

City Council of the City of Carbondale, Illinois
Regular Meeting
June 16, 2009

The City Council of the City of Carbondale, Illinois, held a regular meeting on Tuesday, June 16, 2009, in City Council Chambers of the Carbondale Civic Center, 200 South Illinois Avenue. Following a meeting of the Local Liquor Control Commission, Mayor Brad Cole called the City Council meeting to order at 7:40 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

Mayor Cole noted that the City Council was on its summer meeting schedule so the next meeting will be on Tuesday, July 21, 2009.

Mayor Cole announced that the City offices will be closed on Friday, July 3rd, in observance of the Independence Day holiday. There will be no disruption in refuse collection.

Councilman Wissmann noted that he had been out of town during the prior weekend and apologized for being unable to respond to all the correspondence and telephone calls that he had received while he was out of town.

Mayor Cole announced that he attended a meeting of the United States Conference of Mayors including the City Livability Awards Showcase the previous week where Carbondale received Honorable Mention for its application in the City Livability Awards competition. This is the first time the City of Carbondale has applied for this prestigious award presented by the U.S. Conference of Mayors. Carbondale received Honorable Mention in the "Small Cities" category, which is population of less than 100,000. Chapel Hill, North Carolina, received First Place in the Small Cities category. The cities who received Outstanding Achievement Awards in the small cities category were Albany, New York, Cerritos, California, Meridian, Mississippi, Oak Lawn, Illinois and Schenectady, New York. In addition to Carbondale, receiving Honorable Mention were Aguadilla, Puerto Rico, Dublin, Illinois, and Sugar Land, Texas. Mayor Cole noted that the program that Carbondale submitted for consideration was the Carbondale Futures Program and thanked the Carbondale Chamber of Commerce, Carbondale Community High School, Man-Tra-Con Corporation, the Illinois Department of Employment Security and other individuals and organizations that have helped with the program.

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Mayor Cole noted that he would be attending the National Civic League's All America Cities Competition where Carbondale is also a finalist. Programs submitted for consideration of this award were the Futures Program, the Varsity Center for the Arts and the City's Single Family Housing Rental Conversion Program.

Mayor Cole administered the ceremonial Oath of Office to new Carbondale Chief of Police Jody O'Guinn. The Mayor also thanked Deputy Chief Jeff Grubbs who served as Interim Police Chief while the search for a new Police Chief was underway.

3. **Citizen Comments and Questions**

Barry Spehn, 500 Charles Road #31, referenced comments he made at a previous City Council meeting about getting his car towed from the Show Me's parking lot and noted that he had received a refund on his towing fees. He said, however, that the signage at Show Me's is still not proper. He stated that tow companies are not using safety chains and suggested that an ordinance be passed requiring the use of safety chains and the placement of light bars on the back of cars being towed. He further suggested that tow companies be fined if they tow from property that is not properly signed.

4. **Public Hearings and Special Reports**

1. Public Hearing on Proposed Vacation of a Portion of the Wagner Street Right-of-Way bounded by 518 and 600 West Owens Street

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 of the Regular City Council meeting held on May 26, 2009. Recommendation: Approve.
2. Removed from Consent.
3. Approval of Warrant. Recommendation: Approve Warrant #1067 for the period ended May 18, 2009, (FY 2010) in the amount of \$1,262,459.13. (Exhibit A-6-16-09)
4. Acceptance of Minutes of Boards, Commissions and Committees. Recommendation: Accept Human Relations Commission of April 6 and May 4, 2009, and Liquor Advisory Board of April 30, 2009.
5. Acceptance of Deeds and Easements. Recommendation: Accept two deeds and two temporary easements from Wayne and Kathy Qualls, one deed and one temporary easement each from Nutrition Headquarters DE Inc., Estate of Paul Russell and Diversified Holdings, LLC and one temporary easement each from FP Land Trust and Carbondale Business Development Corporation for the Reed Station Road Reconstruction Project (CIP ST0102) and authorize the City Clerk to have the deeds recorded in the County Clerk's Office.
6. Resolution Declaring Fair Days for Carbondale Main Street Downtown Art and Wine Fair on October 2, 2009, with a Revised Rain Date of October 16, 2009. Recommendation: Approve. (Res. 2009-R-39; Exhibit B-6-16-09)

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7. Ordinance Adopting the Prevailing Rate of Wages of Laborers, Mechanics, and Other Workers Employed in Public Works as Certified by the Illinois Department of Labor. Recommendation: Approve. (Ord. 2009-28; Exhibit C-6-16-09)
8. Resolution Authorizing the City Manager to Execute a Financial Assistance Agreement with the Illinois Environmental Protection Agency for 319 Funding and a Resolution Authorizing the City Manager to Execute an Agreement with HDR, Inc., formerly Cochran and Wilken, Inc., for Phase II of the Clean Lakes Program. Recommendation: Approve both Resolutions. (Res. 2009-R-40 and 2009-R-41 respectively; Exhibits D-6-16-09 and E-6-16-09 respectively)
9. Award of Purchase of MFT Maintenance Materials for FY 2010, MFT Section 10-00000-00-GM. Recommendation: Conditionally award MFT Maintenance Materials pending IDOT's concurrence to: Illini Asphalt, Benton, IL, for Group A (Bituminous Materials Applied and CA-16 Rock Spread) in the amount of \$42,547.50; Dwain Forby Trucking, Makanda, IL, for Groups B (CA-10 Rock) and D (CA-11 Rock) in the amount of \$10,920.00; Beelman Logistics LLC, East St. Louis, IL, for Group F (CA-16 Rock) in the amount of \$4,692.00; J.D. Trux, Inc., Jonesboro, IL, for Group G (RR-1 Rock) in the amount of \$3,676.00; and Marathon Petroleum Company, Benton, IL, for Group H (Emulsified Asphalt) in the amount of \$26,061.00 and that the purchase of non-MFT Maintenance Materials be awarded to Dwain Forby Trucking, Makanda, IL, for Groups C (CA-10 Rock) and E (CA-11 Rock) in the amount of \$27,300.00.
10. Award of Contract with E.T. Simonds Construction Company and Approval of Resolution for a Testing Agreement with Illinois Department of Transportation for the Resurfacing of Washington Street (Walnut to Mill), Wall Street (Mill to Park) and Oakland Avenue (Willow to Rigdon). Recommendation: Award Contract to E.T. Simonds in amount of \$478,479.31 and approve Resolution. (Res. 2009-R-42; Exhibit F-6-16-09)
11. Award of Contract with E.T. Simonds Construction Company and Approval of Resolution for Testing Agreement with Illinois Department of Transportation for the Reed Station Road Reconstruction Project. Recommendation: Award Contract to E.T. Simonds in amount of \$1,230,072.71 and approve Resolution. (Res. 2009-R-43; Exhibit G-6-16-09)
12. Resolution Authorizing the City Manager to Execute a Local Agency Agreement for Federal Participation with Illinois Department of Transportation for the Marion Street Extension Project (Mill Street north to College Street). Recommendation: Approve. (Res. 2009-R-44; Exhibit H-6-16-09)
13. Removed from Consent.
14. Ordinance Approving a Budget Adjustment to Increase the FY 2010 Fire Department Budget. Recommendation: Approve. (Ord. 2009-29; Exhibit I-6-16-09)

Mayor Cole asked if any City Council member would like any items removed from the Consent Agenda. Councilman Fritzier removed Item 5.2; Councilwoman Pohlmann removed Item 5.13.

M. Pohlmann moved, J. Fritzier seconded, that the Council approve Consent Agenda Items 5.1, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 5.9, 5.10, 5.11, 5.12 and 5.14. VOTE: Ayes: C. McDaniel, M. Pohlmann, C. Wissmann, S. Haynes, L. Jack, J. Fritzier and B. Cole. Nays: None. Motion declared carried.

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5.2 Approval of Warrant #1067

S. Haynes moved, C. Wissmann seconded, that the Council approve Warrant #1067 for the period ended May 18, 2009, (FY 2010) in the amount of \$1,262,459.13. DISCUSSION: Councilman Fritzler questioned the expenditures for Brinks and a charge for beach balls advertising the recycling program. Councilman Pohlmann commended Councilman Fritzler for keeping an eye on expenditures and noted that she had asked for detail on the credit card purchases but had not received it. Mayor Cole noted that all the expenditures listed on the warrant are within the City Manager's spending authority. VOTE: Ayes: C. McDaniel, C. Wissmann, S. Haynes, L. Jack, J. Fritzler and B. Cole. Nays: M. Pohlmann. Motion declared carried. (Exhibit J-6-16-09)

5.13 Ordinance Vacating a Portion of the North Wagner Street Right-of-Way Bounded by 518 and 600 West Owens Street

C. Wissmann moved, C. McDaniel seconded, that the Council adopt the Ordinance vacating a portion of the North Wagner Street right-of-way bounded by 518 and 600 West Owens Street. DISCUSSION: There was additional discussion on the location of the right-of-way. VOTE: Ayes: C. McDaniel, M. Pohlmann, C. Wissmann, S. Haynes, L. Jack, J. Fritzler and B. Cole. Nays: None. Motion declared carried. (Ord. 2009-30; Exhibit K-6-16-09)

6. General Business

1. Resolution Approving and Resolution Denying Fox Creek LLC's Request for a Special Use Permit to Allow Dwelling Units as Permitted in the R-3 District in a PA, Professional Administrative Office, District

Speaking in support of the special use were William Hamilton, representing Fox Creek LLC, Terry Falk with Ranier Property Management, Chuck Hedges of Hedges Landscaping and Chuck Korando of Korando Construction. Speaking in opposition to the special use were Michael Dahlen, 604 N. Beadle, Charlie Brown, 1120 Grand Oak Drive, James Scales, 1150 Grand Oak Drive, Patsy Parker, 2805 West Westridge Place and George Kao, 1165 Grand Oak Drive.

Following City Council discussion on this issue, J. Fritzler moved, M. Pohlmann seconded, that the Council adopt the Resolution denying the request for a Special Use Permit to allow dwelling units as permitted in the R-3 district in a PA, Professional Administrative office, district at 1100 and 1110 Black Diamond Drive. VOTE: Ayes: C. McDaniel, M. Pohlmann, L. Jack and J. Fritzler. Nays: C. Wissmann, S. Haynes and B. Cole. Motion declared carried. (Res. 2009-R-45; Exhibit L-6-16-09)

2. Resolution Authorizing the City Manager to Execute a Contract with Blackstone Group to Purchase Property for a City Fire Station

S. Haynes moved, C. McDaniel seconded, that the Council approve a Resolution authorizing the City Manager to execute a contract with Blackstone Group to purchase property for a City fire station. VOTE: Ayes: C. McDaniel, M. Pohlmann, C. Wissmann, S. Haynes, L. Jack, J. Fritzler and B. Cole. Nays: None. Motion declared carried. (Res. 2009-R-46; Exhibit M-6-16-09)

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3. Eurma Hayes Child Care Report

City Manager Gill presented a Report on the operation of the Eurma C. Hayes Child Care Center. Conclusions reached as a result of the study were: (1) In spite of optimistic budget projections, it is staff's opinion that the Eurma Hayes Child Care Center will continue to require substantial subsidies from the General Fund; (2) Even substantial salary reductions for Child Care Center workers would not be sufficient to offset anticipated deficits, as health care and pension costs cannot be avoided; (3) The Child Care Center no longer provides services primarily to children from the Northeast neighborhood of Carbondale; and (4) City financial subsidies for the Child Care Center are actually benefitting thirteen families not living in the City of Carbondale. The City Administration recommended that the Council take action to close the Eurma Hayes Child Care Center as of August 1, 2009, and that discussion on this issue be placed on the July 21, 2009, City Council agenda.

Councilwoman Pohlmann referenced the 2004 Report from the Mayoral panel and asked if the recommendations in the Report were implemented. Administrative Services Director Deborah McCoy said the Council has been provided with annual updates including information on enrollment, money, loss of revenue and other things which would provide the Council with a picture on the status of the Center. Councilwoman Pohlmann said there were recommendations concerning reorganization and change in management. Dr. McCoy said those changes were implemented in 2004 including renovation of the Center and reorganization of staff. Dr. McCoy said that one of the problems is enrollment and the balance between staff ratio required by DCFS and the number of children in each room. She said the Council had agreed to provide funding equal to the amount of rent with the hope that the revenue generated from enrollment would pay for teachers, but that has not been the case because the City has pay ranges that it must live within and while some other child care centers pay lower salaries the City is not able to do that.

Councilwoman Pohlmann noted that according to the information provided, parent fee income has decreased by half from 2008 to 2009, from \$115,000 to \$67,000 but the budget projection for 2010 is for \$174,000 and asked on what basis such an optimistic projection was made. Dr. McCoy said they projected 47 children and based on the revenue that should be generated per child based on their ages, and based on whether payment is state-paid or private-pay, they have to project how it is going to be divided up. Councilwoman Pohlmann asked if they had that optimistic projection for FY 2009 but only received \$67,000. Jill Johnson, Director of the Eurma C. Hayes Child Care Center, said it is hard to project but they do their best; Dr. McCoy also noted that although they may project 47 children there may not be 47 children because it varies from week to week.

Councilwoman Pohlmann said she has a soft spot for all the programs which take place in the Eurma C. Hayes Center, including Child Care, but she also believes in fiscal responsibility. She said she believes Carbondale is one of the few communities in the country where the City is running a day care center, adding that the Center started out by being run by an outside agency. She said she does not want to see the building become vacant and would like to see something else continue there, asking if it might be possible to out source child care to an outside agency even if the City has to give away the rent. Councilwoman Pohlmann asked if the City does have to close the Center, would there be enough vacancies in other child care centers in the area to accept these children.

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Mayor Cole noted that City Council members were provided with additional information prior to the meeting that will be placed on file with the clerk. He said that staff surveyed eight other child care centers on fees and vacancies and outlined the responses received.

Councilman Haynes said he believes other Council members know where he is coming from and that emotions do play a part. He said he found it quite disconcerting that at the last minute Council members received this information. He said that during budget discussions he has brought it up several times by asking whether the City was going to make money from the Center, break even or make money, or whether the Center is a social program which, he added, started out under Church Women United. Councilman Haynes said the City Council failed because it never made a determination on that and continued to throw good money after bad, not that the running of the Center was bad but the Council never made a conscious effort as a whole to set down what needed to be done. So, he said, now the City Council is being asked at the eleventh hour to make a determination that is going to entice emotional involvement and bring out some strong opinions from everybody. He noted that like Councilwoman Pohlmann said, everyone has a soft spot in their heart for the Center and for the running of the different programs that go on at the Center as a whole, and to see a significant portion of the building become vacant with the loss of the Child Care Center in a time when the community as a whole needs some direction is hard to swallow. Councilman Haynes said he also is concerned that the Council is having this discussion during the summer months when there is only one meeting of the City Council per month, adding that he hopes that parents will have time to find a new place for their children before the school semester starts. Mayor Cole noted that this subject would be discussed again in July and the recommendation is to close the Center on August 1st which would allow parents time enough to find an alternative location. Councilman Haynes said that with the Council only having two meetings, discussion by the community could be limited. He said another concern is whether the City has in place a method of helping parents find a new facility and for helping staff. He said he also was interested Councilwoman Pohlmann's question on whether the City implemented or at least tried all of the suggestions contained in the 2004 report like the research and the marketing plan. He wondered if the City failed.

Mayor Cole responded that City Manager Gill and Administrative Services Director Deborah McCoy met with staff and answered their questions about what might happen if the Council takes action to close the Center including employment and benefits. Mayor Cole said that he does not believe the City failed in its efforts, noting that the Council accepted a report in 2004 and said it would revisit the issue in five years, which is now. The City Council was willing to subsidize the operation to a tune of about \$75,000 from the General Fund and ended up subsidizing it well beyond that to the tune of about \$1 million over the five-year period. He said it is not a matter of failing but that the City can no longer afford it and whether the City should be providing child care services as a municipal government when there are alternatives. Also, he said, there are very competitive needs from other departments for the limited resources that the City has. So, he said, he does not look at this as a failure but that the City tried to fulfill the report that was provided by an independent panel appointed by the Mayor and which came back with recommendations most of which the City Council implemented. However, the City is now in a situation where it can no longer afford to subsidize the child care operation. Mayor Cole noted that the budget for Child Care was barely approved on a 4-3 vote, adding that it was almost not funded at all in April. The Council is discussing this now because staff has brought their concern that the City will

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no longer be able to provide services throughout the rest of the City because of the subsidy for and the cost of this operation. The Council has to decide its job - - providing for police and fire protection, planning and legal services or providing for child care. Mayor Cole said this is an issue of dollars and cents, adding that cities across the country are facing similar problems. He noted that he just returned from a U.S. Conference of Mayor's conference and everyone is talking about laying off police officers and fire fighters, closing entire divisions, laying off dozens of people. The Mayor noted that this City Council has taken action to reduce some of its personnel costs in important departments and this is one more issue. He noted that he has said before and will say again that the Council is going to see more of these issues come before them. He said that there are more and more unfunded mandates that are being passed by the General Assembly with reckless disregard for who has to pay for them. He said there was earlier mention of the pay scale for employees, adding that the City has a very generous pay scale compared to the other child care facilities, but this is without adding 40% to the base wage for benefits, insurance and pension. So, he said, whereas a private child care center pays a certain cost of 100% of salaries, the City pays 100% of the salaries plus a little bit because the City is actually paying better salaries, plus 40% on top of that because of the benefits that are provided to the employees. Mayor Cole said it is just a matter of not being able to afford it anymore. He noted that the City spent hundreds of thousands of dollars renovating the facility and just put a new \$68,000 roof on the Hayes Center in the last month because of the storm, and about three months ago because of concerns brought to his attention, the kitchen in the multipurpose area was renovated with cleaning, painting, new appliances and pots and pans, etc.. Mayor Cole said the City has invested in the facility and has invested in additional staff but the City just cannot afford it any more. He said the decision that the City Council has is if the Council chooses to afford the Child Care Center, what does it choose to *not* afford. The Mayor said the Council will be glad to have the discussion at its meetings and, in fact, for the record he is telling the City Council that it *will* be having that conversation regardless of the action on the matter of the Child Care Center. Mayor Cole said he has said before that the City just simply cannot afford to do some of the things it has done in the past and if anybody does not realize that, he does not know what people are seeing in the national news, in the local news or hearing in conversations with neighbors, colleagues and friends. He said the nation is at a crossroads and the State is in bankruptcy and people need to understand the trouble that the State is in, adding that the State is billions of dollars in debt and is months and months behind in reimbursements. He said that there are also children enrolled at the Eurma C. Hayes Child Care Center that are months and months behind in their payments, adding that payments must be kept current but people are not paying but their kids are still attending. That is unacceptable, he said. Mayor Cole said the City is in a situation where the books must be balanced and if somebody wants to say that the City is balancing the books on the backs of the neighborhoods or the backs of single mothers or whoever, they are absolutely correct because all of those people are the taxpayers and they are the ones that are providing for the City's balanced books. He said the City Council has to consider this as a matter of fiscal responsibility, adding that it is unfortunate but the Council has given it a good try over the past five years. And, he said, if anybody disagrees with that he has not seen anyone at the City Council meetings saying what the City should have been doing differently.

Mayor Cole invited additional discussion from the Council. There being none, the Mayor Cole said the issue would be brought back for further Council consideration at its next meeting on July 21, 2009.

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7. Council Comments

There we no Council comments.

8. Adjournment

There being no further business to come before the City Council, the meeting was declared adjourned at 9:37 p.m..

Janet M. Vaught, City Clerk

Approved by the City Council on:
