

City Council of the City of Carbondale, Illinois
Regular Meeting
August 16, 2011

A meeting of the Local Liquor Control Commission was held immediately prior to this Council Meeting.

The City Council of the City of Carbondale, Illinois held a regular meeting on Tuesday, August 16, 2011, in City Council Chambers, 200 South Illinois Avenue. Mayor Fritzler called the meeting to order at 8:30 p.m. with the following members of the Council present/absent:

1. Roll Call

Present: Councilman Lee M. Fronabarger, Councilwoman Corene McDaniel, Councilman Chris Wissmann, Councilman Donald D. Monty, Councilwoman Jane Adams, Councilman Lance Jack 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

C. Wissmann expressed his thanks for the growing culture and economy due in large part to the students returning to SIU. J. Adams noted that Carbondale Main Street had a roster of student activities listed on their website. C. McDaniel requested confirmation of the parking meters being bagged for returning students. L. Jack reminded the public of the Friday Night Carbondale Community Fairs held at the Town Square Pavilion.

3. Public Hearings and Special Reports

Members Margaret Flanagan, Gayle Klam and Liz Gersbacher of the League of Women Voters gave a summary of the League's special report on the City of Carbondale's water system as it relates to maintenance and privatization thereof.

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 and Public Hearings held on July 19, 2011. Recommendation: Approve.
2. Approval of Warrant for Period Ending: 7/11/2011, FY 2012, Warrant # 1130. Recommendation: Approve in the amount of \$1,450,909.26. (Exhibit A-8-16-2011)
3. Approval of Warrant for Period Ending: 7/25/2011, FY 2012, Warrant # 1131. Recommendation: Approve in the amount of \$1,989,252.47. (Exhibit B-8-16-2011)
4. Acceptance of Minutes of Boards, Commissions and Committees. Recommendation: Accept Fire Fighter's Pension Board of February 9, May 11 and June 1, 2011, Police Pension Fund Board of Trustees of April 26, 2011, Planning Commission of June 15 and July 20, 2011, Liquor Advisory Board of June 2, 2011, Human Relations Commission of June 6 and July 11, 2011, Sustainability Commission of April 21 and May 19, 2011, Zoning Board of Appeals of May 18, 2011 and Preservation Commission of June 20, 2011.
5. Appointments to Boards and Commissions. Recommendation: Concur with Mayor

Fritzler's recommended appointments of Brian Gorecki to the Building Board of Appeals to a term expiring May 9, 2014, Jessica Bradshaw to the Human Relations Commission to a term expiring April 15, 2014, Sarah Miranti to the Human Relations Commission to a term expiring April 15, 2012, Monica Newby to the Liquor Advisory Board as a GPSC representative to fill an unexpired term ending May 1, 2012, and Alice Winters to Senior Adult Services to an unexpired term ending September 30, 2014.

6. Ordinance annexing a one-acre parcel located at 1275 North Reed Station Road occupied by S.I. Wireless. Recommendation: Move to adopt an Ordinance annexing a one acre parcel located at 1275 North Reed Station Road. (Ordinance 2011-36; Exhibit C-8-16-2011)
7. Resolution Authorizing the City Manager to Execute a Professional Services Agreement with Stanley Consultants, Inc., for the Investigation Phase of the Cedar Lake Dam Drainage System. Recommendation: Approve the Resolution authorizing the City Manager to execute an agreement with Stanley Consultants, Inc., for Professional Services related to drainage investigation for the Main Dam at Cedar Lake for an amount not to exceed Sixty-Two Thousand Dollars. (Resolution: 2011-R-43; Exhibit D-8-16-2011)
8. Removed from Consent.
9. An Ordinance Authorizing acceptance of a Grant from IDOT and approving a Budget Adjustment to increase the Police Department's FY2012 Budget. Recommendation: Approve Ordinance accepting Grant and approving a Budget Adjustment for Police Department's FY 2012 budget. (Ordinance 2011-37; Exhibit E-8-16-2011)
10. Removed from Consent.
11. Resolution Approving a Special Use Permit to allow Dwelling Units, as Permitted in the R-3 District, in a SB District at 2331 South Illinois Avenue. Recommendation: Adopt the Resolution approving the request for a Special Use Permit to allow dwelling units, as permitted in the R-3 District, in a SB District with Conditions. (Resolution 2011-R-44; Exhibit F-8-16-2011)
12. Acceptance of Deeds and Easements. Recommendation: Accept permanent easements from the Villas of Carbondale, Limited Partnership, for a water main and a sanitary sewer main, and to authorize the City Clerk to have the easements recorded in the County Clerk's Office.
13. Authorizing the City Manager to Execute a Contract with Voorhees Associates, LLC for City Manager Recruitment Services. Recommendation: Approve a Resolution authorizing the City Manager to Execute a Contract with Voorhees Associates, LLC. (Resolution 2011-R-45; G-8-16-2011)
14. Removed from Consent.

Item 8 was pulled at D. Monty's request, Item 10 by L. Jack's request, Items 13 and 14 by C. McDaniel's.

C. McDaniel moved, L. Fronabarger seconded, that the Council approve Consent Agenda Items 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.9, 4.11 and 4.12. VOTE: Ayes: L. Fronabarger, C. McDaniel, C. Wissmann, D. Monty, J. Adams, L. Jack and J. Fritzler. Nays: None. Motion declared carried.

- 4.8 Award of Purchase of Parking Meters for Public Parking Services Division from the FY 2012 Public Parking Division budget. Recommendation: Award of Purchase of thirty-one dual electronic parking meters and five single electric parking meters in

the amount of \$20,836.94 to POM, Inc. of Russellville, AK.

D. Monty moved, C. Wissmann seconded, to approve the Purchase of Parking Meters for Public Parking Services Division. DISCUSSION: D. Monty requested the removal of the item to point out that the purpose of purchasing the parking meters is to replace the Pay and Display parking machine in Lot 16 which is often in need of repair and has been confusing to visitors. VOTE: Ayes: L. Fronabarger, C. McDaniel, C. Wissmann, D. Monty, J. Adams, L. Jack and J. Fritzler. Nays: None. Motion declared carried.

4.10 Accept the Planning Commission’s Annual Report for FY 2011. Recommendation: Accept Annual Report from Planning Commission.

L. Jack moved and L. Fronabarger seconded the motion to accept the Planning Commission’s Annual Report for FY 2011. DISCUSSION: L. Jack asked for the removal of the item from the Consent Agenda to call attention to the important work the Commission performs for the City. Additionally, he wished to call special attention to the fact that the zoning code is being completely overhauled and that the time for members of the public to address concerns and get involved is now. VOTE: Ayes: L. Fronabarger, C. McDaniel, C. Wissmann, D. Monty, J. Adams, L. Jack and J. Fritzler. Nays: None. Motion declared carried.

4.13 Resolution Authorizing the City Manager to Execute a Contract with Voorhees Associates, LLC for City Manager Recruitment Services

L. Fronabarger moved, and D. Monty seconded, to approve a Resolution Authorizing the City Manager to Execute a Contract with Voorhees Associates, LLC for City Manager Recruitment Services. DISCUSSION: None. VOTE: Ayes: L. Fronabarger, C. McDaniel, C. Wissmann, D. Monty, J. Adams, L. Jack and J. Fritzler. Nays: None. Motion declared carried.

4.14 Ordinance Changing the Status of three parcels in Carbondale city limits from “dry” to “wet” to allow the Sale of Alcoholic Liquor.

D. Monty moved, L. Fronabarger seconded, to approve an Ordinance Changing the Status from “Dry” to “Wet” of Areas in the Carbondale City Limits to Allow the Sale of Alcoholic Liquor. DISCUSSION: C. McDaniel explained she had requested this item to be pulled from consent due to a history of dissent from the public regarding this matter. She questioned whether or not the public had to be notified of the proposed change. D. Monty suggested that in the past due to widespread media coverage, sufficient notice had been provided. The City Attorney explained that the ordinance required the parcels being considered to file a petition which indicated whether or not legal voters reside on the parcel, but that there was no additional requirement to provide notice to individuals living within 250’. L. Jack then recused himself from any discussion or voting. VOTE: Ayes: L. Fronabarger, D. Monty, J. Adams, J. Fritzler. Nays: C. McDaniel, C. Wissmann. L. Jack abstained. Motion declared carried. (Ordinance 2011-38; Exhibit H-8-16-2011)

5. General Business

5.1 Discussion of Refinancing of Series 2004 General Obligation Bonds with the Possible Addition of Funding for a New Fire Station

D. Monty observed that while a new fire station is needed, the projected \$2.8 million it would cost would, after being financed for 25 years, end up costing \$5 million. Even though the interest rates are historically low at this time, the result would still be paying nearly twice the amount of the projected cost. He suggested that the Council consider waiting five or six years and save the money from refinancing the Series 2004 bonds for the construction of a new station. The City Manager responded to D. Monty that in the event that the new fire station was not added into the refinancing, likely the proposed payoff of the 2004 bonds would be restructured to pay them off sooner.

C. Wissmann noted that while the construction of a new station might cost \$2.8 million now, waiting until 2016 might result in the cost ballooning up to \$3.2 million, as the cost of construction continually increases and interest rates will almost certainly increase. He brought up the issue of safety, especially as the current station is not earthquake compliant. Mr. Wissmann remarked that while he was not necessarily convinced that it had to be acted upon now, there are other issues to be considered.

J. Fritzler added that the safety of the fire personnel was not the only concern, but also the safety of the citizens residing on the west side of Carbondale. The current facility was built before the City had expanded to its current borders.

J. Adams explained that after her tour of the facility, it became clear to her that the station which was built in 1960, for a variety of reasons needs to be addressed. She then stated that taking on the additional debt would be unwise at this time due to the economy. She felt that the sales tax revenue was not robust enough currently and that it is unlikely that federal or state grants would be available for this project. Increasing the property tax was not an option she wanted to explore unless necessary.

C. McDaniel stated that she did not feel comfortable delaying the construction of the fire station and risking the health and safety of the community and employees. She feels that with low interest rates, this is the time to act. She remarked that protecting the health and safety of the public and employees is foremost and she is not willing to wait six or seven years.

J. Fritzler pointed out that the budget is on track and enrollment has increased at SIU. He stated that the cost of repairs for Station 2 would be costly and detailed some of the problems. He then commented that the primary goal of the Council is to protect the health and safety of the public.

L. Fronabarger asked whether or not the ¼% sales tax for the high school was included into the calculation of the cost. C. Wissmann stated that the tax would expire when the bond expires and would have to be levied again to use toward that purpose.

The City Manager explained that the 2006 road bonds were paid in part by the Motor Fuel Tax fund. Representatives Mike Bowen and Steve Adams from Bernardi Securities addressed the Council. Mr. Bowen suggested that in order to reduce the total cost to be paid on the fire station, it could be paid off in eight years should the debt service be kept at \$2.4 million on an annual basis on all the bonds. C. Wissmann thanked the representatives for answering questions about interest rate swaps that he had asked through the Finance Director.

J. Adams asked if there was information on how much repairs would cost on the current station. The City Manager stated that some of the known repairs would be in the \$50,000 range, but that for some repairs, the cost would not be known until they were underway.

L. Jack weighed in with his support for taking action sooner than later. He also remarked that at this time, City staff just needed a request to either continue looking into the matter or not and a final decision was not required at this time.

L. Fronabarger commented that a possibility exists that a new building could raise the rating of the fire station, potentially leading to reduced insurance costs. Additionally, he expressed his concern about the current site and safety issues.

J. Adams asked if Bernardi Securities would be able to return closer to the deadline.

D. Monty responded to the earlier pay-off of the fire station with approval. He then asked whether or not the new station needed the same appearance as the Public Safety Center or City Hall, suggesting that reducing building costs for the aesthetic appearance, but not the function of the facility, may be possible.

J. Fritzler indicated that he will ask the City Manager to move forward with this item.

5.2 Resolution Establishing Fair Days for Carbondale Main Street's Carbondale Rocks Revival Music Festival Scheduled for September 9, 10 and 11, 2011

C. Wissmann moved, J. Adams seconded, approval of the Resolution declaring Fair Days for Carbondale Rocks Revival Music Festival. DISCUSSION: C. Wissmann commented that while the festival shares his website's name, that his website has no financial interest in the festival. He encouraged citizens to attend Jason and the Scorchers' set. D. Monty questioned the ending hour of the event and the applicant clarified the closing time. VOTE: Ayes: L. Fronabarger, C. McDaniel, C. Wissmann, D. Monty, J. Adams and J. Frizler. Nays: None. L. Jack abstaining. (Res. 2011-R-46; Exhibit I-8-16-2011)

5.3 Refuse and Recycling Report and Resolution Setting Solid Waste Rates

This item tabled.

5.4 Resolution Denying a Special Use Permit to Allow Dwelling Units as Permitted in the R-3 District, in a PA District at 310 and 312 West Monroe Street (2011-R-47; Exhibit J-8-16-2011)

J. Adams moved, L. Fronabarger, to adopt a Resolution denying the Special Use Permit to allow dwelling units, as permitted in the R-3 District, in a PA District at 310 and 312 West Monroe Street. DISCUSSION: L. Fronabarger asked how many residents would be allowed in the dwelling. Mr. Sunny Frierdich, Makanda, as a representative for the applicant, indicated approximately 8 total residents would be allowed. D. Monty asked Staff the maximum that might be allowed and Kevin Baity indicated 12 individuals would be the maximum allowable. J. Adams indicated she was not in favor of the Special Use. D. Monty expressed his concern of the property size versus building and parking development being too intensive of development. C. Wissmann responded that density of

downtown development avoids sprawl. He also conveyed frustration with the public not taking action earlier in this and other rezoning matters. D. Monty suggested that the applicant maximize green space. J. Fritzler suggested that expecting a single-family owned building at this space is realistic. Mr. Friedrich stated the Land Use Intensity was decreased a couple of years ago and the applicant is complying. He also pointed out they are planning on providing more parking than what is required. He also indicated that they have taken input from many sources into consideration. Charlie Howell, 47 Dart Drive, voiced opposition to the Special Use, as did Brian Swoboda, 409 W. Monroe. Diana Brawley of Murphysboro spoke on behalf of the Carbondale Public Library stating that with the receipt of an anonymous donation, the Library would like to take stewardship of the property. C. Wissmann questioned Ms. Brawley about the Library approaching the Church which has ownership of the property at this time. Ron Graves, as one of the Church's trustees, stated Home Rentals has demonstrated professionalism. Imogene Reese, a church member and realtor of the property, indicated she had approached a Library Board member, but at that time, they did not have the money to purchase the property. Kevin Baity provided additional information on the property. Ms. Gayle Klam spoke in opposition of the Special Use Permit. Kathy Benedict, speaking on behalf of Sandy Litecky, stated that Ms. Litecky did not approve of the Special Use. L. Jack linked this matter to the necessity for the complete overhaul of the zoning code. C. McDaniel asked if the neighbors had been brought into the discussion and commented that the property had been on the market for several months. She suggested that in the future, if neighbors have specific ideas on vacant properties, they could consider purchasing it as a group.

VOTE: Ayes: L. Fronabarger, D. Monty, J. Adams, J. Fritzler. Nays: C. McDaniel, C. Wissmann, L. Jack. Motion to Deny carries.

6. Citizens' Comments and Questions

Brent Ritzel, 2511 South Illinois Avenue, expressed his thanks to Councilman Monty and Councilwoman Adams for keeping in mind the Comprehensive Plan with respect to the previous agenda item.

Elius Reed, Carbondale, questioned whether or not the Minority Business Enterprise Committee was activated or if they had conducted any seminars. The City Manager replied in the negative, but indicated that he would respond to Mr. Reed's letter. Mr. Reed then asked if the Council had received Affirmative Action Reports from the Affirmative Action Officer during the 2011 year and the City Manager stated that they had not yet been reviewed, but that they would be. Finally, Mr. Reed then inquired of Mayor Fritzler whether or not a building trade agreement with the Labor Union had been approved and the Mayor indicated that one had not yet been approved.

Barbara McKasson, #2 Hillcrest, representing the Citizen's Committee to Save Our Water, an ad hoc group opposed to the privatization of the water system, requested a City Ordinance be passed to provide adequate notice to the citizens prior to any decisions being made in regard to the sale, lease or change of management of the water/sewer system. They requested an Ordinance be drafted within six months which would mandate public disclosure as a line item on the agenda, on the City website and announced openly at a Council meeting. Public hearings should be scheduled by the Planning Commission to allow public input and debate and the exact language of any proposed contract should be

made available. Additionally, an affirmative vote to sell, lease or contracting the management for the operation of the water system, must be passed by a supermajority.

Mr. Thomas Grant, 5370 Springer Ridge Road, voiced his approval of Ms. McKasson's proposal and asked the Council to take the matter very seriously.

Alan D. Asp of 2621 N. 13th Street, Herrin, expressed his frustration and feelings of persecution in relation to citations issued to him for property violations.

Barry Spehn, 500 Charles Road #31, reiterated his desire to see the water billing system revamped to prevent premature disconnection of service.

7. Council Comments

C. Wissmann asked Kevin Baity for a summation of a Building Board of Appeals hearing earlier in the evening. J. Adams added her questions regarding the matter.

8. Closed Meeting

Closed Meeting to Discuss the Appointment, Employment, Compensation, Discipline, Performance or Dismissal of specific employees.

L. Jack moved, L. Fronabarger seconded, to enter into a Closed Meeting to Discuss the Appointment, Employment, Compensation, Discipline, Performance or Dismissal of specific employees. VOTE: Ayes: L. Fronabarger, C. McDaniel, C. Wissmann, D. Monty, J. Adams, L. Jack and J. Fritzler. Nays: None. Motion declared carried.

Closed Session recessed at 12:55. C. Wissmann moved, C. McDaniel seconded, that the Council return to open session. VOTE: Ayes: L. Fronabarger, C. McDaniel, C. Wissmann, D. Monty, J. Adams, L. Jack and J. Fritzler. Nays: None. Motion declared carried. Open session resumed at 12:57 p.m.

9. Adjournment

There being no further business to come before the City Council, the meeting was declared adjourned at 1:00 a.m.

Rachael E. Keehn, City Clerk

Approved by the City Council on:
