

City Council of the City of Carbondale, Illinois
Regular Meeting
November 13, 2012

Immediately following a meeting of the Local Liquor Control Commission, the City Council of the City of Carbondale, Illinois, held a regular meeting on Tuesday, November 13, 2012, 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 Donald D. Monty, Councilwoman Jane Adams, Councilman Lance Jack, Councilman Lee Fronabarger, Councilwoman Corene McDaniel, Councilman Chris Wissmann, and Mayor Joel Fritzler.

Absent: None.

Also present were Deputy City Clerk Jennifer Sorrell, City Manager Kevin Baity, and various members of the City's administrative staff.

2. General Announcements and Proclamations

C. Wissmann noted that while the Farmer's Market is drawing to a close, a new Winter Farmer's Market will be held on Saturdays beginning in December at Thomas School. He also noted with the time change and nightfall coming earlier, that bicyclists need to improve their visibility amid vehicle traffic.

J. Fritzler commented that pedestrians and runners should also take precautions to improve their visibility to motorists, particularly during this time of year.

L. Fronabarger announced that the Saluki end of season and Blackout Cancer game would take place on Saturday, November 17, 2012.

J. Fritzler proclaimed Tuesday, November 20, 2012, to be Mary Lou's Grill Day and encouraged citizens of Carbondale to celebrate their fiftieth anniversary on November 18, 2012. Marilyn and Robert Martin were present to accept the proclamation.

3. Public Hearings and Special Reports

1. Public Hearing on the Sale of Real Estate to Common Greens, Inc.

The minutes of this Public Hearing were transcribed separately.

2. Review and Acceptance of the FY 2012 Audited Comprehensive Annual Financial Report and Other Supplemental Financial Reports

Mr. Mark Dallas of Kerber, Eck & Braeckel, LLP offered highlights and an overview of the results from the Audit of Fiscal Year 2012.

C. Wissmann moved, D. Monty seconded, to accept and place on file the Comprehensive Annual Financial Report for Fiscal Year 2012. VOTE: Ayes: D. Monty, J. Adams, L. Jack, L. Fronabarger, C. McDaniel, C. Wissmann, and J. Fritzler. Nays: None. Motion declared carried.

3. Presentation by the Human Relations Commission

Jessica Bradshaw, Chairperson of the Human Relations Commission, presented a short video on Charter for Compassion, and urged the City of Carbondale to sign a Resolution to affirm the Charter for Compassion and join the Compassionate Cities program. She further offered a brief explanation on the Charter.

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 October 23, 2012. Recommendation: Approve.
2. Warrant for Period Ended October 15, 2012, FY 2013, Warrant #1166 in the amount of \$1,126,243.98. Recommendation: Approve in the amount of \$1,126,243.98. (Exhibit A-11-13-2012)
3. Acceptance of Minutes of Boards, Commissions and Committees. Recommendation: Approve the Minutes of the Carbondale Public Library Board of Trustees from September 12, the Liquor Advisory Board from July 12, and the Human Relations Commission from October 1, 2012, and place them on file.
4. Pulled from Consent by J. Adams
5. Award of Purchase of a Fuel Management System and Ordinance Increasing the FY 2013 General Fund Budget. Recommendation: Award the Purchase of one Fuel Management System to Illinois Oil Marketing and Equipment of Pekin, Illinois, and Approve an Ordinance Authorizing a Budget Adjustment to Increase the Equipment Maintenance Division's overall FY 2013 General Fund. (Exhibit B-11-13-2012; Ord. 2012-50)
6. Pulled from Consent by D. Monty
7. Award of Purchase of Refuse Truck for Public Works. Recommendation: Reject Bids from Armor Equipment of Arnold, Downing Sales of Phillipsburg, and McNeilus of Dodge Center; Award the Purchase of one GVWR Chassis/Cab Truck and 20 Cubic Yard Compaction Body to Key Equipment of St. Louis; Declare 1999 International Truck 47200-01 as Surplus Property to be traded-in on the new purchase.
8. Pulled from Consent by D. Monty
9. Ordinance Accepting an ILEAS Vehicle and Approving a Budget Adjustment to Increase the Police Department's FY2013 Budget. Recommendation: Approve an Ordinance accepting the vehicle; Approve a Budget Adjustment for the Police Department's FY 2013 Budget in the amount of \$97,454.00; and Authorize the City Manager to execute assurances, certifications, and other documents as may be necessary. (Exhibit D-11-13-2012; Ord. 2012-51)

C. Wissmann moved, and L. Fronabarger seconded, to approve Consent Agenda items 4.1, 4.2, 4.3, 4.5, 4.7, and 4.9. VOTE: Ayes: D. Monty, J. Adams, L. Jack, L. Fronabarger, C. McDaniel, C. Wissmann, and J. Fritzler. Nays: None. Motion declared carried.

4.4 Appointments to Boards and Commissions

C. Wissmann moved, L. Jack seconded, to concur with the Mayor's recommended appointments to Boards and Commissions. DISCUSSION: J. Adams requested the

reasoning behind the appointment of a non-Carbondale resident to the Carbondale Convention and Tourism Board. J. Fritzler noted Mr. Carsrud's roots in the Carbondale community and C. Wissmann stated that the residency requirement for serving on the Carbondale Convention and Tourism Board is to either live or work in the city limits. VOTE: Ayes: D. Monty, J. Adams, L. Jack, L. Fronabarger, C. McDaniel, C. Wissmann, and J. Fritzler. Nays: None. Motion declared carried.

4.6 Resolution Adopting Amendments to the Jackson County Disaster Mitigation Plan

At the request of City Manager Kevin Baity, this item was pulled from the Agenda in order to allow further review and refinements.

4.8 Resolution to Support a State of Illinois Moratorium on High-Volume Horizontal Hydraulic Fracturing

D. Monty moved, J. Adams seconded, to adopt the Resolution supporting a statewide moratorium on high-volume horizontal hydraulic fracturing. DISCUSSION: D. Monty expressed his disappointment that more in-depth information was not included with this item. City Manager Kevin Baity, City Attorney Mike Kimmel, and Development Services Director Chris Wallace responded to D. Monty's questions regarding the provisions within the City Code addressing drilling for gas and oil. Barbara McKassen, Chair of Shawnee Group Sierra Club, spoke in favor of the passage of the proposed Resolution. Lynn Waters, member of S.A.F.E., Southern Illinoisans Against Fracturing Our Environment, spoke in favor of the Resolution and in opposition to fracking in general. VOTE: Ayes: D. Monty, J. Adams, L. Jack, L. Fronabarger, C. McDaniel, C. Wissmann, and J. Fritzler. Nays: None. Motion declared carried. (Res. 2012-R-63; C-11-13-2012)

5. General Business

5.1 Resolution Authorizing the City Manager to Enter into a Contractual Agreement with Arthur J. Gallagher for General Liability, General Property, and Workers Compensation Insurance for the Period January 1, 2013 through December 31, 2013

J. Adams moved, C. Wissmann seconded, to adopt a Resolution Authorizing the City Manager to Enter into a Contractual Agreement with Arthur J. Gallagher for General Liability, General Property, and Workers Compensation Insurance for the period January 1, 2013 through December 31, 2013. DISCUSSION: D. Monty expressed concern over the higher deductibles for certain coverage and requested further information. Finance Director Don Ursini and representatives from Arthur J. Gallagher responded to his concerns. VOTE: Ayes: C. Wissmann, D. Monty, J. Adams, L. Jack, L. Fronabarger, C. McDaniel and J. Fritzler. Nays: None. Motion declared carried. (Res. 2012-R-64, Exhibit E-11-13-2012)

5.2 Ordinance Authorizing the Extension of the Downtown Special Service Area Number One

C. Wissmann moved, L. Jack seconded, to adopt an Ordinance Authorizing the Extension of the Downtown Special Service Area Number One for an additional five years, retain the current boundaries, and set the maximum levy rate at \$.48 per \$100 of equalized assessed

valuation. DISCUSSION: Herb Donow of Makanda, Illinois, stated he did not object to the extension, but would like the boundaries expanded. He also remarked on the limited financial resources of Carbondale Main Street and requested the City look at how Main Street can take a more active and better defined role in economic development. Meghan Cole, Executive Director of Carbondale Main Street, spoke in favor of the Resolution, commented on the previous expansion of the boundaries, and offered thanks to the Council for the consideration. C. Wissmann restated his support for the extension, expressed the need for better funding, and suggested the possibility of creating a business district layered on top of the SSA District which could create a sales tax surcharge. D. Monty commented that no harm could come from looking into expansion. J. Fritzler remarked on his former position as Director of Carbondale Main Street and historically how it was funded. J. Adams supports the recommendation to consider increasing funding for Carbondale Main Street during the next fiscal year. L. Jack also remarked on Main Street being underfunded and giving further consideration at the time of the next budget. He then issued a challenge regarding the development of the former American Tap property and involving Carbondale Main Street in vetting the potential developers. VOTE: Ayes: D. Monty, J. Adams, L. Jack, L. Fronabarger, C. McDaniel, C. Wissmann, and J. Fritzler. Nays: None. Motion declared carried. (Ordinance 2012-52, Exhibit F-11-13-2012)

5.3 Ordinance Authorizing the City Manager to Enter Into a Lease With Common Greens, Inc. and Authorizing the Mayor to Execute a Deed Transferring Real Estate

C. Wissmann moved, L. Fronabarger seconded, to adopt an Ordinance Authorizing the City Manager to Enter Into a Lease With Common Greens, Inc. and Authorizing the Mayor to Execute a Deed Transferring Real Estate to Common Greens, Inc. DISCUSSION: J. Fritzler requested an amendment regarding the disposition of land in the event of the dissolution of the non-profit organization. C. Wissmann MOVED TO AMEND that in the event of dissolution, the City retains the option to repurchase the property. City Attorney Mike Kimmel responded to C. Wissmann's and J. Fritzler's concerns regarding the sale of property in the event of Common Greens dissolving. MOTION TO AMEND WITHDRAWN. J. Adams recommended that in the event Common Greens runs the garden successfully for two years the City could donate the property. J. Adams MOVED TO AMEND the Lease to include a new Section "(e) Lessee shall recruit at least 10 residents of the neighborhood to garden the raised beds, for each of two years" The motion was seconded by C. Wissmann. DISCUSSION: C. McDaniel requested proof of 501(c)(3) status and that in the future, any other non-profit organizations should also include proof of status. The applicant, Sorrell Kunath, stated that the non-profit status was approved in July of 2011. L. Fronabarger asked about what rights the City retains in determining which organization might take over the property. VOTE ON MOTION TO AMEND: Ayes: D. Monty, J. Adams, L. Jack, L. Fronabarger, C. McDaniel, C. Wissmann, and J. Fritzler. Nays: None. MOTION TO AMEND CARRIES. D. Monty MOVED TO AMEND that the lease agreement include a provision in the event property taxes are levied against the property, the responsibility to pay said taxes falls to the Lessee, L. Jack seconded the motion. Elius Reed, Carbondale, asked about the purpose of a community garden and Mr. Kunath responded to his question. VOTE ON MOTION TO AMEND: Ayes: D. Monty, J. Adams, L. Jack, L. Fronabarger, C. McDaniel, C. Wissmann, and J. Fritzler. Nays: None. MOTION TO AMEND CARRIES. VOTE ON ORIGINAL MOTION AS AMENDED: Ayes: D. Monty, J. Adams, L. Jack, L. Fronabarger, C. McDaniel, C. Wissmann, and J. Fritzler. Nays:

None. Motion declared carried. (Ord. 2012-53; Exhibit G-11-13-2012)

5.4 Ordinance Amending Title Six (6) of the Carbondale Revised Code Concerning Cemetery Operations

C. Wissmann moved, L. Jack seconded, to approve the Ordinance Amending Title Six (6) of the Carbondale Revised Code Concerning Cemetery Operations. DISCUSSION: D. Monty questioned whether the changes proposed are current practice. Director of Public Works Sean Henry responded that all are current practices, but the last section involving Chapter 6-3-6: Rules of Interment. Mr. Henry also briefly discussed the new Cemetery Oversight Act. C. McDaniel asked for a clearer understanding regarding permitted decorations for individual markers and Cemetery Sexton Jack Yates responded. L. Fronabarger requested that these changes be made available on the City's website. VOTE: Ayes: D. Monty, J. Adams, L. Fronabarger, C. McDaniel, C. Wissmann, and J. Fritzler. Nays: None. Motion declared carried. (Res. 2012-54; Exhibit H-11-13-2012)

5.5 Ordinance Amending Title One of the Carbondale Revised code as it Relates to City Honorarium

C. McDaniel moved, and J. Adams seconded, to adopt an Ordinance Amending Title One of the Carbondale Revised Code as it relates to City Honorarium. DISCUSSION: D. Monty voiced his general support of this Ordinance, but requested the language in 1-2B-10 clearly indicate that this affects the honorary naming of streets as opposed to standard street naming. D. Monty MOVED TO AMEND, and C. Wissmann seconded the motion, that Section 1-2B-10 be clarified that when referencing the naming of streets that this affects only the honorary naming of streets. City Attorney Mike Kimmel and City Manager Kevin Baity indicated Staff could add such language to be consistent with Title Seventeen. VOTE ON MOTION TO AMEND: D. Monty, J. Adams, L. Jack, L. Fronabarger, C. McDaniel, C. Wissmann, and J. Fritzler. Nays: None. MOTION TO AMEND CARRIES. C. Wissmann MOVED TO AMEND, C. McDaniel seconded the motion, to include the language "No monuments or plaques shall cover or obscure any existing monuments, plaques, or cornerstones. The City shall immediately move to a new location any plaques or monuments covering or obscuring existing plaques, monuments, or cornerstones." J. Adams queried if this amendment would be made retroactive and C. Wissmann affirmed. VOTE ON MOTION TO AMEND: Ayes: D. Monty, J. Adams, L. Jack, L. Fronabarger, C. McDaniel, C. Wissmann, and J. Fritzler. Nays: None. MOTION TO AMEND CARRIES. In response to the incorrect usage of "honorarium," J. Adams MOVED TO AMEND, and C. Wissmann seconded, to include substitute language read into the minutes. The term "City Honorarium" is to be struck from the Ordinance title and replaced by "the naming of city facilities, and the establishment of plaques and memorials." Honorarium is again removed from the sixth Whereas clause and "place plaques, memorials, and honorarium" is replaced with "place plaques and memorials." Honorarium is replaced by "commemoration" in the seventh Whereas clause. For Section 1-2B-10: City Honorarium is replaced by "Naming of City Facilities and Establishment of Plaques and Memorials" and "item of honorarium" is replaced by "commemoration." VOTE ON MOTION TO AMEND: Ayes: D. Monty, J. Adams, L. Jack, L. Fronabarger, C. McDaniel, C. Wissmann, and J. Fritzler. Nays: None. MOTION TO AMEND CARRIES. L. Jack made note of a typo and requested a correction. L. Fronabarger, the City Attorney, City Manager, L. Jack, D. Monty, and C. Wissmann deliberated the intent and reach of the Ordinance. VOTE ON ORIGINAL MOTION AS AMENDED: Ayes: D.

Monty, J. Adams, L. Fronabarger, C. McDaniel, C. Wissmann, and J. Fritzler. Nays: None. Motion declared carried. (Ord. 2012-55, Exhibit I-11-13-2012)

6. Citizens' Comments and Questions

Elius Reed, Carbondale, asked if the Eurma C. Hayes Corporation had received their 501(c)(3) status. Additionally, he asked if the Council felt it would be beneficial to have public discussion regarding police response to a house party during the month of August. Mayor Fritzler indicated that conversation had been ongoing.

7. Council Comments

D. Monty asked the City Manager about the refuse collection during the week of Thanksgiving.

C. Wissmann announced that he would not be seeking an additional term on the City Council during the Consolidated Election in April 2013.

L. Jack reiterated his desire to see the City pursue aggressive economic development, specifically citing the former American Tap property. City Manager Kevin Baity remarked that during the TIF District proposal, that specific property may be addressed.

The City Manager noted two Public Hearings would be held at Carbondale City Hall on November 19 and 20 at 6:00 p.m. addressing the Energy Aggregation Opt-Out Program. D. Monty requested that green energy alternatives and power smart pricing be included during that discussion.

J. Fritzler revisited his challenge to the City Council to experience a Police Ride-a-Long and taking a drive down Schwartz Street.

The Deputy Clerk announced the filing dates for City Council nominating petitions.

8. Adjournment

There being no further business to come before the City Council, the meeting was declared adjourned at 10:39 p.m.

Jennifer R. Sorrell, Deputy City Clerk

Approved by the City Council on:
