

City Council of the City of Carbondale, Illinois
Regular Meeting
September 20, 2011

The City Council of the City of Carbondale, Illinois held a regular meeting on Tuesday, September 20, 2011, in City Council Chambers, 200 South Illinois Avenue. Mayor Fritzler called the meeting to order at 7:00 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, Councilman Lee M. Fronabarger, Councilwoman Corene McDaniel, and Mayor Joel 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

J. Fritzler informed the public that Saturday, September 24, from 10:00 a.m. to 1:00 p.m. a children's car seat check would be performed at Auffenberg. He also indicated that there are vacancies on City Boards and Commissions and invited letters of interest to be submitted to his office.

L. Fronabarger indicated the City would be bustling as crowds attend the first Saluki home game, Family weekend and an open house for high school students.

Proclamation: The Mayor proclaimed September 24, 2011 to be a Worldwide Day of Play. An unidentified member of the audience and a representative from the Boys and Girls Club commented on the subject.

3. Public Hearings and Special Reports

1. Public Hearing on the Proposed Sale of Property Located at 270 East Miller Court.

The minutes of this Public Hearing were transcribed separately.

2. Public Hearing on the Proposed Sale of Property Located at 301 North Marion Street.

The minutes of this Public Hearing were transcribed separately.

3. Public Hearing on the Proposed Sale of Property Located at 1108 West Willow.

The minutes of this Public Hearing were transcribed separately.

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 September 6, 2011. Recommendation: Approve.
2. Approval of Warrant for Period Ending: 8/22/2011, FY 2012, Warrant # 1133.

- Recommendation: Approve in the amount of \$1,904,621.06. (Exhibit A-9-20-2011)
3. Acceptance of Minutes of Boards, Commissions and Committees. Recommendation: Accept minutes for Carbondale Planning Commission for August 17, 2011.
 4. Approval of Calendar Year 2012 City Council Meeting Dates. Recommendation: Approve the 2012 Calendar of City Council Meetings.
 5. Appointments to Boards, Commissions and Committees. Recommendation: Concur with Mayor's recommended appointments and reappointments for Carolyn Snyder, Dr. Paul Torre, James A. Wall and Benjamin Wasson to the Carbondale Information and Telecommunication Commission for terms to expire June 30, 2014, Shane Carsrud to a term expiring July 31, 2013 and reappointment of Jan Burns Payne for a term expiring July 31, 2013 to the Community Development Loan and Grant Review Board, appointment of Julian Ross to a term expiring May 1, 2012 on the Human Relations Commission, and reappointment of John S. Parkinson for a term to expire October 31, 2014 on the Preservation Commission.
 6. Removed from Consent.
 7. Removed from Consent.
 8. Removed from Consent.
 9. Ordinance authorizing the Mayor to execute a Quit Claim Deed for the conveyance of Lot 1 in Archway Estates to Archway, Inc. Recommendation: Approve Ordinance authorizing the Mayor to execute a Quit Claim Deed for the Conveyance of Property. (Ordinance 2011-45; Exhibit D-9-20-2011)
 10. Resolution Authorizing the City Manager to Execute an Agreement with CDM of St. Louis, Missouri for Water Plant Lagoon Renovations (CIP No. WS1201) Recommendation: Approve Resolution authorizing City Manager to execute an Agreement with CDM of St. Louis, Missouri for professional services in an amount not to exceed \$32,115. (Resolution 2011-R-50; Exhibit E-9-20-2011)
 11. Resolution Authorizing the Release of Deer Trail of Southern Illinois, LLC Subdivision Agreement. Recommendation: Approve the Resolution releasing Deer Trail of Southern Illinois, LLC Subdivision Agreement. (Resolution 2011-R-51; Exhibit F-9-20-2011)

Items 4.6, 4.7, 4.8 and 4.12 were pulled from the Consent Agenda.

J. Adams moved, C. McDaniel seconded, that the Council approve Consent Agenda Items 4.1, 4.2, 4.3, 4.4, 4.5, 4.9, 4.10 and 4.11. VOTE: Ayes: C. Wissmann, D. Monty, J. Adams, L. Jack, L. Fronabarger, C. McDaniel and J. Fritzler. Nays: None. Motion declared carried.

- 4.6 Ordinance Approving a Text Amendment Relative to Micro-Distilleries, Micro-Breweries and Wineries as a Special Use in an AG, Agriculture District.

C. Wissmann moved, J. Adams seconded the motion, L. Jack abstained from any vote or discussion, on an Ordinance Approving a Text Amendment Relative to Micro-Distilleries, Micro-Breweries and Wineries as a Special Use in an AG, Agriculture District. DISCUSSION: D. Monty expressed general concern about allowing manufacturing in areas zoned for Agriculture. Additionally, he detailed his desire to see consistency in definitions relative to Micro-Distilleries, Micro-Breweries and Wineries in both Zoning and Liquor Codes. City Manager Allen Gill addressed his concerns. C. Wissmann suggested a compromise by referencing the Liquor Code definitions in the Zoning Code. J.

Adams suggested and offered to make a motion to delete a portion of the proposed Winery definition. D. Monty motioned to include an amendment relative to consistent changes in the definitions in both sections of the proposed Code Amendments. C. Wissmann repeated his earlier suggestion of referencing the Liquor Code in the Zoning Code. J. Fritzler noted the lack of a second to D. Monty's motion and C. Wissmann suggested amending the motion to include definitions that refer back to the liquor code and have Staff bring back the additional changes requested by D. Monty. City Clerk Rachael Keehn clarified the intent of C. Wissmann's motion.

C. Wissmann moved, D. Monty seconded the motion, to amend the original Ordinance to include a reference to the definitions for Micro-Distilleries, Micro-Breweries and Wineries in the Zoning Code, and to have Staff, in the future, amend the Agriculture section of the Zoning Code to include a cross-reference of the definitions as contained in the Liquor Code. VOTE: Ayes: C. Wissmann, D. Monty, J. Adams, L. Fronabarger, C. McDaniel and J. Fritzler (L. Jack Abstains) Nays: None.

Ordinance Approving a Text Amendment Relative to Micro-Distilleries, Micro-Breweries and Wineries as a Special Use in an AG, Agriculture District, as amended. VOTE: Ayes: C. Wissmann, D. Monty, J. Adams, L. Fronabarger, C. McDaniel and J. Fritzler (L. Jack Abstains). Nays: None. Motion declared carried. (Ordinance 2011-43; Exhibit B-9-20-2011)

4.7 Ordinance Authorizing the City Manager to execute a Contract for the Sale of Land to Mark Robinson, d/b/a Bus to Chicago, LLC, for Lot 6A-2 in Bicentennial Industrial Park, 5th Plat and authorizing the Mayor to execute a Quit Claim Deed for the Conveyance of said land.

D. Monty moved, and L. Fronabarger seconded, to approve an Ordinance Authorizing the City Manager to execute a Contract for the Sale of Land to Mark Robinson, d/b/a Bus to Chicago, LLC, for Lot 6A-2 in Bicentennial Industrial Park, 5th Plat and authorizing the Mayor to execute a Quit Claim Deed for the Conveyance of said land. DISCUSSION: D. Monty stated that his reason for pulling the item was to ask the City Manager to explain to the public the negotiated price. City Manager Gill asserted the standard price for industrial park property is \$6,000 per acre and the parcel in question is 1.65 acres. VOTE: Ayes: C. Wissmann, D. Monty, J. Adams, L. Jack, L. Fronabarger, C. McDaniel and J. Fritzler. Nays: None. Motion declared carried. (Ordinance 2011-44; Exhibit C-9-20-2011)

4.8 Ordinance Authorizing the City Manager to execute a Contract for the Sale of Land to Sorrell Kunath, d/b/a Common Greens, Inc., for land located at 301 North Marion Street and authorizing the Mayor to execute a Quit Claim Deed for the conveyance of said land.

C. Wissmann moved, J. Adams seconded, to approve an Ordinance Authorizing the City Manager to execute a Contract for the Sale of Land to Sorrell Kunath, d/b/a Common Greens, Inc., for land located at 301 North Marion Street and authorizing the Mayor to execute a Quit Claim Deed for the conveyance of said land. D. Monty expressed his concern about donating the land for the stated purpose. He suggested a lease might be more appropriate in the event that the community gardens are not a success. C. Wissmann concurred with D. Monty's concerns. L. Fronabarger asked if the applicant would be providing lots by lease or for free. Mr. Kunath stated that the parcels would be leased for a

small fee and that training would be provided to the participants. C. McDaniel spoke about the benefit of community gardens and asked about the not-for-profit status. J. Fritzler clarified a point on the 501(c)(3) status. C. Wissmann asked for general information about the organization and Mr. Kunath replied. C. Wissmann then asked if a lease situation would be amenable to Mr. Kunath and he assented. C. McDaniel questioned Mr. Kunath regarding informing the public about the garden. L. Fronabarger enquired about the disposition of the property in the event the group would dissolve. C. Wissmann commented a covenant could be added to the deed for such an event that the property would revert back to the City. C. McDaniel stated the property would go to a like organization due to the 501(c)(3) status. C. McDaniel moved to amend the recommended Ordinance to include the contingency of Common Greens receiving the 501(c)(3) status, C. Wissmann seconded the motion. J. Adams asked for a point of clarification. VOTE: Ayes: C. Wissmann, D. Monty, J. Adams, L. Jack, L. Fronabarger, C. McDaniel and J. Fritzler. Nays: None. J. Adams, C. Wissmann, C. McDaniel and J. Fritzler discussed the options for the next vote. Mr. Kunath asked for further information should the vote not carry. C. McDaniel asked for further clarification and J. Fritzler restated the current motion. VOTE on Amended Motion: Ayes: C. Wissmann, C. McDaniel Nays: D. Monty, J. Adams, L. Jack, L. Fronabarger, J. Fritzler. Motion does not carry.

4.12 Resolution Approving a Special Use Permit License for Warehouse Liquor Mart's Annual Fall Wine Fest

C. Wissmann moved, D. Monty seconded, to approve the Resolution approving a Special Use Permit License for Warehouse Liquor Mart's Annual Fall Wine Fest. L. Jack abstained from any discussion or vote on the item. VOTE: Ayes: C. Wissmann, D. Monty, J. Adams, L. Fronabarger, C. McDaniel and J. Fritzler. Nays: None. Motion declared carried. (Resolution 2011-R-52; Exhibit G-9-20-2011)

5. General Business

5.1 Ordinance Amending Title One of the Carbondale Revised Code Concerning Primary Elections

C. Wissmann moved, L. Fronabarger seconded, to approve the Ordinance Amending Title One of the Carbondale Revised Code Concerning Primary Elections. D. Monty observed that the legislature will have to address this issue. C. Wissmann gave his thanks to City Staff for dealing with the issue ahead of the legislature. VOTE: Ayes: C. Wissmann, D. Monty, J. Adams, L. Jack, L. Fronabarger, C. McDaniel and J. Fritzler. Nays: None. Motion declared carried. (Ordinance 2011-46; Exhibit H-9-20-2011)

5.2 Ordinance Adopting a Labor Agreement Between the City of Carbondale, Illinois, and Local Union No. 1961 of the International Association of Fire Fighters AFL-CIO for Fiscal Years 2012, 2013, 2014 and 2015

J. Adams moved, L. Jack seconded, to approve an Ordinance Adopting a Labor Agreement between the City of Carbondale and Local Union No. 1961 of the International Association of Fire Fighters AFL-CIO for Fiscal Years 2012, 2013, 2014 and 2015. J. Fritzler gave his thanks to the Staff and representatives of the Union. VOTE: Ayes: C. Wissmann, D. Monty, J. Adams, L. Jack, L. Fronabarger, C. McDaniel and J. Fritzler. Nays: None. Motion declared carried. (Ordinance 2011-47; Exhibit I-9-20-2011)

5.3 Resolution Terminating an Intergovernmental Agreement Between the City of Carbondale and Elementary School District No. 95 for the Summer Reading and Math Program

J. Adams moved, D. Monty seconded, to approve a Resolution Terminating an Intergovernmental Agreement Between the City of Carbondale and Elementary School District No. 95 for the Summer Reading and Math Program. DISCUSSION: L. Jack questioned who instructed Staff to prepare the Resolution and J. Fritzler stated he did. C. Wissmann voiced his approval of the program based upon the results provided, in spite of his earlier vote against the agreement. C. McDaniel commended the participants and the program itself. Additionally, she expressed approval for continuing the funding. J. Adams, while appreciative of the progress of the program, does not support the City providing the funding for it. L. Fronabarger questioned if District 95 provided a breakdown of how the \$150,000.00 was spent. City Manager Allen Gill stated that it was not required as part of the contract. L. Fronabarger did not show approval for continued funding of the program. D. Monty expressed his opposition to the City providing funding. L. Jack expressed his wish to speak to the Superintendent, as well as address additional questions to J. Fritzler.

Superintendent Michael Shimshak, 53 Douglas, Murphysboro, offered information on the distribution of tax dollars and further details on the report provided to the Council. He conveyed his desire to see continued funding offered by the City. Colleen Kuczynski, 516 North Almond, whose child attended the program, urged the Council to vote to maintain the funding and, in turn, to maintain property values. Anna Jackson, 202 Canterbury Drive, stated her desire to see the continuation of the program. Darlene York Anderson, 1507 West Walnut, Founder and Executive Director of Family Advocacy Services, suggested letting the program continue for another year. Marilyn Ross, 1316 Meadowbrook Lane, Administrator of the Summer program, addressed D. Monty's concerns about the report provided to Council. Karen Anderson, 501 East Fisher, whose grandson was a participant in the program, voiced her support for continuing the funding for the program.

J. Adams responded to the tone of the comments from the audience. D. Monty addressed comments made by Superintendent Shimshak and Administrator Marilyn Ross. J. Fritzler explained why the item was brought for Council consideration. L. Jack asked Superintendent Shimshak whether or not the school would be able to pay for this project. Mr. Shimshak replied he did not know. A general exchange between the two continued.

VOTE: Ayes: D. Monty, J. Adams, L. Fronabarger and J. Fritzler Nays: C. Wissmann, L. Jack and C. McDaniel. Motion declared carried. (Resolution 2011-R-53; Exhibit J-9-20-2011)

Council Recessed from 9:25 to 9:35.

5.4 Ordinance Amending Title Ten Chapter One of the Carbondale Revised Code and Resolution Establishing a Solid Waste and Recycling Fee Schedule

C. Wissmann moved, C. McDaniel seconded, to approve an Ordinance amending Title Ten Chapter One of the Carbondale Revised Code and a Resolution Establishing a Solid Waste and Recycling Fee Schedule. D. Monty asked for a point of clarification on

licensing fees for private haulers. City Manager Gill and City Clerk Keehn responded to his question. D. Monty made a few observations on the proposed amendment to the Code. J. Adams added input she received from the public regarding volume limits and plastic bags. J. Adams moved to amend the original motion to have an allowable base of two 33-35 gallon cans per week at the base rate, with a rate of ½ of base fee per additional can above the two allowed. L. Fronabarger seconded the motion to amend. DISCUSSION: L. Fronabarger questioned whether or not the amendment would include bags and J. Adams asked to separate the two items. D. Monty cautioned to change in incremental steps and to enforce vigorously. C. McDaniel would like to encourage additional education on recycling. She stated her opposition to limiting the number of cans or requiring bags. L. Fronabarger offered that going from 6 to 2 containers might be too drastic of a cut and also encouraged the City to partner with recycling clubs to address recycling at apartment complexes. J. Adams agreed with C. McDaniel to encourage Staff to carefully evaluate the logistics of implementing a two-can rule. She feels that a gradual decrease in volume limits would be confusing and reiterated her disinclination to a six container limit. VOTE: Ayes: J. Adams Nays: C. Wissmann, D. Monty, L. Jack, L. Fronabarger, C. McDaniel and J. Fritzler. Motion to amend does not pass.

L. Jack concurred with D. Monty on the original motion regarding a sliding scale based on fleet size for private haulers. He considered this Ordinance a good start to be revisited. C. Wissmann addressed the issue of plastic bags versus trash cans. Sandy Litecki, 603 West Walnut Street, speaking for herself and the Arbor District urged the Council to outlaw plastic bags as trash receptacles. She feels the Code Enforcement's time should not have to be spent addressing this matter. Jimmy Johnson, 607 N. Billy Bryan, asked if the City had looked into providing a roll-out option.

J. Fritzler and C. Wissmann responded to his question. Jessica Bradshaw, 607 N. Oakland, expressed her approval for the changes the City has made. She would like to see additional recycling efforts made. Sandy Litecki asked if her tenants residing in a four-plex would be able to receive recycling bins as they are paying for the service and she would like bins to be available on-site when signing up for service. John Wallace of Environmental Services replied to her question. VOTE: Ayes: C. Wissmann, D. Monty, J. Adams, L. Jack, L. Fronabarger, C. McDaniel and J. Fritzler. Nays: None. Motion declared carried. (Ordinance No. 2011-48; Exhibit K-9-20-2011; Resolution 2011-R-54; Exhibit L-9-20-2011)

5.5 Ordinance Amending Title Three of the Carbondale Revised Code Concerning Maintaining Chickens Within the City

City Manager Gill questioned whether or not the Council wanted to consider the item for the purpose of voting or if their intent was to send the item to the Planning Commission for further discussion. C. Wissmann suggested suspending the rules to allow for discussion on the topic and to ascertain whether or not sufficient support exists to proceed with the item. L. Jack showed approval for looking at additional information before proceeding. He suggested the Sustainability Commission might make a presentation at a Planning Commission meeting to better inform the public. D. Monty agreed additional information was needed and suggested that Staff make contact with other communities who have experience with the subject. Additionally, each section of the Code needs to be consistent in regard to allowing chickens in the City. C. Wissmann noted that chickens are

currently only allowed in agriculture and rural residential zoning, but the current topic being discussed is relative to other zoning areas. He suggested perhaps being more restrictive in considering what zoning areas should allow chickens. He pointed out that the Jackson County Humane Society needs to be consulted on this matter. J. Fritzler maintained that while this topic had been reviewed for the past two years by several departments, it appears the Council wishes to table the item. J. Adams agreed with D. Monty's suggestion that Staff should undertake research on the subject matter. She wishes to have the Sustainability Commission give a presentation to the Council along with Staff's input after researching other communities. C. McDaniel and L. Fronabarger spoke on the Planning Commission's behalf. Additionally, L. Fronabarger provided websites for research on this matter.

6. Citizens' Comments and Questions

Elius Reed, Carbondale, questioned how much money the City had received from Traveller's Insurance Company for the reconstruction of the Safety Center's roof. City Manager Allen Gill replied none and J. Fritzler indicated the matter is between the insurance company and Contegra. Mr. Reed then asked if the City sent bid invitations to construction companies for the reconstruction of the roof and City Manager Gill replied no. Mr. Reed questioned if the local minority worker requirement had been met with the reconstruction project. Mr. Gill stated that this is not a City contract, but the insurance company and contractor would make efforts to include minority workers on that job. Mr. Reed asked the City Manager which City officials were involved in discussion for alternatives to the Minority Business Enterprise Participation Committee and whether or not there would be public hearings on the subject. Mr. Gill responded to his questions.

Jimmy Johnson, 607 N. Billy Bryan, asked if the City has developed any proposals where SIU can help fund the fire department or equipment, since they benefit from the Fire Department's services and City tax revenue. J. Fritzler replied that the City has contracted with SIU for services, but their budget is equally tight. He and C. Wissmann replied that they could be asked.

Barry Spehn, 500 Charles Road #31, asked if the City intends to enforce the Ordinance requiring tow straps on the tow trucks. J. Fritzler stated that the Police Department is aware of the new Ordinance and will take action.

Scott Thorne, 709 N. Oakland, desires recycling containers in the Civic Center during events. J. Fritzler, C. Wissmann and D. Monty commented on the matter.

7. Council Comments

J. Adams commented on L. Jack's statement in an article in the Southern Illinoisan relative to conflict of interest in discussing liquor issues and Council members having ownership in the Neighborhood Co-op. L. Jack responded and both disagreed in regard to the interpretation of City and State regulations on that matter. C. Wissmann stated that this discussion should be held elsewhere, J. Adams began a statement and J. Fritzler again directed her that the subject matter should be addressed in another setting.

C. McDaniel asked if the electronic billing for water and sewer service had been looked into and the City Manager asked for clarification. D. Monty added his opinion on the matter and the City Manager stated he would have it looked into.

D. Monty reiterated his desire to have the rates for inspection of the private haulers' vehicles addressed and brought back to the Council soon.

C. Wissmann added his thoughts on the District 95 funding issue. He suggested perhaps televising the School Board meetings and added his support to offering the Council Chambers rent free for that purpose. He reminded the public that District 95 is tax-capped and if the School District wants to fund a new program, they will probably have to cut funding from an existing program. He encouraged those who support the program, but not the City funding it, to offer support publicly should the School have to raise revenue for it. C. Wissmann also brought up the monthly Heads of Government meeting which he hopes will continue.

J. Fritzler stated that the Heads of Government group is still continuing to meet. Additionally, he and the City Manager meet monthly with the Chancellor, her representative, as well as the head of the Chamber of Commerce. He then reported on his attendance at the Illinois Municipal League conference in Chicago.

8. Closed Meeting

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

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

Closed Session opened at 11:15 p.m. and recessed at 1:26 a.m. Open session resumed at 1:27 a.m.

9. Adjournment

There being no further business to come before the City Council, the meeting was declared adjourned at 1:30 a.m.

Rachael Moore Keehn, City Clerk

Approved by the City Council on:
