

City Council of the City of Carbondale, Illinois
Regular Meeting
June 19, 2007

The City Council of the City of Carbondale, Illinois, held a regular meeting on Tuesday, June 19, 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 7:10 p.m. with the following-named members of the City Council present/absent:

1. Roll Call

Present: Councilman Lance Jack, Councilman Joel Fritzler, Councilwoman Corene McDaniel, Councilwoman Mary Pohlmann, Councilman Chris Wissmann, Councilman Steven Haynes 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 asked for a Moment of Silence in honor and recognition of the nine Fire Fighters who were killed today while battling a fire in Charleston, South Carolina.

Councilwoman McDaniel announced that the Southern Illinois Music Festival and Carbondale Community Arts would be holding a Musical Open House at the Civic Center on Wednesday, June 20, at 7:30 p.m.. There will also be an art show at Hickory Lodge. The community is invited. Mayor Cole added that the Southern Illinois Music Festival is ongoing, with events scheduled at Shryock Auditorium during the next couple of weeks.

Councilman Jack noted that Lieutenant Governor Patrick Quinn had declared the week of June 18-24 as "Amateur Radio Week". A Field Day Event will be held on Saturday and Sunday, June 23-24, at Southern Illinois University. Information regarding the Field Day is available at www.saraskywarn.org or call Richard Niemeyer at 924-3099.

Mayor Cole announced that Carbondale Community High School and the Carbondale Police Department worked together to offer the first High School Citizens Police Academy. Eight high school students that participate in the class conducted at the high school. The Carbondale Police Department, Southern Illinois Enforcement Group and the Career Services Department at Southern Illinois University conducted the classes.

Mayor Cole announced that the City would observe the Wednesday, July 4th, as Independence Day. Wednesday and Thursday refuse collections will be delayed one day.

Mayor Cole announced that there would be a Special City Council meeting on Wednesday, June 27, for the purpose of discussing the acquisition of land for the police station. In addition, there will also be a Special City Council meeting on Tuesday, July 10, to allow the City Council and City staff to get together and interact in a social setting.

3. Citizen Comments and Questions

Melvin Holder, 410 East James and Thelma Walker Avenue, asked why he is continuing to receive water bills even though he is no longer living at that address. He noted that he had the water turned off because he had a leak. The City Manager noted that the account remains active and that bills continue to be issued as long as it is an active account. Mr. Holder then said that he visited a penitentiary where the majority of inmates are black but at a housing rehabilitation project on North Robert A. Stalls Avenue, all the workers are white. Noting the different agencies that are involved in the housing project, he opined that there had not been a good faith effort by the agencies involved to rectify this situation, adding that somebody needed to shine a light on the injustices in the community.

Dr. M Stalls, 407 North Robert A. Stalls Avenue, suggested that bike paths be developed in the northeast community. Dr. Stalls also suggested that the City Council consider a "Clean Hands" ordinance which would require a commitment to clean hands as persons carry out their business in the community.

Sarah Heyer, Assistant Coordinator of Study Circles, provided an update on the groups that were developed as a result of the last round of Study Circles, "Racism and Race Relations", as well as the prior rounds of Study Circles. She noted that all the groups are continuing their work and invited interested persons to sign up for one or more of the groups.

3. Public Hearings and Special Reports

Special Report on the Eurma C. Hayes Child Care Center:

Jill Johnson, Director of the Eurma C. Haynes Child Care Center, presented a Special Report on the Center. Topics covered included enrollment, staffing and programs offered at the Center.

4. 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 June 5, 2007. Recommendation: Approve.
2. Warrant. Recommendation: Approve Warrant #1010 for the period ended May 21, 2007, (FY 2007) in the amount of \$158,847.52. (Exhibit A-6-19-07)
3. Warrant. Recommendation: Approve Warrant #1011 for the period ended May 21, 2007, (FY 2008) in the amount of \$1,145,708.55. (Exhibit B-6-19-07)
4. Acceptance of Minutes of Boards, Commissions and Committees. Recommendation: Accept Board of Fire and Police Commissioners of April 2, 2007; Fire Fighters Pension Board of Trustees of March 13 and May 8, 2007; Human Relations Commission of May 7, 2007 and Planning Commission of May 16, 2007.
5. Illinois Municipal League Legislative Bulletins. Recommendation: Accept June 1st Legislative Update and IML Legislative Bulletin 2007-17 and place them on file.
6. Removed from Consent.

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7. Ordinance adopting the Prevailing Rate of Wages of Laborers, Mechanics and other Workers Employed in Public Works as Certified by the Illinois Department of Labor. Recommendation: Approve. (Ord. 2007-19; Exhibit C-6-19-07)
8. Removed from City Council Agenda. No action taken.
9. Revision to City Council Meeting Schedule. Recommendation: Approve change in August meeting from August 14 to August 21.
10. Resolution approving Ryburn Colp Subdivision 2nd Plat and Subdivision Agreement. Recommendation: Approve. (Res. 2007-R-42; Exhibit D-6-19-07)
11. Removed from Consent.

Mayor Cole said Consent Agenda Item 8 was removed from the Council agenda and would not be acted upon at this meeting. He also removed Item 11 from the Consent Agenda. The Mayor asked if any Council members would like any item removed from the Consent Agenda. Councilman Wissmann asked that Item 6 be removed.

C. Wissmann moved, J. Fritzler seconded, that Consent Agenda Items 5.1, 5.2, 5.3, 5.4, 5.5, 5.7, 5.9 and 5.10 be approved. VOTE: Ayes: L. Jack, J. Fritzler, C. McDaniel, M. Pohlmann, C. Wissmann, S. Haynes and B. Cole. Nays: None. Motion declared carried.

5.6 Resolution supporting submission of an application for funding to facilitate the implementation of the 2008 Safe Routes to School Program projects

C. Wissmann moved, S. Haynes seconded, that the Council approve the resolution in support of the submission of an application for funding to facilitate the implementation of the 2008 Safe Routes to School Program projects. VOTE: Ayes: L. Jack, J. Fritzler, C. McDaniel, M. Pohlmann, C. Wissmann, S. Haynes and B. Cole. Nays: None. Motion declared carried. (Res. 2007-R-41; Exhibit E-6-19-07)

5.11 Ordinance approving Gerald Dunn's request to rezone 19.25 acres located at 4175 and 4211 Boskeydell Road from AG, General Agriculture, to RR, Rural Residential

Councilman Jack said that there may have been a problem with notification to some residents around the subject property. In response to Councilman Jack's inquiry, Planning Manager Rob Keehn said 17 property owners were notified by certified mail and 17 certified mail receipts were returned.

L. Jack moved that discussion on this item be tabled to the next meeting. MOTION DIED for lack of second.

L. Jack moved, J. Fritzler seconded, that the Council adopt the Ordinance approving the request to rezone 19.25 acres located at 4175 and 4211 Boskeydell Road from AG, General Agriculture, to RR, Rural Residential.

DISCUSSION: Raymond Whiteside, Land Surveyor, 41 Westwood Lane, Carbondale, said Mr. Dunn was unable to attend the meeting and that he (Whiteside) was present to represent him. He noted that the development is a small subdivision in line with what is already in the neighborhood. He also noted that there is a sign posted at the site which informs the public of the rezoning request. Speaking in opposition to the rezoning were John Coles, 4133 Boskeydell Road, Laura Lipe, 53 Banks Lane, and Doug Enyart, 4285 Boskeydell Road. Enyart noted that he did not receive notification of the rezoning.

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VOTE ON MOTION to adopt the Ordinance approving the request to rezone 19.25 acres located at 4175 and 4211 Boskeydell Road from AG, General Agriculture, to RR, Rural Residential. VOTE: Ayes: J. Fritzler, C. McDaniel and B. Cole. Nays: L. Jack, M. Pohlmann, C. Wissmann and S. Haynes. Motion declared defeated.

C. Wissmann moved, M. Pohlmann seconded, that the Council adopt the Resolution denying the request to rezoning 19.25 acres located at 4175 and 4211 Boskeydell Road from AG, General Agriculture, to RR, Rural Residential. DISCUSSION: Upon inquiry, Planning Services Manager Rob Keehn acknowledged that if the resolution to deny the rezoning passes, if the applicant will have to reapply for the rezoning before it could be once again considered by the City Council. Councilman Wissmann withdrew the motion.

Mayor Cole noted that with the defeat of the ordinance to approve the rezoning and no action on the resolution denying the rezoning, the request remains before the City Council and may be placed on a future Council agenda for consideration.

6. General Business

1. Ordinance adopting a Labor Agreement between the City and Teamsters Local No. 347 for FY 2008, 2009, 2010 and 2011 and authorizing the City Manager to execute the Agreement

C. Wissmann moved, C. McDaniel seconded, that the Council approve an Ordinance adopting a Labor Agreement between the City of Carbondale, Illinois, and the Teamsters Local No. 347 for Fiscal Years 2008, 2009, 2010 and 2011 and authorizing the City Manager to execute the agreement. VOTE: Ayes: L. Jack, J. Fritzler, C. McDaniel, M. Pohlmann, C. Wissmann, S. Haynes and B. Cole. Nays: None. Motion declared carried. (Ord. 2007-20; Exhibit F-6-19-07)

2. Ordinance amending Title Twenty of the Carbondale Revised Code as it relates to Administrative Remedy and Community Service Options

C. Wissmann moved, J. Fritzler seconded, that the Council adopt an Ordinance amending Title Twenty of the Carbondale Revised Code as it relates to Administrative Remedy and Community Service Options. VOTE: Ayes: L. Jack, J. Fritzler, C. McDaniel, M. Pohlmann, C. Wissmann, S. Haynes and B. Cole. Nays: None. Motion declared carried. (Ord. 2007-21; Exhibit G-6-19-07)

3. Approval of Amendment to the Five-Year Community Investment Program and an Ordinance increasing the overall Fiscal Year 2008 Budget for Motor Fuel Tax and Local Improvement Funds

L. Jack moved, S. Haynes seconded, that the Council amend the FY 2008 Community Investment Program to include the Illinois Route 13/Giant City Road Intersection Improvements (CIP ST0501) and to include the Street Maintenance and Environmental Services Building (CIP PB0303) and adopt an Ordinance increasing the overall FY 2008 budget \$314,278; \$73,058 in the Motor Fuel Tax Fund and \$241,220 in the Local Improvement Fund and approve Budget Adjustments to provide for the amendments. VOTE: Ayes: L. Jack, J. Fritzler, C. McDaniel, M. Pohlmann, C. Wissmann, S. Haynes and B. Cole. Nays: None. Motion declared carried. (Ord. 2007-22; Exhibit H-6-19-07)

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4. Resolution approving an amendment to the final BPL, Planned Business, Development Plan for the Kroger Fuel Station located at 525 North Giant City Road

J. Fritzler moved, L. Jack seconded, that the Council adopt the Resolution approving the BPL Development Plan amendment for the Kroger Fuel Station located at 525 North Giant City Road. VOTE: Ayes: L. Jack, J. Fritzler, C. McDaniel, M. Pohlmann, C. Wissmann and B. Cole. Nays: None. Present: S. Haynes. Motion declared carried. (Res. 2007-R-43; Exhibit I-6-19-07)

5. Resolution approving and Resolution denying a request by David More for a Special Use Permit to allow a transportation terminal in a BPR, Primary Business, District at 215 North Washington Street

Mayor Cole noted that while has no relationship to this application, he does have a contractual employment agreement with the applicant, David More, for services outside his role as Mayor. As a result, even though he will receive no financial or other benefit from this special use, he will abstain from discussion and voting on this matter.

C. Wissmann moved, L. Jack seconded, that the Council adopt the Resolution approving the request by David More for a Special Use Permit to allow a transportation terminal and subordinate uses related thereto in a BPR, Primary Business District at 215 North Washington Street with the condition that the Special Use will be required to maintain a lease of two public parking spaces in order to provide a designated bus loading zone.

DISCUSSION: Councilman Wissmann suggested an additional condition on the special use that the ticket office be staffed and open for ticket holders at least two hours before and one hour after all bus departures or arrivals and during that time, the ticket office shall maintain a restroom and pay phone for the use of ticket holders. Councilman Jack noted that with the normal bus schedule this would require the office to be staffed from 8:40 a.m. through almost 1:00 a.m., which may be too restrictive for the applicant. Councilwoman Pohlmann noted that she observed the loading and unloading of the bus at the Amtrak Station, visited the ticket office and spoke with the applicant, and spoke with business people in the neighborhood who oppose the special use request.

Speaking in support of the special use request was Hugh Williams, 611 East Park, who said he was representing the applicant. Speaking in opposition to the special use request were Elbert Simon, 211 East Oak Street, and Margaret Nesbitt, 216 E. James and Thelma Walker Avenue, who are co-owners of D's Quick Stop at 221 North Washington Street. Also speaking in opposition was Dr. M Stalls, 407 North Robert A. Stalls Avenue.

Councilwoman McDaniel urged the Council to not vote for the special use request. Councilwoman Pohlmann noted that the Planning Commission had voted to deny the special use request because of the nature of the community, adding that the resolution includes three reasons to deny.

Councilman Jack offered a "friendly amendment" to the motion which would require the ticket office be open a minimum of one-half hour before and one-half hour after bus arrivals and departure. Councilman Wissmann agreed to the friendly amendment.

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Councilman Fritzler said would be in support of the current businesses and the recommendation of the Planning Commission.

MOTION NOW READS: that the Council adopt the Resolution approving the request by David More for a Special Use Permit to allow a transportation terminal and subordinate uses related thereto in a BPR, Primary Business District at 215 North Washington Street with the condition that the Special Use will be required to maintain a lease of two public parking spaces in order to provide a designated bus loading zone and that the ticket office be open and staffed a minimum of one-half hour before and after bus arrivals and departures. VOTE: Ayes: L. Jack. Nays: J. Fritzler, C. McDaniel, M. Pohlmann, C. Wissmann and S. Haynes. Abstention: B. Cole. Motion declared defeated.

S. Haynes moved, M. Pohlmann seconded, that the Council adopt the Resolution denying the request by David More for a Special Use Permit to allow a transportation terminal and subordinate uses related thereto in a BPR, Primary Business District at 215 North Washington Street. DISCUSSION: Councilman Haynes expressed appreciation to the Council for being concerned about and supporting the long-standing local businesses and residents of the community. VOTE: Ayes: J. Fritzler, C. McDaniel, M. Pohlmann, C. Wissmann and S. Haynes. Nays: L. Jack. Abstention: B. Cole. Motion declared carried. (Res. 2007-R-44; Exhibit J-6-19-07)

7. Council Comments

Councilwoman Pohlmann expressed thanks to the Council for allowing her to attend the Illinois Municipal League's Newly Elected Officials Conference at Rend Lake Resort. She found the information and materials provided to be very helpful.

8. Adjournment

There being no further business to come before the City Council, the meeting was declared adjourned at 9:35 p.m..

Janet M. Vaught, City Clerk

Approved by the City Council on
