

**City Council of the City of Carbondale, Illinois
Regular Meeting of March 5, 2013**

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, March 5, 2013, in City Council Chambers, 200 South Illinois Avenue. Mayor Joel Fritzler called the meeting to order at 7:29 p.m. with the following members of the Council present/absent:

1. Roll Call

Present: Councilman Lance Jack, Councilman Lee Fronabarger, Councilwoman Corene McDaniel, Councilman Chris Wissmann, Councilman Donald Monty, Councilwoman Jane Adams, and Mayor Joel Fritzler

Absent: None

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

2. General Announcements and Proclamations

Councilman Fronabarger announced that March is National Colorectal Cancer Awareness month. He shared his own personal experience with this illness and encouraged citizens to undergo screening. Mr. Fronabarger also noted the daylight savings time change would occur at 2:00 a.m. on Sunday.

Councilwoman Adams announced that Carbondale Main Street's annual awards dinner would be held at Cristaudo's on Thursday, March 7 at 5:00 p.m. Ms. Adams also announced an indigenous plants symposium to be held on Saturday, March 16 at the John A. Logan Center for Business and Industry, and the League of Women Voters' Council Candidate Forum on Monday, March 18 at 7:00 p.m.

Councilwoman McDaniel announced that the African American Museum of Southern Illinois' annual Soul Food Dinner to be held at the Eurma Hayes Center on Saturday, March 9 from 2:00 p.m. until 5:00 p.m.

Councilman Wissmann announced the Carbondale Classic on March 23, an event organized by Carbondale Main Street.

Mayor Fritzler announced that the Carbondale Chamber of Commerce would hold a Council Candidate Forum on Tuesday, March 19 during the monthly luncheon.

3. Public Hearings and Special Reports

None

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 February 12, 2013. Recommendation: Approve.
2. Warrant for Period Ended February 4, 2013, FY 2013, Warrant #1174 in the amount of \$1,051,864.25. Recommendation: Approve Warrant #1174 in the amount of \$1,051,864.25. (Exhibit A-03-05-2013)

3. Pulled from Consent by D. Monty
4. Acceptance of Motor Fuel Tax Audit for FY 2012. Recommendation: Accept the Motor Fuel Tax Audit for FY 2012 and place it on file in the permanent records of the City of Carbondale.
5. Appointments to Boards and Commissions. Recommendation: Approve the appointment of Les O'Dell to the Human Relations Commission for a term ending April 15, 2016.
6. Pulled from Consent by L. Fronabarger
7. Pulled from Consent by D. Monty
8. Pulled from Consent by D. Monty
9. Item Removed from Agenda
10. Pulled from Consent by J. Adams

L. Jack moved, J. Adams seconded, to approve Consent Agenda items 4.1, 4.2, 4.4 and 4.5. VOTE: Ayes: L. Jack, L. Fronabarger, C. McDaniel, C. Wissmann, D. Monty, J. Adams, and J. Fritzler. Nays: None. Motion declared carried.

4.3 Acceptance of Minutes of Boards, Commissions, and Committees.

D. Monty moved, L. Jack seconded, to accept and place on file the approved meeting minutes of the Fire Fighter's Pension Board of August 8, as amended, and November 14, 2012; Foreign Fire Insurance Board of June 14, August 9, October 11, November 30, and December 13, 2012; Planning Commission of January 23, 2013; Preservation Commission of October 15 and November 19, 2012; Liquor Advisory Board of July 7, August 4, and August 10, 2011, and January 10, 2013; and Carbondale Public Library Board of Trustees of January 9, 2013. DISCUSSION: D. Monty called attention to the important role the public can have, through their service on the many boards and commissions, in advising the Council on various issues. He noted the frequent vacancies on these boards and recommended that interested members of the public contact the Mayor. J. Fritzler commented on challenge of filling those vacancies and upcoming revisions to the descriptions of the boards. C. Wissmann noted that the Preservation Commission's oral histories will now be accessible through Morris library. J. Adams requested that the expiration of terms be posted on the website so interested citizens would know when a vacancy might come open. VOTE: Ayes: L. Jack, L. Fronabarger, C. McDaniel, C. Wissmann, D. Monty, J. Adams, and J. Fritzler. Nays: None. Motion declared carried.

4.6 Resolution Authorizing the City Manager to Submit an Application to the Illinois Housing Development Authority's Homebuyer Grant Program

L. Fronabarger moved, C. Wissmann seconded, to adopt a Resolution authorizing the City Manager to submit an application to the Illinois Housing Development Authority for a Homebuyer Program Grant. DISCUSSION: Councilman Fronabarger requested additional details from the Housing Program Administrator Khristina Vaughn regarding the demand for the Housing Assistance Program and what specific incomes meet the requirements of the program. VOTE: Ayes: L. Jack, L. Fronabarger, C. McDaniel, C. Wissmann, D. Monty, J. Adams, and J. Fritzler. Nays: None. Motion declared carried. (Resolution 2013-R-04; Exhibit B-03-05-2013)

4.7 Resolution Approving the Final BPL Development Plan for the proposed McAlister's Deli located at 1382 East Main Street

C. Wissmann moved, C. McDaniel seconded, to approve the Resolution approving the final BPL development plan for the proposed McAlister's Deli located at 1382 East Main Street. DISCUSSION: D. Monty expressed concern about a safety issue regarding the placement of handicap parking spots which would require backing out on to an internal drive, and asked about re-grading the site for better drainage which might allow alternate placement of parking. L. Jack indicated that placing any business at the location would pose safety issues and that the entire area was poorly designed and problematic with regard to traffic flow. L. Fronabarger asked about a previously proposed plan for the placement of a frontage road next to the mall and Public Works Director Sean Henry responded. C. Wissmann noted that while it would be good usage of an otherwise lightly used parking lot, he agreed with D. Monty regarding the safety of backing out on to a frontage road. He then responded to L. Jack that those seeking to avoid the traffic congestion of this area could visit the splendid downtown. J. Fritzler questioned if the State allowed for this type of parking. Mr. Wallace and the City Manager responded. VOTE: Ayes: L. Jack, L. Fronabarger, C. McDaniel, J. Adams, and J. Fritzler. Nays: C. Wissmann and D. Monty. Motion declared carried. (Resolution 2013-R-05; Exhibit C-03-05-2013)

4.8 Resolution Authorizing the City Manager to Enter Into an Intergovernmental Agreement with the Carbondale Park District.

D Monty moved, L. Fronabarger seconded, to approve a Resolution Authorizing the City Manager to Enter Into an Intergovernmental Agreement with the Carbondale Park District. DISCUSSION: D. Monty explained that he requested the item to be pulled in order to clarify the purpose of the contract, which clarification was provided when the City Manager read the item. J. Fritzler indicated that the Park District would be providing payment for these services. VOTE: Ayes: L. Jack, L. Fronabarger, C. McDaniel, C. Wissmann, D. Monty, J. Adams, and J. Fritzler. Nays: None. Motion declared carried. (Resolution 2013-R-06; Exhibit D-03-05-2013)

4.10 Resolution of Intent of the City of Carbondale in Connection with Financing TIF #2 (Illinois-University Corridor) Facilities, Improvements and Costs.

C. Wissmann moved, L. Fronabarger seconded, to approve a Resolution of Intent of the City of Carbondale in connection with financing TIF #2 (Illinois-University Corridor) facilities, improvements and costs. DISCUSSION: J. Adams commented that members of the public had asked for clarification of this item and she asked if redevelopment agreements have to be approved by the City Council. The City Manager indicated yes. C. Wissmann questioned if amended redevelopment agreements had to come before the Council and the City Manager replied in the affirmative. Jerrold Hennrich, 610 West Sycamore, stated that there seems to be confusion and misunderstanding about how TIF districts work and suggested that the City Council should offer more information. J. Fritzler noted that each TIF is different, that Public Hearings are held to answer questions, and that there had been a recent informational article in the Communiqué. VOTE: Ayes: L. Jack, L. Fronabarger, C. McDaniel, C. Wissmann, D. Monty, J. Adams, and J. Fritzler. Nays: None. Motion declared carried. (Resolution 2013-R-07; Exhibit E-03-05-2013)

5. General Business

- 5.1 Resolution Establishing Fair Days for Carbondale Main Street's Downtown Art and Wine Fairs on May 18, with a Rain Date of May 19, and September 21, with a Rain Date of September 22, 2013

C. Wissmann moved, J. Adams seconded, to approve a Resolution establishing Fair Days for Carbondale Main Street's Downtown Art and Wine Fairs on May 18, with a rain date of May 19, and September 21, with a rain date of September 22, 2013. DISCUSSION: C. Wissmann asked if these requests could be addressed when Class F1 licenses are approved by the Liquor Commission and the City Attorney responded. D. Monty commented that there might be statutory considerations. VOTE: Ayes: L. Fronabarger, C. McDaniel, C. Wissmann, D. Monty, J. Adams, and J. Fritzler. Nays: None. L. Jack abstained. Motion declared carried. (Resolution 2013-R-08; Exhibit F-03-05-2013)

- 5.2 Consideration of Carbondale Convention and Tourism Bureau Funding Request

D. Monty asked about expenditure and revenue discrepancies and noted his desire to avoid wasteful spending. Cinnamon Wheelles-Smith, Director of Carbondale Convention and Tourism Bureau, responded. C. Wissmann remarked on the lump sum CCTB recently received and recommended that anyone seeking specific information could make an appointment to sit down with Roxanne Conley or Cinnamon Wheelles-Smith. L. Fronabarger questioned the absence of Arkansas in the coverage area and asked about online and mobile advertising. Ms. Wheelles-Smith spoke of the transitional period in which CCTB finds itself and about working at some small events. L. Fronabarger asked about the funding for brochure racks and visitor center upgrades. Roxanne Conley and Ms. Wheelles-Smith addressed his questions. L. Jack remarked on the plans and progress and noted a question which had come before the Council in the past about allotting funding to just one group. He asked for the Council's thoughts on the subject. Roxanne Conley responded to Mr. Jack and requested that the funding be granted at the requested level. Cinnamon Wheelles-Smith remarked that they had been working with other tourism bureaus. J. Adams noted the progress and requested measurable results with real data in the future. Ms. Adams asked for clarification regarding "lead room nights." C. Wissmann talked about the recent efforts of the Board and responded to Mr. Jack. Ms. Wheelles-Smith spoke about events attended by CCTB staff and the volume of information disseminated. C. Wissmann offered commentary about the group's collaborative efforts and their goals. L. Fronabarger recommended funding at the requested amount. Meghan Cole, Director of Carbondale Main Street, described her experiences in working with Ms. Wheelles-Smith and Ms. Conley and spoke in support of their request. D. Monty noted that the group may have a clearer picture of the current fiscal year's expenditures prior to the approval of the City's budget.

6. Citizens' Comments and Questions

Mike Riley, 920 Kira Court, expressed concerns regarding the agenda item which had been pulled, Item 4.9, and provided handouts for the Council's consideration.

Barry Spehn, 500 Charles Road, came to the podium and J. Fritzler extended an apology to Mr. Spehn as he related a recent experience with a vehicle being towed at night. J. Fritzler directed Staff to address the issue and thanked Mr. Spehn for bringing it to the Council's attention. Mr. Spehn requested that his concerns about tow straps also be addressed.

7. Council Comments

Councilman Wissmann stated that he was the recipient of several emails regarding a ban on fracking and that he supports the ban, but was unable to reply to the emails due to how they had been sent. He noted that his term ends in May and suggested that those concerned about a fracking ban should move quickly or start lobbying the City Council candidates.

Mayor Fritzler indicated that he, too, had received numerous similar emails and requested that the senders of such emails personalize them in some way.

Councilman Monty noted that the Planning Commission was reviewing a proposed Zoning Ordinance. He suggested that it might be appropriate to insert into the Zoning Ordinance a ban on drilling within the City, the mile-and-a-half zoning area, as well as preventing drilling from outside in. Mr. Monty suggested that someone on the Staff read the proposed legislation which was introduced and determine its impact. Councilman Monty conveyed that he had learned that one possibility in the legislation is that municipalities may be able to either authorize or ban drilling, but it does not appear that counties will have that authority.

Mayor Fritzler stated that he had clarified the Sierra Club's position on the legislation through his discussion with Barbara McKasson. He then noted that potential drillers would need to construct a tower, and towers were not able to be built without a permit.

Councilman Monty commented on legislation regarding the SIU Campus split and the practicality of maintaining the medical school as part of the Carbondale campus. He remarked that some legislators may not realize that first year medical students are at the Carbondale campus. Councilman Monty spoke of a workshop which he attended on the Emerald Ash Borer, an insect which is making its way towards Carbondale. He recommended anyone who owns ash trees to start making plans and for those looking to plant trees to not plant ash trees.

Councilwoman Adams commented on the importance of counties and municipalities being able to utilize ad valorem taxes to repair damages and for added services needed for fracking companies. Ms. Adams stressed the importance of the City retaining the power to control its water and shared a Texas town's experience with regard to water usage by fracking companies.

Councilman Wissmann recommended passing a resolution supporting broad home-rule authority for counties and municipalities to regulate fracking and a resolution opposing the split of the SIU campuses or if the split should occur, that the medical school remain in Carbondale.

Mayor Fritzler noted while the majority of the medical school is in Springfield, there are four divisions of the medical school located in Carbondale. Councilwoman Adams added that those divisions are doctoral granting departments and spoke of the need to support the retention of those departments. Mayor Fritzler and Councilwoman Adams commented on the Edwardsville campus.

Councilman Fronabarger remarked that the Edwardsville campus has both the pharmacology and dental school and did not need Carbondale's medical school.

Mayor Fritzler commented on the dispute during the SIU Board of Trustees meeting and whether or not the Governor, President of the Board of Trustees, or Mr. Herrin had the

interests of the affected communities in mind. He expressed his support for passing a resolution opposing the split of SIU campuses.

8. Closed Meeting to conduct the semi-annual review of closed meeting minutes, discuss personnel, the sale, purchase or lease of real property, and the setting of a price for sale or lease of real property.

C. Wissmann moved, D. Monty seconded, to hold a closed meeting for the semi-annual review of closed meeting minutes, discussion of the appointment, employment, compensation, discipline, performance or dismissal of specific employees of the public body, the purchase or lease of real property for use by the public body, and the setting of a price for sale or lease of property owned by the public body, pursuant to 5 ILCS 120/2(c)(1), (c)(5), (c)(6), (c)(21). VOTE: Ayes: L. Jack, L. Fronabarger, C. McDaniel, C. Wissmann, D. Monty, J. Adams, and J. Fritzler. Nays: None. Open session recessed at 9:41 p.m.

C. Wissmann moved, C. McDaniel seconded, to return to open session. VOTE: Ayes: L. Jack, L. Fronabarger, C. McDaniel, C. Wissmann, D. Monty, J. Adams, and J. Fritzler. Nays: None. Open session resumed at 10:35 p.m.

D. Monty moved, J. Adams seconded, to approve the closed meeting minutes from December 18, 2012, January 29 and February 12, 2013, and to declare that the need for confidentiality still exists for the entirety of the minutes of closed meetings from March 17, 1998; September 19, 2006; September 7, 2010; November 9, 2010; November 23, 2010; September 20, 2011; October 4, 2011; October 18, 2011; November 1, 2011; November 15, 2011; December 8, 2011; December 29, 2011; January 17, 2012; May 15, 2012; July 31, 2012; November 27, 2012; January 29, 2013; February 12, 2013; and confidentiality still exists in part as it pertains to personnel, litigation, and security measures for the minutes of September 15, 1998; January 6, 2004; December 6, 2005; April 4, 2006; August 15, 2006; October 16, 2007; December 18, 2007; May 6, 2008; September 1, 2009; October 6, 2009; January 19, 2010; and March 6, 2012. VOTE: Ayes: L. Jack, L. Fronabarger, C. McDaniel, C. Wissmann, D. Monty, J. Adams, and J. Fritzler. Nays: None.

D. Monty moved, L. Fronabarger seconded, to authorize the destruction of audio recordings of all closed meetings conducted more than 18 months ago for which minutes have been approved, in accordance with the Open Meetings Act. VOTE: Ayes: L. Jack, L. Fronabarger, C. McDaniel, D. Monty, J. Fritzler. Nays: C. Wissmann and J. Adams. Motion declared carried.

9. Adjournment

There being no further business to come before the Council, the meeting was declared adjourned at 10:38 p.m.

Jennifer R. Sorrell, Acting City Clerk

Approved by the City Council on:
