

City Council of the City of Carbondale, Illinois
Regular Meeting of April 2, 2013

The City Council of the City of Carbondale, Illinois, held a regular meeting on Tuesday, April 2, 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: Councilwoman Corene McDaniel, Councilman Chris Wissmann, Councilwoman Jane Adams, Councilman Lance Jack, Councilman Lee Fronabarger, and Mayor Joel Fritzler (Councilman Donald Monty entered at 7:03 p.m.)

Absent: None

Also present were 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 the Black Tie and Flip-flops fundraiser to benefit the new Splash Park on Saturday, April 27, at Rustle Hill Winery.

Councilwoman Adams announced a dinner/fundraiser to benefit Lifesavers, a suicide prevention hotline, on April 6 at the Murphysboro Event Center.

Councilman Wissmann, in relation to a declaration he made at the previous Council meeting, extended an apology for stating inaccurate information.

Mayor Fritzler encouraged citizens to exercise their right and responsibility to vote on Tuesday, April 9.

Mayor Fritzler proclaimed Tuesday, April 9, to be Mayors Day of Recognition for National Service and encouraged all citizens to recognize the positive impact of national service.

3. Public Hearings and Special Reports

Public Hearing on the Proposed FY 2014 City Budget

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 held on March 19, 2013, as amended. Recommendation: Approve.
2. Warrant for Period Ended March 4, 2013, FY 2013, Warrant #1176 in the amount of \$850,913.02. Recommendation: Approve Warrant #1176 in the amount of \$850,913.02. (Exhibit A-04-02-2013)
3. Acceptance of Minutes of Boards, Commissions, and Committees. Recommendation: Accept the approved minutes of the Preservation Commission from February 11, 2013 and the Planning Commission from March 6, 2013, and

place them on file.

4. Appointments to Boards and Commissions. Recommendation: Concur with the Mayor's appointments to the Liquor Advisory Board of Lori Allen, to a term expiring May 1, 2015, and Anastasios Karayiannis, to a term expiring May 1, 2016, and to the Carbondale Public Library Board of Sharifa Stewart to an unexpired term ending June 30, 2016.
5. Resolution Approving the Final PUD Plan for Wedgewood Hills Phase II. Recommendation: Adopt the Resolution Approving the Final PUD Plan for Wedgewood Hills. (Resolution 2013-R-14; Exhibit B-04-02-2013)
6. Ordinance Annexing Certain Property Within and Adjacent to the Lakeland Hills Subdivision. Recommendation: Adopt the Ordinance Annexing Certain Property Within and Adjacent to the Lakeland Hills Subdivision. (Ordinance 2013-11; Exhibit C-04-02-2013)
7. Award of Purchase of a Used Walk-Behind Pavement Saw for Public Works. Recommendation: Award the Purchase of the Concrete Saw to KIT-MO Rental & Supply Company of Paducah, KY for \$21,000.

L. Jack moved, L. Fronabarger seconded, to approve Consent Agenda items 4.1, 4.2, 4.3, 4.4, 4.5, 4.6 and 4.7. VOTE: Ayes: C. McDaniel, C. Wissmann, D. Monty, J. Adams, L. Jack, L. Fronabarger, and J. Fritzler. Nays: None. Motion declared carried.

5. General Business

5.1 Ordinance Amending Title Four (4) and Title Eight (8) of the Carbondale Revised Code as it Relates to Fire Districts

C. Wissmann moved, L. Jack seconded, to adopt an Ordinance Amending Title Four (4) and Title Eight (8) of the Carbondale Revised Code as it Relates to Fire Districts. DISCUSSION: C. Wissmann explained the reason for cities adopting the International Building Code. J. Adams asked about requirements for sprinkler systems for buildings constructed of combustible materials. Building Inspector John Lenzini responded to J. Adams' query. J. Adams commented on her initial concerns regarding allowable exterior materials in the primary business district. J. Fritzler commented on Carbondale's strict building codes and the correlation to reduced incidences of fire. John Lindt, 116 North Rod Lane, asked about the applicability of the proposed non-combustible requirements for current single-family construction and if sprinkler systems would be required. City Manager Baity responded. VOTE: Ayes: C. McDaniel, C. Wissmann, D. Monty, J. Adams, L. Jack, L. Fronabarger, and J. Fritzler. Nays: None. Motion declared carried. (Ordinance 2013-12; Exhibit D-04-02-2013)

5.2 Resolution Approving the Final PUD Plan for Liberty Village

C. Wissmann moved, C. McDaniel seconded, to approve the final PUD Plan for Liberty Village. DISCUSSION: C. Wissmann commented on the item's previous appearance before Council and on the cooperation between the developer and neighbors. D. Monty asked if the Plan had already been reviewed and met the Code. J. Fritzler commented about a need for signage improvements. Roy Abrahamson, 504 Hancock Court, remarked on the need for another exit in the event that the sole entrance should be blocked. Lee Hayden, President of the Villas of Carbondale Homeowners Association, noted that residents will continue to lobby for an additional road and commented on traffic flow issues. VOTE: Ayes: C. McDaniel, C. Wissmann, D. Monty, J. Adams, L. Jack, L. Fronabarger, and J. Fritzler. Nays: None. Motion declared carried. (Resolution 2013-R-15; Exhibit E-04-02-2013)

5.3 Resolution Approving the Final Plat for Liberty Village Section 1-A Subdivision and Subdivision Agreement

C. Wissmann moved, D. Monty seconded, to adopt a Resolution Approving the Final Plat for Liberty Village Section 1-A. DISCUSSION: None. VOTE: Ayes: C. McDaniel, C. Wissmann, D. Monty, J. Adams, L. Jack, L. Fronabarger, and J. Fritzler. Nays: None. Motion declared carried. (Resolution 2013-R-16; Exhibit F-04-02-2013)

5.4 Review and Discussion of the Proposed FY 2014 Budget and Five Year Community Investment Program

Council members made comments and asked questions concerning the budget and Staff's responses to questions submitted by Council regarding the budget. Ben Wodika and Audrey Wagner responded to questions from the City Council on behalf of the Sustainability Commission. Sandy Litecky, 603 West Walnut remarked on the Neighborhood Assistance Teams and on the attendance of City Staff at a Neighborhood District meeting. Elius Reed, Carbondale, asked about Saluki Way funding and funding for Eurma C. Hayes programs in the proposed budget. Mr. Reed encouraged the hiring of a full-time Affirmative Action Officer. Nancy Stemper, of Carbondale Community Arts, discussed the organization's new facility at 304 West Walnut. D. Monty commented on capital improvements and unfunded CIP projects.

The Budget and Community Investment Program will be placed on the City Council agenda for final action on April 16th.

5.5 An Ordinance Approving and a Resolution Denying the City of Carbondale's Request to Rezone All Properties Zoned R-1-8A, R-2.4, and BRD to R-1-8, R-2, and SB

C. Wissmann moved, L. Jack seconded, to approve the City of Carbondale's request to rezone all properties zoned R-1-8A, R-2.4, and BRD to R-1-8, R-2, and SB. DISCUSSION: None. VOTE: Ayes: C. McDaniel, C. Wissmann, D. Monty, J. Adams, L. Jack, L. Fronabarger and J. Fritzler. Nays: None. Motion declared carried. (Ordinance 2013-13; Exhibit G-04-02-2013)

The City Council recessed from 8:47 p.m. to 9:00 p.m.

5.6 Ordinance Amending Title 15; Planning, Zoning, and Subdivisions of the Carbondale Revised Code

C. Wissmann moved, L. Jack seconded, to adopt the Ordinance Amending Title 15; Planning, Zoning, and Subdivisions. DISCUSSION: Council discussed Planned Unit Developments; signs, both placement and categories; corrugated metal; side-yard setbacks and what, if any, hazards they may pose.

Sandy Litecky, 603 West Walnut, read a statement in opposition to allowing accessory dwelling units.

John Lindt, 106 North Rod Lane, commented on people becoming accustomed to flashing signs, his worries about moving signs, and health concerns regarding flashing signs and photosensitivity and epilepsy.

AMENDMENT TO ORIGINAL MOTION: D. Monty moved, L. Jack seconded, to revise Section 2-15-15-1-A as it relates to Planned Unit Developments, to change the minimum number of dwelling units from 25 to 50, to change to allowable commercial space from 1,250 ft² to 2,500 ft², to delete “No commercial space shall be utilized until the entire project is 50% complete. The developer will have 12 months after the occupancy of the commercial space to complete the project, otherwise the commercial use must be abandoned until the project is complete”, and to add “provided no single commercial structure shall exceed 5,000 ft².”

MOTION TO DIVIDE THE QUESTION: J. Adams moved, C. Wissmann seconded, to divide the question. VOTE: Ayes: C. McDaniel, C. Wissmann, D. Monty, J. Adams, L. Jack, L. Fronabarger, and J. Fritzler. Nays: None. MOTION TO DIVIDE THE QUESTION CARRIES.

MOTION to change the minimum number of dwelling units from 25 to 50 and to change to allowable commercial space from 1,250 ft² to 2,500 ft². VOTE: Ayes: C. McDaniel, D. Monty, L. Fronabarger, J. Fritzler. Nays: C. Wissmann, J. Adams, and L. Jack. Motion carries.

MOTION to add “provided no single commercial structure shall exceed 5,000 ft².” VOTE: Ayes: C. McDaniel, C. Wissmann, D. Monty, J. Adams, L. Jack, L. Fronabarger, J. Fritzler. Nays: None. Motion carries.

MOTION to delete “No commercial space shall be utilized until the entire project is 50% complete. The developer will have 12 months after the occupancy of the commercial space to complete the project, otherwise the commercial use must be abandoned until the project is complete” VOTE: Ayes: C. McDaniel, C. Wissmann, D. Monty, J. Adams, L. Jack, L. Fronabarger, J. Fritzler. Nays: None. Motion carries.

MOTION TO AMEND: C. Wissmann moved, D. Monty seconded, to add to the language for the Planned Unit Development, “No commercial space of a phase shall be occupied until 100% of the dwelling units in that phase are complete.” VOTE: Ayes: C. McDaniel, C. Wissmann, D. Monty, J. Adams, L. Jack, L. Fronabarger, J. Fritzler. Nays: None. Motion carries.

MOTION TO AMEND: D. Monty moved, L. Fronabarger seconded, to amend 4-10-6-G-2-d to strike out “anchor stores” and to add “and” in front of next comma. VOTE: Ayes: C. McDaniel, C. Wissmann, D. Monty, J. Adams, L. Jack, L. Fronabarger, J. Fritzler. Nays: None. Motion carries.

MOTION TO AMEND 4.7.2.E.8: C. Wissmann moved, D. Monty seconded, to authorize staff to define and/or illustrate “corrugated metal” to clarify what is and is not allowable for exterior siding in the BPR district. VOTE: Ayes: C. McDaniel, C. Wissmann, D. Monty, J. Adams, L. Jack, L. Fronabarger, J. Fritzler. Nays: None. Motion carries.

MOTION TO AMEND: C. Wissmann moved, J. Adams seconded, to amend 2-11-11 to change the allowable minimum setbacks from eight feet to five feet. VOTE: Ayes: C. McDaniel, C. Wissmann, J. Adams, L. Jack, and L. Fronabarger. Nays: D. Monty and J. Fritzler. Motion carries.

MOTION TO AMEND: L. Jack moved, C. Wissmann seconded, to insert 15-2D-16

“Neighborhood Business District” as provided in a handout from Mr. Jack. DISCUSSION: D. Monty, L. Jack, J. Adams, L. Fronabarger, and C. McDaniel each commented why they either supported or did not support the amendment.

MOTION TO REFER: J. Adams moved, L. Fronabarger seconded, to refer “Neighborhood Business District” back to the Planning Commission. VOTE: Ayes: D. Monty, J. Adams, and L. Fronabarger. Nays: C. McDaniel, C. Wissmann, L. Jack, and J. Fritzler. MOTION TO REFER DOES NOT CARRY.

MOTION TO AMEND: J. Adams moved, L. Fronabarger seconded, to delete auto repair shops from the Neighborhood Business District handout provided by Mr. Jack. VOTE: Ayes: D. Monty, J. Adams, and L. Fronabarger. Nays: C. McDaniel, C. Wissmann, L. Jack, and J. Fritzler. AMENDMENT TO AMENDMENT DOES NOT CARRY.

VOTE ON ORIGINAL MOTION TO AMEND: Ayes: C. McDaniel, C. Wissmann, L. Jack, and J. Fritzler. Nays: D. Monty, J. Adams, L. Fronabarger. MOTION TO AMEND CARRIES.

VOTE ON ORIGINAL MOTION TO ADOPT THE ORDINANCE AMENDING TITLE FIFTEEN, AS AMENDED: Ayes: C. McDaniel, C. Wissmann, L. Jack, and J. Fritzler. Nays: D. Monty, J. Adams, and L. Fronabarger. Motion declared carried. (Ordinance 2013-14; H-04-02-2013)

6. Citizens’ Comments and Questions

Liz Gersbacher, 1507 West Taylor Drive, expressed her disappointment, noting that process is important, and remarked that this was government in a poor sense.

7. Council Comments

Councilwoman McDaniel commented on not knowing about a deal and voting her conviction.

Councilman Fronabarger informed Staff that the lights in the Veteran’s Plaza have been out for a couple of weeks.

Councilwoman Adams expressed her disappointment regarding the vote on the last item and remarked on it being a profound abrogation of responsibility.

8. Closed Meeting

8.1 Closed Meeting to Review and Consider Proposed Non-Union Pay Plan and Pending or Imminent Litigation

C. Wissmann moved, L. Jack seconded, that the City Council hold a closed meeting to discuss the salary schedule for one or more classes of employees and pending or imminent litigation pursuant to 5 ILCS 120/2(c)(2) and (c)(11). VOTE: Ayes: C. McDaniel, C. Wissmann, D. Monty, J. Adams, L. Jack, L. Fronabarger, and J. Fritzler. Nays: None. Motion declared carried. Open session recessed at 11:09 p.m.

C. Wissmann moved, L. Fronabarger seconded, to return to open session. VOTE: Ayes: C. McDaniel, C. Wissmann, D. Monty, J. Adams, L. Jack, L. Fronabarger, and J. Fritzler. Nays:

None. Motion declared carried. Open session resumed at 12:16 a.m.

There being no further business to come before the Council, the meeting was declared adjourned at 12:17 a.m.

Jennifer R. Sorrell, City Clerk

Approved by the City Council on:
