2007.
2. Warrant #1024 for period ended November 19, 2007. Recommendation: Approve in the amount of \$2,275,627.60. (Exhibit A-12-18-07)

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3. Acceptance of Minutes of Boards, Commissions and Committees. Recommendation: Accept Fire Fighters Pension Board of Trustees of September 11, 2007; Human Relations Commission of November 5, 2007 and Planning Commission of November 7, 2007.
4. Removed from Consent.
5. Purchase of Powdered Activated Carbon for the Water Treatment Plant. Recommendation: Award purchase to NORIT Americas Inc. of Marshall, Texas.
6. Ordinance Concerning the Regulation of Smoking within the City of Carbondale. Recommendation: Approve. (Ord. 2007-48; Exhibit B-12-18-07)
7. Resolution Allowing an Administrative Remedy for Violations of Title Eleven (11) Chapter Five (5) of the Carbondale Revised Code. Recommendation: Approve. (Res. 2007-R-79; Exhibit C-12-18-07)

Mayor Cole asked if any Council members would like any items removed from the Consent Agenda. Councilman Jack asked that Item 5.4 be removed.

L. Jack moved, C. McDaniel seconded, that the Council approve Consent Agenda Items 5.1, 5.2, 5.3, 5.5, 5.6 and 5.7. VOTE: Ayes: C. Wissmann, S. Haynes, L. Jack, J. Fritzler, C. McDaniel and M. Pohlmann. Nays: B. Cole. Motion declared carried.

5.4 Ordinance adopting a new Official Zoning Map

L. Jack moved, J. Fritzler seconded, that the Council adopt the Ordinance adopting a new Official Zoning Map. DISCUSSION: Councilman Jack acknowledged the work of City staff on this project and noted that the Zoning Map would now be available online through the City's website. VOTE: Ayes: C. Wissmann, S. Haynes, L. Jack, J. Fritzler, C. McDaniel, M. Pohlmann and B. Cole. Nays: None. Motion declared carried. (Ord. 2007-49; Exhibit D-12-18-07)

6. General Business

1. Ordinance Abating the 2007 Tax Levies for General Obligation Funds

M. Pohlmann moved, C. McDaniel seconded, that the Council approve the Ordinances Abating the 2007 Tax Levies for the 2003 Series General Obligation Refunding Bonds Debt Services, the 2004 General Obligation Refunding Bonds Debt Service and the 2006 General Obligation Bonds Debt Service. VOTE: Ayes: C. Wissmann, S. Haynes, L. Jack, J. Fritzler, C. McDaniel, M. Pohlmann and B. Cole. Nays: None. Motion declared carried. (Ord. Nos. 2007-50, 2007-51 and 2007-52 respectively; Exhibits E-12-18-07, F-12-18-07 and G-12-18-07 respectively).

2. Ordinance Establishing the 2007 Tax Levy for the Downtown Special Service Area Number One

J. Fritzler moved, L. Jack seconded, that the Council approve the Ordinance adopting the 2007 Tax Levy in the amount of \$40,000 for the Downtown Special Service Area Number One. VOTE: Ayes: C. Wissmann, S. Haynes, L. Jack, J. Fritzler, C. McDaniel, M. Pohlmann and B. Cole. Nays: None. Motion declared carried. (Ord. 2007-52; Exhibit H-12-18-07)

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3. Ordinance Adopting the 2007 Property Tax Levy

S. Haynes moved, C. McDaniel seconded, that the Council approve the Ordinance adopting the 2007 Tax Levy in the amount of \$737,303. DISCUSSION: Mayor Cole noted that this is the fifth year that the City has not collected any property tax for General Government purposes and that the only tax being levied is for the Carbondale Public Library, which the City is required to levy upon request of the Library Board. He also noted that this is the third year of the agreement with the Library Board in which the Board sets aside \$20,000 per year into a reserve fund to be held by the Library and caps the Library's increase at no more than 5%. Councilman Wissmann noted that the City has been able to abate property taxes for the last few years because sales tax receipts have been good; however, the current year is showing some budget shortfalls in sales tax. He cautioned that he does not know how long the City will be able to continue abating taxes. VOTE: Ayes: C. Wissmann, S. Haynes, L. Jack, J. Fritzler, C. McDaniel, M. Pohlmann and B. Cole. Nays: None. Motion declared carried. (Ord. 2007-53; Exhibit I-12-18-07)

4. Ordinance approving James Rayfield's Request to Amend the Zoning Ordinance Text Relative to the Regulation of Political Signs in All Areas of the City

Speaking in support of changes to the Sign Ordinance were applicant James Rayfield, ACLU President and SIU Law Professor Leonard Gross and resident Genevieve Houghton.

J. Fritzler moved, L. Jack seconded, that the Council deny the request to amend Section 15-2G-9 of the Carbondale Revised Code relative to the regulation of political signs in all areas of the City. DISCUSSION: Mayor Cole noted that the request was being denied with the understanding that City staff will come back to the Council with a comprehensive review of the sign ordinance sometime in the spring. VOTE: Ayes: S. Haynes, L. Jack, J. Fritzler, C. McDaniel, M. Pohlmann and B. Cole. Nays: C. Wissmann. Motion declared carried.

7. Council Comments

Councilwoman Pohlmann expressed pleasure with tonight's passage of the Smoke Free Carbondale Ordinance. She noted that when the issue was first brought forward in 2006 there was much dissent; however, the Smoke Free Ordinance was on tonight's Consent Agenda which suggests agreement to pass without discussion. The move by the City Council in 2005 to waive liquor license fees for businesses which voluntarily went smoke-free was a big first step toward improving the health of restaurant and bar workers and clientele. By passing the Carbondale Smoke Free Bar and Restaurant Ordinance in April 2007, Carbondale established itself as a Southern Illinois leader in recognizing the benefits in eliminating the exposure to secondhand smoke. Now the State of Illinois has passed the Smoke Free Illinois Act which bans smoking in all indoor public places and places of employment which goes into effect on January 1, 2008 and will supercede all less stringent local ordinances. The ordinance adopted by the City Council at tonight's meeting is virtually identical to the State law and replaces the April 2007 ordinance. In addition, it allows pay-by-mail fines and allows the City of Carbondale to collect and keep the fines rather than distributing half to the Illinois Department of Public Health. It is believed the ordinance will be largely self-enforced and that no windfall profits will come to the City's

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coffers. However, enacting these provisions will help the City enforce the law. Councilwoman Pohlmann said that she is very proud of the part that Smoke Free Carbondale and Smoke Free Illinois movement played in this action, adding that without the grass-roots efforts of these coalitions the State Law would never have been enacted. She said that the focus will now turn to helping with implementation of the law, smoking cessation programs and smoking prevention programs aimed at young people. She said Illinois joins 22 other states in requiring that all workers and patrons be protected from secondhand smoke and by passing a strong local ordinance, the City of Carbondale shows that we are movers and shakers in healthcare policy for Southern Illinois as well as a leader for health consciousness for the entire State of Illinois. Councilwoman Pohlmann said that the City of Carbondale will become a healthier city as a result of the implementation of the ordinance which goes into effect on January 1st. Councilwoman Pohlmann said, "Haven't your Heard? Carbondale cares about your health!".

Councilman Haynes noted earlier comments from the audience regarding the City's Affirmative Action Program. He said there was reference to the Program not being an ordinance but a matter of policy. He noted that this might be an opportune time to revisit this issue and do some discussion on affirmative action policies and the employment of minorities within the Carbondale community. Mayor Cole noted that he has asked City Manager Doherty to provide information to the City Council on this topic for clarification.

Councilman Haynes wished everyone a Merry Christmas.

8. Closed Meeting

C. Wissmann moved, L. Jack seconded, that the Council hold a closed meeting to discuss the appointment, employment, compensation, discipline or performance of a specific employee of the public body; the salary schedule for one or more classes of employees and litigation, when an action against, affecting or on behalf of the public body is probable or imminent or has been filed and is pending before the court pursuant to 5 ILCS 120/2(c)(1), (c)(2) and (c)(11). VOTE: Ayes: C. Wissmann, S. Haynes, L. Jack, C. McDaniel, M. Pohlmann and B. Cole. Nays: J. Fritzler. Motion declared carried. Open session recessed at 7:59 p.m.

J. Fritzler moved, S. Haynes seconded, that the Council return to open session. VOTE: Ayes: C. Wissmann, S. Haynes, L. Jack, J. Fritzler, C. McDaniel, M. Pohlmann and B. Cole. Nays: None. Motion declared carried. Open session resumed at 10:20 p.m.

There was no action taken as a result of the Closed Meeting.

8. Adjournment

There being no further business to come before the City Council, the meeting was declared adjourned at 10:21 p.m..

Janet M. Vaught, City Clerk

Approved by the City Council on
