

City Council of the City of Carbondale, Illinois
Regular Meeting of November 5, 2013

The City Council of the City of Carbondale, Illinois, held a regular meeting on Tuesday, November 5, 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 Jessica Bradshaw, Councilwoman Carolin Harvey, Councilman Donald Monty, Councilwoman Jane Adams, Councilman Lance Jack, Councilman Lee Fronabarger, 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 a free breakfast for veterans would be served at the Eurma C. Hayes Center on Saturday, November 9, and that a local book club is holding a food drive through Monday, November 11, to re-stock the Good Samaritan food pantry. He also noted that citizens may report malfunctioning street lights to the City Manager's office.

Councilwoman Adams announced two upcoming fundraisers: I Can Read's annual fundraiser to be held on Saturday, November 9 at the Elks Club and a fundraiser benefitting the Boys and Girls Club at the Saluki versus Illinois State game on November 16.

Councilman Fronabarger announced that the Newman Catholic Student Center will celebrate their 50th anniversary at its annual gala dinner on Saturday, November 9.

City Manager Baity announced that City Hall offices will be closed on Veterans' Day and refuse collection will be delayed.

3. Citizens' Comments and Questions

Tom Esposito, 1205 West Hill Avenue, requested assistance in having a shield installed to block unwanted light from street lights in his home. City Manager Baity responded to Mr. Esposito's concern.

4. Public Hearings and Special Reports

1. Public Hearing on the Proposed Granting of an Easement to Ameren Illinois Company Across Cedar Lake Property for Electrical Transmission Lines

Minutes for the Public Hearing are transcribed separately.

2. Review and Acceptance of the FY 2013 Audited Comprehensive Annual Financial Report and Other Supplemental Financial Reports

Finance Director Don Ursini introduced representatives from Kerber, Eck and Braeckel, L.L.P. Mr. Mark Dallas discussed some of the highlights of the audit and reviewed a presentation prepared for the Council. Councilmembers Fronabarger, Jack, and Adams asked questions

regarding the difference in inflation rates for the pension funds, the City's performance in comparison with other municipalities, and offered comments regarding the City's receipt of an award from the Government Finance Officers Association, as well as the importance of looking at upgrading the City's software to reduce errors noted in the audit. Mr. Dallas responded to the questions and comments. D. Monty moved, C. Harvey seconded, to accept and place on file the audited Comprehensive Annual Financial Report for the fiscal year ended April 30, 2013. VOTE: Ayes: J. Bradshaw, C. Harvey, D. Monty, J. Adams, L. Jack, L. Fronabarger, and J. Fritzler. Nays: None. Motion declared carried.

5. Consent Agenda

Presented for Council approval on the Consent Agenda were the following items and corresponding recommendations:

1. Approval of Amended Minutes of the Regular City Council Meeting Held on October 22, 2013. Recommendation: Approve.
2. Approval of a Warrant for Period Ending 10/14/13 FY 2014 Warrant # 1196 in the Amount of \$3,455,348.74. Recommendation: Approve in the amount of amount of \$3,455,348.74. (Exhibit A-11-05-2013)
3. Approval of a Warrant for Period Ending: 09/30/13 FY 2014 Warrant # WF 09/2013 in the Amount of \$152,005.12. Recommendation: Approve in the amount of \$152,005.12. (Exhibit B-11-05-2013)
4. Acceptance of Minutes of Boards, Commissions and Committees. Recommendation: Accept the approved minutes of the Sustainability Commission from September 19, 2013 and the Preservation Commission from September 16, 2013 and place them on file.
5. Resolution Approving the Final BPL Development Plan for the Massie Dental Office Located at 200 North Giant City Road. Recommendation: Adopt the Resolution approving the final BPL Development Plan for the Massie Dental Office. (2013-R-54; Exhibit C-11-05-2013)
6. Pulled by L. Jack
7. Pulled by L. Fronabarger
8. Appointment to Boards and Commissions. Recommendation: Concur with the Mayor's recommended appointment of Pawel Sawicki to fill an unexpired term ending April 30, 2015 on the Carbondale Convention and Tourism Bureau.

L. Jack moved, J. Bradshaw seconded, to approve Consent Agenda items 5.1, 5.2, 5.3, 5.4, 5.5, and 5.8. VOTE: Ayes: J. Bradshaw, C. Harvey, D. Monty, J. Adams, L. Jack, L. Fronabarger, and J. Fritzler. Nays: None. Motion declared carried.

5.6 Ordinance Granting an Easement to Ameren Illinois Company Across Cedar Lake Property for Electrical Transmission Lines

D. Monty moved, C. Harvey seconded, to adopt an Ordinance authorizing the execution of a permanent easement to Ameren Illinois Company for electrical transmission lines that cross the Cedar Lake Property. DISCUSSION: D. Monty commented that the easement for this major transmission line had been agreed upon when Cedar Lake was constructed. L. Jack, noting that Ameren is a for-profit company, asked about any known examples where a larger fee was charged for an easement granted to a for-profit company. He indicated that it might be time to consider changing the usual standard of charging a nominal fee for similar easements. J. Adams remarked on her agreement with Mr. Jack and asked about the costs for the placement of a new

transmission line. L. Jack commented on the contract language regarding the usage of chemicals for weed control. D. Monty noted his vague recollection regarding the discussion of the original easement which was not able to be located. City Manager Baity, Public Works Director Sean Henry, and City Attorney Mike Kimmel responded to the Council's questions and comments. VOTE: Ayes: J. Bradshaw, C. Harvey, D. Monty, J. Adams, L. Jack, L. Fronabarger, and J. Fritzler. Nays: None. Motion declared carried. (Ordinance 2013-54; Exhibit D-11-05-2013)

5.7 Ordinance Extending the Cable Television Franchise Agreement of the City of Carbondale

L. Fronabarger moved, J. Adams seconded, to adopt an Ordinance extending the current franchise agreement until December 31, 2013. DISCUSSION: L. Fronabarger indicated that some viewers might have an interest in this item. J. Adams noted part of the reason for the delay had to do with finding citizens to serve on the commission. L. Fronabarger asked about the interest of any other cable companies in a franchise agreement. J. Fritzler responded to Mr. Fronabarger and then requested that staff work on changing the description and qualifications for the commission. D. Monty noted the existence of constraints placed by federal law and the Federal Communications Commission in the negotiation of the franchise agreement. The City Attorney responded to Mr. Monty and expanded on Mediacom's options for franchising. J. Adams asked if the company was considered a utility and about sharing of their lines. L. Jack asked about the inclusion of funding for the City's public access channel. J. Adams commented on the previous need for considerable University representation on the commission and the decreased need for that requirement. VOTE: Ayes: J. Bradshaw, C. Harvey, D. Monty, J. Adams, L. Jack, L. Fronabarger, and J. Fritzler. Nays: None. Motion declared carried. (Ordinance 2013-55; Exhibit E-11-05-2013)

6. General Business

None

7. Council Comments

Councilman Monty indicated he was pleased by the outcome of Halloween and expressed his gratitude to the students for their behavior.

Councilman Fronabarger asked about the status of a planned sidewalk and pedestrian crossing on Highway 13. The City Manager provided an update.

Councilwoman Adams requested an update on the public meetings regarding the solar array project. The City Manager detailed some difficulties and confusion in the process and coordination of the entities. Ms. Adams questioned the responsible party for service of notice to the public. Councilwoman Bradshaw asked which representatives received the database of residents. Councilman Fronabarger asked about locations for the public meetings. The City Manager responded to the Council's questions.

8. Closed Meeting

1. Closed Meeting to discuss the appointment, employment, or performance of specific employees of the public body, and the sale, purchase, or lease of real property and the setting of a price for the sale or lease of property. Discussion of these matters in a closed meeting is permitted under the provisions of the Illinois Open Meetings Act 5

ILCS 120/2 (c)(1), (c)(5), and (c)(6).

L. Jack moved, C. Harvey seconded, that the City Council hold a Closed Meeting to discuss the appointment, employment, or performance of specific employees of the public body, the sale, purchase, or lease of real property, and the setting of a price for sale or lease of property pursuant to 5 ILCS 120/2(c)(1), (c)(5), and (c)(6). VOTE: Ayes: J. Bradshaw, C. Harvey, D. Monty, J. Adams, L. Jack, L. Fronabarger, and J. Fritzler. Nays: None. Motion declared carried. Open session recessed at 8:21 p.m.

J. Bradshaw moved, C. Harvey seconded, to return to open session. VOTE: Ayes: J. Bradshaw, C. Harvey, D. Monty, J. Adams, L. Jack, L. Fronabarger, and J. Fritzler. Nays: None. Motion declared carried Open session resumed at 9:55 p.m.

9. Adjournment

There being no further business to come before the Council, the meeting was declared adjourned at 9:56 p.m.

Jennifer R. Sorrell, City Clerk

Approved by the City Council on:
