

City Council of the City of Carbondale, Illinois
Regular Meeting of June 25, 2013

The City Council of the City of Carbondale, Illinois, held a regular meeting on Tuesday, June 25, 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 Lee Fronabarger, Councilwoman Jessica Bradshaw, Councilwoman Carolin Harvey, Councilman Donald Monty, Councilwoman Jane Adams, Councilman Lance Jack, and Mayor Joel Fritzler

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

Mayor Fritzler announced that on July 4, City Hall offices would be closed and refuse collection would not occur on that date.

Councilman Jack announced that City Hall offices would be open on July 5.

Councilman Monty asked for the status of the firework display for Independence Day. Mayor Fritzler responded.

City Manager Baity announced that the City was co-sponsoring, along with the Illinois Department of Human Rights, a Fair Housing Advocacy training on June 27.

3. Citizens' Comments and Questions

Trace Brown, of Marketplace Shell on Reed Station Parkway, requested the City Council and Liquor Advisory Board consider authorizing sales of alcohol at convenience stores.

4. Public Hearings and Special Reports

Dr. John Foster introduced international guests from Bangladesh, Myanmar, and Nepal. City Manager Baity noted that the guests would be in Carbondale for four weeks observing local government, followed by four weeks in Springfield, Illinois and four weeks in Washington D.C.

5. 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 meetings held on May 21 and June 11, 2013. Recommendation: Approve.
2. Warrant for Period Ended May 27, 2013, FY 2013, Warrant #1184 in the amount of \$295,583.02. Recommendation: Approve in the amount of \$295,583.02. (Exhibit A-06-25-2013)
3. Warrant for Period Ended May 27, 2013, FY 2014, Warrant #1185 in the amount of \$2,335,418.05. Recommendation: Approve in the amount of \$2,335,418.05.

(Exhibit B-06-25-2013)

4. Acceptance of Minutes of Boards, Commissions, and Committees. Recommendation: Accept the approved minutes of the Planning Commission from May 15, 2013; Public Library Board of Trustees from April 10 and May 8, 2013; Police Pension Board of Trustees from April 23, 2013; and Human Relations Commission from May 6, 2013.
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. Recommendation: Adopt the Prevailing Wage Ordinances for Jackson County and Williamson County. (Ordinance 2013-26; C-06-25-2013)
6. Acceptance of Temporary and Permanent Easements. Recommendation: Accept the Temporary and Permanent Easements from the Board of Trustees of Southern Illinois University and authorize the City Clerk to have the Easements recorded by the Jackson County Clerk and Recorder's Office.
7. Award of Contract for Renovations and Painting of the Bicentennial Industrial Park Water Storage Tank. Recommendation: Award the Contract for the Bicentennial Industrial Park Water Storage Tank Renovations and Painting to Utility Service Company of Perry, Georgia in the amount of \$195,400.00.
8. Acceptance of the 2012 Annual Report of the Board of Fire and Police Commissioners. Recommendation: Accept and place on file the 2012 Annual Report of the Board of Fire and Police Commissioners.
9. Resolution Authorizing the City Manager to Submit an Application for a Department of Justice, Justice Assistance Grant for the Police Department. Recommendation: Approve a Resolution authorizing the City Manager to apply for a Justice Assistance Grant in the amount of \$18,452.00 and to enter into a Memorandum of Understanding Agreement with Jackson County to serve as the applicant/fiscal agent for the joint funds. Further, to authorize the City Manager, or his designee, to execute such assurances, certifications, and other documents as may be needed to apply for and accept the grant. (Resolution 2013-R-34; D-06-25-2013)
10. An Ordinance Annexing Surrounded Property Located at 142 Bobette Lane. Recommendation: Approve the Ordinance Annexing Surrounded Property Located at 142 Bobette Lane. (Ordinance 2013-27; E-06-25-2013)

J. Bradshaw moved, J. Adams seconded, to approve Consent Agenda items 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 5.9 and 5.10. DISCUSSION: D. Monty requested that the City Manager mention the purpose of the temporary and permanent easements. VOTE: Ayes: L. Fronabarger, J. Bradshaw, C. Harvey, D. Monty, J. Adams, L. Jack, and J. Fritzler. Nays: None. Motion declared carried.

6. General Business

6.1 Resolution Commending Robin D. Pengress for Service to the City of Carbondale

D. Monty moved, L. Fronabarger seconded, to approve a Resolution Commending Robin D. Pengress for Service to the City of Carbondale. VOTE: Ayes: L. Fronabarger, J. Bradshaw, C. Harvey, D. Monty, J. Adams, L. Jack, and J. Fritzler. Nays: None. Motion declared carried. (Res. 2013-R-35; Exhibit F-06-25-2013)

6.2 Ordinance Amending Title Five (5) of the Carbondale Revised Code as it Relates to Safety Equipment on Tow Trucks

L. Jack moved, D. Monty seconded, to adopt an Ordinance Amending Title Five of the Carbondale Revised Code as it Relates to Safety Equipment on Tow Trucks. DISCUSSION: Donna Smith Throgmorton, majority owner of Larry's Towing, read a statement in opposition to the Ordinance and requested that Council schedule a meeting with the Illinois Professional Towing Association to address these safety matters. L. Jack indicated he would like additional information on how the Ordinance would affect out-of-town towing companies and asked what kind of training the tow-truck drivers receive. J. Adams asked about which trucks were equipped with the equipment outlined in Ms. Throgmorton's handout. J. Fritzler noted his primary concern was reduced visibility due to insufficient lighting. Barry Spehn, 500 Charles Road, spoke about his concerns for the safety of other drivers as it relates to tow straps and additional lighting. J. Adams asked Mr. Spehn to cite specific incidences related to his concerns and requested that Staff review police reports for the past three to five years looking for incidents that the Ordinance is seeking to address. MOTION: J. Adams moved to defer action on the Ordinance until further information could be provided to City Council. J. Fritzler noted a motion on the floor. MOTION: J. Adams moved to table the Ordinance. J. Bradshaw recommended Staff review other cities that may have amended their towing ordinances. L. Jack withdrew his motion. MOTION WITHDRAWN. D. Monty requested that Staff check for more current information, as the National Highway Safety Report handed out by Ms. Throgmorton was from 1990. Mr. Monty questioned the City's ability to regulate towing by a company not based in Carbondale and J. Fritzler agreed. L. Jack requested that the towing companies be giving ample notice. By consensus it was agreed to bring this subject back with additional information. NO ACTION TAKEN.

6.3 Consideration and Discussion of Revisions to Title Two (2) of the Carbondale Revised Code as it Pertains to Operating Hours for Class A1 and A2 Liquor Licenses and to the Restrictions on Halloween

Councilman Lance Jack recused himself from the Council table as he holds a Class A1 liquor license.

Operating Hours for Class A1 and A2 Liquor Licenses:

Council discussion included the discrepancy between the time alcohol sales must cease versus how long the patrons have to consume the alcohol, ordering a single drink versus a pitcher at last call, the purpose and intent of the request for extending operating hours, the penalty to the licensee for failing to comply, and ensuring that extending operating hours would not cause safety issues with bar-goers traveling from out of town to Carbondale after serving hours.

Meghan Cole, 1528 Edith Street, Murphysboro, stated that last call is at 1:30 a.m. to 1:40 a.m., which is already ingrained in the bar culture, and drinks are pulled at 1:55 a.m. She suggested not confusing the existing culture, remarked that people are already self-regulating, and noted there appear to be no compliance issues at present.

Lance Jack, of Fat Patties restaurant, noted that liquor license holders are already entrusted with enforcing the City Code requirements and suggested that the requirements are applied evenly across the board. Mr. Jack also commented these proposed changes will allow the

operator greater flexibility for their establishment. He also suggested authorizing restaurants which hold liquor licenses the option of opening earlier, should they desire to sell breakfast, but to keep alcohol sales only as currently allowed.

City Manager Baity noted that allowing later closing hours would increase the dining options available to shift workers.

Mayor Fritzler requested that Staff prepare an Ordinance which incorporates the suggestions made throughout the discussion and bring it back to the Council.

Halloween:

Council discussion included: Comments regarding the Liquor Advisory Board's recommendations; a gradual loosening of restrictions or progressive opening of the bars; other cities who struggle with the issue of alcohol and large events; past experiences with Halloween; the effect on the image and enrollment of Southern Illinois University; the effect on the police department, including overtime hours, call volume, and the need to properly equip officers, as well as the need for officers to immediately curb inappropriate behavior; the impact upon economic development in the downtown area; a contingency plan in the event that things get out of hand; reinstating liquor license fees for the affected bars; and preparing a brochure to instruct hosts on how to have a safe and legal house party, as well as house party registry.

Sally Carter, of Hangar 9; Meghan Cole, of Carbondale Main Street; Les O'Dell, of the Carbondale Chamber of Commerce; Cinnamon Smith, of Carbondale Convention and Tourism Bureau; and Sandy Litecky, 603 West Walnut, spoke in favor of Ms. Carter's request to allow the Class B licenses within the boundary area outlined in the Carbondale Revised Code to remain open during Halloween.

Chad Trisler, 425 Robinson Circle, noted the preparation for Polar Bear begins months in advance and shared his concern that this not be treated like any another weekend. L. Fronabarger asked Mr. Trisler about Polar Bear and J. Adams asked him about alternative Halloween.

Scott Thorne, 709 South Oakland, suggested continuing a gradual rollback of the boundary area.

Staff was instructed to return an Ordinance regarding the opening of the Class B licenses in the boundary area during Halloween for Council's consideration.

7. Council Comments

Councilman Jack shared the names of some of the "party schools" listed by the Princeton Review which also have distinguished academic standing and no issues with enrollment.

Councilwoman Adams formally requested that the issue of placing a Councilperson on the Carbondale Convention and Tourism Bureau be placed on the next agenda. Ms. Adams also spoke in favor of forwarding Mr. Trace Brown's request regarding alcohol sales at convenience stores to the Liquor Advisory Board for consideration. Ms. Adams further remarked on the need to adhere to Robert's Rules of Order during the Council meeting. Ms. Adams and Mayor Fritzler differed about the restrictiveness or laxity allowed by Robert's

Rules of Order.

8. Closed Meeting

8.1 Closed Meeting to Discuss the Salary Schedule for One or More Classes of Employees

L. Jack moved, J. Bradshaw seconded, that the City Council hold a closed meeting to discuss the salary schedule for one or more classes of employees pursuant to 5 ILCS 120/2(c)(2). VOTE: Ayes: L. Fronabarger, J. Bradshaw, C. Harvey, D. Monty, J. Adams, L. Jack, and J. Fritzler. Nays: None. Motion declared carried. Open session recessed at 10:39 p.m.

J. Bradshaw moved, J. Adams seconded, to return to Open Session. Vote: Ayes: L. Fronabarger, J. Bradshaw, C. Harvey, D. Monty, J. Adams, L. Jack, and J. Fritzler. Nays: None. Motion declared carried. Open session resumed at 11:43 p.m.

9. Adjournment

There being no further business to come before the Council, the meeting was declared adjourned at 11:45 p.m.

Jennifer R. Sorrell, City Clerk

Approved by the City Council on:
