

City Council of the City of Carbondale, Illinois
Regular Meeting
October 2, 2007

The City Council of the City of Carbondale, Illinois, held a regular meeting on Tuesday, October 2, 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 7:18 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 and Mayor Brad Cole

Absent: Councilman Steven Haynes

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 proclaimed October 7-13, 2007, as "Fire Prevention Week" and presented the Proclamation to Fire Chief John Michalesko.

3. Citizen Comments and Questions

Marjorie Parker, 1702 W. Taylor Drive, noted that October 2nd is the birthday of the Mahatma Ghandi and that the United Nations General Assembly had adopted a resolution declaring Ghandi's birthday as the International Day of Non-Violence.

Linz Brown, 906 South Valley Road, noted that the Valley Road storm drainage improvements were scheduled for City Council approval under the Consent Agenda and expressed thanks to Council members, especially those who had visited the area, as well as to City Manager Doherty, Ed Reeder, Beth Ponce, Mary Runion, Gary Belles and other Public Works employees, and to Mayor Brad Cole. Dr. Brown also thanked the neighbors of the area who supported the project.

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 September 18, 2007.
2. Warrant. Recommendation: Approve Warrant #1019 for the period ended September 10, 2007, (FY 2008) in the amount of \$2,990,659.81. (Exhibit A-10-2-07)
3. Acceptance of Minutes of Boards, Commissions and Committees. Recommendation: Accept Board of Fire and Police Commissioners of August 24, 2007; Carbondale Public

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Library Board of Trustees of August 8, 2007; Liquor Advisory Board of August 2, 2007; Planning Commission of August 1, 2007 and Preservation Commission of August 20, 2007.

4. Ordinance Approving the City of Carbondale's Request to Rezone 14.33 Acres from BPL, Planned Business, to AG, General Agriculture, located at the Northwest Corner of Lewis Lane and Rendleman Road. Recommendation: Approve. (Ord. 2007-35; Exhibit B-10-2-07)
5. Award of Contract for Valley Road Area Storm Drainage Improvements, Phase I and Phase II, CIP No. SS0801. Recommendation: Award to J & L Robinson Development and Construction Company of Carbondale in the amount of \$81,510.20.
6. Acceptance of deeds and easements. Recommendation: Accept permanent easement from EDR Carbondale LLC for a water line to serve The Reserve at Saluki Pointe and authorize City Clerk to have the easement recorded.
7. Illinois Municipal League Legislative Bulletin 2007-22. Recommendation: Accept and place on file.
8. Removed from Consent.
9. Budget Adjustment Adding Grants to the Police Department Budget. Recommendation: Approve Budget Adjustment in the amount of \$44,023 for FY 2008 to allocate supplemental grant funds from the U.S. Department of Justice, Justice Assistance Grant Program, as well as the Mini Alcohol Program and Child Passenger Safety grants from the Illinois Department of Transportation, Division of Traffic Safety.

Mayor Cole asked if any Council members would like any items removed from the Consent Agenda. Councilman Jack asked that Item 5.8 be removed.

C. Wissmann moved, C. McDaniel seconded, that the Council approve Consent Agenda Items 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.7 and 5.9. VOTE: Ayes: L. Jack, J. Fritzler, C. McDaniel, M. Pohlmann, C. Wissmann and B. Cole. Nays: None. Motion declared carried.

5.8. Resolution approving an Amendment to the Final BPL, Planned Business, Development Plan for Shoppes at University Located at 1275 East Main Street

L. Jack moved, C. McDaniel seconded, that the Council adopt the Resolution approving the BPL Development Plan amendment for the Shoppes at University at 1275 East Main Street. DISCUSSION: Councilman Jack expressed concern about the traffic problems in that area and the additional traffic that this development will cause. City Manager Doherty noted that plans had been submitted to the Illinois Department of Transportation for methods of alleviating the traffic problems in this area and the plans are currently being reviewed by IDOT. VOTE ON MOTION: Ayes: L. Jack, J. Fritzler, C. McDaniel, M. Pohlmann, C. Wissmann and B. Cole. Nays: None. Motion declared carried. (Res. 2007-R-62; Exhibit C-10-2-07)

6. General Business

1. Ordinance authorizing the Placement of Pedestrian Crosswalks Upon North Wall Street and South Lewis Lane

C. McDaniel moved, M. Pohlmann seconded, that the Council approve the Ordinance which authorizes the placement of pedestrian crosswalks upon North Wall Street and South Lewis Lane. VOTE: Ayes: L. Jack, J. Fritzler, C. McDaniel, M. Pohlmann, C. Wissmann and B. Cole. Nays: None. Motion declared carried. (Ord. 2007-34; Exhibit D-10-2-07)

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2. Review of Proposed Single Family Housing Conversion Program:

After an introductory presentation by City Manager Doherty, Mayor Cole noted that no Council action would take place at this meeting. The item will be returned for Council action on October 16th. Written comments may be submitted to the City Manager's Office or the City Clerk's Office. The comments will be compiled and sent to the City Council as part of the agenda item. Mayor Cole invited comments from the audience.

Marie Blankenship identified herself as a property owner within the City of Carbondale who doesn't currently live in Carbondale but has considered moving back into town. Ms. Blankenship said there are incentives for people who want to buy rental property and turn it into residential housing but asked what incentive there is for the landlords to give up their income. Mayor Cole noted that nobody is being forced to sell their rental property and if they don't want to sell their property they don't have to.

Brian Swoboda, 409 West Monroe, spoke in support of the ordinance. He noted he purchased a rental home in a rental district and has converted the home to single family. He supports the ordinance because it is a positive measure for the City at large, adding that many communities have already enacted similar ordinances in order to convert older neighborhoods who have gone rental back into single family because there is a need and people love to live in older homes. He said it is also a positive community development issue for the City at large, adding that a City that has all kinds of housing options for its citizens is more successful. Swoboda said Carbondale lacks older housing areas in the City that are attractive to single family owners due to the conversion of many of those neighborhoods to exclusively rental areas. He said many of these areas are historic and deserve to be converted back to single family neighborhoods, citing the Arbor District and Walnut Street as a specific examples.

Jane Adams, 702 West Cherry, spoke in support of the ordinance and urged the Council to continue to seek innovative ways to promote the conversion of rental property to family home ownership. She believes Carbondale will face a crisis in the next few years that will be particularly intense especially in the area of Mill to Sycamore streets, including the Arbor District. She said a large number of apartments are being built which will relieve the pressure in traditional single family neighborhoods and provide an opportunity to convert rental houses to single family, owner occupied houses. However, a large number of these homes have been used as rooming houses and have had very little maintenance which will probably cause a number of landlords to try to sell their properties rather than invest the money necessary to bring them up to codes and make them marketable in the rental market. Adams said that a number of landlords might also seek to sell their properties as a large single lot rather than as individual homes, but the properties will likely not find buyers in the competitive rental market given the costs of bringing them up to the standards sought by students with the desired amenities. She said that landlords have also remodeled single family homes to turn them into rooming houses with more bedrooms, adding that converting them back into single family homes will require extensive and expensive renovations. Adams said this year she has seen that many rental houses in her neighborhood have not been leased and she has heard of sizeable landlords seeking to sell their holdings. She concluded by saying the proposal is a good first step but urged the Council to continue to seek ways to facilitate the conversion of rental houses back to single family, owner occupied homes and to address the probability that some landlords will try to sell their properties as large lots rather than individually.

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Ed Van Awken, 1009 West Sycamore, said the future of the City is a good free-market economy, adding that to have a good free market economy the City should do only the basics of what a City should do - water, garbage, sewage, police protection and green space. He said that he believes this proposal would lead to hokey contract-for-deeds by smooth operators and con men.

Donald Monty, 418 South Giant City Road, said he supported the proposal, adding that for many years from looking at census data and personal observation of neighborhoods he observed the changes that were going on as traditional single family neighborhoods changed to large numbers of rental properties. He said the impacts were largely negative with a decline in the physical quality of the housing and a rise in a variety of society issues in those neighborhoods. Monty said he has personal experience because many years ago he bought a house that had been a rental house occupied by large numbers of students, agreeing with a prior speaker that every room in the house had been converted into a bedroom and adding that it took a lot of work and expense to overcome that. Monty said there is a clearly a need in the community for an incentive to encourage people to try to purchase some of these rental homes and convert them back to their original intended purposes. Monty said his only observation on the ordinance relates to a provision that the house has to be owner-occupied for ten years, adding that because younger families tend to move, get other jobs, etc., it might scare people away from taking advantage of the incentive because they would feel they are locked in for ten years. He suggested that the provision be clarified so that if someone gets a grant but has to move away they would be allowed to sell the property to another owner-occupant. Mayor Cole said that a restrictive covenant would be placed on the property that stipulates that the house would remain owner-occupied by the owner of record - not necessarily the same owner of record - so if the property is transformed into an owner-occupied home and that resident sells it to another owner-occupant, as long as it remains occupied by the owner of record it would comply with the program.

The Mayor again asked that suggestions, comments or questions be submitted by citizens to the City Manager's Office or the City Clerk's Office so they can be included in the record and so all points are raised before it is brought back to the Council for action in two weeks.

Councilwoman Pohlmann asked that information be provided on the costs and funding for the program, including possibly what other cities have experienced. She asked if the ordinance would cover a landlord deciding to convert a rental unit into a single family home. City Manager Doherty said the owner or landlord could fix up the house and then market it to a prospective buyer with the notation that if they buy the house, the buyer could receive the incentive.

3. Review of Proposed Ordinance Adopting a Rental Licensing Fee

Mayor Cole said as in the previous item, all recommendations, suggestions, comments and questions should be submitted to the City Manager's Office or the City Clerk's Office so they can be reviewed and included in the record. He added that discussion at this meeting will be limited.

City Manager Doherty made an introductory presentation on the proposed ordinance.

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Councilman Wissmann noted that a lot of renters are students, adding that a lot of students were in the audience at this meeting. He encouraged those with questions or comments to raise them during the meeting or afterwards. He said some code violations occur because of human fallibility and not malice, adding that a line should be drawn between those conscientious property owners who repair code violations when they learn of them and those who incur code violations due to negligence, don't promptly provide repairs and offer far less than the minimum standards for the health, safety and welfare of their tenants. He said an attempt should be made to control those who need strict supervision while creating minimum inconveniences for the other group. He noted that the information provided shows that some communities base the frequency of inspections on past inspections, with landlords who have a history of non-compliance receiving more frequent inspections and those who are conscientious receiving fewer inspections. He said that three years is appropriate for many properties within Carbondale but not nearly often enough for others. Councilman Wissmann said the City should also require certification of its building inspectors to make sure they are completely educated on the codes they are called upon to enforce, adding that the certification should also be required in the ordinance. City Manager Doherty noted that certain certifications of the inspectors are required in some cases and are encouraged in others, adding that the City has supported certifications for a number of years through payment of the testing done through the Southern Illinois Code Officials organization

Diana Exner, 160 Lavender Lane, Makanda, asked why Carbondale is suddenly concerned about student housing, adding that she lived in a student rental house many years ago with a toilet that kept backing up but the codes were never enforced. She said she is seeing a lot of student apartments being built but she doesn't understand why because the students have stopped coming to SIU. She said the University has said they are going to close Mae Smith and build housing on Mill Street for graduate students. She noted that the man from Tennessee who came to a Council meeting about building apartments across from Arnold's Market promised that all the money would stay in Carbondale but then the man decided to not build the apartments, probably because of labor costs, and now someone else is doing it. She also commented on the rents being charged for the new apartments. Exner said that what is being developed is a town being encircled with economic development, a problem that has been caused by a mistake in the City's planning.

Radine Paper, Murphysboro, said she considers the fees just more taxes. She said she pays around \$70,000 a year in real estate taxes which go for Carbondale schools, library, parks, golf course and all the things that are City responsibility. She said although the taxes might be collected by someone other than the City of Carbondale, they are going toward City things. She said she also pays sales taxes. She said that she is 100% in favor of inspections and more inspectors, adding that inspections are good for business because they give the public confidence in the rental properties. She said if every property is inspected it gives everyone an even playing field. She talked about the houses she rents throughout the northwest side of town. She said SIU now has new four bedroom apartments on campus for which they charge \$650 per student, but she charges \$250 to \$300 per student for a house with a washer/dryer, air conditioning and porch or patio. She said this provides the students with options. She said she favors inspections but does not support the extra fee. She said she pays sales taxes and her students pay sales taxes but the University pays no state or federal taxes. She said rental inspections are a service that the City provides, asking if the property owners will now be asked to pay for it if a water line bursts, a sewer collapses or a street light burns out.

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She also believes that it is inevitable that the fee will eventually go up because inspectors will make more, costs will go up, etc.. She noted that the more money that she has to pay for inspections the less money there is for maintenance or remodeling. She said she is opposed to the extra fee and does not see why the costs cannot be paid through the increase in the sales tax. Paper said that one landlord has said he will just raise the rents, but she does not want to raise her rents because her business is based on giving people as much as she can for a reasonable price.

Mayor Cole noted that the City of Carbondale does not operate the school districts, the park district, the county board or any of the other taxing bodies that levy property taxes, adding that although there are taxes paid in the City of Carbondale they are not collected by the City for general government purposes.

Bob Child, 806 West Cherry, asked the deadline for submission of comments. Mayor Cole responded that the deadline will be Thursday, October 11, at noon. (Later in the meeting this deadline was changed to Wednesday, October 10, at 5:00 p.m..)

Jon Sauser, 1101 East Grand Avenue, identified himself as one of the owners and also the manager of Aspen Court apartments. Sauser said that most people are in Carbondale because of the university, either as a student, as an employee or as a business person to support the students. He said he worries that the \$35 charge will be passed along to the students. He said it costs a lot to run a business, adding that as taxes go up, the minimum wage goes up, electric rates go up, there isn't much room for profit. He said he does not have a line item in his budget to add this on so he will be forced to pass the fee along to his tenants as will other landlords. Sauser noted that the City Manager had said in the previous agenda item that the City has five grant programs already and he is all for this, but he believes the City should think long and hard before it adds a \$35 per unit to pay for this program. He said that he is in favor of mandatory inspections and they need to be done. Sauser said the City already has five inspectors and there may be more needed to accomplish the goal of inspecting every unit every three years. However, he would question if so much more money is needed. He asked whether the fee could be less than \$35. Sauser also noted that there are brand-new units as well as other units up to 60 years old. He noted that all the new units are being constructed up to current building codes which make them inherently safer than the older units, but yet they are going to get charged the same inspection fee when they probably require 1/10th of the inspectors time. He said if a fee is involved he would support a graduated fee so the units that do not require all the resources are not penalized. Sauser said that looking at other towns, the City of DeKalb is similar to Carbondale but can inspect their rental units every two years without a fee. He noted that DeKalb has a one-time application fee of \$3 per unit but there is no yearly fee, adding if DeKalb can do it, Carbondale can do it. Sauser concluded by saying there need to be inspections but the City should be careful about how the cost is passed along and who ultimately will pay it.

Mayor Cole said Mr. Sauser made some good points, adding that the City should have to expect that the fees will be passed along, something which should be considered by the Council.

D. Gorton, 702 West Cherry Street, said that the Council has heard from several professional landlords adding that Carbondale has 9,000 units and not all property owners are as good and professional as Radine Paper or Jon Sauser. Gorton said that these units are not where the problem is located, adding that the problem is in the older houses that are not being inspected every three years. He said this is where people own

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a clutch of houses and often live out of town and leave the property with property managers or other people, or they don't look after them, or the properties grow older and get in disrepair. Gorton said these people are not professional landlords and are just in it for the money, unlike Radine Paper and her properties or with Aspen Court. He said he has also looked into other ordinances across Illinois and has shared some information with Council members such as Collinsville which had a similar problem with students and had a licensing program for landlords. Gorton said he was more interested in Schaumburg where they identified deteriorated housing along with crime the crime possibilities that happen inside areas with deteriorated housing. (He noted that he may have the name of the community incorrect.) Gorton said the way Schaumburg solved the problem was in addition to a fee there was also a seminar for landlords offered by the police department in which they were told what could be done to identify and stop crime in their apartments. He said to add value to the \$35 fee that is being discussed, he would suggest that the owners of record and/or landlords be educated on how to be a landlord. He said he looks forward to what this initiative is going to do but added that crime is something that should be considered. He said he is also concerned that there are people with criminal records as landlords, adding that some of those people should not be allowed to have a license.

Sandy Litecky, 603 West Walnut, identified herself as President of the Arbor District Neighborhood Association. She said the Arbor District would like to applaud the City for bringing forward this proposal for a landlord licensing ordinance, adding that it will be a step forward in making Carbondale a safer city for all residents. The Arbor District suggests that all licensees be required to attend a seminar similar to Schaumburg's "A Crime Free Multi Housing" seminar before they receive their licenses. The Arbor District also suggests that registered sex offenders not be licensed, adding that felons cannot hold a liquor license and should not be able to hold a rental license.

Mayor Cole noted that the proposal is not a licensing program for landlords or property managers or owners, but is only the licensing of units.

Lauren Holley, 611 West Cherry Street, identified herself as an SIU student. Holley said she is working and pays her own costs for school. She said this extra cost is too much and will just be passed along to the students. She said students already have enough to pay for and should not have this extra cost.

Mayor Cole noted that comments have been made on both sides of the issue and the comments will be considered by Council members prior to voting on it at the next meeting. He invited comments or questions from Council members.

Councilwoman McDaniel noted that the cost of the inspection is proposed at \$35 per unit, not per person. The \$35 should be divided by the number of people in each unit but, she said, there is no way the City can control or keep the landlord from charging each person in the unit. She said this is something that should be considered and possibly included in the rental contract.

Councilwoman Pohlmann said that she supports fees that reflect the inspection burden, i.e. those units that need to be reinspected should require more of a fee, adding that Exhibit B talks about the reinspection fee which she favors. She said she does have some questions about definitions including what is being exempted and what is being covered but she will talk with the City Attorney to get clarification. Councilwoman

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Pohlmann also noted that SIU owns student housing and said it is her understanding that the City does not inspect SIU housing. Mayor Cole said that was correct, adding that the City does not regulate State property.

Councilman Fritzler referred to the list of other communities provided with the agenda item, noting that in other university communities it appears that their fees are a little more fair and a little more spread out. He noted that a house will take more time to inspect than a single apartment so charging \$35 for an apartment and for a house may be impractical. He suggested that there be a little more discussion on rates and that DeKalb be contacted about their fees and expenses and also find out if DeKalb has a property tax which might be a reason they don't have a fee. Councilman Fritzler said there still seem to be some things that could be looked at to make it more fair for the landlords.

Councilman Wissmann noted that this is a proposal and a lot can happen to it between now and the next meeting. He asked that everyone keep an eye on the City's website for the final version that will come to the Council, adding that if persons have comments, criticisms, ideas, etc. that those be sent to the City and perhaps they can be incorporated. Councilman Wissmann said a \$35 is currently being proposed plus a \$50 reinspection fee, but perhaps there could be a license fee of \$1 and a reinspection fee of \$150. He said there might be many ways this could be reworked to meet the needs of everybody, adding that he is just throwing out these numbers but not suggesting them. Councilman Wissmann asked those in attendance to think about what might be fair, whether they are a student, a landlord or a home owner and then pass those ideas along to the Council.

Mayor Cole said if the Council is not ready to take action at the next meeting, then it won't take action. If there is more discussion or more comments, then that's fine. He added that this proposal is something that will affect so many people and he hopes everyone can agree that the real base intent is to provide for safe housing for every resident in Carbondale. He said how the City ensures that is the question, adding that there are older and newer units, some different code levels because some are grandfathered, etc.. Mayor Cole said there have been one thousand or so units added in the last couple of years that have been a nice addition to the community and many people are happy with those opportunities for places to live. However, other people either do not want to live there or cannot afford to live there so they live other places. He said the City needs to be mindful of the budgetary impact and realize that any fee that is implemented is likely going to be directly passed on. Mayor Cole said that on his suggestion the City eliminated the City's portion of the property taxes so when one looks at several thousand dollars coming off the tax bill of several units, the intent was that property owners, whether rental properties or owner-occupied properties or commercial properties would reinvested those savings back into their properties. He said this happened with some but not with all. Mayor Cole said the City wants to provide for a safe community but how the City goes about doing that is what is at issue, adding that nothing needs to be rushed into and that thoughtful proposals needs to be taken and if something comes back that is different, then that is what the Council will look at. He said there may be a few options that the Council can consider that will hopefully address everyone's concerns. Addressing the rental property owners, Mayor Cole said the City does appreciate the service and housing that is provided, added that the rental businesses provide an income to the owners so that they can invest in the community. He said this is appreciated both of the persons who have come in recently

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and have built housing as well as those who have been in Carbondale for many years. He said the Council will continue thoughtful discussion on this issue but there is no action to take on this matter at this meeting.

7. Council Comments

Mayor Cole said the Marion Daily Republican has been doing a series on compliance with the Open Meetings Act and whether open session minutes are included, whether in and out times are recorded, what was discussed, whether the agendas and minutes are posted online and whether there has been a semiannual review and release of the records. He noted that of the twelve communities that were surveyed by the newspaper, only one, Carbondale, met all four of the review points. Governments surveyed included Carbondale, Williamson County, Carterville, Harrisburg, West Frankfort, Murphysboro, Herrin, Benton, DuQuoin, Anna, Mt. Vernon and Marion. He reiterated that Carbondale was the only one that met all the standards which is a credit to the City Clerk, the City Council and to the community.

8. Adjournment

There being no further business to come before the City Council, the meeting was declared adjourned at 8:53 p.m..

Janet M. Vaught, City Clerk

Approved by the City Council on
