

City Council of the City of Carbondale, Illinois
Regular Meeting
January 13, 2009

The City Council of the City of Carbondale, Illinois, held a regular meeting on Tuesday, January 13, 2009, 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 7:13 p.m. with the following-named members of the City Council present/absent:

1. Roll Call

Present: Councilman Steven Haynes, Councilman Lance Jack, Councilman Joel Fritzler, Councilwoman Corene McDaniel, Councilwoman Mary Pohlmann, Councilman Chris Wissmann 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 Haynes announced that the annual NAACP Martin Luther King Jr. breakfast would be held at Grinnell Hall on Monday, January 19th. Breakfast is at 7:00 a.m., followed by the program at 9:00 a.m.. Tickets are \$5 and may be purchased at the door.

Mayor Cole announced that City Hall offices would be closed on Monday, January 19th, for the Martin Luther King Jr. holiday. All refuse collection routes will be pushed back one day that week.

Mayor Cole announced that there would be a community-wide celebration in honor of Martin Luther King Jr. on Sunday, January 18th, at the Civic Center. The program starts at 4:00 p.m..

3. Citizen Comments and Questions

Elbert Simon, a Carbondale resident, expressed regret at the decision to demolish the Tuscan Lodge Building.

Elius Reed, 2012 South Illinois Avenue, referred to a letter he had sent to City Manager Gill regarding the review process and the changes made to the City's Affirmative Action Plan. He stated that Mr. Gill had not responded to his letter and asked when he could expect a response.

4. Public Hearings and Special Reports

1. Public Comment on the Proposed Annexation of Property Located on East Park Street

Burl Boren of Benton provided a brief history on Snider Hill Cemetery, noting that the cemetery was settled by his ancestors. He said the property was under consideration for annexation in 1989 but due to the discussions held at that time, the property was not annexed. He stated that the Boren family does not want the cemetery, particularly the north end, to be annexed.

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Coralee Lawder of Murphysboro said she represents the Presbytery of Southeastern Illinois. Ms. Lawder provided details on the ownership of Snider Hill Cemetery which she said she has shared with City staff. She said their main goal is to protect the cemetery, particularly with respect to the fragility of the land upon which it sits. They were very concerned when they received the letter that the cemetery property was going to be annexed. She noted the cemetery has helped the City in the various development plans over the years and wants to make sure the cemetery remains protected.

Pam Jones said she owns quite a bit of the property that is adjacent to Snider Hill Cemetery and is being annexed. She asked questions about how this would affect her property, in particular with City codes and additional costs to them. Mayor Cole said that nothing would change with respect to City codes, but there would be some additional property tax owed if the Park District also annexes the property. Ms. Jones said she would also be taxed for the Library and have a municipal utility tax added to her electric bill.

Coralee Lawder said Carbondale Township has been taking care of the mowing of the cemetery. She asked if anything regarding mowing would change and if the Township would continue to take care of it. Mayor Cole responded that mowing of the property is a private arrangement solely between the cemetery and the Township and the annexation would not affect that arrangement.

2. Public Comments on the Proposed Annexation of Property Located on South Giant City Road

Mayor Cole invited comments or questions regarding this annexation. There was no one present who indicated a desire to speak on this issue.

5. Consent Agenda

Presented for Council approval on the Consent Agenda were the following items and corresponding recommendations:

1. Approval of Minutes of the Regular City Council meeting held on December 16, 2008. Recommendation: Approve.
2. Removed from Consent.
3. Removed from Consent.
4. Acceptance of Minutes of Boards, Commissions and Committees. Recommendation: Accept Fire Fighters Pension Board of Trustees of September 9, 2008; Library Board of Trustees of November 9, 2008; and Non-Bargaining Unit Employees Personnel Board of October 7 and December 9, 2008.
5. Mayor's Appointments to Boards, Commissions and Committees. Recommendation: Concur in appointment of Barbara Levine to the Library Board to complete the remainder of an unexpired term through June 30, 2011.
6. Acceptance of 2008 Annual Report of the Board of Fire and Police Commissioners. Recommendation: Accept and place on file.
7. Award of Purchase of Recycling Truck. Recommendation: Award to Key Equipment and Supply Company of Bridgeton, Missouri, in the amount of \$167,876.00.
8. Resolution Approving the North Oakland Place Subdivision and Subdivision Agreement Located at 1875 North Oakland Avenue. Recommendation: Approve. (Res. 2009-R-01; Exhibit A-1-13-09)

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9. Ordinance amending the Plumbing Regulations Requiring Installation of Sanitary Sewer Lateral Check Valves. Recommendation: Approve. (Ord. 2009-01; Exhibit B-1-13-09)
10. Acceptance of Deeds and Easements. Recommendation: Accept deed and temporary construction easement from Verizon North, Inc. for the Reed Station Road Construction Project and record deed in County Clerk's Office.
11. Ordinance Amending Title Eight, Chapter Three of the Carbondale Revised Code and a Budget Adjustment for the transfer of \$20,452.28 to allow for the payment of that amount as well as the two percent gross receipts fee to the Foreign Fire Insurance Board. Recommendation: Approve. (Ord. 2009-02; Exhibit C-1-13-09)
12. Ordinance Amending the Five-Year Community Investment Program to Include Reed Station Parkway Connector to Illinois Route 13 Project (CIP No. ST0305) in the FY 2009 Budget and a Resolution Authorizing the City Manger to Execute a Local Agency Agreement for Federal Participation with IDOT for the Preliminary Engineering on the Project. Recommendation: Approve. (Ord. 2009-03 and Res. 2009-R-02 respectively; Exhibit D-1-13-09 and E-1-13-09 respectively)
13. Ordinance Amending the Five-Year Community Investment Program to Include Marion Street Extension Project From College Street to Mill Street (CIP No. ST 0904) in the FY 2009 Budget. Recommendation: Approve. (Ord. 2009-04; Exhibit F-1-13-09)
14. Resolution approving the Shanahan Subdivision and Subdivision Agreement Located at 430 South Giant City Road. Recommendation: Approve. (Res. 2009-R-03; Exhibit G-1-13-09)
15. Removed from Consent.
16. Removed from Consent.
17. Ordinance Annexing Property Located on South Giant City Road. Recommendation: Approve. (Ord. 2008-05; Exhibit H-1-13-09)

Mayor Cole asked if any Council members would like any items removed from the Consent Agenda. Councilman Fritzler removed Items 5.2 and 5.3. Councilman Haynes removed Item 5.15. Councilman Jack removed Item 5.16.

J. Fritzler moved, L. Jack seconded, that the Council approve Consent Agenda Items 5.1, 5.4, 5.5, 5.6, 5.7, 5.8, 5.9, 5.10, 5.11, 5.12, 5.13, 5.14 and 5.17. VOTE: Ayes: S. Haynes, L. Jack, J. Fritzler, C. McDaniel, M. Pohlmann, C. Wissmann and B. Cole. Nays: None. Motion declared carried.

5.2 Approval of Warrant #1053 for period ended on December 1, 2008, in the amount of \$2,430,980.50.

L. Jack moved, C. Wissmann seconded, that Warrant No. 1053 be approved. DISCUSSION: Councilman Fritzler questioned the amount of money spent on travel for Mayor Cole. VOTE: Ayes: S. Haynes, L. Jack, C. McDaniel, M. Pohlmann, C. Wissmann and B. Cole. Nays: J. Fritzler. Motion declared carried. (Exhibit I-1-13-09)

5.3 Approval of Warrant #1054 for period ended on December 15, 2008, in the amount of \$1,086,482.21.

L. Jack moved, S. Haynes seconded, that Warrant No. 1053 be approved. DISCUSSION: Councilman Fritzler said his comment on this warrant also related to the amount of money spent on travel for Mayor Cole. VOTE: Ayes: S. Haynes, L. Jack, C. McDaniel, M. Pohlmann, C. Wissmann and B. Cole. Nays: J. Fritzler. Motion declared carried. (Exhibit J-1-13-09)

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5.15 Ordinance Vacating a Portion of the Plat for Prairie Living Subdivision to Eliminate Several Utility Easements

S. Haynes moved, J. Fritzler seconded, that the Council adopt an Ordinance vacating a portion of the plat for the Prairie Living Subdivision to eliminate several utility easements. DISCUSSION: Councilman Haynes asked if earlier issues brought by the neighbors had been addressed; Mayor Cole noted that the property with which the neighbors had concerns was a different property. VOTE: Ayes: S. Haynes, L. Jack, J. Fritzler, C. McDaniel, M. Pohlmann, C. Wissmann and B. Cole. Nays: None. Motion declared carried. (Ord. 2009-06; Exhibit K-1-13-09)

5.16 Ordinance Annexing Property Located on East Park Street

C. Wissmann moved, L. Jack seconded, that the Council approve the Ordinance annexing surrounded property along East Park Street. DISCUSSION: Councilman Jack noted that there was a question during the public hearing regarding mowing and asked if the Cemetery is annexed would it be regulated under the City's weed management ordinance. Mayor Cole said there are some additional questions that need to be followed up on and mowing will be one of them. He said that staff will also be asked to follow up with the owners so everyone is clear on everything. VOTE: Ayes: S. Haynes, L. Jack, J. Fritzler, C. McDaniel, M. Pohlmann, C. Wissmann and B. Cole. Nays: None. Motion declared carried. (Ord. 2009-07; Exhibit L-1-13-09)

6. General Business

1. Resolution Declaring Fair Days for the Southern Illinois Irish Festival

L. Jack moved, C. Wissmann seconded, that the Council approve the Resolution declaring Fair Days for the Southern Illinois Irish Festival between the hours of 11:00 a.m. and 6:00 p.m. on Saturday, April 25, and between the hours of 12:00 noon and 6:00 p.m. on Sunday, April 26, 2009, inside a fenced-in area within Lenus Turley Park. DISCUSSION: Councilwoman McDaniel said although she supports the Irish Festival, she will vote against the Resolution because she opposes alcohol in the parks. VOTE: Ayes: S. Haynes, L. Jack, J. Fritzler, M. Pohlmann, C. Wissmann and B. Cole. Nays: C. McDaniel. Motion declared carried. (Res. 2009-R-04; Exhibit M-1-13-09)

2. Resolution Authorizing the City Manager to Enter Into an Economic Development Tax Increment Financing Agreement with Stadium Grille, Inc.

S. Haynes moved, C. McDaniel seconded, that the Council approve a resolution authorizing the City Manager to enter into an Economic Development Tax Increment Financing Agreement with Stadium Grille, Inc.. DISCUSSION: Answering questions regarding the business were corporate officers Gary Strothmann and Sherry Morgan. Elbert Simon asked questions about the provisions of the agreement. VOTE: Ayes: S. Haynes, L. Jack, J. Fritzler, C. McDaniel, M. Pohlmann, C. Wissmann and B. Cole. Nays: None. Motion declared carried. (Res. 2009-R-05; Exhibit N-1-13-09)

3. Review of Community Investment Program Checklist Items for Proposed New Projects

Mayor Cole invited comments or questions from the Council concerning the Community Investment Program Checklist and anything upon which they might not agree with the staff recommendation.

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With respect to Citizen Request #6 (analyzing the impact of development along Grand Avenue on drainage in the area), Councilman Wissmann asked that City staff take a look at this problem and review whether the storm water detention requirements currently in place are sufficient.

Councilman Haynes asked about the flooding on East Main Street; Mayor Cole noted that flooding was from Pyles Fork Creek. The Mayor added that something does need to be done about controlling the flooding from Pyles Fork Creek.

Councilman Jack asked if the repair of the road surface on South Washington Street from College Street north could be added to the maintenance program.

Councilman Haynes suggested that the widening or improvement of North Wall Street from Fisher to Knight be added to the Community Investment Program.

Regarding Citizen Request #18 (sidewalks and curb cuts on Kent Drive and Sunset Drive west of Tower Road), Councilman Fritzler agreed that this suggestion should be included in the sidewalk program.

Councilwoman McDaniel suggested that citizens who submit suggestions be notified that their requests have been considered by the Council and the action, if any, that is being recommended.

Councilwoman McDaniel suggested that the Helen Street water tower be painted, preferably this year if funds are available.

Elbert Simon asked how someone gets a project on the list, adding that the storm water runoff and drainage issues on East Monroe Street around Rock Hill Baptist Church need to be improved. He noted that the runoff issues might worsen with the development going on in that area and the addition of a parking lot. Mayor Cole said Engineering would be asked to take a look at the problem. Later in the meeting, Mayor Cole also asked that the site plan for the area be provided to the Council so the Council could see how the development is going to relate to the adjacent properties.

Scott Thorne asked where the Community Investment Program books are available. Mayor Cole noted that copies are available in many offices in City Hall and the Public Library. Councilman Wissmann noted that the CIP may also be available on the City's website.

Mayor Cole noted that the City Council concurs with the staff recommendations with the inclusion of the individual comments made at this meeting. The Community Investment Program will be brought back for formal action in April; no Council action is required at this time.

4. Review of Community Goals for the FY 2010 Budget

Mayor Cole invited comments, questions or suggestions from the City Council.

On page three, top of the right-hand column, Councilman Wissmann suggested the two sentences be divided into two separate paragraphs and the third from the last word in the second sentence be changed from "the" to "all". He added that this will make

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sustainable design not applicable to only the new public safety center and fire station but to all new development as well.

Councilwoman Pohlmann noted that the United States Conference of Mayor's Climate Protection Agreement is not mentioned specifically in the Community Goals this year and she would like to see that added as something the City should continue to promote.

Councilwoman Pohlmann noted under "Strategies" in "Encourage Citizen Participation and Community Pride", the City website is discussed. She suggested a link be included from the City website to the new Police Department website and include mention of the Police website in that Strategy.

Councilwoman Pohlmann also suggested under the section "Strengthen and Promote Neighborhood Living", that Number 15 be added, "To encourage neighborhood disaster preparedness through the Map Your Neighborhood program."

Councilman Fritzler noted that under "Promote Economic Development and Community Growth", and Goal "I" which states, "Encourage environmental responsibility in economic and community growth," the Council did address that at this meeting when it approved the purchase of a new recycling truck to increase the City's recycling program. He said one additional item pertinent to that which came up at this meeting would be addressing rain runoff in some areas of town which currently have problems and requiring new developments to be responsible and considerate of neighboring properties. In addition, he noted that the City currently has a flat fee for refuse collection regardless of the amount of cans that are placed at curbside and he would support a graduated scale for refuse collection based on the number of cans in order to encourage recycling and composting.

Mayor Cole invited comments or questions from the public.

Justin Stofferahn, 905 Lentz Drive, asked that funds be included in the budget to conduct an energy audit and to rectify any problems the audit may find. He also asked that at some point there be discussion on the lobbying firm from Washington D.C. that is under contract and whether the Council has any kind of measurement to judge the firm's effectiveness. Mayor Cole noted that the energy audit is in the current year's budget and that the discussion on the lobbying firm will take place later on in the budgeting process.

7. Council Comments

There were no Council comments.

8. Closed Meeting

S. Haynes moved, L. Jack seconded, that the Council hold a Closed Meeting to discuss 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 pending or imminent litigation pursuant to 5 ILCS 120/2(c)(5), (c)(6) and (c)(11). VOTE: Ayes: S. Haynes, L. Jack, J. Fritzler, C. McDaniel, M. Pohlmann, C. Wissmann and B. Cole. Nays: None. Motion declared carried. Open session recessed at 8:53 p.m..

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C. McDaniel moved, L. Jack seconded, that the Council return to open session. VOTE:
Ayes: S. Haynes, L. Jack, J. Fritzler, C. McDaniel, M. Pohlmann, C. Wissmann and B. Cole.
Nays: None. Motion declared carried. Open session resumed at 9:40 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 9:41 p.m..

Janet M. Vaught, City Clerk

Approved by the City Council on
