

**City Council of the City of Carbondale, Illinois**  
**Regular Meeting**  
**Recessed January 8, 2013 and Reconvened January 9, 2013**

The City Council of the City of Carbondale, Illinois, held a regular meeting on Tuesday, January 8, 2013, which meeting recessed and subsequently reconvened on Wednesday, January 9, 2013, in City Council Chambers, 200 South Illinois Avenue. Mayor Joel 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 Lee Fronabarger, Councilwoman Corene McDaniel, and Mayor Joel Fritzler.

Absent: Councilman Lance Jack (entered at 7:04 p.m.)

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

**2. General Announcements and Proclamations**

Councilman Fronabarger noted that 430 students would be in Carbondale on Saturday, January 12, 2013 to interview for 35 Chancellor Scholarships.

Councilman Wissmann spoke of his agreement with Lieutenant Governor Sheila Simon's support for marriage equality and equal rights and encouraged citizens to contact her with their support.

Mayor Fritzler commented that he can conduct marriage ceremonies.

City Manager Kevin Baity announced that a public hearing would be held during the Planning Commission meeting of January 23, 2013, regarding proposed rezoning and changes to the zoning code.

**3. Public Hearings and Special Reports**

1. Public Hearing on the Proposed Vacation of an Alley Situated Perpendicular to South Poplar Street and Parallel to West College Street

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 December 11, 2012 and Special City Council Meetings held on December 18 and December 27, 2012. Recommendation: Approve.
2. Warrant for Period Ended November 26, 2012, FY 2013, Warrant #1169 in the amount of \$3,319,947.07. Recommendation: Approve in the amount of \$3,319,947.07. (Exhibit A-1-8-2013)

3. Warrant for Period Ended December 10, 2012, FY 2013, Warrant #1170 in the amount of \$3,013,990.11. Recommendation: Approve in the amount of \$3,013,990.11. (Exhibit B-1-8-2013)
4. Acceptance of Minutes of Boards, Commissions, and Committees. Recommendation: Approve the Minutes of the Carbondale Public Library Board of Trustees from October 10 and November 14, 2012, the Zoning Board of Appeals from February 15, 2012, Carbondale Planning Commission from July 18 and October 3, 2012, Police Pension Board from November 8, 2012, and the Sustainability Commission from February 16, March 22, April 19, May 17, June 21, August 16, and September 20, 2012, and place them on file.
5. Pulled from Consent by Mr. Elius Reed in the audience.
6. Pulled from Consent by D. Monty.

C. Wissmann moved, C. McDaniel seconded, to approve Consent Agenda items 4.1, 4.2, 4.3, and 4.4. VOTE: Ayes: C. Wissmann, D. Monty, J. Adams, L. Jack, L. Fronabarger, C. McDaniel, and J. Fritzler. Nays: None. Motion declared carried.

- 4.5 Ordinance Adopting the Prevailing Rate of Wages of Laborers, Mechanics, and other Workers Employed in Public Works as Certified by the Illinois Department of Labor

C. Wissmann moved, D. Monty seconded, to approve an Ordinance Adopting the Prevailing Rate of Wages of Laborers, Mechanics, and other Workers Employed in Public Works as Certified by the Illinois Department of Labor. DISCUSSION: Mr. Elius Reed asked if the City employs Union Construction Laborers and City Manager Kevin Baity indicated that the wages are not for City employees, but rather for laborers working on City construction projects. VOTE: Ayes: C. Wissmann, D. Monty, J. Adams, L. Jack, L. Fronabarger, C. McDaniel, and J. Fritzler. Nays: None. Motion declared carried. (Ordinance 2013-1; Exhibit C-1-8-2013)

- 4.6 An Ordinance Vacating the Alley Situated Perpendicular to South Poplar Street and Parallel to West College Street

C. Wissmann moved, L. Fronabarger seconded, to adopt an Ordinance Vacating the East/West alley situated perpendicular to South Poplar Street and parallel to West College Street. DISCUSSION: D. Monty asked which parcel was owned by Mr. Bryant and if there would be an issue with ingress/egress access. J. Adams requested that the map be placed on the projector screen for the public and for future issues of this nature. VOTE: Ayes: C. Wissmann, D. Monty, J. Adams, L. Jack, L. Fronabarger, C. McDaniel, and J. Fritzler. Nays: None. Motion declared carried. (Ordinance 2013-2; Exhibit D-1-8-2013)

## 5. General Business

- 5.1 A Resolution Approving and a Resolution Denying a Special Use Permit to Allow Dwelling Units, as Permitted in the R-3 District, in a PA District at 950 South Brehm Lane

C. Wissmann moved, C. McDaniel seconded, to adopt a Resolution Approving a Special Use Permit to Allow Dwelling Units, as Permitted in the R-3 District, in a PA District at

950 South Brehm. DISCUSSION: City Council questioned the applicant and representatives from The H Group about the potential residents, staffing of the facility, alternative locations, past interactions with neighbors, authorization of visitors, and if sex offenders would be admitted. Mr. Haresh Thakkar, as applicant, Ms. Deborah Pape and Ms. Shea Haury, as representatives of The H Group addressed questions from the City Council. There was discussion between J. Fritzler and J. Adams regarding interactions between Group Home residents and interaction with neighbors. C. McDaniel spoke in favor of The H Group and the application. J. Adams noted that a group home requires live-in residential staff according to the City Code's definition. D. Monty recommended revisiting the original text amendment for clarification. John Markley, CEO of The H Group, commented they are looking out for their residents' rights and described the rhetoric around group homes. Dr. Rich Collins and Ryan Brown, both of Brehm Preparatory School, spoke in opposition to the Special Use permit. C. Wissmann described his previous experience working in a similar facility and provided his responses to the concerns raised. In response to questions raised by L. Fronabarger and C. Wissmann, the City Attorney addressed revoking and limiting Special Use permits. D. Monty indicated he would prefer to table the item and bring it back with language that would address the concerns expressed during the item discussion. J. Fritzler remarked that unknown entities are approved for various licenses and The H Group is a known factor. C. Wissmann withdrew his motion to approve. MOTION TO APPROVE WITHDRAWN. D. Monty commented on the proposed model for the home and his belief that a reasonable solution may be found. C. McDaniel expressed her concern that the recommendations not be too burdensome upon the developer. NO ACTION TAKEN.

## 5.2 Review of Community Investment Program Checklist Items for Proposed New Projects

Council members offered suggestions for additions and modifications to the goals and objectives. Among those suggestions were the placement of a bridge at Eason Drive, the development of a map and strategic plan to address drainage and flooding issues, promoting improvements for bicycle and pedestrian traffic, and improving driving visibility due to a retaining wall at Poplar and College. No action taken; the Community Goals will be approved as part of the FY 2014 budget.

## 5.3 Resolution Authorizing the Award of a Construction Contract for the Fire Station #2 Project and an Ordinance Amending the FY 2013 Budget

### Resolution

L. Jack moved, J. Adams seconded, to approve a Resolution awarding the construction contract for the Fire Station #2 Project to Fager-McGee Construction of Murphysboro for the base bid plus all four alternates in an amount of \$3,096,200. DISCUSSION: C. Wissmann thanked Staff for their work on the geothermal option. Elius Reed, Carbondale, asked if the City's Affirmative Action Plan will apply to this project and if any federal funds were involved in this project. VOTE: Ayes: C. Wissmann, D. Monty, J. Adams, L. Jack, L. Fronabarger, C. McDaniel, and J. Fritzler. Nays: None. Motion declared carried.

### Ordinance

D. Monty moved, C. McDaniel seconded, to approve an Ordinance transferring \$600,000 from the General Fund to the Local Improvement Fund to provide the additional funds needed for construction of the Fire Station #2 Project. DISCUSSION: D. Monty indicated that this was an appropriate use of the General Fund. The City Manager responded to J. Fritzler's question about the money recovered following the derecho of 2009 and J. Adams' question about the refinancing of bonds and a loan. J. Adams suggested that since the City borrowed for the original project, it would make sense to utilize money from refinanced bonds and hold the General Fund reserve for any unanticipated opportunities. L. Fronabarger asked if staff would be able to utilize federal grant funds and J. Adams asked about the City's bond rating. City Manager Kevin Baity responded. Tess Rogers, 1012 West Jefferson, asked about the City's plans for the old fire station. VOTE: Ayes: C. Wissmann, D. Monty, L. Jack, L. Fronabarger, C. McDaniel, and J. Fritzler. Nays: J. Adams. Motion declared carried.  
(Resolution 2013-R-1; Exhibit E-1-8-2013; Ordinance 2013-3; Exhibit F-1-8-2013)

#### 5.4 Resolution Authorizing the Mayor and City Manager to Enter Into a Contract for an Electricity Aggregation Plan

City Manager Kevin Baity summarized the need to refrain from action on this item for the evening. J. Adams asked how an agreement would be reached if members of the consortium preferred different bidders. D. Monty indicated that the City would prefer to angle towards good prices in the renewable category. Item tabled until the recessed meeting to be reconvened on Wednesday, January 8, 2013 at 7:00 p.m.

### **6. Citizens' Comments and Questions**

Ben Wodika, Chair of the Sustainability Commission, 615 W. Elm Street, encouraged the City Council to approve a 100% green energy option.

Barbara McKasson, 2 Hillcrest Drive, also supported the adoption of 100% green energy and shared information regarding other cities' experiences.

Tess Rodgers, 1012 West Jefferson, indicated her support of 100% green energy.

### **7. Council Comments**

Councilman Monty commented that the more the City helps its residents save on their energy bills, the less money the City receives in utility taxes. He reiterated his comments from the previous meeting regarding the need for citizens to adhere to the City code requirement to remove snow from their sidewalks.

Mayor Fritzler stated he hoped the piles of snow were not from City snow plows and indicated that the ordinance applies to city properties as well.

Councilwoman Adams shared her observations from her drive through the town of Red Bud, Illinois, noting the beauty of the lighted trees and streets.

Councilman Jack requested when the energy rates are being considered on Wednesday, that copies be provided for the Council and the audience. He then commented on the

inconsistent street signs for Reed Station Road.

Mayor Fritzler asked Carolin Harvey to provide details on the upcoming Martin Luther King, Jr. celebration to be held on January 20<sup>th</sup>.

City Manager Kevin Baity noted that due to the observed holiday on Monday, January 21, the refuse routes would be delayed by one day.

Mayor Fritzler indicated he was looking into the matter of City Council retreats. He then expressed his sadness at Gib Bolen's passing, commenting on his extensive knowledge of Carbondale history.

C. Wissmann moved, L. Fronabarger seconded, to recess the meeting of the Carbondale City Council until 7:00 p.m. on Wednesday, January 9, 2013 in City Council Chambers. VOTE: Ayes: C. Wissmann, D. Monty, J. Adams, L. Jack, L. Fronabarger, C. McDaniel, and J. Fritzler. Nays: None. Motion declared carried. At 9:54 p.m., City Council recessed.

#### **8. Continuation of Meeting to Wednesday, January 9, 2013 at 7:00 p.m.**

C. Wissmann moved, L. Fronabarger seconded, to reconvene the Regular City Council meeting of January 8, 2013. VOTE: Ayes: C. Wissmann, D. Monty, J. Adams, L. Fronabarger, C. McDaniel, and J. Fritzler. Nays: None. Motion declared carried. Councilman Jack entered at 7:04.

##### **5.4 Resolution Authorizing the Mayor and City Manager to Enter Into a Contract for an Electricity Aggregation Plan**

C. Wissmann moved, C. McDaniel seconded, to authorize the Mayor and City Manager to enter into a contract for an energy aggregation plan at the renewable energy rate of 100%. City Manager Kevin Baity presented a summary of the bid proposals and anticipated savings. The Council commented on the relative ease of their decision due to the closeness of the rates regardless of the percentage of renewable energy in each option. City Manager Kevin Baity addressed questions from the Council regarding customer service, if the contract would be honored in the event of the company dissolving, and the mailing list and opt-out letters to be mailed to eligible residents and small business owners.

Barbara McKasson, 2 Hillcrest Drive, Hugh Muldoon, 700 W. Elm Street, and Brent Ritzel, 810 N. Springer, spoke in favor of the 100% renewable energy option. Andrew Poddoll, 835 Thunderstorm Road, while not opposed to the 100% renewable option, cautioned that a holistic view should be taken including the impact on the local coal industry. In response, J. Adams noted that local coal markets are shrinking. Charlie Howe, 47 Dart Drive, responded to Mr. Poddoll's concern about the lack of participation in this conversation from the coal industry. Rich Whitney, 1801 New Era Road, spoke in favor of the 100% renewable energy option and responded to Mr. Poddoll's concern. In response to the public comments, Council suggested researching the actual sources of energy, spreading the message to other communities, and the effect this could have on SIU recruitment and tourism.

VOTE: Ayes: C. Wissmann, D. Monty, J. Adams, L. Jack, L. Fronabarger, C. McDaniel, and J. Fritzler. Nays: None. Motion declared carried. (Resolution 2013-

R-2; Exhibit G-1-8-2013)

**9. Adjournment**

There being no further business to come before the City Council, the meeting was declared adjourned at 8:02 p.m.

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**Jennifer R. Sorrell, Acting City Clerk**

**Approved by the City Council on:**

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