

City Council of the City of Carbondale, Illinois
Regular Meeting
October 21, 2008

The City Council of the City of Carbondale, Illinois, held a regular meeting on Tuesday, October 21, 2008, 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 Joel Fritzler, Councilwoman Corene McDaniel, Councilwoman Mary Pohlmann, Councilman Chris Wissmann, Councilman Steven Haynes, Councilman Lance Jack 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

Mayor Cole announced that due to the election on November 4, 2008, the next City Council meeting would be held on Tuesday, November 18.

Mayor Cole announced that Veterans Day would be observed by the City of Carbondale on Tuesday, November 11th. City Hall offices will be closed on that day. Wednesday, Thursday and Friday refuse collection routes will be pushed back one day that week. The Monday refuse collection route will not be affected.

Mayor Cole announced that Trick or Treat hours for Carbondale would be from 5:00 p.m. through 8:00 p.m. on Friday, October 31st. The Pumpkin Patrol will be activated by the Police Department. Persons wishing to volunteer for Pumpkin Patrol should contact the Police Department.

City Clerk Janet Vaught announced that the Jackson County Clerk would be conducting Early Voting in the Civic Center from 10:00 a.m. through 3:00 p.m. on Wednesday and Thursday, October 22nd and 23rd, and on Monday through Thursday of the following week, October 27th through 30th.

3. Citizen Comments and Questions

Charlie Howe, 47 Dart Drive, questioned the hours of Early Voting, noting that the sign on the Civic Center says that Early Voting starts at 9:00 a.m.. The City Clerk agreed but said that since the newspaper advertisements placed by the County Clerk's Office said that early voting would start at 10:00 a.m., her office is telling people to come no earlier than 10:00 a.m..

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Margaret Nesbitt, 213 East James and Thelma Walker Avenue, commended and thanked the City Council for another successful year for the Summer Cleanup Program for the City's youth. She encouraged consideration of expansion of the program to run year-round. Ms. Nesbitt also expressed appreciation to the City for its efforts in storm cleanup following the September 14th windstorm. Mayor Cole noted that the cost to the City for the storm cleanup was in excess of \$80,000.

Elius Reed, 2012 South Illinois Avenue, asked to address the Council concerning the G.R.E.A.T. grant and the draft Affirmative Action Plan. Mayor Cole reminded Mr. Reed that Citizen Comments and Questions was for the purpose of discussing items that are not on the Council agenda and both the G.R.E.A.T. grant and the Affirmative Action Plan appear on the agenda.

4. Public Hearings and Special Reports

1. Public Hearing related to the Issuance by the City of Carbondale for up to \$550,000 of Capital Improvement Revenue Bonds to Assist Shawnee Health Service and Development Corporation in Refinancing its Construction Project on Cedar Court

The minutes of this public hearing were transcribed separately.

2. Public Hearing related to the Issuance by the City of Carbondale for up to \$1,750,000 of Capital Improvement Revenue Bonds to Assist Shawnee Health Service and Development Corporation in Refinancing its Construction Project on Lewis Lane

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 and two Public Hearings held on October 7, 2008. Recommendation: Approve.
2. Warrant. Recommendation: Approve Warrant #1048 for the period ended September 22, 2008, (FY 2009) in the amount of \$1,324,914.54. (Exhibit A-10-21-08)
3. Acceptance of Minutes of Boards, Commissions and Committees. Recommendation: Accept Carbondale Public Library Board of Trustees of September 10, 2008, and Non-Bargaining Unit Employees Personnel Board of August 19, 2008.
4. Ordinance Authorizing a Budget Adjustment Adding ISBE Preventive Initiative Grant Funds of the Child Care Services Budget. Recommendation: Approve. (Ord. 2008-43, Exhibit B-10-21-08)
5. Award of contract for Terminal Lift Station Improvements at the Northwest Wastewater Treatment Plant, CIP No. WW9901. Recommendation: Award contract to Haier Plumbing and Heating Inc. of Okawville, Illinois, in an amount not to exceed \$926,570.00.
6. Removed from Consent.
7. Resolution Authorizing the Submission of CDAP Housing Rehabilitation Grant Application. Recommendation: Approve. (Res. 2008-R-73; Exhibit C-10-21-08)

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8. Resolution Supporting and Endorsing Mayor Brad Cole for Election as a Member of the National League of Cities Board of Directors. Recommendation: Approve. (Res. 2008-R-74; Exhibit D-10-21-2008)
9. Removed from Consent.
10. Removed from Consent.

Mayor Cole removed Items 5.9 and 5.10 from the Consent Agenda. Councilman Wissmann asked that Item 5.6 also be removed.

L. Jack moved, C. McDaniel seconded, that the Council approve items 5.1, 5.2, 5.3, 5.4, 5.5, 5.7 and 5.8 on the Consent Agenda. VOTE: Ayes: J. Fritzler, C. McDaniel, M. Pohlmann, C. Wissmann, S. Haynes, L. Jack and B. Cole. Nays: None. Motion declared carried.

5.6 Resolution Accepting the Award of a Gang Resistance Education and Training (G.R.E.A.T.) Grant, Approving a Budget Adjustment to the Police Department's FY 2009 Budget and Authorizing the City Manager to Execute Agreements for Professional Services.

C. Wissmann moved, C. McDaniel seconded, that the Council adopt the Resolution Accepting the Award of a Gang Resistance Education and Training (G.R.E.A.T.) Grant, Approving a Budget Adjustment to the Police Department's FY 2009 Budget and Authorizing the City Manager to Execute Agreements for Professional Services. DISCUSSION: Elius Reed, 2012 S. Illinois Avenue, and Margaret Nesbitt, 213 E. James and Thelma Walker Avenue, asked questions about the G.R.E.A.T. program and the purpose of the grant. VOTE: Ayes: J. Fritzler, C. McDaniel, M. Pohlmann, C. Wissmann, S. Haynes, L. Jack and B. Cole. Nays: None. Motion declared carried. (Res. 2008-R-75; Exhibit E-10-21-08)

5.9. Inducement Resolution of the City of Carbondale in Connection with Industrial Development Revenue Bonds for Shawnee Health Service and Development Corporation (Cedar Court)

S. Haynes moved, J. Fritzler seconded, that the Council approve the Inducement Resolution of the City of Carbondale in Connection with Industrial Development Revenue Bonds for Shawnee Health Service and Development Corporation (Cedar Court). DISCUSSION: Councilman Wissmann noted that his wife is employed by Shawnee Health Service so he would be abstaining on the vote. Councilman Haynes asked that Shawnee Health Service be asked to look at the labor force in doing their projects and follow guidelines for hiring minorities. VOTE: Ayes: J. Fritzler, C. McDaniel, M. Pohlmann, S. Haynes, L. Jack and B. Cole. Nays: None. Abstentions: C. Wissmann. Motion declared carried. (Res. 2008-R-76; Exhibit F-10-21-08)

5.10. Inducement Resolution of the City of Carbondale in Connection with Industrial Development Revenue Bonds for Shawnee Health Service and Development Corporation (Lewis Lane)

S. Haynes moved, J. Fritzler seconded, that the Council approve the Inducement Resolution of the City of Carbondale in Connection with Industrial Development Revenue Bonds for Shawnee Health Service and Development Corporation (Lewis Lane). DISCUSSION: Councilman Wissmann repeated that his wife is employed by Shawnee Health Service so he would be abstaining. VOTE: Ayes: J. Fritzler, C. McDaniel, M. Pohlmann, S. Haynes, L. Jack and B. Cole. Nays: None. Abstentions: C. Wissmann. Motion declared carried. (Res. 2008-R-77; Exhibit G-10-21-08)

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6. General Business

1. Approval of Selection of Comprehensive Plan Consultant and Approval to Enter into Contract Negotiations

S. Haynes moved, C. Wissmann seconded, that the Council approve Kendig Keast Collaborative as the consultant for the new Comprehensive Plan and direct staff to negotiate a contract for future Council approval. **DISCUSSION:** Mayor Cole noted that a contract will be negotiated and brought back for Council approval at a future meeting. **VOTE:** Ayes: J. Fritzler, C. McDaniel, M. Pohlmann, C. Wissmann, S. Haynes, L. Jack and B. Cole. Nays: None. Motion declared carried.

2. Discussion of Draft Affirmative Action Plan for the City of Carbondale

Mayor Cole noted that the Draft Affirmative Action Plan is not scheduled for approval at this meeting but will be brought back for adopting at a future meeting. Following introductory comments by City Manager Gill, Mayor Cole invited comments or questions from the City Council.

Councilwoman Pohlmann noted that the only goal she has seen in the document is that local minority residents should represent at least 16% of the workforce hired by contractors working on City projects and that unions should furnish contractors with referrals of at least 16% minority workers. She asked where the 16% came from, suggesting that the figure needs to be reexamined and adjusted accordingly. City Manager Gill agreed, adding that as part of this process there should probably be a reexamination of all the contractor requirements. Councilwoman Pohlmann also noted that the 16% only relates to contractors for the City and suggested that if the City is going to require contractors to aim for a 16% minority worker pool then the City of Carbondale might also set such a goal. City Manager Gill responded that rather than setting an overall goal for the City, it is done by employment classification and there might be areas where the goal in certain classifications might be more or might be less depending on the labor pool in each of the categories. Councilwoman Pohlmann also noted that the Plan provides certain protections against discrimination based on race, sexual orientation, marital status, religious affiliation, etc., and suggested that the plan also include protection based on political affiliation.

Mayor Cole invited comments from the audience.

Elius Reed, 2012 South Illinois Avenue, read from a letter delivered to City Manager Gill on October 15, 2008, which letter referenced wording included in the current Affirmative Action Plan concerning local minority residents, women, veterans and handicapped workers. Mr. Reed noted that the referenced wording is not included in the new Draft Affirmative Action Plan and asked that excluded wording be added to the Draft Plan. Mr. Reed also asked if the City had a 2007-2008 Carbondale-Murphysboro labor statistics report listing the number of Carbondale-area black males that are currently unemployed, adding that he believed the 16% goal came from that report. Community Relations Officer Marilyn James noted that unlike in the 1970s, the Illinois Department of Employment Security no longer records the unemployment rate for Carbondale and Murphysboro, although they do have rates for Jackson County. She is attempting to locate another source that might break out Carbondale.

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Margaret Nesbitt, 216 East James and Thelma Walker Avenue, noted that there is much material to be discussed and said it would be very helpful to go through the Draft Plan page-by-page. She asked if it would be possible for a group to meet with the members of the City Council as citizens, but not as Council members, to review the Plan in that fashion. Mayor Cole noted that the Council as a group could not meet together in a session to go through the plan other than in a public forum but if any individual Council member would like to meet with the group that would be up to the Council members' choosing. Mayor Cole also noted that written comments are always invited and Ms. James and City Manager Gill can make themselves available to meet with persons wishing to discuss the Draft Plan. Ms. Nesbitt said she would have some people meet with Mr. Gill and Ms. James to go through the Plan.

Donald Monty, 418 South Giant City Road, noted that had provided written comments on the Plan. Mr. Monty asked if the Fair Practice Administration Action Plan would be available for public review and then approved by the Council; Mayor Cole said it would be approved by the Council. Mr. Monty noted that the Table of Contents list an ordinance and asked if the ordinance referred to is the ordinance adopting the Affirmative Action Plan or a rework of the section of the City Code that is referenced in the current Plan which lays out more specifics on City contracting, etc.. City Manager Gill said the Ordinance referenced is the adopting ordinance. Mr. Monty asked if the review of the section of the City Code will be brought back to the Council and public for review. Mr. Gill and Mayor Cole both responded that it would. Mr. Monty said that his recollection that the 16% number represented the minority population of Carbondale in the 1970 census. He suggested that reading the original plan would make it appear that the 16% is mandated for every contract, every position, etc., but his recollection is that there has been case law since then, including at the United States Supreme Court, that would probably not allow that kind of a provision in an Affirmative Action Plan. He added that he believes that legally any goals must be established based on the availability of qualified persons in the labor pool.

In response to Mrs. Nesbitt's inquiry, Councilman Wissmann noted that more than two Council members could not meet with a group to go over the Plan because of the requirements of the Open Meetings Act. However, he said that he felt certain that all Council members would be willing to meet with Mrs. Nesbitt individually. Councilman Wissmann said that he was able to find unemployment statistics for the City of Carbondale somewhere on the Department of Employment Security website but he does not believe the statistics were broken down by race or sex and do not appear to be updated regularly. He agreed with Mr. Monty's comments that the 16% goal might be legally unenforceable, adding that attempting to set and enforce specific goals may be compromised by some Supreme Court decisions or by state and federal law.

Mayor Cole said that City Manager Gill and Ms. James will be willing to answer questions or meet with anyone who wishes further information. He asked that comments regarding the Draft Plan be submitted in writing to the City Manager's Office or the Mayor's Office.

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7. Council Comments

Councilman Jack reminded everyone of the Carbondale Main Street and Carbondale Chamber of Commerce Saluki Tailgate and Chili Cook-off to be held in the Town Square on Saturday, October 25th.

8. Adjournment

There being no further business to come before the City Council, the meeting was declared adjourned at 8:11 p.m..

Janet M. Vaught, City Clerk

Approved by the City Council on
