

City Council of the City of Carbondale, Illinois
Regular Meeting
May 18, 2010

The City Council of the City of Carbondale, Illinois, held a regular meeting on Tuesday, May 18, 2010, 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 meeting to order at 7:10 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 announced the Carbondale Memorial Day Service to be conducted on Monday, May 31, 2010, at 10:00 a.m. in Woodlawn Cemetery. The keynote speaker will be Mike Jones, Director of the General John A. Logan Museum.

Mayor Cole noted that today was the 150th anniversary of Abraham Lincoln's nomination as President of the United States which took place at the Republican National Convention in Chicago.

Mayor Cole announced that a Public Hearing on the proposed Comprehensive Plan will be held at the Planning Commission meeting on Wednesday, May 19, at 7:00 p.m. in City Council Chambers.

Mayor Cole reminded residents that City Hall offices will be closed on Monday, May 31, for the Memorial Day holiday. All City refuse collection routes will be delayed one day that week.

City Clerk Janet Vaught announced that two of the four of the teams from Carbondale Middle School which competed in the Illinois History Expo advanced to the National History Day competition in Washington, DC, on June 15-16. The student advancing were Anjalike Mojanty, Grace Rigney, Marlie Bruns, Louisa Arseneau, Miriam Meksem and Simone Pike. Betsy Brown, Academic Talent teacher, coordinates the students' participation in the program. All are to be congratulated.

3. Citizen Comments and Questions

Elius Reed, 2010 South Illinois Avenue, asked questions concerning state or federal grant funds received for the police station and the former Attucks School building, the effective date of the elimination of the Affirmative Action Officer, and when the Affirmative Action

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Plan will be amended to reflect the elimination of that position. Mayor Cole responded to some of Mr. Reed's questions and asked him to meet with City Manager Gill to get information on and answers for some of his other questions.

Liz Gersbacher, 1507 West Taylor Drive, expressed appreciation for the Warrant being posted on the City's website and including explanations for the expenses. She also asked about the status of and what information would be included in the water rate study; Mayor Cole responded to Ms. Gersbacher's questions and added that the scope of work for the water rate study would be made available to Ms. Gersbacher upon request.

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 of the Regular City Council meeting held on May 4, 2010. Recommendation: Approve.
2. Warrant for Period Ended April 19, 2010, Warrant #1092. Recommendation: Approve in amount of \$1,061,618.19. (Exhibit A-5-18-10)
3. Acceptance of Minutes of Boards, Commissions and Committees. Recommendation: Accept Board of Fire and Police Commissioners of April 23, 2010 and Liquor Advisory Board of March 30, 2010
4. Award of Purchase of a Color Sewer Television Inspection Vehicle. Recommendation: Declare Sreco Flex Push Camera System (ID #10328) as surplus property and award purchase of Color Sewer Television Inspection Vehicle including rack mounted computer with V13100 video overlay in lieu of video data display system and software to Coe Equipment, Inc, of Rochester, Illinois, in the amount of \$113,596.00.
5. Ordinance Amending Title Eighteen, Chapter Fifteen of the Carbondale Revised Code as it Relates to Use of Seat Belts and Child Safety Seats. Recommendation: Approve. (Ord. 2010-17; Exhibit B-5-18-2010)
6. Ordinance Authorizing the Execution of an Easement to S.I. Wireless, LLC. Recommendation: Approve. (Ord. 2010-18; Exhibit C-5-18-2010)
7. Ordinance Authorizing a Budget Adjustment Adding V.A.W.A. Grant Funds for the Police Department. Recommendation: Approve. (Ord. 2010-19 ; Exhibit D-5-18-2010)
8. Purchase of Water Meters from Sensus Metering Systems. Recommendation: Approve Purchase from Sensus Metering Systems of Uniontown, Pennsylvania, up to the FY 2011 budgeted amount of \$29,870.00.

The Mayor asked if anyone would like any items removed from the Consent Agenda. There were no items removed.

C. Wissmann moved, C. McDaniel seconded, that the Council approve Consent Agenda Items 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.7 and 5.8. VOTE: Ayes: C. McDaniel, M. Pohlmann, C. Wissmann, S. Haynes, L. Jack, J. Fritzler and B. Cole. Nays: None. Motion declared carried.

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6. General Business

1. Resolution Adopting the Report and Recommendation of the City Manager in Hearing No. TX-2010-01

C. Wissmann moved, L. Jack seconded, that the Council adopt the Resolution accepting the report and recommendation of the City Manager and enter an Order for the cost of the proceedings and suspending the certificate of Russell High, with said suspension being stayed for a period of one year as is more fully described in the report and recommendation. DISCUSSION: Mayor Cole noted for the record that the license holder was notified of this meeting but declined to attend. He added, however, the City Attorney has been in contact with the attorney for the license holder. VOTE: Ayes: C. McDaniel, M. Pohlmann, C. Wissmann, S. Haynes, L. Jack, J. Fritzler and B. Cole. Nays: None. Motion declared carried. (Res. 2010-R-24; Exhibit E-5-18-2010)

2. Discussion on Proposed Revisions to the Liquor Code

Items being discussed as part of this agenda item include the sale of alcohol in grocery stores, the cap on Class C (package) liquor licenses, the hours of operation for grocery stores or gas stations that, if the Liquor Code is changed, may be allowed to sell alcohol but are open 24 hours a day, the sale of alcohol by businesses which also sell fuel and the sale of alcohol south of Pleasant Hill Road.

Speaking in support of alcohol in grocery stores were: Robert Weigert, Director of Government Relations and Associate General Counsel for Schnucks; Tim McGurk, Public Affairs Manager for the Mid-South Division of Kroger; and Francis Murphy, General Manager of Neighborhood Co-op Grocery.

Speaking in opposition to alcohol in grocery stores were: Steve Hoffmann, a former package liquor license holder, and John Womick, Legal Counsel representing current package liquor license holders. Carbondale resident John Karayanis asked questions regarding the sale of alcohol in grocery stores.

Comments from City Council members gave the indication that three City Council members favored consideration of an amendment to the Liquor Code to allow grocery stores to sell alcohol. Three Council members gave the indication that they were in opposition.

Speaking in support of the sale of alcohol from a business at which fuel is also sold were: Tim McGurk, Public Affairs Manager for the Mid-South Division of Kroger, and Paul Mollet, Store Manager for the Herrin Kroger store.

Speaking in opposition to the sale of alcohol from a business at which fuel is also sold were: Steve Hoffmann, a former package liquor license holder, and John Womick, Legal Counsel representing current package liquor license holders.

Comments from City Council members gave the indication that three City Council members favored consideration of an amendment to the Liquor Code to allow businesses which sell fuel to also sell alcohol. Three Council members gave the indication that they were in opposition.

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There were no public comments related solely to the issue of caps on package liquor licenses. Comments from City Council members gave the indication that three City Council members favored a possible amendment to caps on package liquor licenses and three Council members were in opposition.

There was no one who indicated a desire to speak either in favor of or in opposition to the sale of alcohol south of Pleasant Hill Road. With minimal discussion, a majority of Council members agreed that because a representative of Arnold's Market was not present and there was no one present from the affected area on Route 51 South to offer opinions, this issue should be returned to a future City Council meeting for discussion.

Mayor Cole stated that without objection it would be noted that there was no consensus reached on any of the items except for the issue of sale south of Pleasant Hill Road, so the issues on which there was not consensus would not be brought back for further consideration or action. Three Council members expressed objection.

Mayor Cole noted that it had been a few years since there had been a comprehensive review of the Liquor Code so it might be time to conduct such a review. He said that he, along with staff, would review the Liquor Code and return with recommendations.

7. Council Comments

There were no Council comments.

8. Closed Meeting

L. Jack moved, C. Wissmann seconded, that the City 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 and the setting of a price for sale or lease of property owned by the public body pursuant to 5 ILCS 120/2(c)(1), (c)(5) and (c)(6). 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 9:35 p.m..

C. Wissmann moved, L. Jack 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 10:31 p.m..

There was no formal action taken as a result of the closed meeting.

8. Adjournment

There being no further business to come before the City Council, the meeting was declared adjourned at 10:33 p.m..

Janet M. Vaught, City Clerk

Approved by the City Council on:
