

City Council of the City of Carbondale, Illinois
Regular Meeting
September 2, 2008

The City Council of the City of Carbondale, Illinois, held a regular meeting on Tuesday, September 2, 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: Councilman Chris Wissmann, Councilman Steven Haynes, Councilman Lance Jack, Councilman Joel Fritzler, Councilwoman Corene McDaniel, Councilwoman Mary Pohlmann 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

3. Citizen Comments and Questions

Elius Reed, 2012 South Illinois Avenue, asked questions regarding the review of the City's Affirmative Action Plan, as follows: the current status of the review of the 1981 Affirmative Action plan and when would it be submitted to the City Council; who on City staff is reviewing the plan; whether the City is reviewing or revising/changing the 1981 Affirmative Action Plan; whether City staff has or will allow any other persons or organizations to review and make recommendation on revisions to the 1981 Plan; whether the 1981 Affirmative Action Plan is available to the public; and whether the revised 1981 Plan will be available to the public for inspection. Mayor Cole responded to Mr. Reed's 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 August 5, 2008, and the Special City Council Meeting held on August 6, 2008. Recommendation: Approve.
2. Warrant. Recommendation: Approve Warrant #1044 for the period ended July 28, 2008, (FY 2009) in the amount of \$1,385,846.64. (Exhibit A-9-2-08)
3. Warrant. Recommendation: Approve Warrant #1045 for the period ended August 11, 2008, (FY 2009) in the amount of \$1,046,983.73. (Exhibit B-9-2-08)

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4. Acceptance of Minutes of Boards, Commissions and Committees. Recommendation: Accept Board of Fire and Police Commissioners of May 20, 2008; Energy and Environmental Advisory Commission of July 17, 2008; Human Relations Commission of July 7, 2008; Library Board of July 9, 2008; Non-Bargaining Unit Employees Personnel Board of January 18, 2007, and Planning Commission of July 2 and August 6, 2008.
5. Approval of 2009 Calendar of City Council Meetings. Recommendation: Approve.
6. Ordinance Amending the Five-Year Community Investment Program to Include Wall Street Improvements (Park Street to Pleasant Hill Road) CIP No. ST0401 and Authorizing a Budget Adjustment to Cover the Expenditure. Recommendation: Approve. (Ord. 2008-31; Exhibit C-9-2-08)
7. Ordinance Approving John Lewis' Request to Rezone 4.2 Acres from R-1-8, Low Density Residential to PA, Professional Administrative Office Located at 400 S. Lewis Lane. Recommendation: Approve. (Ord. 2008-32; Exhibit D-9-2-08)
8. Ordinance Approving Timothy Damian's Request to Rezone 10 Acres from RMH, Planned Mobile Home to RR, Rural Residential, for Property Located on Glenn Road. Recommendation: Approve. (Ord. 2008-33; Exhibit E-9-2-08)
9. Award of Contract for Sidewalk Replacement at the Northwest Wastewater Treatment Plant. Recommendation: Award contract to Stone's Concrete Construction, Inc. of Alto Pass, in the amount of \$20,500.00.
10. Resolution Authorizing the City Manager to Enter Into an Economic Development Tax Increment Financing Agreement with York Family Limited Partnership. Recommendation: Approve. (Res. 2008-R-58; Exhibit F-9-2-08)
11. Ordinance Extending the Term of an Electric Franchise Agreement with AmerenCIPS and an Ordinance Extending the Term of a Gas Franchise Agreement with AmerenCIPS. Recommendation: Approve both ordinances. (Ord. Nos. 2008-34 and 2008-35 respectively; Exhibits G-9-2-08 and H-9-2-08 respectively)

C. Wissmann moved, C. McDaniel seconded, that the Council approve Consent Agenda Items 5.1 through 5.11. VOTE: Ayes: C. Wissmann, S. Haynes, L. Jack, J. Fritzler, C. McDaniel, M. Pohlmann and B. Cole. Nays: None. Motion declared carried.

6. General Business

1. Ordinance Amending Title Three of the Carbondale Revised Code as it relates to Animals

C. Wissmann moved, L. Jack seconded, that the Council approve an Ordinance amending Title Three, Animals, of the Carbondale Revised Code as it relates to dogs.

DISCUSSION: There was discussion on whether tethering should be prohibited for all dogs or solely for dogs declared dangerous. Speaking in favor of tethering for all dogs were Genevieve Houghton, 710 N. Oakland, Michelle Croissier and her daughter, Mila, of 700 West Walnut, and Sandy Litecky, 603 West Walnut.

C. Wissmann moved, M. Pohlmann seconded, that the proposed ordinance be amended to prohibit tethering of all dogs at all times. DISCUSSION ON AMENDMENT: Police Chief Bob Ledbetter presented an opinion from an expert on tethering which opined that when done correctly tethering does not harm an animal and does not cause an animal to become more aggressive. Councilwoman McDaniel said she would not be voting on

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this amendment because she has a dog that is tethered. VOTE ON AMENDMENT: Ayes: C. Wissmann. Nays: S. Haynes, L. Jack, J. Fritzler, M. Pohlmann and B. Cole. Present: C. McDaniel. Motion declared defeated.

MOTION ON FLOOR that the Council approve an Ordinance amending Title Three, Animals, of the Carbondale Revised Code as it relates to dogs. VOTE: Ayes: C. Wissmann, S. Haynes, L. Jack, J. Fritzler, C. McDaniel, M. Pohlmann and B. Cole. Nays: None. Motion declared carried. (Ord. 2008-36; Exhibit I-9-2-08)

2. Resolution Approving the Final BPL, Planned Business Development Plan for ALDI, Inc., located at 1232 East Main Street

C. Wissmann moved, J. Fritzler seconded, that the Council adopt the Resolution approving the BPL Development Plan for ALDI, Inc., located at 1232 East Main Street. DISCUSSION: Louis Ross, Director of Real Estate for ALDI, addressed the Council concerning the differences between the existing store and the proposed store, noting that the new store will make the ALDI shopping experience better. He added that the other communities in which ALDI is located only have one ALDI store. VOTE: Ayes: C. Wissmann, L. Jack, J. Fritzler, M. Pohlmann and B. Cole. Nays: C. McDaniel. Present: S. Haynes. Motion declared carried. (Res. 2008-R-59; Exhibit J-9-2-08)

3. Resolution Approving and Resolution Denying Scott Hendricks' Request for a Special Use for a Dwelling Unit on the Main Floor in the BPR, Primary Business District, at 205 West Cherry Street

L. Jack moved, C. McDaniel seconded, that the Council adopt the resolution approving the request by Scott Hendricks for a Special Use Permit in the BPR, Primary Business, District for a dwelling unit on the main floor at 205 West Cherry Street with the following conditions: (1) Parking shall be provided for a minimum of three vehicles in accordance with Section 15-2F-1 of the Carbondale Revised Code; (2) The applicant will be required to register the property with the City as a residential rental unit and secure appropriate permits to initiate required improvements to ensure compliance with all applicable codes governing residential units; and (3) staff will monitor the property and provide the Planning Commission with regular reports regarding compliance with special conditions as well as note any other circumstances and potential problems that could have a negative impact on the surrounding property. Violations may cause reconsideration of the special use by the Planning Commission. VOTE: Ayes: C. Wissmann, S. Haynes, L. Jack, C. McDaniel, M. Pohlmann and B. Cole. Nays: J. Fritzler. Motion declared carried. (Res. 2008-R-60; Exhibit K-9-2-08)

4. Resolution Approving and Resolution Denying Lindsey Fisher's Request for a Special Use for a Dwelling Unit on the Main Floor in the BPR, Primary Business District, at 501 South University Avenue

L. Jack moved, C. McDaniel seconded, that the Council adopt the resolution approving the request by Lindsey Fisher for a Special Use Permit in the BPR, Primary Business, District for a dwelling unit on the main floor at 501 South University with the following conditions: (1) Parking shall be provided for a minimum of six vehicles in accordance with Section 15-2F-1 of the Carbondale Revised Code; (2) The applicant will be required to register the property with the City as a residential rental unit and secure

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appropriate permits to initiate required improvements to ensure compliance with all applicable codes governing residential units; and (3) staff will monitor the property and provide the Planning Commission with regular reports regarding compliance with special conditions as well as note any other circumstances and potential problems that could have a negative impact on the surrounding property. Violations may cause reconsideration of the special use by the Planning Commission. VOTE: Ayes: C. Wissmann, S. Haynes, L. Jack, C. McDaniel, M. Pohlmann and B. Cole. Nays: J. Fritzler . Motion declared carried. (Res. 2008-R-61; Exhibit L-9-2-08)

5. Resolution Approving and a Resolution Denying Scott Hendricks' Request for a Special Use for a Dwelling Unit on the Main Floor in the BPR, Primary Business District, at 503 South University Avenue

L. Jack moved, C. McDaniel seconded, that the Council adopt the resolution approving the request by Scott Hendricks for a Special Use Permit in the BPR, Primary Business, District for a dwelling unit on the main floor at 503 South University with the following conditions: (1) Parking shall be provided for a minimum of three vehicles in accordance with Section 15-2F-1 of the Carbondale Revised Code; (2) The applicant will be required to register the property with the City as a residential rental unit and secure appropriate permits to initiate required improvements to ensure compliance with all applicable codes governing residential units; and (3) staff will monitor the property and provide the Planning Commission with regular reports regarding compliance with special conditions as well as note any other circumstances and potential problems that could have a negative impact on the surrounding property. Violations may cause reconsideration of the special use by the Planning Commission. VOTE: Ayes: C. Wissmann, S. Haynes, L. Jack, C. McDaniel, M. Pohlmann and B. Cole. Nays: J. Fritzler . Motion declared carried. (Res. 2008-R-61; Exhibit L-9-2-08)

7. Council Comments

There were no Council Comments.

8. Adjournment

There being no further business to come before the City Council, the meeting was declared adjourned at 7:54 p.m..

Janet M. Vaught, City Clerk

Approved by the City Council on
