

City Council of the City of Carbondale, Illinois
Regular Meeting
March 6, 2007

The City Council of the City of Carbondale, Illinois, held a regular meeting on Tuesday, March 6, 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, Councilwoman Sheila Simon, Councilwoman Corene McDaniel, Councilman Joel Fritzler and Mayor Brad Cole. Councilman Lance Jack entered immediately following the roll call.

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

There were no announcements.

3. Citizen Comments and Questions

Jim Snider, Candidate for John A. Logan Trustee, introduced himself and said he would be available after the meeting to talk with people and to answer questions.

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 Regular City Council meeting held on February 20, 2007.
2. Warrant. Recommendation: Approve Warrant #1002 for the period ended February 12, 2007, in the amount of \$1,149,172.49. (Exhibit A-3-6-07)
3. Acceptance of minutes of Boards, Commissions and Committees. Recommendation: Accept Energy and Environmental Advisory Commission of December 21, 2006; Library Board of January 10, 2007; and Planning Commission of February 7, 2007.
4. Illinois Municipal League Legislative Bulletins 2007-03 and 2007-04. Recommendation: Support SB 447 and SB 1475 and accept and place on file.
5. Removed from Consent.
6. Acceptance of deeds and easements. Recommendation: Accept permanent easement from Brehm Preparatory School for the Brehm Avenue Development (CIP SP9604).

Mayor Cole asked if any Council members would like any item removed from the Consent Agenda. Councilman Fritzler asked that 5.5 be removed.

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

5.5 Resolution approving a Request by Trinity Baptist Church for a Special Use Permit to Allow Living Quarters for a Person Employed on the Premises in an AG, General Agriculture, District located at 371 Health Department Road

J. Fritzler moved, C. Wissmann seconded, that the Council adopt the Resolution approving the request by Trinity Baptist Church for a Special Use Permit to allow living quarters for a person employed on the premises in an AG, General Agriculture, District at 371 Health Department Road, with the condition that occupancy of the structure be limited to the pastor and his family in accordance with Section 15-2D-5.N of the Carbondale Revised Code. DISCUSSION: Councilman Fritzler noted this approval was being requested after the manufactured home had been moved onto the property and asked how future after-the-fact approvals can be avoided. City Manager Doherty noted that there will always be people who are not aware of the zoning codes but that the City staff would take a look at possible solutions. VOTE: Ayes: J. Fritzler, C. Wissmann, S. Haynes, L. Jack, S. Simon, C. McDaniel and B. Cole. Nays: None. Motion declared carried. (Res. 2007-R-08; Exhibit B-3-6-07)

6. General Business

1. Authorization for the City Manager to Implement a Two-Year Plan to Convert the City Employee Health Insurance Plan from a Self-Funded Plan to a Fully-Insured Plan

Mark Kelly of Kelly Insurance and Fred York of BlueCross BlueShield were present to answer questions. After the presentation by City Manager Doherty, Mr. Kelly answered specific questions by Council members. S. Simon moved, C. McDaniel seconded, that the Council authorize the City Manager to implement a two-year plan to convert the City Employee Health Insurance Plan from a self-funded plan to a fully-insured plan as follows: (1) contract with BlueCross BlueShield of Illinois for health insurance coverage beginning May 1, 2007 for a 15/12 self-insured plan with a \$130,000 specific and terminal liability with Kelly Insurance Agency; (2) contract with HealthScope Benefits to administer the claims paid during the first three months of FY 2008; and (3) contract with BlueCross BlueShield for a fully-insured health insurance plan beginning on May 1, 2008. VOTE: Ayes: J. Fritzler, C. Wissmann, S. Haynes, L. Jack, S. Simon, C. McDaniel and B. Cole. Nays: None. Motion declared carried.

2. Award of contract for Wall Street Improvements, CIP No. ST0401, MFT Section 05-00120-00-WR

C. Wissmann moved, J. Fritzler seconded, that the Council award the contract for the Wall Street Improvements, CIP No. ST0401, MFT Section No. 05-00120-00-WR, to E.T. Simonds Construction Company of Carbondale, Illinois, in the amount of \$779,701.59 pending Illinois Department of Transportation concurrence. VOTE: Ayes: J. Fritzler, C. Wissmann, S. Haynes, L. Jack, S. Simon, C. McDaniel and B. Cole. Nays: None. Motion declared carried.

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3. Award of contract for Antenna Tower, CIP No. SP0702

S. Haynes moved, L. Jack seconded, that the Council approve the budget adjustment which transfers \$7,853 from the Thompson Street Water Line Project (CIP WS0701) to the Antenna Tower Project (CIP SP0702) for the installation and construction of the antenna tower; amend the five-year Community Investment Program to reflect the \$7,853 increase in construction of the antenna tower (CIP SP0702) and award the construction and installation of the one hundred foot (100') antenna tower at the Carbondale Water Treatment Plant to Roy Walker Communications of Makanda, Illinois, in an amount not to exceed \$14,719.40. VOTE: Ayes: J. Fritzler, C. Wissmann, S. Haynes, L. Jack, S. Simon, C. McDaniel and B. Cole. Nays: None. Motion declared carried.

4. Resolution approving an amendment to the Intergovernmental Agreement and Authorizing the City Manager to Execute the Amendment to the Intergovernmental Agreement between the City of Carbondale and Carbondale Community High School District No. 165 dated April 26, 2000

C. Wissmann moved, S. Haynes seconded, that the Council approve the Resolution amending the Intergovernmental Agreement and Authorizing the City Manager to execute the Amendment to the Intergovernmental Agreement between the City of Carbondale and Carbondale Community High School District No. 165 dated April 26, 2000. DISCUSSION: Donald Monty, 418 S. Giant City Road, noted that the original agreement called for the high school facilities to be open for use by the community. He noted that the track is now being locked and is not accessible to the community and asked if the agreement could stipulate that the facilities must be available for public use. Councilman Wissmann suggested that the agreement be amended to assure public access. City Manager Doherty said he would talk with the High School about making the track accessible to the public. VOTE: Ayes: J. Fritzler, C. Wissmann, S. Haynes, L. Jack, S. Simon, C. McDaniel and B. Cole. Nays: None. Motion declared carried. (Res. 2007-R-09; Exhibit C-3-6-07)

5. Resolution establishing an Economic Development Incentive Program for New Automotive Franchise Dealerships

C. McDaniel moved, S. Haynes seconded, that the Council approve the Resolution establishing an economic development incentive program for new automotive franchise dealerships and approve the agreement between the City of Carbondale and Ward Chrysler Center and to authorize the City Manager to enter into an agreement with Ward Chrysler Center for an economic development incentive in the amount of \$50,000.

DISCUSSION: The City Manager noted that the agreement provides that in the case of the sales not reaching the original projected amounts that the dealer would repay the City the difference between the \$50,000 and the actual amount of sales tax generated in the six-month period. In response to Councilwoman Simon's inquiry on how this idea originated, the City Manager stated that the City was approached by Ward Chrysler to assist financially in its attempt to obtain a new franchise agreement. It was determined, however, that it would be a good idea to develop a program that would benefit all car dealers. Mayor Cole noted that all dealerships were notified of the idea by letter from his office on February 1, 2007. In response to Councilwoman Simon's inquiry, the City Manager affirmed that the contract does not include any requirement

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for how long the dealership must remain in business inside the City limits and there are no equal employment opportunity clauses in the contract. Mayor Cole reiterated that there is a performance clause in the contract. Councilman Fritzler asked if there was a requirement that City residents be employed or if there will be a benefit to City residents. Mayor Cole responded that there is no requirement to hire City residents but that residents will receive the benefit from the sales tax collected. Councilman Haynes noted that the current location is within the enterprise zone and asked there was going to be a new location for the new franchise. City Manager Doherty said it is his understanding that the new dealership will be incorporated into the current location. Councilman Haynes asked if they would receive enterprise zone benefits if there is an enlargement or remodel of the building; Mayor Cole said any construction or expansion of the business would be eligible for enterprise zone benefits, adding that any business within the enterprise zone would be eligible for those benefits if they expand. Councilman Wissmann questioned if execution of this contract would make Ward Chrysler a contractor with the City thereby requiring them to comply with the City's EEO requirements. At the request of Mayor Cole, City Manager Doherty described other types of economic development incentives that were awarded to other businesses, i.e., Ashley Furniture in its relocation from the University Mall, the development of Lowe's, etc.. In each case, the City considered the payback period and whether it was worth the investment. The City Manager noted that based on projections, the payback for the Ward Chrysler incentive would be about five months.

Mayor Cole noted that a letter had been received from Auffenberg of Carbondale asking that action on this request be postponed to allow input from Carbondale automotive dealers. Vic Koenig, 1006 Taylor Drive and owner of Vic Koenig Chevrolet, noted that he was accompanied by representatives of Vogler Ford and Auffenberg of Carbondale. On behalf of the three dealerships, Mr. Koenig spoke in opposition to the resolution, stating that incentives should not be given to other dealerships and adding that Ward Chrysler would be bringing the Kia dealership to Carbondale regardless of the incentive.

Mayor Cole reiterated that a letter had been sent to the new car dealers on February 1st indicating that the City is interested in helping existing dealerships expand their sales lines and that depending on the situation and costs involved, the City wanted to partner with the dealerships to help them grow. If they were able to acquire a dealership or product line from outside the City and bring it into the City, that the City may be able to provide incentives or financial assistance to get it done. He noted that the current Kia dealership is outside the City limits so the City of Carbondale is not receiving any sales tax benefits from it. He said he spoke with the dealerships represented at this meeting and all said that this particular incentive would not benefit them and wanted to know what could be done to assist them. Mayor Cole said there might be additional incentives that could be developed to assist the current dealerships, adding that it is important to be aggressive in retaining the dealerships that currently exist and providing assistance so they can grow. Mayor Cole said that a modification to the proposed agreement could be considered to address some of the concerns that have been brought up at this meeting.

Councilwoman Simon said that based on the letter from Auffenberg and the comments by Mr. Koenig and noting that representatives of Ward Chrysler were not at the meeting, she did not see a need to rush into action. She suggested additional work on the contract and the resolution as well as additional research to determine what actually would help all the local businesses. In follow-up to an earlier question by Councilman

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Haynes, Mayor Cole noted that the enterprise zone was expanded for the Koenig dealership for the same purpose that it was expanded for the Ward Chrysler dealership. He suggested that this action not be delayed because there will be an opportunity to come back with opportunities for other dealers.

VOTE ON MOTION to approve the Resolution establishing an economic development incentive program for new automotive franchise dealerships and approve the agreement between the City of Carbondale and Ward Chrysler Center and to authorize the City Manager to enter into an agreement with Ward Chrysler Center for an economic development incentive in the amount of \$50,000. VOTE: Ayes: B. Cole. Nays: C. Wissmann, S. Haynes, L. Jack, S. Simon, C. McDaniel and J. Fritzler. Motion declared defeated.

Councilman Wissmann suggested further discussions with representatives of the existing auto dealerships to see if there might be anything that might be more acceptable to everybody. Councilwoman McDaniel said after hearing the opposition from the other dealerships she also believes it was wise to delay action so there could be conversations with the other dealers. Mayor Cole said he was disappointed that he sent out the letter to the dealers on February 1st but there were no comments by the dealers until today. He said this will be returned to staff and will be brought back to the Council at a later date.

6. Ordinance approving Saqib Khan's request to Rezone 2.40 acres from R-1-12 and R-1-15, Low Density Residential, districts to R-2, Medium Density Residential, district for properties located at 1306 East Grand Avenue

C. Wissmann moved, C. McDaniel seconded, that the Council adopt the Resolution denying the request to rezone 2.40 acres from R-1-12 and R-1-14, Low Density Residential, to R-2, Medium Density Residential. DISCUSSION: Speaking in support of the rezoning was applicant Saqib Khan. Speaking in opposition to the rezoning were Wayne Wheelers, 1308 E. Grand Avenue; Donald Monty, 418 S. Giant City Road; and Steven Ebbs, 1310 E. Grand Avenue. VOTE: Ayes: J. Fritzler, C. Wissmann, S. Haynes, L. Jack, S. Simon, C. McDaniel and B. Cole. Nays: None. Motion declared carried. (Res. 2007-R-10; Exhibit D-3-6-07)

7. Council Comments

Councilwoman Simon referred to comments made by Mayor Cole at the last Council meeting concerning the hiring of additional police officers and noted that there will be an opportunity for input from the Police Department, City staff and the citizens on this issue at an upcoming Council meeting. Mayor Cole noted that the discussion will take place on April 3rd, the meeting at which the Council will review the budget. He also noted that budget document will be available for public review by the next Council meeting on March 20th.

Councilman Jack reminded everyone that March 20th is the the last day to register to vote prior to the April 17th election.

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8. Closed Meeting

S. Simon moved, C. McDaniel seconded, that the Council hold a closed meeting to discuss the appointment, employment, compensation or performance of a specific employee of the public body, collective negotiating matters 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: J. Fritzler, C. Wissmann, S. Haynes, L. Jack, S. Simon, C. McDaniel and B. Cole. Nays: None. Motion declared carried. Open session recessed at 8:31 p.m.

C. Wissmann moved, C. McDaniel seconded, that the Council return to open session. VOTE: Ayes: J. Fritzler, C. Wissmann, S. Haynes, L. Jack, S. Simon, C. McDaniel and B. Cole. Nays: None. Motion declared carried. Open session resumed at 9:45 p.m.

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

9. Adjournment

There being no further business to come before the City Council, the meeting was declared adjourned at 9:46 p.m..

Janet M. Vaught, City Clerk

Approved by the City Council on:
