

**City Council of the City of Carbondale, Illinois**  
**Regular Meeting**  
**May 17, 2011**

Following a meeting of the Local Liquor Control Commission, the City Council of the City of Carbondale, Illinois held a regular meeting on Tuesday, May 17, 2011, in City Council Chambers, 200 South Illinois Avenue. Mayor Fritzler called the meeting to order at 8:06 p.m. with the following members of the Council present/absent:

**1. Roll Call**

Present: Councilman Chris Wissmann, Councilman Donald D. Monty, Councilwoman Jane Adams, Councilman Lance Jack. Councilwoman Corene McDaniel and Mayor Fritzler  
Absent: None

Also present were City Clerk Rachael E. Keehn, City Manager Allen D. Gill and various members of the City's administrative staff.

**2. General Announcements and Proclamations**

Mayor Fritzler announced that the Citizen Comments and Questions portion of the agenda had been moved toward the end of the agenda rather than the beginning, to give people the opportunity to be present for the whole meeting before making their comments. Mayor Fritzler said that the Council will try this a few times before making a permanent move in the agenda

Mayor Fritzler proclaimed the month of May, 2011 as Mental Health Month in the City of Carbondale. Karen Freitag, Executive Director of Southern Illinois Regional Social Services, Inc., was present to accept the Proclamation. (Exhibit A-5-17-2011)

Mayor Fritzler proclaimed May 15-21, 2011 as National Public Works Week in the City of Carbondale. Sean Henry, Acting-Director of Public Works was present to accept the Proclamation. (Exhibit B-5-17-2011)

City Manager Gill announced that the Illinois Chapter of the National Public Works Association held its annual meeting the previous week, and at that meeting Carl Bailey, Senior Engineering Technician in the Public Works Engineering Department, and Bill Dailey, Plant Operator at the Water Treatment Plant were recognized and received awards for excellence in their fields.

City Manager Gill announced that effective May 16, 2011, Donald Ursini was hired as Finance Director for the City of Carbondale and welcomed him to the team.

**3. Public Hearings and Special Reports**

1. Historic Preservation Award Presentation

On behalf of the Preservation Commission, Meagan Jones presented Historic Preservation Awards to recipients 511 West Walnut and 603 West Walnut. The residence located at 603 West Walnut was recognized in the category of sympathetic addition. The home, built in 1884, is of the Gothic Revival architectural style and recently added an addition which maintained the historic look of the home's exterior. The owners, Sandy and Charles Litecky, restored and reused existing historical windows, used cedar siding and replicated moldings around the windows, doors and

fascia. Their home is an example of how one can update their home and still maintain its historic integrity. The house located at 511 West Walnut is being recognized in the category of preservation. This residence, built in 1858, is one of the oldest documented framed houses still standing in Carbondale. The owner, Kevin Graham, was able to restore the home by painting the exterior, repairing shutters and using historically correct hinges. The care taken with 511 W. Walnut illustrates the improvements that can be made to maintain property while helping preserve its historical character.

#### 4. 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 3, 2011. Recommendation: Approve.
2. Approval of Warrant for Period Ending: 04/18/11, FY 2011, Warrant # 1121. Recommendation: Approve in the amount of \$1,179,479.55. (Exhibit C-5-17-2011)
3. Acceptance of Minutes of Boards, Commissions and Committees. Recommendation: Accept Carbondale Public Library Board of Trustees minutes of March 9, 2011 and Liquor Advisory Board minutes of February 28, 2011.
4. Authorization for the City Manager to execute an Engagement Letter with Kerber, Eck & Braeckel for the City's FY 2011 Audit. Recommendation: Approve and authorize.
5. Ordinance Amending Title Twenty (20) Chapter One (1) Section Five (5) of the Carbondale Revised Code as it relates to General Penalties. Recommendation: Adopt. (Ord. 2011-22, Exhibit D-5-17-2011)
6. Resolution Authorizing the City Manager to Execute a Cooperative Agreement with Southern Illinois University Carbondale for Bus Service. Recommendation: Approve. (Res. 2011-R-29, Exhibit E-5-17-2011)
7. Item was removed from consent.
8. Item was removed from consent.

The Mayor asked if anyone would like any items removed from the Consent Agenda. Items 7 and 8 were removed by Councilman Jack's request.

C. Wissmann moved, D. Monty seconded, that the Council approve Consent Agenda Items 4.1, 4.2, 4.3, 4.4, 4.5 and 4.6. VOTE: Ayes: C. Wissmann, D. Monty, J. Adams, L. Jack, C. McDaniel and J. Fritzler. Nays: None. Motion declared carried.

- 4.7. Appointment of Jane Adams, to serve as an ex-officio, non-voting member to Carbondale Main Street for a term to expire May 17, 2012 and appointment of Donald D. Monty to serve as an ex-officio, non-voting member of the Sustainability Commission for a term expiring May 17, 2012.  
L. Jack moved, C. McDaniel seconded, that the Council concur with the Mayor's recommended appointments to Boards and Commissions. DISCUSSION: L. Jack commented that he supports the nomination of Councilwoman Adams to the Carbondale Main Street Board and Councilman Monty to the Sustainability Commission. Mr. Jack noted his background with Carbondale Main Street as a business owner in downtown Carbondale and his continued interest in participating

with Carbondale Main Street. L. Jack then asked Mayor Fritzler to explain his reasoning for appointment Ms. Adams rather than himself to Carbondale Main Street. Mayor Fritzler responded that Ms. Adams was his choice for the appointment due to her interest in downtown and Carbondale businesses. VOTE: Ayes: C. Wissmann, D. Monty, J. Adams, L. Jack, C. McDaniel and J. Fritzler. Nays: None. Motion declared carried.

4.8 Ordinance Approving a Right-of-Way License Agreement with Delta Communications, LLC.

J. Adams moved, C. Wissmann seconded, that the Council approve the Right-of-Way License Agreement committing the use of rights-of-way within the corporate limits of the City of Carbondale for the installation of fiber optic cabling by Delta Communications, LLC. DISCUSSION: L. Jack noted that this item deserves attention, as it is a project that has been in the works for quite some time and wanted to bring it to the public's attention. J. Adams commented that one of the potentials the City has as a University town is the development of internet and digitally-based enterprises, and that this fiber-optic backbone that is being spread across southern Illinois should contribute to that development. C. Wissmann noted that before the fiber-optic line is useful for the general public, further development will be necessary, but that this is a good start. VOTE: Ayes: C. Wissmann, D. Monty, J. Adams, L. Jack, C. McDaniel and J. Fritzler. Nays: None. Motion declared carried. (Ord. 2011-23, Exhibit F-5-17-2011)

**5. General Business**

1. A Resolution Approving an Amendment to the Final BPL development plan for a proposed Goodwill located at 1145 East Main Street.

D. Monty moved, C. Wissmann seconded, that the Council adopt the Resolution approving the amendment to the final BPL DEVELOPMENT PLAN FOR THE PROPOSED Goodwill located at 1145 East Main Street. DISCUSSION: D. Monty asked a question concerning the placement of existing landscaping and what affect the changes would have on it. Assistant City Manager Kevin Baity replied that as part of the redevelopment of the building the landscaping will be replaced and maintained as necessary. D. Monty further noted that the proposed plan does not mention landscaping so the original landscaping plan would prevail, Mr. Baity affirmed that statement. D. Monty also asked about the traffic flow through the parking lot. Mr. Baity replied that staff wishes to reserve the traffic flow issue until a later time when more details are available. Mayor Fritzler asked whether there had been any changes in landscaping requirements since the building site was developed. Mr. Baity replied that there had not been any change in the landscaping requirements, but the number of parking spaces per square foot of retail space had changed. VOTE: Ayes: C. Wissmann, D. Monty, J. Adams, L. Jack, C. McDaniel and J. Fritzler. Nays: None. Motion declared carried. (Res. 2011-R-30, Exhibit G-5-17-2011)

2. An Ordinance approving John M. Henry's request to rezone property at 975 West Charles Road from AG, General Agriculture, to BWA, Wholesale and Automotive.

C. Wissmann moved, C. McDaniel seconded, that the Council adopt the Ordinance approving the request to rezone 975 West Charles Road from AG, General Agriculture, to BWA, Wholesale and Automotive. DISCUSSION: D. Monty observed that due to the location of the property and the limitations on developing the property, it will probably remain open space even if it is rezoned as BWA. He further noted that the adjacent land is already zoned as BWA, and that he does not see any harm in approving this rezoning. VOTE: Ayes: C. Wissmann, D. Monty, J. Adams, L. Jack, C. McDaniel and J. Fritzler. Nays: None. Motion declared carried. (Ord. 2011-24, Exhibit H-5-17-2011)

3. An Ordinance approving Carl Schmidt's request to rezone 10 acres located at 276 & 300 Walden Road from AG, General Agriculture, to RR, Rural Residential.

J. Adams moved, D. Monty seconded, that the Council move to adopt the Ordinance approving the request to rezone 10 acres located at 276 and 300 Walden Road from AG, General Agriculture, to RR, Rural Residential. DISCUSSION: D. Monty remarked that he had looked at this property and that the surrounding properties are also residential that this rezoning would be suitable. VOTE: Ayes: C. Wissmann, D. Monty, J. Adams, L. Jack, C. McDaniel and J. Fritzler. Nays: None. Motion declared carried. (Ord. 2011-25, Exhibit I-5-17-2011)

4. Resolution Declaring "Fair Days" for the Carbondale Park District Sunset Concert Series.

C. Wissmann moved, D. Monty seconded that the Council approve the Resolution declaring Fair Days for the Carbondale Park District for the 2011 Sunset Concert Series at Lenus Turley Park. DISCUSSION: C. McDaniel remarked that she has asked for the past ten years that there be consideration given to the possibility of holding a Sunset Concert without alcohol. Mayor Fritzler said that he would ask the Park District to consider Ms. McDaniel's request. Ms. McDaniel then noted that she does not believe alcohol should be permitted in the park and that there may be people who would like to attend an alcohol-free concert. Ms. McDaniel also stated that she would not vote in the affirmative on any resolutions which permit alcohol in the park. VOTE: Ayes: C. Wissmann, D. Monty, J. Adams and J. Fritzler. Nays: C. McDaniel. (L. Jack abstained from this vote) Motion declared carried. (Res. 2011-R-31, Exhibit J-5-17-2011)

5. Resolution Declaring "Fair Days" for the 2011 Southern Illinois Irish Festival at Lenus Turley Park.

J. Adams moved, C. Wissmann seconded that the Council approve the Resolution granting Fair Days for the Southern Illinois Irish Festival between the hours of 12:00 noon and 6:00 p.m. on Saturday, October 1, and between the hours of 12:00 noon and 6:00 p.m. on Sunday, October 2, 2011, inside a fenced-in area within Lenus Turley Park. VOTE: Ayes: C. Wissmann, D. Monty, J. Adams and J. Fritzler. Nays: C. McDaniel. (L. Jack abstained from this vote) Motion declared carried. (Res. 2011-R-32, Exhibit K-5-17-2011)

6. Resolution Declaring “Fair Days” for the Neighborhood Co-op Annual Local Harvest Picnic.

C. Wissmann moved, J. Adams seconded, that the Council approve the Resolution granting Fair Days for the Neighborhood Co-op between the hours of 5:00 and 9:00 p.m. on Saturday, September 24, 2011, at Lenus Turley Park. DISCUSSION: C. McDaniel stated on the record that she strongly supports the Park District, the Irish Festival, and the Neighborhood Co-op, but that she has an issue with alcohol being allowed in the park. D. Monty remarked that as a matter of disclosure, he is a member of the Neighborhood Co-op, and the City Attorney has advised him that there is no conflict preventing Mr. Monty from voting on this matter, but that he (Mr. Monty) wanted to disclose that he is a member of the Co-op. Mayor Fritzler and J. Adams then remarked that they too are members of the Co-op as a matter of disclosure. VOTE: Ayes: C. Wissmann, D. Monty, J. Adams and J. Fritzler. Nays: C. McDaniel. (L. Jack abstained from this vote) Motion declared carried. (Res. 2011-R-33, Exhibit L-5-17-2011)

7. Ordinance Authorizing the City Manager to Execute a Contract for the Sale of Real Property Located at 709 West Pecan and Authorizing the Mayor to Execute a Deed for the Conveyance of Such Property.

C. Wissmann moved, D. Monty seconded, that the Council approve an ordinance authorizing the City Manager to execute a contract for the sale of real property and authorizing the Mayor to execute a deed for the conveyance of such property. DISCUSSION: Sandy Litecky, 603 West Walnut Street, asked whether emergency vehicles would still be able to access properties from the alleyway after the sale of this land. Mr. Gill replied that they would. Mayor Fritzler asked Ms. Basler if she had any questions concerning this agreement. Ms. Basler indicated that she was not amenable to the price stated this agreement. Mayor Fritzler replied that the matter would go back to Assistant City Manager Baity so that an agreement could be reached. The motion to approve was withdrawn and no action was taken.

## 6. Citizen Comments & Questions

Barry Spehn, 500 Charles Road #31, expressed concern about the number of potholes in the road to his home, and asked if the Building and Neighborhood Services Division was going to take any action to remedy the problem. Mayor Fritzler noted that this road is a private road, not a City road, and asked Mr. Baity if there was anything the City could do about this. Mr. Baity replied that the City had in the past issued requests to the property owner to maintain the property, but because it is a private road the City does not have jurisdiction to force the property owner to repair the road. Councilman Monty remarked that the property is zoned RMH, and that there are standards for the private roads for development. Mr. Monty asked if the streets are to be constructed according to certain standards, is there a way to enforce maintenance of the street to those same standards. Mr. Baity indicated that his understanding is that when this mobile home park was developed it was outside the City limits and the development standards were not applied to that property. Mr. Monty then asked if there was anything that precluded the City from adopting performance standards for the maintenance of driveways in mobile home parks within the City limits, and noted that this is a legal question that needs to be considered by the City Attorney. J. Adams

commented that the City has consultants who are currently reviewing the City's zoning code and they are knowledgeable on zoning issues. Ms. Adams continued that it may be worthwhile broaching the subject with them.

Tom Grant, 5370 Springer Ridge Road, commented that the Illinois State Mobile Home Park Act may be a solution to the problem presented by Mr. Spehn. Mr. Grant continued his understanding is that as a home-rule community, the City can have standards and requirements that supersede state requirements, but cannot be less restrictive than state law. Mr. Grant suggested that the City consider this as a tool to use to enforce maintenance in the mobile home park. Mayor Fritzler asked City Manager Gill to follow up with that suggestion.

Sandy Litecky, 603 West Walnut, asked if street sweeping is in the budget now. City Manager Gill replied that street sweeping is being done but not on a full-time basis.

## **7. Council Comments**

Mayor Fritzler announced that this coming Friday is "Bike to Work Day" and invited the community to join him at the Town Square Pavilion at noon for lunch.

Mayor Fritzler also announced that City offices will be closed on Monday, May 30<sup>th</sup> in observance of the Memorial Day holiday, and that refuse collection will be delayed one day.

## **8. Closed Meeting to Discuss the Selection of a Person to Fill the Vacancy on the City Council, Collective Negotiating Matters and Pending or Imminent Litigation**

C. McDaniel moved, C. Wissmann seconded, that the Council hold a closed meeting to discuss the selection of a person to fill the vacancy on the City Council collective negotiating matters and pending or imminent litigation, when an action against, affecting or on behalf of the public body is probable or imminent or has been filed and is pending before the court pursuant to 5 ILCS 120/2(c)(3), (c)(2) and (c)(11). VOTE: Ayes: C. Wissmann, D. Monty, J. Adams, L. Jack, C. McDaniel and J. Fritzler. Nays: None. Motion declared carried. Open session recessed at 9:29 p.m.

## **9. Action on any Required Elements of Closed Meeting**

J. Adams moved, C. McDaniel seconded, that the City Council appoint Lee M. Fronabarger to the City Council vacancy for a term to extend through May 7, 2013. VOTE: Ayes: C. Wissmann, D. Monty, J. Adams, L. Jack, C. McDaniel and J. Fritzler. Nays: None. Motion declared carried.

## **10. Adjournment**

There being no further business to come before the City Council, the meeting was declared adjourned at 11:24 p.m.

---

**Rachael E. Keehn, City Clerk**

**Approved by the City Council on:**

---