

City Council of the City of Carbondale, Illinois
Public Hearing on Proposed Annexation Agreement with
V.A. Beadle Trust at 4 Crown Lane
November 9, 2010

The City Council of the City of Carbondale, Illinois, held a public hearing on Tuesday, November 9, 2010, in City Council Chambers, 200 S. Illinois Avenue, for the purpose of soliciting comments on a proposed Annexation Agreement with V. A. Beadle Trust at 4 Crown Lane. Mayor Cole called the public hearing to order at 7:17 p.m. with the following-named members of the City Council present/absent:

Present: Councilwoman Corene McDaniel, Councilwoman Mary Pohlmann, Councilman Chris Wissmann, Councilman Steven Haynes, Councilman Joel Fritzler and Mayor Brad Cole

Absent: None

Also present were City Clerk Janet M. Vaught, City Manager Allen Gill and various members of the City's administrative staff.

City Manager Gill noted that V.A. Beadle is requesting to rezone a 1.36 acre parcel at 4 Crown Lane from RR, Rural Residential, and AG, General Agriculture, to SB, Secondary Business. As per Resolution No. 95-R-62, the City of Carbondale's Policy on Annexations and the Provision of City Services and Utilities, no rezoning to a district which permits commercial development will be approved in the City's zoning and subdivision jurisdiction unless there is a binding agreement for the provision of public water and sewerage facilities and/or extension of public utilities. The proposed annexation agreement between the City and V.A. Beadle Trust satisfies this requirement.

Mr. Gill said that an Ordinance directing the Mayor to execute the annexation agreement on behalf of the City of Carbondale will be considered later on the Council agenda. The proposed Annexation Agreement contains the following provisions: (1) The City agrees to approve V.A. Beadle Trust's rezoning request; (2) The owner agrees to annex the property to the City when the property becomes contiguous; and (3) The owners agree to connect all buildings with sanitary sewer needs to the municipal sanitary sewer system when it becomes available.

Mr. Gill said it is recommended that the City Council open and conduct the public hearing on the proposed annexation agreement between the City and V.A. Beadle Trust. He added that if the rezoning request is not approved, the annexation agreement will not be executed.

Mayor Cole invited comments or questions from the public. He noted that the public hearing is related to the annexation agreement only, adding that the annexation agreement has nothing to do with the rezoning and the rezoning will be considered later on the City Council meeting agenda.

Attorney Michael Dahlen, 2001 West Main Street, said he represents several of the adjoining property owners regarding the rezoning request. He said he wanted to be clear on the annexation agreement, noting that the conditions were that the City agrees to approve the V.A. Beadle Trust rezoning request so he wants to make sure that by not opposing the annexation agreement, it does not necessarily mean that they agree with the rezoning. Mayor Cole responded that if later on in the agenda the City Council adopts the change in the zoning, then that would trigger the annexation agreement; if there is not a change in the zoning, the annexation agreement would not be executed. So, Mayor Cole said, the annexation agreement is saying that the zoning has already been changed. Attorney Dahlen asked if it's then a contingency that would be coming

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down the road later. The Mayor agreed. Mayor Cole asked Attorney Dahlen if he (Dahlen) should be placed as in favor, opposed or neutral on the annexation agreement. Attorney Dahlen responded neutral.

Attorney Don Prosser identified himself as representing the V.A. Beadle Trust. He said it is his understanding that at this time the discussion is only regarding the annexation agreement. He said Dr. Beadle would be anxious to sign the annexation agreement should the Council approve the rezoning petition. He said he would be speaking on the rezoning issue later on the agenda.

Priscilla Pimentel, 600 West Pecan, asked if the annexation would include more than one parcel or just the Beadle property. Mayor Cole said the annexation agreement is just for the 1.36 acre parcel outlined in the application, just the Beadle property. She asked if this is adjacent to other annexed property. Mayor Cole said no. So, Ms. Pimentel said, this would be like a little island and asked if the City would have to provide services to the property. Mayor Cole said services would be provided only once the property becomes contiguous to the City and is annexed. He said the property is not currently contiguous but with the annexation agreement once it becomes contiguous it would be annexed. Ms. Pimentel asked that once the property is annexed, the benefits that come with annexation such as getting a street or sewer run to your property wouldn't happen until it is annexed into the City. Mayor Cole said those things are outside the scope of the annexation agreement, adding that there is already a street to the property, U.S. Highway 51, which bisects with South Illinois Avenue and then meets Crown Lane. Ms. Pimentel asked if the City would have to maintain the street if it is annexed. Mayor Cole responded not necessarily, adding only if it was accepted by the City as a public road. He noted that there are other private roads within the City limits that the City does not maintain. He said there would be police and fire protection provided but not necessarily sewer. Ms. Pimentel said that none of that would be invoked until the property was contiguous to the City limits; Mayor Cole agreed. In response to Mayor Cole's inquiry, Ms. Pimentel said she should go on record as opposing the annexation agreement.

Nikki Bilderback, 420 Rowan Road, Makanda, asked if the annexation would not take effect until Carbondale boundaries reach the property. Mayor Cole agreed. Ms. Bilderback asked if there are any plans for Carbondale reaching that far. Mayor Cole said this is not the purpose of the public hearing, adding that the purpose of the public hearing is to take comments on the annexation agreement. He said, however, that the short answer would probably be no, adding that it doesn't appear that the City is going to be out in that area immediately. Assistant City Manager Kevin Baity interjected that the City limits are currently three quarters of a mile away. Ms. Bilderback asked if the 1.36 acres is where Dr. Beadle's dental office is located. Mayor Cole said yes, that is the property subject to the annexation agreement. Ms. Bilderback said she is opposed to the annexation agreement.

Dan Owen, 669 Union Hill Road, asked if the City approves the annexation, it would be tantamount to the approval of the rezoning to SB. Mayor Cole responded that the City is not considering an annexation now but is only holding a public hearing to take public comment on an annexation agreement. Mr. Owen said that in the statement that was made earlier, there was a condition that was read that if and when the property was annexed - and it couldn't be annexed unless services were supplied by the City. He asked if that was correct. Mayor Cole responded that the City will not consider or vote on anything right now, adding that the public hearing is solely for the purpose of taking public comments. Mr. Owen said that the clarification is needed to determine whether the annexation should be opposed or not. He asked if there is an automatic rezoning that would come with the annexation should it occur. Mayor Cole said no, the annexation would come after the rezoning, the rezoning would not come after the annexation. Mr. Owen said, then, the annexation would become a *fait accompli* should the rezoning occur. Mayor Cole responded that the rezoning will have to occur

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in order for the annexation to occur. Mr. Owen said that if anyone wants to oppose the rezoning, they also have to oppose the annexation. Mayor Cole said he would take that as a statement of opinion. Mr. Owen said it was a question; Mayor Cole said he could not answer that as a question. Mayor Cole noted that the City Council generally doesn't have dialog during a public hearing but usually only takes public comment so, he said, he's trying to provide answers. Mr. Owen thanked Mayor Cole for his answers and said he is opposed to the annexation.

Laura Petrovich, 542 May Apple, Carbondale, said she is a registered nurse in the State of Illinois and just as a general public comment she noticed that Unity Point School is located near where the property is proposed to be annexed. She said she believes it would pose a problem and a safety hazard to the children with increased transportation in the morning should there be a business opened right off of Route 51 where there is lots of traffic in a congested area. Mayor Cole asked if Ms. Petrovich was talking about the rezoning or the annexation agreement. Ms. Petrovich said her comments could go either way. Mayor Cole said the only thing being discussed at this time is the annexation agreement. Ms. Petrovich said she would like to state that she is opposed to the annexation at this point in time.

Janet Elizabeth Donoghue, 505 North Springer, said she opposes the annexation. She said she sees it as the first step to the rezoning. She wanted to point out the Comprehensive Plan, adding that she is sure the Council is really familiar with it, and she believes the green belt area should be preserved and really the rezoning and the annexation and the confusion of that by citizens trying to figure out, she believes the bottom line is that they don't want that developed. She said that she would ask that the City consider not developing it and if annexation is the first step, she opposes it.

There being no further comments or questions at this hearing, Mayor Cole declared the public hearing closed at 7:30 p.m.

Janet M. Vaught, City Clerk

Approved by the City Council on:
