

**City Council of the City of Carbondale, Illinois**  
**Regular Meeting**  
**November 20, 2007**

The City Council of the City of Carbondale, Illinois, held a regular meeting on Tuesday, November 20, 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 Corene McDaniel, Councilwoman Mary Pohlmann, Councilman Chris Wissmann, Councilman Steven Haynes, Councilman Lance Jack and Mayor Brad Cole

Absent: Councilman Joel Fritzler

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 on Thursday and Friday, November 22 and 23, for the Thanksgiving Holiday. Thursday's refuse collection route will be pushed back to Friday.

**3. Citizen Comments and Questions**

There was no one present who indicated a desire to speak during this portion of the agenda.

**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 November 6, 2007.
2. Warrant. Recommendation: Approve Warrant #1022 for the period ended October 22, 2007 (FY 2008) in the amount of \$1,452,509.65. (Exhibit A-11-20-07)
3. Acceptance of Minutes of Boards, Commissions and Committees. Recommendation: Accept Liquor Advisory Board of September 13 and October 4, 2007 and Planning Commission of October 3, 2007.
4. Award of contract for Sanitary Sewer Rehabilitation at Easton Drive and Brook Lane, Smith Street and Sycamore Terrace and South Walker Street, CIP No. SA0803. Recommendation: Award contract to SAK Construction LLC of Chesterfield, Missouri, in the amount of \$91,901.00.
5. Resolution Authorizing Execution of Illinois Affordable Housing Trust Fund Grant from Illinois Housing Development Authority. Recommendation: Approve. (Res. 2007-R-73; Exhibit B-11-20-07)

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Mayor Cole asked if any Council members would like any items removed from the Consent Agenda. There were no items removed.

S. Haynes moved, C. Wissmann seconded, that the Council approve Consent Agenda Items 5.1, 5.2, 5.3, 5.4, 5.5 and 5.6. VOTE: Ayes: C. McDaniel, M. Pohlmann, C. Wissmann, S. Haynes, L. Jack and B. Cole. Nays: None. Motion declared carried.

### 6. General Business

1. Review of 2007 Proposed Tax Levy, Truth in Taxation Act Determination and Public Library Board's Tax Levy Requirements

S. Haynes moved, C. Wissmann seconded, that the Council direct staff to submit a Tax Levy Ordinance for the December 18, 2007, City Council meeting containing the recommended Tax Levy and Tax Levy Abatements that will result in a net 2007 Tax Levy in the amount of \$737,303. VOTE: Ayes: C. McDaniel, M. Pohlmann, C. Wissmann, S. Haynes, L. Jack and B. Cole. Nays: None. Motion declared carried.

2. Review and Action on the FY 2007 Audited Comprehensive Annual Financial Report and Other Supplemental Financial Reports

Mark Dallas of Kerber, Eck and Braeckel presented the Comprehensive Annual Financial Report for FY 2007. Following questions, C. Wissmann moved, C. McDaniel seconded, that the Council accept and place on file the audited Comprehensive Annual Financial Report for the fiscal year ended April 30, 2007. DISCUSSION: Councilman Haynes noted that he had previously requested that the Council have an in-depth discussion about the Eurma C. Hayes Child Care Center but that the discussion had not yet taken place. VOTE: Ayes: C. McDaniel, M. Pohlmann, C. Wissmann, S. Haynes, L. Jack and B. Cole. Nays: None. Motion declared carried.

3. Ordinance authorizing the Mayor to execute an Employment Agreement with City Manager Jeffrey W. Doherty

C. Wissmann moved, L. Jack seconded, that the Council approve an Ordinance authorizing the Mayor to execute an Employment Agreement with City Manager Jeffrey W. Doherty. VOTE: Ayes: C. McDaniel, M. Pohlmann, C. Wissmann, S. Haynes, L. Jack and B. Cole. Nays: None. Motion declared carried. (Ord. 2007-43; Exhibit C-11-20-07)

4. Ordinance approving and Resolution denying Don Fike's request to rezone 25.63 Acres from AG, General Agriculture, and R-1-15, Low Density Residential, to PUD, Planned Unit Development with a maximum Land Use Intensity Number of 3.5

L. Jack moved, C. Wissmann seconded, that the Council adopt the Ordinance approving the request to rezone 25.63 acres located at the west end of Westridge Place from AG, General Agriculture, and R-1-5, Low Density Residential, to PUD, Planned Unit Development with a maximum Land Use Intensity number of 3.5. VOTE: Ayes: C. McDaniel, M. Pohlmann, C. Wissmann, S. Haynes, L. Jack and B. Cole. Nays: None. Motion declared carried. (Ord. 2007-44; Exhibit D-11-20-07)

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5. Ordinance annexing property located west of Westridge Place

L. Jack moved, C. McDaniel seconded, that the Council approve the Ordinance annexing property located west of Westridge Place. VOTE: Ayes: C. McDaniel, M. Pohlmann, C. Wissmann, S. Haynes, L. Jack and B. Cole. Nays: None. Motion declared carried. (Ord. 2007-45; Exhibit E-11-20-07)

6. Ordinance Approving and Resolution Denying RichSmith Development's request to rezone 22.5 acres from AG, General Agriculture, to PUD, Planned Unit Development with a maximum land use intensity number of 4.1

Representing RichSmith Development and speaking in support of the rezoning were Kyle Bach, Arby Smith, Andrea Cooper and Belinda Grace. Speaking in opposition to the rezoning were Julie Illner, 1860 New Era Road; Elizabeth Patterson, 1825 New Era Road; Brian McElheny, 1400 New Era Road; Genevieve Houghton, 710 North Oakland; Patricia McMeen, attorney for Brian and Millie McElheny; and Judith Green, 1080 Kira Court. Gail Odaniell, 911 Norwest Lane, presented a letter in opposition from Dorothy Bodkin who resides in the home north of and adjacent to the property.

Following Council questions to the applicant, L. Jack moved, C. McDaniel seconded, that the Council adopt the Ordinance approving the request to rezone 22.5 acres located on the east side of New Era Road across from Lake Road from AG, General Agriculture, to PUD, Planned unit Development, with a maximum Land Use Intensity (LUI) number of 4.0. VOTE: Ayes: C. McDaniel, C. Wissmann, L. Jack and B. Cole. Nays: M. Pohlmann and S. Haynes. Motion declared carried. (Ord. 2007-46; Exhibit F-11-20-07) Mayor Cole suggested that there be Code requirement for a neighborhood discussion with developers before taking items to the Planning Commission. Councilman Wissmann suggested that the developers communicate with the neighborhood as they finalize the site plan.

7. Ordinance Approving and Resolution Denying Dan Parrish's Request to Rezone 42.5 Acres from AG, General Agriculture, to PUD, Planned Unit Development, with a Maximum Land Use Intensity Number of 5.0

Mayor Cole noted that today he received a petition filed by adjacent property owners protesting this rezoning, adding that under City Code Section 15-2J-10.E this would require a supermajority of votes from the City Council to approve the rezoning, a minimum of five votes in the affirmative. Mayor Cole said that he has determined the petition to be valid. He said the last issue discussed is similar to this issue and asked if any Council member intends to change their vote from the negative to the affirmative, adding that if no Council member intended to change their vote then there is no need to consider this rezoning request because there would not be the required number of votes to pass it. No Council members indicated they intended to change their votes from the negative to the affirmative. Councilman Wissmann stated he would likely vote against the rezoning and recommended that the Council not take action on the request and give the developer the opportunity to meet with the neighborhood to see if something can be worked out that addresses the neighborhood's concerns as well as provide the Council with additional information that is needed to make a decision. Mayor Cole noted that this plan is different from the plan approved in the previous agenda item, adding that if the developers come back they should first meet with the neighbors and redefine their plan because it is not something that is acceptable to the Council at this time. The

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Mayor noted that this directive is in keeping with the Council's established procedure that if the Council does not want to act on something, it is sent back to the developer. Mayor Cole said without objection of the Council and by Order of the Chair, there will be no action taken on Item 6.7. There was no objection.

**7. Council Comments**

Lance Jack reminded everyone of the Lights Fantastic Parade to be held on Saturday, December 1st, beginning at 6:00 p.m.. Mayor Cole added that December 1st would be very busy with a high school basketball game, the parade, holiday shopping, college basketball and hopefully college football.

Mayor Cole asked everyone to be thankful for the blessings they have received and to enjoy their Thanksgiving holiday.

**8. Closed Meeting**

C. Wissmann moved, C. McDaniel seconded, that the Council hold a closed meeting to discuss the appointment, employment, compensation, discipline, performance or dismissal of specific employees of the public body 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) and (c)(11). VOTE: Ayes: C. McDaniel, M. Pohlmann, C. Wissmann, S. Haynes, L. Jack and B. Cole. Nays: None. Motion declared carried. Open session recessed at 9:10 p.m..

C. Wissmann moved, M. Pohlmann seconded, that the Council return to open session. VOTE: Ayes: C. McDaniel, M. Pohlmann, C. Wissmann, S. Haynes, L. Jack and B. Cole. Nays: None. Motion declared carried. Open session resumed at 10:32 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 10:33 p.m..

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Janet M. Vaught, City Clerk

Approved by the City Council on

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