

City Council of the City of Carbondale, Illinois
Regular Meeting of March 19, 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 19, 2013, in City Council Chambers, 200 South Illinois Avenue. Mayor Joel Fritzler called the meeting to order at 7:16 p.m. with the following members of the Council present/absent:

1. Roll Call

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

Mayor Fritzler announced various ribbon cuttings for new businesses in Carbondale.

Councilman Fronabarger encouraged citizens to contact Illinois Congressmen in support of Senate Bill 336 known as the "Marketplace Fairness Act."

Councilwoman Adams announced the third hearing of the proposed Zoning Ordinance at the Planning Commission meeting on Wednesday, March 20 at 6:00 p.m.

Councilman Wissmann moved, Councilman Monty seconded, to concur with the City Manager's appointment of Jennifer Sorrell as City Clerk. VOTE: Ayes: L. Fronabarger, C. McDaniel, C. Wissmann, D. Monty, J. Adams, L. Jack, and J. Fritzler. Nays: None. Motion declared carried.

Mayor Fritzler administered the oath of office to the City Clerk.

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 March 5, 2013. Recommendation: Approve.
2. Warrant for Period Ended February 18, 2013, FY 2013, Warrant #1175 in the amount of \$1,421,822.96. Recommendation: Approve Warrant #1175 in the amount of \$1,421,822.96. (Exhibit A-03-19-2013)
3. Acceptance of Minutes of Boards, Commissions, and Committees. Recommendation: Accept the approved minutes of the Liquor Advisory Board from February 14, 2013, Foreign Fire Insurance Board of February 14, 2013, and the Human Relations Commission from February 4, 2013, and place them on file.
4. Resolution Appropriating Motor Fuel Tax Funds for the FY 2014 Program for

Maintenance of Streets and Alleys. Recommendation: Approve the Resolution for Maintenance of Streets and Highways by Municipality Under the Illinois Highway Code for appropriating \$448,369 in Motor Fuel Tax funds pending review and approval by the Illinois Department of Transportation. (Resolution 2013-R-9; Exhibit B-03-19-2013)

5. Approval of Purchase of Rock Salt through the State of Illinois Joint Purchasing Program. Recommendation: Approve the Purchase of Rock Salt for highway snow and ice control and authorize the City Manager to submit a requisition to the Illinois Department of Central Management Services for 400 tons of rock salt.
6. Pulled from Consent by L. Jack
7. Award of Contract for Delivery and Installation of a Modular Home on Cedar Lake property to replace the dilapidated South Lake House. Recommendation: Award the Contract for the Delivery and Installation of a Modular Home on City property adjacent to Cedar Lake on the northern terminus of South Poplar Camp Road in Jackson County to Countryside Homes of Energy, Illinois in the amount of \$56,099.00.
8. Ordinance Approving a Budget Adjustment and Award of Purchase for Outdoor Warning Siren. Recommendation: Approve the Budget Adjustment and Award the Purchase of an outdoor warning siren from Global Technical Systems, Inc. of Jacksonville, IL, in the amount of \$22,810.80. (Ordinance 2013-8; Exhibit C-03-19-2013)
9. Appointments to Boards and Commissions. Recommendation: Concur with the Mayor's recommended appointment of Becky Parkinson to an associate member term ending March 19, 2014 on the Preservation Commission.

L. Fronabarger moved, C. McDaniel seconded, to approve Consent Agenda items 4.1, 4.2, 4.3, 4.4, 4.5, 4.7, 4.8 and 4.9. VOTE: Ayes: L. Fronabarger, C. McDaniel, C. Wissmann, D. Monty, J. Adams, L. Jack, and J. Fritzler. Nays: None. Motion declared carried.

4.6 Award of Purchase of Water Treatment Plant Replacement of Five (5) HVAC Systems

C. Wissmann moved, D. Monty seconded, to approve the Award of Purchase of Water Treatment Plant Replacement of Five (5) HVAC Systems to Daniel & Sons Mechanical Contractors. DISCUSSION: L. Jack asked about the inclusion of the Prevailing Wage Act requirement in the contract. City Manager Baity responded. VOTE: Ayes: L. Fronabarger, C. McDaniel, C. Wissmann, D. Monty, J. Adams, and J. Fritzler. Nays: L. Jack. Motion declared carried.

5. General Business

5.1 Resolution In Opposition to HB3389 as it Relates to the Splitting of the Southern Illinois University Campuses and Board of Trustees

C. Wissmann moved, J. Adams seconded, to approve a Resolution In Opposition to HB3389 as it Relates to the Splitting of the Southern Illinois University Campuses and Board of Trustees. DISCUSSION: None. VOTE: Ayes: L. Fronabarger, C. McDaniel, C. Wissmann, D. Monty, J. Adams, L. Jack, and J. Fritzler. Nays: None. Motion declared carried. (Resolution 2013-R-10; Exhibit D-03-19-2013)

- 5.2 Resolutions Establishing Fair Days for Carbondale Main Street and Hangar 9's Springfest scheduled for April 13, 2013 and the CarbondALE Microbrew and Music Festival scheduled for September 28, 2013

J. Adams moved, C. McDaniel seconded, to approve Resolutions Establishing Fair Days for Carbondale Main Street and Hangar 9's Springfest scheduled for April 13, 2013 and the CarbondALE Microbrew and Music Festival scheduled for September 28, 2013. DISCUSSION: None. 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-11 and 2013-R-12; Exhibits E-03-19-2013 and F-03-19-2013)

- 5.3 Ordinance Amending Title Two (2) of the Carbondale Revised Code as it Relates to Class H and Class I Liquor Licenses

C. Wissmann moved, J. Adams seconded, to approve an Ordinance Amending Title Two (2) of the Carbondale Revised Code as it Relates to Class H and Class I Liquor Licenses. DISCUSSION: C. Wissmann noted a duplicated definition which could be struck and City Attorney Kimmel responded. J. Adams motioned to insert into the Class I license an option to permit the sale of beer, wine, or spirits by the package for consumption off premises. The Council debated the viability of sales by the package under the proposed Class I license. J. Adams withdrew her motion to amend. Brad Genung of Owl Creek Vineyard spoke in favor of allowing sales by the package for Class I licenses. Devon Brown, 781 S. County Line Road, read a statement on behalf of Dana Connor, 804 West Walnut Street, in favor of allowing sales by the package for Class I licenses. Council requested clarification from the City Attorney regarding the proposed Class I license. Mike Riley, 920 Kira Court, asked for clarification as to who would hold the liquor license. D. Monty requested this matter be taken up by the Liquor Advisory Board. VOTE: Ayes: L. Fronabarger, C. McDaniel, C. Wissmann, D. Monty, J. Adams, and J. Fritzler. Nays: None. L. Jack abstained. Motion declared carried. (Ordinance 2013-9; Exhibit G-03-19-2013)

- 5.4 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 310 and 312 West Monroe Street

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 310 and 312 West Monroe Street. DISCUSSION: Council discussion on this item included concerns about parking spaces, occupancy limits, the pending lawsuit on this property, the Comprehensive Plan, and the votes cast by the Preservation Commission. Sonny Frederick of HRC Construction offered an explanation of the intent for the development. Alice Travers, 706 N. Allyn Street, noted the large number of rental properties and asked that landlords be held accountable for their properties. Charlie Howe, Carbondale, offered suggestions regarding parking and traffic flow in alleyways. Diana Sussmann, 506 S. 20th Street, Murphysboro, read statements from the Library Board and the Friends of Carbondale Library in opposition to the Special Use Permit. Brian Swoboda, 409 West Monroe, spoke in opposition to the Special Use Permit. MOTION TO AMEND: D. Monty moved, C. McDaniel seconded, to amend the Special Use Conditions to include two additional, but not to exceed four additional, parking spaces, and that if physical terrain allows, that the one story unit be made wheelchair-accessible. VOTE ON AMENDMENT: Ayes: L. Fronabarger, C. McDaniel, C. Wissmann, D. Monty, J. Adams, L. Jack, and J. Fritzler. Nays: None. Motion to amend declared carried. J. Adams, C. Wissmann, L. Jack, and J. Fritzler offered

comments about this item. VOTE ON MOTION AS AMENDED: Ayes: C. McDaniel, C. Wissmann, D. Monty, L. Jack, and J. Fritzler. Nays: L. Fronabarger and J. Adams. Motion declared carried. (Resolution 2013-R-13; Exhibit H-03-19-2013)

5.5 An Ordinance Approving and a Resolution Denying Timberline Landscape Design and Construction's Request to Rezone Property at the 400-600 Block of North Washington Street from R-1-8, Low Density Residential, to LI, Light Industrial

C. Wissmann moved, L. Jack seconded, to adopt an Ordinance Approving Timberline Landscape Design and Construction's Request to Rezone Property at the 400-600 Block of North Washington Street from R-1-8, Low Density Residential, to LI, Light Industrial. DISCUSSION: C. Wissmann and D. Monty commented on the proximity of the property to the railroad. J. Adams asked about Light Industrial zoning standard and D. Monty read from the Carbondale Revised Code. C. McDaniel asked about the traffic impact. Jeffery King, 1804 West Freeman, and L. Jack responded. J. Adams asked the applicant about the nature of the storage and Mr. King responded. C. McDaniel asked the applicant the location of the loading dock. Navreet Kang, 613 South Terrace Drive, spoke in favor of the rezoning. VOTE: Ayes: L. Fronabarger, C. Wissmann, D. Monty, J. Adams, L. Jack, and J. Fritzler. Nays: C. McDaniel. Motion declared carried. (Ordinance 2013-10; Exhibit I-03-19-2013)

5.6 Ordinance Approving a Text Amendment Relative to the NB, Neighborhood Business District

DISCUSSION: J. Adams directed questions to J. Fritzler and the City Attorney. City Council offered comments in favor and in opposition to the passage of the item. Navreet Kang, 613 S. Terrace Drive, suggested tabling the item until the new Council is seated. Sandy Litecky, 603 West Walnut, read a letter from Mary O'Hara and spoke in opposition to the text amendment. Dianne Cheak, 506 West Walnut, asked for the reasoning for applying the zoning change over the entirety of Carbondale. Barry Spehn, 500 Charles Road #31, commented on a mailer he received. Brent Ritzel, 810 North Springer, and Jessica Bradshaw, 512 N. Carico, jointly presented a statement from the Northwest Carbondale Neighborhood Association requesting tabling the issue. City Council clarified the permitted uses in the Neighborhood Business District.

MOTION: C. Wissmann moved, L. Jack seconded, to adopt an Ordinance Approving a Text Amendment Relative to the NB, Neighborhood Business District, as amended by Exhibit A, Councilman Monty's alternate, with a further amendment that the requirement for ½ mile distance between neighborhood business districts be changed to ¼ mile between neighborhood business districts.

MOTION TO AMEND: J. Adams moved, L. Fronabarger seconded, to amend the Motion to include, as a group, Special Use Performance Standards, as set out in a handout by Ms. Adams. J. Adams read the five Performance Standards into the record. J. Adams withdrew her initial motion in favor of considering each Special Use Performance Standard individually.

MOTION TO AMEND: J. Adams moved to amend the original Motion to include Special Use Performance Standard 2(a), as set out in Ms. Adams' handout. The motion died for lack of a second.

MOTION TO AMEND: J. Adams moved, L. Fronabarger seconded, to amend the original

Motion to include Special Use Performance Standard 2(b): A NB District must have the affirmative support of 51 percent of the owners of property within 1200 feet of the proposed district. After application for a NB business district rezoning has been submitted to Planning Services, a notice shall be sent to every property owner and tenant within 1200 feet of the subject property advising of the request for rezoning and for a special use permit for the proposed business use. City staff shall contact all property owners and tenants in every property within 1200 feet of the subject property and obtain a signed statement stating their support or opposition to the proposed rezoning of the subject property. VOTE: Ayes: L. Fronabarger and J. Adams. Nays: C. McDaniel, C. Wissmann, D. Monty, L. Jack, and J. Fritzler. Motion to Amend does not carry.

MOTION TO AMEND: J. Adams moved to amend the original Motion to include Special Use Performance Standard 2(c). Motion to Amend died for lack of a second.

MOTION TO AMEND: J. Adams moved, L. Fronabarger seconded, to amend the original Motion to include Special Use Performance Standard 2(d): Each special use permit holder in a NB district shall be inspected annually to assure compliance with restrictions established in the special use permit as well as regular upkeep and maintenance requirements. Violations of the special use permit conditions may result in immediate suspension of the special use permit. VOTE: Ayes: L. Fronabarger, D. Monty, and J. Adams. Nays: C. McDaniel, C. Wissmann, L. Jack, and J. Fritzler. Motion to Amend does not carry.

MOTION TO AMEND: J. Adams moved, L. Fronabarger seconded, to amend the original Motion to include Special Use Performance Standard 2(e): City Council shall receive inspectors' reports annually indicating each business operating under a special use permit in a NB District, and results of inspections. Report shall include number and dates of all citizen complaints, if any, regarding operation of the business operating under a special use permit in a NB district. VOTE: Ayes: L. Jack. Nays: C. McDaniel, C. Wissmann, D. Monty, and J. Fritzler. J. Adams abstained. Motion to Amend does not carry.

MOTION TO AMEND: J. Adams moved, L. Fronabarger seconded, to delete automotive repair from the permitted Special Uses in residential neighborhoods. VOTE: Ayes: L. Fronabarger, D. Monty, J. Adams. Nays: C. McDaniel, C. Wissmann, L. Jack, and J. Fritzler. Motion to Amend does not carry.

MOTION TO REFER BACK TO COMMITTEE: J. Adams moved, L. Fronabarger seconded, to refer the Agenda Item back to Staff and the Planning Commission for further discussion. VOTE: Ayes: L. Fronabarger, D. Monty, J. Adams, and L. Jack. Nays: C. McDaniel, C. Wissmann, and J. Fritzler. Motion to refer Agenda Item back to Staff and Planning Commission carries.

6. Citizens' Comments and Questions

Yolanda Comiskey, 1004 Johnson Avenue, thanked Council for their diligence and discussion.

Tony Rawlins, 522 N. Almond, spoke in support of businesses, noted the cleanliness of the referred-to automobile repair shop and noted the need for greater cleaning efforts in the City.

Navreet Kang asked about enforcement of the rescinded permit for an auto repair shop and who would be responsible for enforcement. J. Fritzler responded.

7. Council Comments

Councilman Fronabarger favorably commented on Councilman Monty’s efforts regarding the proposed text amendment.

Councilman Jack commented on public responses to a mailing he received.

Councilwoman Adams commented on her blog, website, and upcoming candidate forum.

Mayor Fritzler questioned Councilwoman Adams about a building she had toured.

Councilman Monty commented on the Planning Commission meeting to be held that evening.

Councilwoman McDaniel’s comments included her service on the Council, Closed Council meeting purposes, and the new City Council.

Councilman Wissmann’s comments included the Open Meetings Act and personal comments.

8. Adjournment

There being no further business to come before the Council, the meeting was declared adjourned at 12:27 a.m.

Jennifer R. Sorrell, City Clerk

Approved by the City Council on:
