

City Council of the City of Carbondale, Illinois
Regular Meeting
December 4, 2007

The City Council of the City of Carbondale, Illinois, held a regular meeting on Tuesday, December 4, 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 Mary Pohlmann, Councilman Chris Wissmann, Councilman Steven Haynes, Councilman Lance Jack, Councilman Joel Fritzler, Councilwoman Corene McDaniel 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 on Saturday, December 10, the SIU Saluki Football team would face the University of Delaware in the final four of the NCAA Football Championship Subdivision playoffs. He encouraged everyone to attend the game.

Mayor Cole noted the variety of events that had taken place the prior weekend - the SIU football game, high school basketball, the Lights Fantastic parade and the SIU basketball game - and thanked all involved in seeing that the events ran smoothly.

Mayor Cole announced that effective January 1, there would be a \$5 late fee added to water and sewer bills for late payment. Notices have been mailed to all customers.

Mayor Cole noted the passing of Rosemary Berkel Crisp on December 1 and Dr. Linz Brown on November 30, 2007. A Moment of Silence was observed in honor and recognition of the lives and contributions of Crisp and Brown.

3. Citizen Comments and Questions

Richard Whitney, 1801 New Era Road, announced that Cynthia McKinney, the first African-American woman elected to Congress from Georgia and a leader in the peace and civil rights movements, would be visiting Carbondale on December 8th. McKinney is seeking the nomination of the Green Party for President of the United States. She will be at the Student Center Auditorium at 11:30 a.m. and then at Hopewell Baptist Church for a fund raising event at 12:30 p.m..

4. Public Hearings and Special Reports

1. Public Hearing on Proposed Taxicab Rate Increase

The minutes of this public hearing were transcribed separately.

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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 November 20, 2007.
2. Removed from Consent.
3. Acceptance of Minutes of Boards, Commissions and Committees. Recommendation: Accept Human Relations Commission of October 1, 2007; Library Board of October 10, 2007; and Preservation Commission of October 15, 2007.
4. Removed from Consent.
5. Removed from consideration.
6. Ordinance Approving Dominic Cittadino's Request to Rezone 0.881 Acres Located at 1513 East Dogwood Road from AG, General Agriculture, to R-1-15, Low Density Residential. Recommendation: Approve Ordinance. (Ord. 2007-47; Exhibit A-12-4-07)
7. Resolution approving the extension of a deadline to submit the final PUD development plan for property located at Villa Court and Chautauqua Road (PC05-19). Recommendation: Approve. (Res. 2007-R-74; Exhibit B-12-4-07)
8. Approval of 2008 Calendar of City Council Meetings. Approve.

Mayor Cole noted that Item 5, an Ordinance adopting the Smoke Free Illinois Act, was going to be removed from consideration on tonight's agenda. The Mayor asked if any Council members would like any items removed from the Consent Agenda. Councilman Fritzler asked that Item 5.2 be removed. Councilman Jack asked that Item 5.4 be removed.

J. Fritzler moved, L. Jack seconded, that the Council approve Consent Agenda Items 5.1, 5.3, 5.6, 5.7, and 5.8. VOTE: Ayes: M. Pohlmann, C. Wissmann, S. Haynes, L. Jack, J. Fritzler, C. McDaniel and B. Cole. Nays: None. Motion declared carried.

5.2 Approval of Warrant #1023 for Period Ended November 5, 2007

C. Wissmann moved, C. McDaniel seconded, that the Council approve Warrant #1023 for the period ended November 5, 2007, in the amount of \$1,888,452.82. DISCUSSION: Councilman Fritzler about the necessity of continuing payments to the Livingston Group for lobbying for funds for a public safety facility now that the sales tax increase has been implemented. Mayor Cole responded that the contract with Livingston Group expires at the end of the fiscal year so this would be a discussion in the budget process. Councilman Fritzler questioned whether the City was receiving services. Mayor Cole said the City is receiving services, adding that he is in contact with the Livingston Group on issues they are advocating for the City and he receives reports regularly. VOTE: Ayes: M. Pohlmann, C. Wissmann, S. Haynes, L. Jack, C. McDaniel and B. Cole. Nays: J. Fritzler. Motion declared carried. (Exhibit C-12-4-07)

5.4 Resolution Authorizing the Submission of a DCEO Recycling Grant

M. Pohlmann moved, C. Wissmann seconded, that the Council approve the Resolution authorizing the City Manager to submit an application to the Illinois Department of Commerce and Economic Opportunity requesting grant funds in an amount not to exceed \$60,000 to purchase recycle bins, promotional and educational materials, and aid in the purchase of a new recycling truck to expand the City's recycling collection program to

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include mixed paper product. DISCUSSION: Councilman Jack suggested that the City consider applying for this type of grant in the future with the goal of expanding the recycling program to multi-family residential units. Councilman Fritzler asked about including multi-family residences and businesses in the current program; City Manager Doherty noted that there are two recycling drop-off points for those apartments or businesses that do not have the curbside recycling program available to them but added that staff will take a look at how this grant could be used to help with recycling for apartments or businesses. VOTE: Ayes: M. Pohlmann, C. Wissmann, S. Haynes, L. Jack, J. Fritzler, C. McDaniel and B. Cole. Nays: None. Motion declared carried. (Res. 2007-R-75; Exhibit D-12-4-07)

6. General Business

1. Resolution authorizing the Maximum Rates of Fare for Taxicab Service in the City of Carbondale

S. Haynes moved, C. Wissmann seconded, that the Council approve a Resolution authorizing the maximum rates of fare for taxicab service in the City of Carbondale effective on December 17, 2007. DISCUSSION: Mayor Cole noted that rate schedule and zone map is complex and confusing, adding that it might be time to go to meters. He agreed that it would be appropriate for staff to come back with options. Councilman Haynes agreed, adding that he would also like staff to look at ways of addressing some of the issues brought up in the public hearing. Mayor Cole suggested that a taxicab riders' Bill of Rights might also be appropriate, including additional fares, safety belts, cleanliness of cabs, etc.. Rob Taylor, owner of Moonlight Taxi, spoke in support of the resolution and responded to the questions and concerns brought forth in the public hearing. Taylor agreed that it may be time to consider requiring meters. He noted, however, that this would mean that riders would likely pay more because cabs could only haul one fare at a time. Dr. M Stalls said the City should not give a \$1 increase without looking carefully at this matter. VOTE: Ayes: M. Pohlmann, C. Wissmann, S. Haynes, L. Jack, J. Fritzler, C. McDaniel and B. Cole. Nays: None. Motion declared carried. (Res. 2007-R-76; Exhibit E-12-4-07)

2. Resolution authorizing the Mayor to Execute a Contract with the PAR Group, Public Management Consultants, LLC

L. Jack moved, C. Wissmann seconded, that the Council approve a Resolution authorizing the Mayor to enter into a Contract with the PAR Group, Public Management Consultants, LLC, for services for the search to fill the pending vacancy of the City Manager position. VOTE: Ayes: M. Pohlmann, C. Wissmann, S. Haynes, L. Jack, J. Fritzler, C. McDaniel and B. Cole. Nays: None. Motion declared carried. (Res. 2007-R-77; Exhibit F-12-4-07)

3. Request to initiate a Text Amendment Requiring a "Build To" Line for all new Construction within the BPR, Primary Business District

L. Jack moved, C. McDaniel seconded, that the Council initiate a possible text amendment that would require a "build-to" line for all new construction within the BPR, Primary Business, district. DISCUSSION: Councilman Wissmann suggested that areas be allowed in the front of buildings for green space and for areas of congregation such as in front the current Dairy Queen. Planning Manager Rob Keehn agreed. Councilwoman Pohlmann asked about how this might affect the possible widening of

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the street; Mayor Cole responded that this could be considered as part of the discussion but added that a widening would affect many properties. Councilman Fritzler asked if the Melange patio area would meet the requirements as will likely be proposed; Mr. Keehn said it would. Councilman Jack asked what would happen to older homes in the downtown that do not currently meet those requirements that many be purchased for renovation into restaurants or other types of businesses; Mr. Keehn responded that if renovation was less than 50%, those businesses would become legal non-conforming uses. Councilwoman Pohlmann asked if it would be easier to just prohibit parking lots in the front of the buildings; Mr. Keehn responded that this is also something that could be considered. VOTE: Ayes: M. Pohlmann, C. Wissmann, S. Haynes, L. Jack, J. Fritzler, C. McDaniel and B. Cole. Nays: None. Motion declared carried.

4. Resolution approving Juan Alvarez' Request for Special Use Permit to Allow a Mobile Home in an R-1-12, Low Density Residential, District at 1875 North Oakland Avenue

C. Wissmann moved, L. Jack seconded, that the Council adopt the Resolution approving the request by Juan Alvarez for a Special Use by Juan Alvarez for a Special Use Permit to place a mobile home in an R-1-12, Low Density Residential, District at 1875 North Oakland Avenue, with the following conditions: (1) the special use permit shall be limited to the originally placed mobile home. The removal of said structure shall make the special use null and void; (2) The mobile home must meet all regulations as set forth in Section 15-2D-7 including, but not limited to, minimum building setbacks and floor area requirements; (3) Placement of the mobile home is limited to the proposed new lot and may not be placed on the property until final Council approval and recording of the required minor subdivision and with the additional condition that (4) the mobile home be owner-occupied. DISCUSSION: In response to Councilman Haynes' inquiry, the applicant said he is not related to the owner of the land. Councilman Wissmann suggested that the Council may wish to consider prohibiting new mobile homes from residential districts. Mayor Cole agreed. VOTE: Ayes: M. Pohlmann, C. Wissmann, L. Jack, J. Fritzler and C. McDaniel. Nays: S. Haynes and B. Cole. Motion declared carried. (Res. 2007-R-78; Exhibit G-12-4-07)

5. Consideration of Funding Requests from Community Organizations

City Manager Doherty noted that funding requests received were: A Gift of Love Charity, \$2,000 for a one-time event; Family Advocacy Services, \$24,827 in on-going funding; I Can Read of Southern Illinois, \$100,000 to expand an existing program; Boys and Girls Club of Carbondale, \$12,000 in on-going funding in addition to on-going funding also received from the City; Rebuilding Together Carbondale Township, \$15,000 in on-going funding; Carbondale Branch of the National Association for the Advancement of Colored People (NAACP), \$5,000 for the Freedom Fund Banquet and \$5,000 in on-going funding; RBF Dome NFP, \$1,500 for in-kind tree removal services; Little Hearts Foundation, Willowton Pietermaritzburg, South Africa, ±\$7,200 in on-going funding. City Manager Doherty added that Carbondale Crimestoppers also submitted a request for funding but it was withdrawn. He also said that Attucks Community Services Board is also requesting \$69,214 in funding from City's current FY 2008 budget. Mayor Cole reminded everyone that there was no funding being approved at this meeting; action was just being taken either to invite applicants to move forward in the funding process or to indicate that there is no desire by the City Council at this time to fund certain applications.

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Present to represent the RBF Dome NFP was Larry Weatherford. M. Pohlmann moved, J. Fritzler seconded, that the Council invite RBF Dome NFP to submit a full application for FY 2009 funding in the amount of \$1,500 of in-kind tree and stump removal services by City crews. VOTE: Ayes: M. Pohlmann, C. Wissmann, S. Haynes, L. Jack, J. Fritzler, C. McDaniel, B. Cole. Nays: None. Motion declared carried.

In response to Mayor Cole's inquiry, there was no one who indicated they were present to represent A Gift of Love Charity, Rebuilding Together Carbondale Township or Little Hearts Foundation. M. Pohlmann moved, C. Wissmann seconded, that the Council not approve the funding requests from Rebuilding Together Carbondale Township, A Gift of Love Charity, Inc. or Little Hearts Foundation. VOTE: Ayes: M. Pohlmann, C. Wissmann, S. Haynes, L. Jack, J. Fritzler, C. McDaniel, B. Cole. Nays: None. Motion declared carried.

Dr. M Stalls, President of the Carbondale Branch of the NAACP, spoke in support of the NAACP's funding request. Council members discussed the issue of past-due rent at the Eurma Hayes Center and what services are being provided by the NAACP. C. Wissmann moved that the funding request by the NAACP be denied. Motion died for lack of second. S. Haynes moved that the Council invite the NAACP to submit a full application for \$10,000 for consideration in February. Motion died for lack of second.

L. Jack moved, S. Haynes seconded, that the Council invite the NAACP to proceed with an application for consideration in the Fiscal Year 2009 budget for rent compensation for one year in the approximate amount of \$1,800. DISCUSSION: It was noted that the funding request would be considered only if the past due rent has been paid by the time the full application is considered. VOTE: Ayes: M. Pohlmann, S. Haynes, L. Jack, J. Fritzler and C. McDaniel. Nays: C. Wissmann and B. Cole. Motion declared carried. Mayor Cole asked the City Attorney to provide a legal opinion on whether it is a conflict of interest for those who hold membership in organizations to vote on issues of funding for those organizations.

Mayor Cole said it appears to be the desire of the Council to have City staff review in more depth the applications from Family Advocacy Services, Attucks Community Services Youth Program, The Boys and Girls Club of Carbondale and I Can Read of Southern Illinois. He invited comments from representatives of those organizations.

Mr. Tyler Young, Chairman of Attucks Community Services Board, spoke in support of funding which had not been previously granted for Fiscal Year 2008 as well as the requested funding for Fiscal Year 2009. Mayor Cole noted that what was being considered was the FY 2009 funding.

Margaret Nesbitt, 216 East James and Thelma Walker Avenue, spoke in support of the I Can Read Program. Also speaking in support of the I Can Read Program were Chris Hixon and Ross Tenczar of the Alpha Tau Omega Fraternity and Christopher Swims, a volunteer for the program.

Dr. Dollean York-Anderson, Executive Director of Family Advocacy Services, spoke in support of the program. Also speaking in support was Patty Simon, the School Liaison with District #95. Dr. York-Anderson also introduced parent Tasha Greer, mentor/tutor Mark O' Britton, Board member Rita Cavitt, Family Advocacy Coordinator Janet Russell, YES Advisory Board member Jesslyn Jobe and Treasurer Jeff Anderson.

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C. Wissmann moved, S. Haynes seconded, that the Council allow City staff additional time to review the four applicants requests for youth funding (Family Advocacy Services, Attucks Community Services, Inc. Youth Program, The Boys and Girls Club of Carbondale and I can Read of Southern Illinois) and submit its recommendations in time to invite a full application from organizations for funding consideration in the FY 2009 budget. DISCUSSION: The City Manager noted that the recommendations would likely be brought to the Council in January. VOTE: Ayes: M. Pohlmann, C. Wissmann, S. Haynes, L. Jack, J. Fritzler, C. McDaniel, B. Cole. Nays: None. Motion declared carried.

There was discussion on request for Fiscal Year 2008 funding from Attucks Community Services Board (ACSB). Councilman Wissmann suggested that City staff review where the City is budget-wise and whether the \$69,214 is available in the FY 2008 budget. Councilman Haynes noted that budget adjustments in greater amounts have been approved in the past. S. Haynes moved, C. McDaniel seconded, to direct staff to move forward with the budget request from Attucks Community Services Board for FY 2008. DISCUSSION: Mayor Cole expressed concern that ACSB has not been paying rent due the City and added that there are still serious issues involving the Internal Revenue Service. He said that he does not believe the Council should fund ACSB at this meeting but should only ask staff to look at the funding. Councilman Wissmann suggested an amendment to the motion that before funding be approved or allocated, that ACSB submit the results from an audit from a qualified CPA showing their financial status and stability. The amendment was accepted by the motioner, Councilman Haynes.

MOTION NOW READS: to direct staff to move forward with the budget request from Attucks Community Services Board for FY 2008 but that before funding be approved or allocated, that ACSB submit the results from an audit from a qualified CPA showing their financial status and stability. DISCUSSION: Mayor Cole reiterated that he feels the City Council is moving too quickly to fund a program about which it has serious questions. City Manager Doherty noted that last spring the firm that does the City's audit reviewed the financial records and the processes that are used and for the most part the firm found everything to be in order. Mr. Doherty added that Mark Dallas of the auditing firm said that a full-blown audit would probably not be beneficial because of their simplicity of their financial record keeping. Councilman Wissmann asked if the audit could provide information concerning the financial status or their tax situation. City Manager Doherty said this information could be obtained through the organization's books without an audit. Councilman Wissmann said his use of the term "audit" is flexible in terms of definition.

FURTHER DISCUSSION: Speaking in support of the FY 2008 funding request by the Attucks Community Services Board was Richard Hayes, a Board Member for Attucks Community Services Board. Mr. Hayes said the City Manager informed the Board in May 2007 that some substantial changes needed to be made and those requested changes have been made, adding that the former executive director and bookkeeper are gone and the tax issues have been addressed and resolved. However, he noted, the Internal Revenue Service will not put anything in writing to verify what was done to resolve the problem. Mr. Hayes said they were led to believe that if they did the things the City Manager asked them to do, they would be funded for FY 2008 and they believe they have done what they were asked to do. Mr. Hayes said ACSB hasn't paid rent to the City because the money that is used to pay the rent comes from the City - but the money from the City has not been received. Mr. Hayes said they are just asking that they be funded for FY 2008 and then the request for funding for FY 2009 will be submitted. He

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asked that the City move forward with the funding. Mayor Cole said he does not believe the Council took action at any time to say that if ACSB does something in particular that the City will fund ACSB. City Manager Doherty agreed, adding that the letter to ACSB said that certain issues must be addressed before further discussion of financial support by the City can occur. He noted that this meeting is the first opportunity for the Council to discuss this matter with ACSB. Mr. Abdul Haaq expressed displeasure with how the previous speaker had been told he was hurting his case when he was addressing the Council on an issue. He added that citizens should be able to say what they feel and believe in whatever manner they choose without being afraid that it will hurt their case. Speaking for himself, Mayor Cole noted that it does not advocate well for the organization when a speaker gets up and says the Council doesn't know what is going on. He asked if there was any additional discussion on the motion on the floor.

Councilman Wissmann said the Council must treat Attucks Community Services Board as it would any other organization, adding that as public servants the Council has a fiduciary responsibility to make sure they the citizens' money is being spent responsibly.

MOTION READS: to direct staff to move forward with the budget request from Attucks Community Services Board for FY 2008 but that before funding be approved or allocated, that ACSB submit the results from an audit from a qualified CPA showing their financial status and stability. VOTE: Ayes: S. Haynes, L. Jack and C. McDaniel. Nays: M. Pohlmann, C. Wissmann, J. Fritzler and B. Cole. Motion declared defeated.

Mayor Cole suggested that staff be directed to take a look at this request and come back with a recommendation and report that the Council can consider at its next meeting or thereafter that will address the current fiscal year's funding for Attucks Community Services Board. The City Council agreed.

7. Council Comments

Councilwoman McDaniel announced that Santa Claus was at Evergreen Park on December 10 and Turley Park on December 11 and will be at Attucks Park on December 12 and the Carol Mosely Braun Center at Lake Heights on December 13. Santa in the Parks is sponsored by the African American Museum, the Carbondale Park District and the City of Carbondale.

8. Adjournment

There being no further business to come before the City Council, the meeting was declared adjourned at 9:42 p.m..

Janet M. Vaught, City Clerk

Approved by the City Council on
