

**City Council of the City of Carbondale, Illinois**  
**Regular Meeting**  
**July 8, 2008**

The City Council of the City of Carbondale, Illinois, held a regular meeting on Tuesday, July 8, 2008, 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, Councilman Joel Fritzler and Mayor Brad Cole

Absent: None

Also present were City Clerk Janet M. Vaught, City Manager Allen D. Gill and various members of the City's administrative staff.

**2. General Announcements and Proclamations**

Councilman Wissmann noted that Rosie Gordon, who turns four years old on July 9th and is the daughter of one his employees, Kendra Kennedy-Gordon, a few weeks ago was horribly mauled by a dog. The family will be incurring tremendous medical expenses for which donations can be made through First Southern Bank or at [www.reachouttorosie.org](http://www.reachouttorosie.org). A benefit concert will be held at Hangar 9 on Saturday August 9, 2008. Mayor Cole added that the Council's thoughts go out to Rosie and her family.

Mayor Cole announced that the City Council is still in its summer schedule so the next regular City Council meeting will be held on Tuesday, August 5, 2008.

Mayor Cole noted the presence of special visitors in the audience that are being hosted by the faculty of the Political Science Department and Public Policy Institute at Southern Illinois University under the stewardship of Dr. John Jackson, Dr. John Foster and Dr. Barbara Brown as part of the United States Department of State Summer Institute. Dr. John Foster noted that the program is funded through a United States Department of State grant to bring exchange visitors, young leaders, to the United States. Southern Illinois University is one of seven institutes across the country who host the visitors and this is the twelfth time SIU has hosted visitors over the last fifteen years. He introduced the visitors - seven from Vietnam, five from Myanmar and seven from Cambodia.

**3. Citizen Comments and Questions**

Timothy Donohue, a 41-year resident of Carbondale, welcomed new City Manager Gill and the visitors from overseas. Mr. Donohue noted three issues which he related to the weather: (1) the flooding in parts of the City, especially in the downtown area; (2) the issue with trees throughout the City becoming older and dangerous in wind or ice storms; and (3) the lack of a public pool in Carbondale. Noting the good relationship that the City of Carbondale

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has with Southern Illinois University, Donohue suggested that the City ask if civil engineers at the University or a civil engineering class look at the flooding issues and come up with solutions. He also suggested that SIU's Forestry Department survey the City's trees to determine which are dangerous or perhaps assign the survey to a forestry class. Donohue also suggested that the City ask SIU if it would be willing to open either Pulliam pool or the Recreation Center pool to the public a few days a week.

### 4. Public Hearings and Special Reports

1. Public Hearing Relating to the Issuance by the City of Carbondale for up to \$775,000 of Capital Improvement Revenue Bonds to Assist the Women's Center, Inc., of Carbondale in Financing its Renovation Project

The minutes of this Public Hearing were transcribed separately.

### 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, the Public Hearing on a proposed Annexation Agreement with Egon Kamarasy for the Bittersweet Subdivision Second Plat and the Public Hearing on the Proposed Vacation of a North-South Alley Located Between East Jackson and East Oak Street, all held on June 10, 2008.
2. Warrant. Recommendation: Approve Warrant #1040 for the period ended June 2, 2008, FY 2009, in the amount of \$902,977.44. (Exhibit A-7-8-08)
3. Warrant. Recommendation: Approve Warrant #1041 for the period ended June 16, 2008, FY 2009, in the amount of \$1,466,337.38. (Exhibit B-7-8-08)
4. Acceptance of Minutes of Boards, Commissions and Committees. Recommendation: Accept Carbondale Information and Telecommunications Commission of April 21, 2008; Fire Fighters Pension Board of Trustees of March 11, 2008; Planning Commission of June 4, 2008; Preservation Commission of May 19, 2008; and Zoning Board of Appeals of April 16, 2008.
5. Award of Contract for FY 2009 Street Cut Repair Program. Recommendation: Award contract for FY 2009 Street Cut Repair Program to C&M Enterprises of Carbondale in the amount of \$119,344.00.
6. Award of Purchase of a One-Ton 4x2 Pickup Truck with Crew Cab and Utility Body for Public Works - Sewer Collection. Recommendation: Declare trade-in vehicle (1999 Chevrolet 3500 Utility Pickup, City ID #9512, VIN #1GBGC33R9XF027534) as surplus and award the purchase of a one-ton 4x2 pickup truck with crew cab and utility body for Public Works - Sewer Collection to Vogler Motor Company of Carbondale in the amount of \$26,298.00.
7. Purchase of New Era Road Lift Station Pump Control Panel. Recommendation: Award purchase of New Era Road pump control panel to Vandevanter Engineering Company of Fenton, Missouri, in the amount of \$20,261.00.
8. Award of Contract for FY 2009 Sidewalk Improvement Program (CIP SW 0901). Recommendation: Award the contract for sidewalk improvements to Stone's Concrete Construction, Inc., of Alto Pass, Illinois, in the amount of \$77,134.71.

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9. Resolution Approving the Cedars Professional Center Subdivision 8th Plat and Subdivision Agreement. Recommendation: Approve. (Res. 2008-R-49; Exhibit C-7-8-08)
10. Action on an Application for an Encroachment Permit to Allow a Sign on the South Side of West Striegel Road Adjacent to 1101 N. Beadle Drive. Recommendation: Approve Carbondale General Dentistry's request for an encroachment permit to allow the construction of a sign on a portion of the south right-of-way of West Striegel Road.
11. Purchase of a Vaughan Pump for the Southeast Wastewater Treatment Plant. Recommendation: Award the purchase of a Vaughan submersible chopper pump to Municipal Equipment Company of St. Louis, Missouri, in the amount of \$26,760.00 pursuant to Sections 1-6-13.E.1 and 1-6-13.E.7 of the Carbondale Revised Code.
12. Resolution Approving Carbondale Business Park East 2nd Plat Subdivision and Subdivision Agreement Located at 1000 North Reed Station Road. Recommendation: Approve. (Res. 2008-R-50; Exhibit D-7-8-08)
13. Request to Initiate a Text Amendment Relative to Semi-Trailers and Other Similar Moveable Structures as Accessory Structures in Residential Districts. Recommendation: Initiate a possible text amendment to the Zoning Ordinance that would restrict the use of semi-trailers and similar moveable structures as accessory structures in residential districts.

Mayor Cole asked if any Council member would like any item removed from the Consent Agenda. There was no one who indicated a desire to remove any items.

J. Fritzler moved, C. McDaniel seconded, that the Council approve Consent Agenda Items 5.1 through 5.13. VOTE: Ayes: C. McDaniel, M. Pohlmann, C. Wissmann, S. Haynes, L. Jack, J. Fritzler and B. Cole. Nays: None. Motion declared carried.

### 6. General Business

1. Resolution commending Patrol Officer Peter J. Emmett for Service to the City of Carbondale

After the resolution was read in full, S. Haynes moved, L. Jack seconded, that the Council approve the Resolution commending Peter J. Emmett for Service to the City of Carbondale. VOTE: Ayes: C. McDaniel, M. Pohlmann, C. Wissmann, S. Haynes, L. Jack, J. Fritzler and B. Cole. Nays: None. Motion declared carried. (Res. 2008-R-48; Exhibit E-7-8-08)

2. Resolution Authorizing the Issuance of Capital Improvement Revenue Bonds, Series 2008, by the City of Carbondale for up to \$775,000 to Assist the Women's Center, Inc., of Carbondale in Financing its Renovation Project

M. Pohlmann moved, S. Haynes seconded, that the Council approve the Resolution authorizing the issuance of Capital Improvement Revenue bonds, Series 2008, (The Women's Center, Incorporated, Project) of the City of Carbondale, Jackson County, Illinois; authorizing the issuance of the bonds; providing for the pledge of revenues for the payment of the bonds; authorizing a loan agreement, a tax regulatory agreement and a disbursement agreement appropriate for the protection and disposition of such revenues and to further secure the bonds; and authorizing the other actions in connection with the issuance of the bonds. VOTE: Ayes: C. McDaniel, M. Pohlmann, C. Wissmann, S. Haynes, L. Jack, J. Fritzler and B. Cole. Nays: None. Motion declared carried. (Res. 2008-R- 51; Exhibit F-7-8-08)

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3. Resolution Authorizing the City Manager to Enter into an Economic Development Tax Increment Financing Agreement Related to Construction of Parking Facilities on East Monroe Street Between Washington and Marion Streets

L. Jack moved, M. Pohlmann seconded, that the Council approve the Resolution authorizing the City Manager to enter into an economic development tax increment financing agreement with Danny G. Terry. VOTE: Ayes: C. McDaniel, M. Pohlmann, C. Wissmann, S. Haynes, L. Jack, J. Fritzler and B. Cole. Nays: None. Motion declared carried. (Res. 2008-R- 52; Exhibit G-7-8-08)

4. Discussion by City Council of Potential Changes to Title Three, Animals, of the Carbondale Revised Code

City Manager Gill introduced the item, adding that although the City Code seems to have been effective there may be areas that could be tightened up, for example, insurance requirements for those who receive a “dangerous” designation for their dogs or for those who have harbored dangerous or vicious dogs in the past, possibly restricting their ability to do so in the future. Mr. Gill also noted there is a provision in State law which would allow the City to file State charges on animal incidents which would allow a much more severe penalty. He said there may be other revisions which will strengthen or improve the current ordinance.

Councilwoman Pohlmann asked that better information concerning laws and regulations be available throughout the community. Mayor Cole asked that the City Attorney look into whether a group policy could be purchased that would provide insurance coverage that owners of dangerous dogs would be required to buy into to provide additional insurance to cover that dog. Noting that law does not allow ordinance to be breed-specific, Councilman Fritzler suggested that regulating by weight of the dog might be a possibility. Councilman Jack suggested that when vaccination records are checked to make sure that dogs have been vaccinated and are obtaining City dog licenses, that vaccination records from neighboring counties also be checked because not everyone uses Jackson County veterinarians. Councilwoman McDaniel suggested that more information on animal ordinances be provided in the Communiqué; Mayor Cole noted that an article is already being prepared for the next issue of the Communiqué. Referring to introductory comments presented by City Manager Gill, Mayor Cole said that the Council seems to support the idea of the City Attorney’s Office filing State charges, the maximum charge available, for any offense. He also asked that research into insurance be conducted and that enforcement of the various issues be stepped up, including leash laws, checking of rabies vaccinations and City licenses, and removal of excrement. Mayor Cole also encouraged anyone who believes there is a serious issue in their neighborhood to contact the Carbondale Police Department or the Animal Control Officer. Councilman Wissmann asked that the tethering suggestions outlined in the agenda item also be pursued. In addition, he said the provisions in 3-4-9.B regarding dangerous dogs could be modified so that if a dog is deemed dangerous rather than making it optional for the dog’s owner to follow those provisions it become mandatory.

Priscilla Pimentel, a resident of West Pecan Street, suggested that dogs be required to wear muzzles when being around children under five years of age. She questioned the idea of regulating by weight because some of the most severe bites come from small

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dogs. She noted that the best way to prevent bites is to spay or neuter the dog. She said that in order to help get dog owners to pick up after their dogs, helpful instructions should be provided on the safe and sanitary method of picking up the dog's excrement.

Mayor Cole again noted that this agenda item was for discussion only and that a proposed ordinance will be returned to the City Council at a future meeting. There was no formal action taken.

### 7. Council Comments

Councilman Jack invited everyone to attend the Carbondale Main Street Art and Wine Fair on Friday, July 11th, from 4:00 to 10:00 p.m. in the Town Square.

Mayor Cole asked City Council members to submit names of persons to consider for possible appointment to a Housing Study Committee to review and make recommendations concerning the housing moratorium, building requirements, parking and other issues. Mayor Cole said that he will also be forming a Comprehensive Plan Committee and asked Council members to also submit names of persons to be considered for appointment to that committee.

### 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, the purchase or lease of real property for use by the public body, the setting of a price for sale or lease of property owned by 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), (c)(5), (c)(6) and (c)(11). VOTE: Ayes: C. McDaniel, M. Pohlmann, C. Wissmann, S. Haynes, L. Jack, J. Fritzler and B. Cole. Nays: None. Motion declared carried. Open session recessed at 7:59 p.m..

L. Jack moved, J. Fritzler seconded, that the Council return to open session. VOTE: Ayes: C. McDaniel, M. Pohlmann, C. Wissmann, S. Haynes, L. Jack, J. Fritzler and B. Cole. Nays: None. Motion declared carried. Open session resumed at 8:50 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 8:51 p.m..

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Janet M. Vaught, City Clerk

Approved by the City Council on

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