

**City Council of the City of Carbondale, Illinois**  
**Regular Meeting**  
**January 16, 2007**

The City Council of the City of Carbondale, Illinois, held a regular meeting on Tuesday, January 16, 2007, in City Council Chambers of the Carbondale Civic Center, 200 S. Illinois Avenue. Following a meeting of the Local Liquor Control Commission, Mayor Brad Cole called the meeting to order at 7:13 p.m. with the following-named members of the City Council present/absent:

**1. Roll Call**

Present: Councilwoman Sheila Simon, Councilwoman Corene McDaniel, Councilman Joel Fritzler, Councilman Chris Wissmann, Councilman Steven Haynes, Councilman Lance Jack 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 with no objection from the Council, Item 6.8 would be discussed as the first item under General Business. There were no objections.

Mayor Cole administered the Peace Officer Oath of Office to Carbondale Fire Fighter Jay Crippen. "Pal", the Accelerant Detecting Canine being handled by Officer Crippen, was also introduced.

**3. Citizen Comments and Questions**

Ed Van Awken, 1009 West Sycamore, pointed out the importance of parks in the community and asked that the sign in front of Hickory Lodge be modified to disclose Hickory Lodge Park as public park lands and display a map of the 8+ acres available for use by the public. He acknowledged that he was not asking for funding for this project from the City. Mayor Cole noted the presence of the Executive Director of the Carbondale Park District in the audience and that the Director had likely heard Mr. Van Awken's request.

Milton McDaniel, 516 East Jackson, extended his thanks for the City's participation in and continued support of the "Santa in the Parks" program. He especially thanked the Carbondale Fire Department who delivered Santa Claus to each of the locations on one of the fire trucks.

Lance Bradshaw, 330 North 9th, Murphysboro, noted that the announced price increases of Ameren CIPs will be affecting the City of Carbondale. He asked that the City consider a photovoltaic, or solar-based, system to see if such a system might help the City with financial savings. He asked that the City Council solicit bids from several solar companies for the photovoltaic system to see if the possible long-term savings with the solar system could be more beneficial to the City than either the Ameren CIPS or the Iowa-based company's proposal that is scheduled for discussion later in this meeting. He added that the

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City can make its own electricity from solar power to run traffic signals, street lights and possibly all the City municipal power usage. He noted that the City could also install a net metering system which will allow the City to make more electricity than it needs during peak summer months and the excess power could be sold to other power users at a fair market price. When the City needs more power than is being produced in winter months, it could buy back electricity at the same fair market price at which it sold the electricity. Bradshaw said there are several federal and state incentives that could be used to help subsidize the cost of the solar system, adding that even if the City could not afford to buy an entire system, just spending a fixed amount on a renewal energy annually until the entire system is complete could mean very large long-term savings for the City. Mayor Cole noted that the Energy and Environmental Advisory Committee had discussed this at some of their meetings and came up with some estimates for purchasing a photovoltaic system for the City Hall/Civic Center facility and perhaps others. He asked that the EEAC's information be shared with Mr. Bradshaw.

#### 4. Public Hearings

#### 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 December 19, 2006.
2. Warrant. Recommendation: Approve Warrant #997 for the period ended December 4, 2006, in the amount of \$1,155,898.16. (Exhibit A-1-16-07)
3. Warrant. Recommendation: Approve Warrant #998 for the period ended December 18, 2006, in the amount of \$846,829.10. (Exhibit B-1-16-07)
4. Acceptance of minutes of Boards, Commissions and Committees. Recommendation: Accept Human Relations Commission of December 4, Liquor Advisory Board of October 5, Library Board of November 8 and Preservation Commission of November 20, 2006.
5. Acceptance of deeds and easements. Recommendation: Accept permanent easements from University Mall Associates, LLC for water lines at Panera Bread and around Showplace 8 Theaters at the University Mall and record easements with the County Clerk.
6. Surplus of City-Owned Personal Property. Recommendation: Declare the 1995 Dodge Dakota Pickup Truck, VIN #1B7GL23X6SS156030 as surplus property.
7. Removed from Consent.
8. Ordinance annexing property located at 1825 New Era Road. Recommendation: Approve. (Ord. 2007-01; Exhibit C-1-16-07)
9. Removed from Consent.

Mayor Cole asked if any Council members would like any item removed from the Consent Agenda. Councilwoman Simon asked that 5.7 be removed; Councilwoman McDaniel asked that 5.9 be removed.

C. McDaniel moved, L. Jack seconded, that Consent Agenda Items 5.1, 5.2, 5.3, 5.4, 5.5, 5.6 and 5.8 be approved. VOTE: Ayes: S. Simon, C. McDaniel, J. Fritzler, C. Wissmann, S. Haynes, L. Jack and B. Cole. Nays: None. Motion declared carried.

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### 5.7 Approval of the New Era Road Project Final Payment

S. Simon moved, S. Haynes seconded, that the Council direct the City Administration to pay the final bill on the New Era Road Project totaling \$696,747.98 with the understanding that \$303,642.08 of the final bill will be paid from the Water and Sewer Fund Fund Balance. VOTE: Ayes: S. Simon, C. McDaniel, J. Fritzler, C. Wissmann, S. Haynes, L. Jack and B. Cole. Nays: None. Motion declared carried.

### 5.9 Resolution declaring "Fair Days" for the Southern Illinois Irish Festival

C. Wissmann moved, S. Simon seconded, that the Council approve the Resolution granting Fair Days for the Southern Illinois Irish Festival between 11:00 a.m. and 5:00 p.m. on April 28 and 29, 2007, inside a fenced-in area within Lenus Turley Park. DISCUSSION: Councilwoman McDaniel noted that although she supports the event, she cannot support alcohol in the parks. VOTE: Ayes: S. Simon, J. Fritzler, C. Wissmann, S. Haynes, L. Jack and B. Cole. Nays: C. McDaniel. Motion declared carried. (Res. 2007-R-01; Exhibit D-1-16-07)

## 6. General Business

Mayor Cole noted that it had been announced at the beginning of the meeting that Item 6.8 would be considered first under General Business.

### 8. Resolution authorizing the City Manager to enter into an Agreement with MidAmerican Energy Company for the Purchase and Sale of Electricity for City Properties

Mr. Michael Ellis of MidAmerican Energy Company was present to explain the process of purchasing electricity from a retail electric supplier. Mayor Cole introduced Mayor Vic Ritter of Herrin and Mayor Rich Carter of Johnston City who were in attendance to listen to the presentation.

Subsequent to the presentation and questions by members of the City Council, S. Haynes moved, C. Wissmann seconded, that the Council approve a Resolution authorizing the City Manager to enter into an agreement with MidAmerican Energy Company for the purchase and sale of electricity for City properties. VOTE: Ayes: S. Simon, C. McDaniel, J. Fritzler, C. Wissmann, S. Haynes, L. Jack and B. Cole. Nays: None. Motion declared carried. (Res. 2007-R-02; Exhibit E-1-16-07)

### 1. Review of Community Goals for the FY 2008 Budget

Mayor Cole invited comments and suggestions by Council members as he went through each of the community goals. Councilwoman Simon suggested that prioritizing environmental responsibility be incorporated into the community goals. There were no additional goals suggested. Mayor Cole said that the City Manager could proceed with the Fiscal Year 2008 with the comments that were received, adding that the goals would be formally approved with the budget document.

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### 2. Review of Community Investment Program Checklist Items for Proposed New Projects

After review of the individual projects included in the Community Investment Program checklist, a majority of Council members agreed with the recommendations of staff on the projects. Councilwoman Simon noted that the Energy and Environmental Advisory Commission had recommended that solar panels be placed on the Eurma C. Hayes Center. Mayor Cole said the project could be added to either the futures or unfunded lists. Councilman Haynes and Councilwoman McDaniel advocated the extension of the sidewalk on the east side of Wall Street between Fisher and Searing. Acknowledging that it may not be a CIP project, Councilman Haynes also asked for the striping of an additional crosswalk at Thomas School between Birch and Larch Streets. Mayor Cole said that it may not be a crosswalk that is necessary but rather a crossing guard.

### 3. Discussion of Halloween Alternatives

City Manager Doherty's recommendation was to maintain the current restrictions with the exception of moving the boundary area south from Walnut Street to Elm Street which would allow Pizza King to reopen.

S. Simon moved, S. Haynes seconded, that the Council maintain the current Halloween restrictions pertaining to hours of operation for Class B licenses and direct staff to come back with an ordinance to modify the area to be bounded by West Elm Street, Grand Avenue, the Canadian National railroad tracks and University Avenue.

DISCUSSION: Council members Simon and Jack concurred with the City Manager's recommendation. Councilwoman McDaniel supported maintaining the restrictions but did not favor expanding the boundary area because it showed partiality to one business. Councilman Fritzler supported the recommendation but suggested it also be referred to Study Circles. He also noted a problem with media coverage and called for the media to be part of the solution rather than part of the problem. Councilman Wissmann also expressed disappointment with the excessive media coverage. He concurred with the City Manager's recommendation and said it was a good first step. Councilman Haynes concurred with the City Manager's recommendation but also supported referring this issue to Study Circles and perhaps the Liquor Advisory Board. Councilman Jack suggested that Study Circles be asked to make this issue a priority; Mayor Cole said he would refer the issue to the Human Relations Commission. Mayor Cole also noted that the Liquor Advisory Board reviewed this proposal on January 4th and recommended that the current restrictions be maintained. Mayor Cole concurred with the comment made by Councilwoman McDaniel about showing preference to one establishment. He added that if a real step is going to be taken, it should be taken in an area at which there have been problems - the 500 block of South Illinois Avenue. He said that at some point things will have to be changed because Carbondale is a 24/7 city and every day of the year should be handled like every other, adding that the U.S. highway should never have to be closed due to activity downtown.

VOTE ON MOTION that the Council maintain the current Halloween restrictions pertaining to hours of operation for Class B licenses and direct staff to come back with an ordinance to modify the area to be bounded by West Elm Street, Grand Avenue, the Canadian National railroad tracks and University Avenue. VOTE: Ayes: S. Simon, J.

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Fritzler, C. Wissmann, S. Haynes and L. Jack. Nays: C. McDaniel and B. Cole. Motion declared carried. The Mayor noted that an ordinance amending the boundary line would be placed on the Consent Agenda for approval at the next Council meeting.

4. Award of contract for Public Works Administrative Building, CIP No. PB0303

S. Haynes moved, J. Fritzler seconded, that the Council (1) award a contract for the construction of the Public Works Administrative Building (CIP No. PB0303) to Schimpf Construction of Carbondale in the amount of \$128,250.00 which includes the base bid of \$136,500.00 and the deductive alternate bid #4a in the amount of \$8,250.00 and (2) authorize the City Manager to execute a change order which adds 880 sq. ft. to the building for the Maintenance and Environmental Services Division in an amount not to exceed \$57,500.00. DISCUSSION: Mayor Cole noted that according to the Bid Checklist, the low bidder was not in compliance with the City's equal opportunity requirements. He suggested that the award not be approved until the bidder complies. Councilman Haynes withdrew his motion. City Manager Doherty said this contract award would be brought back at the next Council meeting or after the bidder meets all EEO requirements.

5. Ordinance Designating the Tuscan Lodge at 201 North Washington Street as a Landmark District on the Carbondale Register of Historic Places

S. Haynes moved, C. McDaniel seconded, that the Council adopt the ordinance designating the Tuscan Lodge at 201 North Washington Street as a Landmark District on the Carbondale Register of Historic Places with the proposed design standards and district boundary. VOTE: Ayes: S. Simon, C. McDaniel, J. Fritzler, C. Wissmann, S. Haynes, L. Jack and B. Cole. Nays: None. Motion declared carried. (Ord. 2007-02; Exhibit F-1-16-07)

6. Ordinance Designating the Shelton House at 601 West Oak Street as a Landmark District on the Carbondale Register of Historic Places

S. Simon moved, J. Fritzler seconded, that the Council adopt the ordinance designating the Shelton House at 601 West Oak Street as a Landmark District on the Carbondale Register of Historic Places with the proposed design standards and district boundary. VOTE: Ayes: S. Simon, C. McDaniel, J. Fritzler, C. Wissmann, S. Haynes, L. Jack and B. Cole. Nays: None. Motion declared carried. (Ord. 2007-03; Exhibit G-1-16-07)

7. Resolution Endorsing Proposed Legislation for the Expansion and Extension of the Enterprise Zone

S. Haynes moved, C. McDaniel seconded, that the Council approve a Resolution endorsing the proposed legislation for the Expansion and Extension of the Enterprise Zone that will be introduced by Representative Mike Bost in the upcoming session of the Illinois General Assembly. VOTE: Ayes: S. Simon, C. McDaniel, J. Fritzler, C. Wissmann, S. Haynes, L. Jack and B. Cole. Nays: None. Motion declared carried. (Res. 2007-R-03; Exhibit H-1-16-07)

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8. Resolution authorizing the City Manager to Enter into an Agreement with MidAmerican Energy Company for the Purchase and Sale of Electricity for City Properties

This item was discussed at the beginning of New Business.

**7. Council Comments**

Councilman Jack reminded everyone of the February 27th Primary and that they should make sure they are registered to vote prior to the registration deadline.

**8. Closed Meeting**

S. Simon moved, C. Wissmann seconded, that the Council hold a closed meeting to discuss the appointment, employment, compensation or performance of a specific employee of the public body, the salary schedule for one or more classes of employees, 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, and to consider the semi-annual review of closed meeting minutes pursuant to 5 ILCS 120/2(c)(1), (c)(2), (c)(11) and (c)(21). VOTE: Ayes: S. Simon, C. McDaniel, J. Fritzler, C. Wissmann, S. Haynes, L. Jack and B. Cole. Nays: None. Motion declared carried. Open session recessed at 10:32 p.m.

C. McDaniel moved, J. Fritzler seconded, that the Council return to open session. VOTE: Ayes: S. Simon, C. McDaniel, J. Fritzler, C. Wissmann, L. Jack and B. Cole. Nays: S. Haynes. Motion declared carried. Open session resumed at 12:09 a.m..

S. Haynes moved, C. McDaniel seconded, that the Council approve the minutes of the closed meetings held on July 18, August 15, September 19 and December 19, 2006, and declare that the need for confidentiality still exists in the minutes of closed meetings held on January 3, March 21 and December 19, 1995; April 16, June 18, July 30, August 20, October 29 and December 17, 1996; and January 21, March 4, April 25, May 20 and October 7, 1997; and January 20, February 3, March 3, March 17, June 9, July 7, August 18, September 1, September 15, October 20, November 3, November 17 and December 15, 1998; January 19, February 16, March 2, and May 4, July 27, September 7, September 21, and November 2, 1999; January 4, January 18, February 1, May 2, June 27, November 7 and November 21, 2000; January 2, January 16, May 1, May 22, July 24, September 18, October 2, November 6, and November 27, 2001; January 8, February 5, March 5, April 10, April 16, May 21, June 25, July 9, July 15, July 23, August 13, September 3, October 15, October 29, and November 19, 2002; January 7, February 18, March 4, March 18, April 30, May 13, June 17, July 8, July 22, August 12, September 16, October 21, November 4 and December 16, 2003; January 6, February 9, April 6, June 1 and November 9, 2004; and January 11, March 1, March 29, April 13, April 19, May 3, June 7, June 21, July 5 and December 6, 2005; and January 17, February 7, February 21, April 4, May 16, June 20, July 18, August 15, September 19 and December 19, 2006 and that in accordance with the Illinois Open Meetings Act, authorize the destruction of audiotapes of the closed meetings held on January 11, March 1, March 29, April 13, April 19, May 3, June 7 and June 21, 2005 (meetings which were held more than 18 months ago.) VOTE: Ayes: C. McDaniel, J. Fritzler, S. Haynes, L. Jack and B. Cole. Nays: S. Simon and C. Wissmann. Motion declared carried.

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**9. Adjournment**

There being no further business to come before the City Council, the meeting was declared adjourned at 12:12 a.m. on January 17, 2007.

Approved by the City Council on:

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Janet M. Vaught, City Clerk